



CITY OF ATASCADERO PLANNING COMMISSION AGENDA

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

City Hall Council Chambers
6500 Palma Avenue, 4th Floor
Atascadero, California 93422

CALL TO ORDER

Pledge of Allegiance

Roll Call: Chairperson Tom Zirk
Vice Chairperson Mark Dariz
Commissioner Duane Anderson
Commissioner Tori Keen
Commissioner Michael Shaw
Commissioner Jeff van den Eikhof
Commissioner Jan Wolff

APPROVAL OF AGENDA

PUBLIC COMMENT (This portion of the meeting is reserved for persons wishing to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Commission may take action to direct the staff to place a matter of business on a future agenda.)

CONSENT CALENDAR (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Commission or public wishes to comment or ask questions.)

1. DRAFT MINUTES OF NOVEMBER 19, 2019

- **Recommendation:** Commission approve the November 19, 2019, Minutes.

COMMUNITY DEVELOPMENT STAFF REPORTS

None

PUBLIC HEARINGS

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(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).

DISCLOSURE OF EX PARTE COMMUNICATIONS:

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

2. CONDITIONAL USE PERMIT FOR 7835 EL CAMINO REAL

The proposed project consists of a Conditional Use Permit at 7835 El Camino Real to demolish an existing building on the site and build a 600 square foot drive-through coffee shop. The coffee shop would include a queue area that could accommodate up to six (6) cars.

Ex-Parte Communications:

- **Recommendation:** Approve the project with conditions (USE19-0061)

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

The next regular meeting will be held on December 17, 2019, at 6:00 p.m.

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

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

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

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

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

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

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

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

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

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

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

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

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

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

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CITY OF ATASCADERO PLANNING COMMISSION

DRAFT MINUTES

**Regular Meeting – Tuesday, November 19, 2019 – 6:00 P.M.
City Hall Council Chambers
6500 Palma Avenue, Atascadero, California**

CALL TO ORDER - 6:00 p.m.

Vice Chairperson Dariz called the meeting to order at 6:00 p.m. and Commissioner Anderson led the Pledge of Allegiance.

ROLL CALL

Present: Commissioners Anderson, Keen, van den Eikhof, Wolff, Vice Chairperson Dariz

Absent: Commissioner Shaw (excused absence)
Chairperson Zirk (excused absence)

Others Present: Recording Secretary, Annette Manier

Staff Present: Community Development Director, Phil Dunsmore
Chief Building Official, David Muehlhausen
Fire Marshal, Tom Peterson
Associate Planner, John Holder
Permit Technician, Jamie Striegel

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

None.

Vice Chairperson Dariz closed the Public Comment period.

CONSENT CALENDAR

1. DRAFT MINUTES OF NOVEMBER 5, 2019

Recommendation: Commission approve the November 5, 2019, Minutes.

MOTION: By Commissioner van den Eikhof and seconded by Commissioner Keen to approve the Consent Calendar.

*Motion passed 4:0:1 by a roll-call vote.
(Commissioner Wolff abstained due to her absence from the previous meeting.)*

COMMUNITY DEVELOPMENT STAFF REPORTS

None

PUBLIC HEARINGS

(For each of the following items, the public will be given an opportunity to speak. After a staff report, the Chair will open the public hearing and invite the applicant or applicant's representative to make any comments. Members of the public will be invited to provide testimony to the Commission following the applicant. Speakers should state their name for the record and can address the Commission for three minutes. After all public comments have been received, the public hearing will be closed, and the Commission will discuss the item and take appropriate action(s).)

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2. 2019 BUILDING, FIRE, PLANNING AND ZONING, AND SUBDIVISION CODE UPDATES (THIS ITEM WAS CONTINUED FROM NOVEMBER 5, 2019)

The proposed project consists text amendments to Title 4 Public Safety, Title 8 Building Code, Title 9 Planning and Zoning, and Title 11 Subdivisions to adopt the 2019 California Building Code and amend Municipal Code references for internal consistency and clarification.

Ex-Parte Communications:

- Recommendation: Approve the proposed text amendments to the Municipal Code to adopt the 2019 CBC and associate code text amendments. (CPP19-0080)

EX-PARTE COMMUNICATIONS

None

Director Dunsmore presented the staff report on **Resolution A and B**, the Fire and Building Code updates. Mr. Muehlhausen, Fire Marshal Peterson, and Director Dunsmore answered questions from the Commission. Staff noted typos/corrections that need to be corrected as follows:

Page 14 – correct the spelling of Council and Atascadero

Page 22 – shall not be is stated twice under 1204.2.2

Page 23 – Under 1204.4 – shall be required is stated twice.

