



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AGENDA**

**Tuesday, September 10, 2019**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California  
(Entrance on Lewis Ave.)**

**City Council Regular Session:**

**6:00 P.M.**

**Successor Agency to the Community  
Redevelopment Agency of Atascadero:**

**Immediately following  
conclusion of the City  
Council Regular Session**

**REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

**PLEDGE OF ALLEGIANCE:** Council Member Funk

**ROLL CALL:**  
Mayor Moreno  
Mayor Pro Tem Bourbeau  
Council Member Fonzi  
Council Member Funk  
Council Member Newsom

**APPROVAL OF AGENDA:** Roll Call

**Recommendation:** Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

**PRESENTATION:**

1. Pledge to Make a Smart Commute Choice During Rideshare Week, October 7-11, 2019

- A. 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 Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

**1. City Council Draft Action Minutes – August 13, 2019**

- Recommendation: Council approve the August 13, 2019 Draft City Council Meeting Minutes. [City Clerk]

**2. July 2019 Accounts Payable and Payroll**

- Fiscal Impact: \$5,453,235.83
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for July 2019. [Administrative Services]

**3. Emergency Shelter Overlay Zone Update ZCH19-0060 (El Camino Homeless Organization)**

- Fiscal Impact: None.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance A approving amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings. [Community Development]

**4. Property Acquisition for Via Avenue Bridge Replacement Project**

- Fiscal Impact: The total compensation to be paid is \$51,400. The HBRRP grant will cover approximately 88.5% (\$45,489) of the project costs with the remaining 11.5% (\$5,911) local share funded through Local Transportation Funds.
- Recommendation: Council adopt Draft Resolution approving compensation payments and Right-of-way Agreements for property acquisitions located at APNs 028-201-005, 028-341-008, 028-341-018, and 028-341-021 for the Via Avenue Bridge Replacement Project. [Public Works]

**5. Formation of Battalion Chief Position & Technical Support Specialist II Position**

- Fiscal Impact: The creation of the Battalion Chiefs positions is estimated to cost \$113,000 per year in budgeted funds. The creation of the Technical Support Specialist II position is estimated to cost \$76,000 in budgeted funds.
- Recommendations: Council:
  1. Authorize the City Manager to establish a new Battalion Chief position.
  2. Authorize the City Manager to establish a new Technical Support Specialist II position.
  3. Amend the fiscal year 2019-2020 monthly salary schedule to include the Battalion Chief position & the Technical Support Specialist II positions as follows:

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Battalion Chief	\$8,074.07	\$8,477.77	\$8,901.66	\$9,346.74	\$9,814.08
Technical Support Specialist II	\$4,215.75	\$4,426.54	\$4,647.87	\$4,880.26	\$5,124.27

4. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
5. Authorize the City Manager to execute a Side Letter with the SEIU MOU adding the Technical Support Specialist II at the salary range shown above. [City Manager]

**6. Accept Parcel Map AT 18-0087 - 6450 Portola Road (FMP19-0016)**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Accept Parcel Map AT18-0087.
  2. Accept, on behalf of the public, the offer of dedication for a Public Utility Easement and the offer of dedication for a portion of Portola Road. [Public Works]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS:**

**1. Appeal Dove Creek Mini-storage - DEV18-0103 (Newton)**

- Ex-Parte Communications:
- Fiscal Impact: There will be some level of tax revenue increase following completion and occupancy of the project.
- Recommendations: Council:
  1. Adopt Draft Resolution A upholding the Planning Commission's approval of the Dove Creek Mini-storage project, subject to findings and conditions of approval.

**OR**

2. Adopt Draft Resolution B overturning the Planning Commission's action and denying the Dove Creek Mini-Storage project. [Community Development]

**C. MANAGEMENT REPORTS: None.**

**D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Economic Vitality Corporation, Board of Directors (EVC)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

1. City / Schools Committee
2. City of Atascadero Finance Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)
3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee

- E. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

**F. ADJOURN TO MEETING OF THE SUCCESSOR AGENCY**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, 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 City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.



## City of Atascadero

### **WELCOME TO THE ATASCADERO CITY COUNCIL MEETING**

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City's website at [www.atascadero.org](http://www.atascadero.org). Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or (805) 470-3400.

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 City Clerk 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). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The minutes of this meeting will reflect these numbers. All documents submitted by the public during Council 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 City Clerk's office.

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, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council 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 Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

#### **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 Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council 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 Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
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

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



# **CITY OF ATASCADERO CITY COUNCIL**

## **DRAFT MINUTES**

**Tuesday, August 13, 2019**

**City Hall Council Chambers, 4th floor  
6500 Palma Avenue, Atascadero, California  
(Entrance on Lewis Ave.)**

**City Council Regular Session:**

**6:00 P.M.**

### **REGULAR SESSION – CALL TO ORDER: 6:00 P.M.**

Mayor Moreno called the meeting to order at 6:03 p.m. and Council Member Newsom led the Pledge of Allegiance.

### **ROLL CALL:**

Present: Council Members Fonzi, Funk, Newsom, Mayor Pro Tem Bourbeau and Mayor Moreno

Absent: City Treasurer Sibbach

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Police Chief Jerel Haley, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, City Attorney Brian Pierik and Deputy City Manager/City Clerk Lara Christensen.

### **APPROVAL OF AGENDA:**

**MOTION:** By Mayor Pro Tem Bourbeau and seconded by Council Member Fonzi to:

- 1. Approve this agenda; and,**
- 2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.**

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

**PRESENTATIONS:**

- 1. Presentation of donations to Friends of the Zoo and Parents for Joy by the Kiwanis Club of Atascadero**

Members of the Kiwanis Club presented donations to Friends of the Zoo and Parents for Joy.

**A. CONSENT CALENDAR:**

- 1. City Council Draft Action Minutes – July 9, 2019, July 11, 2019 and July 26, 2019**
  - Recommendation: Council approve the July 9, 2019, July 11, 2019 and July 26, 2019 Draft City Council Meeting Minutes. [City Clerk]
- 2. June 2019 Accounts Payable and Payroll**
  - Fiscal Impact: \$1,441,492.67
  - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2019. [Administrative Services]
- 3. June 2019 Investment Report**
  - Fiscal Impact: None
  - Recommendation: Council receive and file the City Treasurer's report for quarter ending June 2019. [Administrative Services]
- 4. Designation of Voting Delegate - League of California Cities' Annual Conference**
  - Fiscal Impact: None.
  - Recommendation: Council designate Council Member Funk as the voting delegate for the Annual Business Meeting of the League of California Cities' Annual Conference in October 2019, and direct the City Clerk to inform the League of the designation. [City Clerk]
- 5. Ordinance to Repeal and Replace Title 6 Chapter 6 "No-Smoking Areas Established in Certain Public Places" and Repeal Title 10, Chapter 1, Section 10-1.34 "Smoking and Tobacco Products"**
  - Fiscal Impact: None.
  - Recommendation: Council adopt on second reading, by title only, Draft Ordinance repealing and replacing Title 6, Chapter 6 "No-Smoking areas established in certain public places" of the Atascadero Municipal Code and deleting in its entirety Title 10, Chapter 1, Section 10-1.34 "Smoking and tobacco products". [Police Department]
- 6. Establishment of Improvement Area No. 1 of Community Facilities District 2005-1 Second Reading**
  - Fiscal Impact: The project will consist of 42 new residential units, each with an annual levy of \$441.90 per unit, resulting in new annual revenue of approximately \$18,600. The levy is subject to annual adjustment based on the Rate and Method of Apportionment.

- Recommendation: Council adopt on second reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Improvement Area No. 1 of CFD 2005-1. [Community Development]

#### **7. Traffic Way Zone Change (ZCH19-0029) - Atascadero Temple Association**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Adopt on second reading, by title only, Draft Ordinance A approving a Zone Map Amendment to 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.
  2. Adopt on second reading, by title only, Draft Ordinance B, approving Planned Development Overlay Zone No. 35 for 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings. [Community Development]

#### **8. Resolution of the City Council to Authorize Application for SB 2 Planning Grants Program Funds**

- Fiscal Impact: If awarded, this grant will have a positive fiscal impact, as it will reduce the fiscal burden on the General Fund for housing-related expenses.
- Recommendation: Council approve Draft Resolution authorizing an application for Senate Bill 2 Planning Grants Program Funds to the California Department of Housing and Community Development. [Community Development]

#### **9. 2019 Measure F-14 Pavement Rehabilitation Construction Award**

- Fiscal Impact: Up to \$2,800,000
- Recommendations: Council:
  1. Award a construction contract for \$2,072,826 to Souza Construction, Inc. for the 2019 Measure F-14 Pavement Rehabilitation Project (Project No. C2018R01).
  2. Authorize the City Manager to execute a construction contract with Souza Construction, Inc. for \$2,072,826 for the 2019 Measure F-14 Pavement Rehabilitation Project.
  3. Authorize the City Manager to execute a contract for Construction Management and Materials Testing Services for a total not to exceed \$150,000.
  4. Authorize the Director of Administrative Services to allocate an additional \$274,700 in Measure F-14 Fund balance to the 2019 Measure F-14 Pavement Rehabilitation Project.
  5. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the Project. [Public Works]

#### **10. 2019 Storm Drain Culvert Replacements Construction Award**

- Fiscal Impact: Up to \$385,000.00.
- Recommendations: Council:
  1. Reject the bid protest and waive bid variances, if any, in the bid by AAAA Engineering Contracting, Inc. as inconsequential.

2. Award a construction contract for \$288,838 to AAAA Engineering Contracting, Inc. for the 2019 Storm Drain Culvert Replacements Project (Project No. C2017E01).
3. Authorize the City Manager to execute a contract for \$288,838 with AAAA Engineering Contracting, Inc. for construction of the 2019 Storm Drain Culvert Replacements Project.
4. Authorize the Director of Administrative Services to reallocate up to \$37,000 in Drainage Facilities Fees from the Storm Drain and Culvert Improvement Program in the event that total project costs exceed \$348,000 for the 2019 Storm Drain Culvert Replacements Project.
5. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the project. [Public Works]

**11. Delegating Authority to City Engineer**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution delegating authority to City Engineer to take the actions set forth in California Civil Code Section 9204, California Government Code Section 830.6 and California Public Contract Code Section 22039. [Public Works]

**MOTION: By Mayor Pro Tem Bourbeau and seconded by Council Member Newsom to approve the Consent Calendar. (#A-5: Ordinance No. 623) (#A-6: Ordinance No. 624) (#A-7: Ordinance Nos. 625 and 626) (#A-8: Resolution No. 2019-068) (#A-9: Contract No. 2019-006) (#A-10: Contract No. 2019-007) (#A-11: Resolution No. 2019-069)**  
***Motion passed 5:0 by a roll-call vote.***

**UPDATES FROM THE CITY MANAGER:**

City Manager Rachelle Rickard gave an update on projects and issues within the City.

**COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Jake White, Ellen Beraud, Richard Moen, Steve Morrison, Fred Frank, Kate Montgomery, and Barbara Simms (Exhibit A)

***Mayor Moreno closed the COMMUNITY FORUM period.***

**B. PUBLIC HEARINGS:**

**1. Confirming the Cost of Vegetative Growth and/or Refuse Abatement**

- Ex-Parte Communications:
- Fiscal Impact: The City will receive \$42,624.78 from the 2019/2020 property tax rolls in weed abatement / refuse abatement assessments.
- Recommendation: Council adopt Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. [Fire Department]

Ex Parte Communications

There were no communications on this item.

Fire Chief Bryson gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**MOTION: By Mayor Pro Tem Bourbeau and seconded by Council Member Funk to adopt Resolution 2019-070, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. Motion passed 5:0 by a roll-call vote.**

**2. Emergency Shelter Overlay Zone Update ZCH19-0060 (El Camino Homeless Organization)**

- Ex-Parte Communications:
- Fiscal Impact: None.
- Recommendations: Council:
  1. Introduce for first reading, by title only, Draft Ordinance A approving amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings, and
  2. Adopt Draft Resolution A approving a Conditional Use Permit for daytime programming at the existing shelter.
  3. Adopt Draft Resolution B approving the revised El Camino Homeless Organization (ECHO) Operations and Management Plan. [Community Development]

Ex Parte Communications

Council Member Fonzi reported receiving emails from persons in favor of the recommendations. All other Council Members reported speaking with the Executive Director of ECHO. Council Member Funk further reported speaking with residents of the shelter as well as others in favor of the proposal. Mayor Moreno and Mayor Pro Tem Bourbeau also reported speaking with the President of ECHO.

Community Development Director Dunsmore gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: Eric Gobler, Wendy Lewis, Lon Allen and Elisa Becerra

***Mayor Moreno closed the Public Comment period.***

**MOTION: By Mayor Moreno and seconded by Council Member Funk to:**  
**1. Introduce for first reading, by title only, Draft Ordinance approving amendments to Atascadero Municipal Code Title 9**

Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings.

2. Adopt Resolution No. 2019-071 approving a Conditional Use Permit for daytime programming at the existing shelter with the following changes to Exhibit A:

***Condition #4 is revised to read – Daytime services shall be open to resident clients only. Non-residents may be permitted on-site outside of evening shelter and meal program hours in accordance with the ES zoning text and the Operations and Management Plan.***

***Condition #8 is revised to read – Program management and clients shall comply with all rules and regulations established by the most current Operations Agreement approved by the City. The Use Permit includes the additional activities outlined in the Operations and Management Plan.***

3. Adopt Resolution No. 2019-072 approving the revised El Camino Homeless Organization (ECHO) Operations and Management Plan.

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 23 (EMERGENCY SHELTER OVERLAY ZONE) AND DETERMINING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

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

Mayor Moreno recessed the Meeting at 7:23 p.m.

Mayor Moreno reconvened the Meeting at 7:31 p.m. will all present.

**C. MANAGEMENT REPORTS:**

**1. Balboa Road Repairs for Emergency Access**

- Fiscal Impact: Up to \$10,000 in Local Transportation Funds. In addition, a City work crew of three is expected to spend two days performing driving surface maintenance with City equipment.
- Recommendations: Council:
  1. Authorize culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access.
  2. Authorize the Director of Administrative Services to appropriate \$10,000 in Local Transportation Funds for the culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access.
  3. Direct the Director of Public Works to install traffic signage to notify motorists that Balboa Road between Otero Road and Llano Road is an emergency access only and to deter its use during non-emergency evacuation conditions.

4. Direct the Director of Public Works to evaluate the feasibility of accepting Balboa Road, between Otero Road and Llano Road into the City's Roadway System as an emergency evacuation route and bring back potential actions necessary for the acceptance of the road. [Public Works]

Public Works Director DeBar gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***

**MOTION: By Council Member Funk and seconded by Council Member Fonzi to:**

1. Authorize culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access.
2. Authorize the Director of Administrative Services to appropriate \$10,000 in Local Transportation Funds for the culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access.
3. Direct the Director of Public Works to install traffic signage to notify motorists that Balboa Road between Otero Road and Llano Road is an emergency access only and to deter its use during non-emergency evacuation conditions.
4. Direct the Director of Public Works to evaluate the feasibility of accepting Balboa Road, between Otero Road and Llano Road into the City's Roadway System as an emergency evacuation route and bring back potential actions necessary for the acceptance of the road.

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

**2. Contract for Animal Care and Control Services Fiscal Years 2019-2022**

- Fiscal Impact: \$297,281 in budgeted General Funds for the first year.
- Recommendations: Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Control Services from July 1, 2019 to June 30, 2022, in the amount of \$297,281 for the first year, with annual adjustments based on the service levels provided to the City for each year thereafter. [City Manager]

Deputy City Manager Christensen gave the staff report and she and City Manager Rickard answered questions from the Council. Dr. Eric Anderson, SLO County Animal Services Manager, also answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Moreno closed the Public Comment period.***



**MOTION:** By Mayor Pro Tem Bourbeau and seconded by Council Member Newsom to authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Control Services from July 1, 2019 to June 30, 2022, in the amount of \$297,281 for the first year, with annual adjustments based on the service levels provided to the City for each year thereafter.  
*Motion passed 5:0 by a roll-call vote. (Contract No. 2019-008)*

**D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

The following Council Members made brief announcements and gave brief update reports on their committees since their last Council meeting:

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Fonzi

1. City of Atascadero Design Review Committee
2. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. Homeless Services Oversight Council

Council Member Newsom

1. City of Atascadero Design Review Committee

**E. INDIVIDUAL DETERMINATION AND / OR ACTION:**

1. Council Member Fonzi
  - a. Expressed concern regarding the number of drive-thru restaurants in town and proposed that an item be placed on the agenda to discuss a moratorium for the banning of drive-thrus in town.

There was Council consensus to direct staff to bring back an item to the Council to explore possibilities regarding the approval of drive-thru restaurants in the City.

- b. Announced that she will be appealing the Planning Commission decision on August 8, 2019, regarding the Mini Storage approval.

**F. ADJOURN**

Mayor Moreno adjourned the meeting at 8:44 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager / City Clerk

The following exhibit is available for review in the City Clerk's office:

- Exhibit A – Pickleball Sponsorship Packet

**APPROVED:**



## ***Atascadero City Council***

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### ***Staff Report - Administrative Services Department***

#### **July 2019 Accounts Payable and Payroll**

#### **RECOMMENDATION:**

Council approve certified City accounts payable, payroll and payroll vendor checks for July 2019.

#### **DISCUSSION:**

Attached for City Council review and approval are the following:

##### **Payroll**

Dated 7/11/19	Checks # 34491 - 34512	\$ 11,553.07
	Direct Deposits	292,400.07
Dated 7/25/19	Checks # 34513 - 34533	14,691.36
	Direct Deposits	289,864.72

##### **Accounts Payable**

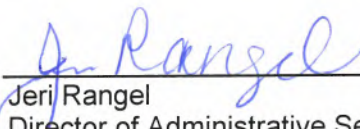
Dated 7/1/19 - 7/31/19	Checks # 160901 - 161267 & EFTs 3363 - 3404	4,844,726.61
	<b>TOTAL AMOUNT</b>	<b>\$ 5,453,235.83</b>

#### **FISCAL IMPACT:**

Total expenditures for all funds is \$ 5,453,235.83

#### **CERTIFICATION:**

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.

  
\_\_\_\_\_  
Jeri Rangel  
Director of Administrative Services

#### **ATTACHMENT:**

July 2019 Eden Warrant Register in the amount of \$ 4,844,726.61

## City of Atascadero

## Disbursement Listing

For the Month of July 2019

ITEM NUMBER:

A-2

DATE:

09/10/19

ATTACHMENT:

1

Check Number	Check Date	Vendor	Description	Amount
160901	07/01/2019	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	178,307.43
160902	07/01/2019	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	1,605.85
160903	07/01/2019	MEDICAL EYE SERVICES	Payroll Vendor Payment	1,790.74
160904	07/01/2019	PREFERRED BENEFITS INSURANCE	Payroll Vendor Payment	8,810.60
3363	07/02/2019	RABOBANK, N.A.	Payroll Vendor Payment	47,644.72
3364	07/02/2019	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	13,652.68
3365	07/02/2019	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,090.20
3366	07/03/2019	CAL PERS	Accounts Payable Check	869.50
3367	07/03/2019	CAL PERS	Accounts Payable Check	827.20
3368	07/03/2019	CAL PERS	Accounts Payable Check	446.50
3369	07/03/2019	CAL PERS	Accounts Payable Check	394.80
3370	07/03/2019	CAL PERS	Accounts Payable Check	169.20
3371	07/03/2019	CAL PERS	Accounts Payable Check	98.70
160905	07/03/2019	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	1,452.00
160906	07/03/2019	ATASCADERO CHAMBER OF COMMERCE	Accounts Payable Check	59,969.00
160907	07/03/2019	BILL GAINES AUDIO, INC.	Accounts Payable Check	1,805.00
160908	07/03/2019	CA FIRE CHIEFS ASSC.	Accounts Payable Check	960.00
160909	07/03/2019	CA POLICE CHIEF'S ASSC	Accounts Payable Check	730.00
160911	07/03/2019	CALIFORNIA JPIA	Accounts Payable Check	1,284,364.00
160912	07/03/2019	CALIFORNIA MID-STATE FAIR	Accounts Payable Check	15,000.00
160913	07/03/2019	CALIFORNIA MID-STATE FAIR	Accounts Payable Check	3,709.00
160914	07/03/2019	CERTIFIED FOLDER DISPLAY SVC	Accounts Payable Check	3,854.90
160915	07/03/2019	CIO SOLUTIONS, LP	Accounts Payable Check	1,600.00
160916	07/03/2019	CJN EVENT PLANNING	Accounts Payable Check	575.00
160917	07/03/2019	COLONY MEDIA	Accounts Payable Check	2,910.00
160918	07/03/2019	NICHOLAS DEBAR	Accounts Payable Check	300.00
160919	07/03/2019	PHILIP DUNSMORE	Accounts Payable Check	300.00
160920	07/03/2019	DORIAN M. HACHIGIAN	Accounts Payable Check	300.00
160921	07/03/2019	JAMES T. HARRELL	Accounts Payable Check	150.00
160922	07/03/2019	HARRIS STAGE LINES, LLC	Accounts Payable Check	500.00
160923	07/03/2019	ICMA	Accounts Payable Check	1,400.00
160924	07/03/2019	WADE S. KNOWLES	Accounts Payable Check	179.00
160925	07/03/2019	PROSOUND BUSINESS MEDIA, INC.	Accounts Payable Check	99.00
160926	07/03/2019	JERI RANGEL	Accounts Payable Check	300.00
160927	07/03/2019	RACHELLE RICKARD	Accounts Payable Check	500.00
160928	07/03/2019	ROLSON MUSIC & SOUND	Accounts Payable Check	4,000.00
160929	07/03/2019	ROTARY CLUB OF ATASCADERO	Accounts Payable Check	110.00
160930	07/03/2019	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	18,299.73
160931	07/03/2019	STANLEY CONVERGENT SECURITY	Accounts Payable Check	601.50
160932	07/03/2019	TARGET SOLUTIONS LEARNING, LLC	Accounts Payable Check	2,590.00
160933	07/03/2019	TRAINING INNOVATIONS, INC.	Accounts Payable Check	750.00
160934	07/03/2019	TRIBUNE	Accounts Payable Check	846.04
160935	07/03/2019	TED E. WATERHOUSE	Accounts Payable Check	150.00

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Check Number	Check Date	Vendor	Description	Amount
160936	07/03/2019	GEORGE P. WILLIAMS	Accounts Payable Check	300.00
160937	07/03/2019	SLO CO AIR POLLUTION CTRL DIST	Accounts Payable Check	4,365.80
160938	07/05/2019	4LEAF, INC.	Accounts Payable Check	11,348.98
160939	07/05/2019	ADVANCED BIOMEDICAL REPAIR	Accounts Payable Check	450.00
160940	07/05/2019	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	173.00
160941	07/05/2019	ALLSTAR FIRE EQUIPMENT, INC.	Accounts Payable Check	1,011.86
160942	07/05/2019	ALTHOUSE & MEADE, INC.	Accounts Payable Check	2,647.50
160943	07/05/2019	AMERICAN MARBORG	Accounts Payable Check	115.61
160944	07/05/2019	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	2,961.00
160945	07/05/2019	AQUA-AEROBIC SYSTEMS, INC.	Accounts Payable Check	16,534.44
160946	07/05/2019	AT&T	Accounts Payable Check	325.53
160947	07/05/2019	AT&T	Accounts Payable Check	953.95
160949	07/05/2019	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	21,595.20
160950	07/05/2019	ATASCADERO NEWS	Accounts Payable Check	1,515.30
160951	07/05/2019	ATASCADERO PICKLEBALL CLUB, INC	Accounts Payable Check	105.90
160952	07/05/2019	ATASCADERO YOUTH FOOTBALL	Accounts Payable Check	250.00
160953	07/05/2019	DYLAN T. AZEVEDO	Accounts Payable Check	138.00
160954	07/05/2019	BAUER COMPRESSORS	Accounts Payable Check	54.02
160955	07/05/2019	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	27.30
160956	07/05/2019	KEITH R. BERGHER	Accounts Payable Check	191.25
160957	07/05/2019	DEBRA R. BREWER	Accounts Payable Check	33.60
160958	07/05/2019	LORI BRICKEY	Accounts Payable Check	44.84
160959	07/05/2019	BURKE, WILLIAMS, & SORENSON LLP	Accounts Payable Check	9,534.15
160960	07/05/2019	CA CODE CHECK, INC.	Accounts Payable Check	625.00
160961	07/05/2019	CALPORTLAND COMPANY	Accounts Payable Check	3,328.94
160962	07/05/2019	CED CONSOLIDATED ELECTRICAL	Accounts Payable Check	840.45
160963	07/05/2019	CENTRAL COAST PROPANE, INC.	Accounts Payable Check	426.21
160964	07/05/2019	CHARTER COMMUNICATIONS	Accounts Payable Check	4,272.06
160965	07/05/2019	MATTHEW L. CHESSON	Accounts Payable Check	120.00
160966	07/05/2019	KATHLEEN J. CINOWALT	Accounts Payable Check	140.00
160967	07/05/2019	CIO SOLUTIONS, LP	Accounts Payable Check	592.50
160968	07/05/2019	CITY OF ATASCADERO	Accounts Payable Check	161.50
160969	07/05/2019	TIMOTHY CLEAVER	Accounts Payable Check	59.98
160970	07/05/2019	COASTAL COPY, INC.	Accounts Payable Check	523.10
160971	07/05/2019	COASTAL REPROGRAPHIC SERVICES	Accounts Payable Check	147.40
160972	07/05/2019	NICK COONS	Accounts Payable Check	181.18
160973	07/05/2019	CRYSTAL SPRINGS WATER	Accounts Payable Check	73.62
160974	07/05/2019	DARRYL'S LOCK AND SAFE	Accounts Payable Check	75.00
160975	07/05/2019	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	135.00
160976	07/05/2019	CHARLES DICKEY	Accounts Payable Check	16.24
160977	07/05/2019	DIVISION OF STATE ARCHITECT	Accounts Payable Check	67.20
160978	07/05/2019	DOCUTEAM	Accounts Payable Check	168.36
160979	07/05/2019	ASHLEY DONOVAN	Accounts Payable Check	95.00

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160980	07/05/2019	JOHN W DOUPE	Accounts Payable Check	15.00
160981	07/05/2019	KELLI M. DOWNS	Accounts Payable Check	1,531.32
160982	07/05/2019	ELECTRICRAFT, INC.	Accounts Payable Check	1,464.00
160983	07/05/2019	RYAN ENFANTINO	Accounts Payable Check	120.00
160984	07/05/2019	FERGUSON ENTERPRISES, INC.	Accounts Payable Check	2,022.77
160985	07/05/2019	FGL ENVIRONMENTAL	Accounts Payable Check	496.00
160986	07/05/2019	RYAN GABBARD	Accounts Payable Check	60.00
160987	07/05/2019	CHRISTOPHER GALPIN	Accounts Payable Check	120.00
160988	07/05/2019	GAS COMPANY	Accounts Payable Check	757.60
160989	07/05/2019	KATHLEEN GROGAN	Accounts Payable Check	120.00
160990	07/05/2019	BRADLEY A. HACKLEMAN	Accounts Payable Check	366.00
160991	07/05/2019	CHRISTOPHER HALL	Accounts Payable Check	120.00
160992	07/05/2019	ROBERT S HAMMER	Accounts Payable Check	15.00
160993	07/05/2019	HAMNER, JEWELL & ASSOCIATES	Accounts Payable Check	567.78
160994	07/05/2019	HANLEY AND FLEISHMAN, LLP	Accounts Payable Check	1,813.00
160995	07/05/2019	ROCHELLE O. HANSON-TORRES	Accounts Payable Check	120.00
160996	07/05/2019	HART IMPRESSIONS PRINTING	Accounts Payable Check	1,059.95
160997	07/05/2019	HELIXSTORM, INC.	Accounts Payable Check	11,000.00
160998	07/05/2019	CHRISTOPHER HESTER	Accounts Payable Check	120.00
160999	07/05/2019	HINDERLITER, DE LLAMAS	Accounts Payable Check	1,628.47
161000	07/05/2019	HOLLISTER GENERAL ENGINEERING	Accounts Payable Check	13,600.00
161001	07/05/2019	CHRIS HOREJSI	Accounts Payable Check	200.00
161002	07/05/2019	TRINA HORZEN	Accounts Payable Check	10.00
161003	07/05/2019	HYPERTec DIRECT	Accounts Payable Check	1,265.00
161004	07/05/2019	INFORMATION TECHNOLOGY	Accounts Payable Check	1,585.43
161005	07/05/2019	IRON MOUNTAIN RECORDS MGMNT	Accounts Payable Check	99.61
161006	07/05/2019	J. CARROLL CORPORATION	Accounts Payable Check	1,867.54
161007	07/05/2019	JUSTIN KAMP	Accounts Payable Check	200.00
161008	07/05/2019	KENNEDY ATHLETIC CLUB OF ATASC	Accounts Payable Check	55.00
161009	07/05/2019	KNECHT'S PLUMBING & HEATING	Accounts Payable Check	15,975.00
161010	07/05/2019	WADE S. KNOWLES	Accounts Payable Check	120.00
161011	07/05/2019	KPRL 1230 AM	Accounts Payable Check	320.00
161012	07/05/2019	KRITZ EXCAVATING & TRUCKNG INC	Accounts Payable Check	528.72
161013	07/05/2019	ALISON LEYVA	Accounts Payable Check	61.50
161014	07/05/2019	LIFE ASSIST, INC.	Accounts Payable Check	510.41
161015	07/05/2019	ANDREW M. LUCAS	Accounts Payable Check	120.00
161016	07/05/2019	MADRONE LANDSCAPES, INC.	Accounts Payable Check	600.00
161017	07/05/2019	ANNETTE MANIER	Accounts Payable Check	83.00
161018	07/05/2019	CRAIG MARTINEAU	Accounts Payable Check	120.00
161019	07/05/2019	BRENDA C. MATTHYSSE	Accounts Payable Check	645.30
161020	07/05/2019	MCMILLAN LAND SURVEYS	Accounts Payable Check	1,600.00
161021	07/05/2019	ADAM MEDINA	Accounts Payable Check	120.00
161022	07/05/2019	GREGG T. MEYER	Accounts Payable Check	120.00

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161023	07/05/2019	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	88.10
161024	07/05/2019	MINER'S ACE HARDWARE	Accounts Payable Check	485.87
161025	07/05/2019	MISSION UNIFORM SERVICE	Accounts Payable Check	409.32
161026	07/05/2019	HEATHER MORENO	Accounts Payable Check	600.88
161027	07/05/2019	VOID	Accounts Payable Check	0.00
161028	07/05/2019	MUNICIPAL MAINT EQUIPMENT, INC	Accounts Payable Check	1,757.07
161029	07/05/2019	KELLYE R. NETZ	Accounts Payable Check	120.00
161030	07/05/2019	MARC NOBRIGA	Accounts Payable Check	120.00
161031	07/05/2019	NORTH COUNTY GLASS	Accounts Payable Check	351.44
161032	07/05/2019	OFFICE DEPOT INC.	Accounts Payable Check	154.65
161033	07/05/2019	ANJANETTE ORDONEZ	Accounts Payable Check	120.00
161034	07/05/2019	O'REILLY AUTOMOTIVE, INC.	Accounts Payable Check	144.26
161035	07/05/2019	TARA ORLICK	Accounts Payable Check	68.44
161036	07/05/2019	RON OVERACKER	Accounts Payable Check	120.00
161038	07/05/2019	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	17,583.28
161039	07/05/2019	PASO ROBLES FORD LINCOLN MERC	Accounts Payable Check	4,982.53
161040	07/05/2019	PASO ROBLES SAFE & LOCK, INC.	Accounts Payable Check	324.67
161041	07/05/2019	PAVEMENT ENGINEERING, INC.	Accounts Payable Check	5,498.50
161042	07/05/2019	PERRY'S PARCEL & GIFT	Accounts Payable Check	37.69
161043	07/05/2019	PETTY CASH-FINANCE DEPARTMENT	Accounts Payable Check	215.83
161044	07/05/2019	SCOTT E. PIPAN	Accounts Payable Check	197.00
161045	07/05/2019	MIKE PIWOWARSKI	Accounts Payable Check	200.00
161046	07/05/2019	PLAY-WELL TEKNOLOGIES	Accounts Payable Check	1,213.10
161047	07/05/2019	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	1,396.06
161048	07/05/2019	LAUREN-ASHLEY PURIFY	Accounts Payable Check	120.00
161049	07/05/2019	SHIRLEY L. RADCLIFF-BRUTON	Accounts Payable Check	334.80
161050	07/05/2019	RECOGNITION WORKS	Accounts Payable Check	3.99
161051	07/05/2019	RACHELLE RICKARD	Accounts Payable Check	61.00
161052	07/05/2019	SAMUEL RODRIGUEZ	Accounts Payable Check	120.00
161053	07/05/2019	ERIN RUSSELL	Accounts Payable Check	120.00
161054	07/05/2019	SAM'S TREE SERVICE	Accounts Payable Check	4,000.00
161055	07/05/2019	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	1,311.83
161056	07/05/2019	MICHELE SCHAMBER	Accounts Payable Check	120.00
161057	07/05/2019	DIEGO SEGOVIA	Accounts Payable Check	197.00
161058	07/05/2019	ANDREA L. SHERRILL	Accounts Payable Check	180.00
161059	07/05/2019	SHORE-TEK, INC.	Accounts Payable Check	436.03
161060	07/05/2019	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	112.50
161061	07/05/2019	RYAN SLOAN	Accounts Payable Check	197.00
161062	07/05/2019	SOUTH COAST EMERGENCY VEH SVC	Accounts Payable Check	596.90
161063	07/05/2019	SPEAKWRITE, LLC.	Accounts Payable Check	342.37
161064	07/05/2019	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	255.27
161065	07/05/2019	STEVEN STUCKY	Accounts Payable Check	30.00
161066	07/05/2019	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	4,136.00

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161067	07/05/2019	JOHN W. TAYLOR	Accounts Payable Check	120.00
161068	07/05/2019	TEMPLETON UNIFORMS, LLC	Accounts Payable Check	52.92
161069	07/05/2019	TESCO CONTROLS, INC.	Accounts Payable Check	3,570.00
161070	07/05/2019	AYLA TOMAC	Accounts Payable Check	120.00
161071	07/05/2019	ANTHONY J. TRAVERSO	Accounts Payable Check	40.00
161072	07/05/2019	TRIBUNE	Accounts Payable Check	1,127.59
161073	07/05/2019	UNITED RENTALS (NORTH AM), INC	Accounts Payable Check	2,418.33
161074	07/05/2019	SABRINA T. VAN BEEK	Accounts Payable Check	138.00
161075	07/05/2019	RENE VASQUEZ	Accounts Payable Check	120.00
161076	07/05/2019	VERDIN	Accounts Payable Check	397.27
161077	07/05/2019	VERIZON WIRELESS	Accounts Payable Check	2,734.78
161078	07/05/2019	VINO VICE, INC.	Accounts Payable Check	300.00
161079	07/05/2019	WALLACE GROUP	Accounts Payable Check	54,882.72
161080	07/05/2019	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	368.01
161081	07/05/2019	WEX BANK - 76 UNIVERSL	Accounts Payable Check	11,177.76
161082	07/05/2019	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	7,511.84
161083	07/05/2019	WHITLOCK & WEINBERGER TRANS.	Accounts Payable Check	973.75
161084	07/05/2019	WILKINS ACTION GRAPHICS	Accounts Payable Check	623.47
161085	07/05/2019	JEFF WILSHUSEN	Accounts Payable Check	120.00
161086	07/05/2019	ISRAEL WINGATE	Accounts Payable Check	200.00
161087	07/05/2019	KAREN B. WYKE	Accounts Payable Check	463.50
161088	07/05/2019	ZACHARY J YEAMAN-SANCHEZ	Accounts Payable Check	120.00
161089	07/05/2019	PAUL JEFFREY ZEHNER	Accounts Payable Check	1,870.00
161090	07/09/2019	PRP COMPANIES	Accounts Payable Check	830.40
3372	07/11/2019	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,879.55
161091	07/11/2019	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	80.00
161092	07/11/2019	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,296.75
161093	07/11/2019	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,193.90
161094	07/11/2019	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	8,860.50
161095	07/11/2019	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,063.31
161096	07/11/2019	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,730.18
161097	07/11/2019	SEIU LOCAL 620	Payroll Vendor Payment	813.59
161098	07/11/2019	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	349.12
161099	07/11/2019	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	5,053.47
161100	07/11/2019	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	85.00
3373	07/12/2019	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	209.54
3374	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	21,945.24
3375	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	38,619.64
3376	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,711.58
3377	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,854.21
3378	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	3,501.66
3379	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	4,088.37
3380	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	6,257.67



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3381	07/12/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	11,400.76
161101	07/12/2019	RYAN SMITH	Accounts Payable Check	200.00
3382	07/16/2019	RABOBANK, N.A.	Payroll Vendor Payment	52,164.43
3383	07/16/2019	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	15,604.35
3384	07/16/2019	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,071.16
161102	07/19/2019	4 WHEEL DRIVE AND FABRICATION	Accounts Payable Check	168.75
161103	07/19/2019	ABV GREENCORE ASSC., INC.	Accounts Payable Check	3,500.00
161104	07/19/2019	AGM CALIFORNIA, INC.	Accounts Payable Check	744.00
161105	07/19/2019	AGP VIDEO, INC.	Accounts Payable Check	2,967.50
161106	07/19/2019	ALL SIGNS AND GRAPHICS	Accounts Payable Check	1,098.75
161107	07/19/2019	ALLIGARE, LLC.	Accounts Payable Check	9,309.60
161108	07/19/2019	ALTHOUSE & MEADE, INC.	Accounts Payable Check	1,058.75
161109	07/19/2019	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	797.26
161110	07/19/2019	ASSOCIATED TRAFFIC SAFETY, INC	Accounts Payable Check	281.50
161112	07/19/2019	AT&T	Accounts Payable Check	1,218.26
161113	07/19/2019	JUSTIN BLACK	Accounts Payable Check	84.74
161114	07/19/2019	CA BUILDING STANDARDS COMM.	Accounts Payable Check	167.40
161115	07/19/2019	CA DEPT OF TAX AND FEE ADMIN.	Accounts Payable Check	4,685.00
161116	07/19/2019	CALPORTLAND COMPANY	Accounts Payable Check	1,724.01
161117	07/19/2019	JIM CAMPANA	Accounts Payable Check	172.39
161118	07/19/2019	CARQUEST OF ATASCADERO	Accounts Payable Check	293.20
161119	07/19/2019	CHARTER COMMUNICATIONS	Accounts Payable Check	1,780.37
161120	07/19/2019	CITY OF ATASCADERO	Accounts Payable Check	190.50
161121	07/19/2019	CO OF SAN LUIS OBISPO SART PRG	Accounts Payable Check	563.00
161122	07/19/2019	COASTLINE EQUIPMENT	Accounts Payable Check	1,017.66
161123	07/19/2019	CRYSTAL SPRINGS WATER	Accounts Payable Check	264.50
161124	07/19/2019	CSM SALES, LLC	Accounts Payable Check	10,940.63
161125	07/19/2019	DEPARTMENT OF CONSERVATION	Accounts Payable Check	477.54
161126	07/19/2019	DIOCESE OF MONTEREY PARISH	Accounts Payable Check	898.00
161127	07/19/2019	DOCUTEAM	Accounts Payable Check	134.47
161128	07/19/2019	FERGUSON WATERWORKS	Accounts Payable Check	9,695.98
161129	07/19/2019	FERRAVANTI GRADING & PAVING	Accounts Payable Check	199,149.30
161130	07/19/2019	FGL ENVIRONMENTAL	Accounts Payable Check	399.00
161131	07/19/2019	FRANCHISE TAX BOARD	Accounts Payable Check	301.88
161132	07/19/2019	CHRISTIAN P. GUZMAN	Accounts Payable Check	180.00
161133	07/19/2019	HAAKER EQUIPMENT COMPANY INC.	Accounts Payable Check	2,278.98
161134	07/19/2019	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	2,892.40
161135	07/19/2019	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	1,913.74
161136	07/19/2019	INFORMATION TECHNOLOGY	Accounts Payable Check	1,398.60
161137	07/19/2019	NORMAN M. KATZ, PSY.D.	Accounts Payable Check	450.00
161138	07/19/2019	KNECHT'S PLUMBING & HEATING	Accounts Payable Check	2,675.50
161139	07/19/2019	KPRL 1230 AM	Accounts Payable Check	695.00
161140	07/19/2019	JOHN W. LANGDON	Accounts Payable Check	2,461.00

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161141	07/19/2019	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	2,346.81
161142	07/19/2019	MADRONE LANDSCAPES, INC.	Accounts Payable Check	180.77
161143	07/19/2019	MAINLINE UTILITY CO.	Accounts Payable Check	1,900.00
161144	07/19/2019	MARK'S TIRE SERVICE	Accounts Payable Check	1,849.81
161145	07/19/2019	MEDPOST URGENT CARE-ATASCADERO	Accounts Payable Check	60.00
161146	07/19/2019	MID-COAST GEOTECHNICAL, INC.	Accounts Payable Check	4,400.00
161147	07/19/2019	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	91.95
161148	07/19/2019	MINER'S ACE HARDWARE	Accounts Payable Check	106.59
161149	07/19/2019	MATTHEW J. MIRANDA	Accounts Payable Check	76.96
161150	07/19/2019	MISSION UNIFORM SERVICE	Accounts Payable Check	23.20
161151	07/19/2019	MICHAL S. MOSES	Accounts Payable Check	267.28
161152	07/19/2019	DAVE MUEHLHAUSEN	Accounts Payable Check	902.48
161153	07/19/2019	MV TRANSPORTATION, INC.	Accounts Payable Check	9,639.57
161154	07/19/2019	NCI AFFILIATES, INC	Accounts Payable Check	326.25
161155	07/19/2019	NEOFUNDS	Accounts Payable Check	3,000.00
161156	07/19/2019	NORTH COAST ENGINEERING INC.	Accounts Payable Check	175.00
161157	07/19/2019	OFFICE DEPOT INC.	Accounts Payable Check	151.11
161158	07/19/2019	TARA ORLICK	Accounts Payable Check	234.06
161160	07/19/2019	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	39,342.34
161161	07/19/2019	PERRY'S PARCEL & GIFT	Accounts Payable Check	200.00
161162	07/19/2019	PETTY CASH-POLICE DEPARTMENT	Accounts Payable Check	123.27
161163	07/19/2019	JEFF PICKARD	Accounts Payable Check	4.02
161164	07/19/2019	PLACEWORKS, INC.	Accounts Payable Check	7,176.04
161165	07/19/2019	PRAXAIR DISTRIBUTION, INC.	Accounts Payable Check	50.75
161166	07/19/2019	QUINCY ENGINEERING, INC.	Accounts Payable Check	18,245.96
161167	07/19/2019	RADAR SHOP, INC.	Accounts Payable Check	161.50
161168	07/19/2019	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	1,199.42
161169	07/19/2019	AARON ROBERTSHAW	Accounts Payable Check	13.42
161170	07/19/2019	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	634.83
161171	07/19/2019	SCHNEIDER ELECTRIC SYS USA INC	Accounts Payable Check	2,268.00
161172	07/19/2019	PRISCILLA SCHULTZ	Accounts Payable Check	161.59
161173	07/19/2019	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	10,000.00
161174	07/19/2019	SHORE-TEK, INC.	Accounts Payable Check	436.03
161175	07/19/2019	SLO COUNTY CLERK-RECORDER	Accounts Payable Check	40,008.23
161176	07/19/2019	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	10,901.25
161177	07/19/2019	STAPLES CREDIT PLAN	Accounts Payable Check	174.23
161178	07/19/2019	STARKEHAUS INSPECTIONS	Accounts Payable Check	3,600.00
161179	07/19/2019	TESCO CONTROLS, INC.	Accounts Payable Check	2,998.00
161180	07/19/2019	TRIBUNE	Accounts Payable Check	2,567.41
161185	07/19/2019	U.S. BANK	Accounts Payable Check	37,686.85
161186	07/19/2019	VERDIN	Accounts Payable Check	214.55
161187	07/19/2019	VINO VICE, INC.	Accounts Payable Check	120.00
161188	07/19/2019	WCJ PROPERTY SERVICES	Accounts Payable Check	905.62

**City of Atascadero**  
Disbursement Listing  
For the Month of July 2019

ITEM NUMBER: A-2  
DATE: 09/10/19  
ATTACHMENT: 1

Check Number	Check Date	Vendor	Description	Amount
161189	07/19/2019	WELL SEEN SIGN CO., LLC	Accounts Payable Check	281.14
161190	07/19/2019	BRANDON J. WELLS	Accounts Payable Check	216.00
161191	07/19/2019	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	65.00
161192	07/19/2019	WHITLOCK & WEINBERGER TRANS.	Accounts Payable Check	836.25
161193	07/19/2019	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	1,396.83
161194	07/19/2019	AFSS SOUTHERN DIVISION	Accounts Payable Check	60.00
161195	07/19/2019	ALL SIGNS AND GRAPHICS	Accounts Payable Check	1,454.63
161196	07/19/2019	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	173.00
161197	07/19/2019	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	20.00
161198	07/19/2019	AT&T	Accounts Payable Check	235.43
161199	07/19/2019	BILL GAINES AUDIO, INC.	Accounts Payable Check	320.00
161200	07/19/2019	BMI	Accounts Payable Check	358.00
161201	07/19/2019	GREGORY A. BRAZZI	Accounts Payable Check	153.00
161202	07/19/2019	CA HEALTH & SAFETY, INC.	Accounts Payable Check	275.00
161203	07/19/2019	CARQUEST OF ATASCADERO	Accounts Payable Check	39.25
161204	07/19/2019	CENTRAL COAST TOURISM COUNCIL	Accounts Payable Check	425.00
161205	07/19/2019	CHARTER COMMUNICATIONS	Accounts Payable Check	78.77
161206	07/19/2019	KAREN A. CLANIN	Accounts Payable Check	395.50
161207	07/19/2019	COASTLINE EQUIPMENT	Accounts Payable Check	357.20
161208	07/19/2019	COLLEGE OF THE REDWOODS	Accounts Payable Check	406.00
161209	07/19/2019	COLONY MEDIA	Accounts Payable Check	1,455.00
161210	07/19/2019	MIGUEL A. CORDERO	Accounts Payable Check	100.00
161211	07/19/2019	CREATIVE BRAIN LEARNING	Accounts Payable Check	1,574.82
161212	07/19/2019	CREWSENSE, LLC	Accounts Payable Check	193.35
161213	07/19/2019	CRYSTAL SPRINGS WATER	Accounts Payable Check	73.00
161214	07/19/2019	CULLIGAN/CENTRAL COAST WTR TRT	Accounts Payable Check	70.00
161215	07/19/2019	GREG C. CUNNINGHAM	Accounts Payable Check	100.00
161216	07/19/2019	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	135.00
161217	07/19/2019	DESTINATION TRAVEL NETWORK	Accounts Payable Check	200.00
161218	07/19/2019	EXECUTIVE INFORMATION SERVICES	Accounts Payable Check	26,532.45
161219	07/19/2019	FERRELL'S AUTO REPAIR	Accounts Payable Check	159.20
161220	07/19/2019	FIRE CHIEFS ASSC OF SLO CO	Accounts Payable Check	325.00
161221	07/19/2019	CHRISTIAN P. GUZMAN	Accounts Payable Check	192.00
161222	07/19/2019	JIFFY LUBE	Accounts Payable Check	55.00
161223	07/19/2019	JJB AUTO GLASS	Accounts Payable Check	955.72
161224	07/19/2019	JK'S UNLIMITED	Accounts Payable Check	376.42
161225	07/19/2019	JOANN HEAD LAND SURVEYING	Accounts Payable Check	1,744.50
161226	07/19/2019	LEO & GREGORY, LLC	Accounts Payable Check	140.00
161227	07/19/2019	LIEBERT CASSIDY WHITMORE	Accounts Payable Check	4,040.00
161228	07/19/2019	LIFE ASSIST, INC.	Accounts Payable Check	1,240.57
161229	07/19/2019	JACKSON LIGHT	Accounts Payable Check	65.00
161230	07/19/2019	BRENDA C. MATTHYSSE	Accounts Payable Check	588.00
161231	07/19/2019	SAMUEL HENRY MCMILLAN, JR.	Accounts Payable Check	25.00

**City of Atascadero**  
Disbursement Listing  
For the Month of July 2019

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Check Number	Check Date	Vendor	Description	Amount
161232	07/19/2019	SAMUEL H. MCMILLAN, SR.	Accounts Payable Check	75.00
161233	07/19/2019	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	3.23
161234	07/19/2019	MINER'S ACE HARDWARE	Accounts Payable Check	287.56
161235	07/19/2019	MISSION UNIFORM SERVICE	Accounts Payable Check	306.93
161236	07/19/2019	MICHAL S. MOSES	Accounts Payable Check	779.12
161237	07/19/2019	MOSSBERG & COMPANY, INC.	Accounts Payable Check	988.00
161238	07/19/2019	MOTION PICTURE LICENSING CORP.	Accounts Payable Check	591.93
161239	07/19/2019	NBS	Accounts Payable Check	6,555.56
161240	07/19/2019	OFFICE DEPOT INC.	Accounts Payable Check	82.07
161241	07/19/2019	MARTIN E. PARIS	Accounts Payable Check	300.00
161242	07/19/2019	KRISTA PONDS	Accounts Payable Check	69.00
161243	07/19/2019	PROCARE JANITORIAL SUPPLY, INC.	Accounts Payable Check	984.48
161244	07/19/2019	PROGRESSIVE SOLUTIONS, INC.	Accounts Payable Check	3,172.90
161245	07/19/2019	PRP COMPANIES	Accounts Payable Check	694.65
161246	07/19/2019	JOHN C. SIEMENS	Accounts Payable Check	240.10
161247	07/19/2019	SLO COUNTY OES-HAZ MAT TEAM	Accounts Payable Check	5,000.00
161248	07/19/2019	BRUCE ST. JOHN	Accounts Payable Check	118.51
161249	07/19/2019	STATE WATER RES CONTROL BOARD	Accounts Payable Check	110.00
161250	07/19/2019	TARGET SOLUTIONS LEARNING, LLC	Accounts Payable Check	2,590.00
161251	07/19/2019	TRACE ANALYTICS, LLC	Accounts Payable Check	366.96
161252	07/19/2019	ULTREX LEASING	Accounts Payable Check	260.76
161253	07/19/2019	THOMAS F. VELASQUEZ	Accounts Payable Check	50.00
161254	07/19/2019	BRANDON J. WELLS	Accounts Payable Check	288.00
161255	07/19/2019	WILKINS ACTION GRAPHICS	Accounts Payable Check	111.25
3385	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	1,138,375.00
3386	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	826,736.00
3387	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	1,773.00
3388	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	902.00
3389	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	889.00
3390	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	630.00
3391	07/24/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	555.00
3392	07/25/2019	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,760.70
161256	07/25/2019	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	80.00
161257	07/25/2019	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,296.75
161258	07/25/2019	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,193.90
161259	07/25/2019	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,281.00
161260	07/25/2019	ICMA-RC	Payroll Vendor Payment	125.00
161261	07/25/2019	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	7,660.50
161262	07/25/2019	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,172.33
161263	07/25/2019	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,730.18
161264	07/25/2019	SEIU LOCAL 620	Payroll Vendor Payment	846.85
161265	07/25/2019	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	357.85
161266	07/25/2019	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	5,018.71

**City of Atascadero**  
Disbursement Listing  
For the Month of July 2019

ITEM NUMBER: A-2  
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Check Number	Check Date	Vendor	Description	Amount
161267	07/25/2019	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	85.00
3393	07/26/2019	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	209.54
3394	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	23,275.93
3395	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	34,858.11
3396	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,594.42
3397	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,920.05
3398	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,859.00
3399	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	4,755.00
3400	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	6,423.93
3401	07/26/2019	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	11,789.45
3402	07/30/2019	RABOBANK, N.A.	Payroll Vendor Payment	50,543.43
3403	07/30/2019	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	14,747.76
3404	07/30/2019	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,175.51
				<u><u>\$ 4,844,726.61</u></u>



# ***Atascadero City Council***

## ***Staff Report - Community Development Department***

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### **Emergency Shelter Overlay Zone Update ZCH19-0060 (El Camino Homeless Organization)**

#### **RECOMMENDATION:**

Council adopt on second reading, by title only, Draft Ordinance A approving amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings.

#### **DISCUSSION:**

In September 2013, the City Council adopted an Emergency Shelter Ordinance for consistency with State Law (SB-2) and the City's adopted Housing Element. As a part of that approval, the City Council also designated a site-specific parcel (APN 030-341-013) as the location for an overnight emergency shelter. This site, at that time, was home to a temporary shelter run by the El Camino Homeless Organization (ECHO). With the adoption of the ES overlay, the ECHO site became a permanent homeless shelter within the City.

The City received a request from ECHO to make modifications to their operating agreement. The proposed changes triggered a zone text amendment and conditional use permit. Proposed text amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text include an increase in the number of shelter clients, modified language for special activities, and a decrease in the number of required neighborhood meetings per year.

At the August 13, 2019 City Council meeting, the attached Draft Ordinance was introduced to amend to Emergency Shelter Overlay Zone to allow for the expansion of overnight clients and make other minor operational changes.

#### **FISCAL IMPACT:**

The zone text amendments and use permit are not expected to have any fiscal impact.

#### **ATTACHMENT:**

Draft Ordinance A

**DRAFT ORDINANCE A**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO  
MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 23 (EMERGENCY  
SHELTER OVERLAY ZONE) AND DETERMINING THIS ORDINANCE IS  
EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL  
QUALITY ACT**

**EMERGENCY SHELTER OVERLAY ZONE AMENDMENTS  
EL CAMINO HOMELESS ORGANIZATION  
(ZCH19-0060)**

**WHEREAS**, an application has been received from El Camino Homeless Organization (ECHO), 6370 Atascadero Mall, Atascadero, CA 93422, Applicant and Owner, to consider Planning Application ZCH 2019-0060 to amend Emergency Shelter Overlay Zone text, Atascadero Municipal Code Section 9-3.504; and

**WHEREAS**, the Planning Commission has determined that it is in the best interest of the City to amend the Zoning Code Text to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; 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 Zone 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 zoning text amendments; and

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on August 6, 2019, studied and considered the proposed zone text amendments to the Emergency Shelter Overlay Zone; and

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject Zoning Text Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and

**WHEREAS**, the City Council of the City of Atascadero, at a Public Hearing held on August 13, 2019, studied the Planning Commission's recommendations and considered the proposed zoning text amendments.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO  
HEREBY ORDAINS AS FOLLOWS:**

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on August 13, 2019, resolved to introduce for first reading, by title only, an Ordinance that would amend the Emergency Shelter Overlay Zone Text as shown in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 3. Facts and Findings.** The City Council makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

**A. Findings for Approval of a Zone Text Change**

FINDING: (i) The Emergency Shelter Overlay Zone text amendment is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zone text amendments align the code requirements with the vision, intent, and policies of the adopted General Plan.

FINDING: (ii) This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed text amendment provides for orderly development within the Emergency Shelter Overlay Zone in accordance with the adopted General Plan for the compatible use of the property based on neighborhood characteristics.

FINDING: (iii) The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

**SECTION 4. CEQA.** The proposed zoning text change is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

**SECTION 5. Approval.** Atascadero Municipal Code Title 9 Planning & Zoning is amended, modifying the emergency Shelter Overlay Zone, as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

**SECTION 6. Interpretation.** This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.



**SECTION 7. Preservation.** Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

**SECTION 8. Effect of Invalidation.** If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

**SECTION 9. Severability.** If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

**SECTION 10. Notice.** The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero's book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

**SECTION 11. Effective Date.** This Ordinance will take effect on the 30th day following its final passage and adoption.

**INTRODUCED** at a regular meeting of the City Council held on August 13, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on September 10, 2019.

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

## **Article 23. ES (Emergency Shelter) Overlay Zone**

### **9-3.501 Purpose.**

The Emergency Shelter Overlay Zone identifies areas where emergency shelters may be permitted without a Conditional Use Permit in compliance with Senate Bill 2 (Statutes of 2007) and the Housing Element. (Ord. 571 § 1, 2013)

### **9-3.502 Applicability of emergency shelter standards.**

The standards of this article apply to emergency shelters located in the Emergency Shelter Overlay Zone. The emergency shelter overlay zone is applicable to the following zoning district(s) or site specific area(s):

- (a) Assessor Parcel Number (APN) 030-341-013. (Ord. 571 § 1, 2013)

### **9-3.503 Minimum site design and development standards.**

An emergency shelter is subject to all property development standards of the zoning district in which it is located except as modified by the following standards:

- (a) Minimum Site Area. One (1) gross acre is the minimum site area.
- (b) Intake Location. The shelter intake area must be set back a minimum of twenty (20) feet from the rear property line. Rear property line is defined as Lot A of San Luis Obispo County Parcel Maps Book 23, page 76.
- (c) Parking.
  - (1) One (1) vehicle parking space per five (5) beds must be provided on-site.
  - (2) One (1) bicycle space per ten (10) beds must be provided on-site.
  - (3) One (1) vehicle space per employee must be provided on-site.
  - (4) Parking area must be shown in a site plan. Parking area must be paved.
  - (5) Parking area must be lit for security purposes with permanent lighting consistent with Section 9-4.137 of the Atascadero Municipal Code.
  - (6) Sleeping in or occupying vehicles as a residence is not permitted on the site.
- (d) Landscaping and Fencing.
  - (1) Perimeter Fencing. Perimeter fencing is required on a per site basis subject to review and approval by the Design Review Committee. The following perimeter fencing is required for approved shelter(s):
    - (i) Assessor Parcel Number (APN) 030-341-013. A solid masonry wall eight (8) feet in height must be located on the rear property lines. This solid masonry wall must be a minimum six (6) feet in height measured from the finished grade of the adjacent property owner. The rear masonry wall must be constructed within twelve (12) months from the date of ordinance adoption. A solid wall or fence six (6) feet in height must be located on the side property lines. Fencing within the front setback must follow the requirements of Section 9-4.128.
    - (2) Play areas for children are to be fenced to prevent uncontrolled access to and from the site. Fencing shall not include any solid materials and must be consistent with the California Building Code.
    - (3) On-site landscaping must be installed and maintained in compliance with the multifamily zoning district requirements in Section 9-4.125.

- (4) Outdoor areas (yards) must be kept clean and free of debris. (Ord. 571 § 1, 2013)

**9-3.504 Operating standards.**

The following operating standards apply to emergency shelters:

- (a) Emergency Shelter Operator. Each shelter shall be operated by an agency or organization with experience in managing or providing social services.
- (b) Maximum Number of Beds. An emergency shelter shall have a maximum number of beds for overnight clients served by the facility. This limitation on client beds does not include accommodations for management, employees, or volunteers. The following is the maximum number of client beds for approved shelter(s):
- (1) Assessor Parcel Number (APN) 030-341-013: sixty (60) beds.
- (c) On-Site Management and Supervision.
- (1) Assessor Parcel Number (APN) 030-341-013. There shall be a minimum of one (1) on duty supervisor for every thirty (30) overnight shelter clients during the operating hours.
- (d) Operating Hours.
- (1) Assessor Parcel Number (APN) 030-341-013. Shelter hours of operation are limited to between 4:00 p.m. and 9:00 a.m. daily. Shelter clients and the general public are not permitted on the premises outside these hours unless otherwise permitted by the approval of a conditional use permit per section (h).

Exceptions:

- (i) Temporary shelter clients are permitted on the premises during hours of operation.
- (ii) Operator staff, board members, and contractors are not subject to any time restrictions.
- (iii) Special Activities. Up to one special function per month is allowed for Non-Shelter Clients by appointment and under supervision of ECHO Staff. ECHO may hold additional special functions (in excess of one per month) with City staff approval in writing. These functions may include but are not limited to:
- a. Fundraisers (not involving shelter clients);
- b. Neighborhood open houses (not involving shelter clients);
- c. Neighborhood meetings (not involving shelter clients);
- d. Holiday events for shelter clients; and
- e. Official government enumeration surveys involving shelter clients.
- (e) On-site Management Plan Contents. The operator must prepare and follow an on-site management plan that must include the following:
- (1) Rules. A list of rules and regulations for overnight clients.
- (2) Logs. Provide a methodology for tracking the number of overnight clients.
- (3) Security and safety plan that will address security and safety of occupants, loitering control and management of outdoor areas.
- (4) Types and descriptions of programs offered on-site.
- (5) Required On-Site Signage:
- (i) No loitering signs

- (ii) No trespassing sign
- (iii) No camping signs
- (6) Identify a neighborhood liaison and provide the contact information for the liaison.
- (7) Hold at least one (1) neighborhood meeting each calendar year.
- (8) A dispute resolution process for any neighborhood issues that may arise.
- (9) Mechanisms for enforcement.
- (f) Management Plan Submittal—Approval and Review.

(1) The initial management plan must be submitted within sixty (60) days of approval of the overlay zone change and thereafter must be submitted for review by the City annually on February 1st of every year.

(2) The initial management plan must be approved by the City Council.

(3) Annual Review. The management plan will be reviewed annually by staff. Updates to the Operation Management Plan will be forwarded to the City Council for review at a public hearing.

(g) Meal Program CUP Requirement and Operating Standards (Assessor Parcel Number (APN) 030-341-013). Any on-site meal program that is open to the general public (Open Meal Program) is an ancillary use subject to the approval of a conditional use permit under Section 9-2.110 of this code. Any such approved Open Meal Program shall abide by the following operating standards:

(1) Hours of Operation. Open Meal Program service operating hours shall be between 4:00 p.m. and 6:00 p.m., daily. Non-Shelter Client participants shall vacate the site no later than 6:15 p.m.

(2) The operator shall take reasonable steps to prevent meal recipients from congregating in and around the site at all times to minimize adverse impacts on adjacent properties.

(3) Employees and Volunteers. In addition to the required staffing listed in 9-3.504(c)(1), the Open Meal Program shall operate with a staffing ratio of one (1) employee or trained volunteer for every ten (10) meal program participants. The operator shall provide training to all volunteers and employees.

(4) Outdoor Monitors. From 4:00 p.m. to 6:15 p.m. daily, the Open Meal Program shall include a minimum of one (1) outdoor monitor to supervise participants in the rear of the property and one (1) outdoor monitor to supervise participants in the front of the property. Outdoor monitors shall be considered employees or volunteers for the staffing ratio purposes listed in 9-3.504(h)(3).

(5) Number of Participants Served. The maximum number of participants in the meal program shall not exceed eighty (80) persons served in one (1) day. This includes both temporary overnight shelter clients, and non-shelter client participants (general public).

(6) Participant Screening. All Open Meal Program participants must be screened by the operator prior to admission for meal service.

(7) Log of Participants. A log of Open Meal Program participants is required to be kept daily. The operator must make reasonable efforts to collect the following information:

- (i) Legal name
- (ii) Date of birth

(iii) Housing status

(8) Review of Open Meal Program Participants. The operator must make available a log of Open Meal Program participants for periodic review by the City.

(9) Neighborhood Dispute Resolution Process. If the operator fails to follow these operating standards or any other conditions of approval, disputes regarding such alleged violations or other impacts on the neighborhood will be addressed as set forth in this subsection.

(i) Any complaints shall first be reported to the neighborhood liaison.

(ii) If a resolution does not occur, any complaint may be submitted as a code violation complaint to the City.

(iii) Repeated violations to these operating standards or the conditions of approval may result in a review of the operation of the shelter or the Open Meal Program by the City Council. Following such review, the City Council may amend these provisions to further regulate the shelter and Open Meal Program, including the possible suspension or revocation of the Open Meal Program.

(h) Optional Conditional Use Permit (CUP). The shelter operator may apply for a CUP to provide additional services or programs, including daytime service programs beyond those described in subsection (d)(1).



# ***Atascadero City Council***

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## ***Staff Report - Public Works Department***

### **Property Acquisition for Via Avenue Bridge Replacement Project**

#### **RECOMMENDATION:**

Council adopt Draft Resolution approving compensation payments and Right-of-way Agreements for property acquisitions located at APNs 028-201-005, 028-341-008, 028-341-018, and 028-341-021 for the Via Avenue Bridge Replacement Project.

#### **DISCUSSION:**

##### Background/Analysis:

Via Avenue Bridge over Atascadero Creek is scheduled for construction replacement in 2020. This bridge was identified by Caltrans as being structurally deficient and functionally obsolete. The City has been successful in securing a Federal Highway Bridge Replacement and Rehabilitation Program grant (HBRRP) that will fund 88.53% of the project costs, with a 11.47% local match.

Quincy Engineering is performing final design and preparing construction plans and specifications for the Project. The preliminary design for the bridge was reviewed with Council in May 2017 to reconfigure the Via Avenue Bridge to a curved roadway alignment to reflect current traffic patterns. Construction of the bridge deck with a curved alignment and new approaches will accommodate the primary traffic movement and will eliminate the stop controls at the bridge ends and the associated traffic delays, noise and air pollution.

To accommodate the new bridge alignment, the City is required to acquire portions of adjacent property parcels. In addition, there are temporary construction easements needed from adjacent property parcels to accommodate construction for the new bridge. Hamner, Jewell & Associates has been assisting the City in obtaining property acquisitions for the project, including appraisals, right-of-way agreements, deeds, and negotiating with parcel owners. There are three adjacent properties to the project that require either permanent or temporary easements based upon Quincy Engineering's bridge design layout. A Right-of-way Exhibit showing the combined permanent and temporary construction easements needed for the bridge replacement is included for reference (Attachment 2).

Hamner, Jewell & Associates has negotiated and prepared right-of-way (R/W) agreements, easement deeds, and other necessary documents for the City to obtain these property acquisitions in preparation for bridge replacement. The following is a discussion of the three properties requiring land acquisition.

Atascadero Land Preservation Society (ALPS) Amount: \$1,000  
(APN: 028-201-005 and 028-341-008)

ALPS owns the creek reservation on either side of Via Avenue Bridge. Permanent easements totaling 12,620 square feet are needed on both sides of the bridge to accommodate the bridge realignment and access for future maintenance. ALPS has executed the R/W Agreement and Easement Deed for \$1,000 in compensation (Attachment 3). While the square footage of the ALPS property is significantly larger than the other two properties, due to its location in the creek reservation this area is unbuildable and makes the value of the land significantly less per square foot.

Gary Madgett (APN: 028-341-018) Amount: \$10,400

Gary Madgett is the owner of the property on the northwest corner of the Via Bridge that has a commercial building and parking lot. A permanent easement for Right-of-way containing 470 square feet is needed to accommodate the new bridge approach alignment and reconstruction of the sidewalk. Also needed is a temporary construction easement containing 1,202 square feet. Mr. Madgett has executed the R/W Agreement and Easement Deed for \$10,400 in compensation (Attachment 4).

Via Business Center, LLC (APN: 028-341-021) Amount: \$40,000

Via Business Center, LLC is the owner of the property on the southwest corner of Via Bridge that has a commercial building, parking lot, and unimproved storage area. A permanent easement for Right-of-way containing 2,144 square feet is needed to accommodate the new bridge approach alignment. Also needed is a temporary construction easement containing 1,731 square feet. Via Business Center, LLC is executing the R/W Agreement and Easement Deed for \$40,000 in compensation and the executed document will be available at the meeting (Attachment 5).

Conclusion:

A Draft Resolution (Attachment 1) has been prepared to approve payment for the above property acquisitions and to authorize the City Manager to execute the R/W Agreements. Once complete, Caltrans is expected to certify that right-of-way has been completed so the construction schedule is kept on track and to allow funding to be programmed for project construction in 2020.

## **FISCAL IMPACT:**

Compensation for permanent and temporary construction easements, as well as property acquisition, required for the Via Avenue Bridge Replacement Project is covered in the 2019-2020 Via Avenue Bridge Replacement Project budget. The total compensation to be paid is \$51,400. The HBRRP grant will cover approximately 88.5% (\$45,489) of the project costs with the remaining 11.5% (\$5,911) local share funded through Local Transportation Funds.

## **ATTACHMENTS:**

1. Draft Resolution
2. Via Avenue Bridge Replacement Right-of-Way Exhibit
3. R/W Agreement and Easement Deed for Atascadero Land Preservation Society
4. R/W Agreement and Easement Deed for Gary Madgett
5. Draft R/W Agreement and Easement Deed for Via Business Center, LLC



## DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, APPROVING COMPENSATION  
PAYMENTS AND RIGHT-OF-WAY AGREEMENTS WITH ESCROW  
INSTRUCTIONS FOR PROPERTY ACQUISITIONS WITH ATASCADERO  
LAND PRESERVATION SOCIETY (APN 028-201-005 AND APN 028-341-008),  
GARY MADGETT (APN 028-341-018), AND VIA BUSINESS CENTER, LLC  
(APN 028-341-021) FOR THE VIA AVENUE BRIDGE  
REPLACEMENT PROJECT**

**WHEREAS**, the proposed layout for the Via Avenue Bridge Replacement Project (“Project”) over Atascadero Creek requires that the City of Atascadero (“City”) acquire property for permanent and temporary construction easements; and

**WHEREAS**, the City and its agent, Hamner, Jewell & Associates, have negotiated compensation amounts for needed easements for the Project with Atascadero Land Preservation Society (APN 028-201-005 and APN 028-341-008), Gary Madgett (APN 028-341-018), and Via Business Center, LLC (APN 028-341-021), herein collectively referred to as “Property Owners”; and

**WHEREAS**, Right-of-Way Agreements (with Escrow Instructions) and Easement Deeds have been prepared for the City to acquire property from Property Owners for Project easements; and

**WHEREAS**, proposed Right-of-way Agreements (with Escrow Instructions) and Easement Deeds for the property acquisitions have been reviewed by the City Council at its meeting on September 10, 2019.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1. Recitals.** The foregoing Recitals are true and correct and are hereby incorporated by this reference.

**SECTION 2. Approval.** The City Council hereby approves the Right-of-way Agreements (with Escrow Instructions) for property acquisitions with Atascadero Land Preservation Society (APN 028-201-005 and APN 028-341-008), Gary Madgett (APN 028-341-018), and Via Business Center, LLC (APN 028-341-021).

**SECTION 3. CEQA.** The City Council hereby finds that 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. Approving Right-of-way Agreements for property acquisitions will not have any significant adverse environmental impacts associated with this Resolution.

**SECTION 4.** The City Manager is hereby authorized and directed to take all appropriate actions and execute Right-of-way Agreements and other documents which the City Manager may deem necessary or advisable in order to effectuate the purposes of this Resolution.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 10th day of September, 2019.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

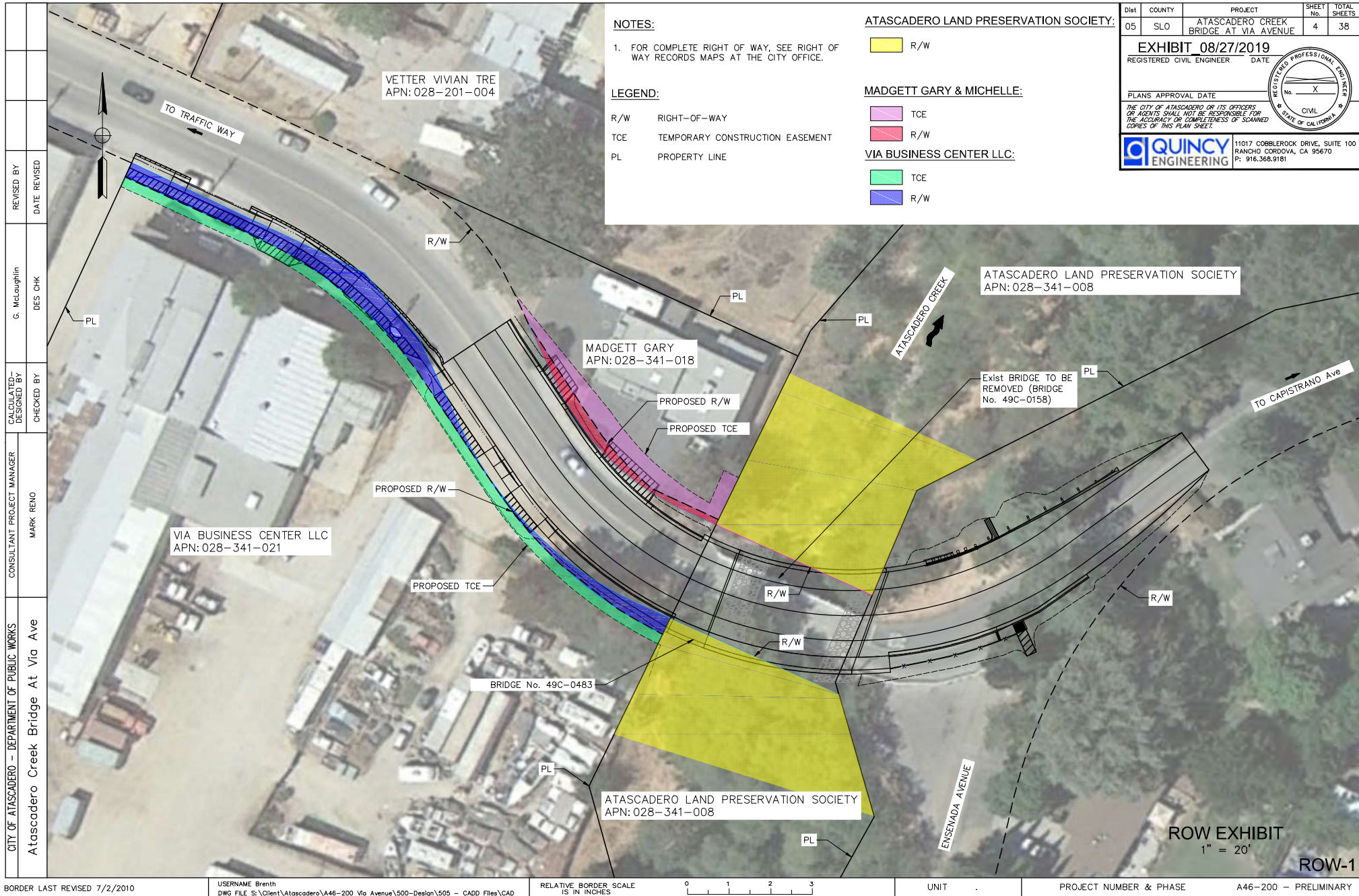
\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian Pierik, City Attorney



ASSESSOR PARCEL NOS.: 028-201-005 & 028-341-008  
PROJECT: Atascadero - Via Avenue Bridge Replacement  
OWNER: Atascadero Land Preservation Society

## RIGHT OF WAY AGREEMENT

THIS AGREEMENT is made and entered into by and between

Atascadero Land Preservation Society, a non-profit corporation (hereinafter called "Grantor"),  
and

The City of Atascadero, a California municipal corporation, (hereinafter called "City").

An instrument in the form of an Easement Deed ("Deed") covering the property particularly described therein ("Easement Areas") has been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said documents and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement.

2. The City shall:

- A. PAYMENT - Pay to the order of the Grantor the sum of One Thousand Dollars (\$1,000) as consideration in full for the property interests described in the Deed, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid within thirty days of the date of City acceptance and recordation of the Deed.
- B. RECORDATION OF INSTRUMENT - Accept the Deed and cause the same to be recorded in the office of the San Luis Obispo County Recorder at such time as when clear title can be conveyed.
- C. MISCELLANEOUS COSTS - Pay any and all transactional closing costs and recording fees incurred in this transaction.
- D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES - Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which the Deed records, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Deed.

E. PROPERTY RESTORATION - Upon completion of construction, generally restore the Easement Area described in the Deed to a comparable or better condition as that which existed prior to City's project construction, to the extent reasonably practical, in accordance with the provisions of the Deed. Specifically, City will complete revegetation of all disturbed areas and will monitor to ensure regrowth for a duration of five years following completion of the new Via Avenue Bridge, at no cost to Grantor.

F. INDEMNIFICATION - Indemnify and hold harmless the Grantor from any and all claims, damages, costs, judgments or liability proximately caused by City or its officers, employees, contractors or agents specifically arising from City's construction and restoration work within the Easement Areas described in the Deed.

3. The Grantor:

A. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the permanent Easement Areas or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease encumbering said lands. Grantor shall provide City use of the permanent Easement Areas free of any leases that may conflict with City's rights under the Deed provisions.

B. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving requirements to clear any defects and imperfections in all matters of record title, Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Easement Areas. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Easement Areas, holding all ownership and possessory rights, and are the authorized signatories to grant the easement rights referenced in this Agreement and the Deed without conflict or claims from other parties.

C. SUPPLEMENTAL FORMS - Agrees to provide all required supplemental forms necessary to complete this transaction, including a W-9 Form required for payment processing.

D. GRANTOR'S KNOWLEDGE OF THE ENVIRONMENTAL CONDITIONS OF THE PROPERTY - Hereby represents and warrants that to the best of Grantor's knowledge and belief, throughout the period of Grantor's ownership, there has been no spill, discharge, release, cleanup or contamination of or by any hazardous or toxic waste or substance used, generated, treated, stored, disposed of or handled by the Grantor, its employees, and/or agents on or around the Easement Areas. Further, Grantor agrees to disclose to City, prior to the close of this transaction, all studies, reports, and investigations, known to Grantor, concerning any pollution, toxic building materials or toxic hazardous substances or wastes located at, on, or under the Easement Areas.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deed by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

- i) **ESCROW AGENT DIRECTIVES** - Escrow Agent is authorized to, and shall:
  - a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.
  - b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;
  - c) Disburse funds and deliver Deed when conditions of this escrow have been fulfilled by City and Grantor.
  - d) Following recording of Deed from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of \$1,000 issued by a Title Company of City's choice showing that title to the easement(s) conveyed by the deed are vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:
    - 1) Real Property Taxes for the fiscal year in which escrow closes;
    - 2) Public utility easements and public rights of way;
    - 3) Items No. 4, 5, 6, 7, 8, and 9 of the preliminary title report issued by First American Title Company, dated July 11, 2018, referenced as Order No. 4001-5230964;
    - 4) Other items that may be approved in writing by City in advance of the close of escrow.
- ii) **CLOSE OF ESCROW** - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

**B. JUDGMENT IN LIEU OF DEED** - In the event Grantor does not deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the Easement Areas described in the Deed, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

**C. ARTICLE HEADINGS** - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

**D. COMPLETE UNDERSTANDING** - This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.



E. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Atascadero City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

F. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

G. SUCCESSORS AND ASSIGNS - This Agreement shall apply to and bind the heirs, executors, administrators, assigns and successors of the parties hereto.

H. ELECTRONIC AND FACSIMILE SIGNATURES - In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as if they bore original signatures provided that documents bearing ORIGINAL SIGNATURES are provided following transmittal of the electronic or facsimile signature. Documents for recordation by the Clerk Recorder must contain original signatures.

**No Obligation Other Than Those Set Forth Herein Will Be Recognized.**

**GRANTOR:**

Atascadero Land Preservation Society,  
a non-profit corporation

By: Mike Orvis  
Mike Orvis  
President

Date: July 19, 2019

**GRANTOR'S MAILING ADDRESS:**

Atascadero Land Preservation Society  
P.O. Box 940  
Atascadero, CA 93423-0940

**CITY OF ATASCADERO:**

By: \_\_\_\_\_  
Rachelle Rickard  
City Manager

Date: \_\_\_\_\_

**MAILING ADDRESS OF CITY:**

City of Atascadero  
Attn: Public Works Engineering  
6500 Palma Avenue  
Atascadero, CA 93422

ITEM NUMBER: A-4  
DATE: 09/10/19  
ATTACHMENT: 3

Recording requested by:  
Hamner, Jewell & Associates  
Government Real Estate Services

When recorded, mail to:

City of Atascadero  
Attn: City Clerk  
6500 Palma Avenue  
Atascadero, CA 93422

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code § 27388.1(2)(D) Public Agency  
No fee pursuant to Government Code § 6103  
No Documentary Transfer Tax per R&T Code § 11922  
No Recording Fee per Government Code § 27383

**EASEMENT DEED**  
(To the City of Atascadero)

APN: 028-201-005 and 028-341-008

For a valuable consideration, receipt of which is hereby acknowledged,

Atascadero Land Preservation Society, a non-profit corporation (hereinafter referred to as "Grantor"),

hereby grants to the

The City of Atascadero, a California municipal corporation ("City"),

A permanent easement for public street and bridge purposes, including the right to construct and maintain a bridge and public street including bridge footings and abutments, curb, gutter, sidewalks, utilities, and all associated appurtenances, and the right to remove non-native and restore and maintain native vegetation in the creek bed and bank in, on, over, under, through, along, and across those certain parcel(s) of land located in the City of Atascadero, County of San Luis Obispo, State of California, described in Exhibit A depicted in Exhibit B, each attached hereto and incorporated herein. City's right and obligation to restore and maintain vegetation within this easement area shall continue for a duration of five years following completion of the new Via Avenue bridge construction within the easement area hereby granted.

GRANTOR represents and warrants it is the owner of the real property described herein and is the authorized signatory to execute this Deed and grant these easement rights to CITY, and that no additional signatures are required to carry out this conveyance.

Executed this 19 day of July, 2019.

GRANTOR:

Atascadero Land Preservation Society, a non-profit corporation

By: Mike Orvis  
Mike Orvis  
President



### ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

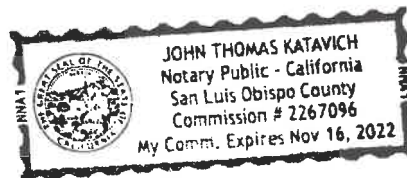
State of California  
County of San Luis Obispo

On July 19, 2019 before me, John Thomas Katavich, Notary Public, personally appeared Mike Orvis, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature] (Seal)



**CERTIFICATE OF ACCEPTANCE**  
(Gov. Code section 27281)

This is to certify that the interest in real property conveyed by the Easement Deed dated July 19, 2019 from Atascadero Land Preservation Society, a non-profit corporation to the City of Atascadero, a municipal corporation government, Grantee therein, is hereby accepted by the undersigned officer or agent on behalf of the City of Atascadero pursuant to the authority conferred by Resolution of the City Council of the City of Atascadero adopted on April 28, 1987, and the Grantee consents to the recordation thereof by its duly authorized officer or agent.

In Witness Whereof, I have hereunto set my hand this \_\_\_\_ day of \_\_\_\_\_ 2019.

“GRANTEE”

CITY OF ATASCADERO, a municipal corporation

By \_\_\_\_\_  
Nicholas DeBar  
Director of Public Works

ATTEST:

By \_\_\_\_\_  
Lara Christensen, City Clerk

**EXHIBIT A**

**(APN 028-341-008 Permanent Easement)**

**Being a portion of the Atascadero Creek Reservation No. 1A in the City of Atascadero, County of San Luis Obispo, State of California as shown on map recorded in Book 4 of maps, at Page 69 in the office of the County Recorder of said County, being more particularly described as follows:**

**Beginning at the northeast corner of Lot 14 in Administration Park, said point also being the east common corner of said Lot 14 with Lot 16 of said Administration Park, and with the Atascadero Creek Reservation No.1A as shown on said map,**

**Thence, along a line common to said Lot 14 and said Atascadero Creek Reservation No. 1A South 24°21'00" West 9.34' feet to a point on said common line, said point also being the TRUE POINT OF BEGINNING;**

**Thence, continuing along said common line South 24°21'00" West 144.35 feet to a point on said common line,**

**Thence, leaving said common line South 17°01'48" West 47.77 feet to a point;**

**Thence, South 74°04'44" East 124.59 feet to an angle point on the east line of said Atascadero Creek Reservation No. 1A, as shown on said map;**

**Thence, along said east line North 17°36'00" West 67.00 feet to an angle point on said east line, as shown on said map;**


**Thence, continuing along said east line North 21°24'00" East 100.00 feet to an angle point on said east line, as shown on said map;**

**Thence, continuing along said east line North 61°44'00" East 32.43 feet to a point on said east line;**

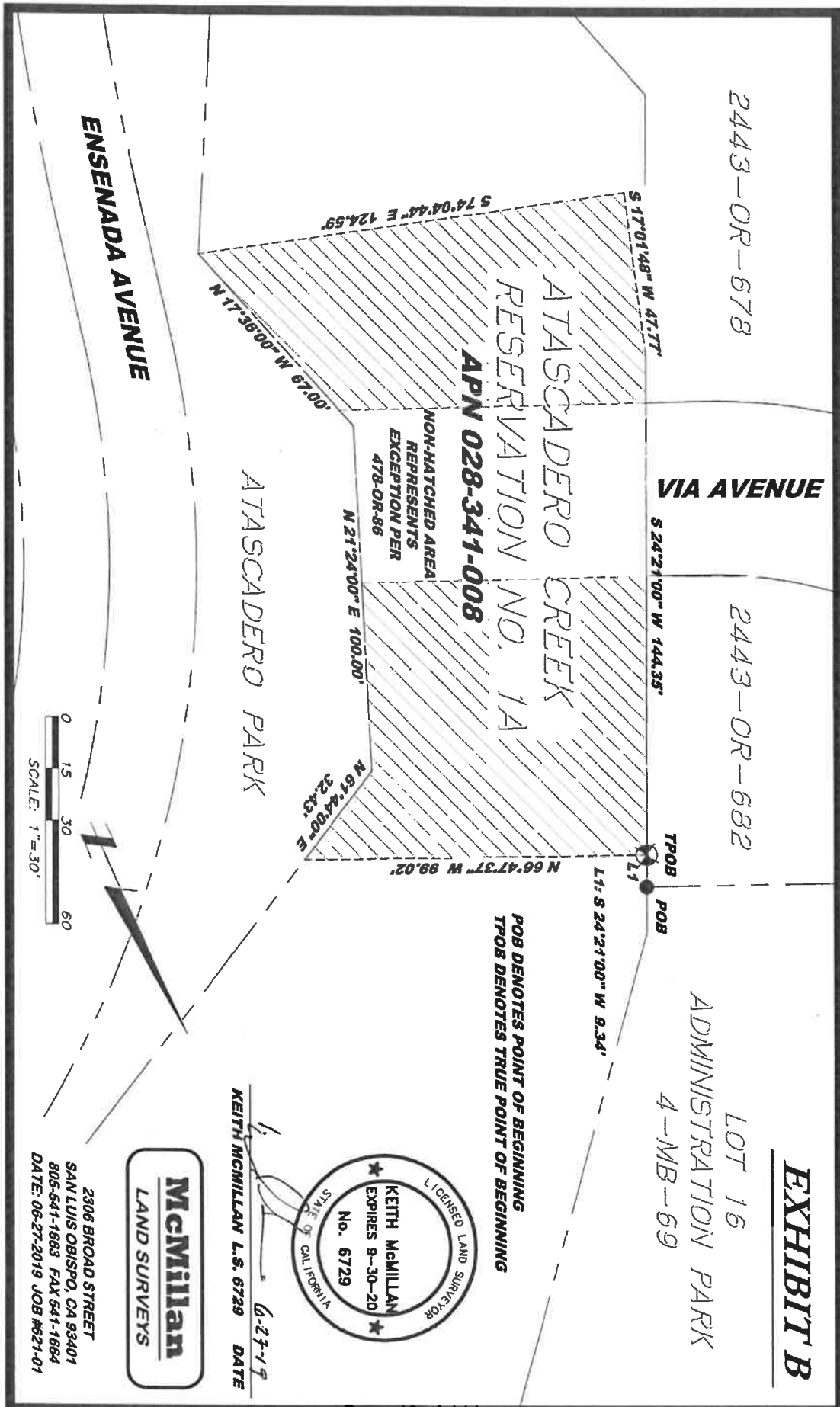
**Thence, leaving said east line North 66°47'37" West 99.02' to the TRUE POINT OF BEGINNING, excepting therefrom that parcel of land described in deed recorded in Book 478 of Official Records, at Page 86 in the office of said County Recorder.**

**Contains 12,620 square feet.**

**END OF DESCRIPTION.**

  
**Keith McMillan L.S. 6729**      **6-27-19**      **Date**





ASSESSOR PARCEL NO.: 028-341-018  
PROJECT: Atascadero - Via Avenue Bridge Project  
OWNER: Gary Madgett

**RIGHT OF WAY AGREEMENT  
(WITH ESCROW INSTRUCTIONS)**

THIS AGREEMENT is made and entered into by and between

Gary Madgett, an unmarried man, (hereinafter called "Grantor"), and

The City of Atascadero, a California municipal corporation, (hereinafter called "City").

An instrument in the form of an Easement Deed ("Deed") covering the property particularly described therein ("Property"), has been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement, except as stated in Paragraphs 2.E. and 2.F. below.

2. The City shall:

A. PAYMENT - Pay to the order of the Grantor the sum of \$10,400.00 as consideration in full for the Property, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to the Property has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way.

B. RECORDATION OF INSTRUMENT - Accept the Deed and cause the same to be recorded in the office of the San Luis Obispo County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS - Pay any escrow, title insurance, and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES - Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which the Deed records, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Grant Deed.

E. CONSTRUCTION AND RESTORATION - Shall, upon completion of construction, generally restore Grantor's remaining real property to a comparable or better condition than that which existed prior to City's project construction, to the extent reasonably practical. Said



restoration shall include restoring curbs, driveway aprons, asphalt, and vegetation to a generally comparable condition as that which existed prior to City's construction. City shall ensure that access remains open to at least one of Grantor's driveways at all times throughout the construction duration. During construction, the City shall flag and place a temporary fence around the unpaved area that contains the Grantor's leach field to protect it in place. The drainage pipe that leads from the inlet structure in the parking lot down the slope leading to the creek bed will either be protected in place or modified to fit around new grading work done in the creek.

F. INDEMNIFICATION - Indemnify and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability proximately caused by City or its officers, employees, or agents specifically arising from City construction and restoration work on the Property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST - Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the Property.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the Property, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said Property held by tenant of Grantor.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of preparation for the construction of the City's facilities, subject to all applicable terms and conditions contained in this Agreement and the associated Deed.

D. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving the requirements to clear any defects and imperfections in all matters of record title, the Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Property. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Property, holding all ownership and possessory rights, and are the authorized signatories to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor's knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of the Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the Property or Grantor's remaining adjacent property. Grantor further represents and warrants that Grantor has no

knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the Property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within the Property or Grantor's remaining adjacent property.

Grantor has not used the Property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of the Property or Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price of the Property being acquired reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deed by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

- a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.

- b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;
  - c) Disburse funds and deliver Deed when conditions of this escrow have been fulfilled by City and Grantor.
  - d) Following recording of Deed from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of \$10,400.00 issued by a Title Company of City's choice showing that title to the Property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:
    - 1) Real Property Taxes for the fiscal year in which escrow closes;
    - 2) Public utility easements and public rights of way;
    - 3) Items No. 4, 5, 6, 7, 8, and 9 of the preliminary title report issued by First American Title Company, dated June 27, 2018, referenced as Order No. 4001-5230679;
    - 4) Other items that may be approved in writing by City in advance of the close of escrow.
- ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

B. JUDGMENT IN LIEU OF DEED - In the event Grantor does not deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the Property, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. COMPLETE UNDERSTANDING - This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

E. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Atascadero City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.



F. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

G. ELECTRONIC AND FACSIMILE SIGNATURES – In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as if they bore original signatures provided that documents bearing ORIGINAL SIGNATURES are provided following transmittal of the electronic or facsimile signature. Documents for recordation by the Clerk Recorder must contain original signatures.

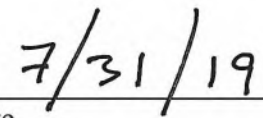
H. SETTLEMENT PROPOSAL – This Agreement represents Seller's settlement proposal and is expressly subject to and contingent upon Buyer's acceptance and approval. Deposit into escrow of a fully executed copy of this Agreement constitutes acceptance and approval by Buyer. City shall not be bound to the terms and conditions herein unless and until this Agreement has been approved and ratified by the City Council and has been executed by the appropriate City official(s) acting in their authorized capacity.

---

**No Obligation Other Than Those Set Forth Herein Will Be Recognized.**

GRANTOR:

  
\_\_\_\_\_  
Gary Madgett

  
\_\_\_\_\_  
Date

GRANTOR'S MAILING ADDRESS:  
829 Crazy Horse Drive  
Paso Robles, California 93446

CITY OF ATASCADERO

By: \_\_\_\_\_  
Rachelle Rickard  
City Manager

Date: \_\_\_\_\_

MAILING ADDRESS OF CITY:  
City of Atascadero  
Attn: Public Works Engineering  
6500 Palma Avenue  
Atascadero, CA 93422

ITEM NUMBER: A-4  
DATE: 09/10/19  
ATTACHMENT: 4

Recording requested by:  
Hamner, Jewell & Associates  
Government Real Estate Services

When recorded, mail to:

City of Atascadero  
Attn: City Clerk  
6500 Palma Avenue  
Atascadero, CA 93422

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code § 27388.1(2)(D) Public Agency  
No fee pursuant to Government Code § 6103  
No Documentary Transfer Tax per R&T Code § 11922  
No Recording Fee per Government Code § 27383

**EASEMENT DEED**  
(To the City of Atascadero)

APN: 028-341-018

For a valuable consideration, receipt of which is hereby acknowledged,

Gary Madgett, an unmarried man (hereinafter referred to as "Grantor"),

hereby grants to the

The City of Atascadero, a California municipal corporation (hereinafter referred to as "Grantee"),

**A permanent easement for public street & bridge purposes**, including the right to construct and maintain a bridge and public street including bridge footings and abutments, curb, gutter, sidewalks, utilities, and all associated appurtenances in, on, over, under, through, along, and across those certain parcel(s) of land located in the City of Atascadero County of San Luis Obispo, State of California, described in Exhibit A, depicted in Exhibit B, each attached hereto and incorporated herein; and

**Temporary Construction Easement**

A temporary easement for construction and related purposes, in, on, over, under, along, through, and across that certain parcel of land described in Exhibit "A1" and depicted in "B1", attached hereto and incorporated herein. Said Temporary Construction Easement shall commence on August 31, 2019, and shall automatically terminate upon completion of construction, or fifteen (15) months after commencement, whichever occurs first. Upon completion of construction, the Temporary Construction Easement Area shall be generally restored by Grantee to the condition that existed prior to construction, to the extent reasonably practical.

GRANTOR represents and warrants it is the owner of the real property described herein and is the authorized signatory to execute this Deed and grant these easement rights to GRANTEE, and that no additional signatures are required to carry out this conveyance.

Executed this 31 day of July, 2019.

GRANTOR:

  
\_\_\_\_\_  
Gary Madgett

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

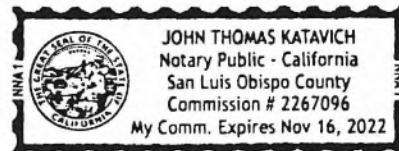
County of San Luis Obispo

On July 31, 2019 before me, John Thomas Katavich, Notary Public, personally appeared Gary Madgett, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he she/they executed the same in his/her/their authorized capacity(ies), and that by his her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



**CERTIFICATE OF ACCEPTANCE**  
(Gov. Code section 27281)

This is to certify that the interest in real property conveyed by the Easement Deed dated July 31, 2019 from Gary Madgett, an unmarried man to the City of Atascadero, a municipal corporation government, Grantee therein, is hereby accepted by the undersigned officer or agent on behalf of the City of Atascadero pursuant to the authority conferred by Resolution of the City Council of the City of Atascadero adopted on April 28, 1987, and the Grantee consents to the recordation thereof by its duly authorized officer or agent.

In Witness Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

“GRANTEE”

CITY OF ATASCADERO, a municipal corporation

By \_\_\_\_\_  
Nicholas DeBar  
Director of Public Works

ATTEST:

By \_\_\_\_\_  
Lara Christensen, City Clerk



## **EXHIBIT A**

**(APN 028-341-018 Right-of-Way)**

**Being a portion of Lot 14 in Administration Park in the City of Atascadero, County of San Luis Obispo, State of California as shown on map recorded in Book 4 of maps, at Page 69 in the office of the County Recorder of said County, being more particularly described as follows:**

**Beginning at the northeast corner of said Lot 14, said point also being the east common corner of said Lot 14 with Lot 16 of said Administration Park, and with the Atascadero Creek Reservation No.1A as shown on said map, said point also being the northeast corner of that parcel of land described in a deed recorded in Book 2443 of Official Records at page 682 in the office of said County Recorder.**

**Thence, along a line common to said Lot 14 and said Atascadero Creek Reservation No. 1A South 24°21'00" West 90.11 feet to a point on the northeast right-of-way line of Via Avenue, as described in said deed. Said point, also being the TRUE POINT OF BEGINNING;**

**Thence, along said right-of-way line North 67°18'00" West 16.47 feet to a point on said right-of-way line, said point being the beginning of a tangent curve concave to the northeast and having a radius of 125.00 feet, as described in said deed;**

**Thence, northwesterly along said curve and said right-of-way 88.79 feet through a central angle of 40°42'00" to the end of said curve also being a point on said right-of-way line and to which point a radial bears South 63°24'00" West as described in said deed;**

**Thence, continuing along said right-of-way line North 26°31'00" West 30.50 feet to a point on said right-of-way line;**

**Thence, leaving said right-of-way line South 34°55'31" East 56.09 feet to a point, said point being the beginning of a curve concave to the northeast and having a radius of 148.63 feet and to which point a radial bears South 54°34'33" West;**

**Thence, southerly along said curve 42.51 feet through a central angle of 16°23'14" to a point at the end of said curve and to which point a radial bears South 38°11'20";**

**(continued)**

**EXHIBIT A**

**(continued)**

**Thence, South 66°46'51" East 34.99 feet to a point on said common line;**

**Thence, South 24°21'00" West 2.79 feet to the TRUE POINT OF BEGINNING.**

**Contains 470 square feet.**

**END OF DESCRIPTION.**

  
\_\_\_\_\_  
Keith McMillan L.S. 6729      6-19-19      Date



# EXHIBIT B

2443-OR-682  
APN 028-341-018

2443-OR-678

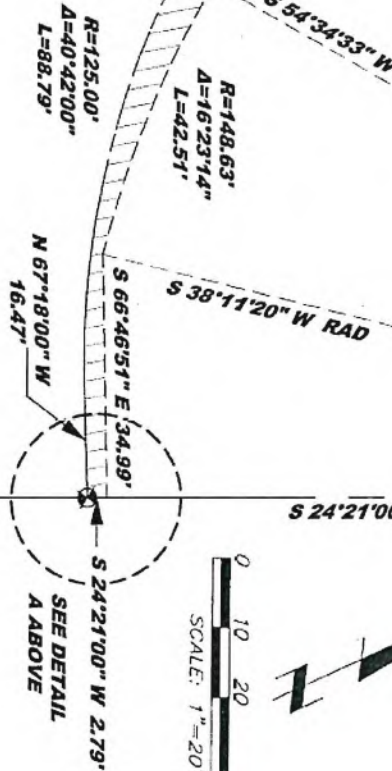
DETAIL A  
1"=10'

KEITH McMILLAN L.S. 6729 DATE 6-19-19



RAD DENOTES RADIAL  
POB DENOTES POINT OF BEGINNING  
TPOB DENOTES TRUE POINT OF BEGINNING

VIA AVE



**McMillan**  
LAND SURVEYS

2306 BROAD STREET  
SAN LUIS OBISPO, CA 93401  
805-541-1663 FAX 541-1664  
DATE: 06-19-2019 JOB #621-01



**EXHIBIT A1**  
(APN 028-341-018 TCE)

Being a portion of Lot 14 in Administration Park in the City of Atascadero, County of San Luis Obispo, State of California as shown on map recorded in Book 4 of maps, at Page 69 in the office of the County Recorder of said County, being more particularly described as follows:

Beginning at the northeast corner of said Lot 14, said point also being the east common corner of said Lot 14 with Lot 16 of said Administration Park, and with the Atascadero Creek Reservation No.1A as shown on said map, said point also being the northeast corner of that parcel of land described in a deed recorded in Book 2443 of Official Records at page 682 in the office of said County Recorder.

Thence, along a line common to said Lot 14 and said Atascadero Creek Reservation No. 1A South 24°21'00" West 65.11 feet to a point on said common line. Said point, also being the TRUE POINT OF BEGINNING;

Thence, leaving said common line North 65°43'32" West 7.94 feet to a point;

Thence, South 21°54'42" West 17.00 feet to a point, said point also being the beginning of a non-tangent curve concave to the northeast and having a radius of 138.62 feet, and to which point a radial bears South 27°33'59" West;

Thence, northwest along said curve 65.31 feet through a central angle of 26°59'31" to a point at the end of said curve and to which point a radial bears South 54°33'30" West;

Thence, North 40°51'07" West 73.05 feet to a point on the northeast right-of-way line of Via Avenue;

Thence, along said right-of-way line South 26°31'00" East 16.80 feet to a point on said right-of-way;

Thence, leaving said right-of-way line South 34°55'31" East 56.09 feet to a point, said point being the beginning of a curve concave to the northeast and having a radius of 148.63 feet and to which point a radial bears South 54°34'33" West;

(continued)



**EXHIBIT A1**

**(continued)**

Thence, south along said curve 42.51 feet through a central angle of  
16°23'14" to a point at the end of said curve and to which point a radial bears  
South 38°11'20" West;

Thence, South 66°46'51" East 34.99 feet to a point on said common line;

Thence, North 24°21'00" East 22.21 feet to the TRUE POINT OF BEGINNING.

Contains 1,202 square feet.

END OF DESCRIPTION.

  
Keith McMillan L.S. 6729      6-19-19      Date



**EXHIBIT B1**

2443-OR-678

6-19-19  
DATE

KEITH MC MILLAN L.S. 6729

0 10 20 40  
SCALE: 1"=20'**VIA AVE**2443-OR-682  
APN 028-341-018RAD DENOTES RADIAL  
POB DENOTES POINT OF BEGINNING  
TPOB DENOTES TRUE POINT OF BEGINNING**VIA AVE**

S 54°34'33" W RAD

R=148.63'  
A=16°23'14"  
L=42.51'

S 38°11'20" W RAD

S 66°46'51" E 34.99'

R=138.62'  
A=26°59'31"  
L=65.31'

S 27°33'59" W RAD

S 24°21'00" W 65.11'

POB

L1  
L2  
L3  
TPOB**LINE DATA**L1: N 65°43'32" W 7.94'  
L2: S 21°54'42" W 17.00'  
L3: N 24°21'00" E 22.21'**McMillan**  
LAND SURVEYS2306 BROAD STREET  
SAN LUIS OBISPO, CA 93401  
805-541-1663 FAX 541-1664  
DATE: 06-19-2019 JOB #621-01

ASSESSOR PARCEL NO.: 028-341-021  
PROJECT: Atascadero - Via Avenue Bridge Replacement  
OWNER: Via Business Center, LLC

**RIGHT OF WAY AGREEMENT  
(WITH ESCROW INSTRUCTIONS)**

THIS AGREEMENT is made and entered into by and between

Via Business Center, LLC, (hereinafter called "Grantor"), and

The City of Atascadero, a California municipal corporation, (hereinafter called "City").

An instrument in the form of an Easement Deed ("Deed") covering the property particularly described therein ("Property"), has been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement, except as stated in Paragraphs 2.E. and 2.F. below.

2. The City shall:

A. PAYMENT - Pay to the order of the Grantor the sum of \$40,000 as consideration in full for the Property, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to the Property has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way.

B. RECORDATION OF INSTRUMENT - Accept the Deed and cause the same to be recorded in the office of the San Luis Obispo County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS - Pay any escrow, title insurance, and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES - Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which the Deed records, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Deed.

E. CONSTRUCTION AND RESTORATION – Shall, upon completion of construction, generally restore the temporary construction easement area(s) to a comparable or better condition than that which existed prior to City’s project construction, to the extent reasonably practical. Said restoration shall include completion of curbs, two existing driveway aprons, asphalt, and vegetation, if any, to a generally comparable condition as that which existed prior to City’s construction. Additionally, City will install three new driveway aprons along Grantor’s Via Avenue property frontage as part of the Project construction, at no expense to Grantor, in locations mutually agreed to in advance of entering into this Agreement. Said driveway aprons will include a 20’ driveway aligned with the existing driveway/access area on the east end of the property (towards the creek), a 36’ driveway apron, and a driveway apron at the existing driveway location at Grantor’s westerly property line. Grantor acknowledges that this westerly driveway apron will only be improved to the property line and will not include improvements that extend beyond the property line. Grantor will be responsible for any further improvements beyond the property line, at its own option and expense. Driveway aprons installed by City will include conforming the aprons to smoothly mesh with the grade of the new Via Avenue adjacent improvements and transition and alignment with the existing driveway and sidewalk that continues westerly of the Project terminus. All work will be done in a manner that ensures access is maintained for delivery trucks during construction with minimum delay. Utility services will be maintained to Grantor’s property throughout the construction duration.

F. INDEMNIFICATION - Indemnify and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability proximately caused by City or its officers, employees, or agents specifically arising from City construction and restoration work on the Property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST - Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the Property.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the Property, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said Property held by tenant of Grantor.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of preparation for the construction of the City’s facilities, subject to all applicable terms and conditions contained in this Agreement and the associated Deed.

D. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving the requirements to clear any defects and imperfections in all matters of record title, the Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Property. Grantor’s obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Property, holding all ownership and possessory rights, and are the authorized signatories to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor’s knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of the Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the Property or Grantor's remaining adjacent property. Grantor further represents and warrants that Grantor has no knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the Property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within the Property or Grantor's remaining adjacent property.

Grantor has not used the Property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of the Property or Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price of the Property being acquired reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deed by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

- a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.
- b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;

- c) Disburse funds and deliver Deed when conditions of this escrow have been fulfilled by City and Grantor.
- d) Following recording of Deed from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of \$40,000 property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:
  - 1) Real Property Taxes for the fiscal year in which escrow closes;
  - 2) Public utility easements and public rights of way;
  - 3) Items No. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 of the preliminary title report issued by First American Title Company, dated 6/27/18, referenced as Order No 4001-5230812.
  - 4) Other items that may be approved in writing by City in advance of the close of escrow.
- ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

B. JUDGMENT IN LIEU OF DEED - In the event Grantor does not deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the Property, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. COMPLETE UNDERSTANDING - This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

E. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Atascadero City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

F. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

G. ELECTRONIC AND FACSIMILE SIGNATURES - In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as if they bore original signatures provided that documents bearing ORIGINAL SIGNATURES are provided following transmittal of the electronic or facsimile signature. Documents for recordation by the Clerk Recorder must contain original signatures.

H. SETTLEMENT PROPOSAL – This Agreement represents Grantor’s settlement proposal and is expressly subject to and contingent upon City’s acceptance and approval. City execution of this Agreement constitutes acceptance and approval by City. City shall not be bound to the terms and conditions herein unless and until this Agreement has been approved and ratified by the City Council and has been executed by the appropriate City official(s) acting in their authorized capacity.

---

**No Obligation Other Than Those Set Forth Herein Will Be Recognized.**

GRANTOR:  
VIA BUSINESS CENTER, LLC

By: \_\_\_\_\_  
Mary Patricia Tharp  
Managing Member

Date: \_\_\_\_\_

GRANTOR’S MAILING ADDRESS:  
3000 Chico Road  
Atascadero, CA 93422-1903

CITY OF ATASCADERO:

By: \_\_\_\_\_  
Rachelle Rickard  
City Manager

Date: \_\_\_\_\_

MAILING ADDRESS OF CITY:  
The City of Atascadero  
Attn: Deputy Director of Public Works  
6500 Palma Avenue  
Atascadero, CA 93422

Recording requested by:  
Hamner, Jewell & Associates  
Government Real Estate Services

When recorded, mail to:

City of Atascadero  
Attn: City Clerk  
6500 Palma Avenue  
Atascadero, CA 93422

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code § 27388.1(2)(D) Public Agency  
No fee pursuant to Government Code § 6103  
No Documentary Transfer Tax per R&T Code § 11922  
No Recording Fee per Government Code § 27383

**EASEMENT DEED**  
(To the City of Atascadero)

APN: 028-341-021

For a valuable consideration, receipt of which is hereby acknowledged,

Via Business Center, LLC (hereinafter referred to as "Grantor"),

hereby grants to the

The City of Atascadero, a California municipal corporation, (hereinafter referred to as "Grantee"),

A permanent easement for public street and bridge purposes, including the right to construct and maintain a bridge and public street including bridge footings and abutments, curb, gutter, sidewalks, utilities, and all associated appurtenances in, on, over, under, through, along, and across those certain parcel(s) of land located in the City of Atascadero, County of San Luis Obispo, State of California, described in Exhibit A, depicted in Exhibit B, each attached hereto and incorporated herein.

Temporary Construction Easement

A temporary easement for construction and related purposes, in, on, over, under, along, through, and across that certain parcel of land described in Exhibit "A1" and depicted in "B1", attached hereto and incorporated herein. Said Temporary Construction Easement shall commence on September 15, 2019, and shall automatically terminate upon completion of construction, or fifteen (15) months after commencement, whichever occurs first. Upon completion of construction, the Temporary Construction Easement Area shall be generally restored by Grantee to the condition that existed prior to construction, to the extent reasonably practical.



GRANTOR represents and warrants it is the owner of the real property described herein and is the authorized signatory to execute this Deed and grant these easement rights to GRANTEE, and that no additional signatures are required to carry out this conveyance.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2019.

GRANTOR:

VIA BUSINESS CENTER, LLC

By: \_\_\_\_\_  
Mary Patricia Tharp  
Managing Member

**ACKNOWLEDGMENT**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
--

State of California  
County of San Luis Obispo

On \_\_\_\_\_, 2019 before me, **John Thomas Katavich**, Notary Public, personally appeared **Mary Patricia Tharp**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

**CERTIFICATE OF ACCEPTANCE**  
(Gov. Code section 27281)

This is to certify that the interest in real property conveyed by the Easement Deed dated \_\_\_\_\_ from Via Business Center, LLC to the City of Atascadero, a municipal corporation government, Grantee therein, is hereby accepted by the undersigned officer or agent on behalf of the City of Atascadero pursuant to the authority conferred by Resolution of the City Council of the City of Atascadero adopted on April 28, 1987, and the Grantee consents to the recordation thereof by its duly authorized officer or agent.

In Witness Whereof, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_ 2019.

“GRANTEE”

CITY OF ATASCADERO, a municipal corporation

By \_\_\_\_\_  
Nicholas DeBar  
Director of Public Works

ATTEST:

By \_\_\_\_\_  
Lara Christensen, City Clerk

**EXHIBIT A**

**(APN 028-341-021 Right-of-Way)**

**Being a portion of Lots 14 and 15 in Administration Park in the City of Atascadero, County of San Luis Obispo, State of California as shown on map recorded in Book 4 of maps, at Page 69 in the office of the County Recorder of said County, said portion of Lots 14 and 15 also being described in deed recorded in Book 2443 of Official Records at page 678 in the office of said County Recorder, being more particularly described as follows:**

**Beginning at a rebar and cap stamped L.S. 5571 at the point of intersection of the westerly right-of-way of Via Avenue and a line common to said Lot 14 and Atascadero Creek Reservation No. 1A as shown on map recorded in Book 82 of Licensed Surveys, at Page 58 in the office of said County Recorder. Said point, also being the TRUE POINT OF BEGINNING;**

**Thence, along said right-of-way North 67°25'02" West 15.11 feet to a rebar and cap stamped L.S. 5571 at the beginning of a non-tangent curve concave to the northeast and having a radius of 175.00 feet and to which point a radial bears South 22°34'54" West as shown on said Licensed Survey Map;**

**Thence, north along said along said curve and said right-of-way 124.31 feet through a central angle of 40°42'00" to a rebar and cap stamped L.S. 5571 at the end of said curve on said right-of-way and to which point a radial bears South 63°16'59" West as shown on said Licensed Survey Map;**

**Thence, continuing along said right-of-way North 26°43'02" West 47.30 feet to a Mag Nail and Supertag stamped L.S. 5571 at an angle point in said right-of-way as shown on said Licensed Survey Map;**

**Thence, continuing along said right-of-way line North 41°13'12" West 40.93 feet to a Mag Nail and Supertag stamped L.S. 5571 at an angle point of said right-of-way as shown on said Licensed Survey Map;**

**Thence, continuing along said right-of-way line North 66°09'22" West 115.29 feet to at an angle point of said right-of-way as shown on said Licensed Survey Map;**

**Thence continuing along said right-of way North 66°54'34" West 8.35 feet to a rebar and cap stamped L.S. 5571 at an angle point of that parcel of land described in said deed as shown on said Licensed Survey Map;**

**(continued)**

**EXHIBIT A**

(Continued)

Thence, leaving said right-of-way along the northwest line of said parcel South 23°03'45" West 7.54 feet to a point;

Thence, leaving said northwest line South 66°50'12" East 61.12 feet to a point at the beginning of a non-tangent curve concave to the southwest and having a radius of 195.64 feet, and to which point a radial bears North 21°00'29" East;

Thence, southeast along said curve 113.89 feet through a central angle of 33°21'17" to a point at the end of said curve and to which point a radial bears North 54°21'46" east;

Thence, South 35°17'13" East 63.42 feet to a point at the beginning of a non-tangent curve concave to the north and having a radius of 205.02 feet and to which point a radial bears South 54°42'39" West;

Thence, southeast along said curve 107.92 feet through a central angle of 30°09'32" to the end of said curve, being a point on said common line and to which point a radial bears South 24°33'06" West;

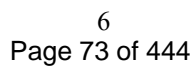
Thence, along said common line North 24°22'22" East 8.57 feet to the TRUE POINT OF BEGINNING.

Contains 2,144 square feet

END OF DESCRIPTION.

  
Keith McMillan L.S. 6729      7-8-19      Date





**EXHIBIT A1**  
**(APN 028-341-021 TCE)**

**Being a portion of Lots 14 and 15 in Administration Park in the City of Atascadero, County of San Luis Obispo, State of California as shown on map recorded in Book 4 of maps, at Page 69 in the office of the County Recorder of said County, said portion of Lots 14 and 15 also being described in deed recorded in Book 2443 of Official Records at page 678 in the office of said County Recorder, being more particularly described as follows:**

**Beginning at a rebar and cap stamped L.S. 5571 at the point of intersection of the westerly right-of-way of Via Avenue and a line common to said Lot 14 and Atascadero Creek Reservation No. 1A as shown on map recorded in Book 82 of Licensed Surveys, at Page 58 in the office of said County Recorder.**

**Thence, along said common line South 24°22'22" West 8.57 feet to a point, being the beginning of a non-tangent curve concave to the north and having a radius of 205.02 feet and to which point a radial bears South 24°33'06" West, said point also being the TRUE POINT OF BEGINNING;**

**Thence, leaving said common line northwest along said curve 107.92 feet through a central angle of 30°09'32" to a point at the end of said curve and to which point a radial bears South 54°42'39" West;**

**Thence, North 35°17'13" West 63.42 feet to a point at the beginning of a non-tangent curve concave to the southwest and having a radius of 195.64 feet and to which point a radial bears North 54°21'46" East;**

**Thence, northwest along said curve 113.89 feet through a central angle of 33°21'17" to a point at the end of said curve and to which point a radial bears North 21°00'29" East;**

**Thence, North 66°50'12" West 61.12 feet to a point on the northwest line of the parcel of land described in said deed;**

**Thence, along said northwest line South 23°03'45" West 5.00 feet to a point;**

**Thence, leaving said northwest line South 66°50'12" East 61.20 feet to a point at the beginning of a non-tangent curve concave to the southwest and having a radius of 190.64 feet and to which point a radial bears North 20°58'48" East;**

**(Continued)**

**EXHIBIT A1**

(Continued)

Thence, southeast along said curve 111.06 feet through a central angle 33°22'41" to a point at the end of said curve and to which point a radial bears North 54°21'29" East;

Thence, South 35°17'13" East 63.40 feet to a point at the beginning of a non-tangent curve concave to the northeast having a radius of 210.02 feet and to which point a radial bears South 54°42'39" West;

Thence, along said curve 110.57 feet through a central angle of 30°09'48" to the end of said curve, being a point on said common line and to which point a radial bears South 24°32'51" West;

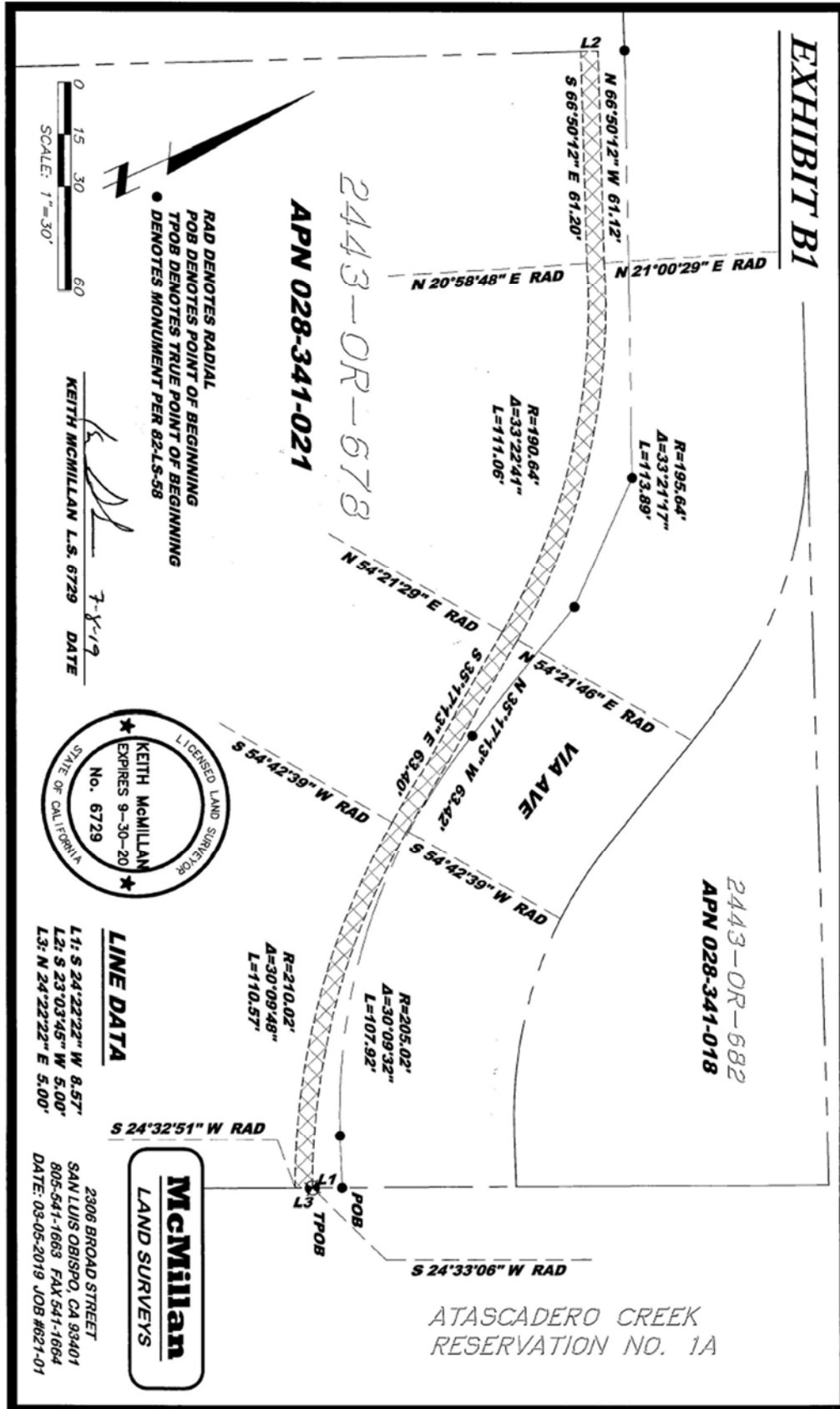
Thence, along said common line North 24°22'22" East 5.00 feet to the TRUE POINT OF BEGINNING.

Contains 1,731 square feet

END OF DESCRIPTION.

  
Keith McMillan L.S. 6729      7-8-20      Date









# **Atascadero City Council**

## **Staff Report – City Manager**

### **Formation of Battalion Chief Position and Technical Support Specialist II Position**

#### **RECOMMENDATIONS:**

Council:

1. Authorize the City Manager to establish a new Battalion Chief position.
2. Authorize the City Manager to establish a new Technical Support Specialist II position.
3. Amend the fiscal year 2019-2020 monthly salary schedule to include the Battalion Chief position and the Technical Support Specialist II positions as follows:

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Battalion Chief	\$8,074.07	\$8,477.77	\$8,901.66	\$9,346.74	\$9,814.08
Technical Support Specialist II	\$4,215.75	\$4,426.54	\$4,647.87	\$4,880.26	\$5,124.27

4. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
5. Authorize the City Manager to execute a Side Letter with the SEIU MOU adding the Technical Support Specialist II at the salary range shown above.

#### **DISCUSSION:**

##### Background:

The 2019-2021 Budget authorized the creation of two new Battalion Chief positions in the Fire and Emergency Services Department and the creation of a new Technical Support Specialist II position in the Information Technology Division. In order to create these positions, the salary schedule must be amended, a side letter with SEIU must be executed and the resolution outlining compensation and benefits for non-represented employees must be amended to add the positions.

The budget calls for creating the two new Fire positions through a reorganization of existing positions in the Department. Due to potential loss of grant funds in the future, the positions are funded for a two-year period only. The Battalion Chief positions will be management-level employees who act in a leadership, second-in-command role and support and implement the vision of the Fire Chief. While both Battalion Chiefs will provide additional command coverage on major incidents and fires, each of the positions will be responsible for slightly different roles within the department. The Battalion Chief assigned to operations will be responsible for supervision of fire services within the Department and will oversee operations. The second Battalion Chief will be assigned to Community Risk Reduction and will be responsible for fire prevention activities including Fire Code compliance, inspections, implementation of programs, weed abatement and other similar programs. These positions are exempt managerial positions and the Battalion Chiefs will work a regular 40 hour per week shift.

The budget also calls for the creation of a new Technical Support Specialist II position in the Information Technology Division. The Technical Support Specialist will provide Tier 1 IT support for City staff, network and computer systems, and the IT Division. Responsibilities include desktop computer support, issue troubleshooting and resolution, asset inventory, and IT Service Desk management. This position is needed to meet the growing demand on IT resulting from additional City employees, new and more pervasive security threats, and the ever increasing scope and complexity of technology. The cost of this position will be partially offset by the elimination of one of the part-time IT intern positions.

Because these are new positions, the positions must be added to the 2019-2020 salary schedule and to the agreements governing compensation and benefits for each position.

### **FISCAL IMPACT:**

The creation of the Battalion Chiefs positions is estimated to cost \$113,000 per year in budgeted funds. The creation of the Technical Support Specialist II position is estimated to cost \$76,000 in budgeted funds.

### **ALTERNATIVE:**

Council may give direction to the City Manager not to establish the Battalion Chief and Technical Support Specialist positions.

### **ATTACHMENTS:**

1. Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees
2. Side Letter with the SEIU MOU adding the Technical Support Specialist II
3. Updated 2019-2020 Citywide Full Time Salary Schedule

## **DRAFT RESOLUTION**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ESTABLISHING THE COMPENSATION AND BENEFIT PLAN FOR NON-REPRESENTED PROFESSIONAL AND MANAGEMENT WORKERS AND CONFIDENTIAL EMPLOYEES, EFFECTIVE JULY 1, 2018 – JUNE 30, 2020**

**WHEREAS**, the Government Code of the State of California prescribes a procedure for discussing and resolving matters regarding wages, hours and other terms and conditions of employment; and

**WHEREAS**, the City Personnel System Rules provided for a Compensation Plan; and

**WHEREAS**, the City desires to set forth salaries and benefits for Non-Represented Professional and Management workers and Confidential employees; and

**WHEREAS**, the City Council adopted Resolution 2018-063 on October 23, 2018 establishing the compensation and benefit plan for Non-Represented Professional and Management workers and Confidential employees.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero that all prior Resolutions for Non-Represented employees are repealed; and the Professional and Management workers and Confidential employees Compensation and Benefit Plan is hereby established as follows:

#### **Positions**

The following positions are included in this Resolution. The City Manager and Department Heads have individual employment agreements defining other terms and conditions of employment not described herein.

#### Executive Management Positions

Administrative Services Director  
Deputy City Manager  
City Manager  
Community Development Director  
Fire Chief  
Police Chief  
Public Works Director

Management Positions

Battalion Chief  
Deputy Administrative Services Director  
Deputy Community Development Director  
Deputy Community Development Director/Building Official/Economic Development Director  
Deputy Public Works Director  
Information Technology Manager  
Police Lieutenant  
Zoo Director

Confidential (Includes only designated positions within the classifications)

Accounting Specialist  
Administrative Assistant  
Finance Technician  
Personnel Specialist

**Salaries**

This two (2) year agreement shall provide salary increases according to the following formula and schedule:

Year 1- Effective July 1, 2018, all employees covered under this MOU shall receive a 3.5% (three point five percent) salary increase. The following monthly salaries are effective July 1, 2018:

**MONTHLY SALARY**

Effective July 1, 2018

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist- Confidential	\$ 4,656.35	\$ 4,889.17	\$ 5,133.63	\$ 5,390.31	\$ 5,659.83
Administrative Assistant- Confidential	\$ 4,223.45	\$ 4,434.62	\$ 4,656.35	\$ 4,889.17	\$ 5,133.63
Administrative Services Director	\$ 9,574.73	\$ 10,053.47	\$ 10,556.14	\$ 11,083.95	\$ 11,638.15
City Manager	\$ 12,446.27	\$ 13,068.58	\$ 13,722.01	\$ 14,408.11	\$ 15,128.52
Community Development Director	\$ 9,574.73	\$ 10,053.47	\$ 10,556.14	\$ 11,083.95	\$ 11,638.15
Deputy Administrative Services Director	\$ 7,502.05	\$ 7,877.15	\$ 8,271.01	\$ 8,684.56	\$ 9,118.79
Deputy City Manager	\$ 7,502.05	\$ 7,877.15	\$ 8,271.01	\$ 8,684.56	\$ 9,118.79
Deputy Community Development Director	\$ 7,877.15	\$ 8,271.01	\$ 8,684.56	\$ 9,118.79	\$ 9,574.73
Deputy Community Development Director / Building Official / Economic Development Director	\$ 8,901.70	\$ 9,346.79	\$ 9,814.13	\$ 10,304.84	\$ 10,820.08
Deputy Public Works Director	\$ 7,502.05	\$ 7,877.15	\$ 8,271.01	\$ 8,684.56	\$ 9,118.79
Finance Technician- Confidential	\$ 4,223.45	\$ 4,434.62	\$ 4,656.35	\$ 4,889.17	\$ 5,133.63
Fire Chief	\$ 10,809.07	\$ 11,349.52	\$ 11,917.00	\$ 12,512.85	\$ 13,138.49
Information Technology Director	\$ 6,715.75	\$ 7,051.54	\$ 7,404.12	\$ 7,774.33	\$ 8,163.05
Personnel Specialist- Confidential	\$ 4,656.35	\$ 4,889.17	\$ 5,133.63	\$ 5,390.31	\$ 5,659.83
Police Chief	\$ 10,809.07	\$ 11,349.52	\$ 11,917.00	\$ 12,512.85	\$ 13,138.49
Police Lieutenant	\$ 7,877.15	\$ 8,271.01	\$ 8,684.56	\$ 9,118.79	\$ 9,574.73
Public Works Director	\$ 9,574.73	\$ 10,053.47	\$ 10,556.14	\$ 11,083.95	\$ 11,638.15
Zoo Director	\$ 6,642.58	\$ 6,974.71	\$ 7,323.45	\$ 7,689.62	\$ 8,074.10

Year 2- Effective July 1, 2019, all employees covered under this MOU shall receive a 2.5% (two point five percent) salary increase. The following monthly salaries are effective July 1, 2019:

### MONTHLY SALARY

Effective July 1, 2019

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Accounting Specialist- Confidential	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97	\$ 5,525.07	\$ 5,801.32
Administrative Assistant- Confidential	\$ 4,329.04	\$ 4,545.49	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97
Administrative Services Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
<b>Battalion Chief</b>	<b>\$ 8,074.07</b>	<b>\$ 8,477.77</b>	<b>\$ 8,901.66</b>	<b>\$ 9,346.74</b>	<b>\$ 9,814.08</b>
City Manager	\$ 12,757.43	\$ 13,395.30	\$ 14,065.07	\$ 14,768.32	\$ 15,506.74
Community Development Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
Deputy Administrative Services Director	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Deputy City Manager	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Deputy Community Development Director	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74	\$ 9,814.08
Deputy Community Development Director / Building Official / Economic Development Director	\$ 9,124.23	\$ 9,580.44	\$ 10,059.46	\$ 10,562.43	\$ 11,090.55
Deputy Public Works Director	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Finance Technician- Confidential	\$ 4,329.04	\$ 4,545.49	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97
Fire Chief	\$ 11,079.30	\$ 11,633.27	\$ 12,214.93	\$ 12,825.68	\$ 13,466.96
Information Technology Director	\$ 6,883.64	\$ 7,227.82	\$ 7,589.21	\$ 7,968.67	\$ 8,367.10
Personnel Specialist- Confidential	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97	\$ 5,525.07	\$ 5,801.32
Police Chief	\$ 11,079.30	\$ 11,633.27	\$ 12,214.93	\$ 12,825.68	\$ 13,466.96
Police Lieutenant	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74	\$ 9,814.08
Public Works Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
Zoo Director	\$ 6,808.64	\$ 7,149.07	\$ 7,506.52	\$ 7,881.85	\$ 8,275.94

### Work Period

The normal work period for non-exempt employees shall be seven (7) days with a maximum non-overtime of forty (40) hours.

### Overtime Rate

Overtime for non-exempt employees; shall be compensated at the rate of time and one-half the regular rate of pay. All overtime shall be recorded and paid in the following manner:

- 1 to 15 minutes, overtime compensation – ¼ hour
- 16 to 30 minutes, overtime compensation – ½ hour
- 31 to 45 minutes, overtime compensation – ¾ hour
- 46 to 60 minutes, overtime compensation – 1 hour

### Overtime Hours Paid

Overtime for non-exempt employees shall be paid after forty (40) hours worked in a work period. Paid time off shall be considered time worked for overtime purposes.

### **Schools/Training/Conferences**

Hours traveling, studying, or evening classes, etc., when a non-exempt employee is attending an out-of-town school shall be paid in accordance with all FLSA provisions.

### **Compensatory Time (CT)**

Notwithstanding the provisions of this section, non-exempt employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the City and the employee. Non-exempt employees may accumulate a maximum of one hundred and twenty (120) hours in their CT account.

### **Scheduling Compensatory Time**

Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.

### **Deferred Compensation**

The City will match an eligible employee's contribution to a deferred compensation program. The match will be up to a maximum of \$1,000 annually for executive management employees and \$500 annually for management employees. All deferred compensation contributions are fully vested in the employee and shall not be available to the City.

### **Health Benefits**

1. Effective January 1, 2018, for unit members who elect to have "Family" coverage, the City shall pay an amount not to exceed \$1,764.21 per month for employees electing Family coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
2. Effective January 1, 2018, for unit members who elect to have "Employee +1" coverage, the City shall pay an amount not to exceed \$1,303.32 per month for employees electing Employee +1 coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
3. Effective January 1, 2018, for unit members who elect to have "Employee Only" coverage, the City shall pay amount not to exceed \$940.91 per month for employees electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee for the

term of this agreement. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon the HMO plan costs.

For unit members who elect to have "Employee Only" coverage, available funds remaining from the City's contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$246.76 per month.

4. The City of Atascadero has established a Post Retirement Health Benefit for Executive Management and Council. The City agrees to reimburse the retiree for retiree and/or retiree's dependent health (medical/dental/vision) insurance premiums, disability insurance, long-term health care or life insurance premiums in a method determined by the Administrative Services Director following retirement.

The program parameters are:

- ☐ The benefit is available upon retirement from PERS or other similar retirement program after age 50; and
- ☐ The employee must have served for 8 years with the City of Atascadero; and
- ☐ For employees hired after July 1, 2016 the employee must begin drawing retirement within 6 months of separating from the City of Atascadero; and
- ☐ The benefit extends between the date of retirement and age 65; and
- ☐ The current benefit is \$200.00 monthly.

### **Life Insurance**

The City shall provide a term life insurance policy on each employee (Executive Management, Management, Confidential and Council) in the amount of Fifty-Thousand Dollars (\$50,000).

The City shall provide a term life insurance policy for each eligible dependent of Executive Management, Management and Confidential employees enrolled in health coverage in the amount of One Thousand Dollars (\$1,000) per dependent.

### **Long-Term Disability Insurance**

The City shall provide a City-paid program to provide Long-Term Disability Insurance for Executive Management and Management employees.

### **State Disability Insurance**

The City provides State Disability Insurance as a payroll deduction for each employee in the Confidential classification only. State Disability Insurance shall be integrated with sick leave with the objective of providing full compensation.

## Leave

### Administrative Leave.

Executive Management Employees, and Management Employees will receive Administrative Leave, which will vest as of July 1 annually. Except as provided below, Administrative Leave will not be carried over or accrue from one fiscal year to the next. If an employee is unable to use his/her Administrative Leave prior to the end of the fiscal year for work related reasons beyond his/her control, said leave will be carried over into the next fiscal year for a period not to exceed three (3) months. Said time will be available to the employee for use during that period, but will not be accrued for the purpose of payoff in the event of termination. In the event an employee covered by this Agreement is employed after January 1 of the fiscal year, the employee shall be eligible for one half of their annual allotment of Administrative Leave. Employees shall receive Administrative Leave at the following annual rates:

- Executive Management shall receive 80 hours.
- Management Employees shall receive 48 hours.

### Vacation Leave.

- a. Employees shall receive vacation leave consistent with the Personnel System Rules.
- b. In addition to the vacation leave accrued as outlined in Section 15.2 B of the City of Atascadero Personnel System Rules, employees shall receive:
  - An additional two days of vacation annually upon completing 15 yrs of service for a total accrual of 22 days per year or 6.77 hours per pay period; and
  - Two more days of vacation annually upon completing 20 years of service for a total accrual of 24 days per year or 7.385 per pay period.

### Holidays

The City shall recognize the following days as official City holidays:

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
"Floating" Holiday	Off As Scheduled; Accrues January 1

Each unit member employed by the City as of January 1st of each year shall be eligible for one floating holiday (8 hours). Floating holidays must have prior department approval and shall be



consistent with the efficient operation of the department. The floating holiday may be used between January 1 and December 31 of each year.

#### Sick Leave.

1. Sick leave accumulates at a rate of 3.69 hours per pay period. There is no limit to the accumulation.
2. Stay Well Bonus. Employees with 384 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
  - a. The sick leave pay-off will occur during the twelve- (12) month period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 384 hours of sick leave.
  - b. Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 95.94 hours).
  - c. Checks will be prepared by December 15 of each year.
3. Sick Leave Payback. When an executive management employee, a management employee or confidential employee terminates employment in good standing, after five (5) years of continuous service with the City of Atascadero in an executive management, management, or confidential position, as defined in this Resolution, he/she shall be paid one-half of his/her accumulated Sick Leave.
4. In any calendar year, up to two days (16 hours) of sick leave may be used for personal reasons without explanation. These days are not intended as vacation days and may not be used to extend vacations or holidays.

#### Bereavement Leave

Employees shall be granted bereavement leave pursuant to the City of Atascadero Personnel System Rules.

The City shall provide up to twenty-four (24) hours of paid bereavement leave for bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, and (2) the critical illness of a member of the employee's immediate family where death appears to be imminent. The amount of bereavement leave provided under this section is twenty four (24) hours per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, "immediate family" means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent,

grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other.

Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any remaining time shall be from other paid time off available to the employee.

When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes. If the additional leave approved by the Department Head is longer than forty (40) hours, the employee is required to use accrued paid leave other than sick leave.

## **Retirement**

### CalPERS Non-Sworn Miscellaneous Members (as defined by CalPERS)

- a. Non-Sworn Miscellaneous Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

#### TIER 1

Non-sworn Miscellaneous Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 2.5% @ 55 Benefit Formula (Government Code Section 21354.4), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 3.3% (three point three percent) of the Non-sworn Miscellaneous Member employee contribution of 8% (eight percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

#### TIER 2

Non-sworn Miscellaneous Member employees hired between July 14, 2012 and December 31, 2012, and Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 2% @ 55 Benefit Formula (G.C. Section 21354), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 2.3% (two point three percent) of the Non-sworn Miscellaneous Member employee contribution of 7% (seven percent). Non-sworn Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

#### TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Non-sworn Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to

2% @ 62 Benefit Formula (G.C. Section 7522.20) with Final Compensation 3 Year (G.C. Section 20037). The Non-sworn Miscellaneous Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The City shall provide CalPERS the Post Retirement Survivor benefit for Miscellaneous Members.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

CalPERS Sworn Safety Members (as defined by CalPERS)

- a. Sworn Safety Member employees (as defined by CalPERS) are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

TIER 1

Sworn Safety Member employees hired on or before July 14, 2012 are provided benefits pursuant to the 3% @ 50 Benefit Formula (Government Code Section 21362.2), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

TIER 2

Sworn Safety Member employees hired between July 14, 2012 and December 31, 2012, and Sworn Safety Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 3% @ 55 Benefit Formula (G.C. Section 21363.1), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 0% (zero percent) of the Sworn Safety Member employee contribution of 9% (nine percent). Sworn Safety Member employees will pay the employee contribution of 9% (nine percent).

TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Sworn Safety Member employees including hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to the 2.7% @ 57 Benefit Formula (G.C. Section 7522.25(d)) with Final Compensation 3 Year (G.C. Section 20037). The Sworn Safety Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. The CalPERS retirement for Sworn Safety Members (as defined by CalPERS) includes Level Four (4) of the 1959 Survivor's Benefit. The employees shall pay the monthly cost of the benefit.
- c. Employee contributions shall be contributed to CalPERS on a pre-tax basis.

### **Education Incentive Pay**

Employees shall be reimbursed up to \$1,600.00 per fiscal year for books, tuition and related educational expenses for attending college or other professional training, providing the coursework is job-related, and the employee received a passing grade.

### **Uniform/Safety Equipment Allowance**

- a. The City shall provide an annual uniform allowance of eight hundred dollars (\$800) for Police Chief and Commanders, and eight hundred fifty dollars (\$850) for the Fire Chief and Battalion Chiefs. Upon initial hire the employee will receive \$800/\$850. In the second year the amount will be prorated based upon the actual number of months employed in the prior year. When an employee separates from the City the Uniform Allowance will be prorated based upon the number of months worked in the then current fiscal year.
- b. The City will make a lump sum payment of the uniform allowance no later than the second payday in July.
- c. Uniforms damaged on duty shall be replaced as prorated by the Chiefs. Employees are required to seek reimbursement through the courts with all practical diligence.
- d. The City shall make available a bulletproof vest. Employees requesting a vest shall certify that they will wear the vest at all times, except in extreme climatic conditions. Vests shall be replaced or refurbished on an as needed basis as determined by the Chief of Police. Employees already owning a vest shall continue to use them until repair or refurbishment becomes necessary, as determined by the Chief of Police.
- e. Rain boots - The City shall comply with the requirements of CAL/OSHA as it relates to providing rain gear including rain boots.

### **Commitment to Fair and Reasonable Changes to the CalPERS System**

The interests of the City and the employees whose positions are covered under this resolution are generally aligned: both seek fair and reasonable changes to the CalPERS system to ensure long-term sustainability of the system. Needed State-level changes acceptable to both executive management and City labor groups are most likely to be initiated by CalPERS member agencies and labor, working collaboratively.

City and the employees covered under this resolution hereby jointly commit to:

- Request state-level membership organizations (e.g., the League of California Cities, state-wide labor affiliates) to alert and engage members, to make this issue a priority, and encourage committing to a set of collaborative solutions;
- Encourage, educate, and engage peers (e.g., other cities, other labor groups) to make this issue a priority and to lend their voice to our request to state-level membership organizations;
- Jointly analyze options with an open mind as to potential solutions; and
- Other potential collaborative efforts as they arise.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_, 2019.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

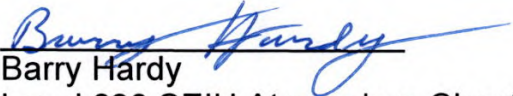
Side Letter of Agreement  
City of Atascadero and SEIU Local 620

September 3, 2019

The parties hereby agree that the newly created job classification of Tech Support Specialist shall be placed in bargaining units represented by SEIU Local 620 as indicated on the attached salary schedule.

\_\_\_\_\_  
Rachelle Rickard  
City of Atascadero

  
\_\_\_\_\_  
Robert J. MacLeod  
SEIU Local 620

  
\_\_\_\_\_  
Barry Hardy  
Local 620 SEIU Atascadero Chapter

<b>MONTHLY SALARY</b>					
<b>Effective July 1, 2019</b>					
<b>CLASSIFICATION</b>	<b>STEP A</b>	<b>STEP B</b>	<b>STEP C</b>	<b>STEP D</b>	<b>STEP E</b>
Account Clerk I	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56
Account Clerk II	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Administrative Assistant	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Administrative Support Assistant	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Assistant Planner	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Associate Planner	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01
Building Inspector I	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Building Inspector II	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98
Building Maintenance Specialist	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Finance Technician	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Inspector	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Lead Zookeeper	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52
Maintenance Worker I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Maintenance Worker II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Office Assistant I	\$ 2,922.98	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91
Office Assistant III	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Public Works Inspector	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Recreation Coordinator	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Building Maintenance Specialist	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Maintenance Worker	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Technical Support Specialist	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Systems Administrator III	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01	\$ 6,867.01	\$ 7,210.36
Technical Support Specialist II	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
WWTP Operator I	\$ 3,823.81	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87
WWTP Operator II	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
WWTP Operator III	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
WWTP Operator in Training	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Zoo Education Curator	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09
Zookeeper I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Zookeeper II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59

**MONTHLY SALARY**  
**Effective July 1, 2019**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk I	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56
Account Clerk II	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Accounting Specialist- Confidential	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97	\$ 5,525.07	\$ 5,801.32
Administrative Assistant	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Administrative Assistant- Confidential	\$ 4,329.04	\$ 4,545.49	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97
Administrative Services Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
Administrative Support Assistant	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Assistant Planner	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Associate Civil Engineer/Storm Water Manager	\$ 6,395.94	\$ 6,715.74	\$ 7,051.53	\$ 7,404.11	\$ 7,774.32
Associate Planner	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01
Building Inspector I	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Building Inspector II	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98
Building Maintenance Specialist	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Capital Projects Manager	\$ 5,525.06	\$ 5,801.31	\$ 6,091.38	\$ 6,395.95	\$ 6,715.75
City Manager	\$ 12,757.43	\$ 13,395.30	\$ 14,065.07	\$ 14,768.32	\$ 15,506.74
Code Enforcement Officer	\$ 4,401.15	\$ 4,621.21	\$ 4,852.27	\$ 5,094.88	\$ 5,349.62
Community Development Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
Community Services Officer	\$ 3,448.42	\$ 3,620.84	\$ 3,801.88	\$ 3,991.97	\$ 4,191.57
Deputy Administrative Services Director	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Deputy City Manager	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Deputy Community Development Director	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74	\$ 9,814.08
Deputy Community Development Director / Building Official / Economic Development Director	\$ 9,124.23	\$ 9,580.44	\$ 10,059.46	\$ 10,562.43	\$ 11,090.55
Deputy Public Works Director	\$ 7,689.59	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74
Finance Technician	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Finance Technician- Confidential	\$ 4,329.04	\$ 4,545.49	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97
Fire Battalion Chief	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74	\$ 9,814.08
Fire Captain	\$ 7,028.67	\$ 7,380.10	\$ 7,749.11	\$ 8,136.57	\$ 8,543.40
Fire Captain/ Haz Mat Specialist	\$ 7,169.24	\$ 7,527.70	\$ 7,904.09	\$ 8,299.29	\$ 8,714.25
Fire Captain/Paramedic	\$ 7,731.54	\$ 8,118.12	\$ 8,524.03	\$ 8,950.23	\$ 9,397.74
Fire Captain/Paramedic/HazMat Specialist	\$ 7,872.11	\$ 8,265.72	\$ 8,679.01	\$ 9,112.96	\$ 9,568.61
Fire Chief	\$ 11,079.30	\$ 11,633.27	\$ 12,214.93	\$ 12,825.68	\$ 13,466.96
Fire Engineer	\$ 5,923.54	\$ 6,219.72	\$ 6,530.71	\$ 6,857.25	\$ 7,200.11
Fire Engineer/ Haz Mat Specialist	\$ 6,042.01	\$ 6,344.11	\$ 6,661.32	\$ 6,994.39	\$ 7,344.11
Fire Engineer/OIC	\$ 6,042.01	\$ 6,344.11	\$ 6,661.32	\$ 6,994.39	\$ 7,344.11
Fire Engineer/OIC/Haz Mat Specialist	\$ 6,162.85	\$ 6,470.99	\$ 6,794.54	\$ 7,134.27	\$ 7,490.98
Fire Engineer/OIC/Paramedic	\$ 6,646.21	\$ 6,978.52	\$ 7,327.45	\$ 7,693.82	\$ 8,078.51
Fire Engineer/OIC/Paramedic/HazMat Specialist	\$ 6,767.05	\$ 7,105.40	\$ 7,460.67	\$ 7,833.70	\$ 8,225.39
Fire Engineer/Paramedic	\$ 6,515.89	\$ 6,841.68	\$ 7,183.76	\$ 7,542.95	\$ 7,920.10
Fire Engineer/Paramedic/HazMat Specialist	\$ 6,634.36	\$ 6,966.08	\$ 7,314.38	\$ 7,680.10	\$ 8,064.11
Fire Marshal	\$ 7,028.67	\$ 7,380.10	\$ 7,749.11	\$ 8,136.57	\$ 8,543.40
Fire Marshal / Haz Mat Specialist	\$ 7,169.24	\$ 7,527.70	\$ 7,904.09	\$ 8,299.29	\$ 8,714.25
Firefighter	\$ 5,507.14	\$ 5,782.50	\$ 6,071.63	\$ 6,375.21	\$ 6,693.97
Firefighter/FEO	\$ 5,617.28	\$ 5,898.14	\$ 6,193.05	\$ 6,502.70	\$ 6,827.84
Firefighter/ Haz Mat Specialist	\$ 5,617.28	\$ 5,898.14	\$ 6,193.05	\$ 6,502.70	\$ 6,827.84
Firefighter/FEO/Haz Mat Specialist	\$ 5,729.63	\$ 6,016.11	\$ 6,316.92	\$ 6,632.77	\$ 6,964.41
Firefighter/FEO/Paramedic	\$ 6,179.01	\$ 6,487.96	\$ 6,812.36	\$ 7,152.98	\$ 7,510.63
Firefighter/FEO/Paramedic/HazMat Specialist	\$ 6,291.36	\$ 6,605.93	\$ 6,936.23	\$ 7,283.04	\$ 7,647.19
Firefighter/Paramedic	\$ 6,057.85	\$ 6,360.74	\$ 6,678.78	\$ 7,012.72	\$ 7,363.36



**MONTHLY SALARY**  
**Effective July 1, 2019**

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Firefighter/Paramedic/HazMat Specialist	\$ 6,168.00	\$ 6,476.40	\$ 6,800.22	\$ 7,140.23	\$ 7,497.24
Information Technology Director	\$ 6,883.64	\$ 7,227.82	\$ 7,589.21	\$ 7,968.67	\$ 8,367.10
Inspector	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Lead Zookeeper	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52
Maintenance Worker I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Maintenance Worker II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Office Assistant I	\$ 2,922.98	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91
Office Assistant III	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Personnel Specialist- Confidential	\$ 4,772.76	\$ 5,011.40	\$ 5,261.97	\$ 5,525.07	\$ 5,801.32
Police Chief	\$ 11,079.30	\$ 11,633.27	\$ 12,214.93	\$ 12,825.68	\$ 13,466.96
Police Corporal	\$ 6,070.56	\$ 6,374.09	\$ 6,692.79	\$ 7,027.43	\$ 7,378.80
Police Corporal - Intermediate POST	\$ 6,222.33	\$ 6,533.45	\$ 6,860.12	\$ 7,203.13	\$ 7,563.29
Police Corporal- Advanced POST	\$ 6,374.09	\$ 6,692.79	\$ 7,027.43	\$ 7,378.80	\$ 7,747.74
Police Lieutenant	\$ 8,074.07	\$ 8,477.77	\$ 8,901.66	\$ 9,346.74	\$ 9,814.08
Police Officer	\$ 5,506.18	\$ 5,781.49	\$ 6,070.56	\$ 6,374.09	\$ 6,692.79
Police Officer - Advanced POST	\$ 5,781.49	\$ 6,070.56	\$ 6,374.09	\$ 6,692.79	\$ 7,027.43
Police Officer - Intermediate POST	\$ 5,643.83	\$ 5,926.02	\$ 6,222.32	\$ 6,533.44	\$ 6,860.11
Police Level 3 Reserve Officer	\$ 5,506.18	\$ 5,781.49	\$ -	\$ -	\$ -
Police Officer Recruit	\$ 4,293.79	\$ -	\$ -	\$ -	\$ -
Police Records Technician	\$ 3,620.84	\$ 3,801.88	\$ 3,991.97	\$ 4,191.57	\$ 4,401.15
Police Sergeant	\$ 6,893.73	\$ 7,238.42	\$ 7,600.34	\$ 7,980.36	\$ 8,379.38
Police Sergeant - Advanced POST	\$ 7,066.07	\$ 7,419.37	\$ 7,790.34	\$ 8,179.86	\$ 8,588.85
Police Sergeant - Supervisory POST	\$ 7,238.42	\$ 7,600.34	\$ 7,980.36	\$ 8,379.38	\$ 8,798.35
Property Evidence Specialist	\$ 4,733.90	\$ 4,970.60	\$ 5,219.13	\$ 5,480.09	\$ 5,754.09
Property Evidence Specialist - EMD	\$ 4,783.90	\$ 5,023.10	\$ 5,274.26	\$ 5,537.97	\$ 5,814.87
Property Evidence Specialist - EMD with Longevity	\$ 5,020.60	\$ 5,271.63	\$ 5,535.21	\$ 5,811.97	\$ 6,102.57
Property Evidence Specialist with Longevity	\$ 4,970.60	\$ 5,219.13	\$ 5,480.09	\$ 5,754.09	\$ 6,041.79
Public Works Director	\$ 9,814.08	\$ 10,304.78	\$ 10,820.02	\$ 11,361.02	\$ 11,929.07
Public Works Inspector	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Public Works Operations Manager	\$ 5,946.35	\$ 6,243.67	\$ 6,555.85	\$ 6,883.64	\$ 7,227.82
Recreation Coordinator	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Recreation Supervisor	\$ 4,892.08	\$ 5,136.68	\$ 5,393.51	\$ 5,663.19	\$ 5,946.35
Senior Building Maintenance Specialist	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Maintenance Worker	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Planner	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01	\$ 6,867.01	\$ 7,210.36
Senior Property Evidence Specialist	\$ 5,480.08	\$ 5,754.09	\$ 6,041.80	\$ 6,343.89	\$ 6,661.08
Senior Property Evidence Specialist - EMD	\$ 5,530.08	\$ 5,806.59	\$ 6,096.92	\$ 6,401.77	\$ 6,721.86
Senior Property Evidence Specialist - EMD with Longevity	\$ 5,804.09	\$ 6,094.29	\$ 6,399.00	\$ 6,718.95	\$ 7,054.90
Senior Property Evidence Specialist with Longevity	\$ 5,754.09	\$ 6,041.79	\$ 6,343.88	\$ 6,661.07	\$ 6,994.12
Senior Technical Support Specialist	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Support Services Lead Technician	\$ 4,621.21	\$ 4,852.27	\$ 5,094.88	\$ 5,349.62	\$ 5,617.10
Support Services Lead Technician - EMD	\$ 4,671.21	\$ 4,904.77	\$ 5,150.01	\$ 5,407.51	\$ 5,677.89
Support Services Lead Technician - EMD with Longevity	\$ 4,902.27	\$ 5,147.38	\$ 5,404.75	\$ 5,674.99	\$ 5,958.74
Support Services Lead Technician with Longevity	\$ 4,852.27	\$ 5,094.88	\$ 5,349.62	\$ 5,617.10	\$ 5,897.96
Support Services Supervisor	\$ 5,754.09	\$ 6,041.79	\$ 6,343.88	\$ 6,661.07	\$ 6,994.12
Support Services Supervisor - EMD	\$ 5,804.09	\$ 6,094.29	\$ 6,399.00	\$ 6,718.95	\$ 7,054.90
Support Services Supervisor - EMD with Longevity	\$ 6,091.79	\$ 6,396.38	\$ 6,716.20	\$ 7,052.01	\$ 7,404.61
Support Services Supervisor with Longevity	\$ 6,041.79	\$ 6,343.88	\$ 6,661.07	\$ 6,994.12	\$ 7,343.83
Support Services Technician	\$ 4,293.79	\$ 4,508.48	\$ 4,733.90	\$ 4,970.60	\$ 5,219.13

## MONTHLY SALARY

Effective July 1, 2019

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Support Services Technician - EMD	\$ 4,343.79	\$ 4,560.98	\$ 4,789.03	\$ 5,028.48	\$ 5,279.90
Support Services Technician - EMD with Longevity	\$ 4,558.48	\$ 4,786.40	\$ 5,025.72	\$ 5,277.01	\$ 5,540.86
Support Services Technician with Longevity	\$ 4,508.48	\$ 4,733.90	\$ 4,970.60	\$ 5,219.13	\$ 5,480.09
Systems Administrator III	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01	\$ 6,867.01	\$ 7,210.36
Technical Support Specialist II	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
WWTP Operator I	\$ 3,823.81	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87
WWTP Operator II	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
WWTP Operator III	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
WWTP Operator in Training	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Zoo Director	\$ 6,808.64	\$ 7,149.07	\$ 7,506.52	\$ 7,881.85	\$ 8,275.94
Zoo Education Curator	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09
Zookeeper I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Zookeeper II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59



# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

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### **Accept Parcel Map AT 18-0087 6450 Portola Road (FMP19-0016)**

#### **RECOMMENDATIONS:**

Council:

1. Accept Parcel Map AT18-0087.
2. Accept, on behalf of the public, the offer of dedication for a Public Utility Easement and the offer of dedication for a portion of Portola Road.

#### **DISCUSSION:**

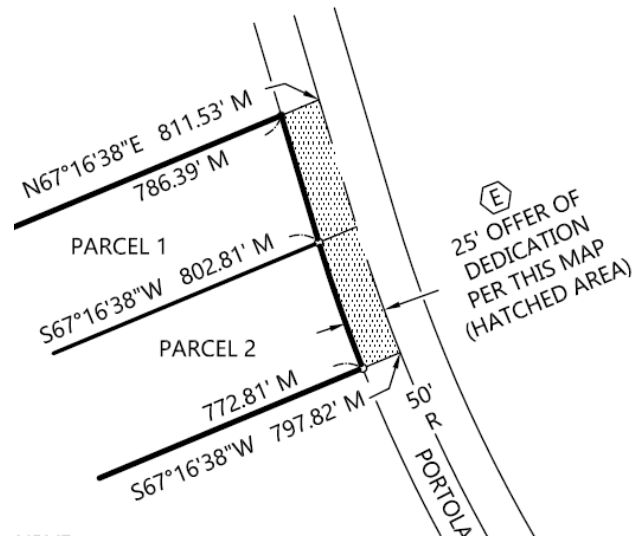
Tentative Parcel Map AT18-0087 (City File FMP19-0016) was approved by the Planning Commission on November 20, 2018 (Planning Commission Resolution No. PC 2018-0032). The Tentative Parcel Map authorized the subdivision of an existing parcel of three (3) acres into two (2) 1.5-acre (gross) single-family residential lots.

The Atascadero Subdivision Ordinance (AMC 11-6.23) limits the depth-to-width ratio of new lots to 3:1 “unless there is adequate assurance that deep lot subdivisions and subsequent development will be accomplished without detriment to adjacent properties.” This subdivision is requesting an exception to the 3:1 ratio required by code. The Planning Commission determined that the deep lot configuration would be accomplished without detriment to adjacent properties.

To support this finding, the applicant has proposed “no-build” easements over the rear portions of the properties. The no-build easement begins approximately 500-feet back from the street frontage on Parcel 1 and approximately 270-feet back from the frontage on Parcel 2. Each parcel has an approximately 80-foot wide frontage. The location of the no-build easement on Parcel 2 comes close to meeting the 3:1 ratio in the context of buildable site area. On Parcel 1, the location of the existing colony home limits the size of the no-build area. A copy of the Parcel Map is attached.

Portola Road is a City-maintained public road which was accepted by the County prior to the City’s incorporation. Portola Road’s Right-of-way width is 50 feet at this location. The surveyor preparing the parcel map found public records that indicate the property corners for the subject property extend to the centerline of Portola Road, even though 25 feet from roadway centerline is already a public right-of-way easement. To clarify this discrepancy, the property owner is dedicating (or rededicating) one-half of Portola

Road to the public (see diagram below). This is also a six (6) foot wide Public Utility Easement over the property's frontages for placement of public utilities.



Staff has determined that the Parcel Map AT18-0087 is in substantial conformance with the approved Tentative Parcel Map (City file FMP19-0016). Pursuant to California Government Code Section 66474.1, the approving legislative body (City Council) shall not deny a Parcel Map provided it find the Parcel Map is in substantial conformance with the previously approved Tentative Parcel Map.

Portola Road is presently constructed to a full-width roadway consistent with City standards. Off-site improvements required of the subdivision are limited to new utility services to serve each parcel. These improvements are deferred to the development of each parcel as provided for under the Subdivision Map Act (Government Code Section 66411.1(b)).

The Public Works Director, Community Development Director, and City Surveyor have reviewed the Parcel Map and Conditions of Approval and find that the Conditions of Approval have been satisfied. An offer of dedication for a Public Utility Easement and dedication of a portion of Portola Road are included on the Parcel Map.

Staff recommends to the City Council that this offer of a public utility easement be accepted. Acceptance of this easement benefits all public utility companies and has no impact on or imparts any liability upon the City of Atascadero.

### **FISCAL IMPACT:**

None.

### **ATTACHMENT:**

Parcel Map AT18-0087

## LEGEND

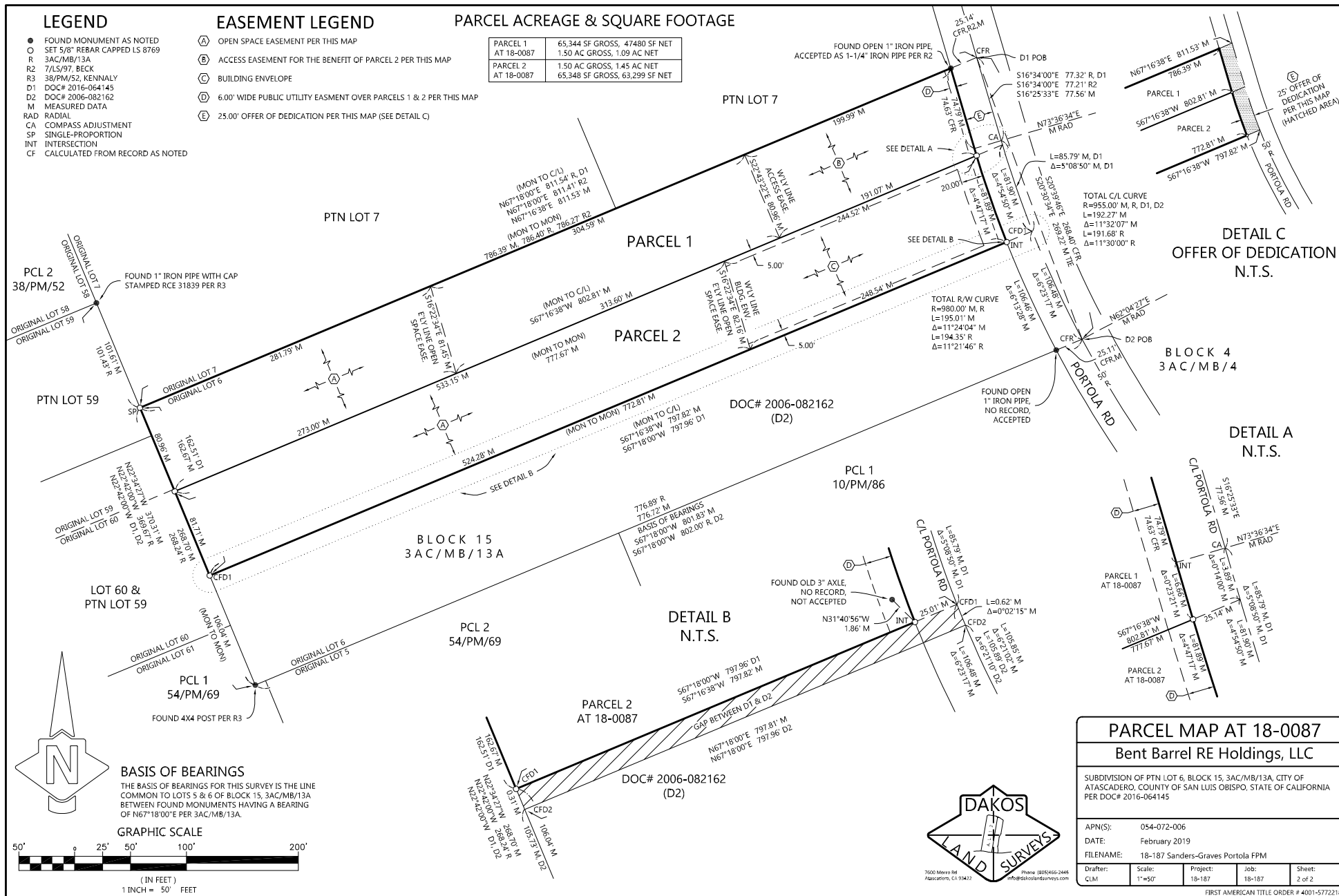
- FOUND MONUMENT AS NOTED
- SET 5/8" REBAR CAPPED LS 8769
- R 3AC/MB/13A
- R2 7/LS/97, BECK
- R3 38/PM/52, KENNALY
- D1 DOC# 2016-064145
- D2 DOC# 2006-082162
- M MEASURED DATA
- RAD RADIAL
- CA COMPASS ADJUSTMENT
- SP SINGLE-PROPORTION
- INT INTERSECTION
- CF CALCULATED FROM RECORD AS NOTED

## EASEMENT LEGEND

- (A) OPEN SPACE EASEMENT PER THIS MAP
- (B) ACCESS EASEMENT FOR THE BENEFIT OF PARCEL 2 PER THIS MAP
- (C) BUILDING ENVELOPE
- (D) 6.00' WIDE PUBLIC UTILITY EASEMENT OVER PARCELS 1 & 2 PER THIS MAP
- (E) 25.00' OFFER OF DEDICATION PER THIS MAP (SEE DETAIL C)

## PARCEL ACREAGE & SQUARE FOOTAGE

PARCEL 1 AT 18-0087	65,344 SF GROSS, 47,480 SF NET 1.50 AC GROSS, 1.09 AC NET
PARCEL 2 AT 18-0087	1.50 AC GROSS, 1.45 AC NET 65,348 SF GROSS, 63,299 SF NET





ITEM NUMBER:  
DATE:

B-1  
09/10/19

# ***Atascadero City Council***

## ***Staff Report - Community Development Department***

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### **Appeal Dove Creek Mini-storage DEV18-0103 (Newton)**

#### **RECOMMENDATIONS:**

Council:

1. Adopt Draft Resolution A upholding the Planning Commission's approval of the Dove Creek Mini-storage project, subject to findings and conditions of approval.

**OR**

2. Adopt Draft Resolution B overturning the Planning Commission's action and denying the Dove Creek Mini-Storage project.

#### **REPORT-IN-BRIEF:**

The Council has been asked to consider an appeal of the Planning Commission's approval of an approximately 81,000sf mini-storage facility at 11450 Viejo Camino and 11505 El Camino Real. The Planning Commission voted 3-2 to approve the Conditional Use Permit. Substantial public testimony was heard by the Planning Commission, primarily by residential neighbors opposing the site development.

#### **DISCUSSION:**

##### Background

The project was heard by the Design Review Committee (DRC) on November 14, 2018. The DRC determined the project was not the "highest and best use" of the property and in January, the project was forwarded to the Planning Commission with no further analysis and with a recommendation of denial. The Planning Commission felt that the land use might be acceptable and voted to refer the item back to staff for a full analysis. The Commission also asked staff to expand public notice to 1,000 feet.

In May, the project was referred back to DRC for design review. The DRC found that the project as proposed, with conditions added for color and material modifications, is

consistent with the City's Appearance Review Manual. The DRC did not review land use compatibility or consistency with non-appearance-related City General Plan Policies given direction from the Planning Commission's preliminary review of the project.

The project was heard by the Planning Commission on August 6<sup>th</sup>. After hearing substantial testimony from the public and the applicant team, the project was approved on a 3-2 vote with 2 Commissioners absent. Discussion and public testimony during the Planning Commission meeting was focused on neighborhood compatibility, drainage and flooding concerns, and impacts to the natural environment. Full project analysis is included in the attached Planning Commission staff report.

Council member Fonzi announced her intent to file an appeal of the decision by the Planning Commission at the August 13<sup>th</sup> City Council meeting. On August 16<sup>th</sup>, knowing that an appeal was pending from Council Member Fonzi, a neighbor submitted an appeal application on her way out of town to ensure an appeal of the Planning Commission's decision was filed and the project would go before the City Council for review. Council Member Fonzi's official appeal was received by email to the City Clerk's Office later that evening and the appeal filing fees were returned to the neighbor.

When Council Member Fonzi announced her intent to file an appeal she noted neighborhood compatibility, substantial public testimony and the fact that the project was not reviewed by the entire Planning Commission as issues that needed to be addressed. In the appeal itself, Council Member Fonzi listed three reasons for appeal: 1) The Planning Commission's vote was 3-2, with 2 commissioners absent; 2.) One of the Planning Commissioners expressed his opinion that this decision should be reviewed by the City Council due to its controversial nature; and 3.) The Planning Commission was heavily attended by residents living near the proposed development, and many left with the feeling that their opinion wasn't adequately considered.

#### Atascadero Municipal Code Section 9-1.111 "Appeal"

The City Attorney has reviewed the appeal by Council Member Fonzi and has determined that the appeal substantially complies with the provisions of Atascadero Municipal Code Section 9-1.111 "Appeal". Section 9-1.111 provides that the appeal shall be in the form of a letter setting forth the reasons for the appeal. The email from Council Member Fonzi is a "writing" as defined by California Evidence Code Section and does provide written confirmation of the appeal, which substantially complies with Section 9-1.111. The email by Council Member Fonzi also states the reasons for the appeal as noted above. In making a decision on the appeal, the City Council is not limited to considering the reasons for the appeal that are included in the email from Council Member Fonzi.

Section 9-1.111 includes the following provision in regard to the City Council action on the appeal: "The hearing body may affirm, affirm in part, or reverse the action, decision or determination which is the subject of the appeal, based upon findings of fact regarding the particular case. Such findings shall identify the reasons for the action on the appeal, and verify the compliance or noncompliance of the subject of the appeal with the provisions of this title."

### Summary Project Description

The applicant proposes more than 81,000 square feet of storage buildings, an office and a caretaker's residence for a total of 8 buildings. Paved drive aisles and five parking spaces are included. The project location includes a seasonal creek, which is proposed to be redirected to accommodate the development of the site. The drainage and creek area is somewhat degraded due to previous droughts and animal grazing. The project includes a proposal to restore wetland and creek habitat on-site. The development will require approximately 6,500 cubic yards of cut and 13,000 cubic yards of fill material in order to create a level development area. There is an existing geodesic dome-shaped residence on the site that would be demolished to accommodate the project. A summary of the project is below and a complete analysis of the project is contained in Attachment 3.

A mini-storage use is listed as a conditionally allowed use in the Public zoning district. Conditional uses are those uses, which can have detrimental effects on the surrounding neighborhoods, but in some cases may be appropriate based on specific location or added design features above and beyond standard code requirements.

In approving a conditional use permit, findings must be made that the use is consistent with the General Plan and Zoning Ordinance, and that it will not be inconsistent with the character of the immediate neighborhood. The character of the neighborhood is dominated by multi-family and small-lot single-family residential units, churches, parks, and other non-commercial uses. The block between Viejo Camino and El Camino Real has some of the largest, flat, non-residential properties remaining vacant in Atascadero. Existing uses include several churches, a daycare center, a convenience store and several residences. Paloma Park is located east of Viejo Camino. The General Plan identifies the area as a Civic Gateway.

### Creek and Wetland Discussion

A significant component of the project is the re-alignment of an ephemeral blue-line creek and restoration of a wetland area. Because the creek path flows roughly through the center of the site, creation of a development site for any substantial use of this site relies upon re-aligning the existing creek and using retaining walls and other features to guide water flow around the development site. The realigned channel includes a retaining wall on one side and a 2:1 slope on the other side. The channel is designed with a naturalized bottom. The project requires approval from the Army Corps of Engineers, the California Department of Fish and Wildlife, the regional Water Quality Control Board, and the Federal Emergency Management Agency. The applicant has provided a hydrology analysis that concludes that the proposed design will lessen flooding on adjacent properties. There are a series of General Plan Policies that speak to development of creek areas, these policies are discussed in further detail in the findings section below.

The site plans in the Planning Commission staff report (Attachment 3) illustrate how the project is designed to accommodate the drainage plan changes. In order for the project to be approved, the City Council will need to make a finding that the project is consistent with the General Plan policies that speak to creeks and waterways.

### Land Use and Policy Discussion

The project site is within the Public designation as specified by the City's General Plan. The General Plan defines the public zone as follows:



*“Public Facilities (PUB) This designation, which applies to parcels that are publicly owned and/or house publicly operated facilities, is intended to meet the public service, institutional, educational, religious, and cultural needs of the community. This designation includes the Atascadero State Hospital, which the General Plan allows as a mental health facility use. Community facilities require large areas of land and may have specialized site location requirements. The corresponding zoning districts are P (Public) and L (Recreation) with appearance review required.”*

The City's Zoning regulations further refine what is allowed in the public zoning district. The list of allowed uses include typical publicly owned facilities, religious facilities, parks and related uses. The Public zoning district includes a number of conditionally allowed uses that may not be appropriate in all public zone locations such as mini-storage, health care services, and RV parks. Mini-storage is currently listed as a conditionally allowed use in the Public zoning district.

Relevant goals and policies of the General Plan include:

- Land Use, Open Space, and Conservation Element (LOC) Program 1.3.8: Beautify the City's primary entryways by creating Civic Gateways. The freeway and other vehicular approaches to Atascadero shall be made more attractive through judicious application of the elements including landscaping, civic monuments, and rural character site development. (The Santa Barbara / El Camino Real area is identified as a gateway in the General Plan)
- LOC Goal 13: Provide for a sound economic base to sustain the City's unique character by establishing a range of employment and business opportunities and generate sufficient revenue to support adequate levels of public services, and environmental, social and educational quality.
- LOC Goal 14: Retain and expand existing businesses and attract new businesses to improve the availability of goods and services.
- LOC Policy 14.2: Attract new development and land uses that provide jobs and services for residents, provided that those uses are consistent with the City's character.

In order to approve a conditional use permit, findings must be made to ensure consistency with city regulations and compatibility with the surrounding neighborhood. For project approval, all findings must be made in the affirmative.

### Findings

In order to support or deny a conditional use permit, specific findings must be made. Most importantly, findings must be made to support neighborhood compatibility, General Plan consistency, and findings that ensure that the use will not be detrimental to the health, safety or welfare of the community. Some of these findings are discussed below, while each of the attached resolutions provide a complete list of findings to support or deny the use permit. The inability to make any one of the findings is grounds to deny a use permit, while all findings must be made in the affirmative to approve a use permit.

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

The General Plan includes policies and programs aimed at enhancing the City's visual character and promoting economic viability. For example, the City Land Use Element provides the following:

- LOC3 promotes the transformation of El Camino Real into a distinctive and attractive commercial, office, and industrial park area which can provide for the long term economic viability of the community.
- LOC13 provides policies and programs aimed at establishing a range of employment and business opportunities to provide a sound economic base and ensure that new development generates sufficient revenue to support public service needs and quality environmental, social, and educational opportunities.
- LOC14 encourages land uses that provide jobs and services for residents that fit within the city's character.

Mini-storage uses are not sales tax generating uses, nor do they typically have more than 2-3 employees, however, some increase in property taxes will be realized from the redevelopment of the site. In addition, mini-storage uses are required to pay an additional business tax of \$2 per storage unit per year. There are currently 8 mini-storage facilities in Atascadero.

The primary question when looking at this finding is whether or not a storage facility is consistent with the intent of the Public General Plan designation and corresponding zoning district.

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

The Zoning Ordinance establishes property development standards such as height, setbacks, parking and other standards. The proposed mini-storage facility can be permitted through the Conditional Use Permit process as identified in the Municipal Code. The proposed structures and site plan could be conditioned to comply with the applicable provisions of the Atascadero Municipal Code and the project can be designed to meet the basic property development standards.

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

The proposed mini-storage facility will be located on a double frontage lot between El Camino Real and Viejo Camino adjacent to residential and park uses. The north side of the property is approximately 300-feet from a small neighborhood convenience store. The site design has been reviewed by all City departments for consistency with code requirements. The project is proposed to have one

access point off Viejo Camino Rd. The project will be required to construct frontage improvements along Viejo Camino Rd that will ensure safe traffic patterns in and out of the site in addition to existing park and residential traffic.

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

The Planning Commission felt that the project, due to its architectural design, would be compatible with the character of the neighborhood. However, in the first DRC hearing on this project, the DRC felt that the proposed project is **not** consistent with the character or pattern of development of the neighborhood as it introduces a commercial storage facility within a neighborhood dominated by residences and parkland. The applicant has worked to design the project for visual compatibility with the vicinity. However, this finding is crucial in determining whether the proposed land use is appropriate at this location.