Page 33 – correct the date. Instead of 11964, the date should read 1964.

Page 34 – Under R324.7.2 – shall be required is stated twice.

Staff recommended that the Commission adopt the revised Resolution B, which was distributed to the Commission prior to the meeting (Exhibit A), which includes the following revisions:

- Adopting sections J104, J105, J106, and J107 of Appendix J of the CBC to address grading. No local modifications proposed.

Planner Holder presented the staff report on the Resolution C, Zoning Code and is recommending a modification to Resolution C on Page 48, as follows:

- Fire backflow devices: Fire backflow devices are required to be integrated into the site or building design, ~~and~~ are prohibited in any public right-of-way, ~~unless it can be shown that no other location is feasible and the device is adequately screened by landscaping or other site improvements, subject to the approval of the Community development Director and City Engineer, they and~~ must ~~also~~ be accessible to Fire Department and Water Company personnel at all times.
- Fire Department connections shall be installed in accordance with the NFPA standard applicable to the system Design and shall comply with Sections 912.2 through 912.7 of the California Fire Code.

Director Dunsmore presented the staff report on Resolution D, the Subdivision Code.

PUBLIC COMMENT

None

Vice Chairperson Dariz closed the Public Comment period.

MOTION: By Commissioner Anderson and seconded by Commissioner van den Eikhof to adopt PC Resolution 2019-A recommending that the City Council repeal and replace Chapter 7 (Fire Code) of Title 4 (Public Safety Code) of the Atascadero Municipal Code, based on findings and to include the revisions as stated above.

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

MOTION: By Commissioner Anderson and seconded by Commissioner van den Eikhof to adopt PC Resolution 2019-B recommending that the City Council repeal and replace Title 8 (Building Regulations) and amend the latest editions of the construction codes, and adopt findings of facts to support the imposition of requirements greater than the requirements established by or pursuant to the California Building Standards Code, based on findings and to include staff's recommended changes as stated above.

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

MOTION: By Commissioner Anderson and seconded by Commissioner van den Eikhof to adopt PC Resolution 2019-C recommending that the City Council amend Title 9 of the Atascadero Municipal Code Chapters 2, 3, 4, and 6 based on findings and to include staff's recommended changes as stated above.

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

MOTION: By Commissioner Anderson and seconded by Commissioner van den Eikhof to adopt PC Resolution 2019-D recommending that the City Council amend Title 9 of the Atascadero Municipal Code Chapters 2, 3, 4, and 6 based on findings.

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

COMMISSIONER COMMENTS AND REPORTS

Commissioner Wolff will be absent from the December 3, 2019 meeting.

DIRECTOR'S REPORT

Director Dunsmore stated that the next meeting will be on December 3, 2019, and gave an update on projects in the City.

ADJOURNMENT –7:18 p.m.

The next Regular meeting of the Planning Commission is scheduled for **December 3, 2019**, at City Hall, Council Chambers, 6500 Palma Avenue, Atascadero.

MINUTES PREPARED BY:

Annette Manier, Recording Secretary
Administrative Assistant

The following exhibit is available in the Community Development Department:

Exhibit A – Revised Resolution B



Atascadero Planning Commission

Staff Report – Community Development Department

El Camino Real Drive-through Coffee Shop (USE 19-0061)

RECOMMENDATION(S):

Planning Commission adopt PC Resolution 2019, approving a drive-through coffee shop at 7835 El Camino Real, based on findings and subject to Conditions of Approval.

Project Info In-Brief:

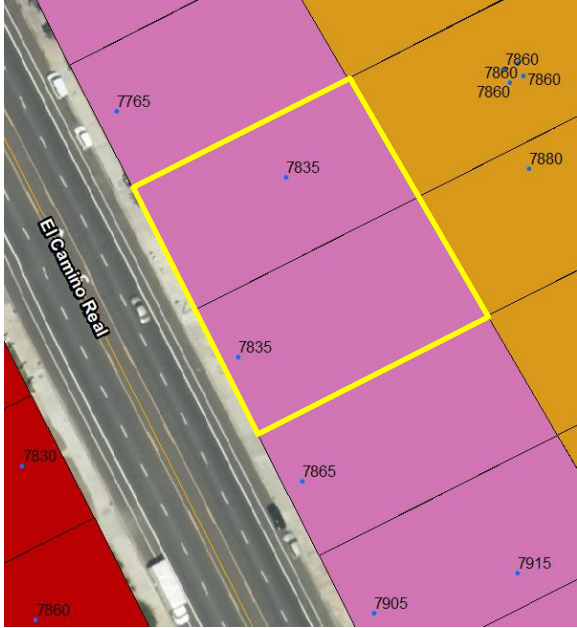

PROJECT ADDRESS:	7835 El Camino Real	Atascadero, CA	APN	030-132-049 030-132-050
PROJECT PLANNER	Mariah Gasch Assistant Planner	470-3436	mgasch@atascadero.org	
APPLICANT	Moss Lane Ventures/ Pamela Jardini			
PROPERTY OWNER	Pat Mitchell			
GENERAL PLAN DESIGNATION:	ZONING DISTRICT:	SITE AREA	EXISTING USE	PROPOSED USE
General Commercial (GC)	Commercial Professional (CP)	0.47 Acres	Storage building/ Non-conforming house	Drive-through coffee shop
ENVIRONMENTAL DETERMINATION				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration No. _____ <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15303 <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

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<http://www.atascadero.org>
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DISCUSSION:

Existing Surrounding Uses / Parcel Configurations:

Existing Zoning		Existing Aerial / Surrounding	
			
North:	South:	East:	West:
<u>Commercial Professional (CP)</u>	<u>Commercial Professional (CP)</u>	<u>Commercial Service (CS)</u>	<u>Residential Multi-family (RMF-24)</u>

Background:

The project was brought before the Design Review Committee (DRC) on August 14, 2019. After reviewing the project, the DRC had the following comments:

- Stripe queueing lane to clarify traffic flow.
- Analyze retaining wall and finish if necessary.
- The existing building to be used for wholesale and distribution shall be painted to match the new building.
- Provide a noise study analyzing the proposed speaker noise levels.
- Provide landscaping to detract people from going to the rear of the property.
- Provide two new trees in the front landscaped planter along with the proposed ramp.
- Look into creating a faux window covered by an awning on the blank wall along the front of the building.

Summary:

The subject site is made up of two parcels with a combined size of 0.47 acres. A condition of approval for the project will be to merge the two lots, as the proposed building would be built over the property line. The proposed coffee shop would be occupied by the coffee chain, Human Bean, and include a single sided drive-up design with a menu board and



order station located in a landscaped area. The coffee shop would be 600 square feet with a drive-through lane that can accommodate up to 5 stacked cars. Five onsite parking spaces are provided for the Human Bean's employees and the wholesale/ distribution building. The code requires at least 4.2 spaces for this use. The project does not include a walkup window or seating areas for customers and the business is designed as solely a drive-through use. Since the new facility is requesting a drive-through, the project is subject to a Conditional Use Permit, requiring the Planning Commission's review.