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

The proposed mini-storage facility will be accessed off Viejo Camino. Mini-storage facilities are very low traffic generating uses and Viejo Camino, with required improvements, will be able to accommodate any increases in traffic resulting from the proposed project.

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

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

7. FINDING: *On-site creeks, riparian areas, and site improvements will not be negatively impacted by a reduced creek setback.*

This project includes the realignment and restoration of the existing ephemeral stream and wetland areas on-site. The City's General Plan offers numerous policies and programs designed to protect and enhance natural environmental features. The ephemeral stream currently meanders through the center of the site from a culvert under El Camino Real to a culvert under Viejo Camino. The proposed mini-storage facility design includes wetland restoration and stormwater management at the south-east corner of the site and redirection of the ephemeral stream water flow into and out of this enhanced habitat area. The resulting creek channel will be adjacent to the development pad with a natural constructed channel bottom and vegetated slope on one side, with a retaining wall on the side facing the project. The creek will be pushed closer to the adjacent property to the south (currently developed with a Historic Colony House) therefore, the existing and

future development of the property to the south may be impacted by the need for an increased setback from the new creek channel to any future development of the site.

The following policy and programs associated with creeks and wetlands apply to the project:

Goal LOC 8. Watershed areas of Atascadero shall be protected.

***Policy 8.1:*** *Ensure that development along Atascadero Creek, Graves Creeks, the Salinas River, blue line creeks, and natural springs, lakes, or other riparian areas does not interrupt natural flows or adversely impact riparian ecosystems and water quality.*

Applicable Programs:

3. *The waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited.*
4. *The City shall strongly discourage underground piping, and unnecessary disturbance of creeks and streams, and encourage use of bridges and arched culverts. Any alterations required for public safety will be guided by this policy.*
6. *Prohibit new structures or disturbance of riparian habitat along creek banks except for restoration purposes.*
11. *Areas subject to flooding, as identified through flood hazard overlay zoning and flood maps, shall be protected from unsound development consistent with the City's flood hazard ordinance requirements.*
13. *Support the establishment and protection of floodable terraces, wetlands, and revegetation along creeks and streams.*

***Policy 8.2:*** *Establish and maintain setbacks and development standards for creek side development.*

Applicable Programs:

1. *Adopt and maintain a creek setback ordinance that will establish building setbacks and development standards along the banks of Atascadero Creek, Graves Creek, blue line creeks and the Salinas River to ensure the uninterrupted natural flow of the streams and protection of the riparian ecosystem with flexible standards for the downtown area.*
3. *Prior to adoption of a creek setback ordinance an interim 35-foot creek setback shall be in effect along Atascadero Creek and Graves Creek until March 1, 2005. All other 7.5 min USGS quadrangle blue line creeks shall have an interim 20-foot setback. The interim setbacks shall be subject to the following: a) On Atascadero Creek and Graves Creek setbacks shall be measured from the edge of the creek reservation. b) All other blue line creek setbacks shall be measured from ordinary high water mark. c) The Planning Commission may approve exceptions to the interim creek setbacks in the form of a Conditional Use Permit if the finding can be made that creeks, riparian areas and site improvement will not be negatively impacted by the exception.*

The General Plan currently requires a 20-foot minimum setback from development to any creek channel. Under the current project proposal, there will be no setback between the reconstructed creek channel and the proposed development pad. Exceptions to this setback are permitted through approval of a use permit if a finding can be made that the creeks, riparian areas, and site improvements will not be negatively impacted by the reduced setback. The project will be required to meet all building code standards including soils analysis and compaction. In addition, approval from the Army Corps of Engineers, the Department of Fish and Wildlife, and the Regional Water Quality Control Board will be required prior to any construction activities on site to ensure compliance with State and Federal regulations. The applicant has contacted these agencies and permits are under review. The plan also includes wetland reconstruction and will result in approximately  $\frac{3}{4}$  acre of fully restored wetlands on-site.

### Conclusion

Staff has outlined the applicable policies that will need to be considered whether the Council decides to support or deny the use permit. There are several options available to the City Council with this land use decision as a conditional use permit is a discretionary action. The Council may also choose to add, delete, or modify project conditions that were approved by the Planning Commission. Regardless of the action on the Use Permit, the Council may also decide to provide direction to staff to return with zoning text amendments to alter the land use list for the Public Zone for better alignment with the General Plan. Another option would be to ask staff to examine this site and adjacent sites as part of the Citywide General Plan update or upcoming Housing Element update.

If the Council takes action to uphold the Planning Commission's approval of the project, all findings must be made to support the use permit as detailed in Draft Resolution A. As noted above, conditions may be added to enhance the project's compatibility with the General Plan and with the compatibility with the neighborhood.

If Council takes action to overturn the Planning Commission's approval of the project, they must make a determination that the project is not consistent with at least one of the findings as detailed in Draft Resolution B. If the Council overturns the Planning Commission's approval and denies the project, the Council will need to state the reason(s) for denial.

### **ALTERNATIVE:**

The City Council may continue the item for further discussion and direction. The City Council should provide clear direction to staff or the project applicant on specific information needed to return for review.

### **FISCAL IMPACT:**

Mini-storage uses pay business taxes and property taxes, therefore there will be some level of tax revenue increase following completion and occupancy of the project.

## **ATTACHMENTS:**

1. Draft Resolution A
2. Draft Resolution B
3. Planning Commission staff report and attachments
4. Appeal by Council Member Roberta Fonzi
5. Post Planning Commission letters received

**DRAFT RESOLUTION A**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATASCADERO, CALIFORNIA, UPHOLDING THE PLANNING  
COMMISSION'S APPROVAL OF A CONDITIONAL USE PERMIT TO  
ESTABLISH A MINI-STORAGE FACILITY LOCATED AT  
11405 VIEJO CAMINO AND 11505 EL CAMINO REAL**

**DOVE CREEK MINI-STORAGE  
NEWTON  
(DEV18-0103)**

**WHEREAS**, an application has been received from Scott Newton (215 Santa Fe, Pismo Beach, California 93449), Owner and Applicant, to consider Planning Application DEV18-0103, for a Conditional Use Permit for a mini-storage use on a 2.4-acre site located at 11405 Viejo Camino and 11505 El Camino Real, Atascadero, CA 93422 (APNs 045-342-009 and 045-342-010); and

**WHEREAS**, the site's current General Plan Land Use Designation is Public Facilities (PUB); and

**WHEREAS**, the site's current Zoning District is Public (P); and

**WHEREAS**, mini-storage is a conditionally allowed use in the Public (P) zoning district; and

**WHEREAS**, the project was reviewed by the Design Review Committee at their regularly scheduled meetings on November 14, 2018 and May 22, 2019; and

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

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

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on August 6, 2019, studied and considered the proposed use permit for a mini-storage development; and

**WHEREAS**, the Planning Commission of the City of Atascadero has recommended approval of the use permit; and

**WHEREAS**, an appeal was filed on August 16, 2019 in accordance with the provisions of AMC section 9-1.111; and

**WHEREAS**, the City Council held a duly noticed public hearing to consider the appeal on September 10, 2019 at 6:00 p.m. and considered testimony and reports from staff, the applicants, and the public.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on September 10, 2019, resolved to uphold the Planning Commission's action to approve a conditional use permit for a mini-storage facility subject to conditions of approval and mitigation monitoring as show in Exhibit A and B.

**SECTION 3. Findings.** The City Council makes the following findings, determinations and approvals with respect to the Conditional Use Permit:

**1. Findings for Affirming the Planning Commission's Approval of a Conditional Use Permit**

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

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

- 1.1.7 for infill development
- 1.4.1 for screening exterior lights
- 2.1.3 and 7.2.3 for providing street trees
- 8.5.3 for providing on-site stormwater management

In addition, the project is consistent with Circulation Element (CIR) Policies and Programs:

- 1.4 for requiring a tree lined street
- 1.5.1 for requiring adequate off-street parking
- 2.3.1 for providing adequate sidewalks as required for all new commercial development in the City

The General Plan also includes policies and programs aimed at enhancing the City's visual character and promoting economic viability. LOC3 promotes the transformation of El Camino Real into a distinctive and attractive commercial, office, and industrial park area which can provide for the long term economic viability of the community. In addition, LOC13 provides policies and programs aimed at establishing a range of employment and business opportunities to provide a sound economic base and ensure that new development generates sufficient revenue to support public service needs and quality environmental, social, and educational opportunities. LOC14 also encourages land uses that provide jobs and services for residents that fit within the City's character.

The project, as proposed, will provide additional service to surrounding residents and provide increased property taxes once the site has been developed.



- B. FINDING: The proposed project or use satisfies all applicable provisions of the Zoning Code (Title 9 – Planning and Zoning).

FACT: The proposed mini-storage facility can be permitted through the Conditional Use Permit process as identified in the Municipal Code. The proposed structures and site plan are consistent with the applicable provisions of the Atascadero Municipal Code as conditioned.

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

FACT: The proposed mini-storage facility will be located on a double frontage lot between El Camino Real and Viejo Camino adjacent to residential, commercial, and recreational park uses. The site design has been reviewed by all City departments for consistency with code requirements. The project is proposed to have one access point off of Viejo Camino Road. The project is conditioned to construct frontage improvements along Viejo Camino Road that will ensure safe traffic patterns in and out of the site in addition to existing park and residential traffic.

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

FACT: The proposed project is designed to utilize storage buildings as the exterior walls of the facility. This gives the appearance of a solid wall surrounding the development area. The applicant has included contrasting pilasters along the face of the walls and has retained a minimum 10-foot setback for landscaping along the project frontages. The south-east portion of the site will contain the reconstructed wetland habitat and will include landscaping along the edges of the basin to provide for additional aesthetic screening.

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

FACT: Access to the proposed mini-storage facility will off of Viejo Camino. Mini-storage facilities are very low traffic generating uses and Viejo Camino, with required improvements, will be able to accommodate any increases in traffic resulting from the proposed project.

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

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

G. FINDING: Additional findings.

FACT: On-site creeks, riparian areas, and site improvements will not be negatively impacted by a reduced creek setback. This project includes the realignment and restoration of the existing ephemeral stream and wetland areas on-site. Under the current project proposal, there will be no setback between the reconstructed creek channel and the proposed development pad. The project will be required to meet all building code standards including soils analysis and compaction. The Creek channel will be realigned to provide a straight flow pattern into and out of the wetland area. New riparian habitat is included as part of the wetland restoration efforts proposed.

**SECTION 4. CEQA.** An initial study was prepared for the proposed project at which time mitigation measures were identified to reduce the impacts to a less than significant level. A Draft Mitigated Negative Declaration was posted for public review in accordance with CEQA and was certified by the Planning Commission at a Public Hearing held on August 6, 2019.

**SECTION 5. Approval.** The City Council of the City of Atascadero, in a regular session assembled on September 10, 2019, resolved to uphold the Planning Commission's action to approve a Conditional Use Permit to allow for a mini-storage facility subject to conditions of approval and mitigation monitoring attached in Exhibits A and B.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_th day of \_\_\_, 2019.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

\_\_\_\_\_  
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

ITEM NUMBER:  
DATE:  
ATTACHMENT:

B-1  
09/10/19  
1

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Brian Pierik, City Attorney

**EXHIBIT A: Conditions of Approval**  
**DEV18-0103**

<b>Conditions of Approval</b>  <b>Conditional Use Permit</b> <b>Mini Storage Facility</b> <b>11450 Viejo Camino / 11505 El Camino Real</b>	<b>Timing</b>  BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	<b>Responsibility /Monitoring</b>  PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
1. This Conditional Use Permit shall be for a 81,578 square-foot mini-storage facility as described in attached Exhibits, located at 11505 El Camino Real and 11450 Viejo Camino (APN 045-342-009, 045-342-010), regardless of owner.	<b>Ongoing</b>	<b>PS</b>
2. The approval of this use permit shall become final and effective the date of the hearing. Issuance of building permits may not occur prior to the appeal period of fourteen (14) days following the Planning Commission approval.	<b>Ongoing</b>	<b>PS</b>
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Conditional Use Permit.	<b>Ongoing</b>	<b>PS, CE</b>
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of this time period, the approval shall expire and become null and void unless the project has received a building permit or a time extension.	<b>BP</b>	<b>PS</b>
5. The owner and applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this conditional use permit.	<b>Ongoing</b>	<b>CA</b>
<b>Planning Services</b>		
6. Perimeter wall columns shall be a contrasting color to the wall.	<b>BP</b>	<b>PS</b>
7. The wall adjacent to the realigned creek channel shall be constructed of a natural looking material such as rock or stone.	<b>BP</b>	<b>PS</b>
8. A public access easement shall be provided over the area of the sewer easement. . The easement document shall be recorded prior to permit issuance. The easement document shall include provisions of the continued maintenance of the pathway.	<b>BP</b>	<b>PS</b>
9. The developer shall apply for a Zone Text Amendment prior to issuance of permit to modify the list of conditionally allowed uses to include a caretaker's unit. Approval of this entitlement shall include use permit approval of the Care taker's unit. Should the zone text amendment not be approved, the care-taker's unit shall be removed.	<b>BP</b>	<b>PS</b>
10. All project signage shall be limited to 40 square-feet per frontage and shall not be illuminated whether internally or externally.	<b>BP</b>	<b>PS</b>
11. Perimeter fencing shall be high-quality (not chain link) and shall be compatible with the entry gate design. Fencing shall be located within landscaped areas.	<b>BP</b>	<b>PS</b>
12. Vines shall be planted in large free-standing containers throughout the front patio and attached to the overhead trellis structure.	<b>BP</b>	<b>PS</b>

13. The wetland restoration area shall include taller shrubs adjacent to the perimeter and retaining walls to provide screening	BP	PS
14. Street trees shall be provided along the El Camino Real and Viejo Camino frontages. El Camino trees shall be planted at 30-feet on center and shall be London Plane Sycamores. Trees along Viejo Camino shall include a variety of species and may be installed in natural groupings, subject to the approval of the City Engineer.	BP	PS
15. All mechanical equipment on site shall be screened, including all ground and roof mounted equipment, air conditioners, transformers, etc.	BP	PS
16. All utilities on site shall be installed underground.	BP	PS
<b>Building Services</b>		
17. New buildings shall conform to all Building Code requirements including permitting, room sizes, restrooms, exiting, path of travel, etc. Inclusion of the site plan with this Conditional Use Permit does not provide relief from standard Building Codes in place at the time of submittal of building permits.  The owner or applicant shall obtain a building permit prior to beginning any demolition or construction work on site.	BP	BS
<b>Public Works</b>		
18. A FEMA issued CLOMR must be received by the City Engineer prior to issuance of any Building Permit.	BP	PW
19. The Developer shall construct new frontage improvements along Viejo Camino consisting of a 6-ft wide integral curb-gutter-sidewalk, and shall widen the road to complete a road section of 40-ft wide curb to curb. The new driveway approach shall include an integral 4-ft wide sidewalk per San Luis Obispo County Standard Drawing Nos. B-3, B-3a and B-3c.	PI	PW
20. The Developer shall complete road striping and signage on Viejo Camino to accommodate left-turns into the subject property in coordination with the southbound left-turn lanes to the apartment complex entrance and La Paloma Ct., to the satisfaction of the City Engineer.	PI	PW
21. The Developer shall construct new frontage improvements on El Camino Real consisting of a 6-ft wide integral sidewalk-curb-gutter per City Standards and to the satisfaction of the City Engineer. The alignment of the new frontage shall accommodate a 5-ft wide bike lane. The back of sidewalk shall have a shoulder sufficient to support the new sidewalk. The new frontage improvement adjacent to the existing culvert may require the construction of a pedestrian guardrail depending on the grade differential between the back of sidewalk and the adjacent grade within 5-ft. All improvements shall be to the satisfaction of the City Engineer.	PI	PW
22. This project shall connect to the public sewer main at a location approved by the City Engineer.	BP	PW
23. Improvements within the public sewer easement shall not compromise the existing sewer main and shall not preclude or restrict access to the sewer main by City crews or equipment. Improvements within the sewer easement shall be approved by the City Engineer.	Ongoing / BP	PW
24. Other conditions imposed upon this project shall not compromise the public sewer main or sewer easement and shall be subject to the approval or rejection by the City Engineer.	Ongoing / BP	PW

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DATE: 09/10/19  
ATTACHMENT: 1A

25. Following completion of site grading and prior to a Final Inspection, the Developer shall obtain a FEMA LOMR (based on fill) for the revised flood zone.	BP	PW
<b>Fire Department</b>		
26. New facilities shall conform to all Fire Code and City Fire Department Policy requirements including, but not limited to, driveway slope and length, fire truck access, location of fire hydrants, and fire sprinklers.	BP	FD
27. Auto turn software shall be run on the final project design and turning diagrams shall be included as part of the building permit submittal package.	BP	FD

**Exhibit B: Mitigation Monitoring Program  
DEV18-0103**

**MITIGATION SUMMARY TABLE  
Dove Creek Mino-Storage  
DEV18-0103**

*Per Public Resources Code § 21081.6, the following measures also constitutes the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. The measures will become conditions of approval (COAs) should the project be approved. The City of Atascadero, as the Lead Agency, or other responsible agencies, as specified, are responsible to verify compliance with these COAs.*

MITIGATION MEASURE	TIMING
<b>Aesthetics</b>	
AES-1.1 All exterior lights shall be turned off between the hours of 11pm and 6am. Lights may turn on when motion is sensed. All lighting must be dimmable to maintain the low light levels of the surrounding residential and open space areas.	Ongoing
AES-1.2 The wall shall be constructed of medium toned split face block with darker contrasting pilasters. Where any wall is constructed that is not a side of a building, a decorative cap shall be included. The portion of the wall used to create one side of the realigned creek channel shall be constructed of a natural rock or stone appearing material with color variations. Medium to tall landscaping shall be placed adjacent to the wall. If this is not possible due to wetland restoration requirements, metal trellis features shall be provided at regular intervals with appropriate landscape material. The shelf between the back of building and the creek channel wall shall include space and depth for landscape material that will trail over the wall.	Prior to permit issuance
<b>Air Quality</b>	
AQ 2-1 Use of water trucks or sprinkler systems, in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.	During construction
AQ 2-2 All dirt stock pile areas should be sprayed daily as needed.	During construction
AQ 2-3 Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.	Prior to permit issuance

MITIGATION MEASURE	TIMING
Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.	
AQ 2-4 All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.	During construction
AQ 2-5 All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.	During construction
AQ 2-6 Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.	During construction
AQ 2-7 "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent Track Out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.	During construction
AQ 2-8 Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.	During construction
AQ 2-9 All of these fugitive dust mitigation measures shall be shown on grading and building plans. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD.	Prior to permit issuance
AQ 3-1 Construction Phase Mitigation: <ol style="list-style-type: none"> <li>1. APCD approval is required prior to demolition of the existing residence.</li> <li>2. An asbestos survey shall be conducted and submitted to</li> </ol>	



**MITIGATION MEASURE**

**TIMING**

- APCD within at least 10 days prior to commencement of demolition activities
3. Prior to construction, the developer shall contact APCD to determine if California statewide portable equipment registration is required.

- AQ 4-1 Operation Phase Mitigation
1. Should any wood burning device be installed within the caretaker's unit, only APCD approved wood burning devices shall be permitted in accordance with APCD Rule 504.

**Biological Resources**

- |         |   |  |
|---------|---|--|
| BIO 1-1 | <b>Pre-Construction Surveys for Roosting Bats:</b> Within 30 days prior to removal of existing structures and/or mature trees, a sunset survey shall be conducted by a qualified biologist to determine if bats are roosting on site. If bats are present, a follow-up acoustic monitoring survey shall be completed to determine, if feasible, which species are present. If roosts of special-status bat species are identified and will be impacted during the proposed project, CDFW will be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual bats and roosts (e.g., conducting work only during the day or installing one-way exclusions prior to work).  | Prior to permit issuance                     |
| BIO 1-2 | <b>Pre-Construction Surveys for Nesting Birds:</b> If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation CDFW, and/or the USFWS. | Prior to permit issuance                     |
| BIO 2-1 | <b>Protection of Hydrologic Resources:</b> Construction within and immediately adjacent to the drainage shall occur only when conditions are dry. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the channel during construction. Acceptable stabilization methods  | Prior to permit issuance/During construction |

**MITIGATION MEASURE**

**TIMING**

include the use of weed-free, natural fiber (i.e., nonmonofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the construction period. In addition, the following general measures shall be implemented during construction:

- The limits of disturbance within the existing drainage feature shall be clearly shown on all sites plans and flagged within the drainages prior to project implementation. All construction personnel shall be directed to avoid impacts to the areas immediately upstream and downstream of the proposed development including the existing culvert features located at El Camino Real and Viejo Camino.
- All equipment and materials shall be stored out of the streambed at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the stream.
- During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from all drainages and aquatic features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering drainages.
- Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

- |         |  |                          |
|---------|--|--------------------------|
| BIO 2-2 | <b>Compensatory Mitigation Plan:</b> A compensatory mitigation plan shall be developed to offset permanent impacts to jurisdictional areas. The exact details and performance criteria of the restoration plan shall be determined during agency coordination with CDFW, RWQCB, and the Corps, as necessary. Stabilization and restoration measures may include the installation of BMPs and/or revegetation using native seed mixes and plantings. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained. Additional mitigation measures required by these agencies would be implemented as necessary. | Prior to permit issuance |
| BIO 2-3 | <b>Agency Permitting:</b> Prior to issuance of any permits for grading or construction on-site, the applicant shall obtain permits from the following agencies, and any other agencies as necessary:   | Prior to permit issuance |

**MITIGATION MEASURE**

**TIMING**

- California Department of Fish and Wildlife
- US Army Corps of Engineers
- Regional Water Quality Control Board

Any mitigation measures required by the above listed permits shall be implemented to their fullest extent.

**Water Quality and Hydrology**

WQH 1-1	The applicant shall obtain all necessary permits from the Regional Water Quality Control Board.	Prior to permit issuance
WQH 2-1	Prior to issuance of any building permits, a FEMA Conditional Letter Of Map Revision (CLOMR) must be issued and received by the City Engineer.	Prior to permit issuance
WQH 2-2	The project design and construction shall comply with the CLOMR. Prior to a final inspection or Occupancy release, the developer must apply for and be issued a FEMA Letter Of Map Revision (LOMR) and a copy filed in the Office of the City Engineer.	Prior to C of O
LUP 1-1	See BIO 3-1	

EXHIBIT C: Site Plan / Landscape Plan  
DEV18-1013

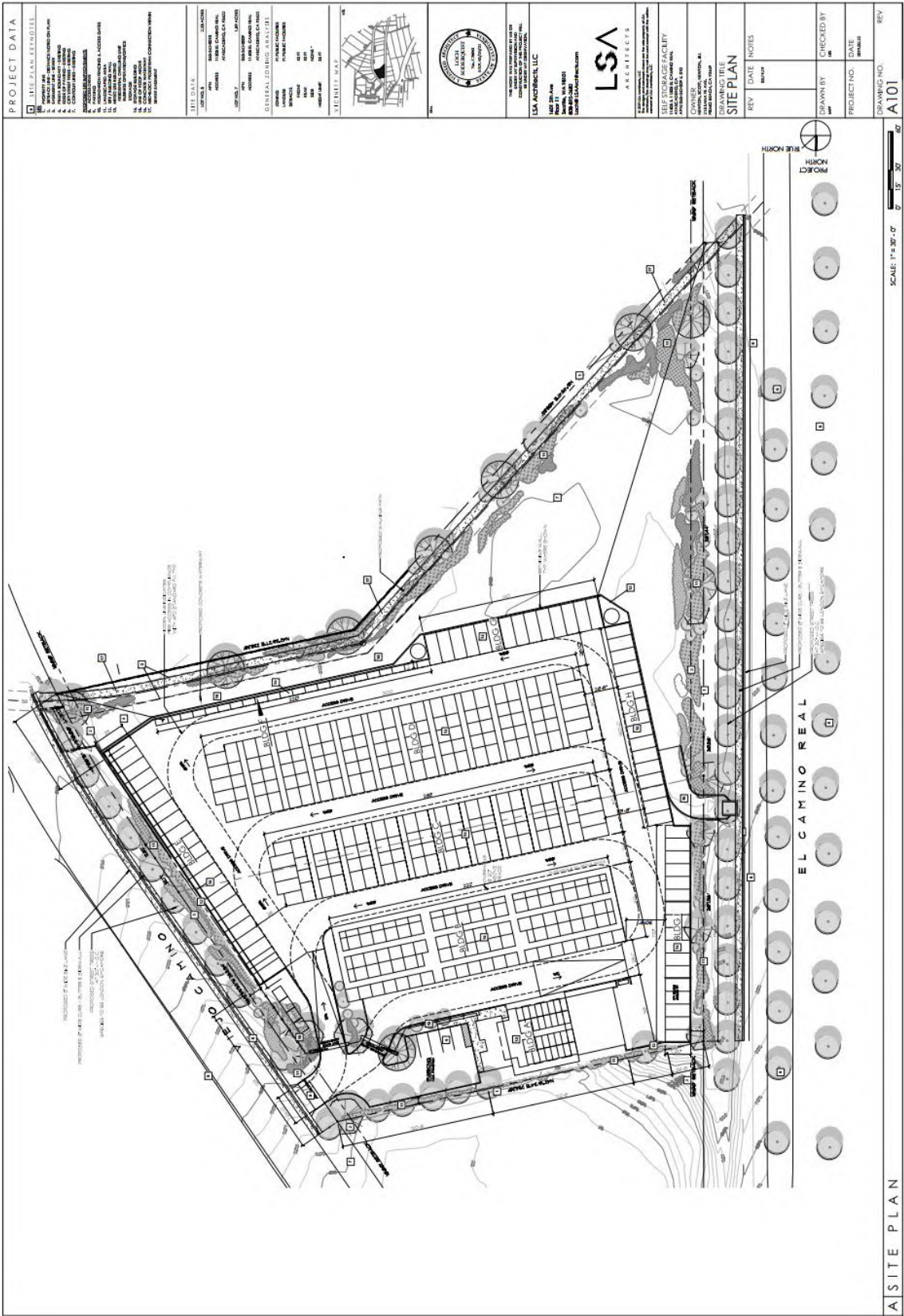


EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

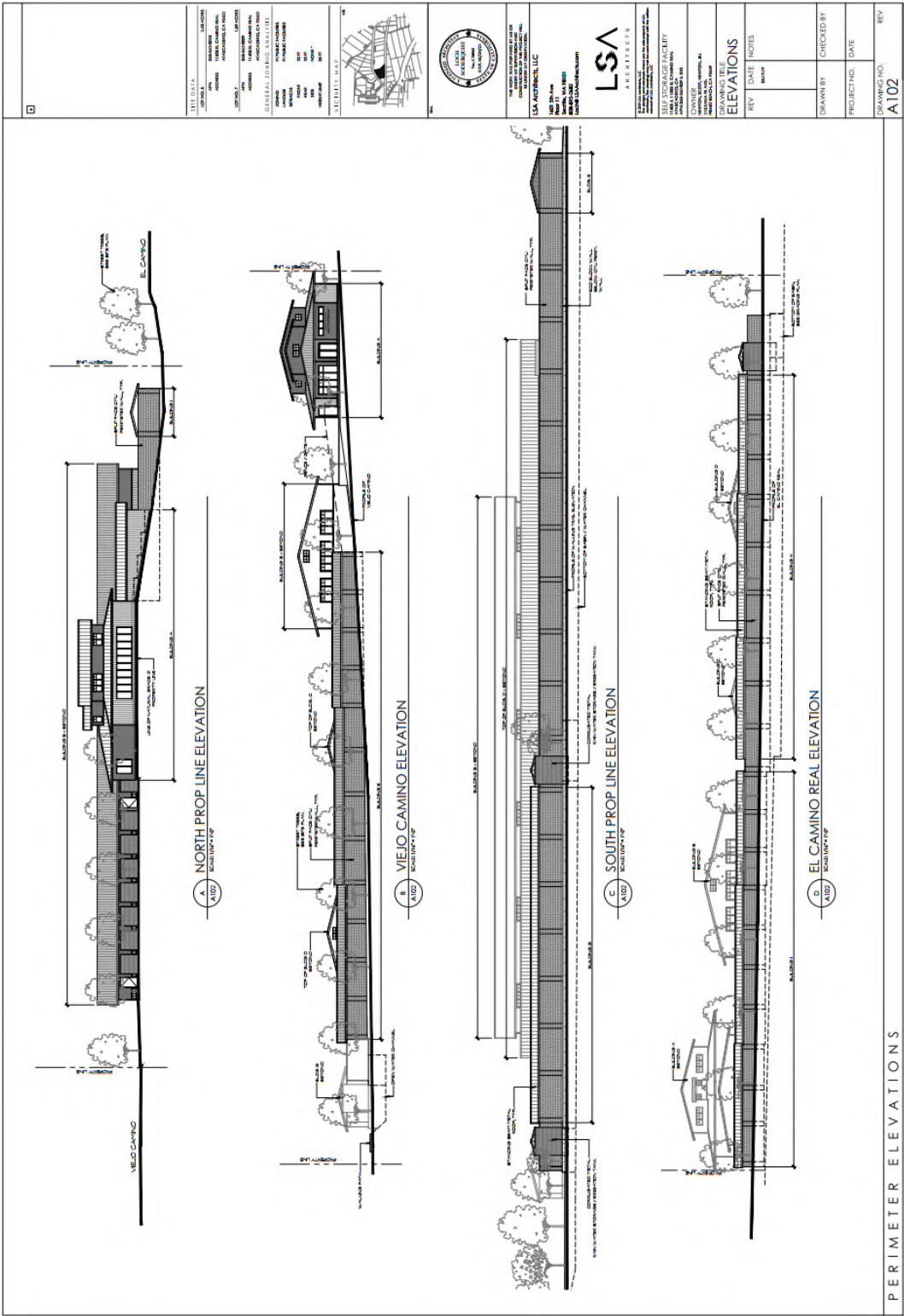




EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

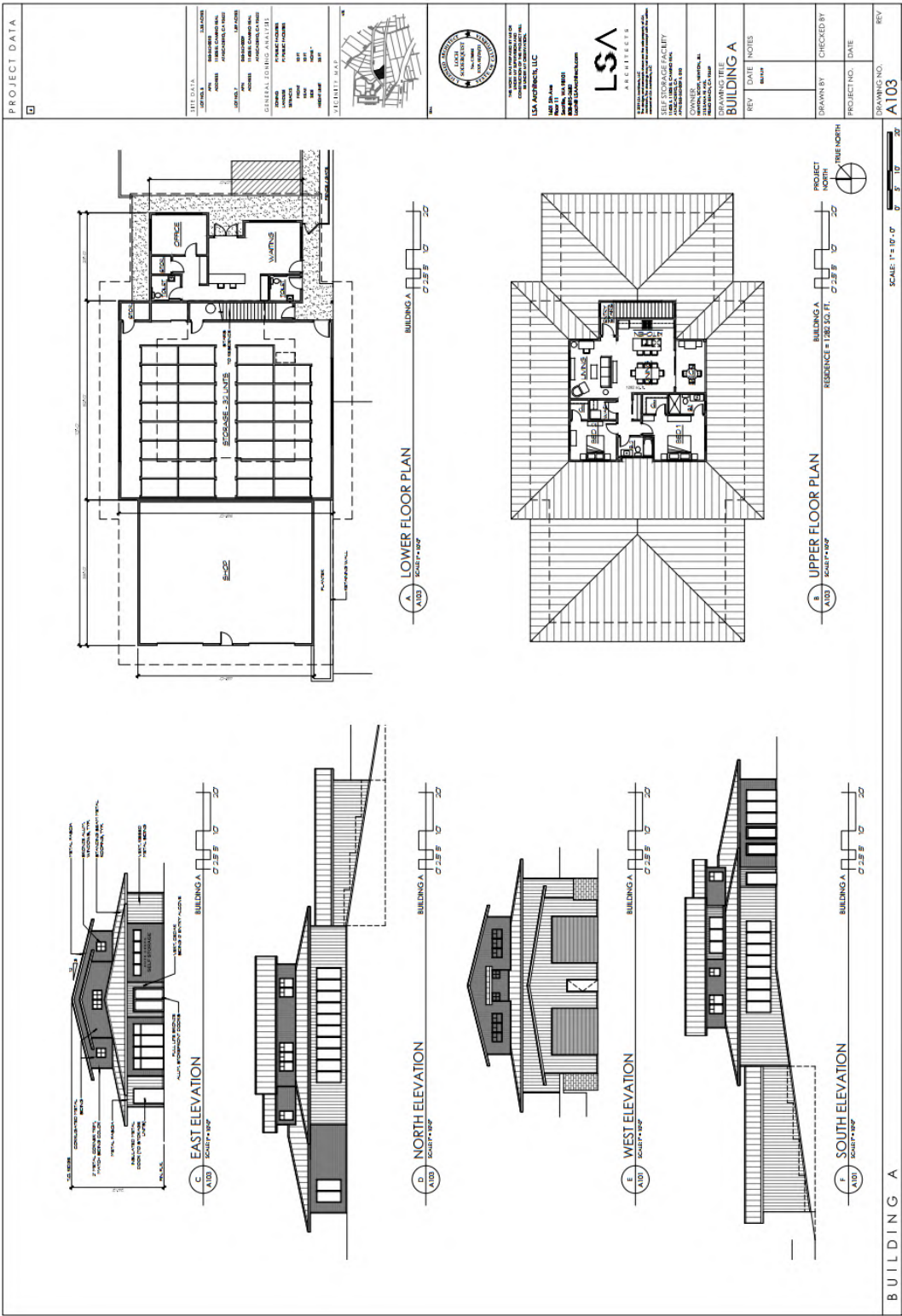


EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

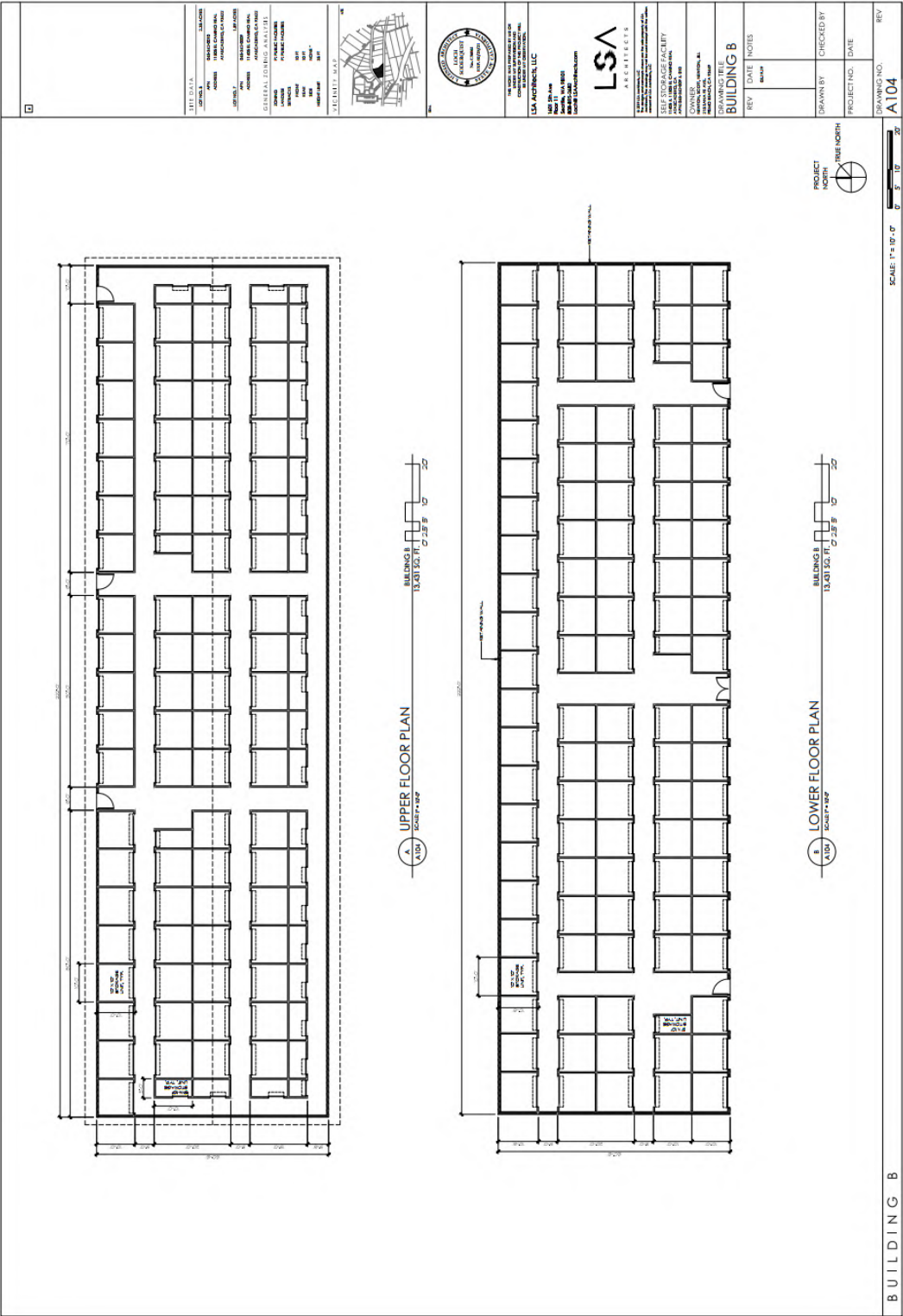


EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

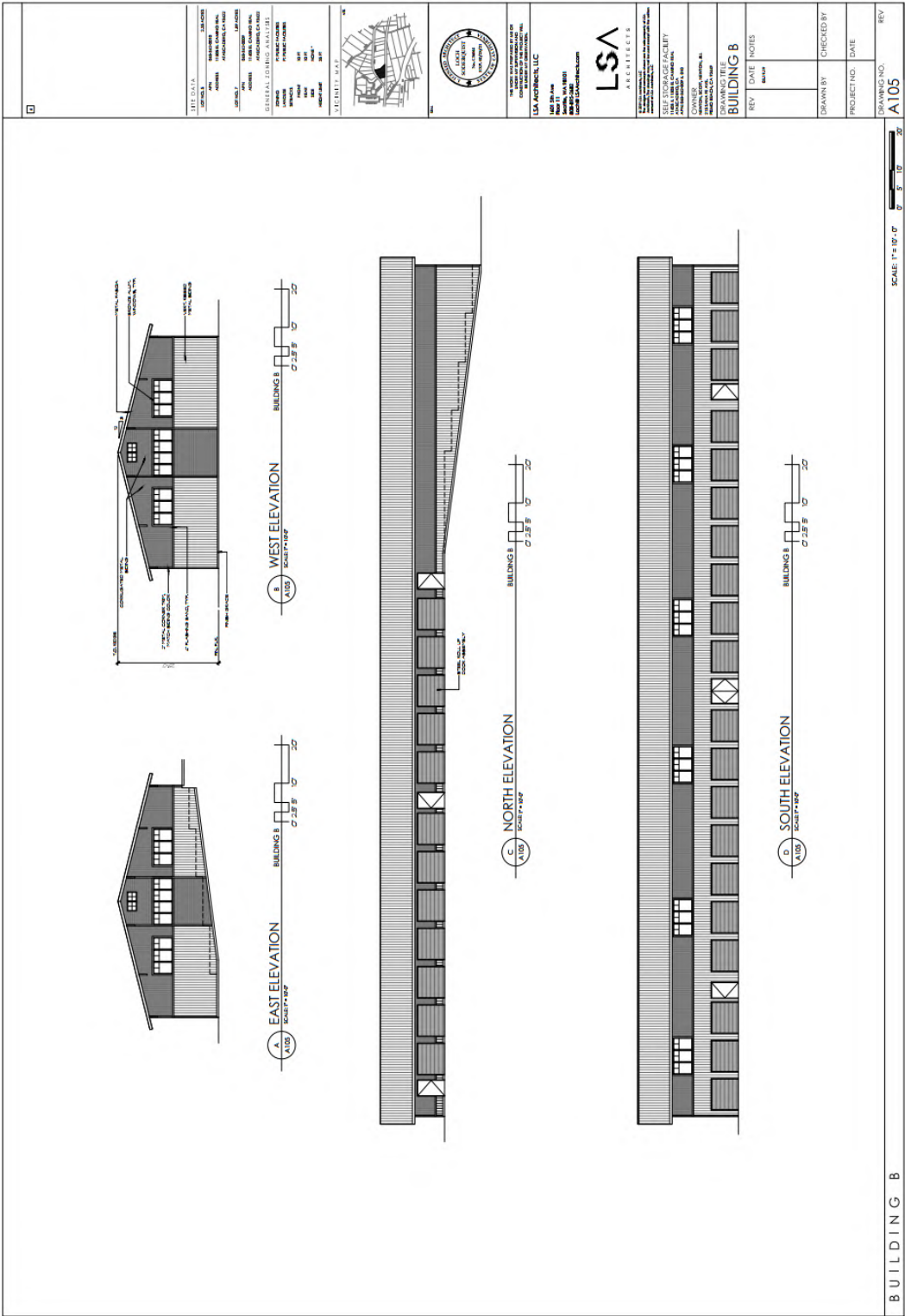




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DEV18-0103

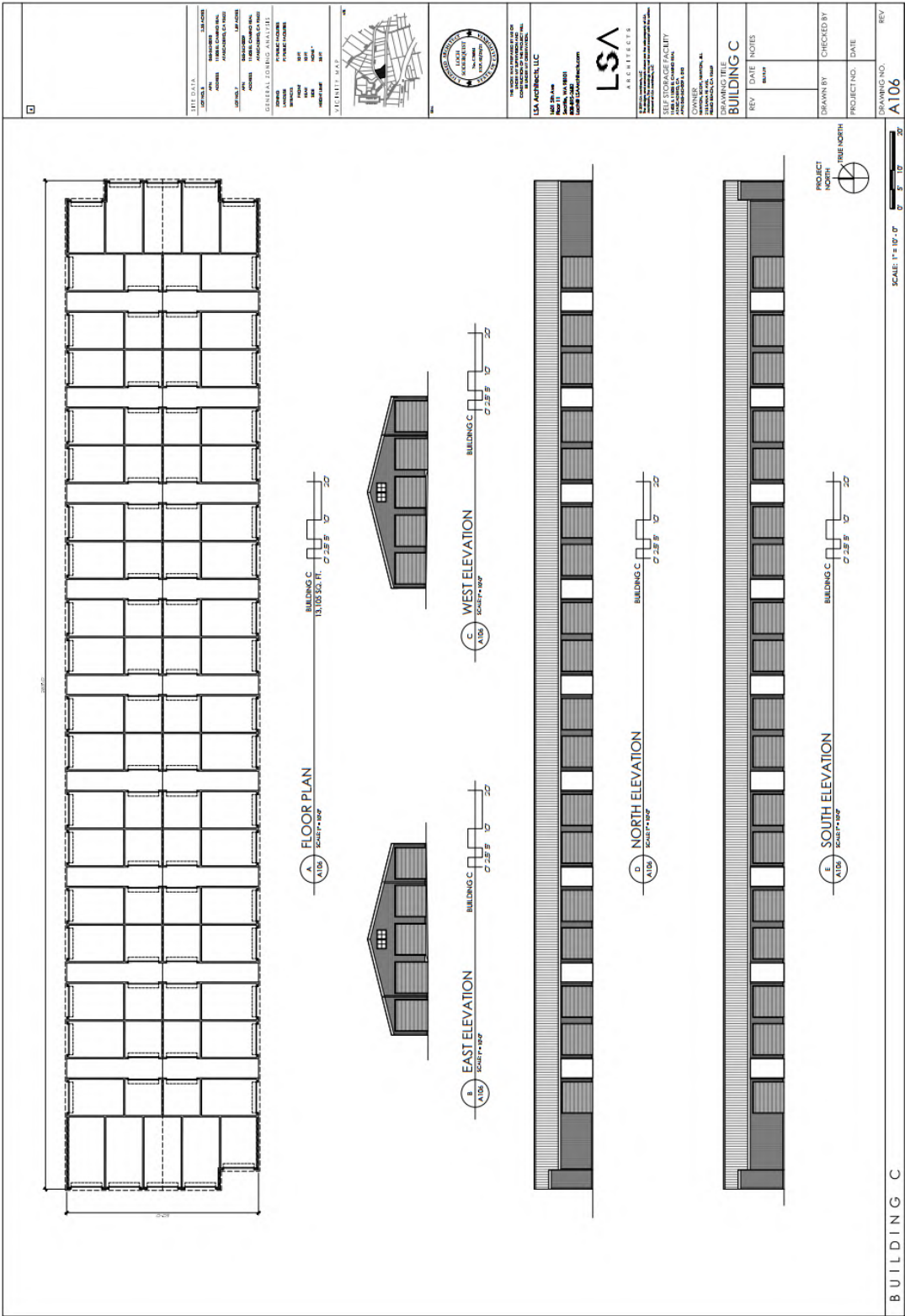


EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

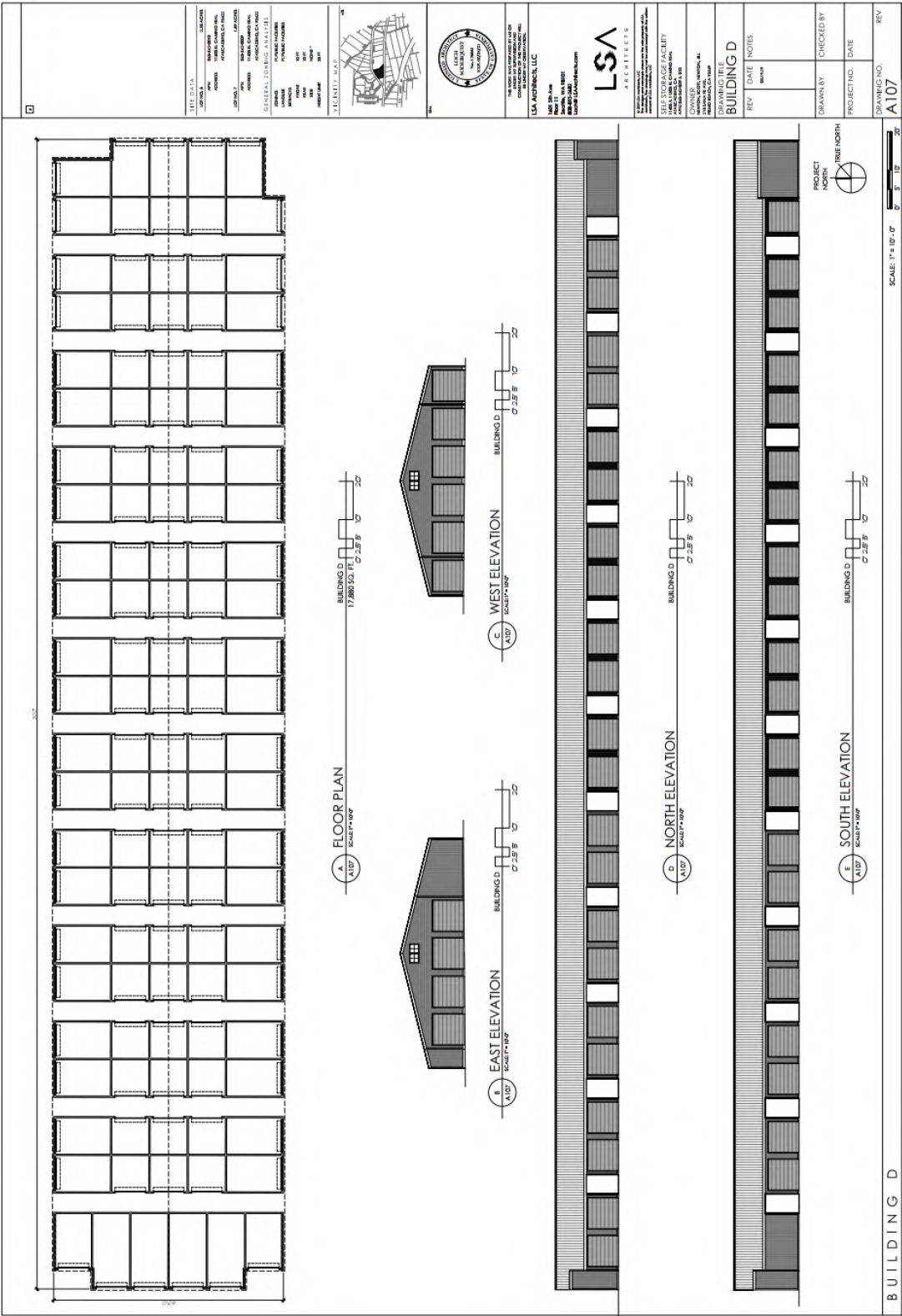


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DEV18-0103

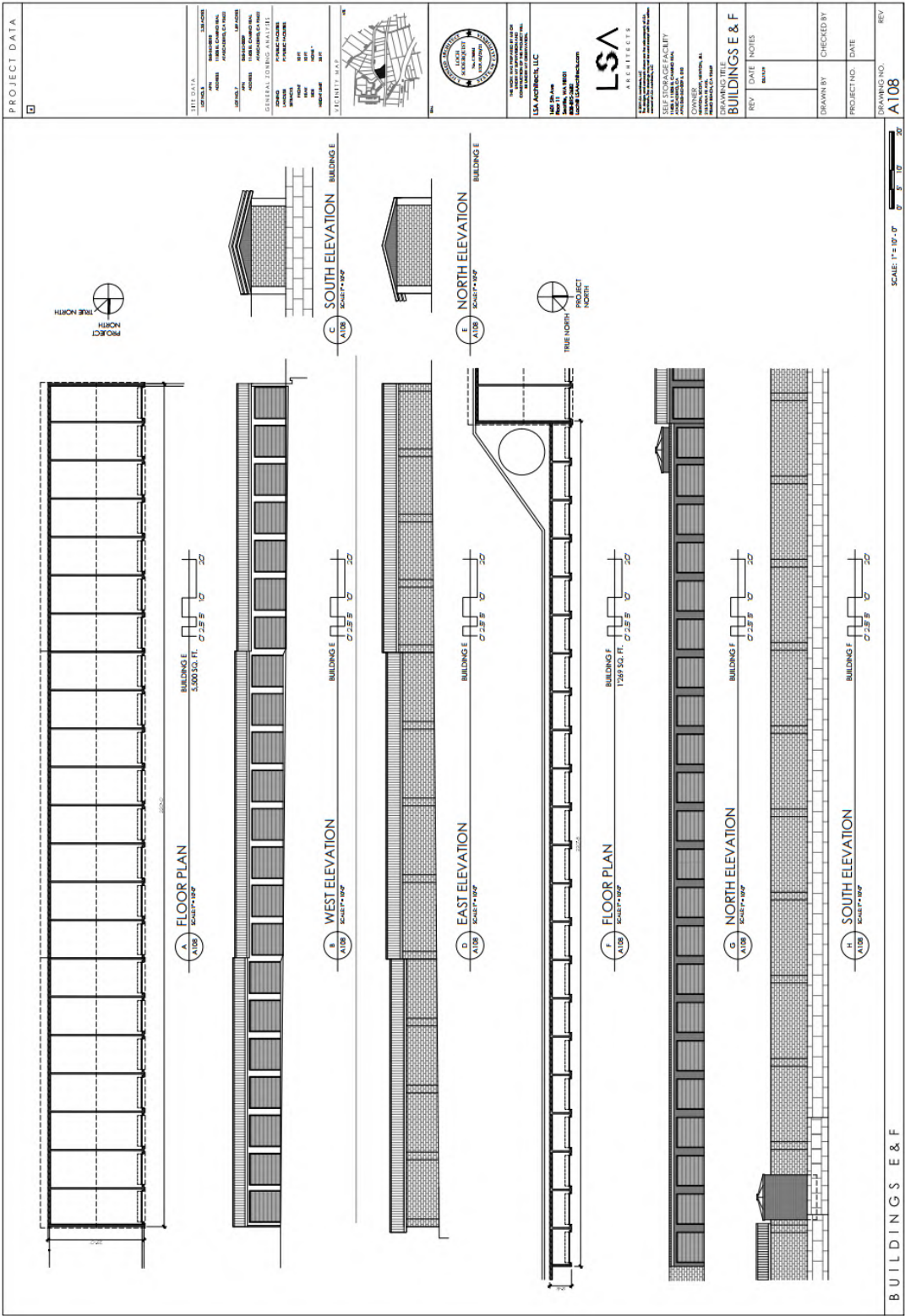


EXHIBIT D: Elevations and Floor Plans  
DEV18-0103

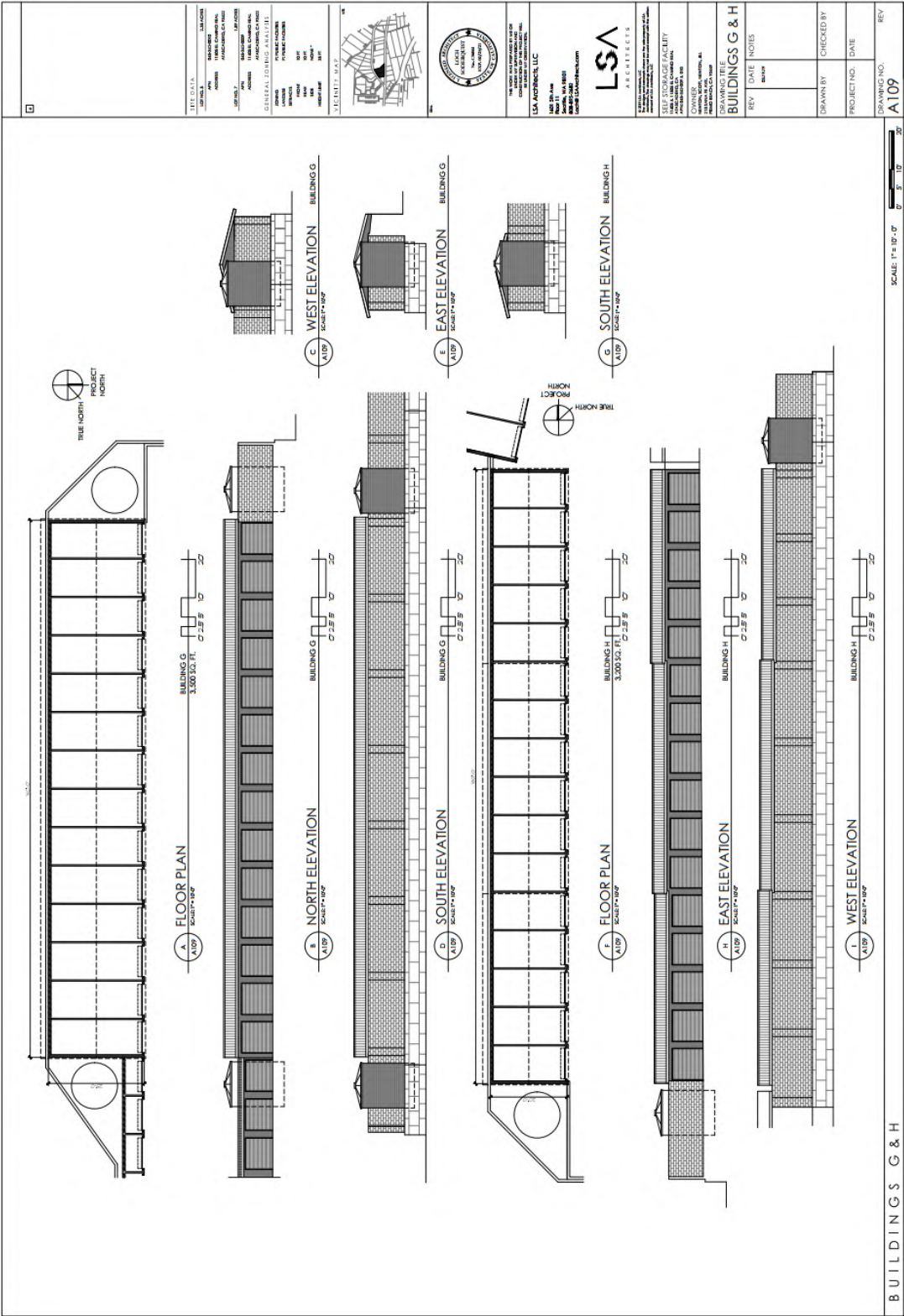
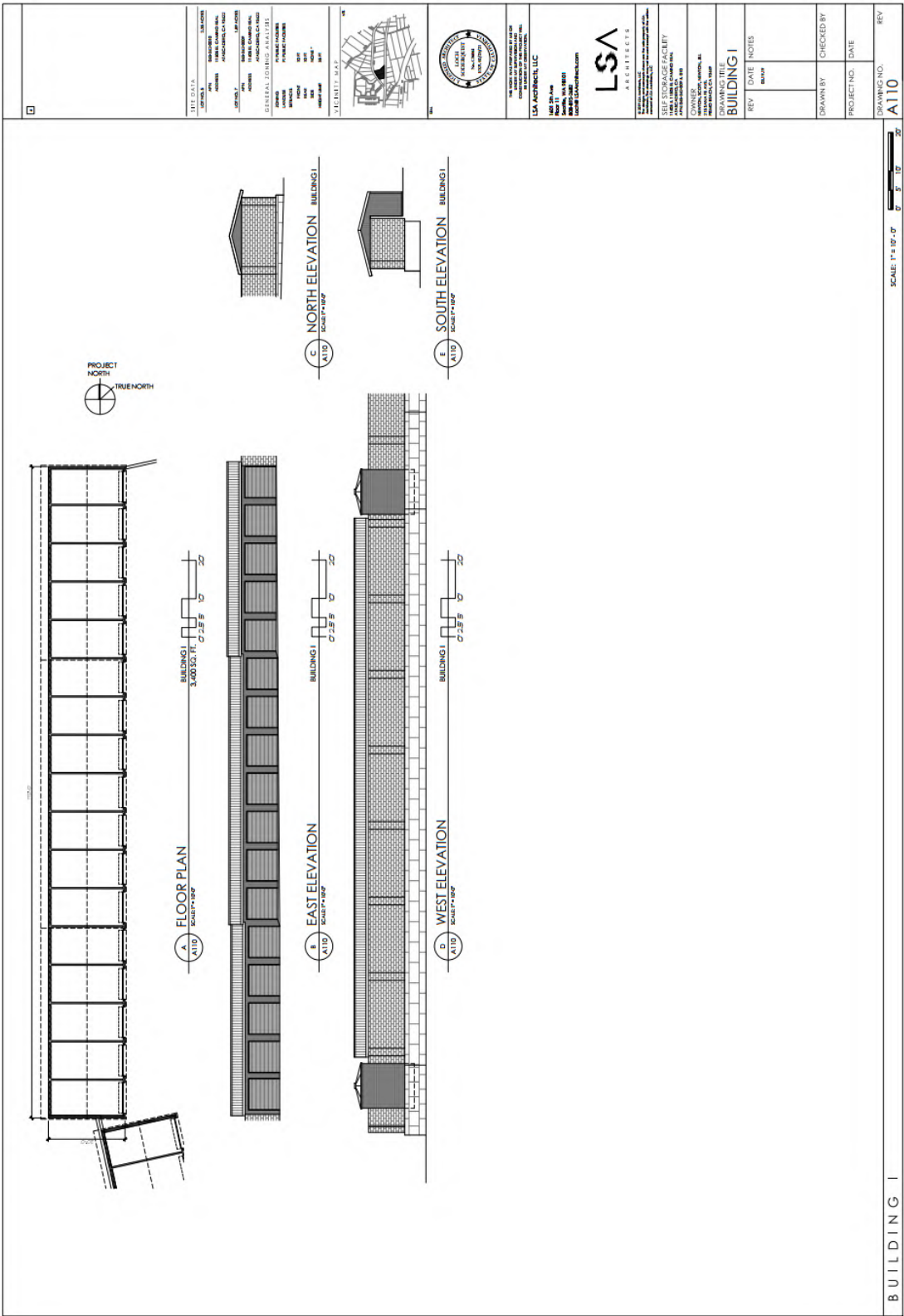




EXHIBIT D: Elevations and Floor Plans

DEV18-0103



**DRAFT RESOLUTION B**

**RESOLUTION OF THE CITY COUNCIL OF THE  
CITY OF ATASCADERO, CALIFORNIA, REVERSING THE PLANNING  
COMMISSION'S ACTION AND DENYING A CONDITIONAL USE  
PERMIT TO ESTABLISH A MINI-STORAGE FACILITY LOCATED AT  
11405 VIEJO CAMINO AND 11505 EL CAMINO REAL**

**DOVE CREEK MINI-STORAGE  
NEWTON  
(DEV18-0103)**

**WHEREAS**, an application has been received from Scott Newton (215 Santa Fe, Pismo Beach, California 93449), Owner and Applicant, to consider Planning Application DEV18-0103, for a Conditional Use Permit for a mini-storage use on a 2.4-acre site located at 11405 Viejo Camino and 11505 El Camino Real, Atascadero, CA 93422 (APNs 045-342-009 and 045-342-010); and

**WHEREAS**, the site's current General Plan Land Use Designation is Public Facilities (PUB); and

**WHEREAS**, the site's current Zoning District is Public (P); and

**WHEREAS**, a mini-storage use is a conditionally allowed use in the Public (P) zoning district, when it can be found to be compatible with the site and setting; and

**WHEREAS**, the project was reviewed by the Design Review Committee at their regularly scheduled meeting on November 14, 2018, where the Design Review Committee suggested the project be denied for inconsistency with the neighborhood, and

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

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

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on August 6, 2019, studied and considered the proposed use permit for a mini-storage development; and

**WHEREAS**, the Planning Commission of the City of Atascadero has recommended approval of the use permit; and

**WHEREAS**, an appeal was filed on August 16, 2019 in accordance with the provisions of AMC section 9-1.111; and

**WHEREAS**, the City Council held a duly noticed public hearing to consider the appeal on September 10, 2019 at 6:00 p.m. and considered testimony and reports from staff, the applicants, and the public.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

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

**SECTION 2. Public Hearing.** The City Council of the City of Atascadero, in a regular session assembled on September 10, 2019, resolved to overturn the Planning Commission's action to approve a conditional use permit for a mini-storage facility.

**SECTION 3. Findings.** The City Council makes the following findings and determinations with respect to the Conditional Use Permit:

**1. Findings for Denial of a Conditional Use Permit**

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

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

8.1 for protection of watershed areas

8.2 for maintenance of a creek setback

In addition, the land use is inconsistent with the General Plan definition of the Public Facilities (PUB) designation.

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

FACT:

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

FACT: The establishment of a mini-storage facility will negatively alter the character of the area, which is dominated by residential and parkland uses. In addition, the realignment of the creek will alter the potential future use of the adjacent property and create potential flooding impacts to that adjacent property.

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

FACT: The proposed mini-storage use is surrounded primarily by residential, parkland, child-care facilities, churches, and a seasonal creek. An 81,000 square foot mini-storage facility is incompatible with the surrounding neighborhood and is a departure from the established land use pattern.

- E. FINDING: The proposed use or project will generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the land use element.

FACT:

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

FACT: The project is inconsistent with goals and policies identified in the land use element to protect creekways such as Policy 8.1 and 8.2.

- G. FINDING: Additional findings.

FACT: On-site creeks, riparian areas, and site improvements will be negatively impacted by a reduced creek setback.

**SECTION 4. CEQA.** An initial study was prepared for the proposed project at which time mitigation measures were identified to reduce the impacts to a less than significant level. A Draft Mitigated Negative Declaration was posted for public review in accordance with CEQA and was certified by Planning Commission at a Public Hearing held on August 6, 2019.

**SECTION 5. Denial.** The City Council of the City of Atascadero, in a regular session assembled on September 10, 2019, resolved to reverse the Planning Commission's action and deny a Conditional Use Permit for a mini-storage facility.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_, 2019.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



ITEM NUMBER:  
DATE:  
ATTACHMENT:

B-1  
09/10/19  
2

CITY OF ATASCADERO

---

Heather Moreno, Mayor

ATTEST:

---

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

---

Brian Pierik, City Attorney



**ITEM 5 | 8/6/2019**  
**Mini-Storage**  
**DEV18-0103 / Newton**

## ***Atascadero Planning Commission***

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

#### **Mini-Storage (DEV 18-0103)**

#### **RECOMMENDATION(S):**

The Planning Commission adopt Draft PC Resolution 2019 approving the Conditional Use Permit for a mini-storage, based on findings and subject to conditions of approval.

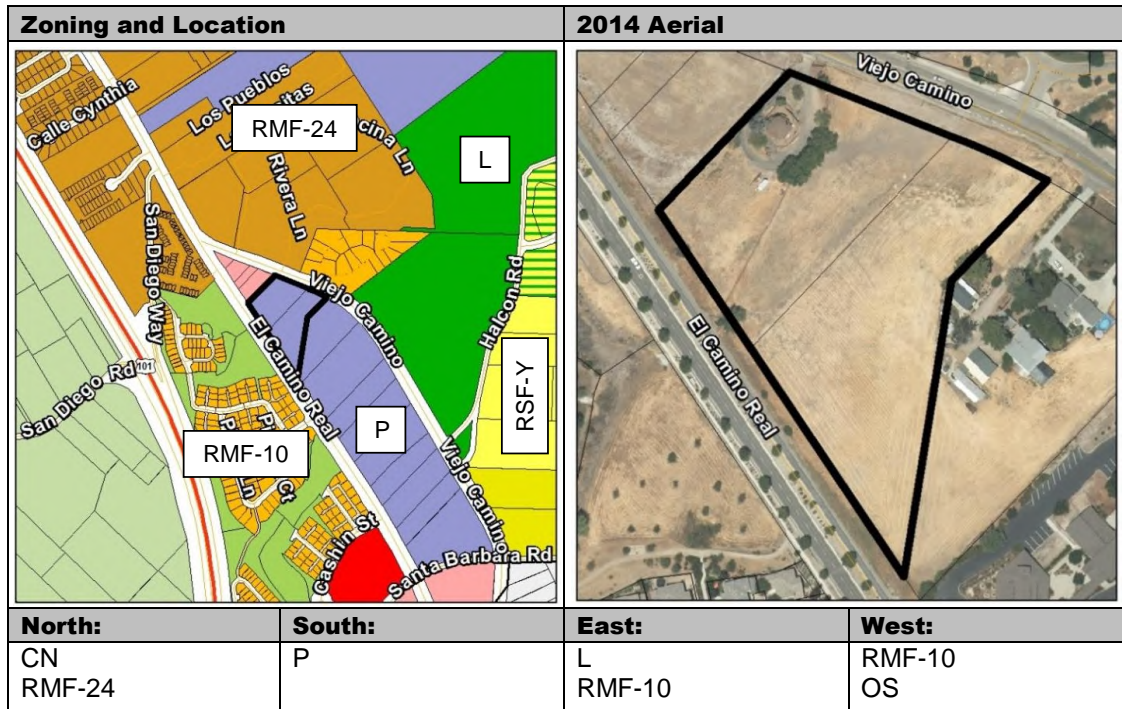
#### Project Info In-Brief:

PROJECT ADDRESS:	11450 Viejo Camino 11505 El Camino Real	Atascadero, CA		APN	045-342-009 045-341-010
PROJECT PLANNER	Kelly Gleason Senior Planner	805-470-3480	kgleason@atascadero.org		
APPLICANT	Scott Newton				
PROPERTY OWNER	Scott Newton				
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE	
Public Facilities (PUB)	Public (P)	4.2 acres	Single-Family Residence (Geodesic Dome)	Mini-storage facility and caretaker's residence	
ENVIRONMENTAL DETERMINATION					
<input type="checkbox"/> Environmental Impact Report SCH: _____					
<input checked="" type="checkbox"/> Negative / Mitigated Negative Declaration No. 2019-0007 / SCH# 2019069058					
<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

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## DISCUSSION:

### Background:

The project involves two lots, one of which has a single-family residence in a geodesic dome completed in 1988. The other lot is undeveloped and is commonly used to graze sheep and goats. The project was heard by the Design Review Committee (DRC) on November 14, 2018. The DRC determined the project was not the “highest and best use” of the property. The DRC noted that a storage use is not appropriate at a civic gateway on a lot that is highly visible from El Camino Real, in close proximity to residential properties and community recreation facilities.

In January, the project was forwarded to the Planning Commission with no further analysis and with a recommendation of denial. The Planning Commission determined that the land use was acceptable and felt that the applicant had been led to believe that the zoning of the property allowed for a mini-storage. The Commission voted to refer the item back to staff for a full analysis.

In May, the project was referred back to DRC for design review. The DRC found that the project as proposed, with conditions added for color and material modifications, is consistent with the City’s Appearance Review Manual. The DRC did not review use compatibility or consistency with non-appearance-related City General Plan Policies, given direction from the Planning Commission’s preliminary review of the project.



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Summary:

The applicant proposes more than 81,000 square feet of storage buildings, an office and a caretaker's residence in a total of 9 buildings. Paved drive aisles and five parking spaces are included. The project location includes a seasonal creek which is proposed to be redirected to accommodate the development of the site. The drainage and creek area is somewhat degraded due to previous droughts and animal grazing. The project includes a proposal to restore wetland habitat on-site. The development will require approximately 6,500 cubic yards of cut and 13,000 cubic yards of fill material in order to create a level development area. There is an existing geodesic dome-shaped residence on the site that would be demolished to accommodate the project.

**ANALYSIS:**

Conditional Use Permits

A mini-storage use is listed as a conditionally allowed use in the Public zoning district. Conditional uses are those uses, which can have detrimental effects on the surrounding neighborhoods, but in some cases may be appropriate based on specific location or added design features above and beyond standard code requirements.

In approving a conditional use, the Planning Commission must find that the use is consistent with the General Plan and Zoning Ordinance, and that it will not be inconsistent with the character of the immediate neighborhood. The character of the neighborhood is dominated by multi-family and small-lot single-family residential units, churches, parks, and other non-commercial uses. The block between Viejo Camino and El Camino Real has some of the largest, flat, non-residential properties remaining vacant in Atascadero. Existing uses include several churches, a daycare center, a convenience store and several residences. Paloma Park is located east of Viejo Camino. The General Plan identifies the area as a Civic Gateway.

Relevant goals and policies of the General Plan include:

- Land Use, Open Space, and Conservation Element (LOC) Program 1.3.8: Beautify the City's primary entryways by creating Civic Gateways. The freeway and other vehicular approaches to Atascadero shall be made more attractive through judicious application of the elements including landscaping, civic monuments, and rural character site development. (*The Santa Barbara / El Camino Real area is identified as a gateway in the General Plan*)
- LOC Goal 13: Provide for a sound economic base to sustain the City's unique character by establishing a range of employment and business opportunities and generate sufficient revenue to support adequate levels of public services, and environmental, social and educational quality.
- LOC Goal 14: Retain and expand existing businesses and attract new businesses to improve the availability of goods and services.
- LOC Policy 14.2: Attract new development and land uses that provide jobs and services for residents, provided that those uses are consistent with the City's character.



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Although the Commission has previously commented on the land discussion, the use permit findings must be made at this time and no entitlement has been granted to the project.

Project Design

***Creek Realignment***

In response to Planning Commission review and General Plan policy analysis, the applicant has made modifications to improve the constructed creek channel where it crosses under Viejo Camino and joins with Paloma Creek. However, the project relies upon re-aligning the existing creek and using retaining walls and other features to guide water flow around the development site. General Plan Land Use Policy 8.1 speaks to maintaining natural creek flows and requires creek watercourses to remain natural and not be channelized or culverted.

*LOC Policy 8.1:*

*Ensure that development along Atascadero Creek, Graves Creeks, the Salinas River, blue line creeks, and natural springs, lakes, or other riparian areas does not interrupt natural flows or adversely impact riparian ecosystems and water quality.*

*LOC Program 8.1.3:*

*The waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited.*

*LOC Program 8.1.4:*

*The waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited.*

*LOC Program 8.1.11:*

*Areas subject to flooding, as identified through flood hazard overlay zoning and flood maps, shall be protected from unsound development consistent with the City's flood hazard ordinance requirements.*

*LOC Program 8.1.13:*

*Support the establishment and protection of floodable terraces, wetlands, and revegetation along creeks and streams.*

The previous design included a concrete channel with a portion of the creek in a culvert that carried the flow under a portion of the developed site area. The revised redirected creek flow is somewhat channelized compared to the existing natural creek path and includes a retaining wall on the project side and a 2:1 vegetated slope along the southern side of the creek. A retaining wall could be constructed at the top of this slope to decrease historic flood impacts to the neighboring property, but this detail has not been fully designed and would be constructed in collaboration with the adjacent property owner if beneficial.







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The applicant will be required to obtain approval from the Army Corps of Engineers (ACE), the California Department of Fish and Wildlife (DFW), the Regional Water Quality Control Board (RWQCB), and, because the proposed development places grading in the floodway, the Federal Emergency Management Agency (FEMA). Based on the input from these agencies, the proposed site plan could change.

The City's General Plan policy requires that development maintain a 20 foot setback from creeks. As of this date, the setback requirement has not been incorporated into the Municipal Code, and presently, the Water Board is asking for communities to adopt a minimum of 30 foot setback from creekways. The setback requirement is designed to address both potential flood damage and habitat protection. The subject property has been grazed for a number of years which has likely reduced the amount of riparian vegetation and definition of this creek. However, the biological reports completed for the site did note a defined creek channel and the creek is listed as a "blue line" creek on USGS survey maps. As such, the 20-foot setback in the General Plan would apply. The current development plan proposes to develop over the existing creek channel and reconstruct the path of flow around the edge of the development area with no setback.

The DRC concluded that the creek realignment and channel design was a policy issue and did not make a recommendation on the proposed designs consistency with the General Plan.

***Stormwater and Wetland Restoration***

The US Fish and Wildlife Service (FWS) online "Wetland Mapper" tool indicates approximately 1.8 acres of the 4.2-acre site may be jurisdictional wetlands. In order to complete the proposed project, the applicant must work with the US Army Corps of Engineers and FWS to obtain a Clean Water Act Section 404 permit to alter the onsite wetlands. The project biologist visited the site in 2019. The biologist identified 0.14 acres of State jurisdictional wetland area and no wetland areas under Federal jurisdiction based on qualifying criteria. The State will require mitigation in the form of on-site wetland rehabilitation.

**FWS Wetland Mapper Data**



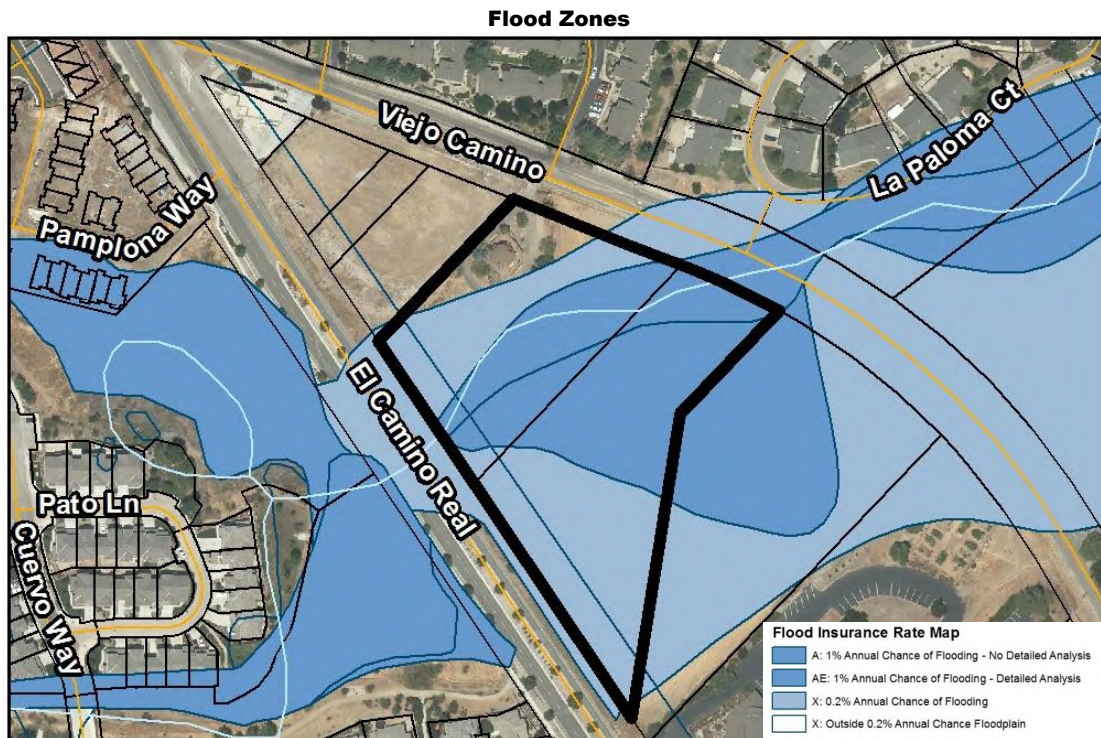
The project includes 0.77 acres of reconstructed wetlands on-site that also act as stormwater retention. The area of reconstructed wetland exceeds the requirement of the California Department of Fish and Wildlife. Proposed project conditions require that the property in the area of the wetland be fenced with a high quality (not chain-link) fencing complementary with the entry gate and fencing proposed adjacent to the parking area.



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**Flood Zone**

The Paloma Creek watershed area is subject to periodic flooding. About half the subject property is in a 100-year flood zone (has a 1% chance of flooding in any year). Another substantial portion is in the 500-year flood zone (has a 0.2% chance of flooding in each year). The applicant will need to apply for a Conditional Letter of Map Revision (CLOMR) from FEMA, as the project will modify the hydrologic character of a floodway. After construction, the Flood Insurance Rate Map (FIRM) must be revised to reflect the impact of the project.



**Architectural Design**

Minor changes in color and materials were made after the previous PC meeting. Building F was reduced in size to accommodate the proposed 2:1 slope on the southern side of the realigned creek channel. Overall, the scale and massing of the buildings remains as previously presented.

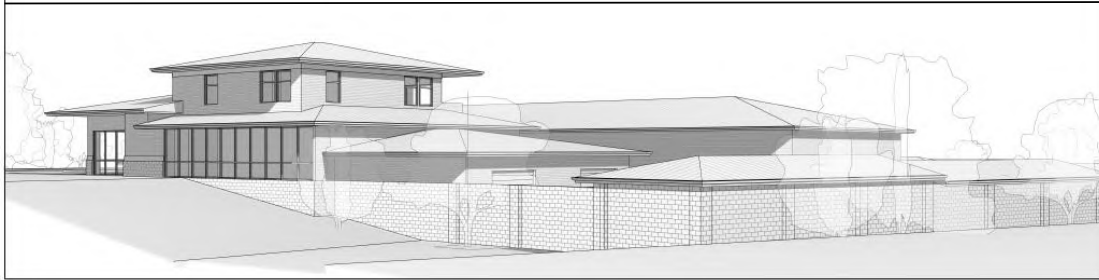
There are a total of 9 buildings proposed on the site. Building A will house the office, a single-family residence, and some storage units. This is the best articulated building with variation in both the height and width of the building.

**Looking East from El Camino Real**





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**Southern Elevation – View from El Camino Real**



The remaining 8 buildings are long and relatively low in stature with unadorned masonry block walls facing the streets. The applicant has added darker colors to the palette of the buildings including dark storefront windows and doors as well as dark ribbed metal wall panels. The metal wall panels have been modified in their orientation. The previous proposal included horizontal ribbing whereas the new proposal orients the ribbing in a vertical fashion to offer contrast to the low, horizontal nature of the buildings. Above ground agrarian style water storage tanks have been added adjacent to building G and F to add visual interest along the south wall elevation.

With the exception of Building A, the view from El Camino Real is of a 175-foot-long concrete masonry wall placed next to a 160-foot-long concrete masonry wall. Similarly, the building next to Viejo Camino is 220 feet long. The applicant is proposing a medium toned split face block for these perimeter walls with periodic protruding column elements constructed of the same material. The project does include 10-feet of landscape area between the adjacent rights-of-way and the perimeter walls; however, minimal articulation and visual interest is provided along these long stretches of blank wall.

This perimeter wall will be especially visible for the elevations of building F as it backs directly onto the realigned creek channel and sits on top of an additional retaining wall to form one side of the channel. The landscape along this side of the project will be setback from the perimeter wall to allow for the flow of storm and natural waters to the culvert at Viejo Camino. This elevation would be visible from El Camino Real if you are driving north into town.

The DRC reviewed the current project proposal and determined that the project is consistent with the appearance review standards. Conditions were added to introduce contrasting column colors along the exterior walls.



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***Signage***

The Atascadero Municipal Code allows for signage facing public streets. As this property is a double frontage lot, signage is permitted facing both Viejo Camino and El Camino Real. Due to the proximity of residential to this facility, a condition has been included that all signage be non-illuminated and limited to 40 square-feet per frontage in accordance with the maximum allowable size by code.

***Frontage Improvements***

The project is conditioned to complete road improvements on both Viejo Camino and El Camino Real. Improvements include curb, gutter and sidewalk, as well as a 5-foot wide bike lane. Additional improvements include pavement widening on Viejo Camino to meet the new frontage as well as striping and signage necessary to accommodate left-turning movements on Viejo Camino at the project entrance.

The City Engineer is recommending a condition to dedicate vehicular access rights along both road frontages except where the proposed driveway is to be located. The dedication of access rights to the City does not preclude future modifications, or the addition of driveway approach locations, but places complete control regarding points of access at the discretion of the City.

***Care-taker's Unit***

A care-taker's unit is proposed as part of the development. The Public (P) zone does not currently allow for a care-taker's unit but does allow for a Single-Family residence with the approval of a use permit. In general, the city requires all mini-storage developments to include a care-taker's unit for site safety and monitoring. Staff believes that the omission of the care-taker's use from the Public zone was an oversight, however, the code needs to be corrected prior to issuance of permits for the site to ensure compliance and consistency with the Zoning Ordinance. A condition has been included that requires the applicant to apply for a Zone Text Amendment to fix this inconsistency. Should the text amendment not be approved, the care-taker's residence will need to be removed from the plans.

**Conclusion:**

A mini-storage is a semi-industrial land use. Its appearance and neighborhood compatibility are key to making the findings to allow the project. The Commission is not required to approve or deny the project and may make findings in either direction. Furthermore, the Commission may determine that additional information or conditions are warranted and the item may be continued.

**ENVIRONMENTAL DETERMINATION:**

A Mitigated Negative Declaration and associated Initial Study was prepared for the project and sent to the State Clearinghouse for distribution to applicable State and Federal agencies. The Initial Study identified impacts to aesthetics, air quality, biological resources, geology and soils, water / hydrology, and land use. Mitigation measures



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were identified that reduce all impacts to a level of insignificance. Mitigation measures are included in the conditions of approval for the use permit.

## **FINDINGS:**

The Planning Commission must make all of the following findings to approve the conditional use permit. Support for each finding is included in the attached resolution.

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

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

## **ALTERNATIVES:**

1. The Planning Commission may include modifications to the project and/or conditions of approval for the project. Any proposed modifications, including conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.
2. The Planning Commission may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Commission should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The Planning Commission may deny the project. The Commission must specify what findings cannot be made, and provide a brief oral statement, based on the



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Staff Report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the Planning Commission.

**ATTACHMENTS:**

1. Draft PC Resolution 2019
2. Notice of Intent to Adopt Mitigated Negative Declaration and Initial Study
3. Agency Comments Received
4. Public Comments Received



**ATTACHMENT 1: Draft Resolution**  
**DEV 18-0103**

**DRAFT PC RESOLUTION 2019**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A  
CONDITIONAL USE PERMIT FOR A MINI-STORAGE USE LOCATED  
AT 11405 VIEJO CAMINO AND 11505 EL CAMINO REAL AND  
CERTIFYING PROPOSED MITIGATED NEGATIVE DECLARATION  
20019-0007 (SCH# 2019069058)**

**DOVE CREEK MINI-STORAGE  
NEWTON  
(DEV18-0103)**

**WHEREAS**, an application has been received from Scott Newton (215 Santa Fe, Pismo Beach, California 93449), Owner and Applicant, to consider Planning Application DEV18-0103, for a Conditional Use Permit for a mini-storage use on a 2.4-acre site located at 11405 Viejo Camino and 11505 El Camino Real, Atascadero, CA 93422 (APNs 045-342-009 and 045-342-010); and

**WHEREAS**, the site's current General Plan Land Use Designation is Public Facilities (PUB); and

**WHEREAS**, the site's current Zoning District is Public (P); and

**WHEREAS**, mini-storage is a conditionally allowed use in the Public (P) zoning district; and

**WHEREAS**, the project was reviewed by the Design Review Committee at their regularly scheduled meetings on November 14, 2018 and May 22, 2019; and

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

**WHEREAS**, a timely and properly noticed Public Hearing upon the subject conditional use permit 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 zoning text amendments; and

**WHEREAS**, the Planning Commission of the City of Atascadero, at a Public Hearing held on August 6, 2019, studied and considered the proposed use permit for a mini-storage development.



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

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

**SECTION 2. Public Hearing.** The Planning Commission of the City of Atascadero, in a regular session assembled on August 6, 2019, resolved to approve a Conditional Use Permit for a mini-storage facility (DEV 18-0103).

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

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

FACT: The project is consistent with the Land Use, Open Space and Circulation (LOC) Policies and Programs 1.1.7 for infill development; 1.4.1 for screening exterior lights; 2.1.3 and 7.2.3 for providing street trees; and, 8.5.3 for providing on-site stormwater management.

The project is consistent with Circulation Element (CIR) Policies and Programs 1.4 for requiring a tree lined street; 1.5.1 for requiring adequate off-street parking; and 2.3.1 for providing adequate sidewalks.

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

FACT: The proposed mini-storage facility can be permitted through the Conditional Use Permit process as identified in the Municipal Code. The proposed structure and site plan are consistent with the applicable provisions of the Atascadero Municipal Code with the approval of the subject entitlement.

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

FACT: The proposed mini-storage facility will be located on a double frontage lot between El Camino Real and Viejo Camino adjacent to residential, commercial, and park uses. The establishment of the use on an infill site will not be detrimental to the public health, safety, or welfare.

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

FACT: The proposed mini-storage facility will occupy one vacant site and one underdeveloped site adjacent to El Camino real and Viejo Camino. The project has included landscape screening to buffer the project from the nearby residential and park uses. Frontage improvements will be included along both street frontages.



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

FACT: The proposed mini-storage facility will be accessed off of Viejo Camino. Mini-storage facilities are very low traffic generating uses and Viejo Camino will be able to accommodate any increases in traffic resulting from the proposed project.

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

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

**SECTION 4. CEQA.** An initial study was prepared for the proposed project at which time mitigation measures were identified to reduce the impacts to a less than significant level. A Draft Mitigated Negative Declaration was posted for public review in accordance with CEQA.