Aerial

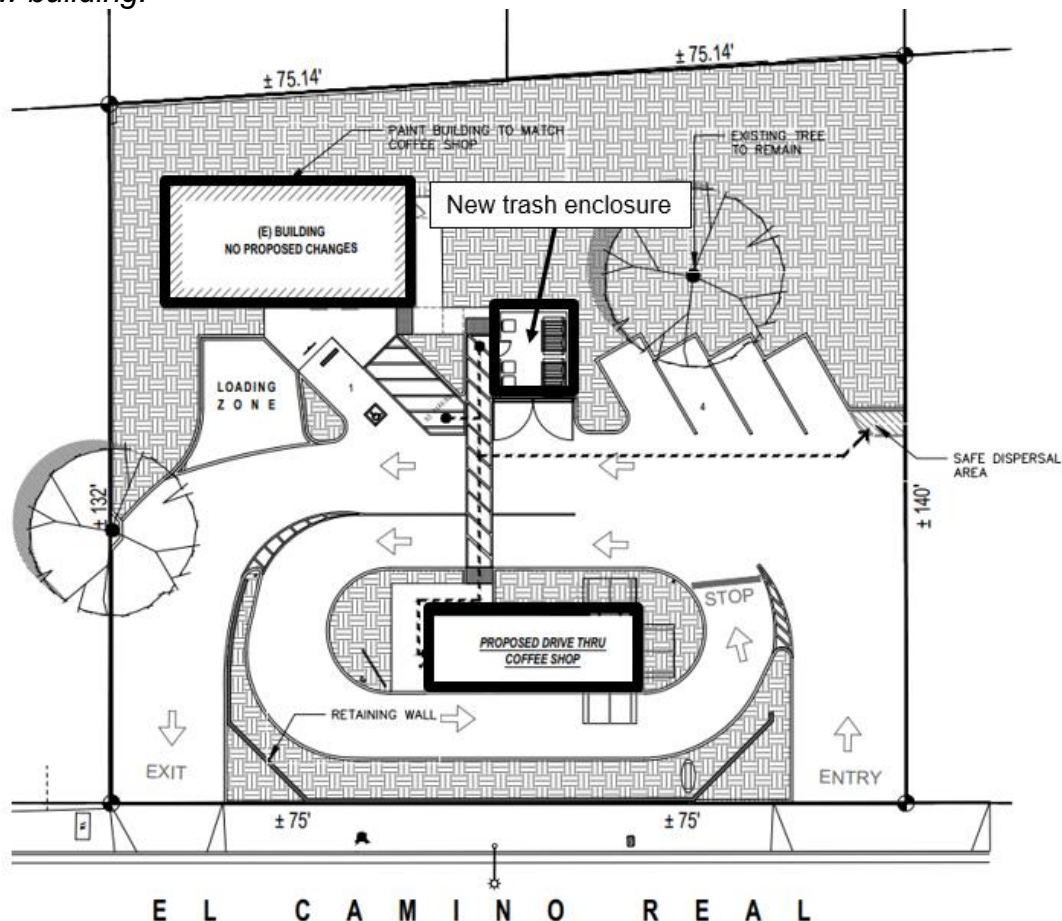


Analysis:

Site Design

The site is accessed from El Camino Real. The new building is proposed to be setback 20 feet off the front property line. Landscape buffering is provided between the drive aisle and the adjacent public streets to soften the visual appearance of the drive-through lane. The project does not have a path for pedestrians from El Camino Real and can only be accessed by the drive aisles. The applicant plans to resurface the retaining wall along the sidewalk either with a stucco finish that matches the drive-through building or with stone or brick.

Staff recommends resurfacing the retaining wall with a stone finish that will complement the new building.



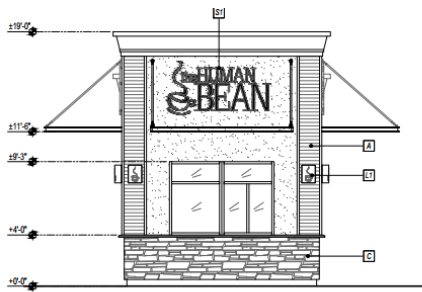
Architectural Design

The project proposed a single-story building consisting of stucco and stone veneer with custom built awnings. Wall mounted sconces provide lighting. The building is a contemporary design with a flat roof and canopies. The design includes varying materials in subtle earth tones, adding architectural interest to the design. The applicant is not proposing any changes to the existing building at the rear of the site but it will be painted to match the new building. The existing building is proposed to be used solely for wholesale distribution. There was discussion at the DRC hearing that the applicant

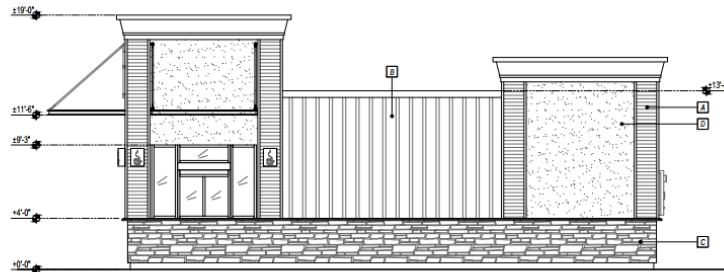


ITEM 2 | 12/3/19
Drive Through Coffee Shop
USE 19-0061 / Human Bean

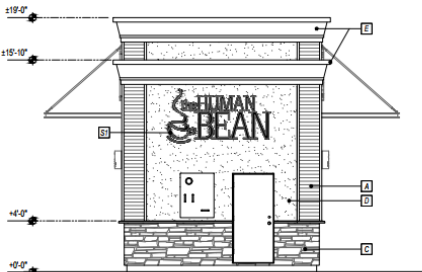
consider adding a feature such as a faux window and/or new awning to the front of the building facing El Camino Real to help provide enhanced appearance to an unadorned wall. The blank wall is nine feet by ten feet. The applicant would prefer to keep the wall design as proposed (see image below), however staff has provided a project condition to add a feature to this wall to enhance the appearance. Such features could include an awning, artwork, tile work a window or other building features.



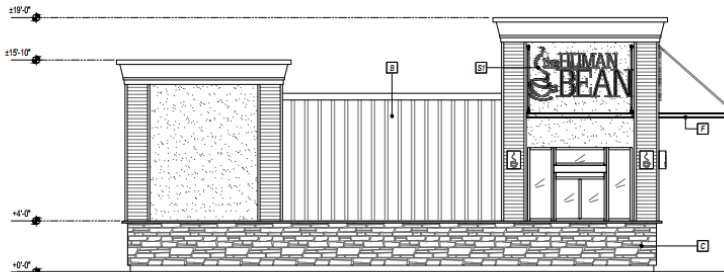
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION (EL CAMINO REAL)

MATERIALS:

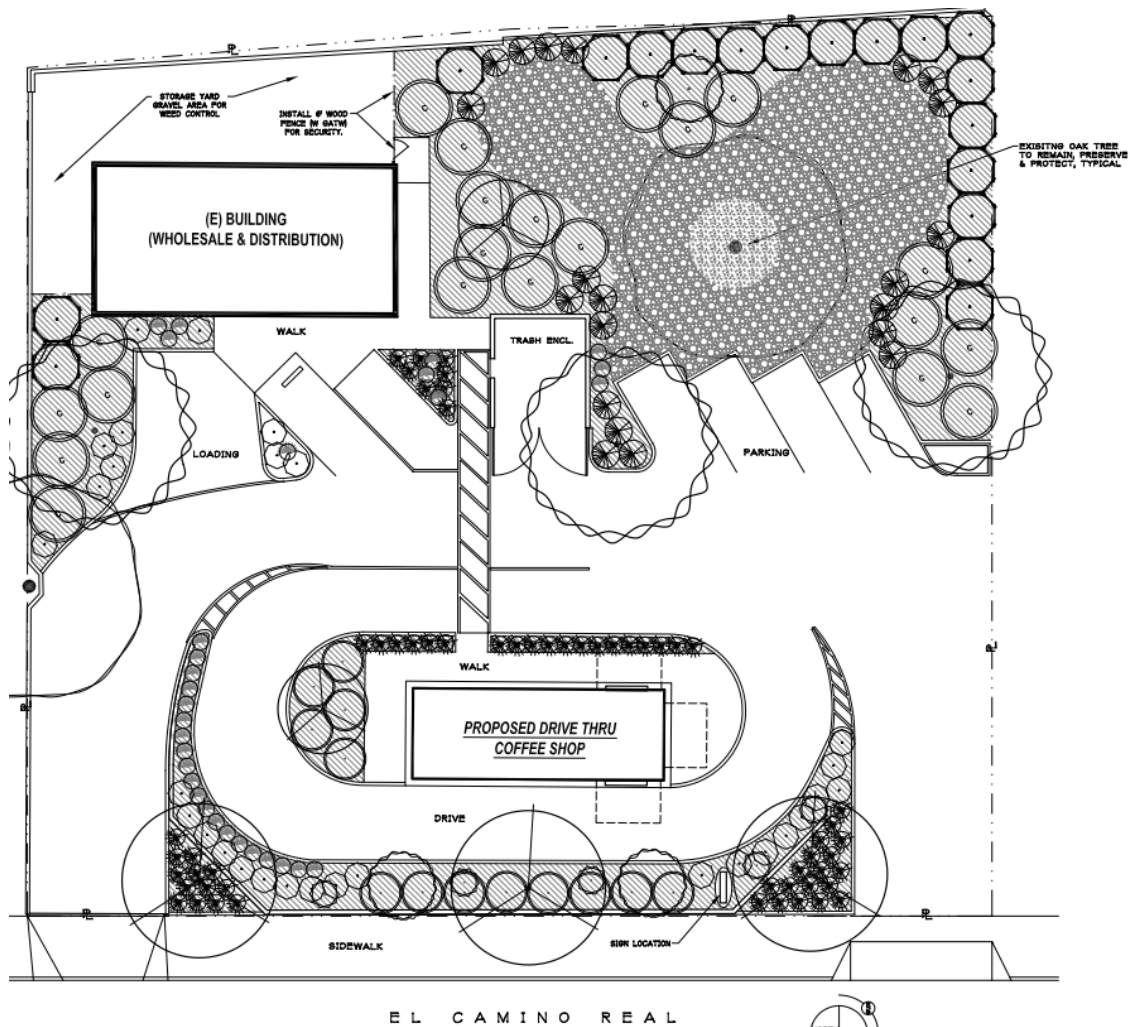
- [A] SIDING**
LAP SIDING
COLOR:
SHERWIN WILLIAMS
DORMER BROWN
(SW 7521)
 - [B] SIDING**
BOARD AND BATTEN
COLOR:
SHERWIN WILLIAMS
CUSTOM COLOR
MC-29065
 - [C] SIDING**
STONE VENEER
EL DORADO
WARM SPRING LEDGE
PANEL
 - [D] SIDING**
STUCCO
COLOR:
SHERWIN WILLIAMS
KILIM BEIGE (SW 6106)
 - [E] AWNING**
EPS FOAM COVERED
w/STUCCO
STUCCO COLOR:
SHERWIN WILLIAMS
KILIM BEIGE (SW 6106)
METAL COLOR:
MUSKET SR-30.2
 - [F] AWNING**
METAL
CUSTOM-BUILT METALS
COLOR:
MUSKET SR-30.2
- LIGHTING:**
- [G] LIGHTING**
WALL MOUNT SCONCE