**SECTION 5. Approval.** The Planning Commission of the City of Atascadero, in a regular session assembled on August 6, 2019, resolved to approve a conditional use permit for a mini-storage facility (DEV18-0103) subject to the following:

1. EXHIBIT A: Conditions of Approval
2. EXHIBIT B: Mitigation Monitoring Program
3. EXHIBIT C: Site Plan / Landscape Plan
4. EXHIBIT D: Elevations and Floor Plans



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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





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**EXHIBIT A: Conditions of Approval**  
**DEV18-0103**

<b>Conditions of Approval</b>	<b>Timing</b>	<b>Responsibility /Monitoring</b>
<b>Conditional Use Permit</b> <b>Mini Storage Facility</b> <b>11450 Viejo Camino / 11505 El Camino Real</b>	BL: Business License GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy	PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney
1. This Conditional Use Permit shall be for a 81,578 square-foot mini-storage facility as described in attached Exhibits, located at 11505 El Camino Real and 11450 Viejo Camino (APN 045-342-009, 045-342-010), regardless of owner.	Ongoing	PS
2. The approval of this use permit shall become final and effective the date of the hearing. Issuance of building permits may not occur prior to the appeal period of fourteen (14) days following the Planning Commission approval.	Ongoing	PS
3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Conditional Use Permit.	Ongoing	PS, CE
4. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of this time period, the approval shall expire and become null and void unless the project has received a building permit or a time extension.	BP	PS
5. The owner and applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this conditional use permit.	Ongoing	CA
<b>Planning Services</b>		
6. Perimeter wall columns shall be a contrasting color to the wall.	BP	PS
7. The wall adjacent to the realigned creek channel shall be constructed of a natural looking material such as rock or stone.	BP	PS
8. A public access easement shall be provided over the area of the sewer easement. . The easement document shall be recorded prior to permit issuance. The easement document shall include provisions of the continued maintenance of the pathway.	BP	PS
9. The developer shall apply for a Zone Text Amendment prior to issuance of permit to modify the list of conditionally allowed uses to include a caretaker's unit. Approval of this entitlement shall include use permit approval of the Care taker's unit. Should the zone text amendment not be approved, the care-taker's unit shall be removed.	BP	PS
10. All project signage shall be limited to 40 square-feet per frontage and shall not be illuminated whether internally or externally.	BP	PS
11. Perimeter fencing shall be high-quality (not chain link) and shall be compatible with the entry gate design. Fencing shall be located within landscaped areas.	BP	PS



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12. Vines shall be planted in large free-standing containers throughout the front patio and attached to the overhead trellis structure.	BP	PS
13. The wetland restoration area shall include taller shrubs adjacent to the perimeter and retaining walls to provide screening	BP	PS
14. Street trees shall be provided along the El Camino Real and Viejo Camino frontages. El Camino trees shall be planted at 30-feet on center and shall be London Plane Sycamores. Trees along Viejo Camino shall include a variety of species and may be installed in natural groupings, subject to the approval of the City Engineer.	BP	PS

15. All mechanical equipment on site shall be screened, including all ground and roof mounted equipment, air conditioners, transformers, etc.	BP	PS
16. All utilities on site shall be installed underground.	BP	PS
<b>Building Services</b>		
17. New buildings shall conform to all Building Code requirements including permitting, room sizes, restrooms, exiting, path of travel, etc. Inclusion of the site plan with this Conditional Use Permit does not provide relief from standard Building Codes in place at the time of submittal of building permits.  The owner or applicant shall obtain a building permit prior to beginning any demolition or construction work on site.	BP	BS
<b>Public Works</b>		
18. A FEMA issued CLOMR must be received by the City Engineer prior to issuance of any Building Permit.	BP	PW
19. The Developer shall construct new frontage improvements along Viejo Camino consisting of a 6-ft wide integral curb-gutter-sidewalk, and shall widen the road to complete a road section of 40-ft wide curb to curb. The new driveway approach shall include an integral 4-ft wide sidewalk per San Luis Obispo County Standard Drawing Nos. B-3, B-3a and B-3c.	PI	PW
20. The Developer shall complete road striping and signage on Viejo Camino to accommodate left-turns into the subject property in coordination with the southbound left-turn lanes to the apartment complex entrance and La Paloma Ct., to the satisfaction of the City Engineer.	PI	PW
21. The Developer shall construct new frontage improvements on El Camino Real consisting of a 6-ft wide integral sidewalk-curb-gutter per City Standards and to the satisfaction of the City Engineer. The alignment of the new frontage shall accommodate a 5-ft wide bike lane. The back of sidewalk shall have a shoulder sufficient to support the new sidewalk. The new frontage improvement adjacent to the existing culvert may require the construction of a pedestrian guardrail depending on the grade differential between the back of sidewalk and the adjacent grade within 5-ft. All improvements shall be to the satisfaction of the City Engineer.	PI	PW
22. This project shall connect to the public sewer main at a location approved by the City Engineer.	BP	PW



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23. Improvements within the public sewer easement shall not compromise the existing sewer main and shall not preclude or restrict access to the sewer main by City crews or equipment. Improvements within the sewer easement shall be approved by the City Engineer.	Ongoing / BP	PW
24. Other conditions imposed upon this project shall not compromise the public sewer main or sewer easement and shall be subject to the approval or rejection by the City Engineer.	Ongoing / BP	PW
25. Following completion of site grading and prior to a Final Inspection, the Developer shall obtain a FEMA LOMR (based on fill) for the revised flood zone.	BP	PW
<b>Fire Department</b>		
26. New facilities shall conform to all Fire Code and City Fire Department Policy requirements including, but not limited to, driveway slope and length, fire truck access, location of fire hydrants, and fire sprinklers.	BP	FD
27. Auto turn software shall be run on the final project design and turning diagrams shall be included as part of the building permit submittal package.	BP	FD



**Exhibit B: Mitigation Monitoring Program**  
**DEV18-0103**

**MITIGATION SUMMARY TABLE**  
**Dove Creek Mino-Storage**  
**DEV18-0103**

*Per Public Resources Code § 21081.6, the following measures also constitutes the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. The measures will become conditions of approval (COAs) should the project be approved. The City of Atascadero, as the Lead Agency, or other responsible agencies, as specified, are responsible to verify compliance with these COAs.*

MITIGATION MEASURE	TIMING
<b>Aesthetics</b>	
AES-1.1 All exterior lights shall be turned off between the hours of 11pm and 6am. Lights may turn on when motion is sensed. All lighting must be dimmable to maintain the low light levels of the surrounding residential and open space areas.	Ongoing
AES-1.2 The wall shall be constructed of medium toned split face block with darker contrasting pilasters. Where any wall is constructed that is not a side of a building, a decorative cap shall be included. The portion of the wall used to create one side of the realigned creek channel shall be constructed of a natural rock or stone appearing material with color variations. Medium to tall landscaping shall be placed adjacent to the wall. If this is not possible due to wetland restoration requirements, metal trellis features shall be provided at regular intervals with appropriate landscape material. The shelf between the back of building and the creek channel wall shall include space and depth for landscape material that will trail over the wall.	Prior to permit issuance
<b>Air Quality</b>	
AQ 2-1 Use of water trucks or sprinkler systems, in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.	During construction



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MITIGATION MEASURE	TIMING
AQ 2-2 All dirt stock pile areas should be sprayed daily as needed.	During construction
AQ 2-3 Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.	Prior to permit issuance
AQ 2-4 All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.	During construction
AQ 2-5 All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.	During construction
AQ 2-6 Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.	During construction
AQ 2-7 "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent Track Out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.	During construction
AQ 2-8 Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.	During construction



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**MITIGATION MEASURE**

**TIMING**

AQ 2-9 All of these fugitive dust mitigation measures shall be shown on grading and building plans. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD.

Prior to permit issuance

AQ 3-1 Construction Phase Mitigation:

1. APCD approval is required prior to demolition of the existing residence.
2. An asbestos survey shall be conducted and submitted to APCD within at least 10 days prior to commencement of demolition activities
3. Prior to construction, the developer shall contact APCD to determine if California statewide portable equipment registration is required.

AQ 4-1 Operation Phase Mitigation

1. Should any wood burning device be installed within the caretaker's unit, only APCD approved wood burning devices shall be permitted in accordance with APCD Rule 504.

**Biological Resources**

BIO 1-1 **Pre-Construction Surveys for Roosting Bats:** Within 30 days prior to removal of existing structures and/or mature trees, a sunset survey shall be conducted by a qualified biologist to determine if bats are roosting on site. If bats are present, a follow-up acoustic monitoring survey shall be completed to determine, if feasible, which species are present. If roosts of special-status bat species are identified and will be impacted during the proposed project, CDFW will be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual bats and roosts (e.g., conducting work only during the day or installing one-way exclusions prior to work).

Prior to permit issuance

BIO 1-2 **Pre-Construction Surveys for Nesting Birds:** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they

Prior to permit issuance



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**MITIGATION MEASURE**

**TIMING**

shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation CDFW, and/or the USFWS.

- BIO 2-1 **Protection of Hydrologic Resources:** Construction within and immediately adjacent to the drainage shall occur only when conditions are dry. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the channel during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., nonmonofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the construction period. In addition, the following general measures shall be implemented during construction:
- The limits of disturbance within the existing drainage feature shall be clearly shown on all sites plans and flagged within the drainages prior to project implementation. All construction personnel shall be directed to avoid impacts to the areas immediately upstream and downstream of the proposed development including the existing culvert features located at El Camino Real and Viejo Camino.
  - All equipment and materials shall be stored out of the streambed at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the stream.
  - During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from all drainages and aquatic features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering drainages.
  - Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks
- Prior to permit issuance/During construction



**MITIGATION MEASURE**

**TIMING**

are present.

- |   |                                 |
|---|---------------------------------|
| <p>BIO 2-2 <b>Compensatory Mitigation Plan:</b> A compensatory mitigation plan shall be developed to offset permanent impacts to jurisdictional areas. The exact details and performance criteria of the restoration plan shall be determined during agency coordination with CDFW, RWQCB, and the Corps, as necessary. Stabilization and restoration measures may include the installation of BMPs and/or revegetation using native seed mixes and plantings. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained. Additional mitigation measures required by these agencies would be implemented as necessary.</p> | <p>Prior to permit issuance</p> |
| <p>BIO 2-3 <b>Agency Permitting:</b> Prior to issuance of any permits for grading or construction on-site, the applicant shall obtain permits from the following agencies, and any other agencies as necessary:</p> <ul style="list-style-type: none"> <li>• California Department of Fish and Wildlife</li> <li>• US Army Corps of Engineers</li> <li>• Regional Water Quality Control Board</li> </ul> <p>Any mitigation measures required by the above listed permits shall be implemented to their fullest extent.</p>  | <p>Prior to permit issuance</p> |

**Water Quality and Hydrology**

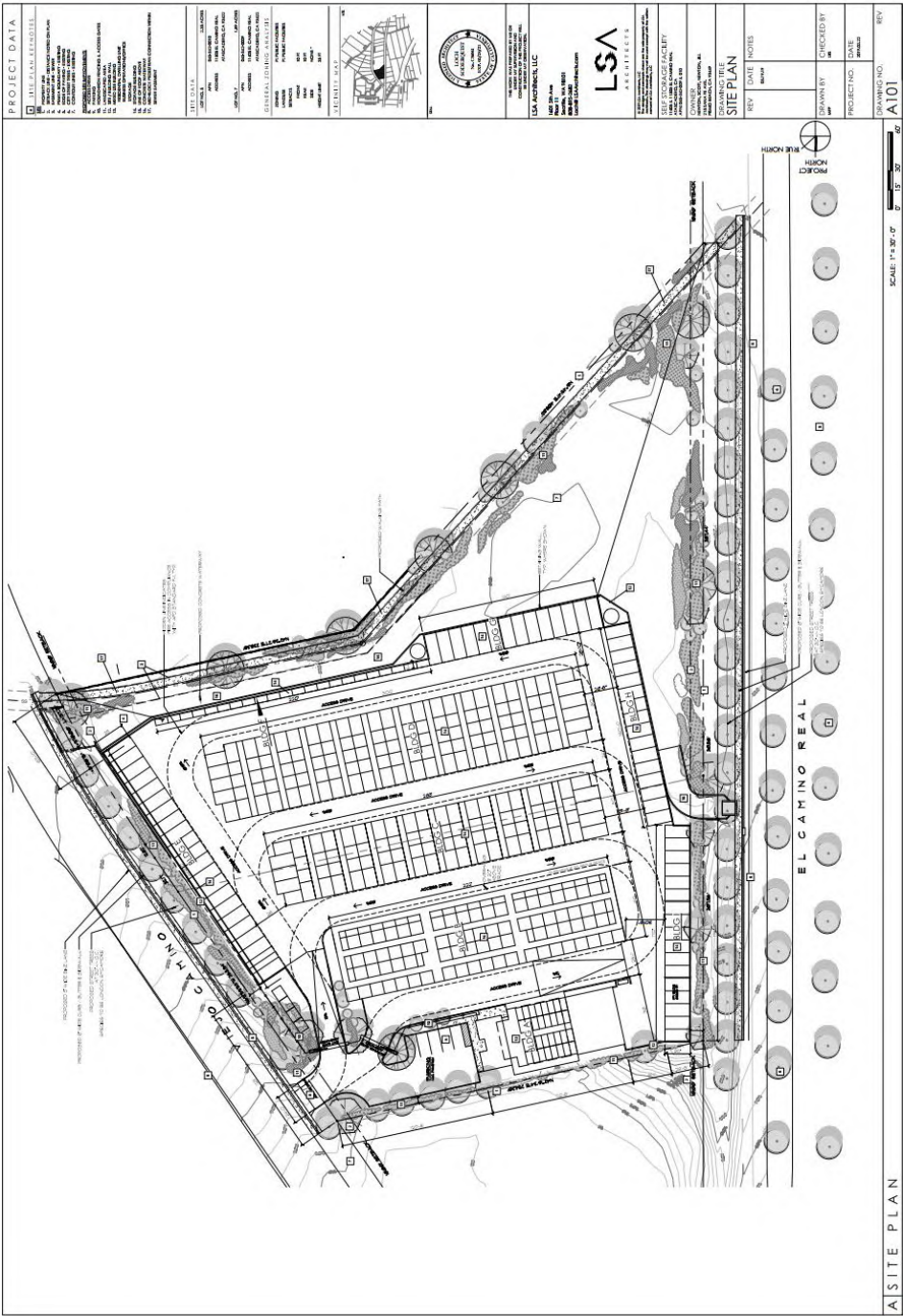
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| <p>WQH 1-1 The applicant shall obtain all necessary permits form the Regional Water Quality Control Board.</p>   | <p>Prior to permit issuance</p> |
| <p>WQH 2-1 Prior to issuance of any building permits, a FEMA Conditional Letter Of Map Revision (CLOMR) must be issued and received by the City Engineer.</p>  | <p>Prior to permit issuance</p> |
| <p>WQH 2-2 The project design and construction shall comply with the CLOMR. Prior to a final inspection or Occupancy release, the developer must apply for and be issued a FEMA Letter Of Map Revision (LOMR) and a copy filed in the Office of the City Engineer.</p> | <p>Prior to C of O</p>          |
| <p>LUP 1-1 See BIO 3-1</p>   |                                 |





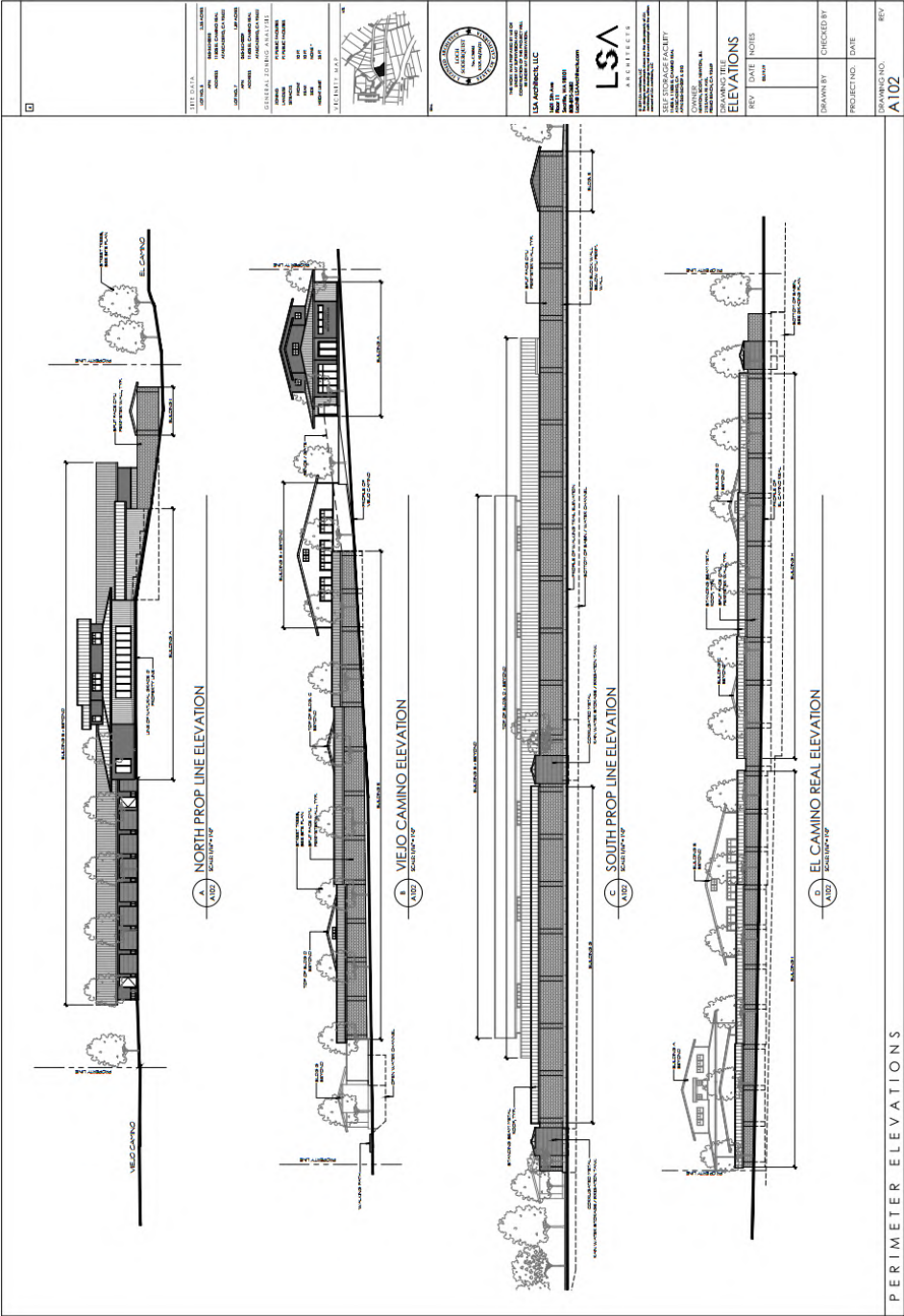
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EXHIBIT C: Site Plan / Landscape Plan  
DEV18-1013



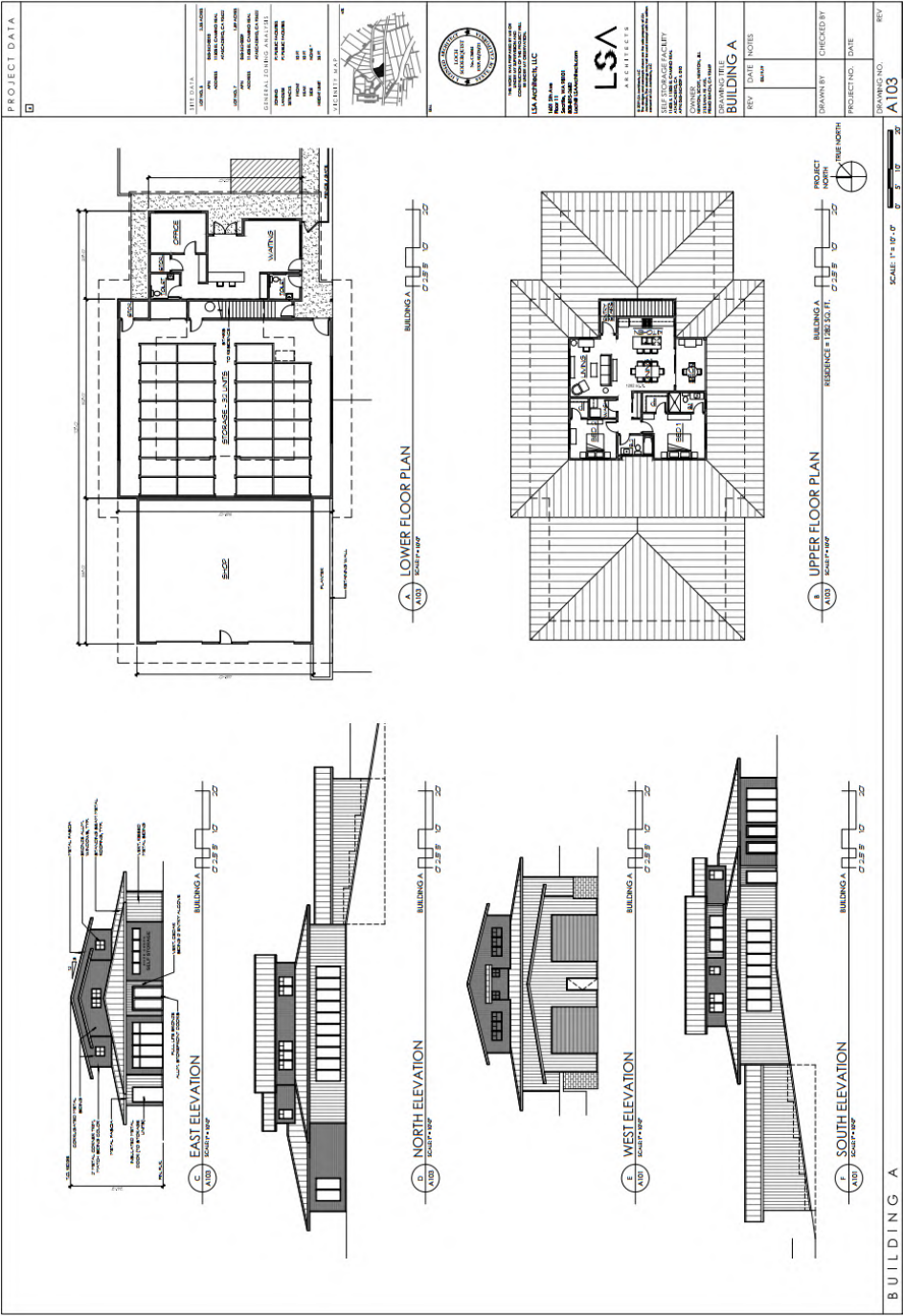
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EXHIBIT D: Elevations and Floor Plans  
DEV18-0103



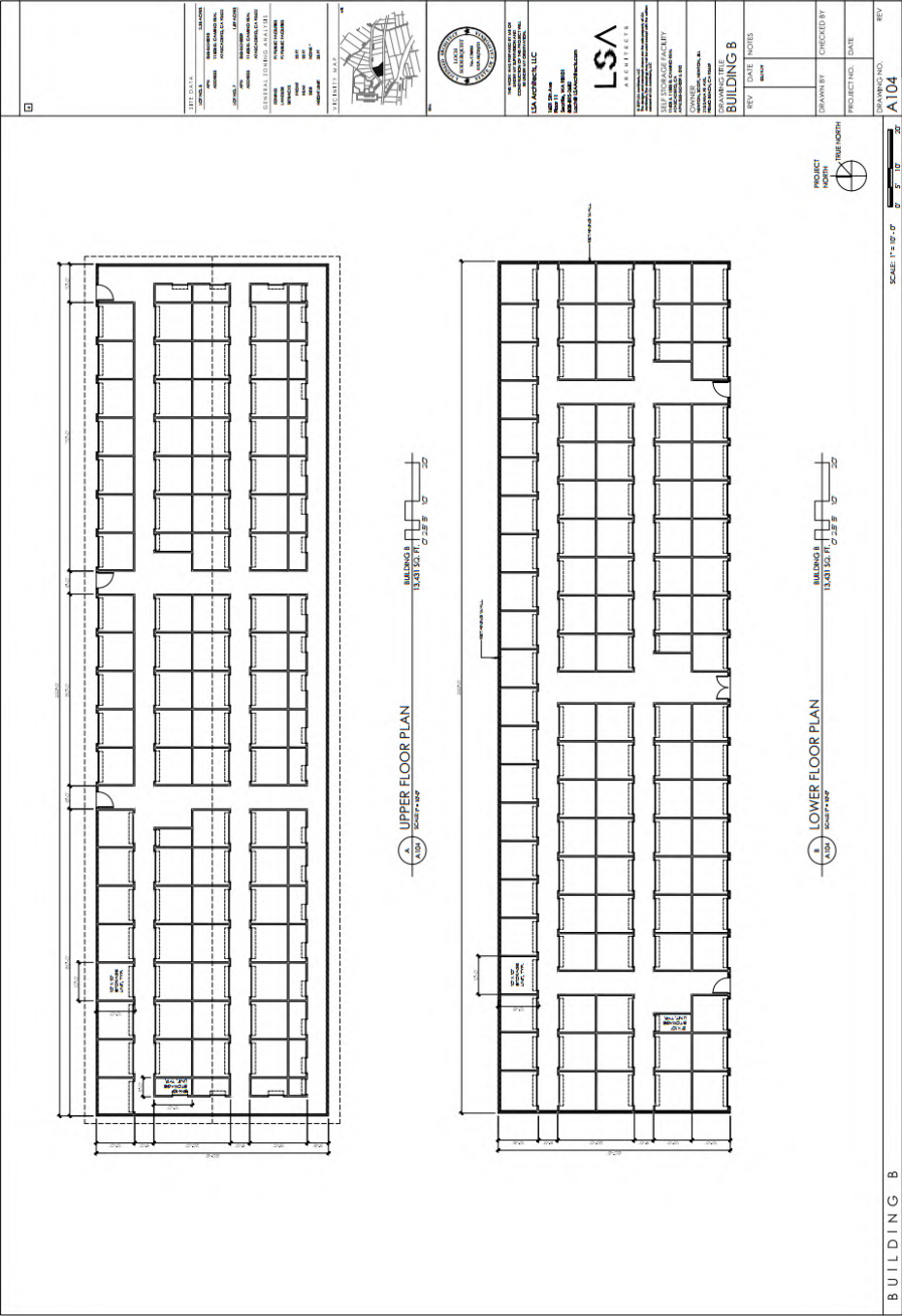
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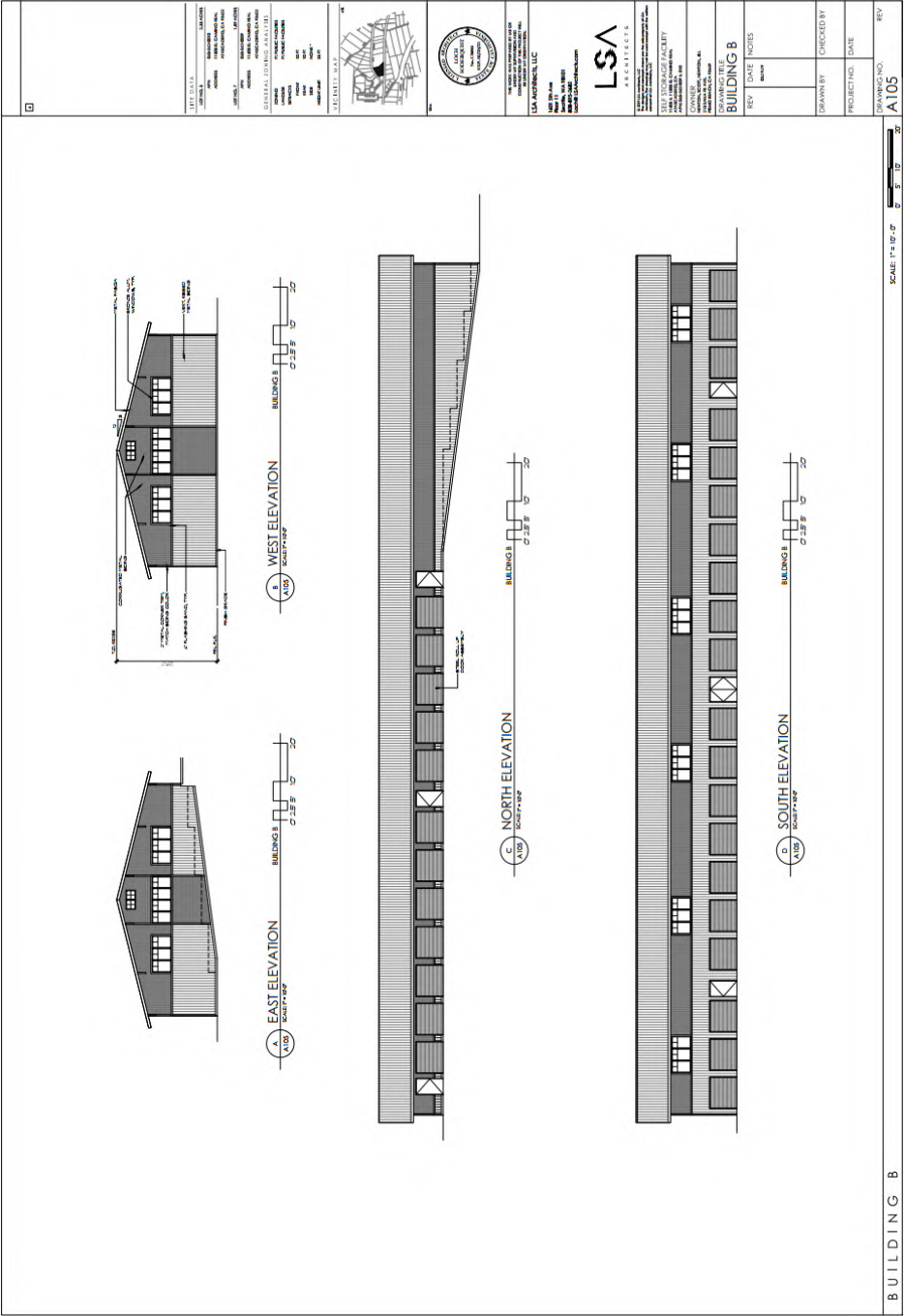
**EXHIBIT D: Elevations and Floor Plans**  
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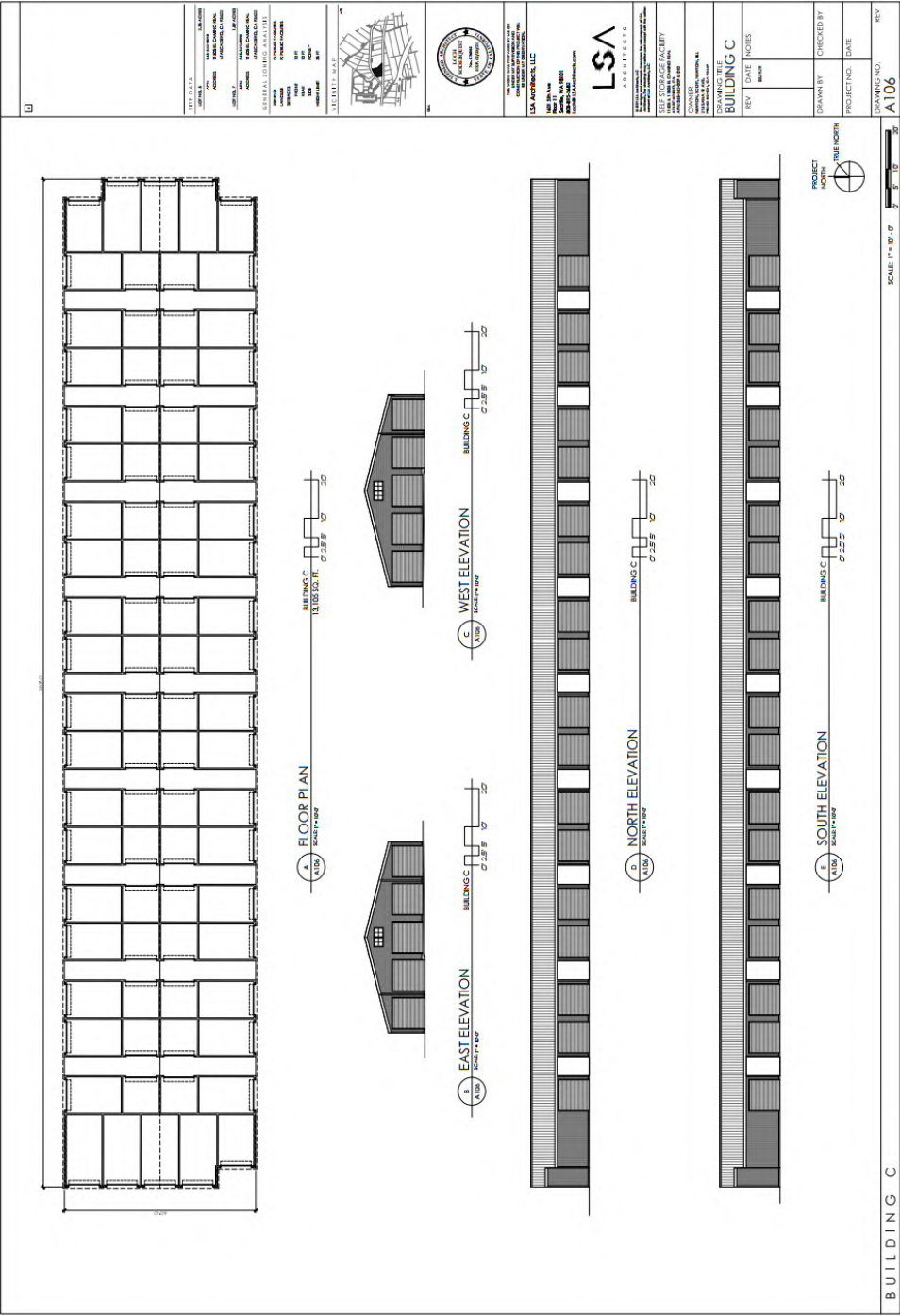
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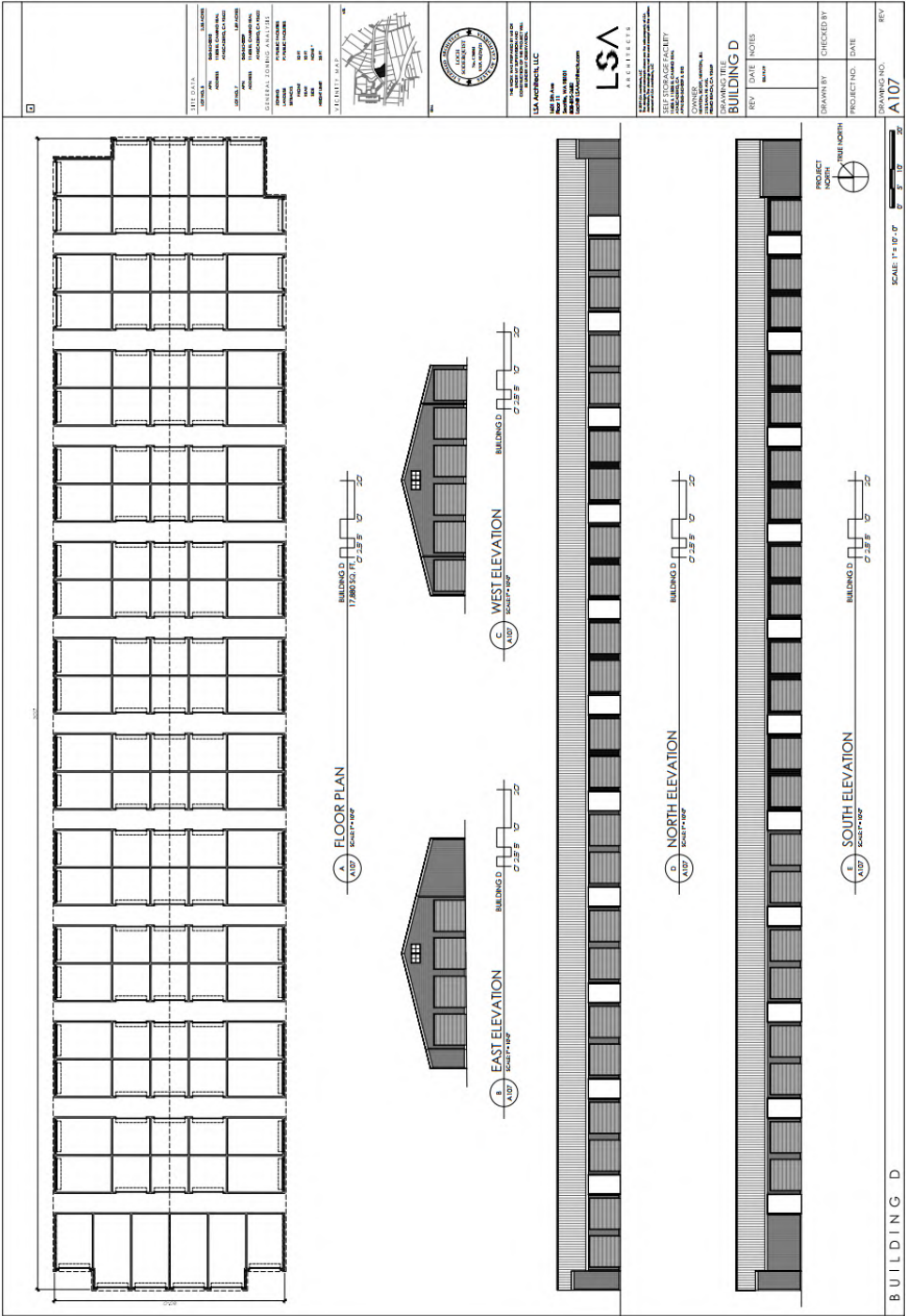
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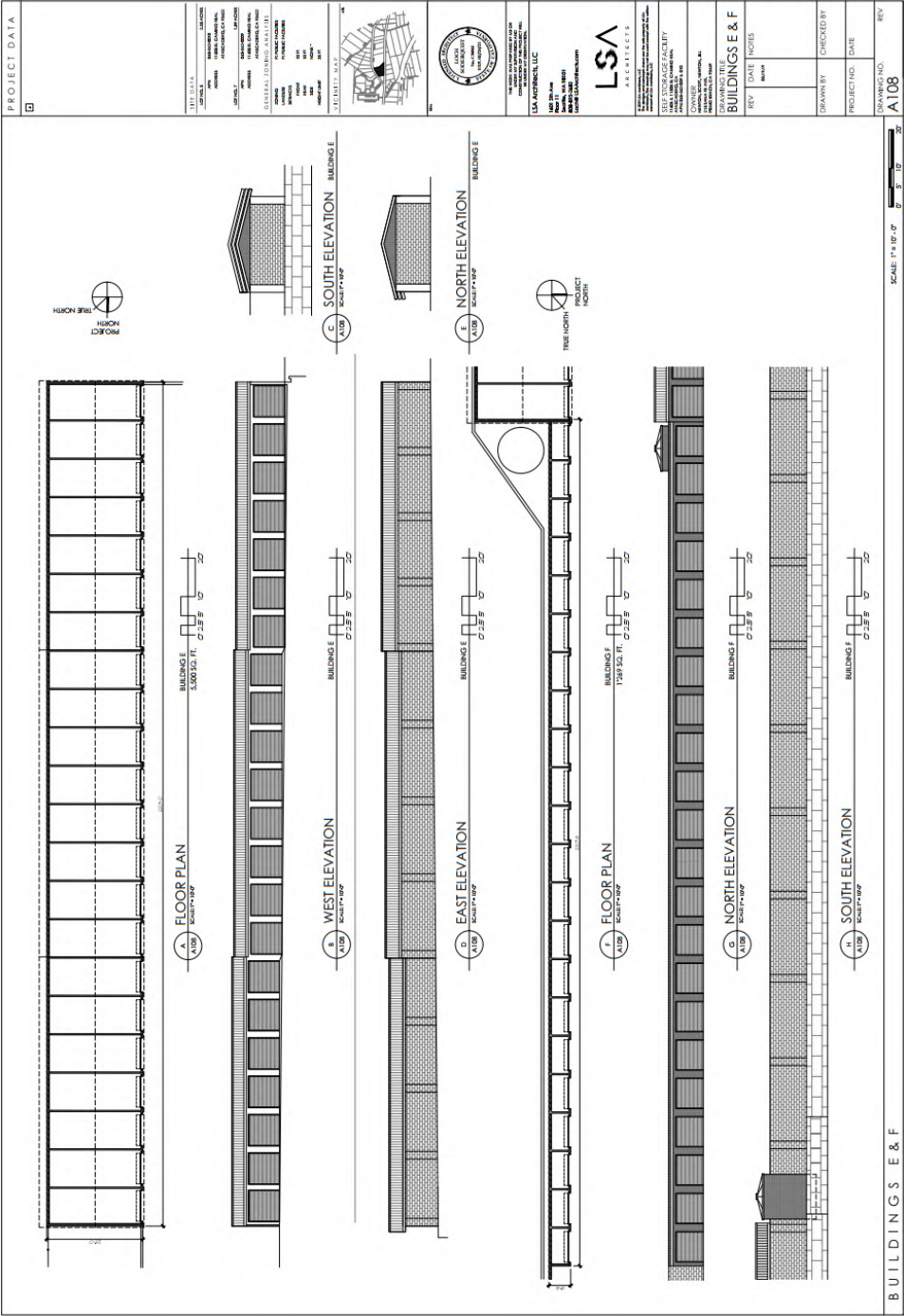
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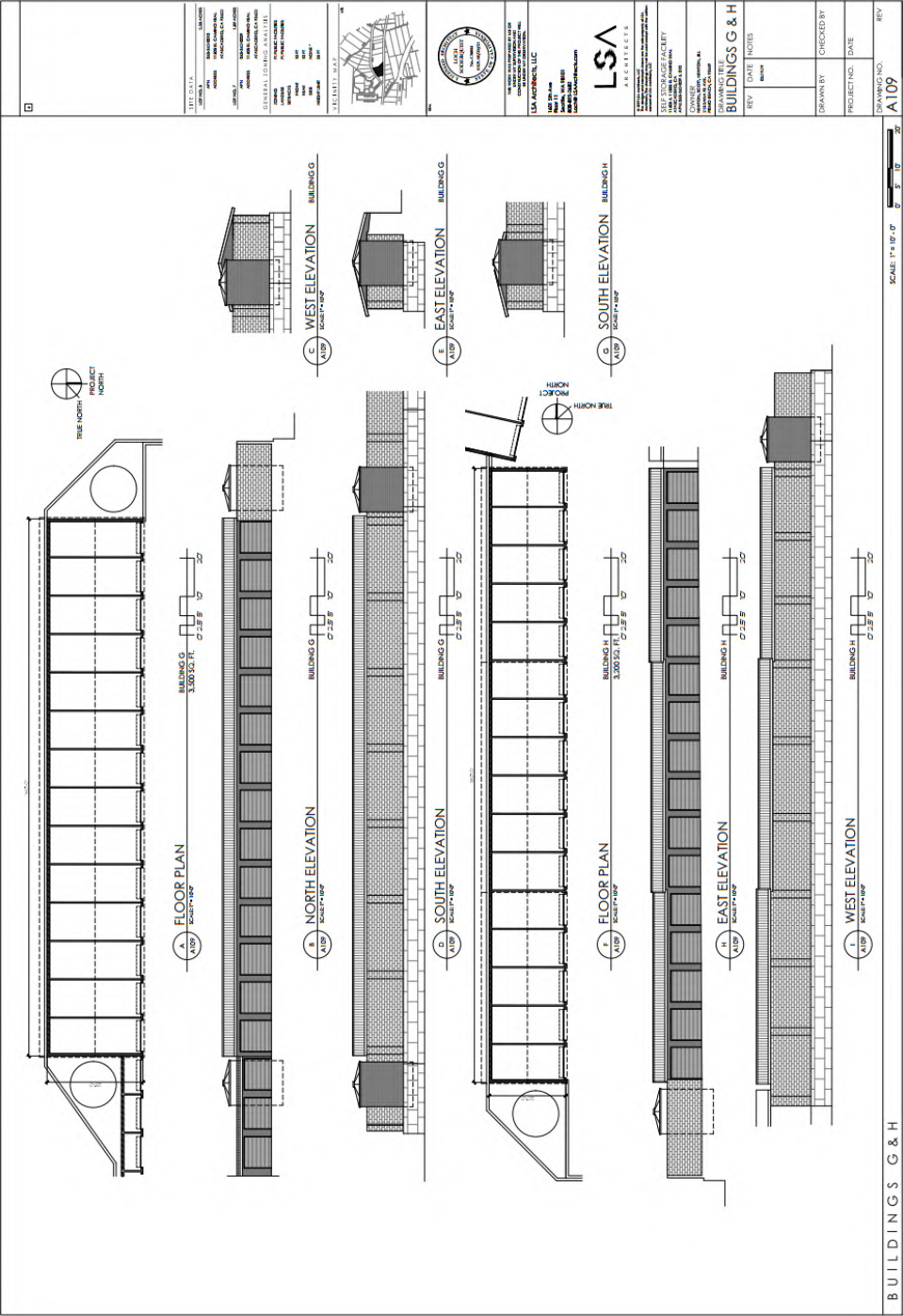
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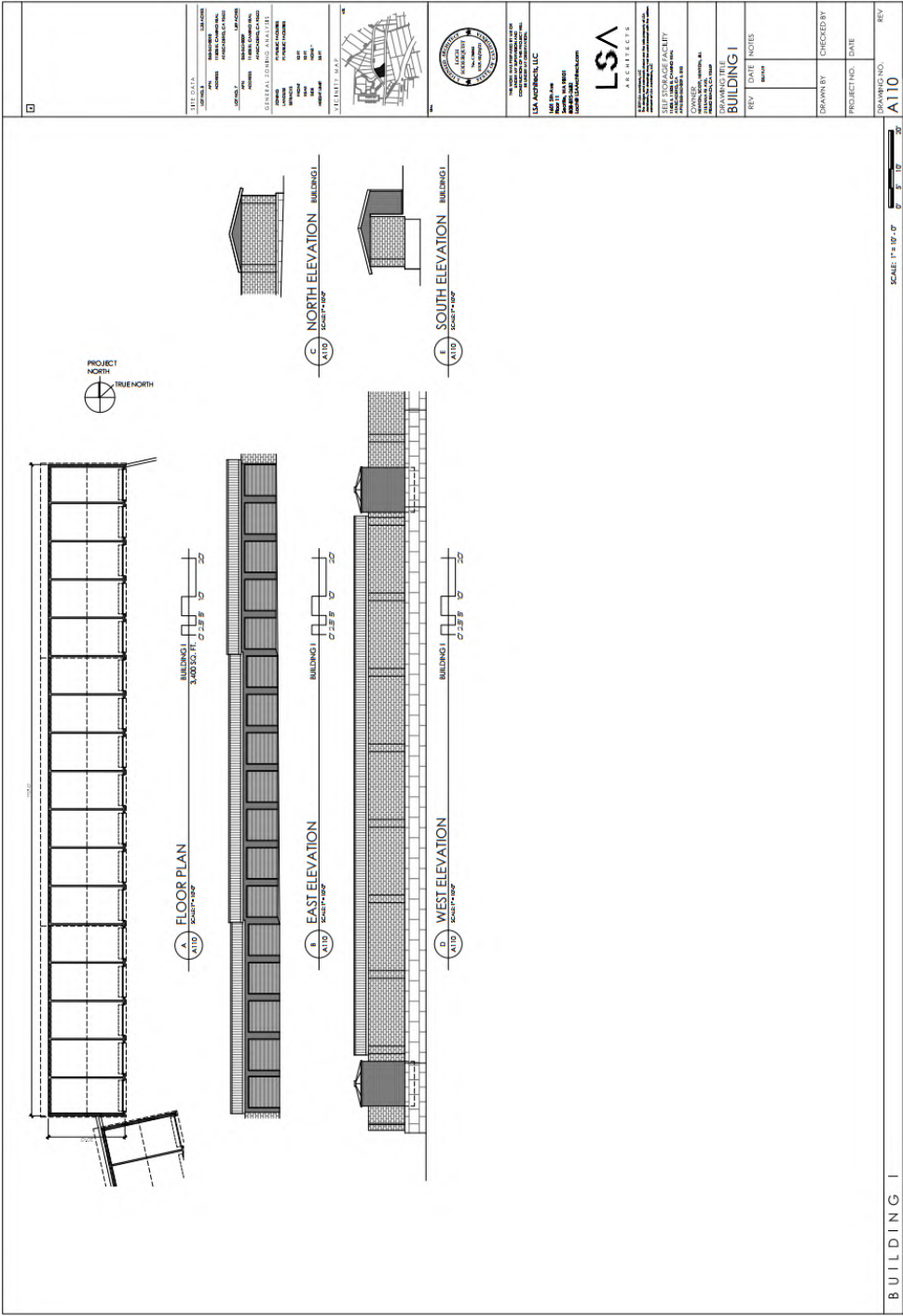
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**EXHIBIT D: Elevations and Floor Plans**  
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**ATTACHMENT 2: Notice of Intent to adopt Mitigated Negative Declaration and Initial Study  
DEV 18-0103**

See Following Page



## NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION

This page was added to the posting in order to place the Clerk's office label on the document without obstructing any of the documentation within the notice.

Filed in County Clerk's Office  
Tommy Gong  
San Luis Obispo - County Clerk-Recorder

**PST201900040**

06/13/2019  
CLKPOST  
Pages: 138  
Fee: \$ 0.00

By nbalseiro, Deputy





# CITY OF ATASCADERO

COMMUNITY DEVELOPMENT DEPARTMENT

ITEM NUMBER: B-1  
DATE: 09/10/19  
ATTACHMENT: 3

(ENDORSED)  
**FILED**

JUN 13 2019

TOMMY GONG, COUNTY CLERK  
**NAOMI BALSEIRO**  
DEPUTY CLERK

## Notice of Intent to Adopt Mitigated Negative Declaration

<b>PROJECT NO.</b>	DEV18-0103	<b>Environmental Document No.</b>	2019-0007
<b>PROJECT TITLE</b>	Mini Storage		
<b>APPLICANT NAME &amp; PHONE NUMBER</b>	Scott Newton	<b>Email</b>	
<b>MAILING ADDRESS:</b>			
<b>STAFF CONTACT:</b>	Kelly Gleason	(805) 470-3446	kgleason@atascadero.org
<b>PROJECT ADDRESS:</b>	11450 Viejo Camino 11505 El Camino Real	Atascadero, CA 93422	<b>APN:</b> 045-342-009 045-341-010

### PROJECT DESCRIPTION:

The project is an 81,000+ square foot mini-storage facility on a 4.2 acre site which includes indoor storage units, an office, a workshop and a caretaker's residence in a total of 9 buildings. Paved drive aisles and four parking spaces are included. The project site is designated with 1.8 acres of wetland habitat however; recent drought conditions and annual animal grazing have denuded the habitat vegetation. The property contains an identified blue-line creek with a clearly defined flow path. Water enters the site from an existing culvert under El Camino Real and exits through existing culverts under Viejo Camino. The applicant proposes to realign the creek to accommodate the site development and adjust the flood plain designation of the site. The realigned creek would run parallel to El Camino Real into a 0.77 acre wetland restoration area and then flow in a straight path to the Viejo Camino culverts. The realigned creek channel will be constructed with a retaining wall on one side and naturalized slope on the other. The project requires California Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board, and Federal Emergency Management Agency permits.

The project will require approximately 8,000 cubic yards of cut and 12,000 cubic yards of fill material in order to create a level development area. One of the existing properties hosts a single family residence.

General Plan Designation: Public Facilities (PUB)  
Zoning District: Public (P)

**LEAD AGENCY:** City of Atascadero  
Community Development Department  
6500 Palma Avenue  
Atascadero, CA 93422

**DOCUMENT AVAILABLE ONLINE:** <http://www.atascadero.org/environmentaldocs>

**STATE CLEARING HOUSE REVIEW:** ☒ Yes ☐ NO

**REVIEW PERIOD BEGINS:** 06/14/2019 **REVIEW PERIOD ENDS:** 07/16/2019

**PUBLIC HEARING REQUIRED:** ☐ No ☒ Yes

**PUBLIC NOTICE:** The City of Atascadero is releasing a draft Initial Study and Mitigated Negative declaration for review and comment to all effected agencies, organizations, and interested parties. Reviewers should focus on the content and accuracy of the report and the potential impacts upon the environment. The notice for this project is in compliance with the California Environmental Quality Act (CEQA). Persons responding to this notice are urged to submit

their comments in writing. Written comments should be delivered the City (lead agency) no later than 5pm on the date listed as "review period ends". Submittal of written comments via email is also accepted and should be directed to the Staff contact at the above email address. This document may be viewed by visiting the Community Development Department, listed under the lead agency address, or accessed via the City's website.



# CITY OF ATASCADERO

COMMUNITY DEVELOPMENT DEPARTMENT

## Initial Study Summary – Environmental Checklist

**PROJECT NO.** DEV2018-0103 **Environmental Document No.** 2019-0007  
**PROJECT TITLE:** Mini Storage

<b>Environmental Factors Potentially Affected:</b> The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further analysis.		
<input checked="" type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input checked="" type="checkbox"/> Hazards / Hazardous Materials	<input type="checkbox"/> Transportation
<input checked="" type="checkbox"/> Air Quality	<input checked="" type="checkbox"/> Noise	<input checked="" type="checkbox"/> Wastewater
<input checked="" type="checkbox"/> Biological Resources	<input type="checkbox"/> Population / Housing	<input checked="" type="checkbox"/> Water / Hydrology
<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Public Services / Utilities	<input checked="" type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Community Development Director finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Kelly Gleason		06/12/19
<b>Prepared by (Print)</b>	<b>Signature</b>	<b>Date</b>
Phil Dunsmore		06/12/19
<b>Reviewed by (Print)</b>	<b>Signature</b>	<b>Date</b>

## PROJECT ENVIRONMENTAL ANALYSIS

The City of Atascadero's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes Staff's on-site inspection of the project site and surrounding and a detailed review of the information on file for the proposed project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geological information, significant vegetation and/or wildlife resources, water availability, wastewater disposal service, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of this initial study. The City of Atascadero uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies, or organizations interested in obtaining more information regarding the environmental review process for a project should contact the Community Development Department, 6500 Palma Avenue, Atascadero, CA 93422 or call (805) 461-5000.

## A. PROPOSED PROJECT

<b>Description:</b>	<p>The project is an 81,000+ square foot mini-storage facility on a 4.2 acre site which includes indoor storage units, an office, a workshop and a caretaker's residence in a total of 9 buildings. Paved drive aisles and four parking spaces are included. The project site is designated with 1.8 acres of wetland habitat however; recent drought conditions and annual animal grazing have denuded the habitat vegetation. The property contains an identified blue-line creek with a clearly defined flow path. Water enters the site from an existing culvert under El Camino Real and exits through existing culverts under Viejo Camino. The applicant proposes to realign the creek to accommodate the site development and adjust the flood plain designation of the site. The realigned creek would run parallel to El Camino Real into a 0.77 acre wetland restoration area and then flow in a straight path to the Viejo Camino culverts. The realigned creek channel will be constructed with a retaining wall on one side and naturalized slope on the other. The project requires California Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board, and Federal Emergency Management Agency permits.</p> <p>The project will require approximately 8,000 cubic yards of cut and 12,000 cubic yards of fill material in order to create a level development area. One of the existing properties hosts a single family residence.</p> <p>General Plan Designation: Public Facilities (PUB)  Zoning District: Public (P)</p>
---------------------	--

THAT PORTION OF LOT 7 OF BLOCK 66 OF ATASCADERO COLONY, IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED OCTOBER 14, 1914 IN BOOK 3, PAGE 97 OF MAPS, AND AS SHOWN ON THE RECORD OF SURVEY MAP RECORDED MARCH 26, 1980 IN BOOK 37, PAGE 69 OF RECORDS OF SURVEYS

### Legal Description:

ALL THAT PORTION OF THAT PART OF LOTS 5 AND 6 IN BLOCK 66 OF ATASCADERO COLONY, IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, ACCORDING TO MAP RECORDED OCTOBER 21, 1914 IN BOOK 3 PAGE 1 ET SEQ., OF MAPS, WHICH WAS CONVEYED TO GERTRUDE HOPPER, BY DEED RECORDED SEPTEMBER 13, 1918 IN BOOK 117, PAGE 331 OF DEEDS, WHICH LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF





THE RIGHT OF WAY FOR STATE HIGHWAY PURPOSES CONVEYED TO  
THE STATE OF CALIFORNIA, BY DEED RECORDED FEBRUARY 24,  
1931 IN BOOK 108, PAGE 161 OF OFFICIAL RECORDS

**Assessor parcel number(s):** 045-342-009, 045-341-010  
**Latitude:** 5,776,235 **Longitude:** 2,361,703  
**Other public agencies whose approval is required:** California Department of Fish and Wildlife (DFW), Army Corps of Engineers (ACE), Water Quality Control Board (WQCB), Federal Emergency Management Agency (FEMA)

## B. EXISTING SETTING

**Land use designation:** Public Facilities  
**Zoning district:** Public  
**Parcel size:** 4.2 acres  
**Topography:** Flat **Average Slope:** <5% with 12-15% at the location of the existing residence  
**Vegetation:** Annual grasses  
**Existing use:** 11450 Viejo Camino: Single Family Residence  
11505 El Camino Real: Vacant Lot  
**Surrounding land use:** Paloma Park, Residential, Churches and other related facilities, School  
**North:** **South:** **East:** **West:**  
Commercial Public Zone Recreation Residential PUD  
Multi-Family Existing Residence Multi-Family Open Space

### C. ENVIRONMENTAL ANALYSIS

During the initial study process, at least one issue was identified as having a potentially significant environmental effect (see following Initial Study). The potentially significant items associated with the proposed project can be minimized to less than significant levels.



## CITY OF ATASCADERO INITIAL STUDY CHECKLIST

### 1. AESTHETICS – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Have a substantial adverse effect on an adopted scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### EXISTING SETTING:

The City of Atascadero reviews all new projects for appropriate building design. New projects must have a design that is sensible within the context of the community. The design must be similar or complimentary to the surrounding developments. Additionally, developers must consider how a project may affect historical and natural resources in and around their site. The promotion of purposeful design helps preserve community character and aesthetic as well as prevent negative impacts on surrounding property values.

The subject properties total 4.2-acres consisting of one undeveloped parcel and one single family residential parcel which are both located in the Public (P) zoning district just south of the Viejo Camino and El Camino Real intersection. The surrounding area is composed of mostly Multi-Family Residential, and Public zoning designations. There is also approximately 2.2 acres of public recreational facilities just south east of the project boundary, across Viejo Camino Rd. There is an existing Historic Colony Home adjacent to the project site. The property is located in the Paloma Creek watershed. The property contains designated wetland habitat and has historically had flooding occur during wet years.

The General Plan Land Use, Open Space, and Conservation Element provide policies regarding the preservation of natural habitats and the rural character in Atascadero.

**PROPOSED PROJECT:**

The project is a mini-storage facility with more than 81,000 square feet of storage buildings, office, workshop, and caretaker's residence in a total of 9 buildings. Paved drive aisles and 4 parking spaces are included. The subject properties are a combined total of 4.2 acres. One of the existing properties is currently developed with a single family residence. The proposed use includes perimeter walls that range from 160-feet to 200-feet in length along the visible project edges. The proposed walls are minimally articulated and will create a visual impact to the surrounding residential, open space, and park facilities. The realigned creek and wetland restoration area are proposed for the southern portion of the property adjacent to the existing Historic Colony Home on the adjacent property.

The Atascadero General Plan and Atascadero Municipal Code (AMC) provide thresholds of significance for the aesthetic qualities of new developments. The General Plan Land Use Conservation Element Policies 1.4 and 2.1 specify the avoidance of light pollution and compatibility with existing surrounding neighborhoods. Section 9.4.137 of the AMC regulates exterior lighting to avoid light pollution onto neighboring properties.

The Atascadero Municipal Code requires that any exterior lighting be fully shielded and directed in such a way that no glare occurs and that no light source is visible from off-site. All proposed lighting must comply with this code requirement. The City focuses on maintaining a rural character and this is partly achieved by minimizing street lights to only those areas where a need is dictated by safety. There are currently no street lights along the project frontage on El Camino Real and none along the Viejo Camino Frontage. Overall surrounding ambient lighting is relatively low and only includes minimal building mounted lighting on adjacent commercial and residential developments.

**AES Impact-1:** The nature of the proposed mini-storage use provides largely vacant and walled-in areas, thus, safety lighting is expected, and therefore, *this impact requires mitigation.*

**AES Impact-2:** The project is surrounded by long minimally articulated perimeter walls that are highly visible from El Camino Real and Viejo Camino, thus, *this impact requires mitigation.*

**MITIGATION / CONCLUSION:**

**AES 1.1:** All exterior lights shall be turned off between the hours of 11pm and 6am. Lights may turn on when motion is sensed. All lighting must be dimmable to maintain the low light levels of the surrounding residential and open space areas.

**AES 1.2:** The wall shall be constructed of medium toned split face block with darker contrasting pilasters. Where any wall is constructed that is not a side of a building, a decorative cap shall be included. The portion of the wall used to create one side of the realigned creek channel shall be constructed of a natural rock or stone appearing material with color variations. Medium to tall landscaping shall be placed adjacent to the wall. If this is not possible due to wetland restoration requirements, metal trellis features shall be provided at regular intervals with appropriate landscape material. The shelf between the back of building and the creek channel wall shall include space and depth for landscape material that will trail over the wall.

## 2. AGRICULTURE RESOURCES – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### EXISTING SETTING:

Preservation of agricultural lands is important to the State of California as they provide economic benefits and important ecosystem services. Historically, urban development in the state has correlated with diminishing farmlands. This trend has led to various legislative measures at the state and local levels to protect vulnerable agricultural resources (California Department of Food and Agriculture, 2015). The California State Department of Conservation identifies, categorizes, and helps preserve important farmland. Their Farmland Mapping and Monitoring Program tracks and maps the conversion of farmland into urban development. In particular, those areas that fall under the categories of "Prime Farmland," "Farmland of Statewide Importance," or "Unique Farmland" may have an opportunity to receive state funding or take advantage of incentive programs for the if preservation.

Currently, the subject property is a 4.2 acre underdeveloped property located in the Public zoning district. The properties are surrounded by development and are located between El Camino Real and Viejo Camino. The surrounding parcels include residential, commercial, parks, and quasi-public uses. The site contains designated wetland habitat and an identified blue-line creek that flows to Paloma Creek and onward to the Salinas River ¼ mile to the east. The site has historically been grazed for weed control by the neighboring residents.

The project site is not designated as farmland by the California State Department of Conservation and has minimal agricultural potential based on the creek and wetland presence (Figure 6).

### PROPOSED PROJECT:

The applicant is proposing an 81,000+ square foot indoor mini-storage facility with caretaker's residence and associated improvements. The project is located in a flood hazard area and portions are within the 100-year flood plain. The proposal includes modifications to the flood plain and realignment of the identified creek. The project also includes wetland restoration.

The site is categorized as "Urban and Built-Up Land" by the California Department of Conservation (Figure 6).

**MITIGATION / CONCLUSION:**

There are no impacts expected to occur.

**3. AIR QUALITY – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXISTING SETTING:**

All new developments have impacts on local air quality that vary in extent depending on construction practices, land use, size, and vehicle trip generation. Poor air quality can have adverse effects on public health including increases in cardio respiratory diseases (World Health Organization, 2018). The City of Atascadero and the San Luis Obispo County Air Pollution Control District (SLOAPCD) work to create policies and programs to maintain air quality in a healthy state. Furthermore, the Federal Environmental Protection Agency (EPA) helps regional agencies monitor and regulate air quality by identifying and classifying target air pollutants.

The existing site is composed of two parcels which span approximately 4.2 acres of land the Public zoning district, south of the El Camino Real and Viejo Camino Road intersection. There is currently a single family residence developed on one of the parcels and the other remains

undeveloped. The surrounding parcels include residential, commercial, parks, and quasi-public uses.

The EPA ranks levels of specific air pollutants in a region as being at “attainment” or “nonattainment.” Nonattainment status is given to regions where the air quality does not meet the national primary or secondary standards provided in the EPA Green Book. According to SLOAPCD, San Luis Obispo County is at nonattainment for ozone (O<sub>2</sub>) and respiratory particulate matter (PM<sub>10</sub>) (Table 1). Atascadero General Plan Land Use, Open Space and Conservation Element program 10.3.1 requires dust control and emissions regulation during the construction phases of any project. The associated policy aims to support regional efforts to maintain clean air.

SLO County APCD provides operational and construction screening criteria for new projects to analyze them for potential impacts. These criteria are used predict the gravity of impacts from additional Ozone (O<sub>2</sub>) and greenhouse gas emissions generated with a new project (SLOAPCD, 2017). According to SLOAPCD, a new ministorage facility would need to be 467,000 square feet in size to meet the significance threshold for Ozone Precursors.

#### **PROPOSED PROJECT:**

The applicant is proposing to develop a ministorage facility with more than 81,000 square feet of indoor facilities including a caretaker’s residence associated site improvements. The project will require grading of the entire 4.2 acre property, including 6,523 cubic yards of cut and 13,438 cubic yards of fill cubic yards of fill material in order to create a level development area. Additionally, the project site is within 1,000 feet of single family residences, apartment buildings, and three parks (Figure 7).

Table 2 below from the *CEQA Air Quality Handbook* (2012) and 2017 clarification memo provides threshold significance of 2.5/Tons for PM<sub>10</sub> for construction operations of any new project. The document also states that any grading of an area larger than 4 acres or within 1,000 feet of sensitive receptors requires mitigation. Sensitive receptor locations include spaces where the youth, elderly, and other vulnerable populations may spend a considerable amount of time including, but not limited to, residences, schools, parks, hospitals, and daycare centers.

**AQ Impact-1:** The San Luis Obispo County Air Pollution Control District (SLOAPCD) reports that the county is at nonattainment for Ozone (O<sub>3</sub>) emissions. They provide a 447,000 square foot threshold of significance for storage facilities expected to contribute to Ozone Precursor emissions. The Newton project will not exceed this threshold. Since the project will not exceed 447,000 square feet, then ***the impact is insignificant.***

**AQ Impact-2:** The San Luis Obispo County Air Pollution Control District (SLOAPCD) reports that the county is at nonattainment for Particulate Matter (PM<sub>10</sub>) emissions. The CEQA Air Quality Handbook (APCD, 2012) provides a 2.5 ton per quarter threshold for significance which can be met by a project with grading on greater than 4 acres. Additionally, mitigation is required for properties with 1,000 feet of sensitive receptors. The mini-storage facility will require grading of the entire 4.2 acre site and is located within 1,000 feet of sensitive receptors, thus, ***the impact requires mitigation.***

#### **MITIGATION / CONCLUSION:**

**AQ 2.1:** Use of water trucks or sprinkler systems, in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD’s limit of 20% opacity for greater than 3minutes in any 60-minute period. Increased watering frequency would be required whenever

wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.

**AQ 2.2:** All dirt stock pile areas should be sprayed daily as needed.

**AQ 2.3:** Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.

**AQ 2.4:** All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.

**AQ 2.5:** All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

**AQ 2.6:** Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

**AQ 2.7:** "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent Track Out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.

**AQ 2.8:** Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

**AQ 2.9:** All of these fugitive dust mitigation measures shall be shown on grading and building plans. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD.

#### 4. GREENHOUSE GAS EMISSIONS – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### EXISTING SETTING:

Greenhouse gases (GHG) including carbon dioxide (CO<sub>2</sub>), Methane (CH<sub>4</sub>), Nitrous Oxide(N<sub>2</sub>O), fluorinated gases, and water vapor, can cause significant harm to the environment and have adverse effects public health. The City of Atascadero and the State of California attempt regulate GHG emissions to promote environmental and public health as well as energy efficiency. SLO County APCD expects mini-storage facilities in excess of 267,000 square feet to exceed thresholds for GHG, as stated in the 2017 clarification to the 2012 CEQA Handbook.

The site where the mini-storage is proposed is located on a 4.2 acre parcel in Public zoning district of Atascadero. The surrounding parcels include multi-family and single-family residential developments, commercial uses, parks, and quasi-public uses. Currently, one of the subject properties is undeveloped and does not contribute GHG emissions to the environment; the other is developed with a single family residence.

In 2014, the City of Atascadero adopted a climate action plan (CAP) to help guide the city in reducing their GHG emissions in accordance with California Assembly Bill 32 (AB32). AB32 aims at a reduction of 15% in GHG emissions by 2020. According to this plan, in 2005 the City of Atascadero produced 141,428 metric tons (MT) of carbon dioxide equivalent (CO<sub>2</sub>e) in GHG emissions. Commercial and Industrial land uses contributed 14% of the total emissions (Rincon Consultants, Inc., 2014). Figure 17 below shows the portion of total emissions contributed by each sector of the community in 2005. The City aims to reduce their community-wide emission levels to 120,214 MT CO<sub>2</sub>e by 2020.

#### PROPOSED PROJECT:

The applicant is proposing mini-storage facilities in excess of 81,000 square feet. The facility would include a caretaker's residence and associated improvements. The parcels being developed total to 4.2 acres in size.

SLO County APCD provides operational and construction screening criteria for new projects to analyze them for potential impacts. These criteria are used predict the gravity of impacts from additional Ozone (O<sub>2</sub>) and greenhouse gas emissions generated with a new project (SLOAPCD, 2017). According to SLOAPCD, a new ministorage facility would need to be 267,000 square feet in size to meet the 1,150 MT of CO<sub>2</sub>e per year significance threshold for GHG emissions. The project area for the ministorage facility will be below that which is expected to exceed the threshold of significance.

The City of Atascadero CAP is the approved GHG reduction plan for the City and provides guidelines and measures to achieve the City's reduction goal. According to the SLO Air Pollution Control District Greenhouse Gas Thresholds handbook, stationary industrial uses have an annual



threshold of 10,000 MT of CO<sub>2</sub>e per year. Any projects that exceed this threshold must take action to mitigate their level of emission. The project is not expected to surpass more than 1,150 MT of CO<sub>2</sub>e per year based on the SLOAPCD screening criteria described above.

**GHG Impact 1:** The ministorage facility does not conflict with the City of Atascadero's Climate Action Plan (CAP). Since there is no conflict with the adopted CAP, then ***the impact is insignificant.***

**GHG Impact 2:** The ministorage facility will exceed 81,000 square feet but not surpass 267,000 square feet in building area. The San Luis Obispo County Air Pollution Control District (SLOAPCD) provides a threshold of 1,150 MT of CO<sub>2</sub>e per year which is expected to be exceeded by projects with a project area of 267,000 square feet or more (SLOAPCD, 2017). Since the project does not surpass the threshold provided by SLOAPCD, then ***the impact is insignificant.***

**MITIGATION / CONCLUSION:** No further mitigation is required.

## 5. BIOLOGICAL RESOURCES – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or CDFW and USFWS?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with policies or ordinances protecting biological resources, such as the native tree ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### EXISTING SETTING:

The City of Atascadero as well as San Luis Obispo County and the state of California emphasize the protection of their diverse ecosystems and the vulnerable species to which they provide habitats.

The existing site is composed of two parcels which span approximately 4.2 acres of land the Public zoning district, south of the El Camino Real and Viejo Camino Road intersection. There is currently a single family residence developed on one of the parcels and the other remains undeveloped. A biological resources assessment prepared for the project by Terra Verde Environmental Consulting provides existing biologic characteristics of the site. According to the assessment, the site hosts a blue line creek and State recognized wetlands. According to the wetland delineation performed by Terra Verde, the existing site does not meet the criteria for federally recognized wetlands.

The site is designated with 1.8 acres of freshwater emergent wetland habitat according to the US Fish and Wildlife Service Wetland Inventory Mapper (Figure 8); however, recent drought conditions and annual animal grazing have denuded the habitat vegetation. There are existing restored wetlands to the west of the project across El Camino Real from the project site. The property also contains an identified blue-line creek with a clearly defined flow path (Figure 9). Water enters the site from an existing culvert under El Camino Real and exits through existing culverts under Viejo Camino. The site has low suitability for hosting special status species due to past land uses. However, the site may potentially serve as seasonal habitat for nesting birds and roosting bats. Nonnative plant species compose the majority of the vegetation on the site (75%) but native plant species are still present.

#### PROPOSED PROJECT:

The project proposes the construction of a mini-storage facility that exceeds 81,000 square feet. The facility includes a caretaker's residence, workshop, and associated site improvements. The applicant proposes to realign the creek to accommodate the site development and adjust the flood plain designation of the site. A biological assessment and federal wetland assessment was completed by Terra Verde Environmental Consulting in January and March of 2019. Soil samples and hydrology were assessed at locations containing visible wetland vegetation, limiting the scope of the analysis to the creek channel. Based on this analysis, it was determined that no federal wetlands exist at the time of assessment as the test areas only met 2 of the 3 qualifying criteria for federal wetlands. However, since the State of California recognizes single criteria wetlands, this area was determined to meet guidelines for State recognized wetland habitat. According the biological assessment, a total of 0.14 acres of the ephemeral drainage channel where wetland indicators were present will be permanently lost or altered by the proposed development. However, these losses are expected to be accounted for through the proposed dedication of wetland open space.

The creek would be realigned to run parallel to El Camino Real into a 0.77 acre wetland restoration area and then flow in a straight path to the existing Viejo Camino culverts. The realigned creek channel will be bordered on one side by a retaining wall that defines the limits of the development

area with the opposite bank constructed of a 2:1 vegetated slope. The channel is proposed to have a natural bottom. The project requires California Department of Fish and Wildlife, Army Corps of Engineers, Regional Water Quality Control Board, and Federal Emergency Management Agency permits.

The Atascadero General Plan provides thresholds of significance for impacts to biological resources. The following policies from the Atascadero General Plan Land Use, Open Space, and Conservation (LOC) Element address development of sensitive, natural areas:

1. LOC 6.1: Ensure that development does not degrade scenic and sensitive areas, including historic sites, creeks, riparian corridors, wetlands, woodlands, hillsides and other valuable habitats.
2. LOC Policy 8.1: Ensure that development along Atascadero Creek, Graves Creeks, the Salinas River, blue line creeks, and natural springs, lakes, or other riparian areas does not interrupt natural flows or adversely impact riparian ecosystems and water quality.

The implementation programs associated with these policies call for the preservation of sensitive areas, minimization of land disturbance, and support of floodable terraces. LOC Program area 8.1.3 specifically requires for waterways to be maintained in their natural state and prohibits concrete channelization. Additionally, LOC Program Area 8.2.2 requires a 20-foot setback from any blue-line creek to proposed grading and development. The Regional Quality Control Board has requested that the City adopt a 30-foot setback to maintain water quality and watershed health. The proposed project includes realignment of the creek to accommodate development of the site. The creek channel will be reconstructed in a semi-natural state with one vegetated bank.

The construction of the project may impact trees on the property that are potential nesting and roosting sites for special status species.

**BIO Impact-1:** Demolition of the existing residence and any planned removal of ornamental trees may result in direct or indirect impacts to nesting birds if construction occurs during the typical avian nesting period (February 01 through August 31), as well as roosting bats. Further, the grassland habitat areas on site, although disturbed, may provide suitable nesting habitat for ground-nesting species. Impacts may occur due to habitat loss or construction related disturbances that may deter roosting or nesting, or cause nests to fail, thus ***this impact is requires mitigation.***

**BIO Impact-2:** The biological assessment of the site determined that approximately 0.8 acres fall under the jurisdiction of the United States Army Corps of engineers and 0.14 acres of existing ephemeral drainage will be altered to accommodate development of the site. The development of the property will require grading on the entire site including 6,523 cubic yards of cut and 13,438 cubic yards of fill, including the area containing State recognized wetland habitat, thus ***the impact requires mitigation.***

**BIO Impact-3:** The project proposed to realign an existing jurisdictional creek to accommodate development of the project site. The City's General Plan requires waterways to be maintained in a natural state and that development adhere to a 20-foot setback from the ordinary high water mark, thus, ***the impact requires mitigation.***

#### **MITIGATION / CONCLUSION:**

**BIO1-1: Pre Construction Surveys for Roosting Bats:** Within 30 days prior to removal of existing structures and/or mature trees, a sunset survey shall be conducted by a qualified biologist

to determine if bats are roosting on site. If bats are present, a follow-up acoustic monitoring survey shall be completed to determine, if feasible, which species are present. If roosts of special-status bat species are identified and will be impacted during the proposed project, CDFW will be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual bats and roosts (e.g., conducting work only during the day or installing one-way exclusions prior to work).

**BIO 1-2: Pre Construction Surveys for Nesting Birds:** If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation CDFW, and/or the USFWS.

**BIO 2-1: Protection of Hydrologic Resources:** Construction within and immediately adjacent to the drainage shall occur only when conditions are dry. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the channel during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., nonmonofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the construction period. In addition, the following general measures shall be implemented during construction:

- The limits of disturbance within the existing drainage feature shall be clearly shown on all sites plans and flagged within the drainages prior to project implementation. All construction personnel shall be directed to avoid impacts to the areas immediately upstream and downstream of the proposed development including the existing culvert features located at El Camino Real and Viejo Camino.
- All equipment and materials shall be stored out of the streambed at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the stream.
- During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from all drainages and aquatic features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering drainages.
- Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

**BIO 2-2: Compensatory Mitigation Plan:** A compensatory mitigation plan shall be developed to offset permanent impacts to jurisdictional areas. The exact details and performance criteria of the restoration plan shall be determined during agency coordination with CDFW, RWQCB, and the Corps, as necessary. Stabilization and restoration measures may include the installation of BMPs and/or revegetation using native seed mixes and plantings. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained. Additional mitigation measures required by these agencies would be implemented as necessary.

**BIO 2-3: Agency Permitting:** Prior to issuance of any permits for grading or construction on-site, the applicant shall obtain permits from the following agencies, and any other agencies as necessary:

- California Department of Fish and Wildlife
- US Army Corps of Engineers
- Regional Water Quality Control Board

Any mitigation measures required by the above listed permits shall be implemented to their fullest extent.

**BIO 3-1: Creek Channel Naturalization:** The realigned creek shall be constructed in a manner which maintains and enhances natural flows and vegetation. The creek shall interface with the proposed development in a way which maintains appropriate setbacks and naturalization.

**BIO 3-2: Wetland Restoration:** The wetlands shall be monitored for a period of not less than 5-years. Annual reports from a qualified biologist shall be submitted to the City addressing any irrigation modifications or replanting that may be required to ensure successful naturalization of the restored wetland habitat. A contract with a qualified biologist shall be entered into prior to final of the development permit.

## 6. CULTURAL RESOURCES – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Cause a substantial adverse change in the significance of a historical resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### EXISTING SETTING:

The City of Atascadero recognizes the impact of various cultures and ecosystems that have shaped it over generations. Therefore, the City as well as the county and state make an effort to preserve cultural resources, known or discovered, during the development of new projects.

The existing property is a 4.2 acre, underdeveloped parcel located in the Public zoning district between El Camino Real and Viejo Camino. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. An existing ephemeral creek meanders through the project site, flows into Paloma Creek and subsequently the Salinas River approximately ¼ mile to the east. The site contains identified

wetlands. There is an existing Historic Colony Home located on the parcel directly adjacent to the project site to the south.

The City of Atascadero's General Plan Land Use, Open Space, and Conservation Element Programs 6.2.4-6 require the mitigation and noticing of pertinent parties when archaeological discoveries are made in the city. The AMC lists standards to be adhered to should archeological remains be discovered during the development process which include the cessation of all construction activity until proper local, state, and federal protocol is completed. (AMC 9-4.162)

**PROPOSED PROJECT:**

The applicant is proposing an 81,000+ square foot mini-storage facility with an associated care taker's residence, workshop, and parking lot. The project includes 6,523 cubic yards of cut and 13,438 cubic yards of fill. The existing creek is proposed to be realigned to accommodate the development. Approximately 0.77 acres of restored wetland will be constructed on the south-eastern portion of the project site. The realigned creek and reconstructed wetlands are proposed on the portion of the property adjacent to the Historic Colony Home, creating a buffer between the proposed mini-storage development and the historic residential property.

According to the city's internal database, the nearest known archeological site is located 1/3 of a mile from the site. The site contains an ephemeral drainage and identified wetlands. The site has been grazed for a number of years and is subject to annual flooding. In accordance with AB52, early notification was send to all tribal communities claiming jurisdiction over the area. No additional archeological reconnaissance was requested.

**CR Impact-1:** The city of Atascadero's GIS database does not list archaeological sites on or adjacent to the subject property. This does not eliminate the possibility of new resources being discovered. AMC 9-4.162 requires the applicant to stop work and notify interested parties if archeological or historical resources are discovered during construction, ***thus the impact is insignificant.***

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

**7. GEOLOGY AND SOILS – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Result in the exposure to or production of unstable earth conditions including the following: <ul style="list-style-type: none"> <li>• Landslides;</li> <li>• Earthquakes;</li> <li>• Liquefaction;</li> <li>• Land subsidence or other similar hazards?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Be within a California Geological Survey "Alquist-Priolo" Earthquake Fault Zone, or other known fault zone? (consultant Division of Mines and Geology Special Publication #42)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
c) Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from proposed improvements such as grading, vegetation removal, excavation or use of fill soil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Include any structures located on known expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Be inconsistent with the goals and policies of the City's Safety element relating to geologic and seismic hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### EXISTING SETTING:

Developing on land with unsuitable soil or geologic conditions can create hazardous environments for people, structures, and infrastructure on and around a site. The environmental review process helps to promote safe building and development practices by ensuring precautions are taken to minimize risk where necessary.

The site spans two parcels and is approximately 4.2 acres of underdeveloped land in the Public zoning district between Viejo Camino and El Camino Real. There is an existing single family residence on one parcel and the other parcel is vacant with 1.8 acres of historic wetlands identified. Due to the low-lying nature of the site, the property is subject to annual seasonal flooding. Approximately 50% of the site is within the FEMA mapped flood zone A with Base Flood Elevations (BFE) determined (Figure 15). This project is subject to and must comply with the Flood damage Prevention Regulations as adopted by the City of Atascadero.

The USDA Natural Resources Conservation Service provides GIS data regarding the site's stability, and risk of hazards. The biological assessment of the site identified three soil types: 1) still clay loam; 2) Santa Lucia-Lopez Complex; and 3) San Andreas-Arujo Complex. Each of these soil types is associated with their own slope average (Figure 10) The USDA GIS data classifies the site's soil drainage as "Moderately Drained" with "Moderate" erodibility (Figure 12) and shrink-swell capacity, and slow percolation. Additionally, this data also shows that approximately 3.6 acres of the property are at high risk for liquefaction and another 1.4 acres are at high risk for landslide (Figure 13). The average slope of the site is less than 10% according to estimations from the City's GIS data base.

#### PROPOSED PROJECT:

The applicant is proposing to develop a ministorage facility with more than 81,000 square feet of indoor facilities including storage units, a workshop and care taker facilities. The project will be located on two existing parcels southwest of Paloma Creek Park between El Camino Real and Viejo Camino that are covered with moderately expansive soil. The site is composed of two parcels and spans approximately 4.2 acres. Preliminary earthwork estimates in the project plans

call for 6,523 cubic yards of cut and 13,438 cubic yards of fill. There is 1.8 acres of historically identified wetland on the project site; however, the recent drought conditions and grazing activities have affected this resource. The biological assessment prepared for the project in early 2018 identified 0.14 acres of ephemeral drainage on site and no federally recognized triple criteria wetlands. The project proposed to realign the existing creek and modify the existing floodway.

The Atascadero General Plan and Local Hazard Mitigation Plan (LHMP) list and map the potential ground shaking sources that can threaten developments within its boundaries as seen on Table 3. The California Department of Conservation developed the Earthquake Hazard Zone Application which allows users to determine if a parcel is located in an earthquake fault zone. The subject parcel is not within an identified Earthquake Fault Zone.

The Atascadero Municipal Code (AMC) establishes the Geologic Hazard (GH) Overlay Zone for areas with high risk of landslide and liquefaction. The standards for this zone are meant promote the cautious development of areas prone to geologic hazards including landside, liquefaction, and seismic hazards. Specifically, projects located in the GH overlay zone must submit a geologic report with the official project application (AMC 9-3.613). AMC 9-4.139 requires a grading plan for a project that involves an excess of 50 cubic yards of earth movement. Furthermore, AMC 9-4.145 requires a sedimentation and erosion control plan for any nonagricultural project where land is disturbed. These plans must be submitted to and reviewed by the City engineer for project approval or modification.

The Atascadero Municipal Code also addresses most issues related to geologic impacts prior to approval of any project. The site is subject to the GH overlay zone standard in AMC 9-3.613. These standards address issues related to landslide, liquefaction, and land subsidence by requiring geologic report applicable sites. AMC 9-4.139 & 9-4.145 address issues related to soil erosion and topsoil loss by requiring a grading plan and a sedimentation and erosion control plan. AMC and building code regulations would also ensure that the project is consistent with General Plan and LHMP policy regarding geologic and Seismic hazards.

Finally, the General Plan Safety and Noise Element Goal 4 and its respective policies and programs address geologic and seismic hazards as they affect development and emergencies. The Atascadero Local Hazard Mitigation Plan (LHMP) also provides mitigation strategies addressing geologic hazards. Mitigation Goals 4, 5, and 7 promote the enforcement of safe building design, proper environmental studies and documentation, and feasible mitigation strategies for all new developments. Project consistency with these requirements and standards are addressed as part of the building permit process prior to construction.

**GEO Impact-1:** GIS Data from the United States Geologic Survey characterizes soil on the property as having high risk of landslide and liquefaction with moderate shrink-swell capacity. The site is therefore subject GH Overlay zone and associated development standards. The Atascadero Municipal Code requires a geologic report to be submitted prior to permits being approved. The Atascadero Municipal Code requires a sedimentation and erosion control plan to be submitted to the city engineer for revision and approval review. Since the Atascadero Municipal Code addresses issues geologic hazards, then ***the impact is insignificant***.

**GEO Impact -2:** The project site contains areas mapped by FEMA as flood zone A with Base Flood elevations determined. The City has adopted Flood damage Prevention Regulations as established by FEMA. The project is subject to compliance with these adopted regulations; therefore, ***the impact is insignificant***.

**MITIGATION / CONCLUSION:** No further mitigation is required.



## 8. HAZARDS AND HAZARDOUS MATERIALS – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXISTING SETTING:**

The City of Atascadero attempts to regulate land-use in a way that reduces risk for damage during disasters as well exposure to hazardous materials. Where this cannot be achieved, the City has created regulations and standards to protect public health and safety as much as possible.

The existing property is a 4.2 acre, underdeveloped parcel located in the Public zoning district between El Camino Real and Viejo Camino. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area and is not adjacent to any wildland areas. The nearby park is an active recreation park with groomed ball fields and irrigated grass areas. The San Luis Obispo County Fire Department categorizes the site as at a high risk for fire (Figure 14), however, this map has not been updated in many years and the surrounding area has been developed with higher intensity residential and commercial uses which reduce the wildland fire risk of the site. The Atascadero Fire Department estimates response time for an emergency on the site would be less than 5 minutes.

The Atascadero General Plan anticipates the full development of the site and the fire department has created an evacuation plan for the community should there be a need to evacuate. The General Plan also addresses the construction of new developments in high fire risk areas by requiring fire resistant material to be used in construction as well as the use of defensible spaces around all structures. Furthermore, AMC requires compliance to fire code standards and review of new projects by the Atascadero Fire Department.