The wall in question



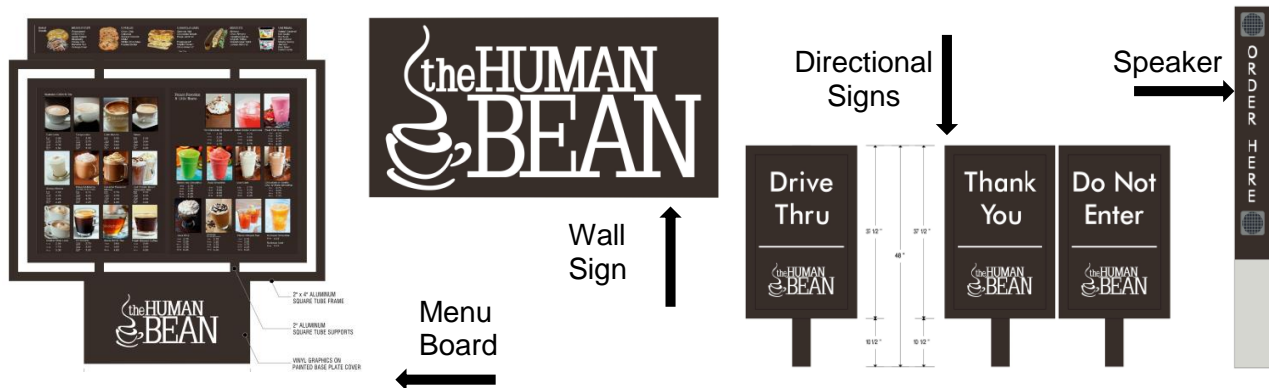
Landscaping

The site has one existing oak tree that is to remain. The applicant is proposing to add new shrubs, grasses and trees to landscape bare areas of the site. Between the parking lot and the adjacent Residential Multi Family zone, the applicant will add large river rock cobbles and shredded bark. The area will also include bushes and shrubs to make the area look complete but stop it from becoming an attractive nuisance. Additional landscaping and parking is proposed around the new parking lot with three new oak trees. The frontage along El Camino Real will also be fully landscaped with three new London Plane sycamore trees as street trees, providing shade for the adjacent sidewalk.



Signage

The applicant is proposing to add three wall signs and multiple directional signs and menu signs. Atascadero Municipal Code (AMC) 9-15.008 states that wall signs are limited to one square foot per linear foot of building frontage. The new building's frontage along EL Camino Real is approximately 40 feet long. The sides are approximately 14 feet wide. The proposed wall signs are composed of individual channel letters. Each sign is approximately 20 square feet, totaling 60 square feet. The applicant is requesting an exception to allow the wall signs to exceed the allowed on two sides of the building by 6 feet each. Total aggregate signage allowed in the Commercial Professional zone is 150 feet, which these signs do not exceed. Directional signs and menu signs do not count toward aggregate signage.



Noise

Staff and the DRC expressed concerns about the potential noise impacts that a drive-through would have adjacent to a residential neighborhood. The applicant provided additional information about the noise levels that the speaker at the menu board will produce. The average daytime (7 am to 9 pm) noise level maximum is 50 dB. The maximum daytime sound level is 70 dB. The information provided states that at 32 feet away from the speaker, the dBA is 54. The speaker is located more than 100 feet from the neighbor's back fence. The speaker has an option to include an Automatic Volume Control (AVC). This will adjust the outbound volume based on the outdoor, ambient noise level. When noise levels decrease, the AVC will reduce the outbound volume. The applicant has agreed to add this component to their speaker.

ENVIRONMENTAL DETERMINATION:

The proposed project is Categorically Exempt (Class 3) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) CEQA pursuant to CEQA Guidelines Section 15303, for new construction of small structures.

FINDINGS:

To approve USE 19-0061, the Planning Commission must make the following findings. These findings and the facts to support these findings are 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;
6. The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.

ALTERNATIVES:

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

ATTACHMENTS:

1. Proposed Façade
2. Site Photos



3. Draft Resolution



**ATTACHMENT 1: Proposed Facade
USE 19-0061**



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ATTACHMENT 2: Site Photos
USE 19-0061

Wholesale and Distribution Building (to remain)



View of the site from El Camino Real (existing house to be demolished)



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**Attachment 3: Draft Resolution
USE 19-0061**

DRAFT PC RESOLUTION

**RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT (USE19-0061) ALLOWING
A DRIVE-THROUGH COFFEE SHOP IN THE COMMERCIAL PROFESSIONAL ZONING
DISTRICT
APN 030-132-049 & 030-132-050
(Human Bean)**

WHEREAS, an application has been received from Pat Mitchell, 4844 E. Mirada Lane, Stockton, CA 95212 (Owner and Applicant) to consider a Conditional Use Permit (USE 19-0061) to allow a drive-through coffee shop in the Commercial Professional zoning district; and

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

WHEREAS, the site's Zoning is Commercial Professional (CP); and

WHEREAS, the proposed project qualifies for an Categorical Exemption consistent with CEQA section 15301: New Construction or Conversion of Small Structures; 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 Minor 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 Conditional Use Permit; and

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on December 3, 2019, studied and considered the Conditional Use Permit USE 19-0061.

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

SECTION 1. Findings of Environmental Exemption. The Planning Commission finds as follows:

1. The proposed project has been found Categorically Exempt under Class 3, Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.

SECTION 2. Findings for approval of Conditional Use Permit Amendment. The Planning Commission finds as follows:

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



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

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

2. The proposed project satisfies all applicable provisions of the Title (Zoning Ordinance), and

Fact. The proposed drive-through coffee shop can be permitted through the Conditional Use Permit process as identified in the Municipal Code. The proposed structure and site plan are consistent with the applicable provisions of the Atascadero Municipal Code with the approval of the subject entitlement.

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

Fact. The proposed drive-through restaurant is being constructed on an underutilized commercial site with a non-conforming house on it. The establishment of the use on a commercial infill site will bring the site into conformance with the Municipal Code and will not be detrimental to the public health, safety, or welfare. Conditions of Approval have been added to minimize impacts to the adjacent residential uses.

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

Fact. The proposed drive-through use and signage are consistent with the Commercial Professional zoning District. Conditions of Approval have been added to minimize impacts to the adjacent residential uses.

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

Fact: The drive- through coffee shop will not have an excessive impact on traffic volume. The coffee shop is small with limited services. The use is consistent with other businesses located around it on El Camino Real.

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



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

SECTION 3. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on December 3, 2019, resolved to approve Conditional Use Permit Use 19-0061 subject to the following:

- EXHIBIT A: Conditions of Approval
- EXHIBIT B: Site Plan
- EXHIBIT C: Landscape Plan
- EXHIBIT D: Elevations

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

AYES: ()

NOES: ()

ABSENT: ()

ABSTAINED: ()

ADOPTED:

CITY OF ATASCADERO, CA

Tom Zirk
Planning Commission Chairperson

ATTEST:

Phil Dunsmore
Planning Commission Secretary



Exhibit A: Conditions of Approval
USE 19-0061

Conditions of Approval / Mitigation Monitoring Program	Timing	Responsibility /Monitoring
7835 El Camino Real	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
Planning Services Conditions		
1. This Conditional Use Permit shall allow for the establishment of a drive-through restaurant at 7835 El Camino Real described on the attached exhibits and located on APN 030-132-049 &-050, regardless of owner.	Ongoing	PS
2. The approval of this use permit shall become final and effective for the purpose of issuing building permits fourteen (14) days following the Planning Commission approval, unless an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.	Ongoing	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%, and/or (2) result in a superior site design or appearance.	BL	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 the period, the approval shall expire and become null and void unless the project has received a building permit.	BL	PS
5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning this conditional use permit.	Ongoing	CA
6. The speaker shall include the Automatic Volume Control (AVC) feature.	BP	PS
7. The applicant shall merge the two lots before building permits are issued for construction of the new drive-through building.	BP	PS
8. A minimum of five (5) parking spaces shall be added to the site as off-street parking.	Ongoing	PS
9. Landscaping shall be consistent with the approved Landscape Plan. Landscaping shall be added prior to requesting a final planning inspection.	BP/ Ongoing	PS
10. New lighting shall conform to the standards of Atascadero Municipal Code 9-4.137 for exterior lighting.	BP	PS
11. Elevations shall incorporate high quality materials and shall be consistent with the colors and design shown in Exhibit D. Stucco shall have a smooth finish.	BP	PS