**PROPOSED PROJECT:**

The applicant is proposing mini-storage facilities in excess of 81,000 square feet. The facility would include a caretaker's residence and associated improvements. The parcels being developed total to 4.2 acres in size.

City and State building regulation provide thresholds of significance for the project. The AMC requires that all new projects be reviewed by the fire department for compliance with the California fire code or to make modifications where necessary. All new projects are expected to conform to the California Fire Code as well as the local modifications found in AMC 4-7.

**HAZ Impact-1:** The mini-storage facility is proposed on a site identified as being at high risk for fire hazards. The project will be reviewed by the local fire marshal for compliance with local and state fire codes prior to building permits being issued. Since the Atascadero Municipal code addresses fire hazards before building permits are issued, the ***impact is insignificant***.

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

**9. WATER QUALITY / HYDROLOGY – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### EXISTING SETTING:

Alterations to existing landscapes developed or otherwise, can impact hydrology on the site by increasing run off, risk of flooding, or contaminating ground water. These impacts to the hydrologic cycle can have adverse effects on human health as well as the health of existing ecosystems.

The site currently contains an identified jurisdictional creek and historic wetlands. Drought conditions and grazing activities over the past years have degraded the habitat value of the site but seasonal flooding during average rainfall years occurs over a large portion of the site. Approximately 50% of the site is mapped as floodway and flood zone by FEMA.

The urbanized areas of the Central Coast are divided into ten water management zones (WMZs) based on the receiving water type and common watershed processes. The California Regional Water Quality Control Board (CRWQCB) provides maps showing that the site is located in Water WMZ 1 (CRWQCB, 2013) (Figure 11). The California Department of Water Resources provides a tool to assess the boundaries of significant groundwater basins in California. The subject site is not within any significant groundwater basin. The nearest basin is the Atascadero Subbasin of the Salinas Valley Basin on the eastern side of the city approximately 0.68 miles from the project site.

That Atascadero Storm Water Management Program (SWMP) (Wallace Group, 2009) and the central coast post construction stormwater requirements (CRWQCB, 2013) provide standards to protect water quality and control runoff from new developments. These documents require mitigation or alterations in design for projects that significantly increase the amount of impervious surfaces. Additionally, they address erosion control for new developments. Moreover, The SWMP accounts for all current and future development slated to impact the existing drainage infrastructure.

#### PROPOSED PROJECT:

The applicant is proposing mini-storage facilities in excess of 81,000 square feet. The facility would include a caretaker's residence and associated improvements. The parcels being developed total to 4.2 acres in size. Preliminary earthwork estimates in the project plans call for 6,523 cubic yards of cut and 13,438 cubic yards of fill. There is 1.8 acres of historically identified wetland on the project site; however, the recent drought conditions and grazing activities have affected this resource. The biological assessment prepared for the project in early 2018 identified 0.14 acres of ephemeral drainage on site and no federally recognized triple criteria wetlands. The project proposed to realign the existing creek and modify the existing floodway.

Regulations created by City of Atascadero SWMP, AMC, and the CRWQCB are used as thresholds of significance regulation for issues concerning water quality and hydrology for the proposed project. In addition, CDFW, and ACE have permitting authority over the project due to the proposed realignment of the existing creek and modifications to the mapped floodway.

The City of Atascadero Storm Water Management Plan provides goals and implementation measures for run off control through best practices. Many of these goals are achieved through following state standards for storm water runoff. The central coast post construction stormwater

requirements provide standards to protect water quality and ensure runoff control from new developments (CRWQCB, 2013). The proposed mini-storage facility is subject to post-construction requirements for stormwater rate control and water quality.

Development of the subject property will modify the existing flood zone as delineated on the FEMA Flood Insurance Rate Map (FIRM).

**WQH Impact-1:** The applicant is proposing to realign an existing jurisdictional drainage and re-contour the site to accommodate the proposed development. Grading includes elimination of the existing creek channel and fill of the existing mapped wetland area, thus **this impact requires mitigation.**

**WQH Impact-2:** The project is proposing to place fill in the existing FEMA mapped flood zone A, which has the potential to increase flooding on adjacent properties; therefore, the **impact requires mitigation.**

#### **MITIGATION / CONCLUSION:**

**WQH 1-1:** The applicant shall obtain all necessary permits form the Regional Water Quality Control Board.

**WQH 2-1:** Prior to issuance of any building permits, a FEMA Conditional Letter Of Map Revision (CLOMR) must be issued and received by the City Engineer.

**WQH 2-2:** The project design and construction shall comply with the CLOMR. Prior to a final inspection or Occupancy release, the developer must apply for and be issued a FEMA Letter Of Map Revision (LOMR) and a copy filed in the Office of the City Engineer.

#### **10. LAND USE & PLANNING – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### **EXISTING SETTING:**

The City of Atascadero regulates land uses in attempt to create a sensible, safe, and healthy landscape for the residents of the city. Policies regarding land use planning and conservation can be found in the Atascadero General Plan and associated documents. The City's General plan calls for a 20-foot setback from all jurisdictional creeks and watercourses. The RWQCB has requested a more stringent setback of 30-feet.

According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc. Mini-Storage is listed as a conditionally allowed use, requiring certain findings to be made to determine compatibility with the site environment and surrounding neighborhood character. The surrounding parcels include multi-family and single-family residential developments, commercial uses, parks, and quasi-public uses.

The site where the mini-storage is proposed is located on a 4.2 acre parcel in Public zoning district of Atascadero. There is an existing ephemeral creek running through the project site. The property has historically flooded during the rainy season and wetlands have been identified in the past. The current drought and grazing practices has diminished wetland characteristics.

**PROPOSED PROJECT:**

The applicant is proposing mini-storage facilities in excess of 81,000 square feet. The facility would include a caretaker's residence and associated improvements. The parcels being developed total to 4.2 acres in size. Preliminary earthwork estimates in the project plans call for 6,523 cubic yards of cut and 13,438 cubic yards of fill. There is 1.8 acres of historically identified wetland on the project site; however, the recent drought conditions and grazing activities have affected this resource. The biological assessment prepared for the project in early 2018 identified 0.14 acres of ephemeral drainage on site and no federally recognized triple criteria wetlands. The project proposed to realign the existing creek and modify the existing floodway. The proposal includes the construction of 0.77 acres of wetland habitat.

**MITIGATION:**

LUP 1: see BIO-3-1

**11. MINERAL RESOURCES – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXISTING SETTING:**

Mineral resources are protected in the state of California for their economic benefits.

**PROPOSED PROJECT:**

The project site is a historic low point and subject to annual flooding. There have historically been mapped wetlands on the site. The applicant is proposing an 81,000+ square foot mini-storage facility with a care-taker's residence and associated site improvements. There are no known mineral resources in the area of the proposed project.

**MITIGATION / CONCLUSION:** No impacts are expected to occur.

**12. NOISE – Will the project result in:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXISTING SETTING:**

The City of Atascadero regulates noise pollution from any given development because of the potential for adverse effects on human health and safety.

The existing property is a 4.2 acre, underdeveloped parcel located in the Public zoning district between El Camino Real and Viejo Camino. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area. The nearby park is an active recreation park.

The Atascadero Municipal code provides the threshold of significance for noise created during the construction process of new developments. The AMC states that all noises created by construction activities are exempt from city regulation as long as the activities occur between seven AM and nine PM. During the hours of nine PM to seven AM the maximum allowable decibel range for all noise created is sixty-five decibels.

#### PROPOSED PROJECT:

The applicant is proposing mini-storage facilities in excess of 81,000 square feet. The facility would include a caretaker's residence and associated improvements. The parcels being developed total to 4.2 acres in size. Preliminary earthwork estimates in the project plans call for 6,523 cubic yards of cut and 13,438 cubic yards of fill. Large grading equipment will be needed to complete site development. Fill dirt will be brought to the site during grading construction activities. Impacts related to construction will be temporary. The continued operation of a mini-storage facility is not expected to generate high volumes of noise.

**NOI Impact-1:** The ministorage facility will create a temporary source of noise pollution during the construction process. The Atascadero Municipal Code exempts construction activities from the city's noise regulations during the hours of 7am and 9pm, and limits noise to a maximum of sixty-five decibels during the hours of nine PM and seven AM. Since the Atascadero Municipal code address noise concerns, the **impact is insignificant**.

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

#### 13. POPULATION & HOUSING – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

#### EXISTING SETTING:

The State of California aims to ensure adequate housing and quality living environments by requiring cities to take detailed accounts of current housing stock and needs as well as projections of expected future needs. The Atascadero General Plan Housing Element identifies housing related goals for the city and methods by which to achieve them.

The General Plan Housing Element and existing data from the 2000 and 2010 United States Censuses provide a snapshot of population growth in the City of Atascadero. The city's population grew by about 14.1 percent in the 1990s. From 2000 to 2010 city population grew by only 7.2% percent. Housing needs are reported by the San Luis Obispo County Council of Governments (SLOCOG). SLOCOG provides the Regional Housing Needs Allocation (RHNA) for incorporated areas of San Luis Obispo County. Allotments are further categorized into affordability types. Each city is then responsible for dedicating the needed resources and amending their General Plan Housing Element to attain their allotment of housing.



The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area. The nearby park is an active recreation park. According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc.

**PROPOSED PROJECT:**

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development.

**PH Impact-1:** The proposed project will eliminate one single-family residence and replace the underdeveloped land with a mini-storage facility and caretaker's residence. The property is zoned "Public" which anticipates non-residential land-uses; ***The impact of the project on population and housing is insignificant.***

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

**14. PUBLIC SERVICE:**

Will the proposed project have an effect upon, or result in the need for new or altered public services in any of the following areas:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Emergency Services (Atascadero Fire)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Services (Atascadero Police)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Public Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**EXISTING SETTING:**

New developments in the City of Atascadero place increased demand on local public service. For this reason, the city must ensure that existing services and future service and facility expansions can accommodate expected new developments.

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area. The nearby park is an active recreation

park. According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc.

**PROPOSED PROJECT:**

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development.

The project will increase the intensity of uses on the subject parcel; however, this increase is anticipated in the General Plan. The project is commercial in nature and will not place a burden on existing City services or facilities.

**MITIGATION / CONCLUSION:** No impacts are expected to occur.

## 15. RECREATION:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### EXISTING SETTING:

The City of Atascadero attempts to provide quality open spaces and recreation areas for its residents as it continues to grow.

The Atascadero General Plan recognizes the importance of access to parks and recreation areas. The General Plan Land Use, Conservation and Open Space Element Program areas 11.1.3-5 promote this access and aim for a ration of five acres of open space for every one thousand residents. Associated development impact fees are used to fund maintenance of existing parks and potential acquisition of new open spaces to make these goals achievable.

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area. The nearby park is an active recreation park. According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc.

### PROPOSED PROJECT:

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development. The use is commercial in nature and will not increase demands on existing recreation facilities.

**MITIGATION / CONCLUSION:** No impacts are expected to occur.

## 16. TRANSPORTATION / TRAFFIC – Will the project:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?				
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**EXISTING SETTING:**

The City of Atascadero strives to provide a quality transportation network that is feasible and practical for the needs of the city.

The Atascadero General Plan Circulation Element sets policies aimed at encouraging use of different transportation modalities and ensuring network efficiency. Regional highways and county roads fall under the jurisdiction of CalTrans and the County of San Luis Obispo. SLOCOG provides standards and regulations for countywide transportation networks.

The City of Atascadero General Plan Circulation Element provides the threshold of significance for transportation and traffic. The City has designated level C as the minimum level of service require of all city facilities. The Circulation Element accounts for expected future land uses as projected by the Land Use, Conservation and Open Space Element. Additionally, the City of Atascadero requires impact fees to be paid towards public services that include the local circulation system.

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site is in an urbanized area. According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc.

**PROPOSED PROJECT:**

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development. The proposed caretaker's residence is projected to generate 6.72 trips a day, and the mini-storage is expected to generate 146 trips a day according to the 7<sup>th</sup> Edition of the Institute of Transportation Engineers' Trip Generation Manual.

The project includes improvements to Viejo Camino that include a new sidewalk and bus stop. This will increase opportunities for multi-modal travel throughout the City and provide a safe path for pedestrians to travel in the area.

As proposed, with the improvements to Viejo Camino, the project is not expected to create significant issues or conflicts with current traffic patterns or programs laid out by the City or SLOCOG.

**TRT Impact-1:** The proposed mini-storage facility will incrementally increase demand on the Atascadero transportation network by generating new trips and contributing to infrastructure usage. The City requires impact fees from new developments that cover impacts to the circulation system. Since the City addresses concerns regarding transportation and traffic before development, then ***the impact is insignificant.***

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

**17. UTILITIES AND SERVICE SYSTEMS – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### EXISTING SETTING:

The City of Atascadero must account for all impacts to infrastructure and utilities to ensure that existing infrastructure is able to handle current and future demands. Sewer connection and usage fees go toward any necessary improvements or upgrades to the City's wastewater treatment plant. The AMC sets standards for addressing drainage as well as waste and wastewater disposal from all developments in the City.

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. According to the Atascadero General Plan Land Use, Open Space and Conservation Element, the Public zoning district is designated for public and quasi-public land uses such as churches, child care facilities, schools, parks, membership organizations, etc. City sewer is available for the project site. There is an existing single-family residence on-site that is currently served by an on-site wastewater system.

The site currently contains an ephemeral creek that qualifies as a jurisdictional watercourse. Water flows onto the site from an existing culvert under El Camino Real and meanders east to a culvert under Viejo Camino where the creek joins with Paloma creek and flows into the Salinas River located approximately ¼ mile from the project site. Historically the site was designated with

1.8 acres of wetland. Recent drought conditions and consistent annual livestock grazing have decreased the wetland vegetation and habitat of the site.

The Atascadero Mutual Water Company (AMWC) provides water to the City. The company's service area is shown in Figure 16; the site is within the service area. The AMWC's Urban Water Management Plan provides regulations based on SLOCOG population projections and historic water use for their service areas. Their projections for water supply and demand, assuming normal conditions through 2040, can be seen in Table 4. These projections go beyond the time period of the most recent General Plan in which the City anticipates build out by the year 2025. Their projections show that they will have sufficient water supplies to meet the demand.

Waste Management, Inc. (WM) is the city's contracted waste management service. Approximately 99% of Atascadero's solid waste is taken to the Chicago Grade Landfill in Templeton, California (Wallace Group, 2012). CalRecycle monitors and collects data on all permitted landfills in the state of California. According to CalRecycle the Chicago Grade Landfill had a remaining capacity of 6,022,396 cubic yards as of November of 2017 with an operations estimated to cease by 2039.

#### **PROPOSED PROJECT:**

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development. The project includes the realignment of a natural ephemeral creek and reconstruction of 0.77 acres of wetland habitat area. Water is proposed to enter the site from the existing culverts under El Camino Real and be directed to the constructed wetland at the southern tip of the site. Flows will then continue toward Viejo Camino into an existing culvert. The water flow path will include vegetation on one side of the channel, which is expected to provide filtration and enhance water quality.

Construction of new drainage infrastructure is expected to conform to city policies and AMC requirements. All new run off created by the site will be directed towards proposed on-site water storage cisterns and/or the constructed wetland habitat area. Construction efforts on the property are expected to abide by waste collection standards stated in the AMC.

A new mini-storage and caretaker's residence is not expected to impose demands above anticipated projections on the AMWC water resources or the landfill capacity at Chicago Grade Landfill, nor will impacts exceed the capacity of the City's wastewater treatment plant.

**USS Impact-1:** The mini-storage facility will be connected to City sewer. The City's wastewater treatment plant is nearing capacity, however, upgrades and new infrastructure is slated to begin over the next few years. The General Plan anticipates development of this parcel and the existing treatment plan is able to accommodate the small loads generated by the proposed use, thus ***the impact is insignificant.***

**USS Impact-2:** The project has the potential to add a new under-road culvert to the drainage under Viejo Camino. The drainage originates from a jurisdictional ephemeral creek and wetland area upstream. The installation of a new culvert will impact the post-construction hydrology of the site. The City requires all projects to provide an analysis of post-construction hydrology to ensure that no increase in flows or flooding will occur downstream, thus ***the impact is insignificant.***

**USS Impact-3:** The mini-storage facility will create new demand on existing water resources provided by the Atascadero Mutual Water Company. The Atascadero Mutual Water Company is projected to be able to meet water needs for all new uses expected within the City through the year 2040. Since adequate water resources are available, ***the impact is insignificant.***

**MITIGATION / CONCLUSION:** No further mitigation is needed.

**18. TRIBAL CULTURAL RESOURCES – Will the project:**

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe?:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Impact a listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as define in Public Resources Code Section 5020.1(k)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Impact a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. the lead agency shall consider the significance of the resource to a California native American Tribe?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**EXISTING SETTING:**

San Luis Obispo County and the surrounding region is an ancestral home to various Native American tribes. This leads to the occasional discovery of tribal artifacts during development. Local and State regulation recognize the importance of coordinating with local tribes and archeological services to preserve these resources.

The City of Atascadero's General Plan Land Use, Open Space, and Conservation Element Programs 6.2.4-6 require the mitigation and noticing of pertinent parties when archaeological discoveries are made in the city. The AMC lists standards to be adhered to should archeological remains be discovered during the development process which include the cessation of all construction activity until proper local, state, and federal protocol is completed. (AMC 9-4.162) Finally, The California Environmental Quality Act requires the lead agency to notify regional tribes about projects that trigger environmental review. After notifying the regional tribes, they are allowed to require further studies to be administered during any project if they believe that there is potential for cultural artifacts to be found.

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding



area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities. The site currently contains an ephemeral creek that qualifies as a jurisdictional watercourse. Water flows onto the site from an existing culvert under El Camino Real and meanders east to a culvert under Viejo Camino where the creek joins with Paloma creek and flows into the Salinas River located approximately ¼ mile from the project site. Historically the site was designated with 1.8 acres of wetland. Recent drought conditions and consistent annual livestock grazing have decreased the wetland vegetation and habitat of the site.

A known historic cemetery for the rural community of Dove was located approximately 600-feet from the proposed development. The dove community was in existence the latter portion of the nineteenth century. No other remnants are known to exist within the vicinity, nor have the native tribes of the area requested any additional reconnaissance for archeological purposed on the project site.

#### PROPOSED PROJECT:

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development. The project includes the realignment of a natural ephemeral creek and reconstruction of 0.77 acres of wetland habitat area.

Consultation in accordance with AB52 were completed and it was determined that no further study was necessary.

**MITIGATION / CONCLUSION:** No impacts are expected to occur

#### 19. MANDATORY FINDINGS OF SIGNIFICANCE:

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant	Impact Requires Mitigation	Insignificant Impact	Not Applicable
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

#### EXISTING SETTING:

The existing property is a 4.2 acre, underdeveloped site located in the Public zoning district between El Camino Real and Viejo Camino. The project site is currently comprised of 2 parcels, one is vacant and the other contains a non-conforming single-family dwelling. The surrounding area is composed of residential, commercial, public park, and quasi-public uses such as churches and child care facilities.

#### PROPOSED PROJECT:

The proposed project consists of an 81,000+ square foot mini-storage facility with caretaker's residence and associated improvements. The existing non-conforming residence will be demolished to accommodate the proposed development. The project includes the realignment of a natural ephemeral creek and reconstruction of 0.77 acres of wetland habitat area.

**MFS Impact-1:** Since the project is expected to comply with policies, regulations and mitigations provided by the city, then ***there is no significant impact.***

**MITIGATION / CONCLUSION:** No further mitigation is necessary.

For further information on California Environmental Quality Act (CEQA) or the City's environmental review process, please visit the City's website at [www.atascadero.org](http://www.atascadero.org) under the Community Development Department or the California Environmental Resources Evaluation System at: <http://resources.ca.gov/ceqa/> for additional information on CEQA.

#### Exhibit A – Initial Study References & Outside Agency Contacts

The Community Development Department of the City of Atascadero has contacted various agencies for their comments on the proposed project. With respect to the proposed project, the following outside agencies have been contacted (marked with an ☒) with a notice of intent to adopt a proposed negative / mitigated negative declaration.

☒ Atascadero Mutual Water Company      ☒ Native American Heritage Commission

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Atascadero Unified School District                                  | <input type="checkbox"/> San Luis Obispo Council of Governments                       |
| <input checked="" type="checkbox"/> Atascadero Waste Alternatives                                       | <input checked="" type="checkbox"/> San Luis Obispo Air Pollution Control District    |
| <input checked="" type="checkbox"/> AB 52 – Salinan Tribe   | <input checked="" type="checkbox"/> San Luis Obispo Integrated Waste Management Board |
| <input checked="" type="checkbox"/> AB 52 – Northern Chumash Tribe                                      | <input checked="" type="checkbox"/> Regional Water Quality Control Board District 3   |
| <input checked="" type="checkbox"/> AB 52 – Xolon Salinan Tribe   | <input checked="" type="checkbox"/> HEAL SLO – Healthy Communities Workgroup          |
| <input type="checkbox"/> AB 52 – Other  | <input checked="" type="checkbox"/> US Postal Service                                 |
| <input type="checkbox"/> California Highway Patrol  | <input checked="" type="checkbox"/> Pacific Gas & Electric (PG&E)                     |
| <input checked="" type="checkbox"/> California Department of Fish and Wildlife (Region 4)               | <input checked="" type="checkbox"/> Southern California Gas Co. (SoCal Gas)           |
| <input checked="" type="checkbox"/> California Department of Transportation (District 5)                | <input checked="" type="checkbox"/> San Luis Obispo County Assessor                   |
| <input checked="" type="checkbox"/> Pacific Gas & Electric  | <input type="checkbox"/> LAFCO  |
| <input type="checkbox"/> San Luis Obispo County Planning & Building                                     | <input type="checkbox"/> Office of Historic Preservation                              |
| <input type="checkbox"/> San Luis Obispo County Environmental Health Department                         | <input type="checkbox"/> Charter Communications                                       |
| <input type="checkbox"/> Upper Salinas – Las Tablas RCD   | <input type="checkbox"/> CA Housing & Community Development                           |
| <input type="checkbox"/> Central Coast Information Center (CA. Historical Resources Information System) | <input type="checkbox"/> CA Department of Toxic Substances Control                    |
| <input type="checkbox"/> CA Department of Food & Agriculture  | <input checked="" type="checkbox"/> US Army Corp of Engineers                         |
| <input type="checkbox"/> CA Department of Conservation  | <input checked="" type="checkbox"/> Federal Emergency Management Agency (FEMA)        |
| <input type="checkbox"/> CA Air Resources Board   | <input type="checkbox"/> Other:   |
| <input type="checkbox"/> Address Management Service   | <input type="checkbox"/> Other:   |

The following checked (“☑”) reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the Community Development Department and requested copies of information may be viewed by requesting an appointment with the project planner at (805) 461-5000.

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Project File / Application / Exhibits / Studies | <input checked="" type="checkbox"/> Adopted Atascadero Capital Facilities Fee Ordinance         |
| <input checked="" type="checkbox"/> Atascadero General Plan 2025 / Final EIR        | <input type="checkbox"/> Atascadero Inclusionary Housing Policy                                 |
| <input checked="" type="checkbox"/> Atascadero Municipal Code                       | <input checked="" type="checkbox"/> SLO APCD Handbook   |
| <input type="checkbox"/> Atascadero Appearance Review Manual                        | <input checked="" type="checkbox"/> Regional Transportation Plan                                |
| <input checked="" type="checkbox"/> Atascadero Urban Stormwater Management Plan     | <input checked="" type="checkbox"/> Flood Hazard Maps   |
| <input type="checkbox"/> Atascadero Hillside Grading Guidelines                     | <input checked="" type="checkbox"/> CDFW / USFW Mapping   |
| <input type="checkbox"/> Atascadero Native Tree Ordinance & Guidelines              | <input checked="" type="checkbox"/> CA Natural Species Diversity Data Base                      |
| <input checked="" type="checkbox"/> Atascadero Climate Action Plan (CAP)            | <input checked="" type="checkbox"/> Archeological Resources Map                                 |
| <input type="checkbox"/> Atascadero Downtown Revitalization Plan                    | <input checked="" type="checkbox"/> Atascadero Mutual Water Company Urban Water Management Plan |
| <input checked="" type="checkbox"/> Atascadero Bicycle Transportation Plan          | <input type="checkbox"/> CalEnvironScreen   |
| <input checked="" type="checkbox"/> Atascadero GIS mapping layers                   | <input checked="" type="checkbox"/> Department of Conservation Fault Zone Application           |
| <input checked="" type="checkbox"/> SLO APCD CEQA Air Quality Handbook              | <input type="checkbox"/> Other _____  |

**EXHIBIT B – MITIGATION SUMMARY TABLE**  
**Dove Creek Mino-Storage**  
**DEV18-0103**

Per Public Resources Code § 21081.6, the following measures also constitutes the mitigation monitoring and/or reporting program that will reduce potentially significant impacts to less than significant levels. The measures will become conditions of approval (COAs) should the project be approved. The City of Atascadero, as the Lead Agency, or other responsible agencies, as specified, are responsible to verify compliance with these COAs.

MITIGATION MEASURE		TIMING
<b>Aesthetics</b>		
AES-1.1	All exterior lights shall be turned off between the hours of 11pm and 6am. Lights may turn on when motion is sensed. All lighting must be dimmable to maintain the low light levels of the surrounding residential and open space areas.	Ongoing
AES-1.2	The wall shall be constructed of medium toned split face block with darker contrasting pilasters. Where any wall is constructed that is not a side of a building, a decorative cap shall be included. The portion of the wall used to create one side of the realigned creek channel shall be constructed of a natural rock or stone appearing material with color variations. Medium to tall landscaping shall be placed adjacent to the wall. If this is not possible due to wetland restoration requirements, metal trellis features shall be provided at regular intervals with appropriate landscape material. The shelf between the back of building and the creek channel wall shall include space and depth for landscape material that will trail over the wall.	Prior to permit issuance
<b>Air Quality</b>		
AQ 2-1	Use of water trucks or sprinkler systems, in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3minutes in any 60-minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. Please note that during drought conditions, water use may be a concern and the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.	During construction
AQ 2-2	All dirt stock pile areas should be sprayed daily as needed.	During construction



	<b>MITIGATION MEASURE</b>	<b>TIMING</b>
AQ 2-3	Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established.	Prior to permit issuance
AQ 2-4	All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD.	During construction
AQ 2-5	All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.	During construction
AQ 2-6	Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.	During construction
AQ 2-7	"Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent Track Out, designate access points and require all employees, subcontractors, and others to use them. Install and operate a "track-out prevention device" where vehicles enter and exit unpaved roads onto paved streets. The track-out prevention device can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices require periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified.	During construction
AQ 2-8	Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.	During construction
AQ 2-9	All of these fugitive dust mitigation measures shall be shown on grading and building plans. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of	Prior to permit issuance

## MITIGATION MEASURE

## TIMING

dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD.

### Biological Resources

- |         |  |  |  |
|---------|--|--|--|
| BIO 1-1 | <b>Pre Construction Surveys for Roosting Bats:</b> | Within 30 days prior to removal of existing structures and/or mature trees, a sunset survey shall be conducted by a qualified biologist to determine if bats are roosting on site. If bats are present, a follow-up acoustic monitoring survey shall be completed to determine, if feasible, which species are present. If roosts of special-status bat species are identified and will be impacted during the proposed project, CDFW will be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual bats and roosts (e.g., conducting work only during the day or installing one-way exclusions prior to work).  | Prior to permit issuance                     |
| BIO 1-2 | <b>Pre Construction Surveys for Nesting Birds:</b> | If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation CDFW, and/or the USFWS. | Prior to permit issuance                     |
| BIO 2-1 | <b>Protection of Hydrologic Resources:</b>         | Construction within and immediately adjacent to the drainage shall occur only when conditions are dry. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the channel during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., nonmonofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the construction period. In addition, the following general measures shall be implemented during construction:  | Prior to permit issuance/During construction |

**MITIGATION MEASURE**

**TIMING**

- The limits of disturbance within the existing drainage feature shall be clearly shown on all sites plans and flagged within the drainages prior to project implementation. All construction personnel shall be directed to avoid impacts to the areas immediately upstream and downstream of the proposed development including the existing culvert features located at El Camino Real and Viejo Camino.
- All equipment and materials shall be stored out of the streambed at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the stream.
- During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from all drainages and aquatic features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering drainages.
- Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

BIO 2-2 **Compensatory Mitigation Plan:** A compensatory mitigation plan shall be developed to offset permanent impacts to jurisdictional areas. The exact details and performance criteria of the restoration plan shall be determined during agency coordination with CDFW, RWQCB, and the Corps, as necessary. Stabilization and restoration measures may include the installation of BMPs and/or revegetation using native seed mixes and plantings. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained. Additional mitigation measures required by these agencies would be implemented as necessary.

Prior to permit issuance

BIO 2-3 **Agency Permitting:** Prior to issuance of any permits for grading or construction on-site, the applicant shall obtain permits from the following agencies, and any other agencies as necessary:

Prior to permit issuance

- California Department of Fish and Wildlife
- US Army Corps of Engineers
- Regional Water Quality Control Board



**MITIGATION MEASURE**

**TIMING**

Any mitigation measures required by the above listed permits shall be implemented to their fullest extent.

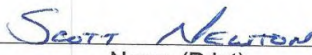
**Water Quality and Hydrology**

WQH 1-1	The applicant shall obtain all necessary permits from the Regional Water Quality Control Board.	Prior to permit issuance
WQH 2-1	Prior to issuance of any building permits, a FEMA Conditional Letter Of Map Revision (CLOMR) must be issued and received by the City Engineer.	Prior to permit issuance
WQH 2-2	The project design and construction shall comply with the CLOMR. Prior to a final inspection or Occupancy release, the developer must apply for and be issued a FEMA Letter Of Map Revision (LOMR) and a copy filed in the Office of the City Engineer.	Prior to C of O
LUP 1-1	See BIO 3-1	

The applicant agrees to incorporate the above measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the above mitigation measures. The measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

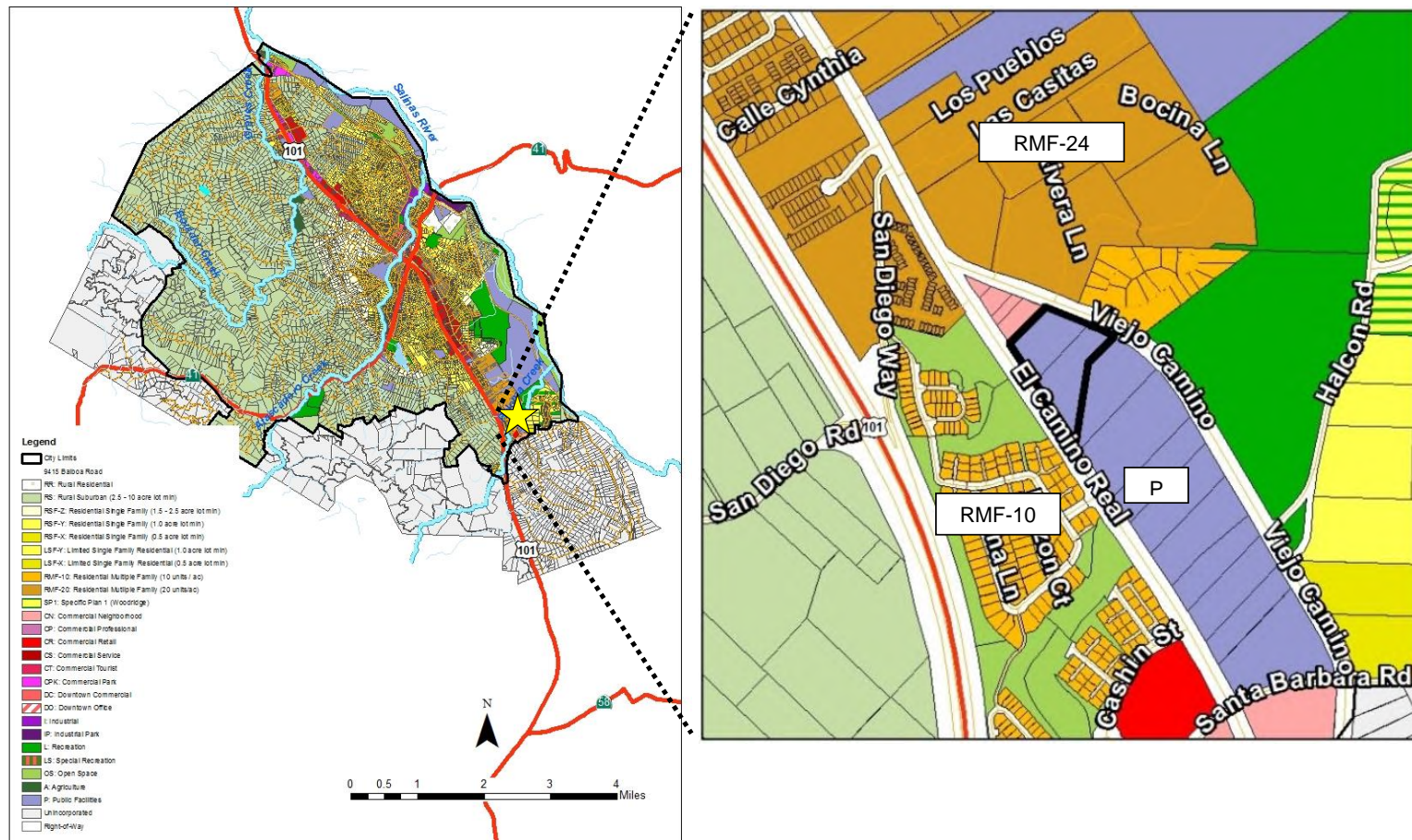
The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Community Development Director or their designee and may require a new environmental analysis for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above mitigation measures into the proposed project description.

  
Signature of Owner

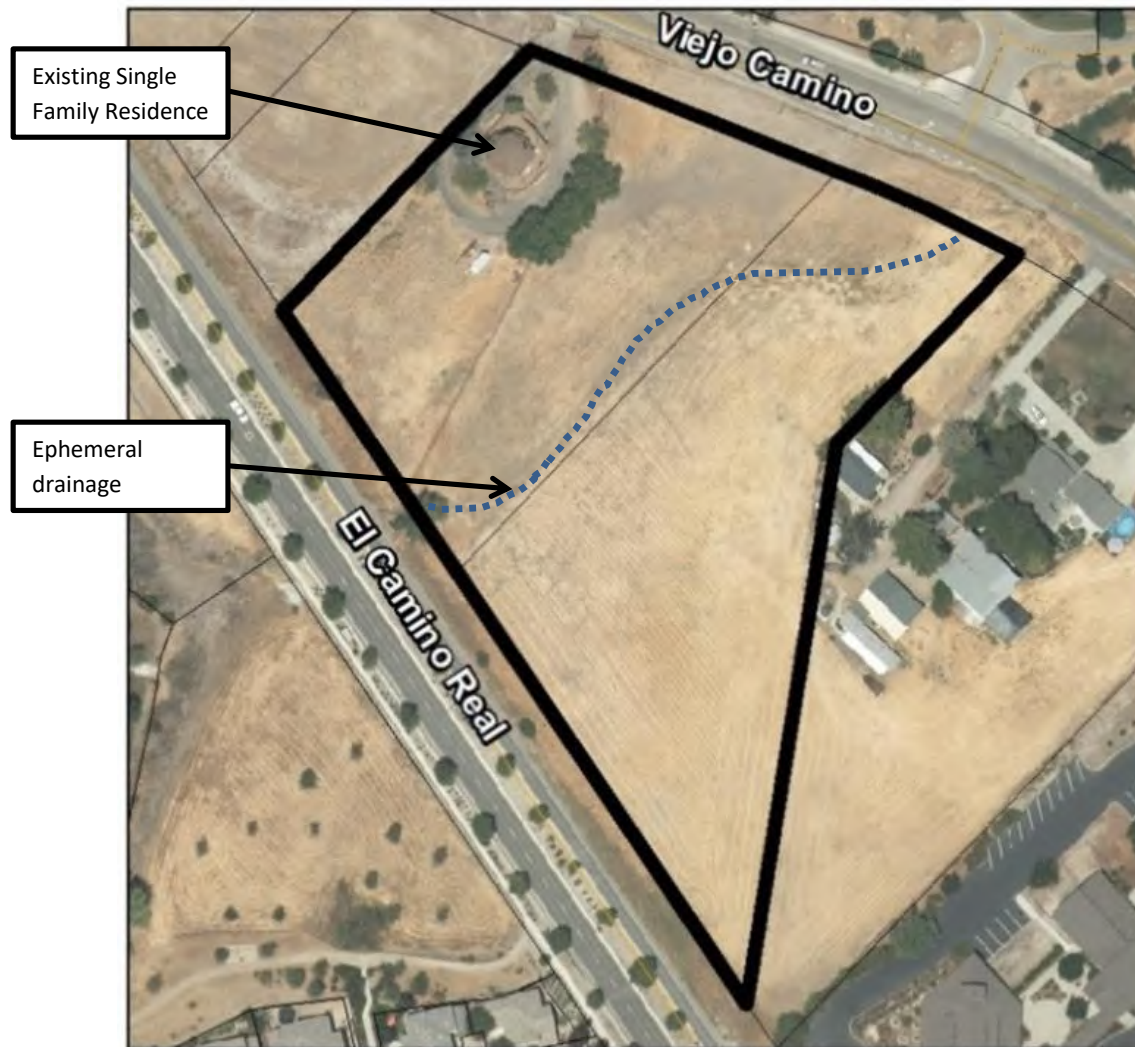
  
Name (Print)

6-12-19  
Date

**Figure 1 – Location Map / General Plan & Zoning**

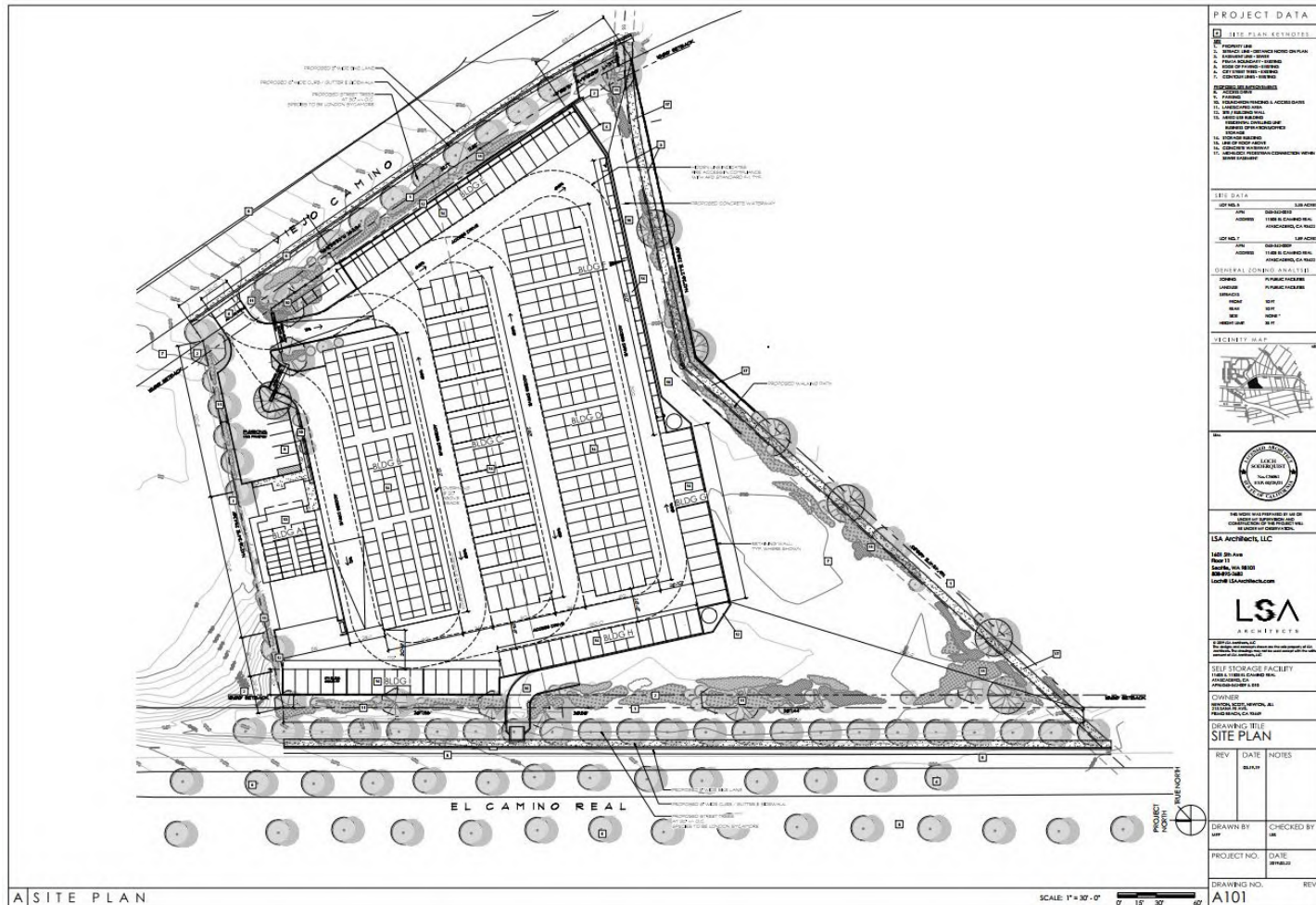


**Figure 2 – Aerial Mapping**

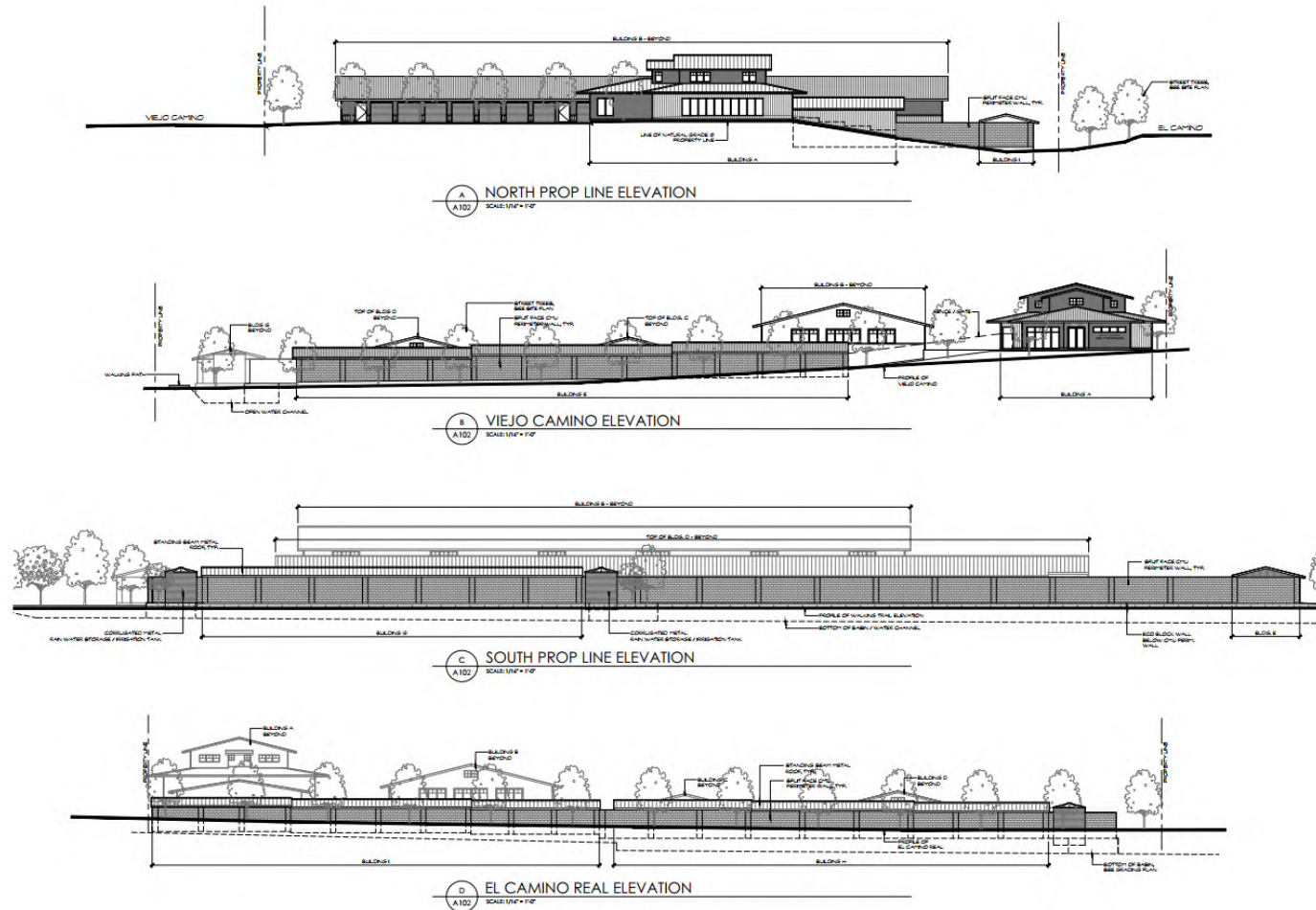




### Figure 3 – Site Plan



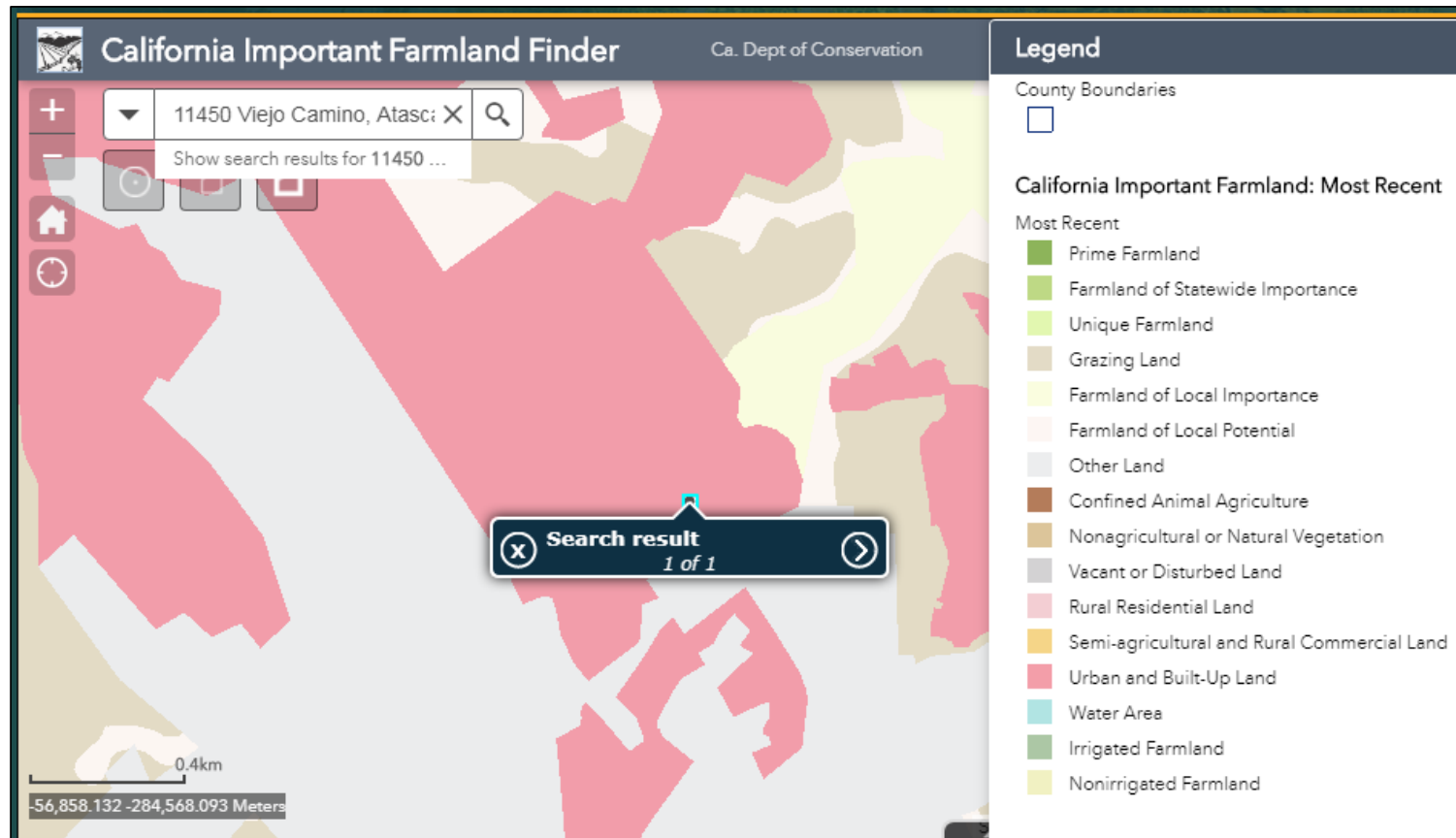
**Figure 4 – Elevations & Sections**



**Figure 5 – Landscape Plan**

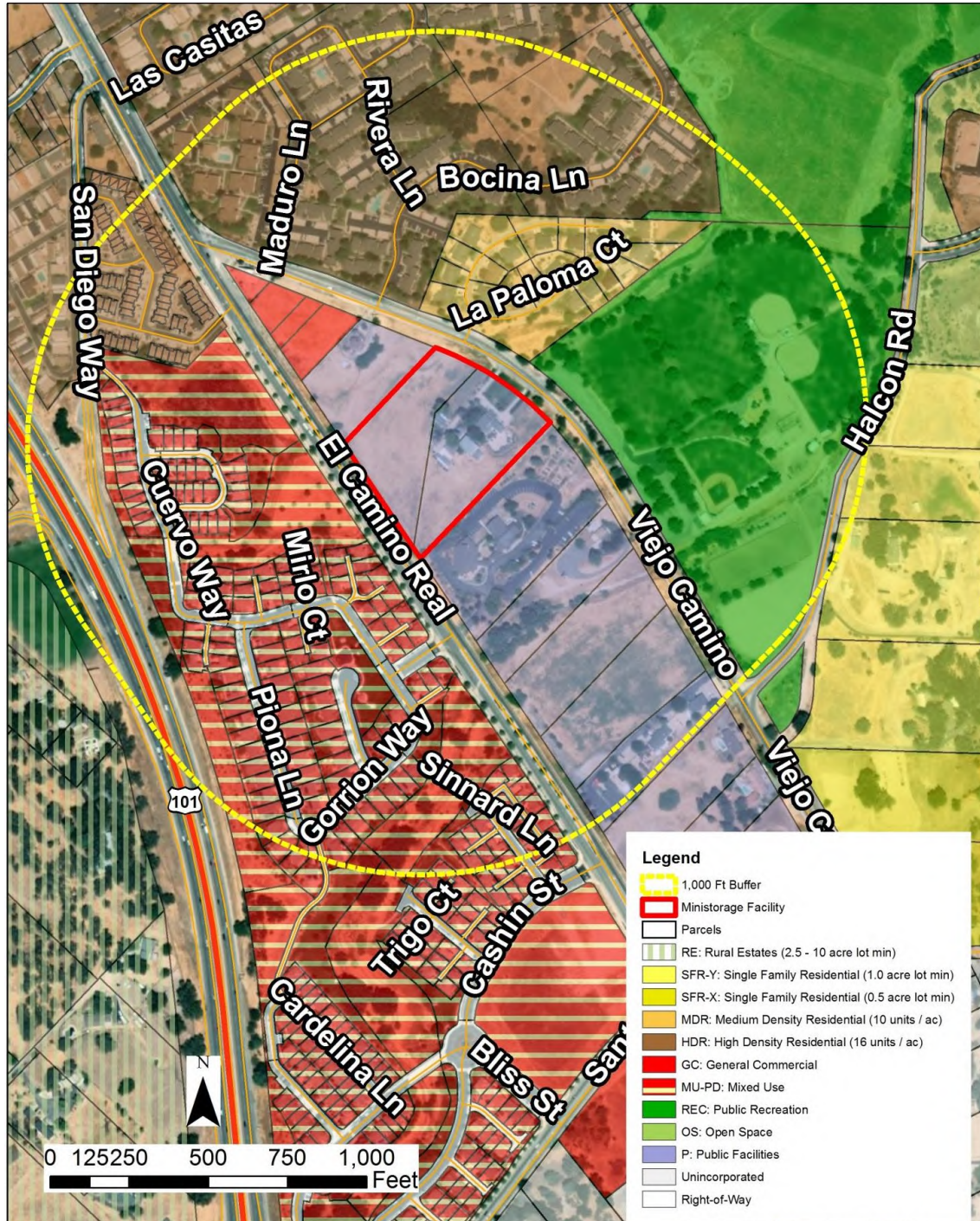


**Figure 6 – Farmland Monitoring**



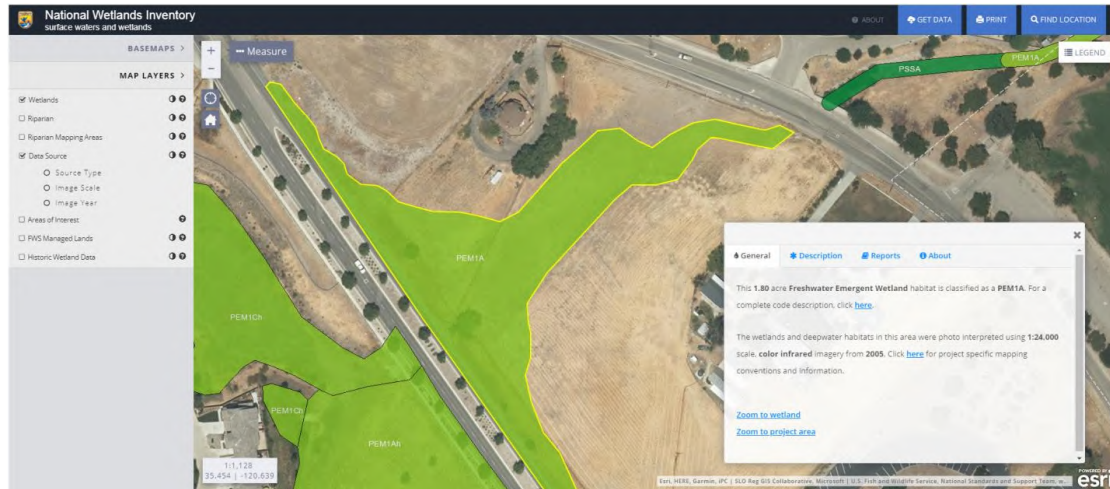


**Figure 7 – 1,000 Foot Buffer and Surrounding Land Uses**





**Figure 8 – USFWS Wetland Mapper**



**Figure 9 – Blue Line Creek**

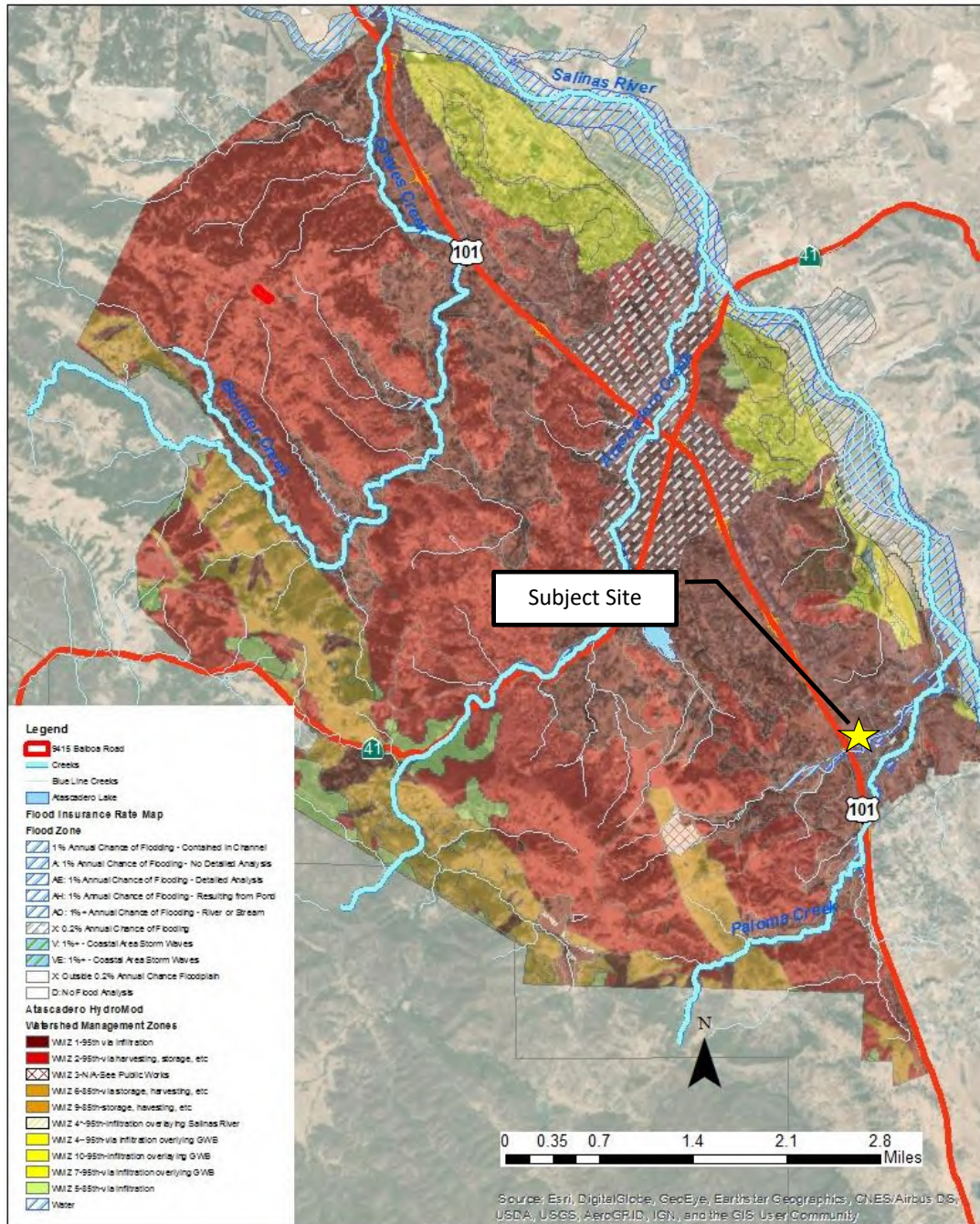


**Figure 10 – Soils and Slopes**

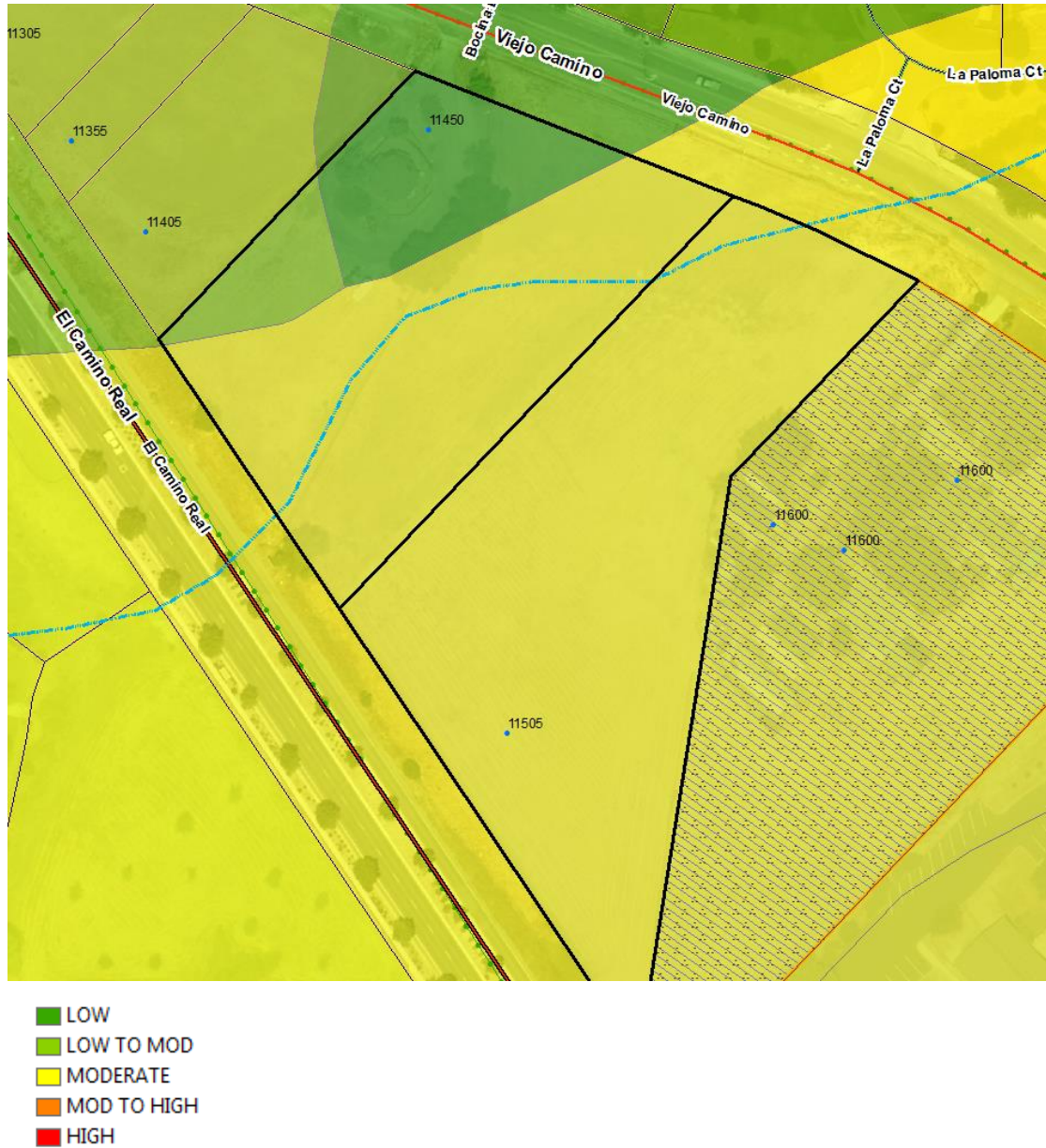




**Figure 11 – Flood Zones, Hydrology, & Water Management Zones**

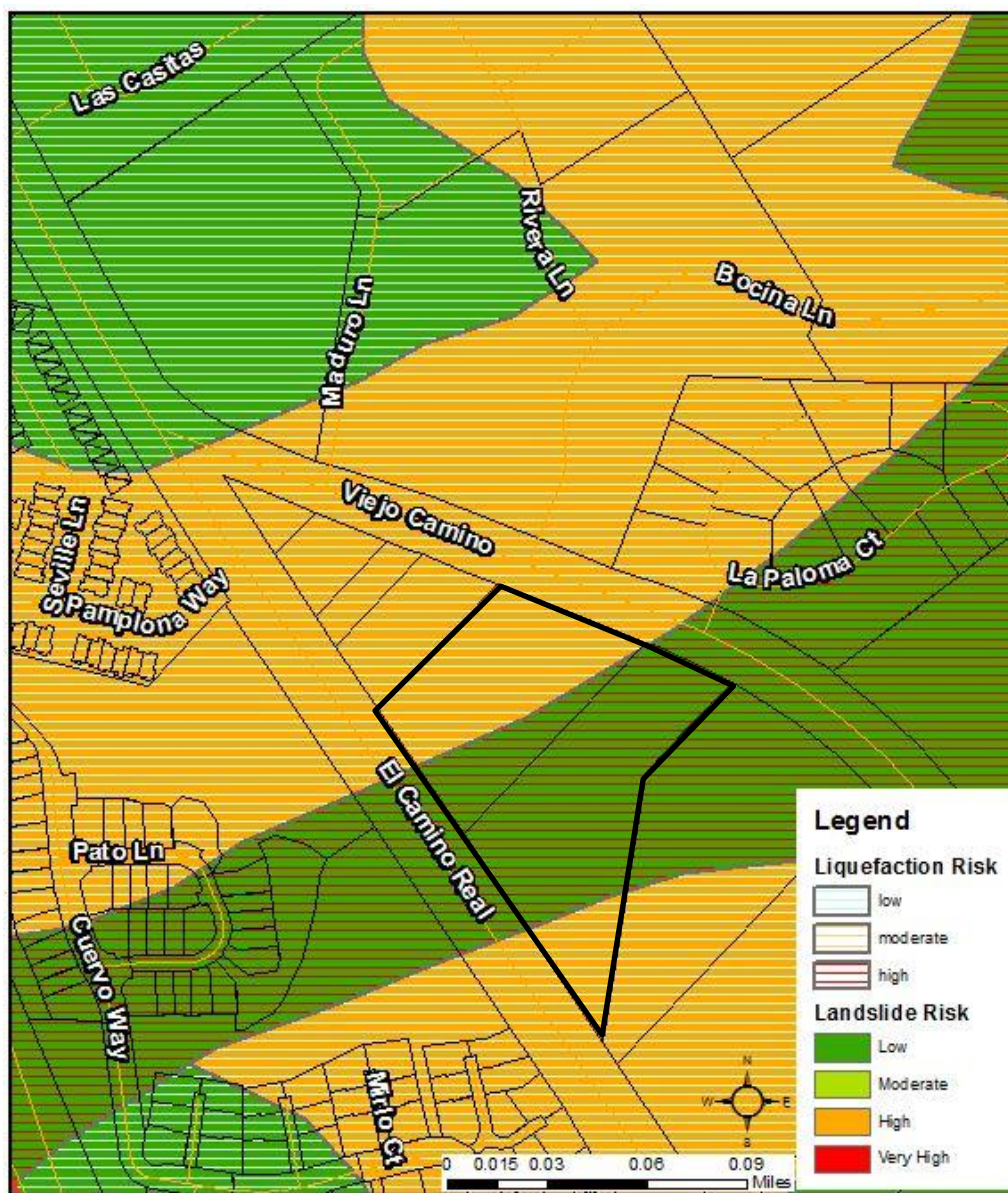


**Figure 12 – Soil Erodibility**

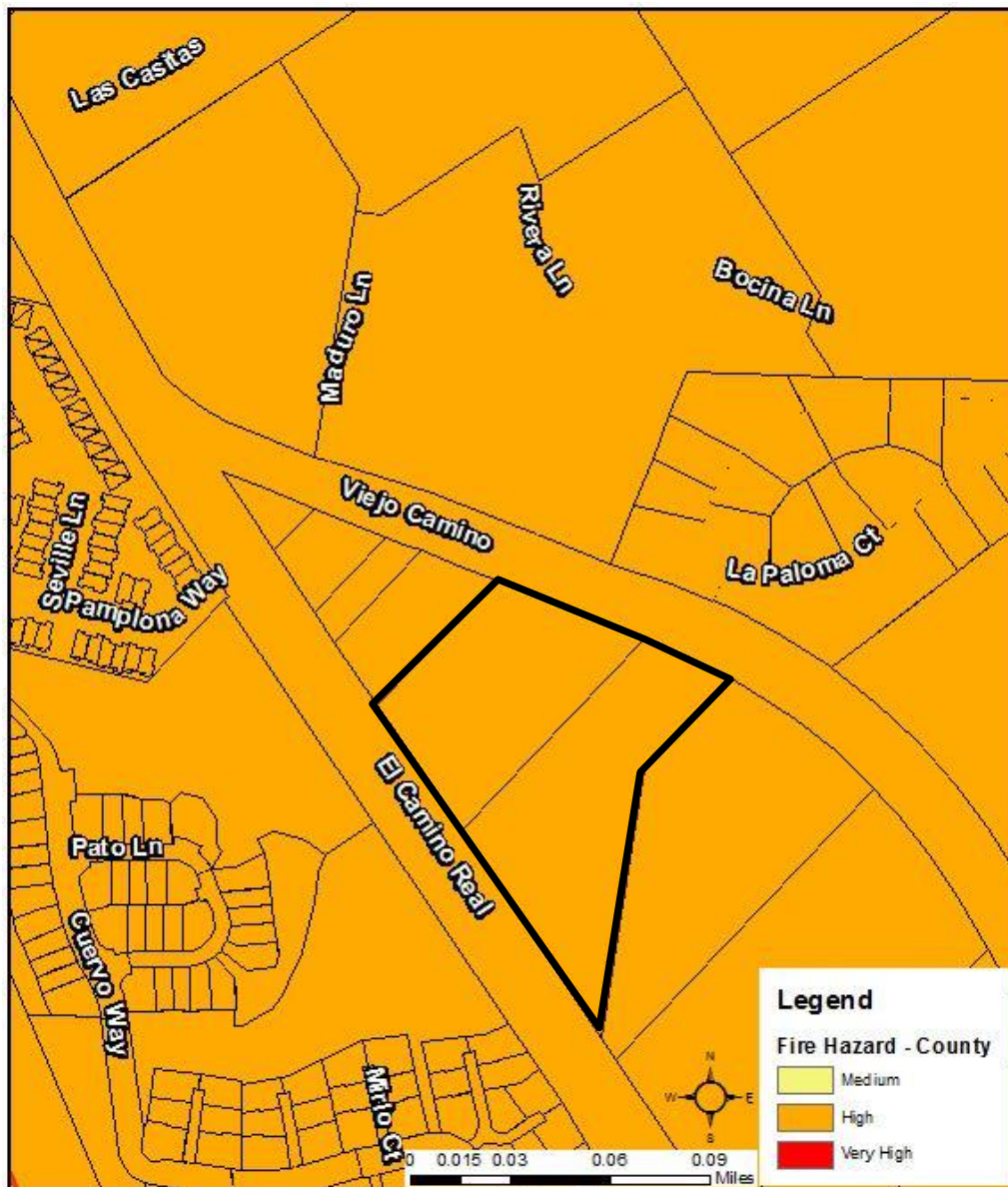




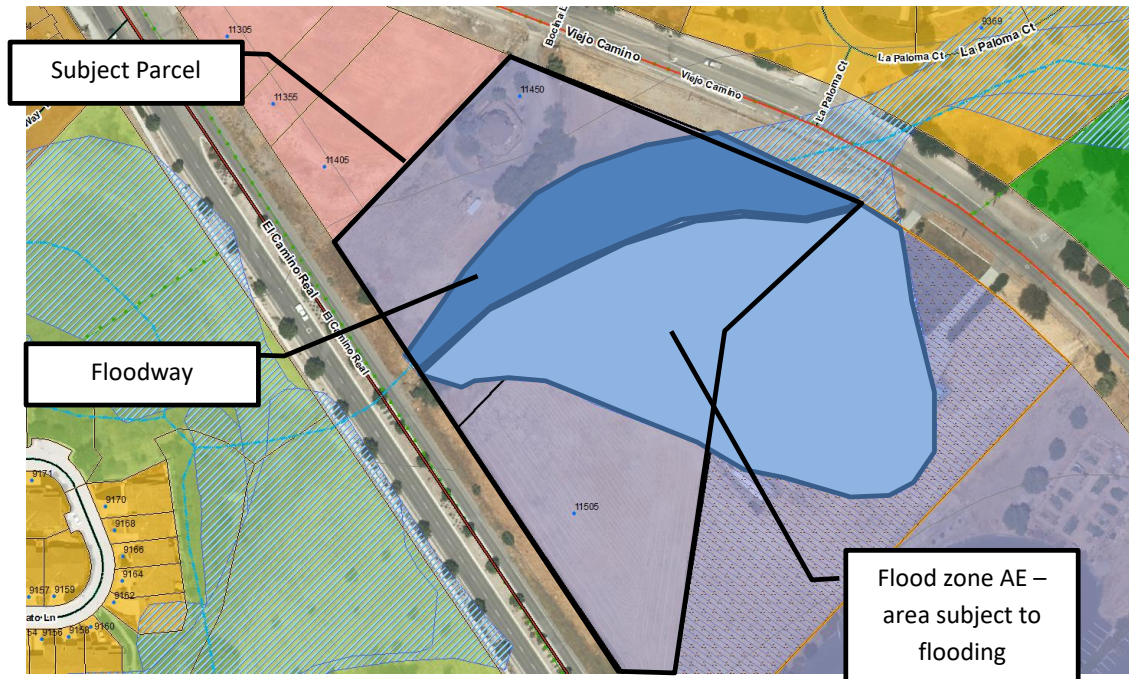
### Figure 13 – Liquefaction and Landslide Risk



**Figure 14 – Fire Hazard**

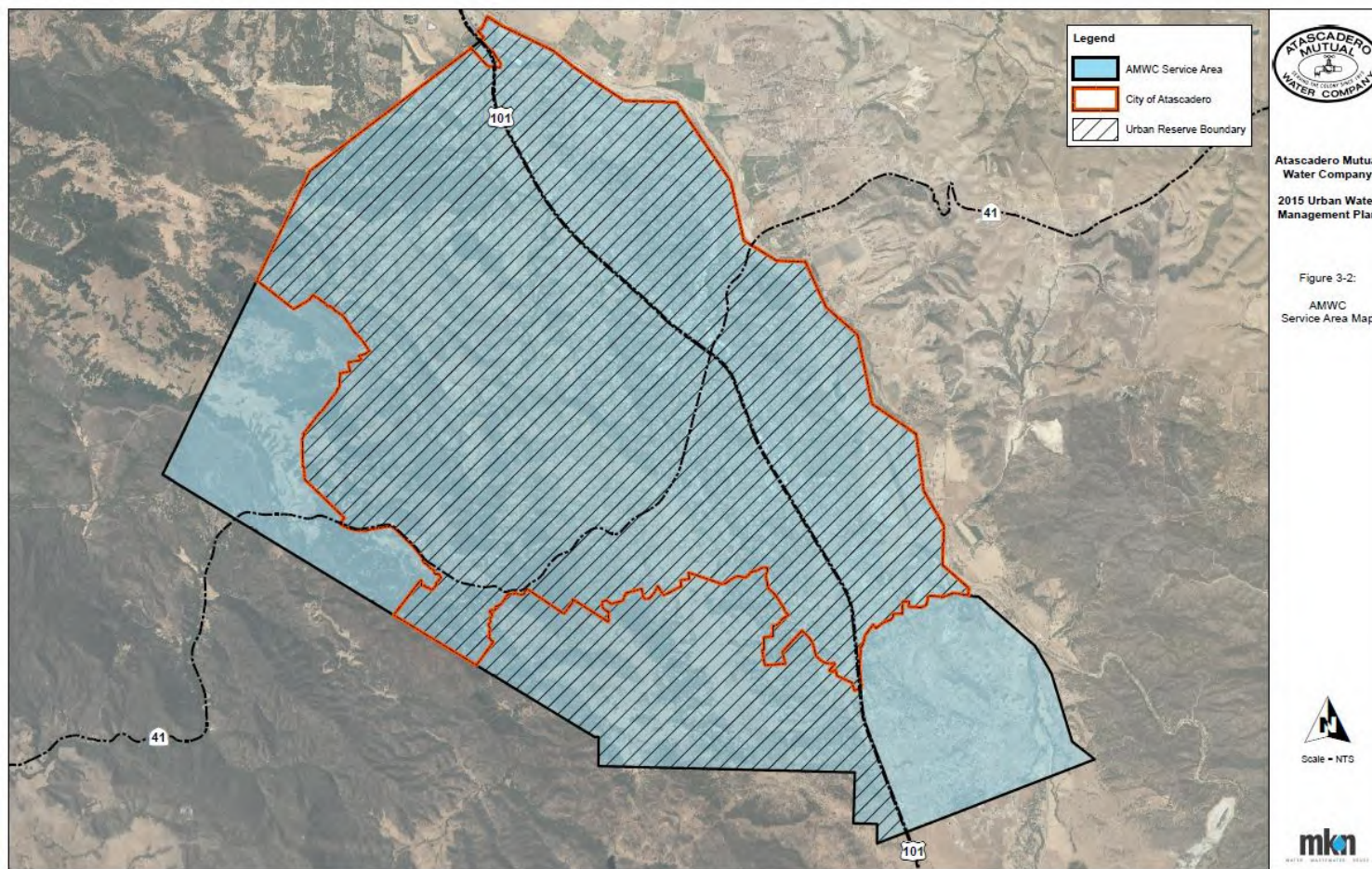


**Figure 15 – FEMA Floodway**

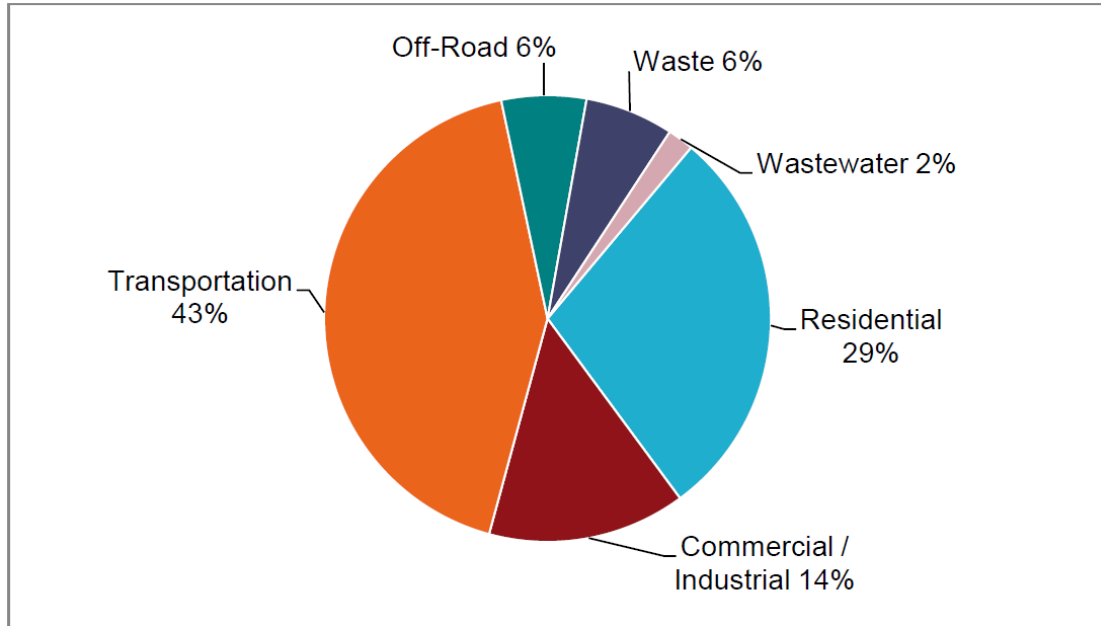




**Figure 16 – Atascadero Mutual Water Company Service Area**



**Figure 17 – Atascadero Community Wide Emissions by Sector**



**Table 1 – San Luis Obispo Air Pollution Attainment Status**

San Luis Obispo County Attainment Status					
Pollutant	Averaging Time	California Standards****		Federal Standards****	
		Concentration	Attainment Status	Concentration	Attainment Status
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Non-Attainment	–	Non-Attainment Eastern SLO County - Attainment Western SLO County***
	8 Hour	0.070 ppm (137 µg/m <sup>3</sup> )		0.070 ppm (137 µg/m <sup>3</sup> )*****	
Respirable Particulate Matter (PM <sub>10</sub> )	24 Hour	50 µg/m <sup>3</sup>	Non-Attainment	150 µg/m <sup>3</sup>	Unclassified*/ Attainment
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>		–	
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hour	No State Standard	Attainment	35 µg/m <sup>3</sup>	Unclassified*/ Attainment
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>		12.0 µg/m <sup>3</sup> ****	
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m <sup>3</sup> )	Attainment	9 ppm (10 mg/m <sup>3</sup> )	Unclassified*
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )		35 ppm (40 mg/m <sup>3</sup> )	
Nitrogen Dioxide (NO <sub>2</sub> )	Annual Arithmetic Mean	0.030 (57 µg/m <sup>3</sup> )	Attainment	0.053 ppm (100 µg/m <sup>3</sup> )	Unclassified*
	1 Hour	0.18 ppm (330 µg/m <sup>3</sup> )		100 ppb (196 mg/m <sup>3</sup> )	
Sulfur Dioxide (SO <sub>2</sub> )	Annual Arithmetic Mean	–	Attainment	0.030 ppm (80 µg/m <sup>3</sup> )	Unclassified*
	24 Hour	0.04 ppm (105 µg/m <sup>3</sup> )		0.14 ppm (365 µg/m <sup>3</sup> )	
	3 Hour	–		0.5 ppm (1300 µg/m <sup>3</sup> )**	
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )		75 ppb (196 mg/m <sup>3</sup> )	
Lead*	30 Day Average	1.5 µg/m <sup>3</sup>	Attainment	–	No Attainment Information
	Calendar Quarter	–		1.5 µg/m <sup>3</sup>	
	Rolling 3-Month Average*	–		0.15 µg/m <sup>3</sup>	
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer – visibility of ten miles or more (0.07-30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70 percent. Method: Beta Attenuation and Transmittance through Filter Tape.	Attainment	No	Federal Standards
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Attainment		
Vinyl Chloride*	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	No Attainment Information		

\* Unclassified (EPA/Federal definition): Any area that cannot be classified on the basis of available information as meeting or not meeting the national primary or secondary ambient air quality standard for that pollutant. \*\* Secondary Standard  
\*\*\* San Luis Obispo County has been designated non-attainment east of the -120.4 deg Longitude line, in areas of SLO County that are south of latitude 35.45 degrees, and east of the -120.3 degree Longitude line, in areas of SLO County that are north of latitude 35.45 degrees. Map of non-attainment area is available upon request from the APCD. \*\*\*\* For more information on standards visit: <http://www.arb.ca.gov/research/aqgs/aqgs2.pdf>  
Attainment (EPA/Federal definition): Any area that meets the national primary or secondary ambient air quality standard for that pollutant. (CA definition): State standard was not exceeded during a three year period. \*\*\*\*\* Federal PM<sub>2.5</sub> Secondary Standard is 15µg/m<sup>3</sup>  
Non-Attainment (EPA/Federal definition): Any area that does not meet, or contributes to an area that does not meet the national primary or secondary ambient air quality standard for that pollutant. (CA definition): State standard was exceeded at least once during a three year period. \*\*\*\*\*The 2008 NAAQS for 8hr ozone is 0.075 ppm. The 2015 NAAQS for 8hr ozone is 0.070 ppm. The attainment status shown in this table relates to the 2008 NAAQS. SLO County has not been officially designated for the 2015 NAAQS. NAAQS is National Ambient Air Quality Standards  
Revised February 22, 2017



**Table 2 – APCD Thresholds of Significance**

**Construction Operations Thresholds**

Pollutant	Threshold <sup>(1)</sup>		
	Daily	Quarterly Tier 1	Quarterly Tier 2
ROG + NO <sub>x</sub> (combined)	137 lbs	2.5 tons	6.3 tons
Diesel Particulate Matter (DPM)	7 lbs	0.13 tons	0.32 tons
Fugitive Particulate Matter (PM <sub>10</sub> ), Dust <sup>(2)</sup>		2.5 tons	
Greenhouse Gases (CO <sub>2</sub> , CH <sub>4</sub> , N <sub>2</sub> O, HFC, CFC, F6S)	Amortized and Combined with Operational Emissions (See Below)		

1. Daily and quarterly emission thresholds are based on the California Health & Safety Code and the CARB Carl Moyer Guidelines.
2. Any project with a grading area greater than 4.0 acres of worked area can exceed the 2.5 ton PM<sub>10</sub> quarterly threshold.

**Screening Criteria for Project Air Quality Analysis**

INDUSTRIAL			
General Heavy Industry	1,000 SF	159	423
General Light Industry		92	172
Industrial Park		81	189
Manufacturing		123	262
Mini Storage <sup>(b)</sup>		267	447
Refrigerated Warehouse-No Rail		176	453
Refrigerated Warehouse-Rail		176	453
Unrefrigerated Warehouse-No Rail		245	454
Unrefrigerated Warehouse-Rail		245	454

**Table 3 – Potential Ground Shaking sources**

Fault	Distance* (miles)	Maximum Earthquake	Maximum Probable Earthquake	Anticipated Acceleration Range (g)
Rinconada and Jolon	2	7.5	7.0	0.4-0.6
Black Mountain	3	7.5	5.75	0.1-0.5
La Panza	9	7.5	Unknown, but assumes 5	0.1-0.4
Los Osos	14	7	Unknown, but assumes 5	0.1-0.2
Hosgri	22	7.5	6.5-7.5	0.1-0.2
San Andreas	27	8.25	8	0.1-0.2
San Simeon	35	unknown	6.5	unknown

- \*from El Camino Real/Traffic Way



**Table 4 – Atascadero Mutual Water Company Supply/Demand  
Projection**

Table 3-1 Retail: Population - Current and Projected						
Population Served	2015	2020	2025	2030	2035	2040
	29,870	32,372	33,521	34,711	35,943	37,219
NOTES: 2015 population are based on DWR population tool and future population projections are based on AMWC Demand Study						

**Attachment 1: Biologist Report**

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January 28, 2019

Mr. Scott Newton  
Arroyo Grande, California  
*Sent via email: scott@sole2soulsports.com*

**RE: Biological Resources Assessment Memorandum for the Dove Creek Self-storage Development Project, 11505 El Camino Real and 11450 Viejo Camino, Atascadero, California (APN 045-342-009 and 045-342-010)**

Dear Mr. Newton,

Terra Verde Environmental Consulting, LLC (Terra Verde) completed a biological resources assessment of the property located at 11505 El Camino Real and 11450 Viejo Camino (APN 045-342-009 and 045-342-010) in the City of Atascadero, San Luis Obispo County, California (see Attachment A – Figure 1: Site Location and Overview Map). The biological assessment was completed in support of a permit application for a proposed development project which includes the construction of approximately 71,000 square feet of new buildings, including self-storage units and a business operations office building with attached, two-story residential dwelling. An existing, single-family residence located on the western edge of the property will be demolished as part of the proposed project. Current development plans also include re-alignment of an ephemeral drainage that currently flows northeast across the site, in order to convey storm water flows around the proposed development. Approximately 0.77 acre of the total 4.15-acre lot has been designated as a wetland open space preservation area that will be planted with a mix of native species appropriate for the site. This area will receive storm water run-off from the development and any storm water overflow from the re-aligned drainage feature, and will also serve as mitigation for proposed impacts to the existing drainage.

The purpose of the biological resources assessment completed by Terra Verde is to identify sensitive biological resources that occur, or have potential to occur, within the proposed project site. A sensitive resource is defined here as one that is of management concern to local, county, state, and/or federal resource agencies. The existing site conditions, survey methods, and results of the assessment are described in detail below, as well as recommended avoidance and minimization measures, which are intended to reduce potential impacts to sensitive biological resources to the extent feasible. As necessary, this report may be used to support the environmental review and regulatory agency permitting process.





## Existing Conditions

The project site is located within the Atascadero U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle, on the eastern edge of the Santa Lucia Mountain Range. It is situated within the Upper Salinas Watershed and the Upper Salinas River Valley, approximately 0.85 mile west of the Salinas River. Topography at the site is flat to gently sloping with elevations ranging from approximately 271 to 280 meters (890 to 920 feet). An unnamed USGS blue line drainage feature flows northeast across the site. The project site is largely undeveloped, with one single-family residence located along the western edge of the project site, which is accessed from Viejo Camino. A review of historical aerial imagery indicates that mowing or other vegetation management activities have been occurring intermittently at this site since at least 2007 (Google Earth, 1989-2017). Further, a herd of goats has been grazed on the property for the past several years.

## Methodology

Prior to conducting field surveys of the subject property, Terra Verde staff reviewed the following resources:

- Aerial photographs (Google Earth, 1994-2017) and preliminary site plans
- USGS Atascadero 7.5-minute topographic quadrangle map
- Online Soil Survey of San Luis Obispo County, California, (Natural Resources Conservation Service [NRCS, 2018])
- Consortium of California Herbaria (CCH) online database of plant collections (CCH, 2018)
- California Department of Fish and Wildlife (CDFW) CNDDDB list of state and federally listed special-status species documented within the Atascadero 7.5-minute quadrangle and the surrounding eight quadrangles (Templeton, Creston, Santa Margarita, Lopez Mountain, San Luis Obispo, Morro Bay South, Morro Bay North and York Mountain) (CDFW, 2018)
- CNDDDB map of special-status species that have been documented within a 2-mile radius of the project site (CDFW, 2018) (see Attachment A – Figure 2: 2-mile CNDDDB and Critical Habitat Map)
- California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants for the Atascadero 7.5-minute quadrangle and the surrounding eight quadrangles (CNPS, 2018)
- U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) map (USFWS, 2018a)
- USFWS Critical Habitat Portal (USFWS, 2018b)

A list of regionally-occurring, special-status species was compiled based on records reported in the scientific database queries. This species list was utilized to focus the field survey efforts as well as to determine appropriate survey periods for special-status botanical species that have the potential to occur on site. Following the literature review and desktop analysis, Terra Verde completed field surveys of the site, which focused on the identification of sensitive habitats and special-status species, as well as a jurisdictional determination and formal wetland delineation



of hydrologic features. Surveys were completed on May 17 and July 10, 2018, and included the entire approximately four-acre parcel, a 100-foot buffer on all sides where access was feasible, and a visual scan of the surrounding landscape.

During each survey, all detected plant and wildlife species and their sign (e.g., tracks, scat, vocalizations, etc.) were documented (see Attachment B – Wildlife and Botanical Species Observed). Botanical species identifications and taxonomic nomenclature followed *The Jepson Manual: Vascular Plants of California*, 2<sup>nd</sup> edition (Baldwin et al., 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project, 2018). The second edition of *A Manual of California Vegetation* (MCV; Sawyer et al., 2009) was referenced for vegetation community classification; however, no natural vegetation communities occur on site.

The habitat requirements for each regionally-occurring, special-status species were analyzed and compared to the type and quality of habitats observed on site during the field surveys. The potential for many species to occur within the project site was eliminated due to a lack of suitable habitat, elevation, appropriate soils/substrate, and/or known distribution of the species within the project site. Special-status species for which suitable habitat was identified on site are discussed below.

## Results

### *Hydrologic Resources*

As noted previously, an ephemeral, USGS blue line drainage flows northeast across the survey area. This drainage enters the subject property via a culvert located under El Camino Real, conveying storm flows and surface runoff from the adjacent areas. The drainage exits the subject property via a second culvert located under Viejo Camino at the northeastern corner of the property, and converges with Paloma Creek approximately 0.25 mile east of the project site. Paloma Creek flows directly into the Salinas River and eventually to the traditionally navigable waters of the Pacific Ocean. No flowing or standing water was present at the time of the surveys. However, a clearly-defined channel and evidence of an ordinary high water mark (OHWM) were observed within the ephemeral drainage. Based on the results of the jurisdictional determination completed by Terra Verde, it is assumed that this drainage would be considered waters of the state under the jurisdiction of the California Department of Fish and Wildlife (CDFW) and the Regional Water Quality Control Board (RWQCB), and waters of the U.S. under the jurisdiction of the U.S. Army Corps of Engineers (Corps).

In addition, a historical wetland feature mapped in the USFWS NWI online database covers approximately 1.80 acres of the proposed project site (USFWS, 2018a). This area is classified as a freshwater emergent wetland, dominated by persistent emergent vegetation, with temporary flooding during the growing season (USFWS, 2018a). As such, a formal wetland delineation was completed to document the current extent of federal and/or state wetlands on the site, the results of which are summarized in a separate report (*Waters and Wetlands Delineation Report*,



*Dove Creek Self-Storage Development Project*; Terra Verde, 2019). Although the channel bottom supports a dominance of wetland-indicator (i.e., hydrophytic) plant species throughout much of its length, no hydric soils were observed on site. Therefore, no federal wetlands (i.e., three-parameter wetlands defined by presence of hydric soils, wetland hydrology, and dominance of hydrophytic vegetation) were documented within the survey area.

It is important to note that, though generally accurate, the spatial data housed in the NWI is acquired through analysis of high-altitude imagery and therefore, may not accurately reflect current conditions on the ground (USFWS, 2018a). Although historical site conditions may have supported federal wetlands, current conditions do not support a sufficient hydroperiod to create or sustain hydric soils. Thus, the freshwater emergent wetland feature previously mapped within the proposed project site may have transitioned to more xeric conditions as a result of current and past land uses, as well as changes in the local climate and site hydrology.

### ***Vegetation Communities***

Vegetation communities and land cover types were assessed and classified based on vegetation composition, structure, and density, with consideration of known land management practices. The survey area consists primarily of ruderal, herbaceous vegetation that is periodically mowed and regularly grazed by goats. A single-family residence, with associated driveway and ornamental landscaping, occupy approximately 0.30 acre of the project site and survey area (see Attachment C – Representative Site Photographs).

A total of 44 vascular plant species were identified within the survey area, of which 33 (75 percent) are non-native and 20 (45 percent) are listed on the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory (Cal-IPC, 2018), with native species observed only at very low cover. The number and abundance of non-native taxa substantially exceeds that of native taxa, and many of the native species documented are known to be disturbance tolerant (e.g., western ragweed [*Ambrosia psilostachya*], common fiddleneck [*Amsinckia intermedia*], common lippia [*Phyla nodiflora*], etc.), reflecting the high level of disturbance and extremely ruderal nature of vegetation on site.

None of the land cover types observed on site correspond to a natural vegetation community as defined in the MCV classification system. The land cover types observed on site are briefly described below, and illustrated in Figure 3 (Vegetation Communities Map) in Attachment A.

#### **Ruderal Herbaceous (3.85 acres)**

A vast majority of the site is characterized by ruderal herbaceous vegetation dominated by wall barley (*Hordeum murinum*), Mediterranean barley (*Hordeum marinum* subsp. *gussoneanum*), and heart-podded hoary cress (*Lepidium draba*), with dense patches of yellow star-thistle (*Centaurea solstitialis*). The channel bottom of the ephemeral, blue line drainage supports a distinct assemblage of species dominated by common lippia, with Mediterranean barley present at high cover in occasional patches. The composition of



ruderal herbaceous vegetation observed is typical of grazed, agricultural, and urban sites and may provide limited foraging habitat for birds, small mammals, and other wildlife.

**Developed/Ornamental (0.30 acre)**

This land cover type is associated with the existing residence and associated driveway. Ornamental trees, including pine (*Pinus* sp.), Mexican fan palm (*Washingtonia robusta*), and coast redwood (*Sequoia sempervirens*) border the home. Anthropogenic/Developed areas observed on site may provide suitable habitat for nesting birds, roosting bats, and limited wildlife foraging and cover.

***Special-status Botanical Species***

Based on a review of the range and habitat requirements for regionally-occurring special-status species, it was determined that seven special-status botanical species have the potential to occur within the proposed development area. Surveys were timed to occur during the typical blooming and/or fruiting period for these species, which are listed below with special-status rankings:

- Cambria morning-glory (*Calystegia subacaulis* subsp. *episcopalis*), California Rare Plant Rank (CRPR) 4.2
- San Luis Obispo owl's-clover (*Castilleja densiflora* subsp. *obispoensis*), CRPR 1B.2
- Congdon's tarplant (*Centromadia parryi* subsp. *congdonii*), CRPR 1B.1
- Panicle tarplant (*Deinandra paniculata*), CRPR 4.2
- San Joaquin spearscale (*Extriplex joaquinana*), CRPR 1B.2
- Spreading navarretia (*Navarretia fossalis*), federal threatened / CRPR 1B.1
- Shining navarretia (*Navarretia nigelliformis* subsp. *radians*), CRPR 1B.2

Although low suitability habitat is present for these species on the project site, none were identified during appropriately-timed surveys and, as such, none are expected to occur within the proposed development area.

***Special-status Wildlife Species***

Based on a review of the range and habitat requirements for regionally-occurring species, it was determined that four special-status wildlife species have the potential to occur within the proposed development area. These wildlife species and their special-status rankings include:

- Grasshopper sparrow (*Ammodramus savannarum*), California Species of Special Concern (CSC)
- Pallid bat (*Antrozous pallidus*), CSC
- Townsend's big-eared bat (*Corynorhinus townsendii*), CSC
- Big free-tailed bat (*Nyctinomops macrotis*), CSC

In addition to these special-status wildlife species, suitable habitat for resident and migratory nesting birds is present on site. Although no nesting birds or roosting bats were detected during



the field surveys, they may utilize the site for nesting purposes on an annual basis and be present prior to the start of construction.

### **Impact Assessment and Recommended Avoidance and Minimization Measures**

The following section includes a summary of potential impacts to sensitive resources as a result of the proposed development. Recommended avoidance and minimization measures (AMMs) are provided, which are intended to reduce or mitigate expected impacts to sensitive biological resources including the existing blue line drainage feature.

#### ***Hydrologic Resources***

Current development plans include the re-alignment and partial channelization of the blue line drainage through a box culvert, in order to direct and slow storm water flows around the proposed development and reduce flood potential on the site. In addition, sections of the re-aligned channel will be lined with concrete and/or riprap. This will result in the permanent loss of approximately 0.14 acre of ephemeral drainage channel. The proposed wetland open space area included as part of the proposed development will offset the permanent losses. In addition, the following protection measures should be implemented to protect aquatic resources on site during and following construction.

##### **AMM 1: Protection of Hydrologic Resources**

Construction within and immediately adjacent to the drainage shall occur only when conditions are dry. For short-term, temporary stabilization, an erosion and sedimentation control plan shall be developed outlining Best Management Practices (BMPs), which shall be implemented to prevent erosion and sedimentation into the channel during construction. Acceptable stabilization methods include the use of weed-free, natural fiber (i.e., non-monofilament) fiber rolls, jute or coir netting, and/or other industry standards. BMPs shall be installed and maintained for the duration of the construction period. In addition, the following general measures shall be implemented during construction:

- The limits of disturbance within the existing drainage feature shall be clearly shown on all sites plans and flagged within the drainages prior to project implementation. All construction personnel shall be directed to avoid impacts to the areas immediately upstream and downstream of the proposed development including the existing culvert features located at El Camino Real and Viejo Camino.
- All equipment and materials shall be stored out of the streambed at the end of each working day, and secondary containment shall be used to prevent leaks and spills of potential contaminants from entering the stream.
- During construction, washing of concrete, paint, or equipment and refueling and maintenance of equipment shall occur only in designated areas a minimum of 50 feet from all drainages and aquatic features. Sandbags and/or sorbent pads shall be available to prevent water and/or spilled fuel from entering drainages.



- Construction equipment shall be inspected by the operator on a daily basis to ensure that equipment is in good working order and no fuel or lubricant leaks are present.

#### **AMM 2: Compensatory Mitigation Plan**

A compensatory mitigation plan shall be developed to offset permanent impacts to jurisdictional areas. The exact details and performance criteria of the restoration plan shall be determined during agency coordination with CDFW, RWQCB, and the Corps, as necessary. Stabilization and restoration measures may include the installation of BMPs and/or revegetation using native seed mixes and plantings. Prior to project initiation, all applicable agency permits with jurisdiction over the project area (i.e., Corps, CDFW, and RWQCB) should be obtained. Additional mitigation measures required by these agencies would be implemented as necessary.

#### ***Special-status Botanical Species***

No special-status botanical species were documented on site during appropriately-timed spring and summer surveys. As such, it is assumed that no special-status botanical species currently exist on site, and no impacts to special-status plant populations will occur as a result of the proposed development.

#### ***Special-status Wildlife Species***

Demolition of the existing residence and any planned removal of ornamental trees may result in direct or indirect impacts to nesting birds if construction occurs during the typical avian nesting period (generally February 01 through August 31), as well as roosting bats. Further, the grassland habitat areas on site, although disturbed, may provide suitable nesting habitat for ground-nesting species. Impacts may occur due to habitat loss (e.g., removal of trees) or construction-related disturbances that may deter roosting or nesting, or cause nests to fail. Increased short- and long-term anthropogenic activity including increased light pollution may also result in nest failures or deterring nesting and roosting behavior.

#### **AMM 3: Pre-construction Surveys for Roosting Bats**

Within 30 days prior to removal of existing structures and/or mature trees, a sunset survey shall be conducted by a qualified biologist to determine if bats are roosting on site. If bats are present, a follow-up acoustic monitoring survey shall be completed to determine, if feasible, which species are present. If roosts of special-status bat species are identified and will be impacted during the proposed project, CDFW will be consulted to determine appropriate measures to be implemented. If it is determined that no special-status bats are present, the project shall proceed under the guidance of a qualified biologist, in a manner that minimizes impacts to individual bats and roosts (e.g., conducting work only during the day or installing one-way exclusions prior to work).

#### **AMM 4: Pre-construction Surveys for Nesting Birds**

If work is planned to occur between February 1 and September 15, a qualified biologist shall survey the area for nesting birds within one week prior to activity beginning on site. If



nesting birds are located on or near the proposed project site, they shall be avoided until they have successfully fledged or the nest is no longer deemed active. A non-disturbance buffer of 50 feet will be placed around non-listed, passerine species, and a 250-foot buffer will be implemented for raptor species. All activity will remain outside of that buffer until a qualified biologist has determined that the young have fledged or that proposed construction activities would not cause adverse impacts to the nest, adults, eggs, or young. If special-status avian species are identified, no work will begin until an appropriate buffer is determined in consultation CDFW, and/or the USFWS.

### Conclusion

No special-status species were observed during field surveys. Although low suitability habitat is present on site for seven regionally-occurring special-status species, none were observed during appropriately-timed surveys in May and July. As such, none are expected to occur. In addition, it was determined that four special-status wildlife species, as well as nesting birds, may utilize existing structures and trees/grassland at the site. Further, proposed impacts to an ephemeral blue line drainage will result in the permanent loss of jurisdictional areas and associated habitat. An approximately 0.77-acre wetland and open space preservation area has been incorporated into the site development plans, which will offset these permanent losses.

Based on the current proposed preliminary designs, it is expected that implementation of the recommended mitigation measures will avoid and/or minimize impacts to potentially occurring sensitive biological resources to a less than significant level. If you should have any questions or require additional information, please contact me at knelson@terraverdeweb.com or (702) 596-5038.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Nelson".

Kristen Nelson  
Botanist

### Attachments:

- A – Figures
  - Figure 1: Site Location and Overview Map
  - Figure 2: 2-mile CNDDDB and Critical Habitat Map
  - Figure 3: Vegetation Communities Map
- B – Wildlife and Botanical Species Observed
- C – Representative Site Photographs





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## **ATTACHMENT A – Figures**

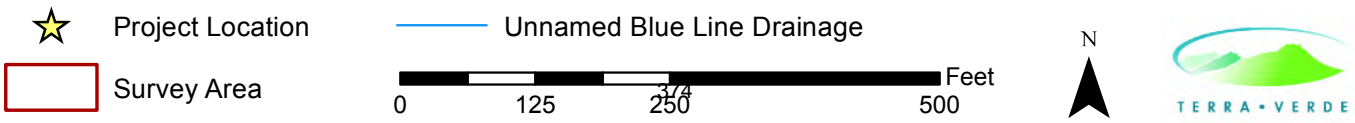
- Figure 1: Site Location and Overview Map
- Figure 2: 2-mile CNDDDB and Critical Habitat Map
- Figure 3: Vegetation Communities Map



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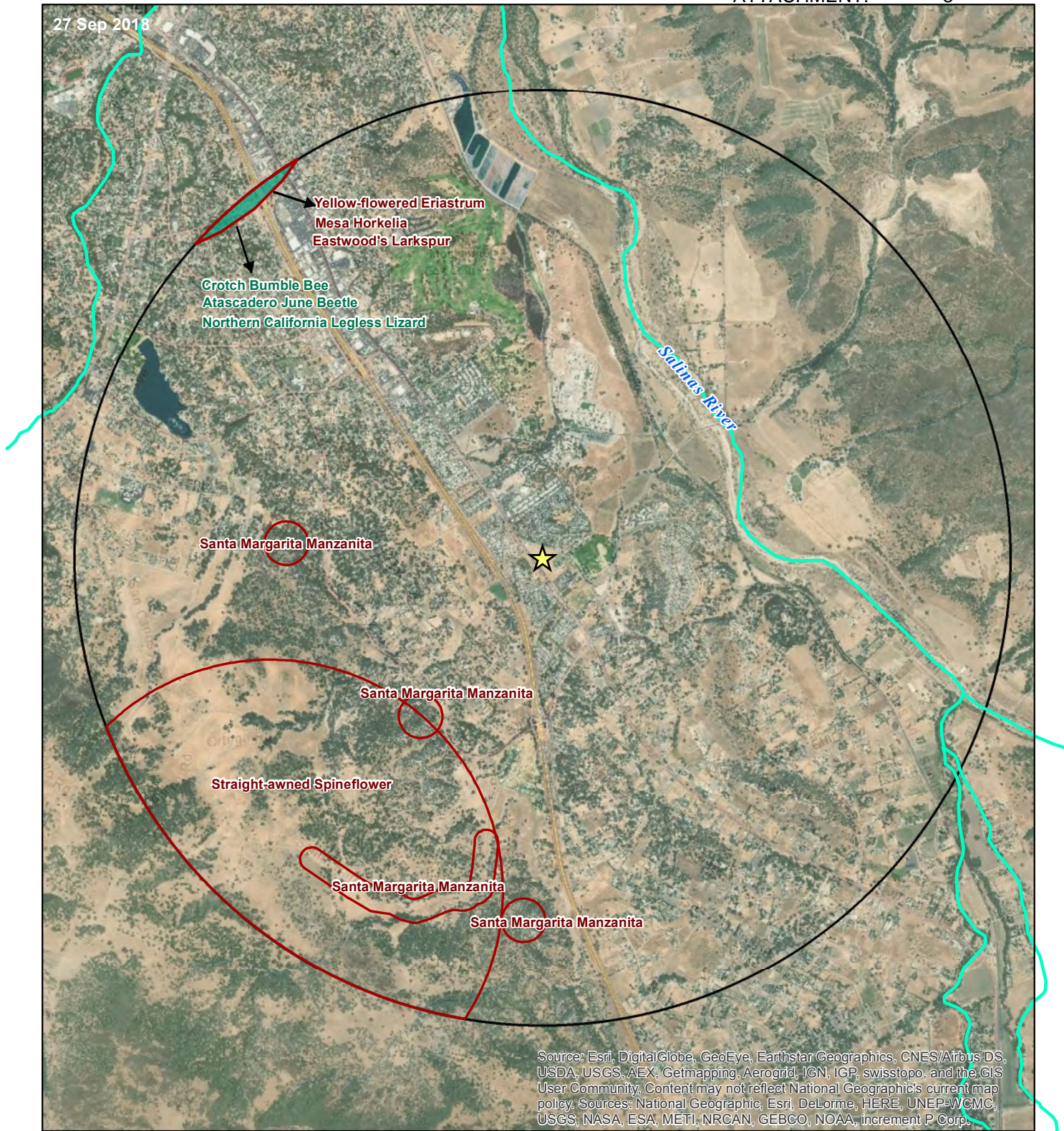


Dove Creek Self-storage Development Project  
Figure 1: Site Location and Overview Map

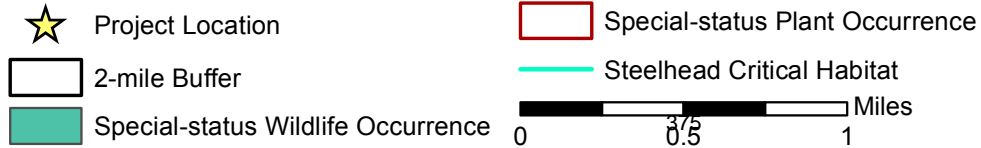




27 Sep 2018



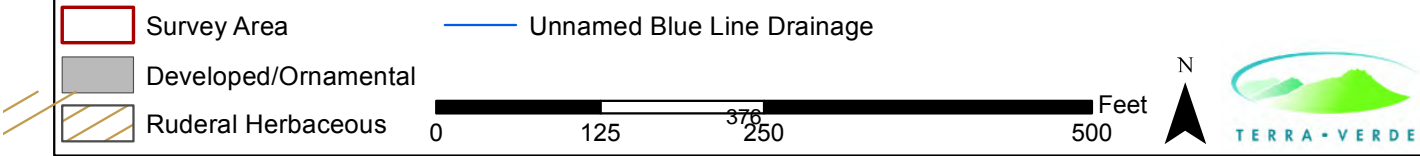
**Dove Creek Self-storage Development Project**  
**Figure 2: 2-mile CNDDB and Critical Habitat Map**







Dove Creek Self-storage Development Project  
Figure 3: Vegetation Communities Map





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## ATTACHMENT B – Wildlife and Botanical Species Observed

Table A.2. List of Wildlife Species			
Order	Scientific Name	Common Name	Origin/Listing Status*
<b>Avifauna</b>	<i>Cathartes aura</i>	Turkey vulture	--
	<i>Corvus brachyrhynchos</i>	American crow	--
	<i>Haemorhous mexicanus</i>	House finch	--
	<i>Melospiza crissalis</i>	California towhee	--
	<i>Passer domesticus</i>	House sparrow	Non-native
	<i>Sayornis saya</i>	Say's phoebe	--
	<i>Spinus psaltria</i>	Lesser goldfinch	--
<b>Mammals</b>	<i>Thomomys bottae</i>	Botta's pocket gopher	--
<b>Reptiles</b>	<i>Sceloporus occidentalis</i>	Coast range fence lizard	--

Table A.1. List of Botanical Species				
Family	Scientific Name	Common Name	Indicator Status <sup>1</sup>	Origin
<b>Apiaceae, Carrot Family</b>	<i>Conium maculatum</i>	Poison hemlock	FACW	Naturalized
<b>Arecaceae, Palm Family</b>	<i>Washingtonia robusta</i>	Mexican fan palm	FACW	Naturalized (Ornamental)
<b>Asteraceae, Sunflower Family</b>	<i>Ambrosia psilostachya</i>	Western ragweed	--	Native
	<i>Anthemis cotula</i>	Mayweed	--	Naturalized
	<i>Capsella bursa-pastoris</i>	Shepherd's purse	--	Naturalized
	<i>Carduus pycnocephalus</i> subsp. <i>pycnocephalus</i>	Italian thistle	--	Naturalized
	<i>Centaurea solstitialis</i>	Yellow star-thistle	--	Naturalized
	<i>Erigeron bonariensis</i>	Flax-leaved horseweed	--	Naturalized
	<i>Silybum marianum</i>	Milk thistle	--	Naturalized
	<i>Sonchus asper</i> subsp. <i>asper</i>	Prickly sow thistle	FAC	Naturalized
<b>Boraginaceae, Borage Family</b>	<i>Amsinckia intermedia</i>	Common fiddleneck	--	Native
	<i>Amsinckia menziesii</i>	Small-flowered fiddleneck	--	Native
	<i>Plagiobothrys canescens</i>	Valley popcornflower	--	Native
<b>Brassicaceae,</b>	<i>Brassica nigra</i>	Black mustard	--	Naturalized





Table A.1. List of Botanical Species				
Family	Scientific Name	Common Name	Indicator Status <sup>1</sup>	Origin
Mustard Family	<i>Capsella bursa-pastoris</i>	Shepherd's purse	--	Naturalized
	<i>Hirschfeldia incana</i>	Mediterranean hoary mustard	--	Naturalized
	<i>Lepidium draba</i>	Heart-podded hoary cress	--	Naturalized
Convolvulaceae, Morning-glory Family	<i>Convolvulus arvensis</i>	Bindweed	--	Naturalized
Cupressaceae, Cypress Family	<i>Sequoia sempervirens</i>	Coast redwood	--	Native (Ornamental)
Fabaceae, Legume Family	<i>Acmispon americanus</i> var. <i>americanus</i>	American bird's foot trefoil	--	Native
	<i>Lotus corniculatus</i>	Bird's-foot trefoil	FAC	Naturalized
	<i>Medicago polymorpha</i>	California burclover	--	Naturalized
	<i>Vicia villosa</i>	Hairy vetch	--	Naturalized
Geraniaceae, Geranium Family	<i>Erodium botrys</i>	Big heron bill	--	Naturalized
	<i>Erodium cicutarium</i>	Redstem filaree	--	Naturalized
	<i>Erodium moschatum</i>	Greenstem filaree	--	Naturalized
	<i>Geranium molle</i>	Crane's bill geranium	--	Naturalized
Juncaceae, Rush Family	<i>Juncus cf patens</i>	Spreading rush	FACW	Native
Lamiaceae, Mint Family	<i>Marrubium vulgare</i>	White horehound	--	Naturalized
Myrsinaceae, Myrsine Family	<i>Lysimachia arvensis</i>	Scarlet pimpernel	FAC	Naturalized
Papaveraceae, Poppy Family	<i>Eschscholzia californica</i>	California poppy	--	Native
Poaceae, Grass Family	<i>Avena barbata</i>	Slender wild oat	--	Naturalized
	<i>Bromus catharticus</i>	Rescue Grass	--	Naturalized
	<i>Bromus diandrus</i>	Ripgut grass	--	Naturalized
	<i>Bromus hordeaceus</i>	Soft chess	--	Naturalized
	<i>Bromus madritensis</i> subsp. <i>rubens</i>	Red brome	--	Naturalized
	<i>Cynodon dactylon</i>	Bermuda grass	--	Naturalized
	<i>Elymus triticoides</i>	Beardless wild rye	FAC	Native



Table A.1. List of Botanical Species				
Family	Scientific Name	Common Name	Indicator Status <sup>1</sup>	Origin
	<i>Festuca perennis</i>	Rye grass	FAC	Naturalized
	<i>Hordeum marinum</i> subsp. <i>gussoneanum</i>	Mediterranean barley	FAC	Naturalized
	<i>Hordeum murinum</i>	Wall barley	--	Naturalized
	<i>Pennisetum clandestinum</i>	Kikuyu grass	--	Naturalized
<b>Polygonaceae, Buckwheat Family</b>	<i>Rumex crispus</i>	Curly dock	FAC	Naturalized
<b>Rubiaceae, Madder Family</b>	<i>Galium aparine</i>	Goose grass	--	Native
<b>Rubiaceae, Madder Family</b>	<i>Galium aparine</i>	Goose grass	--	Native
<b>Salicaceae, Willow Family</b>	<i>Salix laevigata</i>	Red willow	FACW	Native
<b>Verbenaceae, Vervain Family</b>	<i>Phyla nodiflora</i>	Common lippia	FACW	Native

<sup>1</sup>**Listing Status:** Indicates listing status for taxa that are included on the National Wetland Plant List (NWPL) for the Arid West region (USFWS, 2016), as well as taxa that are considered noxious/invasive weeds in California. No special-status species were documented. Taxa that are considered wetland-indicators are included on the NWPL and assigned one of the following wetland indicator statuses:

- **Obligate (OBL):** plants that almost always occur in wetlands.
- **Facultative Wetland (FACW):** plants that usually occur in wetlands, but may occur in non-wetlands.
- **Facultative (FAC):** plants that are equally likely to occur in wetlands and non-wetlands.

<sup>2</sup>**cf (=conforms to):** indicates provisional species determination based on the observed pheno-phase, but in the absence of diagnostic features (e.g., desiccated or undeveloped reproductive structures).



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## **ATTACHMENT C - Representative Site Photographs**



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**Photo 1.** View west showing the narrow channel of the blue line drainage (May 17, 2018).



**Photo 2.** View north toward private residence and landscape trees present on western site boundary (May 10, 2017).





**Photo 3.** View west of the culvert under Viejo Camino, with a debris rack just downstream of the culvert outlet (May 17, 2018).



**Photo 4.** View east of the downstream end of the drainage where it flows under Viejo Camino (May 17, 2018).

**Attachment 2: Federal Wetland Delineation Report**

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**Waters and Wetlands Delineation Report**  
**Dove Creek Self-Storage Development Project**  
**Atascadero, San Luis Obispo County, California**



**Prepared for:**

Mr. Scott Newton  
Arroyo Grande, California

**Prepared by:**

Terra Verde Environmental Consulting, LLC  
3765 South Higuera Street, Suite 102  
San Luis Obispo, California 93401

**March 2019**

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## DISCLAIMER

Terra Verde Environmental Consulting, LLC (hereafter, Terra Verde) has prepared this waters and wetlands delineation report for use by Mr. Scott Newton (owner). The results and conclusions of this report are conditional upon final approval by the United States Army Corps of Engineers. Results and conclusions presented in this report are based upon information available in the public domain (e.g., United States Geological Survey 7.5-minute topographic quadrangle maps, the Natural Resources Conservation Service Soil Surveys, aerial photographs from various sources, etc.), as well as Terra Verde's on-site reconnaissance, data collection, and analyses, which were completed using standard methods. Results and conclusions presented herein represent the best professional judgment of Terra Verde technical staff. In this context, surveying/boundary locations developed by Terra Verde are assumed to be true and correct.

A handwritten signature in black ink, appearing to read "B. Dugas", written over a horizontal line.

Brian Dugas

*Principal Biologist*

*Terra Verde Environmental Consulting, LLC*

A handwritten signature in black ink, appearing to read "Kristen Nelson", written over a horizontal line.

Kristen Nelson

*Botanist*

*Terra Verde Environmental Consulting, LLC*

March 05, 2019

Date

March 05, 2019

Date



## EXECUTIVE SUMMARY

Terra Verde Environmental Consulting, LLC (Terra Verde) was retained by Mr. Scott Newton (owner) to complete a formal delineation of waters and wetlands under the jurisdiction of federal resource agencies for the proposed Dove Creek Self-storage Development (project), located at 11505 El Camino Real and 11450 Viejo Camino (APN 045-342-009 and 045-342-010) in the City of Atascadero, San Luis Obispo County (County), California. Field surveys included a delineation of all federal waters and wetlands, as defined by the U.S. Army Corps of Engineers (Corps). The survey area encompassed the entire proposed project area and the immediately surrounding wetland and riparian habitats.

This report has been developed by Terra Verde using current Corps guidance concerning waters and wetlands delineations. Determinations are based on field observations made in 2018. Information offered in this report is arranged to describe the delineation objectives, discuss pertinent regulatory contexts, explain the approach and methodology used by Terra Verde in this delineation, and provide a summary of technical results. This report is intended to provide details regarding aquatic resources on site and may be used to support permit application(s) to the Corps, the California Department of Fish and Wildlife, and the Regional Water Quality and Control Board for the proposed development

Terra Verde determined that no federal wetlands are present on the project site; however, 581 linear feet of non-wetland waters of the U.S. were mapped on the subject property. As necessary, this information may be used to support regulatory permits and/or project approvals from the Corps, the City of Atascadero and other resource agencies. The results of the delineation, as described in this report, are conditional upon a review and final jurisdictional determination by the Corps.



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### **Appendix A – Report Figures**

Figure 1: Site Vicinity and Topographic Map

Figure 2: Project Site and Survey Area Map

Figure 3: Hydrologic Connectivity Map

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### **Appendix B – Wetland Determination Data Forms**

### **Appendix C – Arid West Ephemeral and Intermittent Streams OHWM Datasheets**

### **Appendix D – Representative Site Photographs**



## 1.0 INTRODUCTION & BACKGROUND

This waters and wetlands delineation report was prepared by Terra Verde Environmental Consulting, LLC (Terra Verde) on behalf of Mr. Scott Newton (owner) in support of the proposed Dove Creek Self-storage Development Project (project) located at 11505 El Camino Real and 11450 Viejo Camino (APN 045-342-009 and 045-342-010) in the City of Atascadero, San Luis Obispo County (County), California (see Appendix A - Figure 1: Site Vicinity and Topographic Map). This report summarizes the regulatory context, methods, and results of field surveys, which focused on the delineation of federal wetlands and waters of the United States (waters of the U.S.), as defined by section 404 of the Clean Water Act. The survey area included the entire proposed project area, as well as immediately adjacent wetland and riparian habitats (see Appendix A – Figure 2: Project Site and Survey Area Map).

The project site encompasses approximately 4.15 acres of grazed grassland, which is bisected by an unnamed United States Geological Survey (USGS) blue line drainage. This drainage enters the property via a culvert under El Camino Real and meanders generally northeast across the project site before entering a second culvert under Viejo Camino. This drainage eventually discharges into Paloma Creek approximately 0.25 mile northeast of the project site. Paloma Creek flows directly to the Salinas River and eventually the traditionally navigable waters of the Pacific Ocean (see Appendix A – Figure 3: Hydrologic Connectivity Map).

This report has been developed following guidance from the San Francisco District of the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) (EPA and Corps, 2008) pertaining to wetland delineations. The results of the delineation are based on field observations made in April and June 2017, and are subject to final review and approval by the Corps. As needed, this report may be used in acquiring regulatory permits and/or project approvals.

### 1.1 Overview of Site Characteristics

#### 1.1.1 Current and Historical Land Uses

The project site is undeveloped and used as a grazing pasture for a herd of goats. The site is immediately bordered by two public roads – El Camino Real and Viejo Camino, as well as an empty lot on the northwest, and a single-family residence on the southeast. The surrounding landscape consists of residential and commercial developments at variable densities (see Figure 2). The topography, soils, and vegetation of the proposed project site and surrounding areas have been altered considerably through past land conversion, construction of adjacent residential areas, and other anthropogenic alterations (e.g., goat grazing, culverts/stormwater





infrastructure, etc.). A review of historical aerial imagery indicates the condition of the site has remained relatively unchanged since at least 1994 (Google Earth, 1994-2018).

### **1.1.2 Geomorphology and Landscape Context**

The project site is located in the Salinas USGS Hydrologic Unit and the Santa Margarita Creek-Salinas River watershed, which includes Paloma Creek and associated tributaries (see Appendix A – Figure 3). Elevations within the survey area range from 271 to 280 meters (890 to 920 feet). The project site is situated just west of the Rinconada Fault line in a valley between unnamed ridgelines of the San Luis Ranges (Wiegers and Hart, 2015; USGS, 2018). The geology of the project site consists of young alluvial floodplain deposits, comprised of silty sand and sandy gravel with cobbles deposited along the valley floor (Wiegers and Hart, 2015). Hydrologic resources on the property are limited to a single, ephemeral drainage that conveys surface runoff and storm flows from adjacent areas.

### **1.1.3 Regional Climate**

The regional climate is Mediterranean, with mild, rainy winters and hot, dry summers. Historical temperature and precipitation data was acquired from the Western Regional Climate Center (WRCC) for Paso Robles (Station No. 046730). According to available data, average annual precipitation for a 122-year (1894 to 2016) period for the project region is 15.21 inches (WRCC, 2018). The average minimum and maximum temperatures calculated for the same time period are 60°F in January and 93°F in July and August (WRCC, 2012).

## **2.0 REGULATORY CONTEXTS**

### **2.1 Rationale for the Determination of the Geographic Extent of Waters of the U.S.**

Delineation of the geographic extent of waters of the U.S., including wetlands, within the survey area was consistent with definitions provided in 33 CFR 328.3 (a) (1-8), 328.3 (b, c, and e), as well as routine procedures detailed in the *U.S. Army Corps of Engineers Wetlands Delineation Manual (1987 Manual)* (Corps, 1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region, Version 2.0 (2008 Arid West Regional Supplement)* (Corps, 2008). As defined in Section 404 of the CWA, the limits of Corps jurisdiction in non-tidal waters extends to the ordinary high water mark (OHWM) and includes all adjacent wetlands. The following definitions are used by the Corps and EPA for the identification of wetlands and, as such, were used for the identification and delineation of wetlands at the project site:



Waters of the U.S. are defined in Section 404 of the CWA as:

*"All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; including all interstate waters including interstate wetlands, all other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce."*

Further, wetlands are considered waters of the U.S., and are identified as:

*"Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas."*

The Corps uses a three-parameter approach for identifying and delineating jurisdictional wetlands, where a wetland is defined as a feature associated with waters of the U.S., which is characterized by a dominance of hydrophytic vegetation, hydric soils, and wetland hydrology.

## **2.2 Consistency with SWANCC & Rapanos Guidance**

Following U.S. Supreme Court rulings in two prominent court cases addressing the extent of federal jurisdiction (i.e., Solid Waste Agency of Northern Cook County [SWANCC] v. Corps et al. [531 U.S. 159, 2001]; and Rapanos et ux., et al. v. United States [547 U.S. 715, 2006]) led to the development of federal guidance that requires careful examination and documentation of the physical location(s) of and hydrologic connections among waters and wetlands. To determine federal jurisdiction, emphasis is given to surface hydrologic connections between a wetland and "navigable waters" or "adjacency" of a wetland to traditionally navigable waters, and, thus, a "significant nexus" to interstate commerce. In addition, waters and wetland features can be determined to be under federal jurisdiction by the Corps or EPA if a significant nexus can be shown between the wetland feature in question and its contribution to the maintenance or restoration of the physical, chemical, or biological integrity of downstream waters that are traditionally navigable. Federal guidance for field delineation procedures that address the Rapanos decision has been offered by the EPA and the Corps in a joint memorandum issued on June 5, 2007 (EPA and Corps, 2008).



### 3.0 FIELD DELINEATION METHODS

#### 3.1 Overview of Methodology

Prior to conducting field surveys, a desktop review was completed, which included a review of current and historical aerial imagery (Google Earth, 1994 - 2018), an online Soil Survey for the County of San Luis Obispo (U.S. Dept. of Ag., 2018), USGS topographic maps (USGS, 2018), regional weather data (WRCC, 2012), the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) (USFWS, 2018), and preliminary site development plans.

Terra Verde botanists Kristen Nelson and Amy Golub completed a formal wetland delineation on May 17, 2018 along the vegetated channel bottom and lower floodplain terrace associated with the drainage on site. Delineation methods followed routine procedures detailed in the *1987 Manual* (Corps, 1987) and the *2008 Arid West Regional Supplement* (Corps, 2008). In addition, wetlands were classified based on hydrogeomorphic classes (e.g., riverine, slope, etc.) described by Brinson (1993) and Brinson et al. (1995).

Field delineation of wetlands included an assessment of the hydrology, soil characteristics, and vegetation at three sampling points (i.e., SP-01, SP-02, and SP-03). Data was recorded using the Wetland Determination Data Form provided in the *2008 Arid West Regional Supplement* (Corps, 2008). At each sampling point, a soil test pit was excavated to a depth of at least 12 inches, vegetation was characterized within a 5-foot radius of the excavated soil test pit, and indicators of wetland hydrology were documented (see Appendix B – Wetland Determination Data Forms). Sampling was conducted in areas that displayed apparent indicators of wetland hydrology and vegetation.

The assessment of non-wetland waters included identifying the presence of field indicators for OHWM within the subject drainage. This assessment followed guidelines provided in *A Field Guide to the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (OHWM Manual)* (Lichvar and McColley, 2008). In addition, all waters and wetlands were assessed for hydrologic connectivity and/or adjacency to traditionally navigable waters and their tributaries. Connectivity was confirmed by determining that the unnamed drainage on site is hydrologically connected to Paloma Creek and the traditionally navigable waters of the Pacific Ocean via the Salinas River (see Appendix A – Figure 3). The limits of waters and wetlands of the U.S. were pin-flagged in the field and then recorded using a Trimble Global Positioning System (GPS) unit.



### **3.1.1 Delineation of Wetlands**

#### **Evidence of Wetland Hydrology**

Consistent with the *1987 Manual* (Corps, 1987), the *2008 Arid West Regional Supplement* (Corps, 2008), and current regulatory guidance (Corps, 1992), wetland hydrology can be identified by evaluating a variety of direct and indirect indicators, including stream gauge or well data, flood predictions (i.e., FEMA maps), historic records pertaining to the study area, and visual observation of field indicators for the identification of jurisdictional waters and wetlands. Field indicators may include inundation and/or saturation, sediment deposition, drainage patterns, hydric soil characteristics, watermarks, drift lines, presence of oxidized pores associated with living roots and rhizomes (i.e., rhizospheres), and water-stained leaves (Corps, 1987).

Wetland hydrology is present at a location if field observations indicate the area has a high probability of being periodically inundated or saturated to the soil surface for a sufficient duration during the growing season to develop anaerobic conditions in the surface soil environment (i.e., root zone) (Corps, 1987). According to guidance provided in the *2008 Arid West Regional Supplement*, if at least one primary indicator or at least two secondary indicators of hydrology are present at a sample point, the wetland hydrology criterion is met (Corps, 2008). Observations of wetland hydrology were recorded at each sample point to document evidence of inundation or soil saturation.

Several types of evidence were examined to determine whether wetland hydrology previously existed or currently exists. In addition, the type and frequency of site manipulation and anthropogenic disturbances were considered for their potential to impact or alter current and historical site hydrology.

#### **Identification of Hydric Soils**

The presence of hydric soils was assessed based on the criteria outlined in the *1987 Manual* (Corps, 1987) and the *2008 Arid West Regional Supplement* (Corps, 2008). Hydric soils are defined as soils “that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part” (U.S. Dept. of Ag., 1994). Determination of whether or not a soil is hydric is based on the fulfillment of at least one of four technical criteria (U.S. Dept. of Ag., 2002), which can be satisfied using a combination of published soils information and field indicators. Field indicators for determining whether a soil satisfies the hydric soil definition and the technical criteria for hydric soils are listed in *Field Indicators of Hydric Soils in the United States* (U.S. Dept. of Ag., 2006).

Following the guidance provided in the above-referenced documents, the presence of hydric soils within the survey area was determined using a combination of direct field observations and a



review of available online resources, including the Soil Survey of San Luis Obispo County, Web Soil Survey (U.S. Dept. of Ag., 2018) and the USFWS NWI (USFWS, 2018). In the field, soil test pits were excavated at each of three sampling points to examine the upper 12 inches of the soil profile for hydric soil indicators. Specifically, a Munsell Soil Color Book (2000) was used to classify the colors of matrix soils and redoximorphic (redox) concentrations within the matrix. The *2017 Pocket Guide to Hydric Soil Indicators* (Wetland Training Institute [WTI], 2017) was used to determine the texture of soils, and to assess the location, type, and extent of matrix soil colors and redox concentrations, to determine whether they qualified as hydric soils.

According to the NRCS online soil survey of San Luis Obispo County, three soil units occur within the survey area (U.S. Dept. of Ag., 2018). These include: Unit 193 (San Andreas-Arujo complex, 9 to 15 percent slopes), Unit 198 (Santa Lucia-Lopez complex, 15 to 50 percent slopes), and Unit 208 (Still clay loam, 0 to 2 percent slopes) (see Figure 4 – Soil Units Map). These soil units are not listed as hydric soils (U.S. Dept. of Ag., 2018). A summary of the dominant characteristics of these soil types is provided below.

***Soil Unit 193 – San Andreas-Arujo complex, 9 to 15 percent slopes***

The parent material of this soil type is residuum weathered from sandstone. The drainage class of this unit is well drained, and it is composed of sandy loam over weathered bedrock. This soil type tends to occur on back slopes and side slopes and is designated as farmland of statewide importance.

***Soil Unit 198 – Santa Lucia-Lopez complex, 15 to 50 percent slopes***

The parent material of this soil type is residuum weathered from shale. The drainage class of this unit is well drained, and it is composed of channery clay loam over weathered bedrock. This soil type tends to occur on back slopes and side slopes.

***Soil Unit 208 – Still clay loam, 0 to 2 percent slopes***

The parent material of this soil is alluvium derived from sedimentary rock. The drainage class of this unit is well drained, and it is composed mostly of clay loam and stratified loam to clay loam. This soil type tends to occur on toe slopes and treads and is considered prime farmland if irrigated.

**Dominance of Hydrophytic Vegetation**

On June 1, 2012, the *2012 National Wetland Plant List* (NWPL) (Lichvar et al., 2012) replaced the 1988 U.S. Fish and Wildlife Service's National list of plant species that occur in wetlands for use under the CWA, Swamp Buster, and National Wetland Inventory programs. The NWPL and regional supplements have since been revised with updated plant listings. The *Arid West 2016 Regional Wetland Plant List (2016 Regional List)* (Lichvar et al., 2016) is the most current version



available for use in the Arid West region, including coastal areas of California. The updated *2016 Regional List* indicates the relative frequency that a species occurs in wetland habitats and is used to determine whether the hydrophytic vegetation parameter is met when conducting wetland delineations under the CWA.

Species included on the *2016 Regional List* are assigned one of the following wetland indicator statuses (Lichvar et al., 2012):

- **Obligate (OBL):** plants that almost always occur in wetlands.
- **Facultative Wetland (FACW):** plants that usually occur in wetlands but may occur in non-wetlands.
- **Facultative (FAC):** plants that are equally likely to occur in wetlands and non-wetlands.
- **Facultative Upland (FACU):** plants that usually occur in non-wetlands but may occur in wetlands.
- **Upland (UPL):** plants that almost never occur in wetlands; plants not included on the list are considered UPL.

Dominance of hydrophytic vegetation is determined by identifying all plant species within a 5-foot radius surrounding each soil excavation pit for herbaceous and shrub cover, and a 30-foot radius for tree and woody vine cover; documenting the absolute percent cover of each species within each stratum (i.e., herb, shrub, tree, and woody vine) for the sampling plot; and noting the indicator status for each (i.e., UPL, FACU, FAC, FACW, or OBL). None of the sampling points supported tree, shrub, or woody vine cover. Dominant species were then determined using the 50/20 rule, as recommended in the *2008 Arid West Regional Supplement* (Corps, 2008). Based on this method, dominant species are those species that individually or collectively constitute more than 50 percent of the total vegetative cover (i.e., relative cover) within each stratum, in addition to those species that individually constitute 20 percent or more of the relative cover within each vegetation stratum. Species identifications and taxonomic nomenclature followed the second edition of *The Jepson Manual: Vascular Plants of California* (Baldwin et al., 2012), as well as taxonomic updates provided in the Jepson eFlora (Jepson Flora Project, 2018).

According to both the Corps' *1987 Manual* (Corps, 1987) and *2008 Arid West Regional Supplement* (Corps, 2008), the hydrophytic vegetation parameter for wetlands is met when, under normal circumstances, *more than* 50 percent of the dominant species across all strata have an indicator status of OBL, FACW, or FAC.

#### **Connectivity/Adjacency**

As noted above, particular emphasis is given to surface hydrologic connectivity of wetlands to traditionally navigable waters, including adjacency of wetlands to jurisdictional waters.



Connectivity of wetlands was established via field work, a review of aerial imagery, and an assessment of site-specific topography.

### **3.1.2 Delineation of Non-wetland Waters**

Within the project site, the unnamed drainage exhibits a narrow, gently-sloped channel that meanders across an open grassy field. Despite grazing impacts, the banks and channel bottom are vegetated with herbaceous species, with a clear change in the composition and cover from the channel bottom to the bank and adjacent low terrace. As such, these areas were assessed for evidence of an OHWM to determine the presence of waters of the U.S. The *OHWM Manual* (Lichvar and McColley, 2008) provides guidance on identifying field indicators of OHWM, including protocols for characterizing the overall system. Data was recorded using the *Updated Datasheet for the Identification of the Ordinary High Water Mark (OHWM) in the Arid West Region of the Western United States (OHWM Data Sheet)* (Curtis and Lichvar, 2010). Completed data sheets are provided in Appendix C (Arid West Intermittent and Ephemeral Streams OHWM Datasheets).

#### **Cross-sectional Analysis**

Cross sectional analyses were conducted at three locations along each drainage feature where there was a clear change in the limits of either the OHWM or the top of bank. The physical and biological characteristics present at each cross section were documented on OHWM Data Sheets, including a sketch of the site topography at each cross section. Specifically, the floodplain units were described for each cross section through the vegetation cover, sediment texture, and hydrology indicators at that location. The limits of OHWM were determined based on the presence of hydrology indicators such as debris wracking, shelving, water marks, and change in sediment texture/substrate.

#### **Connectivity/Adjacency**

Connectivity to adjacent traditional navigable waters was assessed via field investigations, a review of aerial photography, and information obtained regarding storm water and other underground water collection systems.

## **4.0 RESULTS**

### **4.1 Wetlands Determination**

Terra Verde completed a wetland delineation in May 2018 and determined that no federal wetlands are present within the project site. The results of the delineation and sampling point data was documented on Wetland Determination Data Forms (Appendix B) and is detailed below.





#### **4.1.1 Hydrology**

Field observations of wetland hydrology were limited to secondary indicators, including: riverine drift deposits (B3), drainage patterns (B10), and saturation visible on aerial imagery (C9). In addition, the FAC-Neutral Test (D5) was documented as a secondary indicator at SP-02. Wetland hydrology was determined to be present at all three sampling points (see Figure 5: Waters and Wetlands Delineation Map).

#### **4.1.2 Soils**

Soil test pits were excavated at each sampling point to classify the color and texture of the soil horizons down to at least 12 inches. Soil textures consisted of clay loam with a significant component of organic matter at all three sampling points. No hydric soils were identified on site. A soil color of 10YR 2/1 was documented at all three sampling points, with no redox features present (see Appendix D – Representative Site Photographs, Photo 1).

#### **4.1.3 Vegetation**

Greater than 50 percent relative cover of hydrophytic vegetation was documented at all three sampling points, which was dominated by common lippia (*Phyla nodiflora*; FACW), Mediterranean barley (*Hordeum marinum* subsp. *gussoneanum*; FAC), and beardless wild rye (*Elymus triticoides*; FAC). Vegetation on the banks of the drainage and adjacent areas transitions to a composition of non-wetland species dominated by wall barley (*Hordeum murinum*), heart-podded hoary cress (*Lepidium draba*), and occasional dense patches of yellow star-thistle (*Centaurea solstitialis*), as well as other grazed grasses.

### **4.2 Non-Wetland Waters Determination**

The unnamed drainage is likely considered non-wetland waters of the U.S. based on the presence of a clearly-defined OHWM, indicated by a distinct transition in vegetative cover and composition between the channel bottom and gently-sloped bank, and connectivity to traditionally navigable waters. Based on a review of aerial imagery, this drainage appears to originate somewhere in the foothills of the San Luis Range Mountains west of Atascadero. It flows through areas of rural residential, agricultural, and commercial developments, and has been substantially modified in the areas upstream of the project site. It enters the project site through a partially impeded culvert under El Camino Real, and exits the site through another partially blocked culvert under Viejo Camino. Due to the historical alterations of natural flow patterns in the surrounding landscape, the project site is occasionally subject to temporary inundation and ponding following significant precipitation events. However, the drainage system is generally ephemeral and a lack



of hydric soils indicates that the site is well drained, likely only ponding for brief periods following significant rain events.

## 5.0 SUMMARY OF JURISDICTIONAL FINDINGS

The jurisdictional waters identified on the project site fall under the regulatory jurisdiction of the Corps. A summary of the type and extent of jurisdictional waters and wetlands is presented in Table 1 - Extent and Location of Jurisdictional Waters and Wetlands.

**Table 1. Extent and Location of Jurisdictional Waters and Wetlands**

Feature Type	Location	Acres	Length (feet)
Waters of the U.S.	Ephemeral drainage	0.08	581
Federal Wetlands	None	N/A	N/A

Table 2 (Summary of Sampling Point Data for Wetland Delineation), provides a summary of the data collected at each of the three sampling points during the wetland delineation.

**Table 2. Summary of Sampling Point Data for Wetland Delineation**

Sample Point	Wetland Vegetation	Hydric Soils	Wetland Hydrology	Connectivity/Adjacency	Federal Wetland
SP-01	Yes	No	Yes	Yes	No
SP-02	Yes	No	Yes	Yes	No
SP-03	Yes	No	Yes	Yes	No

The geographic extent of waters of the U.S. totals approximately 581 linear feet and 0.08 acre within the project site, but no federal wetlands are present. Section 404 of the CWA requires authorization from the Corps for the discharge of dredged or fill material into all waters of the U.S., including adjacent wetlands. The findings of this federal waters and wetlands delineation is subject to review and final concurrence by the Corps.



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## **APPENDIX A: Report Figures**

**Figure 1:** Site Vicinity and Topographic Map

**Figure 2:** Project Site and Survey Area Map

**Figure 3:** Hydrologic Connectivity Map

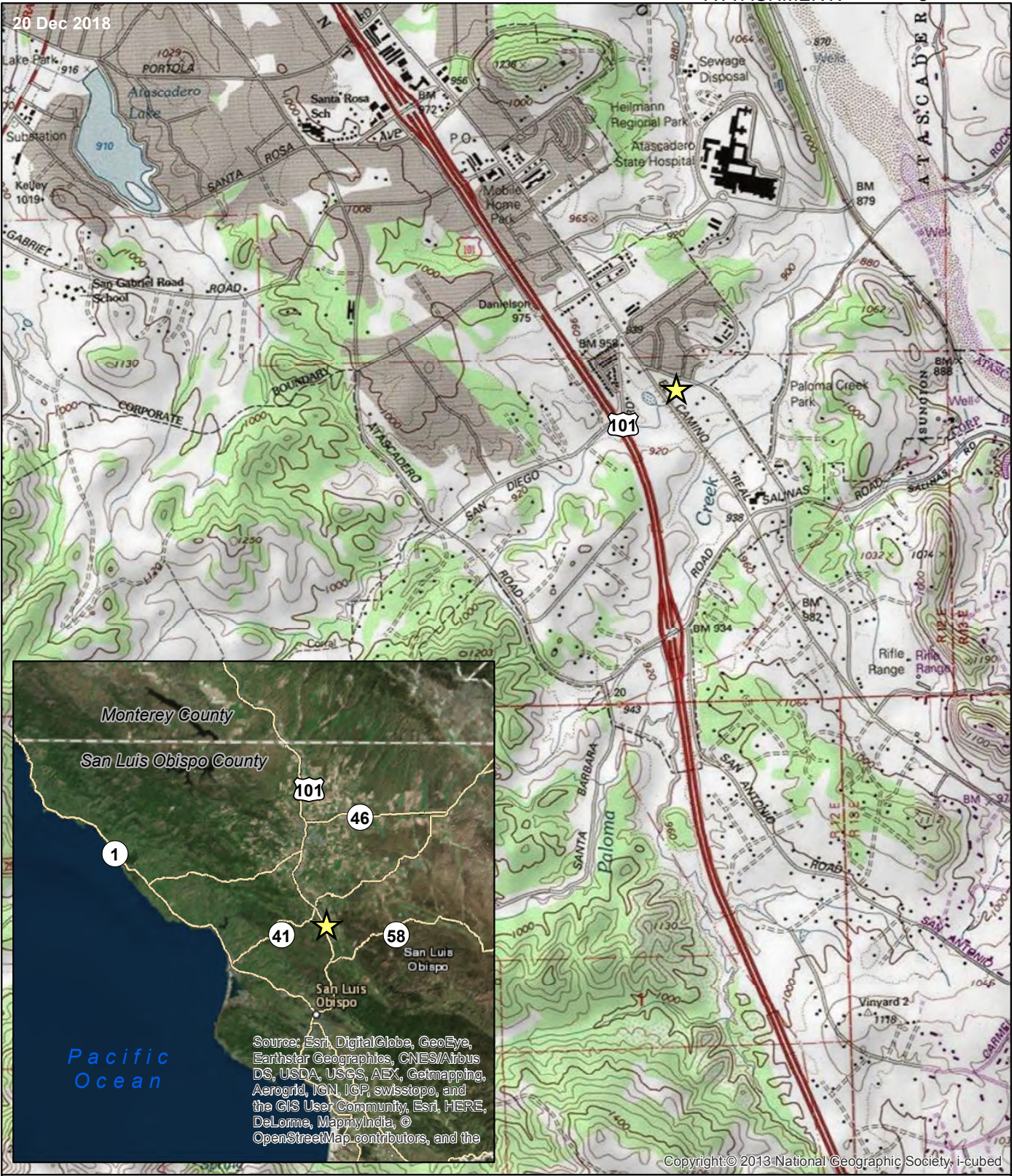
**Figure 4:** Soil Units Map

**Figure 5:** Waters and Wetlands Delineation Map

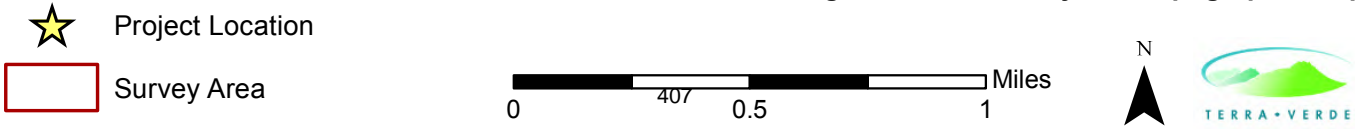


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Dove Creek Self-storage Project - Waters and Wetlands Delineation  
Figure 1: Site Vicinity and Topographic Map





20 Dec 2018



**Dove Creek Self-storage Project - Waters and Wetlands Delineation**  
**Figure 2: Project Site and Survey Area Map**



Survey Area

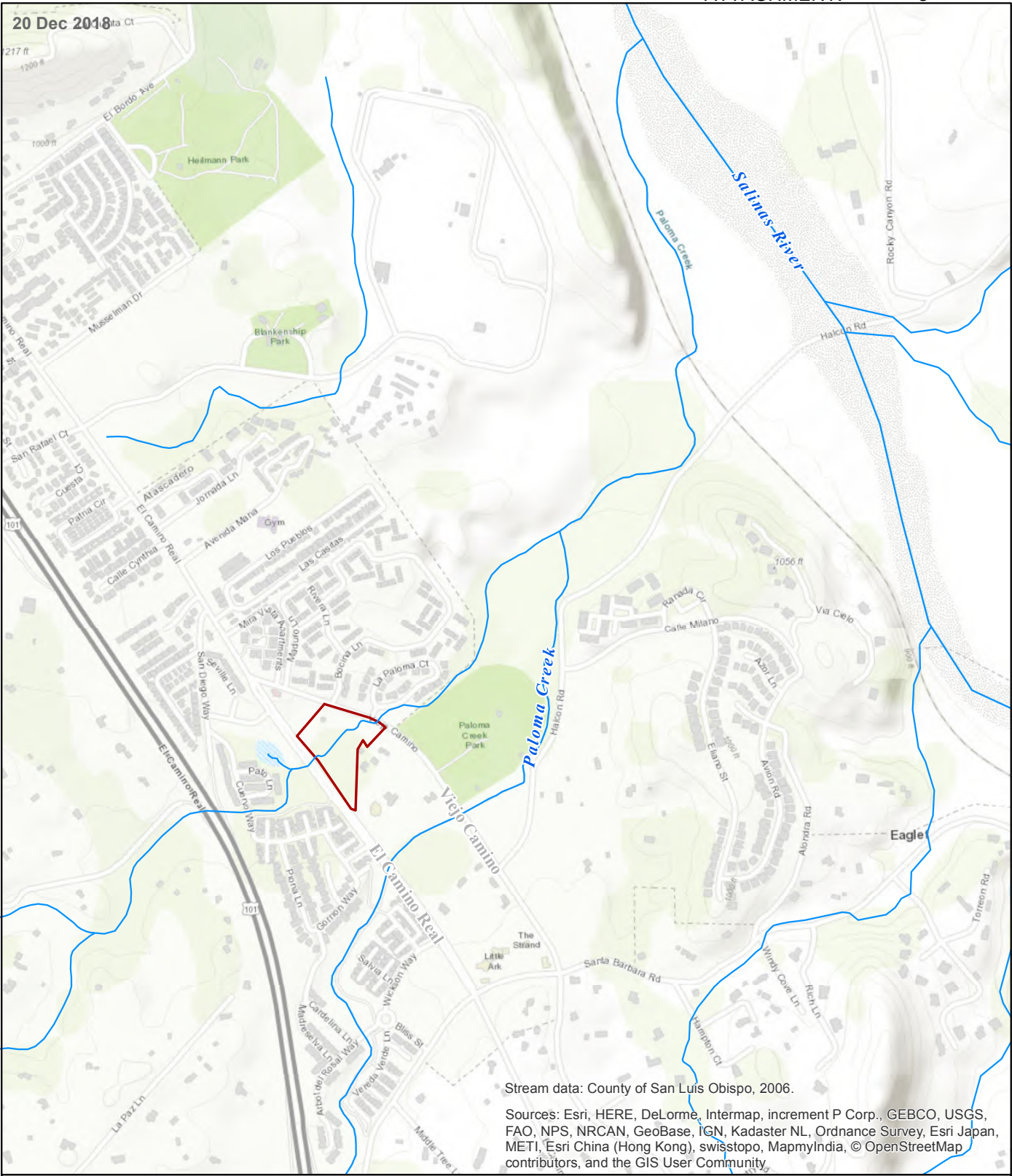


Unnamed Blue Line Drainage

0 408 125 250 Feet







Dove Creek Self-storage Project - Waters and Wetlands Delineation  
Figure 3: Hydrologic Connectivity Map

Survey Area

Blue Line Drainage

0

0.25

0.5

Miles

N

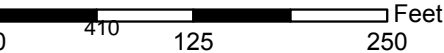
TERRA • VERDE



20 Dec 2018



Dove Creek Self-storage Project - Waters and Wetlands Delineation  
Figure 4: Soil Units Map







05 Feb 2019



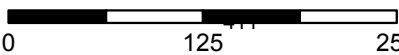
**Dove Creek Self-storage Project - Waters and Wetlands Delineation**  
**Figure 5: Waters and Wetlands Delineation Map**

 Survey Area

 Waters of the State, U.S.\*

 OHWM/Wetland Delineation Sampling Points

\*Extent of waters of the state and U.S. mapped by Terra Verde in May 2018.

 Feet  
0 125 250





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## **APPENDIX B: Wetland Determination Data Forms**



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WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: DOVE CREEK SELF STORAGE City/County: ATASCADERO, SLO Sampling Date: 05/17/18  
Applicant/Owner: SCOTT NEWTON State: CA Sampling Point: 01  
Investigator(s): K NELSON, A GOLUB, B DAVIS Section, Township, Range: CA T29S R12E  
Landform (hillslope, terrace, etc.): SWALE Local relief (concave, convex, none): CONCAVE Slope (%): 0-2  
Subregion (LRR): LRR C Lat: 35.453961 Long: -120.636670 Datum: NAD83  
Soil Map Unit Name: Still clay loam NWI classification: FEMA  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Remarks: <u>Undeveloped lot bordered by residential developments &amp; public roads. Site is an open, weedy grassland, currently &amp; historically grazed by goats. Ephemeral blue line drainage crosses property, which occasionally overtops &amp; floods portions of the field following storms.</u>	

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>N/A</u> )	Absolute % Cover	Dominant Species?	Indicator Status	Dominance Test worksheet: Number of Dominant Species That Are OBL, FACW, or FAC: <u>2</u> (A) Total Number of Dominant Species Across All Strata: <u>3</u> (B) Percent of Dominant Species That Are OBL, FACW, or FAC: <u>67</u> (A/B)
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
Sapling/Shrub Stratum (Plot size: <u>N/A</u> ) = Total Cover				
1. _____	_____	_____	_____	
2. _____	_____	_____	_____	
3. _____	_____	_____	_____	
4. _____	_____	_____	_____	
5. _____	_____	_____	_____	
Herb Stratum (Plot size: <u>4.5' x 20'</u> ) = Total Cover				
1. <u>PHYLLOPODIFLORA</u>	<u>42</u>	<input checked="" type="checkbox"/>	<u>FACW</u>	
2. <u>HORDEUM MARINUM</u>	<u>30</u>	<input checked="" type="checkbox"/>	<u>FAC</u>	
3. <u>CHENOPODIUM SOLSTITIALIS</u>	<u>25</u>	<input checked="" type="checkbox"/>	<u>UPL</u>	
4. <u>FESTUCA PERENNIS</u>	<u>8</u>	<input type="checkbox"/>	<u>FAC</u>	
5. <u>HIRSCHFELDIA INCANA</u>	<u>5</u>	<input type="checkbox"/>	<u>UPL</u>	
6. <u>ANTHEMIS COTULA</u>	<u>2</u>	<input type="checkbox"/>	<u>FACU</u>	
7. <u>LOTUS CORNICULATUS</u>	<u>1</u>	<input type="checkbox"/>	<u>FAC</u>	
8. <u>BROMUS CATHARTICUS</u>	<u>1</u>	<input type="checkbox"/>	<u>UPL</u>	
9. <u>GERANIUM MOLLE</u>	<u>1</u>	<input type="checkbox"/>	<u>UPL</u>	
Woody/Vine Stratum (Plot size: <u>_____</u> ) = Total Cover				
1. <u>HORDEUM MARINUM</u>	<u>1</u>	<input type="checkbox"/>	<u>FACU</u>	
2. <u>BRASSICA NIGRA</u>	<u>1</u>	<input type="checkbox"/>	<u>UPL</u>	
% Bare Ground in Herb Stratum: <u>0</u> % Cover of Biotic Crust: <u>0</u>				

Remarks:  
AREA GRAZED REGULARLY BY GOATS; NOTABLE TRANSITION IN SPECIES FROM DRAINAGE BOTTOM TO ADJACENT, SLIGHTLY ELEVATED UPLAND TRANSITIONAL MIX OF WETLAND & NON-WETLAND SPP. IN CHANNEL.

SOIL

Sampling Point: 01

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type <sup>1</sup>	Loc <sup>2</sup>		
0-12"	10YR 2/1	100					CLLO	HIGH OM

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

Hydric Soil Present? Yes \_\_\_\_\_ No ☒

Remarks:

HIGH CONC. OF O.M. IN UPPER 0-2 INCHES; SMALL-MED ROCKS / ALLUVIUM. NO REDOX CONC. OBSERVED IN UPPER 12-14". SITE WELL-DRAINED, DOES NOT SUPPORT HYDRIC SOILS

HYDROLOGY

**Wetland Hydrology Indicators:**

<b>Primary Indicators (minimum of one required; check all that apply)</b>	<b>Secondary Indicators (2 or more required)</b>
<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input checked="" type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input checked="" type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input checked="" type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> FAC-Neutral Test (D5)
<input type="checkbox"/> Salt Crust (B11)	
<input type="checkbox"/> Biotic Crust (B12)	
<input type="checkbox"/> Aquatic Invertebrates (B13)	
<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	
<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	
<input type="checkbox"/> Presence of Reduced Iron (C4)	
<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	
<input type="checkbox"/> Thin Muck Surface (C7)	
<input type="checkbox"/> Other (Explain in Remarks)	

**Field Observations:**

Surface Water Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____
Water Table Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____
Saturation Present? Yes _____ No <input checked="" type="checkbox"/>	Depth (inches): _____

(Includes capillary fringe)

Wetland Hydrology Present? Yes \_\_\_\_\_ No \_\_\_\_\_

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks:

EPHEMERAL DRAINAGE CHANNEL IN SEASONALLY FLOODED FIELD; INUNDATION / SATURATION ARE EPHEMERAL, FOLLOWING SIGNIFICANT WINTER PRECIPITATION.

## WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Dove Creek Self-Storage City/County: Atascadero/SLO Sampling Date: 05/17/19  
Applicant/Owner: Scott Newton State: CA Sampling Point: 02  
Investigator(s): K. Nelson, A. Golub, B. Dugas Section, Township, Range: CA T29S R12E  
Landform (hillslope, terrace, etc.): SWale Local relief (concave, convex, none): CONCAVE Slope (%): 0-2  
Subregion (LRR): LRR C Lat: 35.453727 Long: -120.637320 Datum: NAD83  
Soil Map Unit Name: Still clay loam NWI classification: PCMA  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain in answers in Remarks.)

**SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Remarks: Undeveloped lot bordered by residential developments & public roadways. Site is an open, weedy field, currently & historically grazed by goats. Ephemeral blue line drainage crosses the property, which occasionally overtops & floods portions of the field.			

VEGETATION – Use scientific names of plants. following stems.

Tree Stratum	Plot size: <u>N/A</u>	Absolute % Cover	Dominant Species?	Indicator Status
1. _____				
2. _____				
3. _____				
4. _____				
				= Total Cover

Sapling/Shrub Stratum	Plot size: <u>N/A</u>	Absolute % Cover	Dominant Species?	Indicator Status
1. _____				
2. _____				
3. _____				
4. _____				
5. _____				
				= Total Cover

Herb Stratum	Plot size: <u>6'x15'</u>	Absolute % Cover	Dominant Species?	Indicator Status
1. <u>PHILA NODIFLORA</u>		<u>75</u>	<u>✓</u>	<u>FACW</u>
2. <u>ELYMUS TRITICOIDES</u>		<u>28</u>	<u>✓</u>	<u>FAC</u>
3. <u>HORDEUM MARINUM</u>		<u>20</u>		<u>FAC</u>
4. <u>CENTAUZIA SOLSTITIALIS</u>		<u>12</u>		<u>UPL</u>
5. <u>HORDEUM MURINUM</u>		<u>8</u>		<u>FACW</u>
6. <u>LEPIDIUM DRABA</u>		<u>7</u>		<u>UPL</u>
7. <u>HIRSCHFELDIA INCANA</u>		<u>2</u>		<u>UPL</u>
8. <u>ANTHEMIS COTULA</u>		<u>1</u>		<u>FACW</u>
<u>LOIUS CORNICULATUS</u>		<u>154</u>		
				= Total Cover

Woody Vine Stratum	Plot size: <u>N/A</u>	Absolute % Cover	Dominant Species?	Indicator Status
1. _____				
2. _____				
				= Total Cover

% Bare Ground in Herb Stratum 0 % Cover of Biotic Crust 0

### Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 2 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 100 (A/B)

### Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>75</u>	x 2 = <u>150</u>
FAC species <u>49</u>	x 3 = <u>147</u>
FACU species <u>9</u>	x 4 = <u>36</u>
UPL species <u>21</u>	x 5 = <u>105</u>
Column Totals: <u>154</u>	(A) <u>438</u> (B)

Prevalence Index = B/A = 2.84

### Hydrophytic Vegetation Indicators:

✓ Dominance Test is >50%

✓ Prevalence Index is ≤3.0'

\_\_\_ Morphological Adaptations<sup>1</sup> (Provide supporting data in Remarks or on a separate sheet)

\_\_\_ Problematic Hydrophytic Vegetation<sup>1</sup> (Explain)

<sup>1</sup>Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

### Hydrophytic Vegetation Present?

Y ✓ No

Remarks: Area grazed regularly by goats. Slight elevation change between drainage bottom and adjacent upland is marked by transition in vegetation. Channel bottom supports transitional mix of wetland & non-wetland spp.

SOIL

Sampling Point: 02

**Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)**

Depth (inches)	Matrix		Redox Features		Type <sup>1</sup>	Loc <sup>2</sup>	Texture	Remarks
	Color (moist)	%	Color (moist)	%				
0-12"	10YR 2/1	100%					CLLo	HIGH O.M.

<sup>1</sup>Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. <sup>2</sup>Location: PL=Pore Lining, M=Matrix.

**Hydric Soil Indicators: (Applicable to all LRRs, unless otherwise noted.)**

<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Sandy Redox (S5)	<input type="checkbox"/> 1 cm Muck (A9) (LRR C)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Stripped Matrix (S6)	<input type="checkbox"/> 2 cm Muck (A10) (LRR B)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral (F1)	<input type="checkbox"/> Reduced Vertic (F18)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stratified Layers (A5) (LRR C)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Other (Explain in Remarks)
<input type="checkbox"/> 1 cm Muck (A9) (LRR D)	<input type="checkbox"/> Redox Dark Surface (F6)	
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Depleted Dark Surface (F7)	
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Redox Depressions (F8)	
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Vernal Pools (F9)	
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		

<sup>3</sup>Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

**Restrictive Layer (if present):**

Type: \_\_\_\_\_

Depth (inches): \_\_\_\_\_

**Hydric Soil Present?** Yes \_\_\_\_\_ No ☒

**Remarks:**

DARK ALLUVIAL SOIL WITH HIGH CON. OF O.M. IN TOP 2" + DEPOSITS OF SMALL-MEDIUM ROCKS (COBBLE SIZE) WELL-DRAINED & DOES NOT SUPPORT HYDRIC SOILS.

HYDROLOGY

**Wetland Hydrology Indicators:**

**Primary Indicators (minimum of one required; check all that apply)**

<input type="checkbox"/> Surface Water (A1)	<input type="checkbox"/> Salt Crust (B11)	<input type="checkbox"/> Water Marks (B1) (Riverine)
<input type="checkbox"/> High Water Table (A2)	<input type="checkbox"/> Biotic Crust (B12)	<input type="checkbox"/> Sediment Deposits (B2) (Riverine)
<input type="checkbox"/> Saturation (A3)	<input type="checkbox"/> Aquatic Invertebrates (B13)	<input type="checkbox"/> Drift Deposits (B3) (Riverine)
<input type="checkbox"/> Water Marks (B1) (Nonriverine)	<input type="checkbox"/> Hydrogen Sulfide Odor (C1)	<input checked="" type="checkbox"/> Drainage Patterns (B10)
<input type="checkbox"/> Sediment Deposits (B2) (Nonriverine)	<input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3)	<input type="checkbox"/> Dry-Season Water Table (C2)
<input type="checkbox"/> Drift Deposits (B3) (Nonriverine)	<input type="checkbox"/> Presence of Reduced Iron (C4)	<input type="checkbox"/> Crayfish Burrows (C8)
<input type="checkbox"/> Surface Soil Cracks (B6)	<input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6)	<input checked="" type="checkbox"/> Saturation Visible on Aerial Imagery (C9)
<input type="checkbox"/> Inundation Visible on Aerial Imagery (B7)	<input type="checkbox"/> Thin Muck Surface (C7)	<input type="checkbox"/> Shallow Aquitard (D3)
<input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Other (Explain in Remarks)	<input checked="" type="checkbox"/> FAC-Neutral Test (D5)

**Field Observations:**

Surface Water Present? Yes \_\_\_\_\_ No ☒ Depth (inches): \_\_\_\_\_

Water Table Present? Yes \_\_\_\_\_ No ☒ Depth (inches): \_\_\_\_\_

Saturation Present? (includes capillary fringe) Yes \_\_\_\_\_ No ☒ Depth (inches): \_\_\_\_\_

**Wetland Hydrology Present?** Yes ☒ No \_\_\_\_\_

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

**Remarks:**

EPHEMERAL DRAINAGE CHANNEL IN SEASONALLY FLOODED FIELD; INUNDATION /SATURATION ARE EPHEMERAL, FOLLOWING SIGNIFICANT WINTER STORMS.

WETLAND DETERMINATION DATA FORM – Arid West Region

Project/Site: Dove Creek Self-Storage City/County: Atascadero/SLO Sampling Date: 05/17/18  
Applicant/Owner: Scott Newton State: CA Sampling Point: 03  
Investigator(s): K. Nelson, A Golub Section, Township, Range: CA T29S R12E  
Landform (hillslope, terrace, etc.): SWale Local relief (concave, convex, none): CONCAVE Slope (%): 0-2  
Subregion (LRR): LRR C Lat: 35.453245 Long: -120.637836 Datum: NAD83  
Soil Map Unit Name: Still clay loam NWI classification: PEMA  
Are climatic / hydrologic conditions on the site typical for this time of year? Yes ☒ No ☐ (If no, explain in Remarks.)  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ significantly disturbed? Are "Normal Circumstances" present? Yes ☒ No ☐  
Are Vegetation ☐, Soil ☐, or Hydrology ☐ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Is the Sampled Area within a Wetland? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Hydric Soil Present?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Wetland Hydrology Present?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	

Remarks: Undeveloped lot bordered by residential developments & public roads. Site is an open, weedy field, currently & historically grazed by goats. Ephemeral blue line drainage crosses the site, which occasionally overtops & floods portions of the field following storms

VEGETATION – Use scientific names of plants.

Tree Stratum (Plot size: <u>N/A</u> )	Absolute % Cover	Dominant Species?	Indicator Status	<b>Dominance Test worksheet:</b> Number of Dominant Species That Are OBL, FACW, or FAC: <u>1</u> (A)  Total Number of Dominant Species Across All Strata: <u>1</u> (B)  Percent of Dominant Species That Are OBL, FACW, or FAC: <u>100</u> (A/B)														
1. _____																		
2. _____																		
3. _____																		
4. _____																		
= Total Cover				<b>Prevalence Index worksheet:</b> <table border="0"> <tr> <td>Total % Cover of:</td> <td>Multiply by:</td> </tr> <tr> <td>OBL species <u>0</u></td> <td>x 1 = <u>0</u></td> </tr> <tr> <td>FACW species <u>0</u></td> <td>x 2 = <u>0</u></td> </tr> <tr> <td>FAC species <u>87</u></td> <td>x 3 = <u>261</u></td> </tr> <tr> <td>FACU species <u>8</u></td> <td>x 4 = <u>32</u></td> </tr> <tr> <td>UPL species <u>15</u></td> <td>x 5 = <u>75</u></td> </tr> <tr> <td>Column Totals: <u>110</u> (A)</td> <td><u>368</u> (B)</td> </tr> </table> Prevalence Index = B/A = <u>3.35</u>	Total % Cover of:	Multiply by:	OBL species <u>0</u>	x 1 = <u>0</u>	FACW species <u>0</u>	x 2 = <u>0</u>	FAC species <u>87</u>	x 3 = <u>261</u>	FACU species <u>8</u>	x 4 = <u>32</u>	UPL species <u>15</u>	x 5 = <u>75</u>	Column Totals: <u>110</u> (A)	<u>368</u> (B)
Total % Cover of:	Multiply by:																	
OBL species <u>0</u>	x 1 = <u>0</u>																	
FACW species <u>0</u>	x 2 = <u>0</u>																	
FAC species <u>87</u>	x 3 = <u>261</u>																	
FACU species <u>8</u>	x 4 = <u>32</u>																	
UPL species <u>15</u>	x 5 = <u>75</u>																	
Column Totals: <u>110</u> (A)	<u>368</u> (B)																	
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover				<b>Hydrophytic Vegetation Indicators:</b> <input checked="" type="checkbox"/> Dominance Test is >50% <input type="checkbox"/> Prevalence Index is ≤3.0 <sup>1</sup> <input type="checkbox"/> Morphological Adaptations <sup>1</sup> (Provide supporting data in Remarks or on a separate sheet) <input type="checkbox"/> Problematic Hydrophytic Vegetation <sup>1</sup> (Explain)														
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover				<b>Hydrophytic Vegetation Present?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>														
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover				<b>Remarks:</b> <u>Area grazed regularly by goats. Slight elevation change between drainage bottom and adjacent upland is marked by transition in vegetation. channel bottom supports transitional mix of wetland &amp; non-wetland species.</u>														
= Total Cover																		
= Total Cover																		
= Total Cover																		
= Total Cover																		



Sampling Point: 03

[illegible]



## **APPENDIX B: Arid West Intermittent and Ephemeral Streams OHWM Datasheets**





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### Arid West Ephemeral and Intermittent Streams OTHM Datasheet

Project: DOVE CREEK Self-Storage		Date: 05/17/18	Time: 1545
Project Number: DCSS		Town: Alameda	State: CA
Stream: Unnamed (Blue line)		Photo begin file#:	Photo end file#:
Investigator(s): K. NELSON, A. GELB			

Y <input checked="" type="checkbox"/> / N <input type="checkbox"/> Do normal circumstances exist on the site? Y <input checked="" type="checkbox"/> / N <input type="checkbox"/> Is the site significantly disturbed?	<b>Location Details:</b> WEST <b>Projection:</b> — <b>Datum:</b> NAD83 <b>Coordinates:</b> 35.453727 / -120.637320
--	---

**Potential anthropogenic influences on the channel system:**  
 SITE IS BORDERED BY PUBLIC ROADS & DEVELOPMENT. INLET & OUTLET CULVERTS ON OPPOSITE ENDS OF THE SITE ARE BOTH PARTIALLY BLOCKED BY A DEBRIS PILE WITH DEBRIS & TRASH ACCUMULATION. SITE GRAZED BY GOATS.

**Brief site description:** UNDEVELOPED, OPEN FIELD CONSISTING OF WEEDY GRASSLAND. DRAINAGE IS NARROW, WITH SHALLOW BANKS; MUCH OF THE SITE OCCASIONALLY FLOODS IMMEDIATELY FOLLOWING SIGNIFICANT PRECIPITATION.

**Checklist of resources (if available):**

<input checked="" type="checkbox"/> Aerial photography Dates: 1994-2017 <input checked="" type="checkbox"/> Topographic maps <input type="checkbox"/> Geologic maps <input type="checkbox"/> Vegetation maps <input checked="" type="checkbox"/> Soils maps <input type="checkbox"/> Rainfall/precipitation maps <input type="checkbox"/> Existing delineation(s) for site <input checked="" type="checkbox"/> Global positioning system (GPS) <input type="checkbox"/> Other studies	<input type="checkbox"/> Stream gage data Gage number: Period of record: <input type="checkbox"/> History of recent effective discharges <input type="checkbox"/> Results of flood frequency analysis <input type="checkbox"/> Most recent shift-adjusted rating <input type="checkbox"/> Gage heights for 2-, 5-, 10-, and 25-year events and the most recent event exceeding a 5-year event
--	---

Hydrogeomorphic Floodplain Units

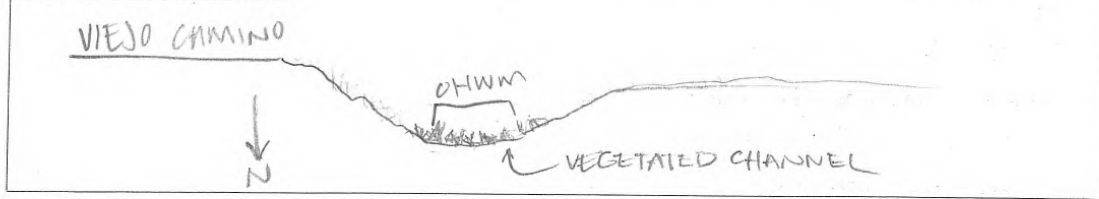
**Procedure for identifying and characterizing the floodplain units to assist in identifying the OTHM:**

1. Walk the channel and floodplain within the study area to get an impression of the geomorphology and vegetation present at the site.
2. Select a representative cross section across the channel. Draw the cross section and label the floodplain units.
3. Determine a point on the cross section that is characteristic of one of the hydrogeomorphic floodplain units.
  - a) Record the floodplain unit and GPS position.
  - b) Describe the sediment texture (using the Wentworth class size) and the vegetation characteristics of the floodplain unit.
  - c) Identify any indicators present at the location.
4. Repeat for other points in different hydrogeomorphic floodplain units across the cross section.
5. Identify the OTHM and record the indicators. Record the OTHM position via:
 

<input type="checkbox"/> Mapping on aerial photograph	<input checked="" type="checkbox"/> GPS
<input type="checkbox"/> Digitized on computer	<input type="checkbox"/> Other:

Project ID: DCSS Cross section ID: 01 Date: 05/17/18 Time: 1615

**Cross section drawing:**



**OHWM**

GPS point: DCSS-01  
35.453245/-120.637836

**Indicators:**

- |  |   |
|--|---|
| <input type="checkbox"/> Change in average sediment texture      | <input checked="" type="checkbox"/> Break in bank slope |
| <input checked="" type="checkbox"/> Change in vegetation species | <input type="checkbox"/> Other: _____                   |
| <input checked="" type="checkbox"/> Change in vegetation cover   | <input type="checkbox"/> Other: _____                   |

**Comments:**

LOW FLOW CHANNEL IMMEDIATELY UPSTREAM OF  
CULVERT UNDER VIEJO CAMINO

**Floodplain unit:** ☒ Low-Flow Channel ☐ Active Floodplain ☐ Low Terrace

GPS point: DCSS-01

**Characteristics of the floodplain unit:**

Average sediment texture: CLAY LOAM  
Total veg cover: 95% Tree: 0% Shrub: 0% Herb: 95%

**Community successional stage:**

- |  |  |
|--|--|
| <input type="checkbox"/> NA  | <input type="checkbox"/> Mid (herbaceous, shrubs, saplings)      |
| <input checked="" type="checkbox"/> Early (herbaceous & seedlings) | <input type="checkbox"/> Late (herbaceous, shrubs, mature trees) |

**Indicators:**

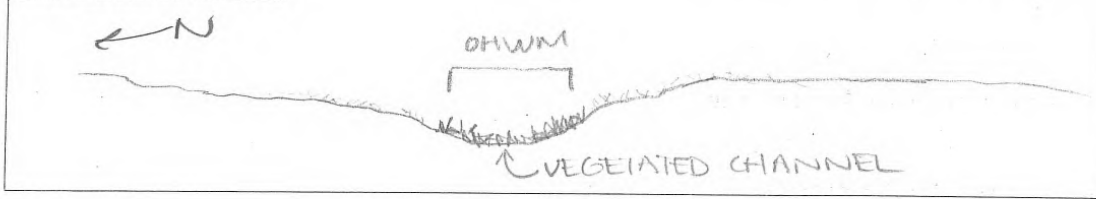
- |  |  |
|--|--|
| <input type="checkbox"/> Mudcracks                           | <input type="checkbox"/> Soil development          |
| <input type="checkbox"/> Ripples                             | <input checked="" type="checkbox"/> Surface relief |
| <input checked="" type="checkbox"/> Drift and/or debris      | <input checked="" type="checkbox"/> Other: SCALP   |
| <input checked="" type="checkbox"/> Presence of bed and bank | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Benches                             | <input type="checkbox"/> Other: _____              |

**Comments:**

LOW FLOW CHANNEL DEFINED BY CHANGE IN ELEVATION /  
BENCHING & CHANGE IN VEGETATION SPECIES & COVER

Project ID: DCSS Cross section ID: 02 Date: 05/17/18 Time: 1600

Cross section drawing:



OHWM

GPS point: DCSS-02  
35.453727 / -120.637320

Indicators:

- |  |   |
|--|---|
| <input type="checkbox"/> Change in average sediment texture      | <input checked="" type="checkbox"/> Break in bank slope |
| <input checked="" type="checkbox"/> Change in vegetation species | <input type="checkbox"/> Other: _____                   |
| <input type="checkbox"/> Change in vegetation cover              | <input type="checkbox"/> Other: _____                   |

Comments:

VEGETATED SWALE - LOW FLOW CHANNEL DOM BY  
 FAC / FACW SPECIES

Floodplain unit: ☒ Low-Flow Channel ☐ Active Floodplain ☐ Low Terrace

GPS point: DCSS-02

Characteristics of the floodplain unit:

Average sediment texture: CLAY loam  
 Total veg cover: 100 % Tree: 0 % Shrub: 0 % Herb: 100 %

Community successional stage:

- |  |  |
|--|--|
| <input type="checkbox"/> NA  | <input type="checkbox"/> Mid (herbaceous, shrubs, saplings)      |
| <input checked="" type="checkbox"/> Early (herbaceous & seedlings) | <input type="checkbox"/> Late (herbaceous, shrubs, mature trees) |

Indicators:

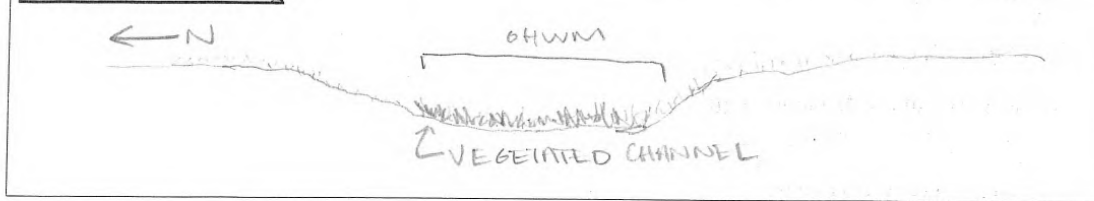
- |  |  |
|--|--|
| <input type="checkbox"/> Mudcracks                           | <input type="checkbox"/> Soil development          |
| <input type="checkbox"/> Ripples                             | <input checked="" type="checkbox"/> Surface relief |
| <input type="checkbox"/> Drift and/or debris                 | <input type="checkbox"/> Other: _____              |
| <input checked="" type="checkbox"/> Presence of bed and bank | <input type="checkbox"/> Other: _____              |
| <input type="checkbox"/> Benches                             | <input type="checkbox"/> Other: _____              |

Comments:

LOW FLOW CHANNEL DEFINED BY TRANSITION IN VEGETATION  
 SPECIES & CHANGE IN ELEVATION ALONG GENTLY SLOPED  
 BANK.

Project ID: DLSS Cross section ID: 03 Date: 05/17/18 Time: 1545

**Cross section drawing:**



**OHWM**

GPS point: DLSS-03  
35.453961 / -120.636670

**Indicators:**

- |  |   |
|--|---|
| <input type="checkbox"/> Change in average sediment texture      | <input checked="" type="checkbox"/> Break in bank slope |
| <input checked="" type="checkbox"/> Change in vegetation species | <input type="checkbox"/> Other: _____                   |
| <input checked="" type="checkbox"/> Change in vegetation cover   | <input type="checkbox"/> Other: _____                   |

Comments: SHALLOW, MEANDERING DRAINAGE WITH GENTLY SLOPED BANKS. CHANNEL & BANKS VEGETATED WITH HERBACEOUS COVER - GRASSES & RUDEKAL WEEDY SPECIES.

**Floodplain unit:** ☒ Low-Flow Channel ☐ Active Floodplain ☐ Low Terrace

GPS point: DLSS-03

**Characteristics of the floodplain unit:**

Average sediment texture: Clay loam

Total veg cover: 45 % Tree: 20 % Shrub: 0 % Herb: 25 %

**Community successional stage:**

- |  |  |
|--|--|
| <input type="checkbox"/> NA  | <input type="checkbox"/> Mid (herbaceous, shrubs, saplings)      |
| <input checked="" type="checkbox"/> Early (herbaceous & seedlings) | <input type="checkbox"/> Late (herbaceous, shrubs, mature trees) |

**Indicators:**

- |  |   |
|--|---|
| <input type="checkbox"/> Mudcracks                           | <input type="checkbox"/> Soil development               |
| <input type="checkbox"/> Ripples                             | <input type="checkbox"/> Surface relief                 |
| <input checked="" type="checkbox"/> Drift and/or debris      | <input checked="" type="checkbox"/> Other: <u>SCOUR</u> |
| <input checked="" type="checkbox"/> Presence of bed and bank | <input type="checkbox"/> Other: _____                   |
| <input type="checkbox"/> Benches                             | <input type="checkbox"/> Other: _____                   |

**Comments:**

LOW FLOW CHANNEL; IMMEDIATELY DOWNSTREAM OF CULVERT UNDER EL CAMINO REAL. CHANNEL IS SPARSELY VEGETATED WITH HERBACEOUS COVER; A SINGLE MATURE WILLOW IS ROOTED @ EDGE OF CHANNEL



## **APPENDIX D: Representative Site Photographs**



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**Photo 1.** View southwest of ephemeral drainage bisecting the proposed development area.



**Photo 2.** View northeast of the existing culvert under Viejo Camino.



**Photo 3.** View northwest toward existing structure at the northern property boundary.



**Photo 4.** View north of the ephemeral drainage with evidence of scour, just upstream of the culvert under Viejo Camino.





**Photo 5.** View west of the existing culvert under El Camino Real.



**Photo 6.** Soil plug excavated at SP-02 during the wetland delineation.

**ATTACHMENT 3: Agency Comments Received**  
**DEV 18-0103**

See Following Page





U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA. 94607-4052



July 1, 2019

Kelly Gleason  
City of Atascadero  
Community Development Department  
6500 Palma Avenue  
Atascadero, California 93422

Dear Ms. Gleason:

This is in response to your request for comments regarding the Notice of Intent to Adopt Mitigated Negative Declaration, Project Number DEV18-0103, - Mini Storage facility project in the City of Atascadero, San Luis Obispo County, California.

Please review the current effective Flood Insurance Rate Maps (FIRMs) for the County of San Luis Obispo (Community Number 060304), Maps revised May 16, 2017 and City of Atascadero (Community Number 060700), Maps revised November 16, 2012. Please note that the City of Atascadero, San Luis Obispo County, California is a participant in the National Flood Insurance Program (NFIP). The minimum, basic NFIP floodplain management building requirements are described in Vol. 44 Code of Federal Regulations (44 CFR), Sections 59 through 65.

A summary of these NFIP floodplain management building requirements are as follows:

- All buildings constructed within a riverine floodplain, (i.e., Flood Zones A, AO, AH, AE, and A1 through A30 as delineated on the FIRM), must be elevated so that the lowest floor is at or above the Base Flood Elevation level in accordance with the effective Flood Insurance Rate Map.
- If the area of construction is located within a Regulatory Floodway as delineated on the FIRM, any ***development*** must not increase base flood elevation levels. **The term *development* means any man-made change to improved or unimproved real estate, including but not limited to buildings, other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of equipment or materials.** A hydrologic and hydraulic analysis must be performed *prior* to the start of development, and must demonstrate that the development would not cause any rise in base flood levels. No rise is permitted within regulatory floodways.

Kelly Gleason, Project Manager  
Page 2  
July 1, 2019


- All buildings constructed within a coastal high hazard area, (any of the "V" Flood Zones as delineated on the FIRM), must be elevated on pilings and columns, so that the lowest horizontal structural member, (excluding the pilings and columns), is elevated to or above the base flood elevation level. In addition, the posts and pilings foundation and the structure attached thereto, is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.
- Upon completion of any development that changes existing Special Flood Hazard Areas, the NFIP directs all participating communities to submit the appropriate hydrologic and hydraulic data to FEMA for a FIRM revision. In accordance with 44 CFR, Section 65.3, as soon as practicable, but not later than six months after such data becomes available, a community shall notify FEMA of the changes by submitting technical data for a flood map revision. To obtain copies of FEMA's Flood Map Revision Application Packages, please refer to the FEMA website at <http://www.fema.gov/business/nfip/forms.shtm>.

**Please Note:**

Many NFIP participating communities have adopted floodplain management building requirements which are more restrictive than the minimum federal standards described in 44 CFR. Please contact the local community's floodplain manager for more information on local floodplain management building requirements. The Atascadero floodplain manager can be reached by calling Russ Thompson, Director, at (805) 461-5000. The San Luis Obispo County floodplain manager can be reached by calling Tim Tomlinson, Floodplain Administrator, at (805) 781-7271.

If you have any questions or concerns, please do not hesitate to call Brian Trushinski of the Mitigation staff at (510) 627-7183.

Sincerely,

  
Gregor Blackburn, CFM, Branch Chief  
Floodplain Management and Insurance Branch

cc:

Russ Thompson, Director, City of Atascadero  
Tim Tomlinson, Floodplain Administrator, San Luis Obispo County  
Garret Tam Sing, State of California, Department of Water Resources, Southern Region Office  
Brian Trushinski, NFIP Planner, DHS/FEMA Region IX  
Alessandro Amaglio, Environmental Officer, DHS/FEMA Region IX



## Air Pollution Control District San Luis Obispo County

### Via Email

June 27, 2019

Kelly Gleason  
City of Atascadero  
6907 El Camino Real  
Atascadero, CA 93422  
kgleason@atascadero.org

SUBJECT: APCD Comments Regarding the Mini Storage Project (EDN 2019-0007)

Dear Ms. Gleason:

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of the proposed project located at 11450 Viejo Camino & 11505 El Camino Real in Atascadero.

The proposed project includes more than 81,000 square feet of indoor mini-storage units which includes an office, a workshop, and a caretaker's residence; 9 buildings on a 4.2-acre site. The existing residence would be demolished to accommodate the proposed development. Paved drive aisles and four parking spaces are included. The project will require approximately 8,000 cubic yards of cut and 12,000 cubic yards of fill material in order to create a level development area. The site is within 1,000 feet of a sensitive receptor.

*The following are APCD comments that are pertinent to this project.*

#### Infill within City Limits & Urban Reserve Lines

The APCD encourages balance of residential and commercial infill within the existing city limits and the urban reserve lines, as this is consistent with the land use goals and policies of the APCD's Clean Air Plan. Increasing density can reduce emissions and vehicle miles traveled by minimizing the number of trips, travel distances, and encourages the use of alternative forms of transportation. **The APCD supports the project proponents on their use of infill development, as it is consistent with SLO Council of Government's Regional Transportation Plan and Sustainable Communities Strategy.**

#### GENERAL COMMENTS

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please**



APCD Comments Regarding the Mini Storage Project  
June 27, 2019  
Page 2 of 4

**address the items contained in this letter that are highlighted by bold and underlined text.**

### CONSTRUCTION PHASE

#### Construction Phase Impacts - Below Threshold

The mitigated negative declaration evaluated the construction impacts of this project using a spreadsheet model for estimating construction emissions related to the development of land uses. The modeling results indicate that the construction phase impacts will likely be less than the APCD's significance threshold values identified in Table 2-1 of *CEQA Air Quality Handbook* (April 2012). The mitigated negative declaration stated nine construction mitigation measures in Section 3 – Air Quality. These measures include the APCD's language for expanded dust control measures (AQ 2.1 – AQ 2.9). **These measures are consistent with the APCD's analysis of the proposed project and the APCD supports the inclusion of these measures in the conditions of approval for the construction phase to reduce the daily ozone precursor estimates to below the APCD significance threshold. In addition to the above stated measures, the APCD is requiring other construction phase mitigation measures and requirements below for this project.**

#### Lead During Demolition

Demolition or remodeling of structures coated with lead-based paint is a concern for the APCD. Improper demolition can result in the release of lead-containing particles from the site. Sandblasting or removal of paint by heating with a heat gun can result in significant emissions of lead. Therefore, proper abatement of lead before demolition of these structures must be performed to prevent the release of lead from the site. **Depending on removal method, an APCD permit may be required. Contact the APCD Engineering & Compliance Division at 805-781-5912 for more information. For additional information regarding lead abatement, contact the San Luis Obispo County Environmental Health Department at 805-781-5544 or Cal-OSHA at 818-901-5403. Additional information can also be found online at [epa.gov/lead](http://epa.gov/lead).**

#### Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos-containing material (ACM). ACM could be encountered during the demolition or remodeling of existing structures. **This project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP).**

These requirements include but are not limited to:

- 1) Written notification to the APCD, within at least 10 business days of activities commencing.
- 2) Asbestos survey conducted by a Certified Asbestos Consultant.
- 3) Applicable removal and disposal requirements of identified ACM.

Please contact the APCD Engineering & Compliance Division at 805-781-5912 or go to [slocleanair.org/rules-regulations/asbestos.php](http://slocleanair.org/rules-regulations/asbestos.php) for further information. To obtain a *Notification of Demolition and Renovation Form* go to the "Asbestos Forms" section of [slocleanair.org/library/download-forms.php](http://slocleanair.org/library/download-forms.php).

*APCD Comments Regarding the Mini Storage Project  
June 27, 2019  
Page 3 of 4*

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the CEQA Air Quality Handbook (April 2012).

- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generators;
- Internal combustion engines.

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at 805-781-5912 for specific information regarding permitting requirements.**

### **OPERATIONAL PHASE**

#### Operational Phase Impacts - Below Threshold

Based on the mitigated negative declaration operational phase emission estimates using Table 1-1 in the APCD's CEQA Air Quality Handbook (April 2012), the operational phase would likely be less than the APCD's significance threshold values identified in Table 3-2 of the CEQA Air Quality Handbook (April 2012). **Therefore, with the exception of the requirements below, the APCD is not requiring other operational phase mitigation measures for this project.**

#### Residential Wood Combustion

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

**If you have any questions about approved wood burning devices, please contact the APCD Engineering and Compliance Division at 805-781-5912.**

#### Operational Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present at the site. Operational sources may require APCD permits. The following list is provided as a guide to

*APCD Comments Regarding the Mini Storage Project*  
*June 27, 2019*  
*Page 4 of 4*

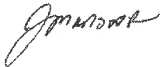
equipment and operations that may have permitting requirements but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendix, page 4-4, in the CEQA Air Quality Handbook (April 2012).

- Portable generators and equipment with engines that are 50 hp or greater;
- Furniture and fixture products; and
- Small scale manufacturing.

Most facilities applying for an Authority to Construct or Permit to Operate with stationary diesel engines greater than 50 hp, should be prioritized or screened for facility wide health risk impacts. A diesel engine-only facility limited to 20 non-emergency operating hours per year or that has demonstrated to have overall diesel particulate emissions less than or equal to 2 lb/yr does not need to do additional health risk assessment. **To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at 805-781-5912 for specific information regarding permitting requirements.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at (805) 781-5912.

Sincerely,



JACKIE MANSOOR  
Air Quality Specialist

JNM/jjh

cc: Scott Newton, Applicant  
Tim Fuhs, APCD  
Dora Drexler, APCD

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**Response to Agency Comments**

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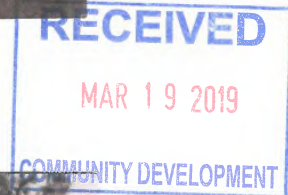
FEMA measures are satisfied with previously proposed mitigation measures and conditions of approval. All additional APCD requirements have been added to the Mitigation Monitoring Program.



**ATTACHMENT 4: Public Comment Received**  
**DEV 18-0103**

See Following Page





DEV18-0103  
From Jack Bridwell

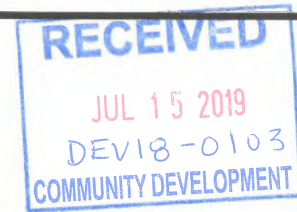


11600 Viejo Camino  
Atascadero, 1995

**Annette Manier**

---

**From:** CLYDE W SNIDER  
**Sent:** Monday, July 15, 2019 9:35 AM  
**To:** Annette Manier  
**Cc:** Kelly Gleason  
**Subject:** Mini-storage project Dove Creek (DEV18-0103)



Members of the Planning Commission:

As a homeowner and resident of the south Atascadero Dove Creek area, I write in opposition to the granting of a conditional use permit for this project. Since moving here I frequently use the park and neighboring walking trails, and relish the rural/suburban mix of the area. The walk from my home to the park means a chance to enjoy the seasonal changes in the wetlands meadow where the sheep from the neighboring Colony house graze and rest. A storage facility on a flattened landscape would permanently alter the character of this city gateway entrance, and not serve the interests of immediate neighbors or the population of Atascadero in general.

This Public zoning district does not allow for any commercial development other than mini-storage units, which was tacked onto the end of a list of public use facilities- educational, religious, cultural as well as single family homes. How that came to be is a question of citizen interest in itself, and leads to speculation over what closed door agreements might have lead to this outlier. The Parham Group self-storage consultants estimate a "typical" ROI of 29.6%- an attractive business model indeed!

The original recommendation of the Design Review Committee in November of 2018 was to deny the application based on its failure to meet elements of the city's General Plan, which I believe far outweigh the adoption of a Mitigated Negative Declaration that the Planning Commission directed the DRC to draft after the review of the DRC report January 14 2019.

After reviewing the 89 page report in the hearing the Commission determined that the project "might" be in the public interest because of the service it could provide to multi-family housing, and possibly small businesses in the area. This was despite the multitude of factors that the DRC cited as contrary to elements of the general plan, culminating in the observation that the proposed project is not in "the highest and best interests" of the use of that parcel. These include:

- "Mini-storage units are not generally considered a desirable land use. They require a large amount of flat lands (6500 cu yards of cut and 13,000 cu yards of fill over 4.2 acres for this project), and provide neither sales tax revenue, nor a significant number of jobs...The proposed project does not contribute to the jobs/housing imbalance in the City nor will the project generate tax revenue for the city". (Developer's architect claims property tax increase with change from single family residence.) The only revenue the city will receive is the paltry \$2 annual fee for each unit (470 per developer)- under \$1000 yearly, while being provided basic city police, fire, etc. services.
- Project is not consistent with the General Plan Goal 13 to "Beautify the City's primary entryways by creating Civic Gateways...approaches to Atascadero shall be made shall be made more attractive through judicious application of the elements including landscaping, civic monuments and rural character site development. The proposed project is incompatible with the character and setting of the neighborhood." I would suggest, for example, the site could serve as "Gateway to the Salinas Valley", an educational and touristic introduction to the city and region if the city were serious about Goal 13 (and willing to purchase the parcel).
- "Storage buildings are typically unattractive long, narrow, featureless, meta-buildings." Despite the developer's architects efforts to work with the city to enhance the appearance of the facades, ambitious landscaping plans, wetlands mitigation, etc., this remains to my mind the proverbial "lipstick on the pig." Great for an upscale industrial park in Thousand Oaks or Walnut Creek, but not for this residential area of Atascadero. The updated DRC findings state having the project at this location would "...potentially increase aesthetics elsewhere in the City"- which just reinforces the initial analysis. There are already plenty of storage facilities available in Atascadero along El Camino Real, Traffic Way, etc. I had no problem finding storage 1/2 mile from my home when I moved here four years ago. There is no compelling reason for another, other than the developer's bottom line, in this neighborhood.



Environmental issues:

- This is a designated wetlands and blue-line (seasonal) creek, and any alteration and mitigation must be approved by several relevant state and federal stake-holders, as well as be compliant with the Atascadero General Plan LOC policy 8.1 to ensure "that development does not interrupt natural flows or adversely impact riparian ecosystems. Areas subject to flooding shall be protected from unsound development..." including prohibition of concrete channelization. My hope, and expectation, is that even if the Planning Commission approves this project, the permitting would be rejected by either state or federal authorities, despite the developer's recognition that a substantial work would be need to be done on creek diversion and wetlands mitigation just to meet minimum standards in order to alter the rest of the site.

Construction and increased traffic:

- This intersection is already heavily traveled and the condition of El Camino Real is currently poor- road surface and markings- and unsafe for pedestrians with traffic entering the residential area at 45-55 mph. Construction activity is disruptive, loud and dirty, and the increased storage customer traffic would significantly impact the quality of life in the neighborhood. While the developer's architect's presentation contends "Almost no traffic or noise pollution" associated with the project, the professional estimate (Institute of Transportation Engineers) cited by the DRC is over 150 trips a day.

I plan on attending the Planning Commission hearing on 6 August to comment on these elements. I will also be interested in the nature and specifics of the ex-parte communications between Mr. Newton and Commissioners Donovan and Dariz reported in the minutes of the 15 January meeting, and any subsequent communications or discussions not on record currently.

Sincerely,

Clyde Snider

Atascadero, CA  
July 15, 2019

**Annette Manier**

---

**From:** Rosaline Rancour  
**Sent:** Tuesday, January 15, 2019 5:58 PM  
**To:** Annette Manier  
**Subject:** Proposed project @ 11405 Viejo Camino - mini storage

To: Atascadero Planning Commission:

I am not in favor of the proposed project (mini storage) located at 11405 Viejo Camino and 11505 El Camino Real for several reasons. Here is a brief list:

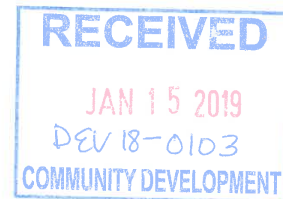
1. There is a seasonal creek that flows through the property. There is so much water that usually a small lake shows up. There is enough water to even attract a couple of ducks. I personally would miss the beauty of this natural low land filling with water each year.
2. Without the water flowing above ground we would lose our natural frog population, which keeps the mosquito population down.
3. A storage unit would look terrible in this neighborhood (Viejo Camino). It doesn't fit in a family neighborhood diagonally across from a beautiful country city park.

Please feel free to contact me for any other information by phone or mail (I don't regularly check e-mail).

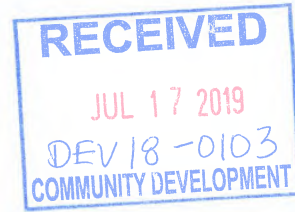
Thank you.

Sincerely,

Rosaline Jo Rancour



Rosaline Jo Rancour



SECRETARY OF PLANNING COMMISSION  
6500 PALMA AVENUE  
ATASCADERO, CA. 93422

FROM: ALAN I INDICTOR AND MARLENE K. INDICTOR

RE: MINI STORAGE FACILITY  
11450 VIEJO CAMINO AND  
11505 EL CAMINO REAL

We are against the project. it is not appropriate for the location which has substantial residential housing.  
(DOVE CREEK) across from it.

Thank you for your kind consideration in this matter.

ALAN AND MARLENE INDICTOR

July 13, 2019

July 31, 2019

Secretary to the Planning Commission  
6500 Palma Avenue  
Atascadero, CA 93422



Dear Planning Commission,

I am writing to urge you to support the development of the self storage facility on Viejo Camino. The self storage development is critical because it assists with affordable housing by giving those who live in apartments and smaller homes a means to store their personal belongings. Having a larger home and garage is not possible for everyone and with self storage local residents can rent just the amount of additional space they need at that time. I live off San Antonio Road in an 850 sq foot house with two adults and three children. I am looking forward to getting a self storage unit here since it is close to my home and I will have easier access to my belongings. I am currently using a self storage unit in Templeton that I am unable to frequent because of my hours of work in San Luis. The things that I need on a more regular bases are stored in an ugly metal shed in my backyard which is an eye soar for my neighbors and has caused loss of some of my irreplaceable keepsakes because of leaks and moisture. I am hoping this development is done in the near future so I can utilize the facilities.

The new development replaces a virtually abandoned and dilapidated site with a balanced development that has wetland restoration and generous landscaping setbacks. It will serve as a great infill project and will be both aesthetically pleasing and provide a much needed service. I lived in the apartments across the street when I was younger and the lot has always been full of weeds and a waste of usable city space. I know from living in the area most of my life that there couldn't be a better business to come in and develop the space. It will be so usefully to all the families in the area and proved a much needed service.

Sincerely,

A handwritten signature in blue ink that reads "Anna M. King". The signature is fluid and cursive, with the first name "Anna" and last name "King" clearly legible.

Anna King

**RECEIVED**

**JUL 31 2019**

**COMMUNITY DEVELOPMENT**

Jack R. & Barbara Bridwell

. Atascadero, CA 92422

July 27, 2019



To Whom It May Concern:

We are respectfully requesting that the proposed Dove Creek Self Storage facility project on Viejo Camino be denied until which time a complete Environmental Impact Report can be performed.

My husband and I live next door to this project in a 1914 Colony Home. It is causing us great anxiety that our property may be destroyed due to flooding underground and above ground.

The existing Dove Creek Housing Project required the city sewer pipe to go through our property. Because they surrounded the pipe with gravel it inadvertently created a French drain that flooded out our septic system which has worked for 40 years with zero issues. As a result we had to hook up to City Sewer System. Our contractor could not pump the water out fast enough with four large pumps while attempting to reach the stub out to hook up to the City Sewer pipe. He almost required diving equipment to get to the pipe. Because we live in a flood plain we are required to have flood insurance. Because this sewer project cost us thousands of dollars we turned it in to our insurance company. They came out and after finding out all the flooding resulted from underground flooding they would not cover any of our expenses. These projects can have devastating unknown consequences to the surrounding properties and environment. I know the proposed project states that the water table is far below ground which is not true. Our contractor only dug an 18 inch trench which immediately filled with water. Then had to dig 15 feet to reach the stub out. This immediately filled with water and became a lake which required four pumps to continuous pump. It was a nightmare.

To redirect this seasonal creek and flood plain from two acres to 16 feet to accommodate this project would be devastating to our property. On several occasions we have been flooded in the past. The worst being in February of 1992, we had two foot of water on our property which wiped out all of our landscaping and damaged wood on our house, barns and garage. I can't imagine what would happen if we have a 100 year rain as we did in 1992 with the 2 acre watershed area removed by this proposed project. If they take away all of this watershed perking area and concentrate it to this small proposed ditch that would obviously result in major flooding of our home underground and above ground. To authorize this project without a complete Environmental Impact Report would be negligent.

Sincerely,

Jack & Barbara Bridwell

To whom it may concern,

A mini storage (DEV18-0103) facility next to a large number of residential homes in Dove Creek community (and others) is not appropriate city planning and we feel it would lower property values. We expect a mini storage facility should be placed near other commercial properties instead. We also fear that mini storage may increase crime near our neighborhood in Dove Creek and surrounding creek areas. This is a family housing section of town and I hope the city can keep this spirit in mind.

Thank you,  
John & Brandi Zolezzi



Atascadero, CA 93422



July 30, 2019

City of Atascadero  
Kelly Gleason, Community Development Department  
6500 Palma Ave  
Atascadero CA 93422



Re: Project No. DEV18-0103, Mini Storage

Dear Ms. Gleason and members of the Planning Commission,

I became a resident of Atascadero and moved to La Paloma Ct last year. Having spent most of my life in San Diego, I decided to get away from the congestion and pollution and move to this city where my wife's family resides. My wife and I are retired and wanted to live somewhere peaceful and bucolic as well.

Our real estate agent showed us several homes for sale in the area. Upon seeing our present home, we were taken by the rural beauty of Paloma Creek and the adjacent park. The quiet calm neighborhood made this location a "no brainer" for buying our home here. It crushes me and my wife to think that someone (a non-resident), wants to tear up our lovely meadow and destroy the seasonal creek to build an unnecessary storage facility when there are three or four of them on El Camino Real only a few miles from the proposed site.

We live across the road from an historic home built in 1914 which becomes a veritable island when we experience moderate to heavy rainfall. Paving the area proposed, won't allow any absorption by the meadow which feeds our aquifers and drains into the Salinas River and will cause the Paloma Creek to overflow its banks and threaten home owners downstream. Please deny this request for building the facility and preserve the value and safety of our homes.

Sincerely,

  
Richard Smith

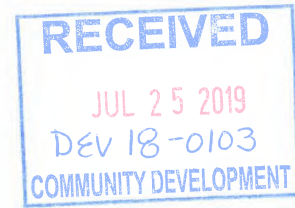


July 22, 2019

To: Planning Commission  
City of Atascadero

Re: Proposed Mini-Storage project 11450//11505 El Camino

From: Steven Davis  
Atascadero, Ca 93422



This letter is to inform the commission that I would like to go on record opposing the granting of a Conditional Use Permit for this project.

This land is a Public Zoning District and should not be used for this commercial purpose.

It is a State designated wetlands and a Federal designated flood plain. Diversion and mitigation of this land will adversely impact water diversion and ecosystems, especially during a storm event. This will impact the surrounding neighborhoods, including Los Lomas, Dove Creek, the new home project on Viejo Camino as well as the apartment complexes in the area.

This project will not improve property values and will more likely lower them in the future for the surrounding residential areas.

This type of development is not in line with the character of this area: Palomar Park is a well attended recreational area serving the citizens of Atascadero. At times it can be very busy and crowded along Viejo Camino. This project will create additional safety concerns along that street, which also serves the surrounding housing, previously mentioned.

This area is close to the southern entry to the city off of Highway 101. This project is not consistent with the General Plan Goal: to Beautify the City's primary entryways. It may actually have the opposite effect.

I feel that an example of "best use" for this property would be a recreational facility that would be compatible with Palomar Park. It would serve all citizens of the city and could be a county destination. It would create a minimal environmental impact, add to the values of the surrounding area., and provide an attractive entry to the city as a recreational highlight.

I thank you for your time in this matter and hope you will take these issues into consideration.

Steven Davis

July 31, 2019

City of Atascadero  
Kelly Gleason, Community Development Department  
6500 Palma Ave  
Atascadero CA 93422



Re: Project No. DEV18-0103, Mini Storage

Dear Ms. Gleason and members of the Planning Commission,

My name is Rosemary Dexter. I am 94 years old and have lived in Atascadero for over 40 years. [I am a founding member of the United Methodist Church overlooking the proposed storage facility.] Some people make fun of the name "Atascadero" [Spanish for *mudhole*], but I think it is so appropriate. We do have mudholes in the area which have been here for Centuries. There are not many left but this particular piece of real estate is one of the few remaining mudholes in our city. It is actually divided by Camino Real and it appears to be somewhat cared for on the west side.

I have been by them thousands of times and loved the openness and lovely green grass that grows there. We need open space—we need the water it holds to percolate down to our aquifer. We need this tiny bit of mudhole left in our city.

I beg you to preserve it for future generations to enjoy [by denying the application for this project]. It is a tiny jewel to be cherished.

Sincerely,

Rosemary Dexter

My name is Rosemary Dexter. I am 94 years old and have lived in Atascadero for over 40 years. Some people make fun of the ~~the~~ Name "Atascadero" but I think it is so appropriate. We do have mudholes in the area which have been here for centuries. There are not many left but this particular piece of real estate is one of the few remaining mudholes in our city. It is actually divided by Camino Real and it appears to be somewhat used for on the west side.

I have been by there thousands of times and loved the open area and lovely green grass that grows there. We need open space - we need the water it holds to percolate down to our aquifer. We need ~~the~~ ~~need~~ this tiny bit of mudhole left in our city. I beg you to preserve it for future generations to enjoy. It is a tiny jewel to be cherished.



July 31, 2019

City of Atascadero  
Kelly Gleason, Community Development Department  
6500 Palma Ave  
Atascadero CA 93422

Re: Project No. DEV18-0103, Mini Storage

Dear Ms. Gleason and members of the Planning Commission,

I live on La Paloma Ct, a circle of nineteen homes directly across Viejo Camino from the proposed Mini Storage facility you are considering for approval. I do not believe the project is a good fit for the property at the addresses listed, and urge you to deny the application.

My husband and I moved to Atascadero from the San Diego area a year and a half ago. When our realtor drove us into the neighborhood, we were struck by the active outdoor character of the area. This is a lively neighborhood with people out walking (with and without dogs), riding bikes, gardening, and enjoying Paloma Creek Park. There are single family homes (including an historic Colony Home adjacent to the project location), apartments, two churches, a community garden, two day care facilities, many beautiful trees, two blue line creeks, and a very large park with sports fields, playgrounds, walking paths, and an equestrian area. All of the other seven mini storage facilities in Atascadero are surrounded by commercial/industrial type businesses that are compatible with the appearance of those storage facilities. A rural appearing neighborhood of homes, churches, parks, and day care is not the place for an 81,000 sq ft project of mini garages surrounded by pavement and walls. We believe the established character of the neighborhood would be negatively impacted with the building of the proposed self-storage facility.

In addition, the rerouting of the blue line creek on the property would cause environmental harm to a seasonal wetland that percolates water back into our aquifer and keeps downstream homes safe from the winter deluges. I have read the mitigation proposals for rerouting the creek into  $\frac{3}{4}$  of an acre that would then flow in a straight line past the Colony Home, into the culvert under Viejo Camino, and into the creek bordering six homes on La Paloma Ct. I do not understand how that small amount of wetland restoration can handle the amount of water that would sheet off the buildings and pavement of the mini storage facility when the entire acreage currently acts as a floodplain to mitigate the amount of water flowing into the creek. The environmental impact seems extreme, not only for the possibility of flooding, but for the

Re: Project No. DEV18-0103, Mini Storage

decimated wildlife habitat and the reduction of available land for percolation of rainfall into our aquifer.

Finally, the project calls for a caretaker's residence as part of the facility. Atascadero Public Zone Uses calls out a caretaker's residence as an approved use in Zone L, but not in Zone P. I understand that a *single family residence* is an approved use in Zone P. But if this is part of a business, the residence would not be available to the general public. I believe this is an unapproved zoning use.

For the protection of the character of an established semi-rural neighborhood, the environmental harm that the project would do, and the zoning restrictions being bypassed, I urge you to deny the application for the Mini Storage facility Project No. DEV18-0103.

Thank you for your thoughtful consideration,



Sally (AKA Rosemary) Dexter-Smith

Att: Photos of neighborhood



Re: Project No. DEV18-0103, Mini Storage



Re: Project No. DEV18-0103, Mini Storage





City of Atascadero  
Community Development Department  
Attn: Kelly Gleason  
6500 Palma Avenue  
Atascadero, CA 93422

RE: Mini Storage, *Project No. DEV18-0103*  
Document Number 2019-0007  
11450 Viejo Camino, APN 045-342-009  
11505 El Camino, APN 045-341-010



Dear Ms. Gleason,

I am writing to address my concerns with this above mention project. I have reviewed several documents regarding this project the most important of which is the CEQA Report. This CEQA Report identifies several environmental issues and mitigation plans but in my opinion does not comprehensively address a realistic mitigation plan for many of the issues. By realistic, I am referring to the unrealistic and unreasonable mitigation proposals to the issues identified. This all looks good on paper but in reality will not work.

The negative environmental impact this project is going to have on the proposed project site is devastating. One of my main concerns is the overload of water that will flow into the Viejo Camino culvert. I have reviewed the mitigation plan, specifically the issue of diverting the natural water run-off and realigning the Blue Line Creek etc...but I do not see the issue of the change in the percolation rate due to paving the area and the new rate in which the culvert will fill on normal to heavy seasonal rain fall being addressed, which is a very serious issue. The south side of La Paloma Ct. where the culvert is located has and will continue to reach maximum plus capacity with heavy rain fall, flooding the park and possibly the homes on that side of the court. I have owned my property at 9312 La Paloma Ct. since April 2013 and have seen this scenario happen twice, once in 2014 and again during our most recent rain fall season. My fellow neighbors on La Paloma Ct. and Viejo Camino that have lived in this neighborhood for twenty, thirty, forty plus year can attest first-hand to the reality of what happens to this area when the culvert cannot handle the rain fall and run off.

In addition to the inevitable flooding issues, I have great concerns regarding the wildlife that live or migrate to the site for this projected plan. Again, living in the neighborhood for six years, I have been fortunate enough to experience first-hand migration of deer with their fawns, ducks with their chicks and other various wildlife, a fox or two, we even had a few geese migrate to the site this year. I believe the wildlife in this area thrive due to the surrounding sense of security from predators and the water that naturally flows from creek and additional ponding on this site during the rainy months.

I do respect the time, effort and those involved in putting the CEQA Report together, I just wish they could experience what we as a neighborhood see on a daily basis. Taking this away from us will only have a negative impact on the amazing characteristics of our charming community and neighborhood.

I strongly disagree with this project and ask that it is not approved.

Best regards,

Janet Murrieta

457

**ITEM 5 | 8/6/2019**  
**Mini-Storage**  
**DEV 18-0103 / Newton**

**From:** Brady Thomason  
**Sent:** Thursday, November 29, 2018 5:47 PM  
**To:** Heather Moreno  
**Subject:** CUP: 11405 El Camino Real

Hi Heather,

I'm concerned about what types of businesses the city decides to approve for development on El Camino. The identity of our city is at a crossroads. I've noticed some pushes and movement in the right direction lately, and would hate to see that thwarted by decisions that impact the image of our city and its main street. As a Dove Creek homeowner, one project I'm specifically concerned about is the mini-storage facility CUP for 11405 El Camino. Not only would this affect home values in the area, it would also be unsightly and a high risk addition near a liquor store for riff raff. I know I speak for most citizens of South Atascadero when I say we're opposed to this type of business in this area. Please consider these thoughts on this project, and know we're rooting for you!

Thank you,

Brady Thomason



**Lara Christensen**

---

**From:** Roberta Fonzi <robertafonzi@yahoo.com>  
**Sent:** Friday, August 16, 2019 6:45 PM  
**To:** Lara Christensen  
**Subject:** Mini- Storage: PC Decision Appeal

Lara, Thank you for your email regarding the appeal of the Planning Commission decision on a proposed mini-storage complex located between El Camino Real and Viejo Camino.

I am appealing the decision because: 1.) The Planning Commission's vote was 3-2, with 2 commissioners absent; 2.) One of the Planning Commissioners expressed his opinion that this decision should be reviewed by the City Council due to it's controversial nature; and 3.) The Planning Commission was heavily attended by residents living near the proposed development, and many left with the feeling that their opinion wasn't adequately considered.

Based upon these concerns, I felt that the City Council should review the decision made, and requested the appeal to allow further review. Regards,

Roberta Fonzi  
Atascadero City Council

Exhibit I  
PC Meeting of 8-6-19

## Scott Newton's Presentation

(PowerPoint)



CENTER STREET STOP









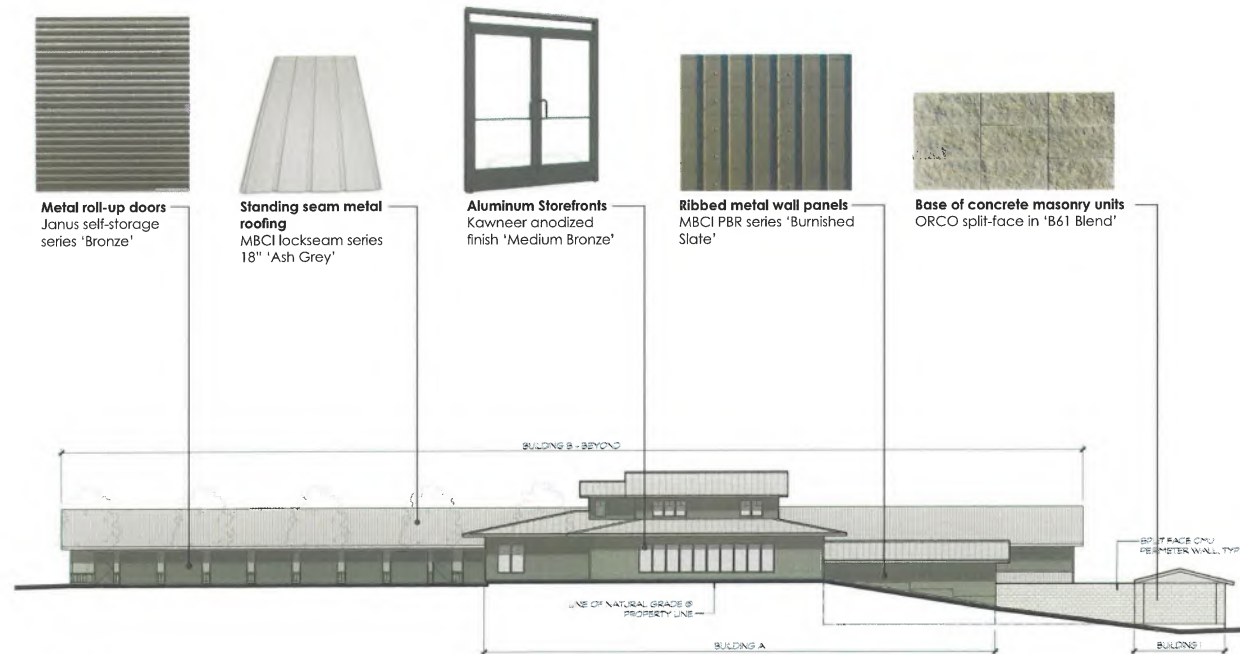


FIGURE 1: Aerial rendering of the proposed development, showing the layout of the buildings and surrounding area. The rendering is based on the site plan and other information provided in the application.



**PROJECT INSPIRATION**  
11405 & 11505 EL CAMINO REAL

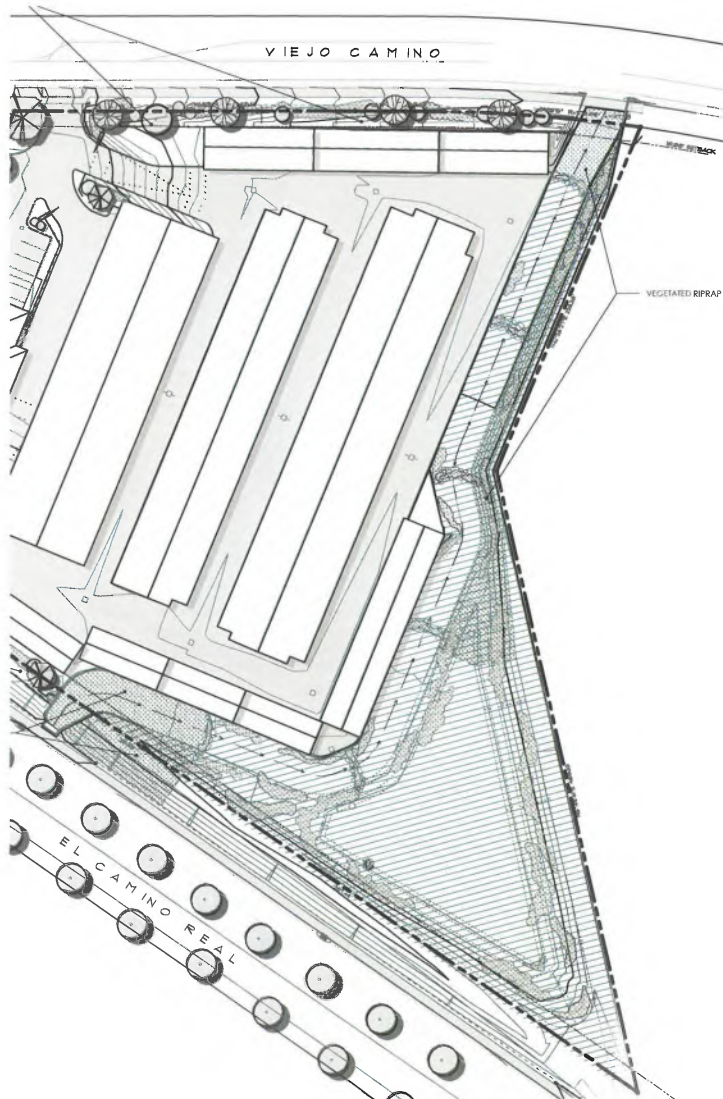
LSA  
ARCHITECTS



**COLOR BOARD**  
 11405 & 11505 EL CAMINO REAL

LSA  
 ARCHITECTS

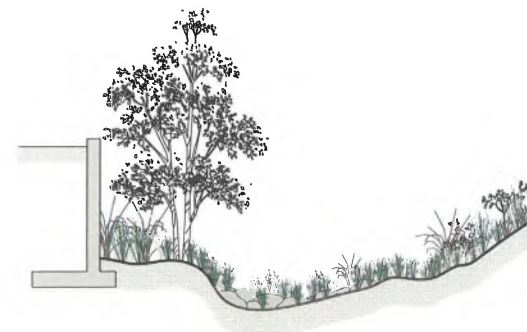




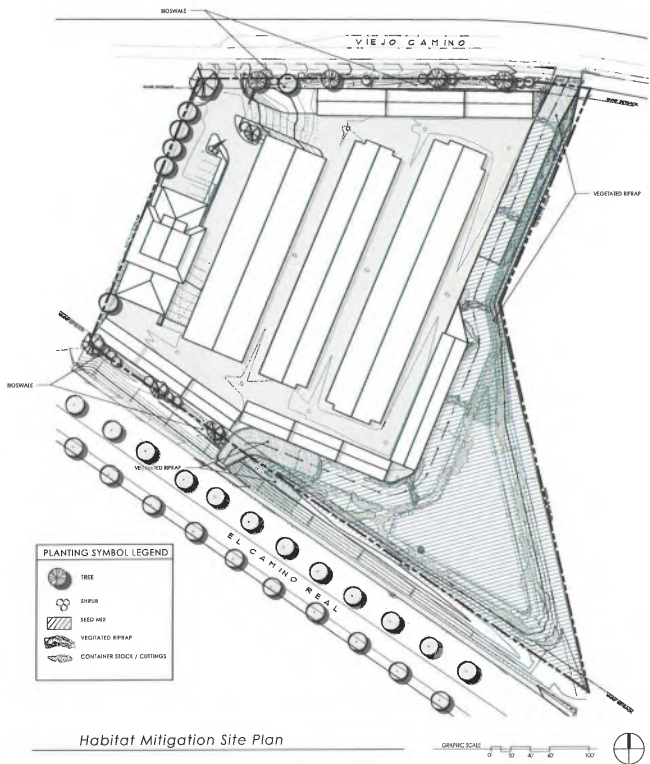
Scientific Name	Common Name
<i>Artemisia douglasiana</i>	Mugwort
<i>Calandrinia menziesii</i>	Red maids
<i>Distichlis spicata</i>	Salt grass
<i>Elymus triticoides</i>	Beardless wild-rye
<i>Epilobium ciliatum</i>	Slender willow herb
<i>Helenium puberulum</i>	Sneezeweed
<i>Hordeum brachyantherum</i>	Meadow barley
<i>Juncus bufonius</i>	Toad rush
<i>Muhlenbergia rigens</i>	Deer grass
<i>Phyla nodiflora</i>	Turkey tangle
<i>Sisyrinchium bellum</i>	Western blue-eyed grass
<i>Trifolium variegatum</i>	Variegated clover
<i>Trifolium willdenovii</i>	Tomcat clover
<i>Veronica peregrina</i>	Purslane speedwell
<i>Veronica americana</i>	American brooklime
<i>Verbena lasiostachys</i>	Western vervain

#### Riparian Container Stock / Cuttings

Scientific Name	Common Name
<i>Baccharis pilularis</i>	Coyote brush
<i>Frangula californica</i>	California coffee berry
<i>Mimulus (=Diplacus) aurantiacus</i>	Bush monkeyflower
<i>Rosa californica</i>	California rose
<i>Rubus ursinus</i>	California blackberry



Dove Creek Self-storage Development Project



Habitat Mitigation Plan - Seeding and Planting Palette

Wetland and Riparian Seed Mix	
Scientific Name	Common Name
Artemisia douglasiana	Mugwort
Calandrinia menziesii	Red maids
Distichlis spicata	Salt grass
Drymus triflorus	Blindfold wild-eye
Epilobium ciliatum	Slender willow herb
Habenaria puberula	Snowweed
Hordeum brachyantherum	Meadow barley
Juncus bufonius	Toad rush
Muhlenbergia rigens	Deer grass
Phyla nodiflora	Turkey tangle
Skylinchium bolum	Western blue-eyed grass
Trifolium variegatum	Variegated clover
Trifolium wildenovi	Tomcat clover
Veronica peregrina	Purslane speedwell
Veronica americana	American brocklime
Verbena lasiostachys	Western vervain

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Baccharis pilularis	Coyote brush
Franseria californica	California coffee berry
Mimulus (Diplazis) aurantiacus	Bush monkeyflower
Rosa californica	California rose
Rubus ursinus	California blackberry



Channel Cross Section Diagram

### **Creek Neighborhood**

Length 375' single stretch,  
width is 176'.

Setback depth of 16'-20', ours  
is more than 45'.

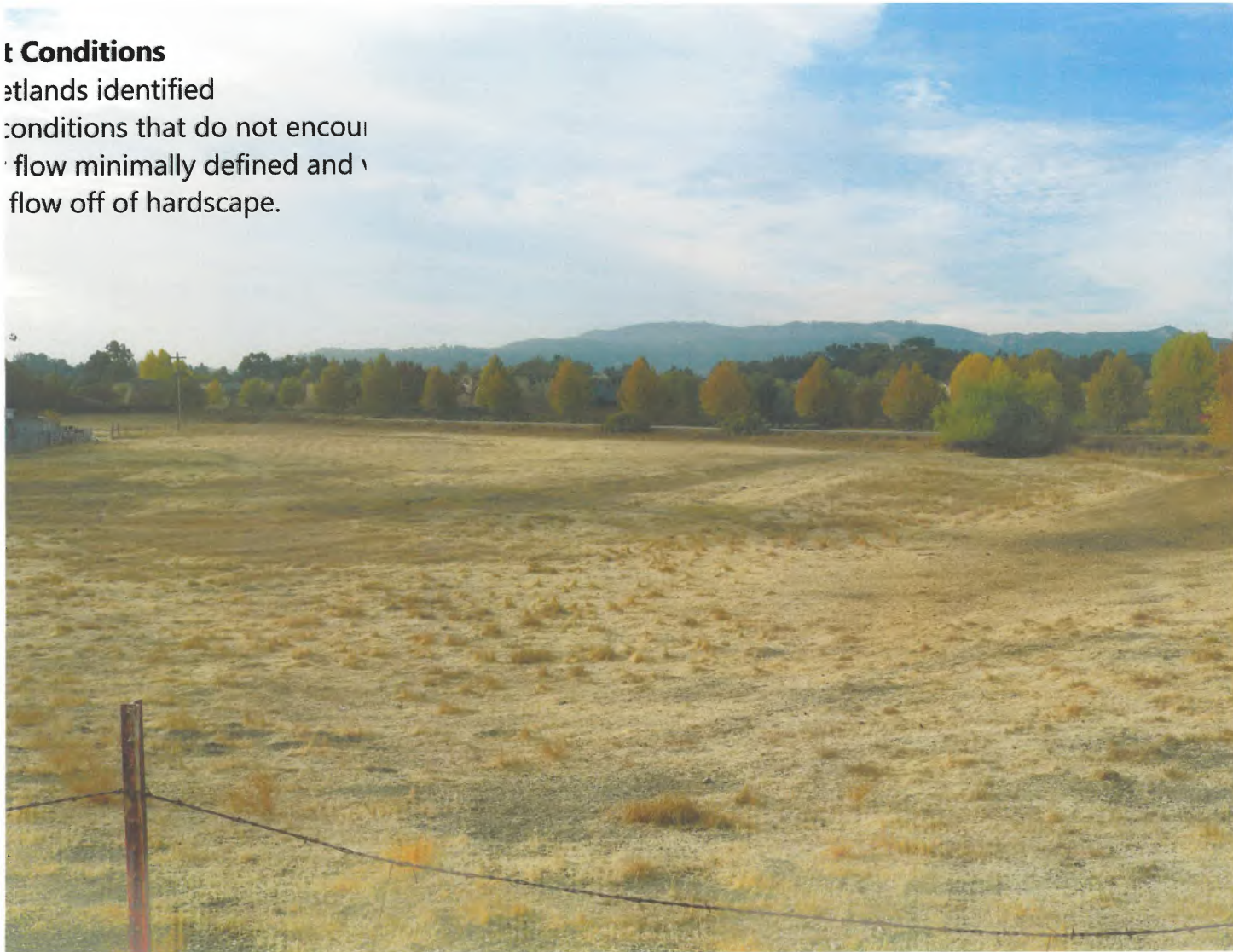
Plant columns at wide spacing





### t Conditions

etlands identified  
conditions that do not encour  
flow minimally defined and  
flow off of hardscape.





**Annette Manier**

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**From:**  
**Sent:** Friday, August 2, 2019 7:16 PM  
**To:** Tom Zirk; Mark Dariz; Ellen Beraud; Duane Anderson; Mike Shaw; Jan Wolff; Jeff van den Eikhof  
**Cc:** Kelly Gleason; Annette Manier; Phil Dunsmore  
**Subject:** Proposed Mini Storage Project, DEV2018-0103

August 2, 2019

City of Atascadero Planning Commission  
6500 Palma Avenue  
Atascadero, CA 93422  
Sent via email

Subject: Proposed Mini Storage Project, DEV2018-0103



Members of the City of Atascadero Planning Commission:

I am a Civil Engineer with over 25 years of experience in private development and municipal government. Having designed and managed site development projects throughout my career, including those which involved creek realignment and permitting through State and Federal resource agencies, I am a strong believer of the right of land-owners to develop their property, so long as the development is consistent with environmental law, properly mitigates for environmental impacts, and complies with land use and zoning regulations. I have lived in the same home in the La Paloma Court neighborhood for the past 18 years, and I am writing to express strong opposition regarding the Mini Storage project proposed for 11450 and 11505 Viejo Camino.

I have reviewed the proposed project and its Initial Study / Mitigated Negative Declaration, and believe that the proposed project is inconsistent with City planning guidelines as a gateway into the City, falls short of its proposed mitigation to environmental damage which would occur as a result of this project, is in violation of local policy regarding preservation of natural watercourses, and is inconsistent with character of the neighborhood. Those concerns are discussed as follows:

Gateway into the City of Atascadero

Land Use, Open Space, and Conservation Element (LOC) Program 1.3.8 requires vehicular approaches to Atascadero "to be made more attractive through judicious application of the elements including landscaping, civic monuments, and rural character site development." The site is located along El Camino Real, a popular route into the southern end of the city, is approximately a quarter mile within the city limits and is a designated city gateway. Is a mini-storage facility really the first impression we want to give to someone entering this southern city gateway? It is quite the opposite of a rural character site development this policy requires.

Floodplain and Onsite Wetlands

The US Fish and Wildlife Service has indicated that 1.8 acres of the 4.2-acre site may be classified as jurisdictional wetlands. This 1.8 acres of wetlands is consistent with my own observations of how the site accommodates rainfall runoff. Following periods of heavy rains, the seasonal creek which meanders through the property expands into a very wide and shallow flood terrace covering approximately half of the site with water. This annual rainy season occurrence helps to recharge the groundwater aquifer, and is a natural feature enjoyed by migratory birds and other animals. In

years where we enjoy higher than average rainfall, the spring season brings an abundance of insects, which in turn bring frogs to our neighborhood, and bats which appear shortly after sunset as they feed off the evening insects.

The proposed project would replace this existing floodplain/wetland area with pavement and storage structures, thus destroying one of the few natural water resources remaining in this area.

The proposed wetland restoration area, in my opinion, falls drastically short in mitigating the environmental damage associated with the destruction of the wetland. It is tucked away in the far corner of the site, adjacent to a noisy high-speed roadway, and is not even within the existing 100-year floodplain, the existing wetland area, or within the natural drainage course of the existing creek.

#### Realignment of the Creek

LOC Program 8.1 requires development along blue line creeks to “not interrupt natural flows or adversely impact riparian ecosystems and water quality.” In addition, it states that “the waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited,” and that project “support the establishment and protection of floodable terraces, wetlands, and revegetation along creeks and streams.”. Everything about this project is in violation of this policy given that the project proposed to interrupt the natural drainage course by redirecting the natural drainage flow around the site through a confining masonry wall and the complete elimination of the existing floodable terraces.

#### Inconsistency with the Character of the Neighborhood

The neighborhood in the immediate vicinity of the proposed project includes high-density multi-family apartments, single family homes, a neighborhood market, a community garden, and Paloma Creek Park which is a popular neighborhood destination. The site is located adjacent to the heavily-used walking route in between the high-density housing area and the park & community garden. As families walk from their homes toward the park, it is quite apparent that this natural floodplain and wetland area is a natural resource enjoyed by families en-route to the park or community garden, and for that matter, the entire neighborhood. Replacing it with the proposed mini-storage would result in the loss of this resource and could only be characterized as being detrimental and inconsistent with the current character of this neighborhood. Based on this issue alone, the Planning Commission has the responsibility to deny this project.

In conclusion, I find that this proposed development contains multiple features in conflict with good land use planning and local development guidelines. I urge you to act responsibly and deny this Conditional Use Permit.

Respectfully,

Daniel Van Beveren

PC Meeting of 8-6-19

**Annette Manier**

---

**From:** Keleen Miller  
**Sent:** Friday, August 2, 2019 3:59 PM  
**To:** Annette Manier  
**Subject:** proposed Viejo Camino Self Storage

Aug 2, 2019

Re: Proposed Viejo Camino Self Storage

Dear Planning Commission,

I write in connection with the above planning application. I have examined the plans and know the site well. I wish to offer my support to the proposal.

I am aware of the concerns of some in the community that this proposal for infill development. However, I believe that most have not taken the time to review the project. Atascadero is growing quickly and the demand for this type of service is great and there is a lack of self storage inventory locally. The city has always said they wanted attractive developments along the El Camino corridor and this business has given up generous amounts of their property to preserve wetlands and will serve a great entry way into the city. The proposed project is the most attractive facility of this type I have seen and it should not be judged by the low quality construction of existing mini storages. Also based on the zoning, challenges of constructing on the property, this project is a great use of this blighted property.

Sincerely,  
Keleen Miller

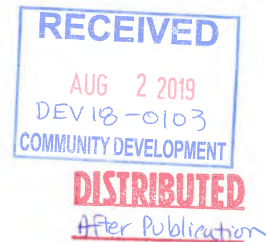


Exhibit L  
PC Meeting of 8-6-19

Sally Dexter Smith

(Video)

File located in DEV18-0103 on t: drive

Exhibit M  
PC Meeting of 8-6-19

Mail body: Mini Storage facility August...

Mini Storage facility August 1, 2019  
Project No. DEV18-0103

My wife and I have lived on Paloma Ct. now since 1995. We are one of the few originals left in our neighborhood. My wife has really seen Atascadero grow, since she has been in Atascadero most of her life.

We strongly believe the project that is up for approval, be denied. We don't feel its a good fit for our neighborhood at all. We are surrounded by homes ,condos and apartment buildings , a large set of metal buildings just doesn't fit.

Every morning at 6:45am I leave our street with my dog to go to Atascadero Lake Park for our morning walk. As I'm leaving our street there are small children walking to Paloma Park to catch the school bus. A lot of them from the Bordo Apartments, and some come up threw our street. They are walking right along side where the proposed driveway to this facility. Along with regular traffic from our Park, people going to work, sand trucks driving to and from the river bed. A real busy place all day long. Not to mention, when school gets out we have the same problems. I not sure if anyone has taken this into thought with a environmental report. That's just one of my concerns.

# 2 Since I've been here since 1995, I've seen just about everything as far as weather is concerned. From rain, snow and drought .

During the first year of living here we experienced El Niño, which we got a lot of rain. I've seen all of Paloma Park, under water. My living room window looks right out to the park. During that time I was really concerned about where was all that water going to go. The creek directly across from my house was a raging river. As I looked down our street in the direction of were this project will be, that whole area was under water for weeks. After doing some checking with the city, that's what that property was designed to do. So I was a little at ease.

For the next few years, we didn't have anything close to the same amount of rain, but, even with a regular storm the water would stay on that lot for days before it could drain down threw our creek. Also in the past few years the have been many housing projects, condos all funneling the drainage water right down threw our creek, as drainage was a concern for all of those projects. At this point, we are maxed out. There is no place for the water to go except up past the banks of the creek into the backs of our homes. Some have retaining walls, if this project is aloud to be built, the water will be up in our homes. Our drainage outlet here can't handle anymore water.

Lord, help us we have a heavy raining season again.

We feel the lot where the proposed project is, stay as is .

If this is approved, this will be a cement highway for all the drainage water, for that area to come threw our homes. This is not a good fit for our community. I urge that the city denies the project to move forward.

Let's keep this neighborhood, a neighborhood with family homes not cement driveways and metal buildings

Thank you, and we hope you will consider our concerns

Rob & June Fell





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*After Publication*

Dear Planning Commission,

July 31, 2019

My name is Susan Riojas, and I live on La Paloma Court. I am writing you about the proposed Mini Storage project (NO. DEV18-0103,) that is up for approval on August 6, 2019. My husband and I bought our house on La Paloma Ct. in 1995. When the homes were first built. We loved the area of the home, at the time it *was in the San Gabriel school boundaries, so my children did not have to change schools. We felt this was a good place for us to raise our children.*

In addition, we liked the neighborhood, a small group of homes with our back yard sitting right next to La Paloma Creek and overlooking the park, it is very beautiful in the mornings looking out at all trees and wildlife that is at the park.

However, I do have a few of concerns concerning the project that is being proposed for the meadow on Viejo Camino. But I will focus on the problem it is going to create with the creek that flows behind our back yard. The property that this storage facility will be built on serves a process for our community. It has a creek that runs though it during the rainy seasons. The water flows though the meadow, under Viejo Camino Road and into the creek that runs between the houses and the park.

With this letter I have taken the liberty of including some pictures taken of the creek behind my house, these pictures were taken in January 2017 and that wasn't even a bad rainy year. You can see how the water comes up to the park. So, if the Mini Storage facility was built, the water would have nowhere to go. It would flood, the Colony Home that sits next to the meadow, then it would flood the creek, the park and the homes that sit adjacent to the creek.

In conclusion, I would encourage you to take a good look at this proposal and make sure that it is a good fit for our neighborhood.

Thank you for your time,

Susan Riojas









This is a current  
picture of the  
meadow.  
Thank you

Exhibit O  
PC Meeting of 8-6-19

Daniel Neeley

(Video)

File located in DEV18-0103 on t: drive

August 5, 2019

Secretary to the Planning Commission  
6500 Palma Avenue  
Atascadero, CA 93422



**DISTRIBUTED**  
*After Publication*

Dear Planning Commissioners and Staff,

I am writing to support the approval of the self storage facility on Viejo Camino.

The property has looked abandoned for years and is more blight than anything else. The self storage facility would be a great in-fill project and provide a much needed service. I have seen the artistic renderings and the landscaping and building designs are very attractive. The proposed project will be a great fit for the property and the appearance will only enhance the area.

Thank you,

Sean Doyle

City of Atascadero Community Development  
6500 Palma Ave  
Atascadero, CA 93422

July 31, 2019

Re: Dove Creek Mini Storage



I have reviewed the information surrounding the Dove Creek Mini Storage proposed at 11450 Viejo Camino and am excited about the potential of this project. As owner of S.D. Franklin Electric, Inc., I know firsthand that many contractors are operating businesses out of their homes, they are challenged to find storage space and could greatly benefit from a facility like the one being proposed. Current availability of storage units is extremely limited, and the quality of current facilities are lacking.

The property that Scott Newton purchased had been on the market for a significant period of time and I fear will remain undeveloped should he not be allowed to move forward. This is a great opportunity for our community to enhance an unattractive area with a beautifully designed facility and simultaneously satisfy a demand for storage.

Sincerely,

Stephen Dummit

July 30, 2019

Attention Planning Commission:

As an advocate for and supporter of personal property rights, I am concerned about the handling of the Dove Creek Mini Storage proposed at 11450 Viejo Camino. The DRC's position and subsequent recommendation by city staff to initially deny the project with an explanation of "the project is not the highest and best use of the property" is not sufficient. While it might not be the most preferred use of the property, Scott purchased that land with a mutual understanding that his mini-storage facility is indeed an allowable use with a CUP. Our Planning Commission consistently approves CUP's and I don't see any reason why this one should not be approved as well. Please allow Scott Newton to complete his project on the land he owns.

Respectfully,



Chris Ferree

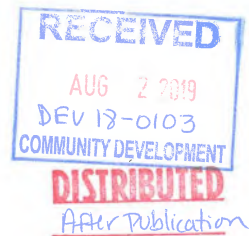


Exhibit S  
PC Meeting of 8-6-19

**Annette Manier**

**From:** rudy garcia  
**Sent:** Sunday, August 4, 2019 3:12 PM  
**To:** Annette Manier  
**Subject:** new Storage

8/06/19

City of Atascadero Planning Commission,

The proposed self storage facility is the type of balanced development Atascadero needs. I greatly appreciate that the owners have decided to develop it with such a park like setting with the large wetlands feature and generous landscaping. It should serve as an example for other developments. Currently the property is an eyesore and there must be a reason why it has never been developed, and I assume it is due to the restrictive zoning and the challenges of the property itself. The city should gladly welcome this project and the great increase in property value (and thus property taxes).

Thank you,  
Rudy Garcia  
Comfort living





**Annette Manier**

---

**From:** Anissa Hedges  
**Sent:** Tuesday, August 6, 2019 2:47 PM  
**To:** Annette Manier  
**Subject:** Mini Storage

City Staff & Planning Commissioners,

I am writing to give my support to the Dove Creek Mini-Storage Project on your agenda for 8/6. The facility is well-designed and our community is in need of additional storage facilities. It would also make that area much more attractive! Thank you for your consideration.

Anissa Hedges



**DISTRIBUTED**  
After Publication

Exhibit U  
PC Meeting of 8-6-19

## Support Letter

City of Atascadero: Community Development



**DISTRIBUTED**  
*After Publication*

7/28/19

To City Staff & Planning Commissioners,

### Dove Creek Mini Storage

As residents of Dove Creek, we think it would be great to see the property developed. The proposed storage facility has a design and look that is far superior to its competitors. This side of town could really benefit from having self-storage available with all of the apartments and homes that have minimal storage space. Perhaps some businesses could take advantage of increased traffic as well. This project would be a great fit for the neighborhood, and we would like to see it approved.

Sincerely,

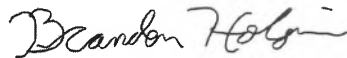
Jared & Charise Holcolm

July 27, 2019  
City of Atascadero Community Development  
6500 Palma Ave  
Atascadero, CA 93422

To: Chairperson Tom Zirk, Vice Chairperson Mark Dariz, Commissioner Duane Anderson,  
Commissioner Jan Wolf, Commissioner Michael Shaw, Commissioner Ellen Beraud  
Commissioner Jeff van den Eikhof

I am writing to extend my support for the Dove Creek Mini Storage project. I have seen and heard the efforts to identify Santa Barbara exit as a gateway entrance into our community. As someone that frequently uses that exit, I can tell you it's not the gateway to Atascadero. I believe the storage facility would be a great addition. Scott has designed and is proposing something that will be visually appealing and will also provide a much-needed service. I have a very difficult time with the idea of city staff and/or officials deciding that a project should not be developed because it might not be the ideal use of the land. Is that not what municipal code and zoning is for? This CUP should be approved.

Respectfully,



Brandon Holguin



August 1, 2019  
City of Atascadero Community Development  
6500 Palma Ave  
Atascadero, CA 93422

To: City Planning Staff, Chairperson Tom Zirk, Vice Chairperson Mark Dariz,  
Commissioner Duane Anderson, Commissioner Jan Wolf, Commissioner Michael  
Shaw, Commissioner Ellen Beraud, Commissioner Jeff van den Eikhof

I see that the Dove Creek mini-storage facility is finally on the Planning Commission's agenda for Tuesday 8/6. While I am encouraged to see that the DRC is recommending approval with conditions, I feel the need to express support for the project based on its history. When it was before PC previously, members of the public spoke against the project saying they would rather see it be a park or soccer field. One of those members of the public now sits on the Planning Commission and I sincerely hope that her previous position on the matter has changed. If the city was interested in having a park or recreation field at the property in discussion, they had over 7 years to purchase it and do so. Mr. Newton purchased the property knowing that his mini-storage facility was an allowable use with a CUP approval and there really are not any grounds for denying his CUP. I would like to urge the Planning Commission to approve this project and follow the DRC's recommendation.

Respectfully,



Patrick Ibarra  
Ibarra Creative



**Annette Manier**

**From:** Kelly Gleason  
**Sent:** Friday, August 2, 2019 2:21 PM  
**To:** Annette Manier  
**Subject:** Fwd: Protesting Project No. DEV18-0103, Mini Storage

Kelly Gleason  
Senior Planner  
City of Atascadero  
805-470-3446



----- Original message -----

**From:** Sydney Li  
**Date:** 8/2/19 9:39 AM (GMT-08:00)  
**To:** Kelly Gleason <kgleason@atascadero.org>  
**Subject:** Protesting Project No. DEV18-0103, Mini Storage

Hello Kelly,

If someone takes \$50,000 out of my pocket, against my will, and put it in his own pocket, that is robbery.

Should there be a hearing on whether he should do the robbery, or not do it? Obviously not. He should not do it, period.

But this Project No. DEV18-0103, Mini Storage near the intersection of El Camino and Viejo Camino, where we are going to have a hearing on Aug. 6, is essentially the same thing. Someone will be taking more than \$50,000 out of my pocket, for his own benefit.

I am a homeowner at \_\_\_\_\_ in Atascadero, across the street from the proposed mini storage. If the mini storage is built, my home value will go down for more than \$50,000.

You belong to the "Community Development Department" of the City of Atascadero. We should develop communities, make them better. But this mini storage is going to do the exact opposite. It is going to destroy this community, making it much worse.

This is such a beautiful, quiet, residential community we have here. But someone wants to put a mini storage right in the middle of it. It will be such an ugly sore. It will change the nature and the outside perception of the community forever, for the worse. Traffic will increase. All kinds of shady people will come and go at the mini storage. Streets will be littered with trash from time to time, maybe even syringes, used condoms, and feces.

That is not "Community Development". That is not community development at all !

Will you want a mini storage right next to your home? I bet you will not.

For those supporting, wanting this mini storage, will they really want one right next to a home they own and they live in? I bet most normal people will not.

Then, why doing this to us? Why forcing this on us?

Even if the City of Atascadero does not really care about us, who owns homes in this beautiful neighborhood, even if the Community Development Department does not really have the best interest of this community in its heart, I hope the City will at least consider its own long-term best interest when deciding on this project. Once the neighborhood goes down, property value goes down, good people will be moving out. And property value will go down further, which is usually a self fulfilling death spiral. Just think about those inner city areas in Chicago, Detroit, or Atlanta, those places you don't want to go to even during the day. If you go back many decades, those were once nice, prosperous neighborhoods. It is a very sad thing. Once neighborhoods go down, property values go down, property tax revenues for the City go down, too.

Best regards,  
Shuyun Li

City of Atascadero  
Community Development Department  
Attn: Kelly Gleason  
6500 Palma Avenue  
Atascadero, CA 93422

RE: Mini Storage, Scott Newton  
11450 Viejo Camino, APN 045-342-009  
11505 El Camino, APN 045-341-010



Dear Ms. Gleason

I am writing to express my acrimonious opposition to the development planned for 11505 El Camino Real and 11450 Viejo Camino. I am strongly opposed to this development for the following reasons: Seasonal rain watershed, indigenous wildlife displacement, and traffic congestions, impact as well as assorted safety issues.

I am a resident of the south side of the La Paloma neighborhood specifically :  
and have resided here for over 9 years. During the past 9 years, I have personally witnessed seasonal rain off drainage, traffic, as well as safety, concerns. Allowing a development of this magnitude will only exasperate the existing concerns and challenges of the neighborhood.

To begin, I would like to express serious concerns of the impact this development would have on seasonal rain run off drainage. According to a study reported by Michael Brandman and Associates (Draft EIR\36220001 sec 03-05), The united States Department of Agriculture Soil Services indicates that the Atascadero soils comprise of Arnold Loamy sand 9 to 13 percent slopes, Oceano loamy sand 2 to 9 percent slope, Lockwood shaly loam 2 to 29 percent slopes and Handford and Greenfield soils 2 to 9 percent slopes. This type of soil has an average percolation rate of 1-8 inches per hour. Paving or concreting over this area would add approximately 6 acre feet of water run off per hour or approximately **1.99** million gallons of water per hour or 32585 gallons per minute. Runoff of this extreme magnitude is documented as producing moderate to extreme property damage or loss and extreme erosion.

Secondly, I would like to address the impact this development would have on regional and indigenous wildlife. This area is known as, well as documented, as a natural migration route for resident deer and seasonal waterfowl as well as other environmentally sensitive wildlife. Blocking this area from these natural migration routes and sessional habitats would significantly displace and affect, as well as possibly causing a significant decline in the local wildlife populations.

Finally, I would like to express concern regarding traffic congestion, impact and safety. Currently, the road infrastructure cannot handle the projected impact in traffic or type of vehicle that would be traveling down Viejo Camino. For example, the concrete bridge on the south side of La Paloma Park measures exactly 20 feet wide with no shoulder. Given the average width of a semi-truck, or large moving van, or fifth wheel trailer being approximately 9.5 feet (including mirrors) only allows a clearance between vehicles of approximately 1 foot. An increase in this



type of vehicular crossing traffic on this bridge is extremely unsafe. A significant increase in this type vehicle traveling on Viejo Camino will statistically increase the occurrences of vehicle collisions

To conclude, this development project should simply not be approved for the above reasons. Approval of a development in this location is irresponsible and un-warranted. Your consideration in this matter is greatly appreciated.

Sincerely

Bill Murrieta

!

**Annette Manier**

**From:** Chris Neary  
**Sent:** Monday, August 5, 2019 4:15 PM  
**To:** Annette Manier  
**Subject:** City Hall Connection: You are the new Rep For Chris Neary



**DISTRIBUTED**  
*After Publication*

RE: Use permit for 11450 Viejo Camino & 111505 El Camino Real (Mini Storage)

As a landowner near the proposed project, I wish to register my opposition based on the following reasons:

- 1) The proposed replacement of the natural "blue line" drainage with an engineered wetland and channelized drainage does not comply with the General Plan policy for a 20-foot setback from all jurisdictional creeks and watercourses. The proposed channelized drainage will have no setback from one project building and will move the drainage to within 25 feet of the adjacent property, increasing flooding risk for the owner of this Colony home.
- 2) The proposed project will create a solid wall of buildings to the north of the adjacent residential property, replacing their rural view with a simulation of a prison wall. No effective mitigation is proposed.
- 3) The proposed project would allow general lighting until 11PM, inconsistent with the surrounding neighborhood. The adjacent Paloma Park only permits lighting until 9PM, which I can see from my property which is 1/4 mile away. My family normally goes to sleep at 9:30, so the project lighting will likely disrupt our routine.
- 4) The Environmental Analysis screened Agricultural Resources impacts as "Not Applicable" by relying on web-based tool, ignoring the Terra-Verde's finding that property is regularly grazed by goats. The inconsistency of these two findings ignore reality and only serve to further the applicant's desired use.

For all these reasons, I urge the Planning Commission to deny this request.

Chris Neary

DO NOT REPLY DIRECTLY TO THIS EMAIL!!!

Please Click Link Below to View The request and respond from there.

[https://www.atascadero.org/legacysites/index.php?option=com\\_chc&page=ticketinternal&tracking\\_id=2468](https://www.atascadero.org/legacysites/index.php?option=com_chc&page=ticketinternal&tracking_id=2468)

July 30, 2019  
City of Atascadero Community Development  
6500 Palma Ave  
Atascadero, CA 93422



Re: Dove Creek Mini Storage

The intention of this letter is to offer my support of the Dove Creek Mini Storage proposed at 11450 Viejo Camino. It really seems as though this project has received unfair treatment based on a sentiment that "the project is not the highest and best use of the property."

A few years ago, while hearing an appeal to a previously approved CUP, Mayor Moreno (Councilmember at the time) said something along the lines of "you really don't want five people to sit up here with the power to decide which types of businesses we think are best...it has to be about what is allowable and compatible."

I would encourage the seven Planning Commissioners to take a similar approach and approve Mr. Newton's CUP so he can develop his property.

Sincerely,

Tiffany Riojas  
*Tiffany Riojas*

**Annette Manier**

---

**From:** Kelly Gleason  
**Sent:** Friday, August 2, 2019 8:17 AM  
**To:** Annette Manier  
**Subject:** FW: Project No. DEV18-0103, Mini Storage

Kelly Gleason  
Senior Planner | City of Atascadero  
805.470.3446 | [kgleason@atascadero.org](mailto:kgleason@atascadero.org)



**From:** Kelly Gleason  
**Sent:** Friday, August 02, 2019 6:51 AM  
**To:** Kelly Gleason  
**Subject:** Project No. DEV18-0103, Mini Storage

Kelly,

I am writing to you in regards to the above project stated in the subject matter box. I have been living in the La Paloma Ct. neighborhood for seven years and did not buy my home with the thought of having a storage facility across the street. This neighborhood is the closest thing I have to owning property that is quiet, well kept, full of active individuals that take pride in our homes that are affordable. This past winter has been very advantageous with all of the rain. Our homes have good drainage and no water flow issues that may cause flooding. Working for Caltrans for 21 years and at one time holding the Storm Water Coordinator position I understand what can happen when new assets are introduced into an environment that work well for the occupants as well as the wildlife. Bringing in a storage facility with many different types of renters brings with it a whole lot of possible scenarios that may affect drainage and runoff contamination. Vehicles that come and go that may possess fuel, oil and other hazardous issues. Storage units that may house items of hazardous waste or other liquid that can get into water ways from drainage at the storage facility pose danger to all in the surrounding area. Keep in mind that there are churches, daycare facility, community garden, livestock, a park where many enjoy sport activities and areas to walk and enjoy dog time. All of that can be destroyed or negatively affected with mismanagement of the storage facility. I strongly urge you to reject this proposal and respect all those that have occupied the surrounding area of this project. There are many other areas of Atascadero that this type of a facility would be better suited for, for instance closer to the Del Rio area where there are other storage facilities and business areas. I thank you for your time and welcome any questions you may have.

Sincerely,  
Carol Salas

August 2, 2019

Attn: Planning Commission and City Staff

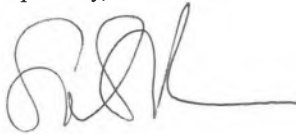
Re: Dove Creek Mini Storage

I am writing in support of the Dove Creek Mini Storage proposed at 11450 Viejo Camino. There is a definite need in our community for additional storage. The current facilities available in Atascadero are either completely full, rundown, poorly managed or some combination of those three.

The mini-storage facility that is being proposed at Dove Creek brings a level of design that is far superior and will attract a higher caliber of clientele. The land in question has been undeveloped for years and this storage facility would be a great fit. Our General Plan identifies the Santa Barbara/El Camino area as a gateway. This project makes that gateway far more attractive than what currently sits there.

I hope the Planning Commission will follow through with the DRC's recommendation to approve the project.

Respectfully,



Sommer Shahan



Exhibit DD  
PC Meeting of 8-6-19

July 31, 2019

Secretary to the Planning Commission  
6500 Palma Avenue  
Atascadero, CA 93422

Dear Planning Commission,

I am writing to urge you to support the development of the self storage facility on Viejo Camino. The self storage development is critical because it assists with affordable housing by giving those who live in apartments and smaller homes a means to store their personal belongings. Having a larger home and garage is not possible for everyone and with self storage local residents can rent just the amount of additional space they need at that time.

The new development replaces a virtually abandoned and dilapidated site with a balanced development that has wetland restoration and generous landscaping setbacks. It will serve as a great infill project and will be both aesthetically pleasing and provide a much needed service.

Sincerely,



Mark Barnett

5325 Mercedes Ave  
Atascadero CA 93422



Exhibit EE  
PC Meeting of 8-6-19

July 31, 2019

Secretary to the Planning Commission  
6500 Palma Avenue  
Atascadero, CA 93422

Dear Planning Commission,

I am writing to urge you to support the development of the self storage facility on Viejo Camino. The self storage development is critical because it assists with affordable housing by giving those who live in apartments and smaller homes a means to store their personal belongings. Having a larger home and garage is not possible for everyone and with self storage local residents can rent just the amount of additional space they need at that time.

The new development replaces a virtually abandoned and dilapidated site with a balanced development that has wetland restoration and generous landscaping setbacks. It will serve as a great infill project and will be both aesthetically pleasing and provide a much needed service.

Sincerely,



Colleen Barnett  
5325 Mercedes Ave  
Atascadero CA 93422





# Land Use Study



DOVE CREEK SELF STORAGE  
11405 & 11505 EL CAMINO REAL  
ATASCADERO, CA 9342  
045-342-0010 | 045-342-0009



Submitted by S. Newton

**DISTRIBUTED**  
After Publication

PREPARED BY  
LSA ARCHITECTS LLC  
1601 5TH AVE. FLOOR 11  
SEATTLE, WA 98101  
808-895-2682  
Loch@LSAArchitects.com

1601 5TH AVE FLOOR 11 SEATTLE, WA 98101

LSA  
ARCHITECTS

## INTRO

The proposed Dove Creek Self Storage is planned and designed to complement the surrounding community. The development includes a native landscape and street tree border with expansion of the existing wetland area including a walking trail connecting Paloma Creek Park to the Dove Creek Nature trail. The project will have minimal impact on resources with low use of water, power and very little traffic. The self storage facility is anticipated to be an asset to the community, providing personal and business storage services, while representing itself as a good neighbor with contextual building design and maintained landscape.

## COMMUNITY BENEFITS

- o New Sidewalks and bike lanes along Viejo Camino and Camino Real
- o Walking path connecting Paloma Creek Park to Dove Creek trail
- o Landscape border on all sides with Native trees and plants, providing shade and animal habitat
- o Wetland area to be enlarged and planted with native plants
- o Minimal use of resources, energy, water, sewer
- o Almost no traffic or noise pollution
- o Commercial and Private storage in an area where existing facilities are 99% full
- o Increased property tax with change of use from Single Family Residence

## PROPERTY DATA

**Zoning Designation - P** (Public Facilities)

**Lot Area - 4.15 Acres** (combined total)

LAND USE & ZONING



Source: ArcGIS Land Use & Zoning webmap viewer 09/14/2018

VICINITY MAP



Source: ArcGIS Land Use & Zoning webmap viewer 09/14/2018

1601 5<sup>TH</sup> AVE FLOOR 11 | SEATTLE | WA 98101

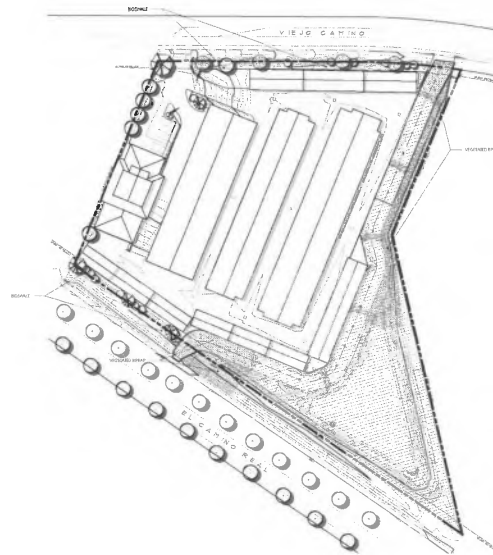
LSA  
ARCHITECTS

## SITE AND BUILDING RELATIONSHIPS

**Site Development** - A combined application of retaining walls and grading to form a terraced site. The use of walls, fences and landscaping is intended to soften the inherent juxtaposition between the different zoning standards of adjacent properties. Sight breaks and landscape transitions to adjoining properties in order to maintain harmony in texture and massing that is compatible with the vicinity context.  
Required Setbacks: Front & Rear -10 ft | Side yard – none  
Proposed Setbacks

**Placement, Height & Scale** - Building placement, height and scale are to be consistent with the proposed use, designed to have unit modules which are varied in height to provide visual relief and compatible with the zoning district and existing adjacent 35 ft building Height Limit.

PROPOSED SITE PLAN



**Form** - Variation of detail, form and siting are used to reduce the impact of the building form that is consistent with the building typology associated to the proposed use. Large blank walls and Roof profiles of the proposed buildings are broken into segments and architecturally detailed. Exterior wall elevations of the buildings shall incorporate landscaping into the overall design to alleviate the appearance of flat void surfaces when fronting the Public Right of-Way or are visible from public view.

1601 5<sup>TH</sup> AVE FLOOR 11 | SEATTLE | WA 98101

LSA  
ARCHITECTS

**Scale** - Consistent with proposed use while being considerate of the overall consistency of the neighboring developments.

**Materials** - Selected for the suitability of the proposed use and considerate of the neighboring developments.

**Colors** - Harmonious natural earth tones. Color changes to be applied as accents or correspond to the differentiation of materials and textures to which they applied.

SOUTHWEST ELEVATION



#### WETLAND & OPEN SPACE PRESERVATION

**Existing Area** - 0.77 acres (2017 survey)

**Proposed Area** - 1.35 acres (proposed site layout)

**Classification** - Palustrine Emergent/Persistent (PEM1A)

**Characteristics** - Herbaceous marshes, swales, and wet meadows. Surface water is present for brief periods (from a few days to a few weeks) during the growing season, but the water table usually lies well below the ground surface for most of the season.

**Vegetation** - Usually dominated by perennial plants; consisting of trees, shrubs, and grasses. This vegetation is present for most of the growing season in most years, and normally remains standing at least until the beginning of the next growing season.



PEM1A preservation

Source: NWI mapper, National Wetlands Inventory (NWI). U.S. Fish and Wildlife Service. 09.14.2018

1601 5<sup>TH</sup> AVE FLOOR 11 | SEATTLE | WA 98101

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## LANDSCAPE

Heavy Landscaping is utilized between the residential zoning districts and the proposed development. The natural topography and landscape of the site gently slopes to the South, South East and contains a wetland area.

**Preservation** - The site contains a designated wetland area. The wetland area is retained for its environmental value and opportunity to preserve Open Space aspects of the site.

**Vegetation** - Native, drought tolerant plantings appropriate for the ecology of the site.

**Form** - Ground forms, rock groupings, and plantings in group massings to maintain a more natural appearance of a "meadow's edge". Tree groupings and screens, implemented to reduce solar heat gains and heat island effects associated with paved surfaces and to provide shade for the users.

## STREET VIEWS – existing & proposed

LOOKING NORTH FROM EL CAMINO REAL (EXISTING)



LOOKING NORTH FROM EL CAMINO REAL (PROPOSED)





LOOKING EAST FROM EL CAMINO REAL (EXISTING)



LOOKING EAST FROM EL CAMINO REAL (PROPOSED)



LOOKING SOUTH FROM VIEJO CAMINO (EXISTING)



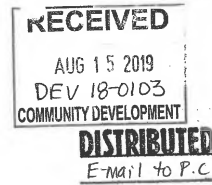
LOOKING SOUTH FROM VIEJO CAMINO (PROPOSED)



1601 5<sup>TH</sup> AVE FLOOR 11 | SEATTLE | WA 98101

LSA  
ARCHITECTS

From: CLYDE W SNIDER  
Sent: Thursday, August 15, 2019 1:55 PM  
To: Phil Dunsmore <pdunsmore@atascadero.org>  
Subject: Public comment on DEV 18-0103



Dear Mr Dunsmore:

Please include these comments in the City Council appeal file on this project.  
Also, please forward to Planning Commission members as feedback on the conditional use resolution hearing of 6 August 2019.

Thank you,  
Clyde Snider

Members of the Planning Commission:

As a homeowner/neighbor in the Paloma Creek area, I both wrote a letter and spoke against this project, along with at least 20 of my neighbors. Despite the overwhelming opposition to the project by residents and property owners, particularly those with hydrology/flood control concerns, the Planning Commission voted 3-2 to adopt the draft resolution approving the conditional use permit for applicant Newton.

The developer's interests were represented by hired professionals, himself, business associates from around the county, as well as Atascadero business people who live in other neighborhoods, including a business owner who formerly sat on the Commission (potential conflict of interest/unethical lobbying?).

My understanding, perhaps misplaced, is that public input is intended to gauge the impact of the project on the neighborhood, not to be a forum for the developer's advocates supporting a commercial enterprise, particularly one that provides little to no revenue, jobs or value to the city.

Mini-storage units typically are cash machines generating 30% ROI- the negligible fees they generate would be gobbled up by any significant public safety response at the business. This semi-industrial "infill" does not generate jobs or contribute any significant way to the balanced economic development of Atascadero. The fact that the developer has put

significant resources into the project should not be a basis on which to make a poor decision, it should be whether it meets General Plan community criteria.

It appears that passage of the draft resolution was pretty much baked in after the Commission instructed the DRC to develop a modified use plan after the January meeting, despite initial recommendation of denial in November 2018.

It also seems that all the pertinent elements of the General Plan were basically ignored (civic gateway, beautification and maintaining rural character, semi-industrial building in a residential neighborhood, no significant economic impact to the city, watershed and flood management) in favor of a finding that General Plan requirements are met by providing "infill".

Allow me to comment on the discussion including the mixed, and to me, not always coherent response and votes from the Commissioners:

Ms. Keen- congratulations on joining the Commission and for your "no" vote succinctly summarized-- the project is not compatible with the neighborhood.

Chairman Zirk- I am still not clear over the rationale for your "no" vote- "send it back to City Council" (?). Was told it meant decision can be appealed. Wouldn't that have been the case even with a "yes" vote? You obviously have a good understanding of the moving/storage business, but I didn't hear you explain the vote.  
It seemed to me you ran the meeting very "flexibly": many were permitted to speak well beyond the two minute period, many spoke after the public comment period closed, some for second time. In retrospect I wish I had spoken again in summation as my initial presentation was not very articulate.

Ms. Wolff- You seemed uncertain and tentative, a reluctant "yes" vote, no explanation given. No principled stand or illuminating questions during presentation and comments.

Mr. Anderson- Lost in among the trees in the forest. Too many minutiae questions, no sense of overarching planning issues. "If the zoning permits a parking lot, why not mini-storage units"? Where was the focus for "highest and best use"? AWOL- just, what can we do with this problem child site? Nature center, park perhaps too obvious.

Mr. Dariz- in your seconding statement you sneered at the stated concern of neighbors wanting to preserve the natural, rural character of the site and neighborhood. You stated "I've got plenty of nature out my back yard... I don't want to see that lot sit empty..." Wrong, Mr. Dariz, it is not about you, it's about appropriate land use, and the concerns of the neighborhood residents. No empty lot not worthy of grading in your eyes, apparently- Atascadero open for business- long live the strip-malling of the city!

Sincerely,  
Clyde Snider



**Lara Christensen**

---

**From:** Kate Neiswender <katelawventura@gmail.com>  
**Sent:** Thursday, August 29, 2019 9:26 AM  
**To:** Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom; Rachelle Rickard; Lara Christensen  
**Subject:** Dove Creek Self Storage -- Hearing Sept. 10th -- CUP DEV18-0103  
**Attachments:** DCSS-City1-ltr.pdf

Please see attached correspondence concerning the Dove Creek Self Storage Project -- Hard Copy to follow

Kate Neiswender  
Law Office of K.M. Neiswender  
PO Box 1225  
Blue Jay CA 92317  
805.654.1557  
cel 805 320-2520

**LAW OFFICE OF K.M. NEISWENDER**  
Land Use • Business • Environmental

Phone: 805.654.1557  
Cel: 805.320.2520

Email: [KateLawVentura@gmail.com](mailto:KateLawVentura@gmail.com)

Ventura Office: 770 County Square Drive, #101  
San Bernardino Office: 473 E. Carnegie Way, 2d Flr.

Mailing Address:  
Post Office Box 1225  
Blue Jay, California 92317

August 29, 2019

City Council of the  
City of Atascadero  
6500 Palma Drive  
Atascadero CA

*By Email and US Mail*

Re: Dove Creek Self Storage -- Conditional Use Permit (DEV18-0103)  
and Negative Declaration (SCH# 2019069058)  
Hearing on Appeal From Planning Commission – September 10, 2019

To the Honorable City Council:

This office represents Scott Newton, project applicant for the Dove Creek Self Storage facility located at the intersection of 11450 Viejo Camino and 11505 El Camino Real. We write to discuss the project and the City's analysis of the project as set forth in the Planning Commission's staff report. As of this date, we have not seen the staff report prepared for your Council.

It must be noted at the outset that the appeal itself did not meet the requirements of your ordinance (9-1.111). The appeal was not filed in the form of a letter (as required), and did not state any substantive reasons for the appeal. For this reason alone, the appeal should be dismissed without hearing, as we discuss in this letter.

The Planning Commission approved this project on a 3-to-2 vote on August 6, 2019. This was preceded by an approval recommendation from the Design Review Committee, the second time the DRC heard the project. The Planning Commission found that Dove Creek Self Storage met all the requirements of the City's zoning code and General Plan. If your Council moves forward with hearing the appeal despite its procedural deficiencies, we ask the Council to find the appeal has no merit, and allow the Planning Commission approval to stand.

**Project Details:** The Dove Creek Self Storage facility will include more than 80,000 square feet of self-storage, storage that is desperately needed in the City. According to 2018 study by Development Services, Inc., an independent consulting firm, more than 99% of the existing self-storage units in the area are occupied. The City's recent approval of more than 900 apartment units has created a demand for additional self-storage. Townhomes, smaller single-family detached homes, and new businesses created by economic growth in the area all increase self-storage demand. The City should not punish those who live in smaller residences from having access to additional storage space.

Atascadero City Council  
Dove Creek Self Storage Project  
August 29, 2019  
Page Two

Just as the City considers police, fire service and utility demands created by proposed new developments, it must consider the increased demand for self-storage, with demand higher for smaller and affordable units. For example, a 1,000 square foot unit will have only a small percentage of the storage space of a larger home, yet the same number of occupants may occupy that space.

Dove Creek Self Storage was designed to avoid environmental impacts, to assist in curbing flooding in the area, and to create an aesthetically-pleasing structure that is compatible with the existing community. A wetland area will be enhanced and new wetlands created. The Department of Fish & Wildlife has already commented on the project, and we expect sign-off by the end of September. The project is in compliance with all City requirements, including General Plan consistency and zoning, as the applicant was told by City staff more than 18 months ago.

We address each of these issues below, and respond to comments on the project from staff and local residents. We are convinced that if the Council reviews this project with the facts in hand, you will recognize that Dove Creek Self Storage is a needed component of City planning, and that it enhances and blends in with the community.

**Dove Creek Self Storage Has Been Designed To Blend In With The Community:**

Dove Creek Self Storage is not an industrial-looking building, surrounded by chain link fencing. This project has been designed to blend in with the neighborhood. Your Design Review Committee suggested multiple changes to ensure the facility was pleasing to the eye. Staff suggested – and the applicant accepted – color and material upgrades, steeper pitched roofs, additional landscaping and setbacks. The landscaped buffer (which averages more than 39-feet) around the facility is more than three-times greater than the setback required of the Dove Creek residential subdivision across the street.

The facility includes upgraded solid walls, and soft natural colors. Modifications to the design requested by the City and accepted by the applicant will increase the costs of construction by \$300,000.00. This is the level of commitment from the applicant: he wants to insure that the project provides needed services and – at the same time – blends in with the community.

At the hearing, you will be provided with photos of the current self-storage facilities in the City. There is no comparison. Dove Creek Self Storage is not only aesthetically pleasing, but a caretaker unit is included, which will insure 24-hour monitoring of the area.

A handful of local residents expressed concern about the “look” of the facility. The renderings of the Dove Creek facility show that it will not be like the existing self-storage facilities in the City, or those in other cities. Dove Creek Self Storage was designed to be both beautiful and functional. A quick, unbiased look at the architectural renderings, especially when compared to existing self-storage, will prove this.

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GENERAL PLAN POLICIES CONCERNING AESTHETICS

All of the City's General Plan policies that apply to the aesthetics of this project support approval:

Policy 1.3(2): Require landscaping and/or screening to buffer non-residential uses from residential areas.

and

Policy 1.3(8): Beautify the City's primary entryways indicated in by creating Civic Gateways. The freeway and other vehicular approaches to Atascadero shall be made more attractive through judicious application of the elements including landscaping, civic monuments, and rural character site development.

*"Judicious application" of landscaping and rural character site development were incorporated into the project's design by both the applicant and through the City's suggestions. The landscaping around the project was greatly increased due to City input (the landscaping budget is almost \$300,000.00), and the buffer averages 39 feet (triple the width of the buffer around the Dove Creek residential subdivision). Curbs and gutters and sidewalks are part of the project design, which enhance the area for walkers and cyclists (see Policy 2.3(3)).*

Policy 1.4: Ensure that "darkness" remain a rural characteristic by requiring that all exterior lighting does not result in significant off-site spillage or glare.

*Special lighting conditions have been incorporated into the project design, to minimize off-site glare.*

Goal LOC 3. Transform the existing El Camino Real "strip" into a distinctive, attractive and efficient commercial, office and industrial park area which can provide for the longterm economic viability of the community.

and

Goal LOC 3(6). Require new development to comply with provisions of the Appearance Review Manual specific to the El Camino Real corridor, including the incorporation of landscaping and pedestrian walkways, and providing reciprocal driveway access easements between sites, where feasible.

*The Dove Creek Self-Storage facility meets this goal, as an attractive and efficient commercial use that provides a critically-needed service to area residents. It incorporates landscaping and pedestrian walkways.*

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**The Dove Creek Self Storage Design Reduces Flooding Risk:** The Civil Engineering and Hydrology firm of Monsoon Consultants completed a “Drainage Report and Stormwater Control Plan” that was included with the Planning Commission’s staff report.

Local residents expressed concerns about the facility increasing flood risk, but the science shows the opposite to be true. New designs in hard permeable surfaces will be utilized at the facility, such that in a typical rain event, no rain will run-off the site. The stormwater plan includes an additional 40,000 gallons of rainwater harvesting capacity. Stormwater run-off will be diverted towards the center of the drive aisles between the buildings, and the rainwater will infiltrate through a newer substance known as “porous concrete.” Stormwater that does not percolate down into the ground through the porous concrete will enter a system of drainage inlets that discharge through two bubblers into a created wetland area. The wetlands portion of the project will be discussed in more detail below.

As a result of the design of the project, the rainwater harvesting component, and the created wetland area, Monsoon Consultants concluded that risk of flooding from two and five year storm events would almost be eliminated. The risk of flooding from a ten-year event would go down by two-thirds; the risk from a 25-year event would be halved. The risks from a 50-year and 100-year flood event would drop by about a third. The impacts of reducing the run-off will directly benefit the adjoining properties, as well as properties downstream. Damages from even a 100-year event will be less severe and that will benefit the City as a whole.

Local residents expressed concerns that the impermeable surfaces at Dove Creek Self Storage would increase flooding, but that is simply not the case. The engineering studies prove that. The stormwater design, the creation of and enhancement of three-quarters of an acre of wetlands, inclusion of rainwater harvesting, plus the new materials (such as porous concrete) all help in creating a project that improves percolation of stormwater, and decreases flooding risks by a significant margin.

#### **GENERAL PLAN POLICIES CONCERNING STORMWATER**

The City’s General Plan policies that concern stormwater also support project approval:

Policy 8.1.11: Areas subject to flooding, as identified through flood hazard overlay zoning and flood maps, shall be protected from unsound development consistent with the City’s flood hazard ordinance requirements.

*This project will decrease flooding risks by a significant amount.*

Policy 8.1.13: Support the establishment and protection of floodable terraces, wetlands, and revegetation along creeks and streams.

*This project expands the existing .014 acres of degraded wetlands to .77 acres of enhanced wetlands, and protects it for the life of the project.*

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Policy 8.5(2): Include design guidelines to minimize impervious surfaces and decrease off-site storm flows in the Appearance Review Manual.

*The project includes porous concrete, to allow stormwater to percolate into the groundwater. Off-site storm flows in the area will be decreased sharply due to the design of the project and the construction of the .77 wetland area.*

Policy 8.5(3): New development shall be required to maintain historic off-site storm flows unless improvements are made that maintain historic downstream and upstream flows.

*This project does not "maintain" historic off-site storm flows, but actually decreases risks. Flooding from two and five year storm events would almost be eliminated. The risk of flooding from a ten-year event would go down by two-thirds; the risk from a 25-year event would be halved. The risks from a 50-year and 100-year flood event would drop by about a third. This will benefit all local residents and the City as a whole.*

**The Creation Of Wetlands Is A Benefit To The Project and The City:** According to state and federal sources, there is a highly degraded blue line ephemeral drainage that crosses this site. Currently, that drainage passes through a culvert under El Camino Real, exits the project site via a second culvert at Viejo Camino and converges with Paloma Creek about a quarter mile east of the project site.

According to the biologists' report (Terra-Verde Environmental Consulting), the drainage is highly degraded and little quality habitat remains. Nevertheless, the project will re-direct the drainage into a wetlands area. The biologists found that there are several special status wildlife species have the potential to occur on-site, but none were present. Migratory birds could potentially use the site as well, but none were found.

#### **GENERAL PLAN POLICIES CONCERNING DRAINAGE/WETLANDS**

All of the City's General Plan policies that apply to this project support approval:

Goal LOC 6. Preserve natural flora and fauna and protect scenic lands, sensitive natural areas, historic buildings and cultural resources.

and

Policy 6.1: Ensure that development does not degrade scenic and sensitive areas, including historic sites, creeks, riparian corridors, wetlands, woodlands, hillsides and other valuable habitats.

*This project will enhance – not degrade – wetlands and other valuable habitats and may act to attract species back to the area.*

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Policy 8.1: Ensure that development along Atascadero Creek, Graves Creeks, the Salinas River, blue line creeks, and natural springs, lakes, or other riparian areas does not interrupt natural flows or adversely impact riparian ecosystems and water quality

*Due to existing development and long-term grazing, the drainage that crosses the project site is no longer "natural." It has run through culverts for some time, and the habitat is highly degraded. However, the project directs the drainage into a permanent wetlands area, which will result in enhanced habitat and potentially a return of protected species and migratory birds into the area.*

Policy 8.1(3): The waterways in the City shall be maintained in a natural state and concrete channelization creeks shall be prohibited.

*Due to existing development and long-term grazing, the drainage that crosses the project site is no longer "natural." The drainage is not being sent into a concrete channel, but instead re-directed to avoid the buildings and into the wetlands. The creation of .77 acres of wetlands is a benefit to bird and plant species.*

Policy 8.1(6): Prohibit new structures or disturbance of riparian habitat along creek banks except for restoration purposes.

*The restoration and creation of .77 acres of wetlands is a primary component of this project.*

**Summary:** The applicant for Dove Creek Self Storage believes that this project will be an important and valuable addition to the City and its residents, especially small businesses and residents of townhomes, apartments and smaller single-family detached homes, all of which typically lack sufficient storage space. The design and all recommended modifications have made this project one this Council can be proud to approve.

Your Council will note that most of the General Plan policies cited in this letter were **not** included in the staff report prepared for the Planning Commission. Frankly, we find that to be evidence of bias on the part of City staff; more on that issue is detailed below. Instead of finding that the project was in compliance with multiple City policies, the staff picked only a few policies and claimed that the analysis could go either way. We hope the analysis in this letter provides more clear direction to you.

Objections by local residents are based on a lack of information, and we are working to remedy that through community outreach. As shown by the engineering reports, this project will not increase flooding risk: it will reduce risks. The project does not harm wetlands and habitat: it will increase wetland areas and has the potential to lure special status species back to the City. It will not create a typical ugly-industrial storage area: it creates a project that blends into the community, with wide landscaped buffers and pedestrian walkways, consistent with City policies. The opposition will melt away once the details of this well-considered project are realized.



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That said, the applicant has his own concerns about the process that led us to this Council hearing.

**The Validity of The Appeal and Due Process Concerns:** The City's Code (Section 9-1.111) states that an appeal "shall be filed in the form of a letter setting forth the reasons for the appeal." No such letter was lodged with the City within the 14 day appeal period. Instead, there was an email, which does not meet the plain language of the code.

The code requires the appeal letter to set forth the reasons for the appeal. We would suggest that a possible reason for appeal could be that a project violates a General Plan policy, or perhaps that a project requires additional mitigation; these would be substantive reasons. Instead, there were three reasons listed for the appeal:

***First***, that the project was approved by a 3-to-2 vote; that is not a reason for appeal.

***Second***, that one of the Planning Commissioners expressed an opinion that the decision should be reviewed by the City Council, but that Commissioner did not appeal and the Commission took no action on the Commissioner's suggestion.

***Third***, that some area residents left the hearing feeling that their opinions had not been considered; again none of those residents appealed.

Thus, substantive reasons for the appeal were not stated. We believe that the code requires a substantive reason for appeal, not just a "feeling" that an appeal would be nice.

Furthermore, we understand that a local resident tried to appeal, but her appeal was rejected by City staff. She was informed that a City Council member was going to appeal (it had not happened yet), so her appeal and fee were returned to her. Therefore, it appears that City staff took it upon themselves to reject a legitimate appeal, and to accept an appeal in the wrong form (no letter) with no legitimate stated reasons for appeal. This seems highly irregular at best and, at worst, the rejection of the first appeal was directed by Councilmember Fonzi, the appellant here.

In addition to these irregularities, City staff appears to believe that they can direct the process unfairly and without recourse. On August 13, 2019, planner Kelly Gleason sent the applicant a letter asking him to come into City offices with a check for the posting and recording of the Notice of Determination for the Negative Declaration approved by the Planning Commission. On August 22, 2019, the applicant went to the City with a check, but the City refused to take it, stating that the City Council (which obviously had yet to hear this matter) will be denying the project (see the attached Declaration of Scott Newton for details of that interaction).

When Mr. Newton tried to give Ms. Gleason the check that she requested for the Negative Declaration filing fee, she told him to just hold on to it. She said "The County will not return your money when the project is denied." Mr. Newton replied: "Do you have a feeling that City Council will deny my CUP?" Ms. Gleason responded: "Our feeling is it will not be approved." Mr. Newton then said he thought it very odd that the City Council was denying a

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project that had been approved by the Planning Commission, without a public hearing or a staff report, or the applicant's presentation. Ms. Gleason said "Well, staff has had a problem with the Planning Commission approving every project that reaches them. This will be good for them to understand that they need to take more time to review things."

At the time, Mr. Newton did not ask Ms. Gleason about why planning staff felt that they needed to give the Planning Commissioners a lesson, so he changed the subject. As he states in the attached declaration, he was shocked that staff had decided his project should not be approved, when that was not the conclusion from the staff report given to the Planning Commission.

We did not discover until August 27, 2019, that the appeal was only to the CUP portion of this Project, and not to the approval of the Negative Declaration. We received the notice for the September 10, 2019 hearing on August 27<sup>th</sup>, and it does not mention the Negative Declaration. Therefore, it would appear that the Negative Declaration approvals are final, and the City should have arranged for publication of the document pursuant to the California Environmental Quality Act (CEQA).

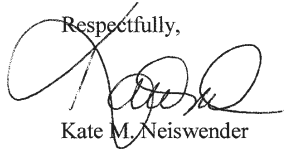
Under CEQA, the lead agency (in this case, the City) must file a notice of determination within five working days (14 CCR §15075(a)). That has not happened. A fee is needed to properly process the Negative Declaration, but the City refused to accept it. If City staff intends to manipulate the process in order to insure deadlines are missed, the applicant needs the County to accept the fee and properly post the document without the City's involvement (see attached letter to County Counsel). We assume City staff is acting in lieu of the Council and without Council direction. If staff is acting at the direction of the appellant – herself a Council member – that is truly egregious.

The irregularities in the filing and processing the appeal are not inconsequential. A violation of the applicant's due process rights puts the entire process in question. ***Because of this***, we ask the City Attorney to review the validity of the appeal itself: it was not in the form required by Ord. 9-1.111. There were no substantive reasons for appeal, as required by the ordinance. The appeal should be dismissed, without further action.

**Conclusion:** The concerns of the Design Review Committee, the Planning Commission and the public have been addressed through the design of Dove Creek Self Storage, through changes made by the DRC, and through stormwater designs and wetlands construction.

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Flooding risks, aesthetics and habitat concerns have all been addressed. If the appeal is not dismissed without action due to its procedural deficiencies, we urge the Council to approve this project, deny the appeal, and allow the Planning Commission approval to stand. The Council is also asked to instruct City staff to cooperate in the further processing of the project.

Respectfully,  
  
Kate M. Neiswender

cc: City Manager

**DECLARATION OF SCOTT NEWTON**

I, SCOTT NEWTON, declare and state as follows:

1. I am the applicant for the project known as Dove Creek Self Storage, to be located at El Camino Real and Viejo Camino in Atascadero. I have personal knowledge of all facts contained in this Declaration, and if called upon could and would testify competently thereto.
2. On August 22, 2019, I went to Atascadero City Hall at approximately 10:00 am to make the requested payment for the Negative Declaration filing fee in the amount of \$2,404.75. Senior City Planner Kelly Gleason had emailed me the request on August 13, 2019. I immediately wrote back and said I would be in to make the payment on August 20<sup>th</sup>, but did not hear back. I went into the City on August 22<sup>nd</sup> with the fee. When I arrived, I met first with the receptionist and told her I had a check for a filing fee. I told her I was not sure if Ms. Gleason needed to take it or if I could just leave it with the receptionist.
3. The receptionist tried to reach Ms. Gleason, but thought she was in a meeting. Unable to reach her, the receptionist turned around asked City staff member Annette Manier if I should just leave the check with her. Ms. Manier said the receptionist should not take the check, and said she would get Ms. Gleason. The receptionist told Ms. Manier she had tried already; Ms. Manier then said Ms. Gleason was just in a meeting with "Phil" and she (Ms. Manier) would get her. While it might sound like standard back-and-forth, the situation was unusual, with Ms. Manier acting as if she was uncomfortable with me being there.
4. Ms. Manier then left and Ms. Gleason arrived at the counter shortly after. I tried to give Ms. Gleason the check that she requested for the Negative Declaration filing fee but she told me to just hold on to it. She said "The County will not return your money when the project is denied." I said "Do you have a feeling that City Council will deny my CUP?" Ms. Gleason responded: "Our feeling is it will not be approved." I told her that I thought it was very odd that the City Council was denying a project that had been approved by the Planning Commission, without a public hearing or a staff report, or the applicant's presentation. Ms. Gleason said "Well, staff has had a problem with the Planning Commission approving every project that reaches them. This will be good for them to understand that they need to take more time to review things."
5. I did not talk to Ms. Gleason about why planning staff felt that they needed to give the Planning Commissioners a lesson, so I changed the subject. I was, frankly, shocked that staff had decided my project should not be approved, when that was not the conclusion from the staff report given to the Planning Commission.

I declare under penalty of perjury under the laws of the state of California that the foregoing is true and correct.

Dated: August 22, 2019

  
SCOTT NEWTON

**LAW OFFICE OF K.M. NEISWENDER**

Land Use • Business • Environmental

Phone: 805.654.1557  
Cel: 805.320.2520

Email: [KateLawVentura@gmail.com](mailto:KateLawVentura@gmail.com)

Ventura Office: 770 County Square Drive, #101  
San Bernardino Office: 473 E. Carnegie Way, 2d Flr.

Mailing Address:  
Post Office Box 1225  
Blue Jay, California 92317

August 28, 2019

County Counsel  
County of San Luis Obispo  
1055 Monterey Street  
San Luis Obispo CA

Re: Negative Declaration – Submission of Filing Fee  
Dove Creek Self Storage – 20019-0007 (SCH# 2019069058)

Greetings:

Attached is a check in the amount of \$2,404.75, made payable to the County of San Luis Obispo, for the recordation and posting of a Notice of Determination for a Negative Declaration for the above-referenced project. The Negative Declaration was approved by the Planning Commission of the City of Atascadero on August 6, 2019.

We understand that under normal circumstances, the City would process this fee for the County. City staff sent an email to the applicant on August 13, 2019, asking him to deliver the fee to the City. On August 22, 2019, the applicant went to the City with a check, but the City refused to take it, stating that the City Council (which has yet to hear this matter) will be denying the project; see attached Declaration for details of that interaction.

On August 27, 2019, the applicant was first informed that the appeal was to the issuance of a Conditional Use permit only, not to the approval of the Negative Declaration. The City Council hearing has been set for September 10, 2019. Therefore, under the California Environmental Quality Act, the lead agency (in this case, the City of Atascadero) must file a notice of determination within five working days (14 CCR §15075(a)), which passed two weeks ago. We are very concerned. If the fee is needed to properly process the Negative Declaration, the City has refused to accept it. If City staff intends to manipulate the process in order to insure deadlines are missed, the applicant needs the County to accept the fee and properly post the document without the City's involvement.

We ask the County to accept the fee for the Negative Declaration, so that it may properly be recorded as required by law.

Respectfully,  
  
Kate M. Neiswender

cc: Atascadero City Council  
Atascadero City Manager

**Lara Christensen**

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**From:** Don Vert <Don@pasoroblesglass.com>  
**Sent:** Thursday, August 29, 2019 10:53 AM  
**To:** City Clerk  
**Subject:** Dove Creek Self Storage

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

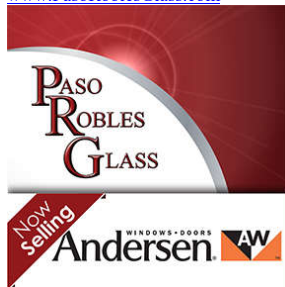
This email is to voice my approval of the Dove Creek Self Storage project. I have lived in Atascadero since 1975. Since then, I have seen many projects completed. Some good, some not so good. Having look at this project and the process it has already gone through, I feel it has more than met the criteria, in all aspects from Design through approval process. I can't help but feel that there is a hidden agenda tied to this appeal. This project is a win win for the city, property use and for the neighborhood. I urge you to please deny the appeal.

Don Vert

--

How is a replacement window installed? click link below  
<https://www.youtube.com/watch?v=AJIaNKDvQiA>

Don Vert  
Outside Sales  
**Paso Robles Glass**  
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cell 805-835-5879  
work 805-238-4014  
[www.PasoRoblesGlass.com](http://www.PasoRoblesGlass.com)



**Lara Christensen**

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**From:** Charise Holcolm <chariseholcolm@gmail.com>  
**Sent:** Thursday, August 29, 2019 6:52 PM  
**To:** City Clerk; Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Dove Creek Storage  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Attention City Council:

I am writing again, as a resident of Dove Creek, in support of the proposed self-storage facility. I previously submitted a letter to the Planning Commission and am disappointed to hear that their decision to approve has been appealed by a City Council member. There was a small amount of neighborhood resistance considering the size of the neighborhoods around this property. There are also neighbors that support this project. I understand at the last hearing that someone represented themselves as the President of the Dove Creek Community HOA when speaking to the Planning Commission in opposition. That person is NOT the current Dove Creek Community HOA President, the HOA has never polled us residents and he surely does not speak for me nor many of my neighbors.

I fully support the Dove Creek Mini Storage project. Currently the only storage I can find is at facilities that I would never trust to store my belongings. We deserve the option of having a high-quality, well-designed, local self-storage. Please don't let the few vocal voices deny us the needed service. I urge you to deny the appeal and to approve (again) the permit for the Dove Creek Mini Storage.

Thank You,

Jared & Charise Holcolm  
9172 Golondrina Court (Dove Creek)  
Atascadero, Ca 93422  
(805) 712-7016  
jaredholcolm@sbcglobal.net



**Lara Christensen**

---

**From:** Sean Doyle <dfd\_bc@yahoo.com>  
**Sent:** Friday, August 30, 2019 7:25 AM  
**To:** City Clerk  
**Subject:** Supporting Approval of Dove Creek Self-storage

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Mayor Moreno and Members of the City Council

Re: Supporting Approval of Dove Creek Self-Storage

Dear Mayor Moreno and Council Members:

It's no secret: New homes are getting smaller. As Atascadero considers more high and medium density projects to satisfy the demands of the state to provide its share of housing to address the state's housing shortage, more townhomes and apartments will come to our town. And with that will come increased need for storage – something Atascadero currently lacks.

Just as the City considers police, fire service and utility demands created by proposed new developments, it needs to consider the self-storage demand generated by the new homes it approves and the economic growth it encourages.

In order to ensure forward-looking planning, I urge you to support the Dove Creek Self-storage project to help meet the existing demand and the new demands that will be generated by future housing projects.

Respectfully,

Sean Doyle

9545 Casa Bella Ct

Atascadero, CA 93422

**Lara Christensen**

---

**From:** Annette Manier  
**Sent:** Friday, August 30, 2019 2:47 PM  
**To:** Lara Christensen  
**Cc:** Amanda Muther; Kelly Gleason  
**Subject:** FW: Notice of Public Hearing Mini Storage Appeal

**From:** Anissa Hedges <anissabhedges@gmail.com>  
**Sent:** Friday, August 30, 2019 2:44 PM  
**To:** Annette Manier <amanier@atascadero.org>  
**Cc:** Heather Moreno <hmoreno@atascadero.org>; Charles Bourbeau <cbourbeau@atascadero.org>; Roberta Fonzi <rfonzi@atascadero.org>; Susan Funk <sfunk@atascadero.org>; Heather Newsom <hnewsom@atascadero.org>  
**Subject:** Notice of Public Hearing Mini Storage Appeal

Annette,

I appreciate being informed of the upcoming City Council hearing to consider an appeal of the Conditional Use Permit for the proposed storage facility. However, I was very disappointed to learn that this appeal was filed by a City Council Member and I would like this email to serve as my show of support for the project, for a second time. The amount of hoops that this applicant is being asked to jump through is ridiculous, especially considering that his proposed use is clearly listed as a conditionally allowed use. Considering the amount of people that live near the property, there has been a VERY small amount of opposition from people that don't want to see anything built. I have friends living in Dove Creek that would love to have close access to a storage facility like the one being proposed. This project has been approved by Planning Commission two different times now. The appeal seems unnecessary, I recommend you deny it and uphold the approval of Planning Commission to allow Mr. Newton to build his project.

Thank you,

Anissa Hedges  
7000 San Andres Ave.  
Atascadero, Ca 93422

**Lara Christensen**

---

**From:** holleybare23 <holleybare23@gmail.com>  
**Sent:** Friday, August 30, 2019 3:11 PM  
**To:** City Clerk  
**Subject:** Dove Creek Mini Storage

Attention City Council:

Please accept this email as a second show of support for the Dove Creek Mini Storage project. I submitted a letter to the Planning Commission on 8/1/19 stating that current storage facilities available in Atascadero are either completely full, rundown, poorly managed or some combination of those three. The mini-storage facility that is being proposed at Dove Creek brings a level of design that is far superior and will attract a higher caliber of clientele. The land in question has been undeveloped for years and this storage facility would be a great fit.

I was glad to hear that the Planning Commission approved the CUP despite a small number of resistant neighbors from the same small neighborhood with the same argument. The PC did their job that night and it was the second time that a PC voted in favor of the project. I understand the project has now been appealed by a City Council Member and I find that to be both unnecessary and quite frankly, disrespectful. It is unnecessary from the standpoint that the project has been adequately reviewed, several times. This cannot be the intention of having an appeal process. With the appeal fee being waived, we will not be recouping any of the costs associated with bringing this before Council. I find the decision to appeal to be disrespectful toward the Planning Commissioners that were diligent about extending the noticing radius to include more neighborhood input and hearing all opinions before making their decision.

This appeal should be withdrawn or at a very minimum, denied. I am very much in favor of the Dove Creek Mini Storage and request that you uphold the Planning Commission's decision to approve the Conditional Use Permit.

Respectfully,

Holley Edwards  
5191 Alamo Ave  
Atascadero, Ca 93422

Sent via the Samsung Galaxy S10+, an AT&T 5G Evolution capable smartphone

**Amanda Muther**

---

**From:** dillon little <dillonlittle1@hotmail.com>  
**Sent:** Saturday, August 31, 2019 5:51 PM  
**To:** City Clerk  
**Subject:** Urge City Council support for Dove Creek Self-Storage  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

City Clerk

City of Atascadero

6500 Palma Ave.

Atascadero CA 93422

[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)

re: Urge City Council support for Dove Creek Self-Storage

Dear City Clerk:

Please share this letter with the members of the City Council and Planning staff.

As an Atascadero resident living in an apartment, I struggle with the amount of storage available in my small home. I am not sure if you are familiar with how little storage the typical apartment provides, but it is significantly less than you probably have in your home.

With local self-storage facilities at, or close to, full capacity, there are few available solutions. This is at least in part because of the amount of apartments and high-density homes you have approved in recent years.

I support the Dove Creek Self-Storage project as it will provide a place for me, and other residents, to store our treasured possessions. You should not consider adding any more high-density residential units to the city until you address its current self-storage shortage.

Thank you,

Dillon Little

**Amanda Muther**

---

**From:** Monte Garrison <montegarrison@icloud.com>  
**Sent:** Sunday, September 1, 2019 3:10 PM  
**To:** City Clerk

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attention City Council:

I am writing to support the Dove Creek Mini Storage project. We live at the Oaks Apartments and my sister lives in Dove Creek. With so much housing in this area, having access to high-quality, well-designed, local self-storage would be a welcomed addition.

I was disappointed to learn all that has transpired with this project. It has been through Design Review Committee twice and heard by two different Planning Commissions, approved both times. It does not seem right at all that it is being appealed by a City Council Member who plans to vote on the outcome of this appeal. It should not be allowed, and the Dove Creek Mini Storage should be approved, again.

Thank you,

Monte Garrison  
[9349 Jornada Ln](#)  
[Atascadero, CA 93422](#)  
[\(805\) 602-7240](#)

Sent from my iPhone

**Amanda Muther**

---

**From:** kyle daveiga <daveigakyle@gmail.com>  
**Sent:** Sunday, September 1, 2019 4:55 PM  
**To:** City Clerk  
**Subject:** Storage Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Attention City Council:

I am writing to support the Dove Creek Mini Storage project. I live at the Oaks Apartments and have friends that live in Dove Creek. With so much housing in this area, having access to high-quality, well-designed, local self-storage would be a welcomed addition.

I was disappointed to learn all that has transpired with this project. It has been through Design Review Committee twice and heard by two different Planning Commissions, approved both times. It does not seem right at all that it is being appealed by a City Council Member who plans to vote on the outcome of this appeal. It should not be allowed, and the Dove Creek Mini Storage should be approved, again.

Thank you,  
Kyle Daveiga  
[9349 Jornada Ln #6](#)  
[Atascadero, CA 93422](#)

**Amanda Muther**

---

**From:** BROCK MITTRY <brock4826@sbcglobal.net>  
**Sent:** Monday, September 2, 2019 3:33 PM  
**To:** City Clerk  
**Subject:** Mini Storage Approval

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422

Dear City Council,

I am protesting Council Member Fonzi's appeal of the Planning Commission's approval of the Dove Creek Self-Storage proposal.

The Planning Commission heard all offered public testimony, considered the matter in an appropriate and thoughtful manner, and approved the proposal by a majority vote as required. The appeal filed by Council Member Fonzi raises no relevant legal issues and offers no substantive reason why the Planning Commission's determination should be reconsidered.

The appeal is in direct conflict with Council Member Fonzi's list of priorities when she ran for City Council. Roberta Fonzi listed "Revamping the planning process to make it more predictable for applicants". Even she realized (at the time) how important a predictable and independent process is to attract investment in our city. Like most politicians it looks like it was just campaign fodder and she caved to someone's influence.

Hearing her appeal will set a terrible precedent for future projects in Atascadero that, like Dove Creek Self-Storage, have followed all the rules and incorporated suggestions – costly suggestions – made by the City and in response to community concerns.

Out of respect for the applicant's due process and rights, and out of concern for the harmful precedent accepting this appeal would establish, please deny the appeal.

Respectfully,  
Brock Mittry

Sent from my iPhone



**Amanda Muther**

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**From:** Keleen Miller <keleenmiller@yahoo.com>  
**Sent:** Monday, September 2, 2019 8:21 PM  
**To:** City Clerk  
**Subject:** City Council: Self Storage Appeal

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

September 2, 2019

City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422

Dear City Council,

I am protesting Council Member Fonzi's appeal of the Planning Commission's approval of the Dove Creek Self-Storage proposal.

The Planning Commission heard all offered public testimony, considered the matter in an appropriate and thoughtful manner, and approved the proposal by a majority vote as required. The appeal filed by Council Member Fonzi raises no relevant legal issues and offers no substantive reason why the Planning Commission's determination should be reconsidered.

The appeal is in direct conflict with Council Member Fonzi's list of priorities when she ran for City Council. Roberta Fonzi listed "Revamping the planning process to make it more predictable for applicants". Even she realized (at the time) how important a predictable and independent process is to attract investment in our city. Like most politicians it looks like it was just campaign fodder and she caved to someone's influence.

Hearing her appeal will set a terrible precedent for future projects in Atascadero that, like Dove Creek Self-Storage, have followed all the rules and incorporated suggestions – costly suggestions – made by the City and in response to community concerns.

Out of respect for the applicant's due process and rights, and out of concern for the harmful precedent accepting this appeal would establish, please deny the appeal.

Keleen Biswell  
5035 Via Colonia Ct.  
Atascadero, CA 93422

**Amanda Muther**

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**From:** Barak J. Miles <barakmiles@gmail.com>  
**Sent:** Tuesday, September 3, 2019 5:28 AM  
**To:** City Clerk  
**Subject:** City Council Appeal's DEV18-010.3 - Project 11450 Viejo Camino  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Atascadero City Council,

I have driven by this dilapidated property for years. I always figured there had to be a reason that no one had developed it. After seeing the details of the proposed self storage I now understand why. The property will require a very substantial investment to just make it buildable, and it appears that the owner has already spent a great deal on the studies and engineering. While I can understand why some are against it, I don't think they understand the limits of what can be built there. Yes it would be nice to see a dog park, soccer field or other public usage, but the owner has the right to develop it.

Looking at the allowable uses under the Public Zoning, the owner is very limited to what they can do. At the last Planning Commission hearing many spoke of many other great uses of the property but those uses are not allowed. Staff even brought up about what zoning it "might" be in the future but that is irrelevant. The owner can not be help to what might be the best use based on what the future zoning may or may not be.

If we don't allow this project to be approved it sets off many red flags. The City has worked against the owner by discussing the future zoning at a Planning Commission meeting where the very project was being voted on. The only possible explanation is it was an attempt to sway votes. And if a property owner follows all of the rules and gets granted a permit, this demonstrates that one City official can act on their own to sabotage a project for any reason (I would hope it would be based on a legal argument).

I urge the City Council to DENY the appeal, and vote in FAVOR of the self storage project. I don't want to see the old corrupt city politics return.

Regards,

**Barak Miles**  
**5420 Honda Ave, Atascadero, CA 93422**  
**805.305.0438**

**Lara Christensen**

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**From:** Chris Ferree <coachferree@gmail.com>  
**Sent:** Tuesday, September 3, 2019 9:23 AM  
**To:** City Clerk; Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Planning commission & City Council roles

Attention City Council:

I submitted a letter to the Planning Commission on 7/30/19 as an advocate for and supporter of personal property rights. I expressed concern about the handling of the Dove Creek Mini Storage proposed at 11450 Viejo Camino. The DRC's initial position and subsequent recommendation by city staff to initially deny the project with an explanation of "the project is not the highest and best use of the property" was definitely not sufficient. While it might not be the most preferred use of the property, Scott purchased that land with a mutual understanding that his mini-storage facility is indeed an allowable use with a CUP. I was glad to hear that the Planning Commission made the right decision.

I was, however, very disappointed to learn of a City Council member appealing the PC decision. It seems completely unwarranted and inappropriate that the appellant would then vote on the outcome of the project. Surely that is not the intention of having an appeal process and it starts to beg the question: why have a Planning Commission if you are not going to trust them to do their job. We've had a reputation for bad city politics and are just turning the corner on some of that stuff. With more public attention, this could really set us back. Please do the right thing. Withdraw this appeal, deny it at a minimum and uphold the approval of the CUP.

Respectfully,

Chris Ferree  
5275 Dulzura Ave  
Atascadero, Ca 93422

**Lara Christensen**

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**From:** Anthony Rodriguez <anthony@centralcoastlending.com>  
**Sent:** Tuesday, September 3, 2019 9:29 AM  
**To:** City Clerk; Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Dove Creek mini storage

Attention City Council:

I am writing for a second time to show my support of the proposed storage facility on the south end of town near Dove Creek. I previously submitted a letter to the Planning Commission and was very disappointed to discover that their decision to approve was appealed by a City Council member. The property is zoned as Public and was listed on the market for about a decade. The City had ample time to amend the General Plan and change the zoning if there was a desire to have other uses there. Mini-storage is clearly listed as an allowable use for the zoning designation and surrounding neighbors have had several opportunities to voice their concerns. (If you're listening, the neighbors are resistant to ANY development, not just this specific use).

This project has been before the DRC twice and Planning Commission twice. I find it completely unnecessary to now dedicate more staff time and more resources to bring this before City Council simply because one Councilmember has an issue with the project. The fact that the appeal fee is waived, and we will not be recouping any of the costs associated with the process of bringing this before Council shows a disregard for fiscal responsibility, which is supposedly a priority for our Council. The handling of this project does not send a good message to developers, it does not send a good message to Planning Commissioners, it does not send a good message to our citizens.

I fully support the Dove Creek Mini Storage project and I question the merits of the appeal. The applicant has a right to develop his land and we deserve the option of having high-quality, we-designed self-storage. I urge you to do the right thing by denying the appeal and approving the permit for the Dove Creek Mini Storage.

Thank you,

Jose Anthony Rodriguez  
[7745 Yesal Ave](#)  
[Atascadero, Ca 93422](#)  
805-712-8900

**Amanda Muther**

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**From:** Patrick Ibarra <patrickibarra25@gmail.com>  
**Sent:** Tuesday, September 3, 2019 10:12 AM  
**To:** City Clerk; Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Dove Creek Mini Storage Appeal

Attention City Council:

I am writing for a second time to support the Dove Creek Mini Storage project. I submitted a letter to Planning Commission on 8/1/19 and was concerned about the handling of this project at *that* point in its history. The fact that this is even being brought before City Council by means of an appeal *from* a City Council member is highly concerning and looks very much like someone taking advantage of their position. The applicant owns the property, is proposing a conditionally allowed use for the property's zoning, he's been through DRC twice and heard by two different Planning Commissions. An appeal seems completely unwarranted, please do not spend any more staff time or resources on this project simply because one Council member is obviously biased toward the use. Deny the appeal, approve the CUP and amend the policies to create accountability and prevent this kind of appeal situation from happening again.

Thank you,

Patrick Ibarra  
Ibarra Creative  
5860 El Camino Real, Suite E  
Atascadero, Ca 93422  
(805) 305-1432

**Amanda Muther**

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**From:** kevin ferrell <kevinferrell5@gmail.com>  
**Sent:** Tuesday, September 3, 2019 1:02 PM  
**To:** City Clerk  
**Cc:** Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Mini Storage CUP

Attention City Council:

I am writing to support the Dove Creek Mini Storage. I attended the Planning Commission hearing in August after learning of the project's history. There was a small number of neighboring residents that spoke in opposition to the project. However, many of them had unfounded concerns regarding flooding, traffic and noise. A large number of them are in opposition to any development and one couple that spoke in opposition is a competitor of the applicant that owns another storage facility in town. I have several close friends that live in this area of town that recognize a need for additional storage space due to small lot sizes and small footprint housing. The handful of residents that were in opposition to the project do not represent the entirety of the residents in that part of town.

It is obvious from attending the meeting that those opposing points are not valid. My understanding is that this project may very well improve the flooding situation from its current state, and that the neighboring houses will not be impacted by development of the lot. On the contrary- the water situation may very well be improved. The other concerns- traffic and noise- are also not valid. As a resident of the north end of town (near mini storage at El Camino/Del Rio) I have never once been disturbed by traffic or noise from the nearby mini storage. Storage is a very low traffic destination. It is also very secure- with closing hours, fencing and cameras to deter any activity at night. My experience is that a storage facility is an ideal neighbor- quiet, little activity, and security.

Mr. Newton owns the property and mini storage is listed as an allowable use for land zoned "Public." It's pretty clear that "Public" is not the appropriate zoning designation for this property and it should have been changed. City Staff said as much during the hearing but went on to say they were late getting to it. It sat vacant and on the market for ten years, there was plenty of time to make a General Plan amendment and address the zoning of that property as part of a strategic plan. But when Mr. Newton came to City Staff prior to purchasing the property, he was encouraged about his proposed use. He has invested a lot of money into this project, worked with every agency along the way and wants to provide a needed service to our community. The Planning Commission made the right decision when they approved the Conditional Use Permit.

A City Council Member appealing that decision is unnecessary and has the appearances of someone abusing their position. The project was attempted to be roadblocked at DRC and has been given more than adequate attention from Staff, DRC and two Planning Commissions. Now, we are going to dedicate more staff time and more resources to this project without collecting any appeal fee to offset associated costs because a single City Council member does not agree with a project. This appeal demonstrates a lack of fiscal responsibility and a lack of accountability. This is an exciting time for Atascadero right now and something like this could be detrimental to our reputation. It is already gaining public attention and I fear it will get worse if this appeal is allowed to be heard. It should be rescinded, and Mr. Newton should be allowed to move forward with his CUP. My fear is that denial of this project will further deter others from attempting future projects that will continue to improve our city.

I would also urge the Council to address amendments to the policy and procedures surrounding appeals in an effort to prevent this kind of action in the future.

Thank you,

Kevin Ferrell, concerned Atascadero Homeowner

**Amanda Muther**

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**From:** Josh Donovan <josh@joshdonovan.com>  
**Sent:** Tuesday, September 3, 2019 1:41 PM  
**To:** City Clerk  
**Cc:** Heather Moreno; Charles Bourbeau; Roberta Fonzi; Susan Funk; Heather Newsom  
**Subject:** Dove Creek Self Storage

City Council  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)

RE: DEV 18-0103 (Dove Creek Self Storage)

Dear Atascadero Council Members:

I reviewed and voted in favor of the Dove Creek Self-Storage project as a Planning Commissioner when it came before us in January. At that time, it came with a recommendation from the DRC to deny the CUP. When I first received the staff report, the recommendation stood out to me as unusual for a couple of reasons. That was the first time I saw a recommendation coming from DRC (usually came from staff) and it was also the first time I saw a recommendation for denial. The applicant asked to meet with me ahead of the PC hearing. At that meeting, I learned that Mr. Newton discussed his intentions to build a mini-storage with City Planning Staff prior to purchasing the property. He was told that it is a conditionally allowed use and he'd need to go through Planning Commission. I confirmed this conversation with City Staff during the January hearing. In my meeting with the applicant, I also learned that perhaps some of the reason for resistance to his project at the DRC level was due to one City Council member vocally expressing strong opinions about storage not being a preferred use or the "highest and best use" of the land. The two DRC members that also serve as Planning Commissioners expressed that while the project may not be ideal, it was and is an allowable use and I was very much in agreement. They of course ended up voting in favor of the project just like we all did that night, 7-0. The only request that we made was to expand the notification radius from 300' to 1000' in an effort to see if there would be any strong neighborhood resistance.

The applicant had to go back through DRC in order to get back in front of Planning Commission. That process took 7 months which seems like an unusually long timeframe. The project was placed on the PC Agenda for a second time but now with a recommendation from the DRC to approve. I attended that PC hearing and spoke in favor of the project, sharing much of the info I've included in the first paragraph above. I felt it was important for new commissioners to be aware of the conversation Mr. Newton had with City Planning Staff prior to purchasing the property. I also pointed out that while there were some neighbors in attendance with clear opposition to development, there were also neighbors in support of the project and that the most common response was indifference. Notices were sent to a radius of 1,000', including all of Dove Creek and collectively had less than 30 residents respond, either positively or negatively. I reminded the Commissioners that Mr. Newton owns the property and mini-storage is listed as a conditionally allowed use. While the property may be very challenging to develop, Mr. Newton bought and paid for the challenge and is clearly up to the task. He has a right to build his project.

The majority of (the very small number of) neighbors that spoke in opposition to the project were from the same neighborhood (La Paloma Court) with the same exact arguments. They believe their property will flood and they really don't want anything built there. Duane Anderson said as much when he was in the process of voting: That the resistance they were hearing that night was not to the specific use, but rather to development in general. Everyone had a chance to be heard that night, even multiple times for some people, then Planning Commission made their decision.



The applicant has now been before Design Review Committee twice and has received approval from two different Planning Commissions. I was extremely disappointed to learn that an appeal had been filed by the same City Council Member that vocally expressed strong opposition to the project when it was originally presented to DRC. I have read the appeal and question its merits and its implications.

The appeal states "many left with the feeling that their opinion wasn't adequately heard or considered." The Planning Commission did not limit the number of speakers, there was a lengthy dialogue, including ample discussion of the topics raised by those who made public comments. The Planning Commission fulfilled its role and weighed the community's comments, both those in favor and those opposed to the proposal. When a vote goes against the wishes of a person or group, that does not mean "that their opinion wasn't adequately heard or considered."

We have many needs in our community and much land that could be used to meet those needs. Developers must be able to trust our City staff and our process before being willing to develop them. This appeal violates that trust.

This Council has stated that fiscal responsibility is a top priority. This appeal demonstrates a disregard for fiscal responsibility. The purpose of the appeal fee is to offset the costs associated with holding the hearing and bringing the project before Council. But that fee is waived as part of a Council member filing the appeal. So, the additional staff time and resources that will need to be dedicated yet again to this project come as a cost to the City. Where is the fiscal responsibility? Where is the accountability?

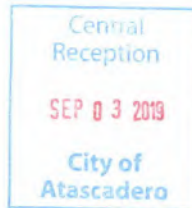
I urge the City Council members to review the appeal of DEV 18 0103 in order to prevent such a harmful precedent from occurring and exposing the City of Atascadero to potential litigation.

Respectfully,  
Josh Donovan



September 2, 2019

City of Atascadero  
Attn. City Clerk  
6500 Palma Ave.  
Atascadero, CA 93422



RE: DEV18-0103 (MINI-STORAGE)

Dear Council Members and City Staff,

I write to you today to express our companies support for the proposed mini-storage. Our business in Atascadero specializes in the Sale of Primarily New, and used Recreational Vehicles. Our business generates thousands of dollars in tax revenue every month for the City of Atascadero. Atascadero has been a successful operation for us, and we feel proud that we are able to do good business and generate a large volume of tax revenue for such an amazing City. A major drawback of RV and camper sales is the availability of safe and indoor storage opportunities in our area. The successful opening and operation of this facility which will offer such storage, would help our company to secure additional sales. We feel this would be a win-win for both our company and the City. If we are able to secure additional sales, this would result in additional sales tax revenue for the City. In addition to providing additional storage for the community, the project appears to offer first class storage facilities which the city currently lacks. A quality business such as the proposed, in my opinion would only enhance the beauty of the city. Please do not delay such a plan, because the sooner it is operational the sooner we will secure additional sales. I appreciate your time, hard work, and all that you do for such an amazing city – Atascadero.

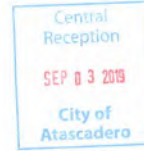
Kind Regards,

A handwritten signature in blue ink, appearing to read "Shaun E. Brewer".

Shaun E. Brewer  
President

2850 El Camino Real Atascadero, Ca 93422 Ph-805-464-4700 Fax- 805-464-4702

September 3, 2019



Members of the Atascadero City Council  
6500 Palma Avenue  
Atascadero, CA 93422

Dear Members of the Atascadero City Council,

**RE: Dove Creek Mini Storage Project**

The Design Review Committee initially determined this project as a mini-storage facility is not the *Highest and Best Use* of the property. As a commercial appraiser I was intrigued that the Design Review Committee used *Highest and Best Use* to determine if projects comply to their requirements or not. According to the Dictionary of Real Estate Appraisal (Appraisal Institute, Sixth Edition, 2015), the definition of *Highest and Best Use* is as follows:

*The reasonably probable use of property that results in the highest value. The four criteria that the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum productivity.*

To determine with certainty that a complex real estate project such as a storage facility with approximately 500 units is not the *Highest and Best Use* of the property it would require an extensive analysis. In researching the initial decision by the Design Review Committee, I could not find how they concluded the use as a mini-storage facility was not the *Highest and Best Use* of the property.

In a brief consideration of the requirements for the property's *Highest and Best Use*, the project meets legal permissibility with a conditional use permit. The owner is proving it physically possible with plans and working with local and state governments. The Planning Commission did determine that the proposed use was compatible with the neighborhood. Additionally, the owner has a history of successful mini-storage facilities, which have proved to be financially feasible.

The question becomes whether the project is maximumly productive for the property considering the other three criteria points. The answer is very complex and something that cannot be determined without a full analysis. In analyzing the permitted uses by zone, it is clear many of the uses are not maximumly productive.

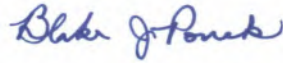
The owner is confident that developing a 500-unit mini-storage facility maximizes the property's value and has invested considerable resources thus far. To disprove this use as not the *Highest and Best Use*, one would have to analyze the finances and prove that some other use would bring more value to the property. In the Design Review Committee's initial conclusion there was no mention of this.

It appears that the Design Review Committee did not perform a *Highest and Best Use* analysis to conclude that the project is not the *Highest and Best Use* of the property. I am glad to see that since the initial conclusion; the Design Review Committee later recommended approval of the project and that the Planning Commission approved the Conditional Use Permit.

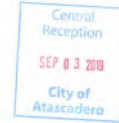
I was, however, puzzled to learn that an appeal was filed by a City Council Member. It appears that the applicant/property owner has gone to great lengths working with every necessary agency. As stated, the proposed use is listed as conditionally allowed for the zoning designation and two different Planning Commissions have voted in favor of the project.

As this project goes through the appeal process, I urge Members to consider the definition of *Highest and Best Use* and how it applies to this property.

Respectfully Submitted,



Blake J. Ponck  
Certified General Appraiser  
State Certification: #3000763  
Date Signed: September 3, 2019



To: Atascadero City Council  
[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)  
RE: Vote for Dove Creek Self-Storage

I originally had concerns about the prospects of the Dove Creek Self-Storage facility being built near my home. After meeting with the site's owner, I can see that this project was designed with the community in mind. From its pleasing architecture, large setbacks, and extensive landscaping and wetlands that will reduce flood risks to its neighbors, I feel Dove Creek Self-Storage will be a good neighbor while providing the community with additional storage capacity we desperately need.

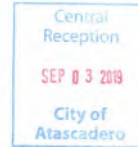
Please support Dove Creek Self-Storage when it comes before you.

Signed,

A handwritten signature in black ink, appearing to read "Kathryn Houghton".

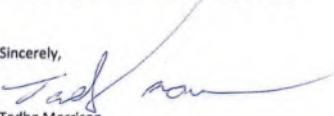
Kathryn Houghton  
8120 Castaneda LN  
Atascadero, CA  
93422

To the Planning Commission of Atascadero,

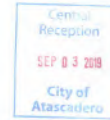


My name is Tadhg Morrison and I live in Atascadero at 6236 Monterey Court. I have lived in Atascadero since 2012. I know about the Dove Creek Self-Storage and am in full support of the project. I think it is a great location for a storage facility.

Sincerely,

  
Tadhg Morrison

City Clerk  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)



re: Urge City Council support for Dove Creek Self-Storage

Dear City Clerk:

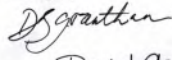
Please share this letter with the members of the City Council and Planning staff.

As an Atascadero resident living in an apartment, I struggle with the amount of storage available in my small home. I am not sure if you are familiar with how little storage the typical apartment provides, but it is significantly less than you probably have in your home.

With local self-storage facilities at, or close to, full capacity, there are few available solutions. This is at least in part because of the amount of apartments and high-density homes you have approved in recent years.

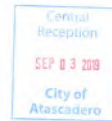
I support the Dove Creek Self-Storage project as it will provide a place for me, and other residents, to store our treasured possessions. You should not consider adding any more high-density residential units to the city until you address its current self-storage shortage.

Thank you,

  
Daniel Grantham  
8622 Castenada Lane  
Atascadero, Ca  
93422



Heather Moreno, Mayor  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
hmoreno@atascadero.org



RE: Dove Creek Self-Storage: Supporting Approval

Dear Mayor Moreno and members of the City Council:

I am writing in support of the Dove Creek Self-storage project. With thoughtful planning and designing with the community in mind, this project will be consistent with the look of the neighborhood.

I am particularly impressed with the deep set-backs and solid block wall, which will hide the inside view of the facility, unlike older self-storage facilities in town. The plan's pitched roofs, controlled lighting and neutral/natural color schemes also are well designed with community compatibility in mind.

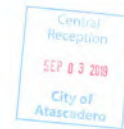
Dove Creek Self-Storage will help address the storage needs of the community while providing a pleasing streetscape where there is currently a barren lot. Please support Dove Creek Self-storage.

Sincerely,

A handwritten signature in cursive script that reads "Leah Grantham".

Leah Grantham  
8122 Castenada Ln.  
Atascadero, CA  
93422

City of Atascadero  
Attn.: City Council  
6500 Palma Ave.  
Atascadero, CA 93422



Re: Mini Storage Facility (DEV18-0103)

City Council,

As a home developer the key to my success is a consistent and timely permit approval process. There are numerous local cities that many of us developers stay away from because they have a history of a poor approval process and this has a negative effect on the entire community with higher home prices and lack of inventory.

The details of the Dove Creek Storage permit process are a developer's nightmare. I have witnessed a City staff work against the applicant with biased Staff Reports, staff giving a negative presentation of the project (while saying they are in favor on paper but their words and actions show otherwise), and yet the project was of high enough quality to survive and receive approval from the Planning Commission twice. Now after being granted approval a lone City Council member took it upon themselves to file an appeal of the decision. After reading the appeal I am even more appalled.

"I am appealing the PC decision because: 1.) The Planning Commission's vote was 3-2, with 2 commissioners absent; 2.) One of the Planning Commissioners expressed his opinion that this decision should be reviewed by the City Council due to it's controversial nature; and 3.) The Planning Commission was heavily attended by residents living near the proposed development, and many left with the feeling that their opinion wasn't adequately heard or considered." – Roberta Forzi (Appeal)

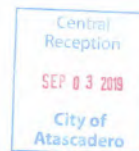
In essence she just stepped right on the Planning Commission since they had a quorum, none of the Planning Commissioners filed an appeal, and the Planning Commission had a lengthy meeting and did not limit the number of speakers. After seeing this spectacle who would want to take a gamble on another development and risk a Council Member filing an appeal that has no merit? The strongest message the City Council can do at this point is to Deny this appeal and allow the permit to be issued. I also strongly suggest the City review the appeal procedures so that they require legal grounds for the appeal and not expose the City to liability with such a loose procedure.

Show the public that the City is still a place of trust and let the process be honest and consistent. I can not see how there is not some type of illegality involved in this appeal. Vote no on the appeal and support the Planning Commission's approval.

Roy Degeer  
Caladian Development

A handwritten signature in blue ink, appearing to be "RD" followed by a long horizontal stroke.

City Council  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
cityclerk@atascadero.org



RE: Support for Dove Creek Self-Storage

Dear Atascadero Council Members:

The Dove Creek Self-Storage proposal will bring much needed improvements to flood control to this part of town, significantly reducing flood risk for my neighbors and myself. In addition, I believe the project is well designed and will make a better neighbor than another high density apartment project would.

For these reasons, I support the Dove Creek Self-storage Project and encourage you to as well.

Sincerely,

A handwritten signature in black ink, appearing to read "Meghan Hoetker".

Meghan Hoetker  
4500 Mananita Ave  
Atascadero, CA 93422

Atascadero City Council  
6500 Palma Ave.  
Atascadero, CA 93422



To whom it may concern;

Opponents of Dove Creek Self-Storage tried to convince the Planning Commission that this wasn't the right kind of land use for the area and that it did not conform with the look of the neighborhood. They are wrong on both counts.

In recent years the City has approved multiple apartment and condo developments in the city's southern area, transforming it into a suburb, not a rural area. These new homes have created a need for storage in the area which makes it an appropriate use. We need to build needed services close to where the demand is.

The plans for the project make it clear that Dove Creek Self-Storage is NOTHING like other self-storage facilities in the city. Those facilities wouldn't fit in the neighborhood, but Dove Creek Self-Storage will. I am thankful that the owners have respected the neighborhood and created what looks more like a park around it. If only our other developers could be this responsible.

Opponents of this project will fight any proposal to build anything on the site. You should ignore them and give us a facility we need that will complement our part of town. Reject the appeal and vote in favor of approving the self storage.

Sincerely,

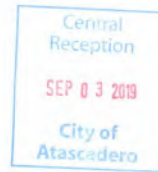
A handwritten signature in blue ink, appearing to read "Jill Duncan".

Jill Duncan  
11450 Viejo Camino  
Atascadero, CA 93422

City Council  
City of Atascadero

September 1, 2019

City Council,



As a small business owner, I urge you to approve the Dove Creek Self-Storage Plan.

Like many small business owners, I have found that as my business grows, I need more room than my home allows. Most may think that self storage is just for residential use but that is not what I see. Me and a handful of others at the self storage I use, are dependent on our space for our business. My problem now is that I need more room in order for my business to continue to grow.

It makes far more sense to rent storage space than to move to a larger and more expensive commercial location where I can not utilize all of the space. Dove Creek Self-Storage has designed the facility to meet the needs of businesses like mine, with larger storage units designed specifically for commercial users.

Your approval of Dove Creek Self-Storage will be good news for local business owners, and I urge you to move this project forward when it comes before you on September 10.

Thank you,

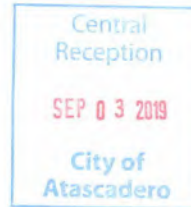
A handwritten signature in black ink that reads "Sheri Covert".

Sheri Covert  
4665 San Vicente Ave.  
Atascadero, CA 93422

City Council of Atascadero

Re: Mini Storage

9/02/19



To whom it may concern:

I have served in the U.S. Army 82<sup>nd</sup> Airborne Division and have been sent to Afghanistan on numerous deployments. When I was deployed I had nowhere to store my personal belongings besides the use of a self storage. If I would not have had this option, I would have had to give up my personal possessions since I had no family in the area and could not afford to pay rent while deployed. I am writing this because I think most people think of self storage as junk storage. While this may be true in other areas, quite simply prices here for storage are too high for that. For the most part people storing items here are doing so because they have no other option. Self storage fills a true community need. I urge you to visit a self storage facility and see how they are utilized.

One thing we are taught in the Army is the importance of "chain of command". From what I see is that the Planning Commission approved this project and a single City Council member took it upon themselves to appeal it. I would have no issue if the appeal had come from the community, but after reading the appeal it is very apparent that the Council member simply didn't agree with the approval and decided to act as dictator and step on the Planning Commission's approval. This appeal should not even be allowed.

I urge you to support the Dove Creek Self Storage project and deny the appeal.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Parsely".

James W. Parsely



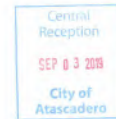
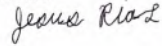
City Council,

I find it disheartening when I see others that have a larger home try to make it so that us that live in an apartment can't enjoy some of the luxuries that they do. I share an apartment (Bordeaux) and without a storage unit I could not enjoy some of my hobbies like hiking & camping. I simply do not have enough room in my apartment to store these items. My biggest complaint now is that I have to drive to Paso Robles since there weren't any available locally. Please don't limit the rights of renters and small home owners just because we many not have a garage or extra space at our home.

Please approve this project and let me store my belongings near my home.

Thank you,

Jesus Ruiz

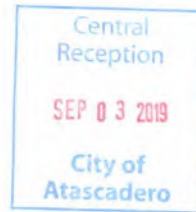




To:

Heather Moreno, Mayor ([hmoreno@atascadero.org](mailto:hmoreno@atascadero.org))  
Lara Christensen, City Clerk ([cityclerk@atascadero.org](mailto:cityclerk@atascadero.org))

6500 Palma Ave.  
Atascadero CA 93422



**RE: SUPPORT for Dove Creek Self Storage**

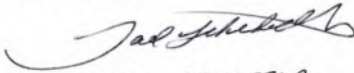
Dove Creek Self-Storage will help meet the need for storage within Atascadero, something our town desperately needs.

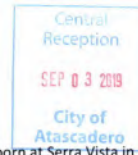
Existing self-storage facilities in Atascadero are full, and we are forced to travel out of town for storage space. As meeting the requirements of California's Regional Housing Needs Assessments continues to bring high density housing to our community, the shortage of self-storage units will only get worse.

As the City continues to approve more homes & apartments, it must consider the storage needs these new residents will have, as well as the needs of existing residents and businesses.

Please support the Dove Creek Self-storage project.

Thank you,

  
JOEL LEHRFELD  
4534 MANANITA AVE  
ATASCADERO, CA. 93422



Dear Atascadero City Council,

My name is Anna King and I have lived in Atascadero most of my life. I was born at Serra Vista in 1983 and lived at the Boudreaux apartments from the time I was four until I was eleven. I moved with my parents to Washington but moved back to Atascadero when I was eighteen. My first husband was in the military so I moved around a lot after that but I always came back to Atascadero so my kids were all born on the Central Coast at Twin Cities Hospital where my Grandpa Morgan was a doctor. I love Atascadero and I am very proud of my town.

My husband and I have talked about moving a lot in the last few years to a place where we could afford to buy a house but Atascadero is home. We have been renting an 850 sq ft "granny unit" off San Antonio Road for the last six years. We have a storage unit in Templeton because there wasn't a big enough unit available at the places in Atascadero; and to be honest there were a few I didn't even look at because they didn't look safe or secure. We had bought a 10x10 storage shed when we moved into our little house to keep our Christmas decoration, kid's keepsakes, and seasonal items. Most of these things have since been thrown away because they were ruined from moisture which was absolutely heartbreaking. I lost all my kids first blankets, first onsies, stuffed animals, baby spoons and hospital pictures items that in no way could ever be replaced. Now the storage shed is just an eyesore to my neighbors and self but I haven't been able to borrow a truck to haul it to the dump.

Our house is very small for two adults and three kids but we make it work because we want our kids in the Atascadero School District. Our youngest has been going to San Gabriel since Kindergarten and will start at AMS next year. Our oldest daughter will start at Atascadero high school next year and has been in the Atascadero School District since 3<sup>rd</sup> grade. My niece lives with us and goes to the Paloma High School. We want them to graduate from Atascadero like both my Dad's so they will have lifelong friends and know the people at their high school graduations. My Dad, Allen Etchison, graduated from Atascadero High in 1984 and has so many friends in the area. My Step Dad, Mark Barnett, graduated from Atascadero in 1981. My Mom graduated from Templeton High in 1982. All my aunts, uncles, cousins and living grandparents are still in this area and that makes Atascadero home.

I am in support of Dove Creek Storage because it is family run and the best use of the space. The Newton's are amazing people and I believe they will uphold Atascadero past and future. The storage facility could not be placed in a more ideal spot for my neighbors, family and friends. I remember living in Boudreaux and not being able to go into the second bathroom because my parents used it for storage. With all the apartments and houses in the area I really believe it will be the best use of the land for all concerned. I love that the Newton's are going to create a beautiful storage facility that matches the Dove Creek community. I know it won't cause the traffic that more houses or apartments would cause since I drive by the property every morning. I am so happy that they will be reverting the land back to its former and true nature by adding the native landscaping, reestablishing the creek and introducing the wetlands back to the property. Please allow the Newton's to be a part of our Community. I know they will be a wonderful addition to our already great town.

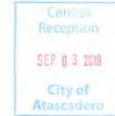
Sincerely,

A handwritten signature in blue ink that reads "Anna King".

Anna King

14255 San Antonio Rd #B  
Atascadero CA 93422

City of Atascadero  
6500 Palma Avenue  
Atascadero, CA 93422



City Council,

I see no reason to deny the Dove Creek Self-Storage project. There is sufficient demand in the City to establish that it is needed, and the design of the project is sensitive so it will fit in well with the suburban area of Dove Creek.

Mr. Newton's plan meets all the tests required for its approval and conforms with current zoning. It should not be denied because some on City staff want the property to be rezoned for high density housing – a future use that those currently opposing the self-storage facility would probably oppose even more vehemently.

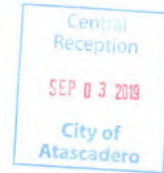
Do the right thing: Approve Dove Creek Self-Storage.

*Robert Callahan*

Robert Callahan

September 3, 2019

City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422



Regarding: Mini Storage

Dear City Council,

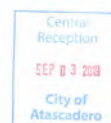
I have lived in Atascadero all of my whole life. The proposed self storage is a beautiful facility and its design and landscaping make it blend in in the surrounding area perfectly. Self storage is very much needed now let alone in the future as the city continues to grow. I see more & more smaller homes and apartments being built and this will only increase the demand for this service. I am for this new storage facility and ask that you vote for its approval.

Thank you for your time & consideration,

A handwritten signature in black ink that reads "Colleen Barnett".

Colleen Barnett  
5325 Mercedes Ave.  
Atascadero, CA 93422

City Council  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
cityclerk@atascadero.org



RE: Support for Dove Creek Self-Storage

Dear Atascadero Council Members:

The Dove Creek Self-Storage proposal will bring much needed improvements to flood control to this part of town, significantly reducing flood risk for my neighbors and myself. In addition, I believe the project is well designed and will make a better neighbor than another high density apartment project would.

For these reasons, I support the Dove Creek Self-storage Project and encourage you to as well.

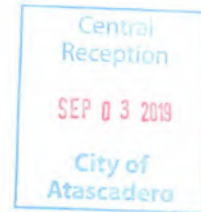
Sincerely,

A handwritten signature in black ink that appears to read "Kelly McCadden".

Kelly McCadden  
4534 Mananita Ave.  
Atascadero CA 93422

September 2, 2019

City of Atascadero  
6500 Palma Ave.  
Atascadero, CA 93422



Regarding: Mini Storage Approval

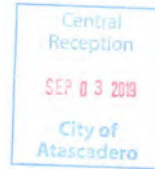
City Council,

I live near the proposed mini storage on Viejo Camino. Me & my neighbors have had some entertaining discussions regarding it. It is almost like the BIG HOMES vs Renters. I feel that most of those against it have never needed a storage unit. I have utilized them for numerous reasons including; storing my mother's possessions after she passed until I had a chance to go through them, moving and storing my belongings temporarily, and for storing items I need for work. I work for an out of town company and travel for sales presentations. This requires me to have a fair amount of expensive displays and equipment. I have no way of storing this amount of equipment at home. Sadly I currently have to travel to SLO to get it since I didn't trust the mini storages we have. I would greatly appreciate it if you would approve this new facility. It would allow me to store my work required items close to home. If there wasn't any storage space available, I would not have a job.

Thank you for your time & consideration,

  
Vicente Guizar





Members of the City Council  
c/o City Clerk [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)

RE: SUPPORTING APPROVAL OF DOVE CREEK SELF-STORAGE

Dear Atascadero City Council Members,

I urge you to review Dove Creek Self Storage on their project, and not on preconceived ideas based on what our existing self storage places look like. As a small business owner I am in need of additional storage on a consistent basis. As of now my only options are to go out of town (since we have no local quality places that have space), travel out of town, or store my business goods in my garage (where I would prefer to park my car).

I take issue to those that oppose the new self storage facility since they don't consider the needs of others. There is NO reason to oppose Dove Creek Self Storage. It will look better than anything in the area, blend in well with the Dove Creek neighborhood, won't create traffic, all while providing the self storage that we need.

Please vote in favor of Dove Creek Self Storage!

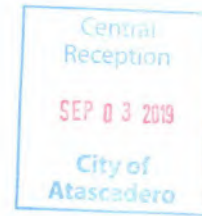
Regards,

*Noelle Pritchard*

Noelle Pritchard  
5770 Dolores Ave  
Atascadero, CA  
93422



City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422



Re: Self Storage

City Council,

Council member Roberta Fonzi could come up with no credible reasons for appealing the Dove Creek Self-Storage project, so the Council should be asking her what the real reason is behind her appeal.

The grounds she stated are ridiculous. A 3-2 vote counts. The comments of one Commissioner that didn't even become a motion don't count. And everyone was heard, whether they liked the outcome or not. So it's obvious this appeal was filed as some kind of back-room political favor, which begs the question: What kind of political favor is Fonzi getting in return?

That's not the way to run City Government. Council should deny this highly suspect and legally unwarranted appeal and allow the Dove Creek proposal to move forward.

Sincerely,

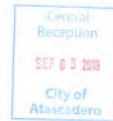
A handwritten signature in blue ink that reads "Mike Penner".

Mike Penner

To:

Heather Moreno, Mayor ([hmoreno@atascadero.org](mailto:hmoreno@atascadero.org))  
Lara Christensen, City Clerk ([cityclerk@atascadero.org](mailto:cityclerk@atascadero.org))

6500 Palma Ave.  
Atascadero CA 93422



**RE: SUPPORT for Dove Creek Self Storage**

Dove Creek Self-Storage will help meet the need for storage within Atascadero, something our town desperately needs.

Existing self-storage facilities in Atascadero are full, and we are forced to travel out of town for storage space. As meeting the requirements of California's Regional Housing Needs Assessments continues to bring high density housing to our community, the shortage of self-storage units will only get worse.

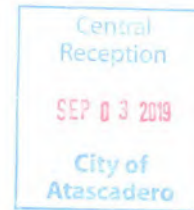
As the City continues to approve more homes & apartments, it must consider the storage needs these new residents will have, as well as the needs of existing residents and businesses.

Please support the Dove Creek Self-storage project.

Thank you,

*S. Burke*  
9104 Atascadero Ave  
Atascadero, Ca  
93422

City Council  
City of Atascadero  
6500 Palma Ave.  
Atascadero, CA 93422



Subject: Dove Creek Self Storage's Changes Deserve Approval

City Council,

I have witnessed what I believe is why some of our empty properties that are in great locations, have never been developed. I received notices regarding the approval hearings for this mini storage for the past 2 years or so as did my neighbors. Now after all this time a few of my vocal neighbors are trying to get the construction approval reversed. How can people now voice their concerns when they were silent up to this point? I am sure the owners have invested a lot of money and time based on what I have seen of the plans and pictures of the self storage will look like when completed. I have no problem with neighbors having concerns and input about what is proposed near our homes, but chiming in after the approval is too late. This sends a clear signal to other property owners and investors to avoid Atascadero and reminds me of the dirty politics that we have in our past.

Please support this mini storage approval and encourage future quality development like it.

Sincerely,

A handwritten signature in black ink, appearing to read "NICHOLAS GRAHAM".

NICHOLAS  
GRAHAM

7050 NAVAJA AVE, ATASCADERO CA  
93422

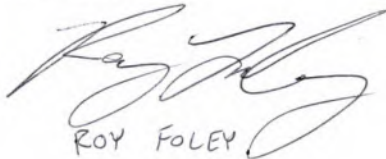


August 29, 2019

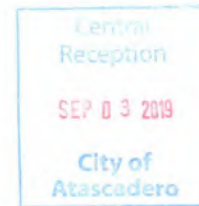
Dear Mayor Moreno and Atascadero City Counsel,

I support the Dove Creek Self-Storage project as a needed and well-planned facility that will provide a necessary service to the people and businesses of Atascadero. I urge you to approve the project when it comes before you on September 10. The City should not stop them from providing a needed service to our community. Just because someone lives in a smaller home does not mean that they don't deserve the right to own additional items that may require renting storage space. I respect that fact that some may have larger homes and not need to rent a storage unit, but some of depend on it.

Thank you,

  
ROY FOLEY

2205 Ferro carril Rd.



City Council of Atascadero  
6500 Palma Avenue  
Atascadero, CA 93422

Re: Permit for Mini Storage

Having to drive to industrial areas for residential self-storage out of town is a true burden for me. Please consider approving Dove Creek Self Storage. I rely on public transportation and the new mini storage would be much easier for me. It will meet the storage needs of the community, without added congestion, traffic, and I can avoid the long drives to out of town facilities.

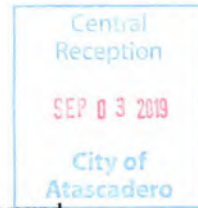
This is a needed service here, especially as the town continues to build more homes.

Best Regards,

A handwritten signature in black ink, appearing to read "Mason Miller".

Mason Miller

5035 Via Colonia Ct. Atascadero, CA



Attn: Atascadero City Council:

When you approved the many new homes and apartments that are being built around town and have been built in the last few years, you considered if local infrastructure was sufficient to support the new residents – enough police officers and fire fighters, enough water and sewer capacity, etc. You also need to consider whether there's enough self-storage capacity available.

Most of the units you've approved are smaller – apartments and townhomes – which provide minimal storage space. Every existing storage facility in town is at or near capacity so you have an obligation to make sure the residents of projects you approve will be able to find a place to store their "stuff" – just because they can't afford a big house with a three-car garage and lots of closets doesn't mean you shouldn't pay attention to their needs! Nor should we be forced to drive out of town for storage.

Dove Creek Self Storage meets this need in a very attractive manner. Its design is far superior to the design of any other self-storage in town and there's no reason why anyone should be upset to have it as a neighbor. I'm certainly not!

Please approve this deserving and needed proposal.

Thank you for your thoughtful consideration,

A handwritten signature in cursive script that reads "K. Bell".

2205 Ferro Carril Rd.

Kristina Bell





City of Atascadero  
City Clerk  
6500 Palma  
Atascadero, CA 93422

Re: Conditional User Permit (DEV18-0103)

Dear City Council,

The appeal before you on September 10 of the Planning Commission's approval of the Dove Canyon Self-Storage facility is groundless and dangerous and merits swift denial by the Council so the applicant can move forward with his project.

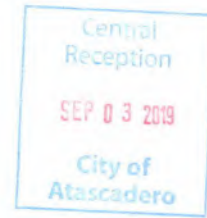
It is groundless because Council Member Fonzi cited nothing in Atascadero's planning, zoning or General Plan that is violated by the Dove Creek Self-Storage proposal. It is dangerous for many reasons. It would be a signal to business owners seeking to improve our local economy through their business that Atascadero is an unfriendly place and they should go elsewhere. It would establish a precedent that any project could be appealed for similarly groundless reasons. And it is dangerous, most certainly, because it would expose the city to considerable legal liability.

Do not allow this appeal to be heard. If you hear it, do not allow it to move forward.  
Approve the Dove Creek Self-Storage facility.

Regards,

A handwritten signature in black ink, appearing to be "H. Fonzi", with a large checkmark at the end.





August 31, 2019

City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422

Re: DEV18-0103 (Mini Storage)

City Council,

I was originally against this project when I heard about it and therefore decided to attend the last Planning Commission hearing. The owner clearly made his case for approval and addressed all of my concerns. I like many had a negative attitude toward it based on what I have seen of mini storages and on some of the issues I had heard from others.

It was very clear that the owner had done his homework on this development. They demonstrated that flooding had been carefully studied and that they would have no impact, traffic was not an issue, designed a great appearance and a huge amount of land would be dedicated to wetland restoration. The only concern I have is there was a mention of a walking path along the one side. It had been in the original plans but now is not there. It would be great if there was trail connecting the Dove Creek Community to La Paloma Park. And the additional sidewalks will be nice (too bad they will be the only ones to have them).

Based on the last hearing I expect to hear the same complaints. The majority were about flooding (many of the surrounding homes should expect flooding since they built in a flood plain), some said it would be an eyesore (many told me that they had never even looked at prior), and of course some wanted it to remain as it is (owners have a right to develop it or the community should have purchased it). I don't know how much more the City could ask the owners to do. This is a top quality business that is proposed and the City should approve it. I still do not even understand why it was appealed.

Sincerely,

Dave Miller  
5035 Via Colonia Ct.  
Atascadero, CA 93422



City Council of Atascadero  
6500 Palma Ave.  
Atascadero, CA 93422

8/30/19

Re: Mini Storage Project

I wanted to voice my support for the proposed mini storage. Having traveled a lot for work in the Bay Area I have seen over the years how city planning has changed. I see self storages built in the same neighborhoods that they serve. This is smart for efficiency and works well with smaller residences becoming so popular. These new self storage places are not like the ones we currently have, they are nicely designed and landscaped and look great.

The new proposed self-storage facility is far superior aesthetically than any other such facility around. With its residential style architecture and extensive landscaping and the much-needed storage it will provide, it is a win-win for the neighborhood.

For these reasons, I support Dove Creek Self Storage and ask that you deny the appeal and approve the project.

Thank you and please vote to support this new mini storage!

Manush Koundakjian



August 31, 2019

Atascadero City Hall  
Attn. City Council

To whom it may concern:

Are a few wealthy neighbors keeping self-storage from the masses?

Atascadero needs more storage facilities. This is clear. It is nearly impossible to rent a unit in our town. Dove Creek Self-Storage is well designed and is located close to the homes and businesses it will serve. It seems like a few wealthy neighbors, who probably don't need self-storage because their large homes offer plenty of closets and garages, are getting in the way of approving this thoughtful project.

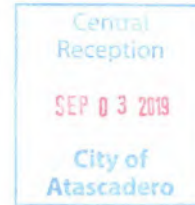
Don't let the opinion of a few keep Atascadero from addressing its need for storage – especially when Dove Creek Self-Storage is well designed and will look great, blending in with the neighborhood. Once it is built I am sure it will serve the city and the naysayers will even love it.

Sincerely,

Handwritten signature of Sara Davidian.

City of Atascadero  
City Council  
6500 Palma Ave.  
Atascadero, CA 93422

September 2, 2019



Re: Mini Storage Approval

City Council:

I attended the Planning Commission meeting when the mini-storage was approved. It drew my interest since I live right by La Paloma Park in the Dove Creek Community. The majority of the concern by neighbors was flooding. They showed videos of the water being up to their homes, flooding of the park, and what can happen in extreme years. While I sympathize with their flooding problems the reality is that they bought a home in a flood plain. The flooding is there NOW and is not a result of the proposed self storage facility. In fact there is nothing the new self storage can do to fix their problem (there houses are too low and would need to be raised). The projects engineer said at the meeting that the new self storage is not allowed legally to put any additional water in the waterway and that the City engineer and Army Corp. of Engineers also review his work. The flooding concerns of the neighbors is irrelevant since the mini storage will have no impact on them.

I felt compelled to write this since it was so obvious at the meeting that the neighbors really just don't want anything to ever be built there.

Please support the mini storage and vote in favor of its approval.

Charles Fruit

To:

Heather Moreno, Mayor ([hmoreno@atascadero.org](mailto:hmoreno@atascadero.org))  
Lara Christensen, City Clerk ([cityclerk@atascadero.org](mailto:cityclerk@atascadero.org))  
Kelly Gleason, Senior Planner ([kgleason@atascadero.org](mailto:kgleason@atascadero.org))

6500 Palma Ave.  
Atascadero CA 93422

**RE: SUPPORT for Dove Creek Self Storage**


Dove Creek Self-Storage will help meet the need for storage within Atascadero, something our town desperately needs.

Existing self-storage facilities in Atascadero are nearly 1002% full. As meeting the requirements of California's Regional Housing Needs Assessments continues to bring high density housing to our community, the shortage of self-storage units will only get worse.

As the City continues to approve higher density plans, it must consider the storage needs these new residents will have, as well as the needs of existing residents and businesses.

Please support the Dove Creek Self-storage project.

Thank you,

  
Susan C. Townsend  
10386 El Camino Real

City Council  
City of Atascadero  
6500 Palma Ave.  
Atascadero CA 93422  
cityclerk@atascadero.org


RE: Support for Dove Creek Self-Storage

Dear Atascadero Council Members:

The Dove Creek Self-Storage proposal will bring much needed improvements to flood control to this part of town, significantly reducing flood risk for my neighbors and myself. In addition, I believe the project is well designed and will make a better neighbor than another high density apartment project would.

For these reasons, I support the Dove Creek Self-storage Project and encourage you to as well.

Sincerely,

  
Susan C. Townsend  
10386 El Camino Real



To:

Heather Moreno, Mayor ([hmoreno@atascadero.org](mailto:hmoreno@atascadero.org))  
Lara Christensen, City Clerk ([cityclerk@atascadero.org](mailto:cityclerk@atascadero.org))  
Kelly Gleason, Senior Planner ([kgleason@atascadero.org](mailto:kgleason@atascadero.org))

6500 Palma Ave.  
Atascadero CA 93422

**RE: SUPPORT for Dove Creek Self Storage**

Dear Mayor Moreno and members of the City Council:

We are writing in support of the Dove Creek Self-storage project.

As a resident of Monarch Dunes, Trilogy Development in Nipomo this letter is to provide support an insight for the Dove Creek Self-Storage Project. Our townhome is within 1000 feet (or a ¼-mile) from Scott Newton's Woodlands Self Storage at Monarch Dunes. I wish to provide testimony stating that the home values continue to climb in this development, and we feel very safe and secure in this beautiful Trilogy Development. The proximity of this Storage facility has not brought in undesirable traffic or security concern but provides a needed amenity of a close, secure well-designed facility for the storage needs of the residents in this community.

We see the Scott Newton's Woodland Self Storage as a positive amenity to this community, Monarch Dunes, Trilogy.

Dove Creek Self-Storage will help address the storage needs for Atascadero while providing a pleasing streetscape where there is currently a barren lot. Please support Dove Creek Self-storage.

Thank you for your consideration

Jon and Kim Voget  
1167 Spring Azure Way  
Nipomo, CA. 93444



**Lara Christensen**

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**From:** Max Zappas <max@zvillages.com>  
**Sent:** Wednesday, September 4, 2019 2:44 PM  
**To:** Phil Dunsmore; Rachelle Rickard; Heather N. Arnold  
**Subject:** storage facility

Hi Heather, Rachelle, and Phil,

I am sure you have heard quite enough about the project located on the southern end of the city where the dome home is currently situated but I just wanted to drop a quick note in support of the project. I hope you will urge the city council to approve the project next week. There are a couple reasons I believe this is important enough to address you three specifically and I have listed them below. Thank you for taking the time to hear me out and for supporting the business community here in the region!

1. The site has very serious constraints to it and the applicant has painstakingly addressed all of them. If he doesn't build, who will? Also, to force him to go another route by changing the zoning and redesigning will cost him a lot of money in planning and higher construction costs. His extensive team of engineers and consultants have addressed the flooding and environmental concerns of the project in a way that will improve the current conditions, not make them worse. He did all of this over the course of a relatively long time in development standards and at an extreme cost relative to the value of the future asset.
2. If we want the city of Atascadero, and the region as a whole, to be generally perceived as a more "business friendly" area, we cannot block or delay businesses in this way... He has been working at this entitlement process for far too long and hearing horror stories like this forces developers to say goodbye to the city, region and state. It is just too much to bear and I feel as though his project there is already financially squeezed as is. The timing of approvals/entitlements truly need to be expedited, hold ups like this are simply not acceptable. The damage here is already done, it can only get worse if the project gets denied. Developers hear about cases like this and they run for the hills, word has already gotten out about this and it isn't good for the city of Atascadero.

It is terrifying hearing stories like this, it doesn't make me want to keep doing real estate development here. California is bad enough with all of the environmental and social requirements placed on developers/builders, we don't need local jurisdictions arbitrarily appealing approvals.... Not to mention the fiscal and legal tight rope the city is assuming when one of their council members files the appeal herself... Anyway, happy to chat more about this topic or explain more of my opinion on this particular council member.

Thank you for your time and consideration! Let me know if you'd like to talk more, good luck next week with this tough decision!

--  
Thank you,



Max Zappas  
Z Villages Management & Development  
6100 El Camino Real Suite C  
[max@zvillages.com](mailto:max@zvillages.com)  
805-674-4743  
Con Lic # 1048492  
RE Lic # 01997012

ITEM NUMBER: B-1  
DATE: 09/10/19  
ATTACHMENT: 5

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