Conditions of Approval / Mitigation Monitoring Program	Timing	Responsibility /Monitoring
7835 El Camino Real	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
12. The building wall facing El Camino Real on the northerly building elevation shall be modified to include an awning, tilework, artwork, a window or other features to enhance the appearance of the large blank space.	BP	PS
13. All utilities shall be installed underground.	BP	PS
14. The existing storage building shall be painted to match the new drive-through.	BP/Ongoing	PS
15. The retaining wall shall be resurfaced with stone to match the new drive-through.	BP	PS
16. All mechanical equipment onsite shall be screened, including all ground and roof-mounted equipment, air conditioners, transformers, etc.	BP	PS
17. Traffic Impact fees shall be provided for this project based on the City's alternative per trip calculation method.	FO	PS BS



EXHIBIT B: Site Plan
USE 19-0061

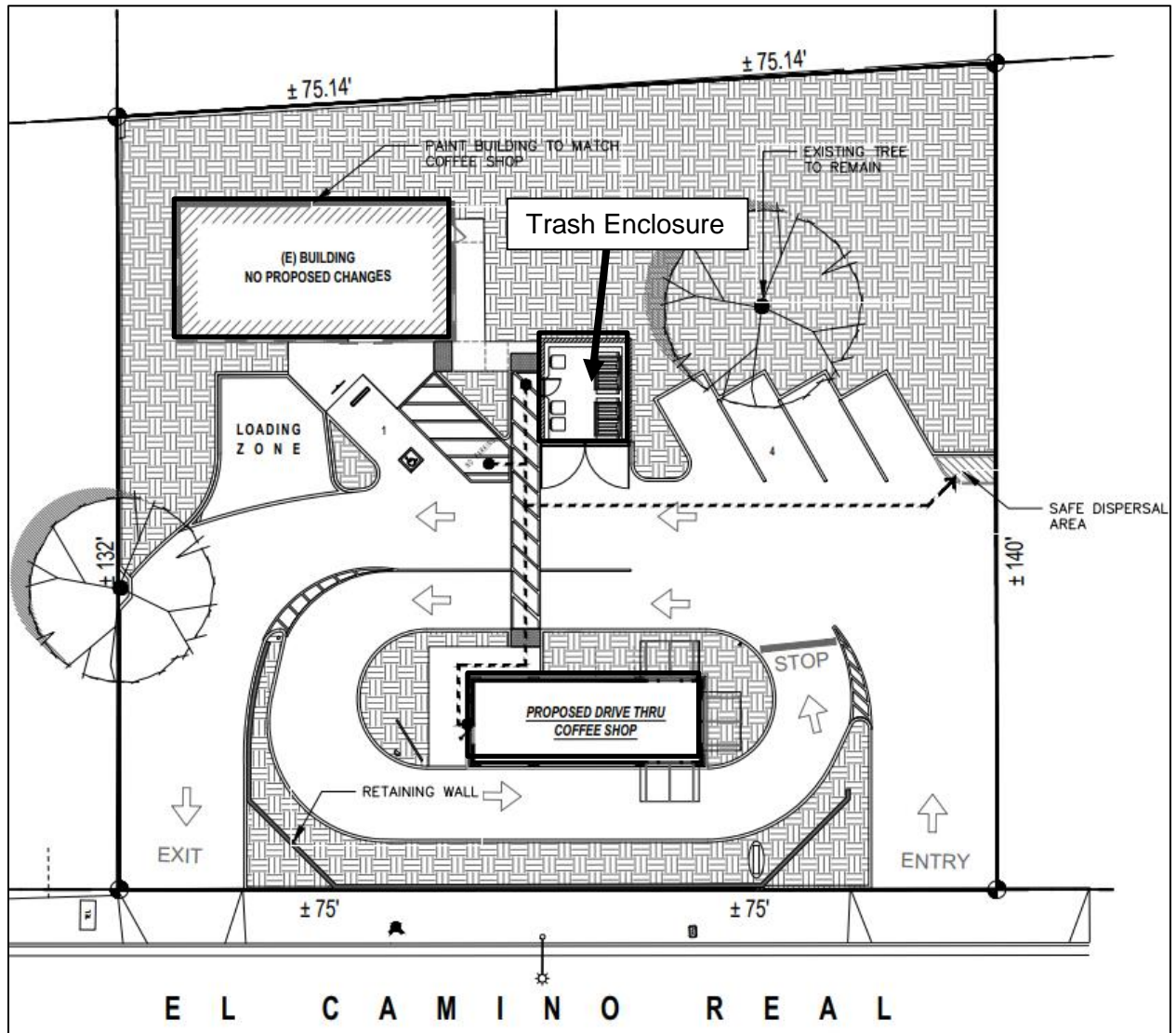
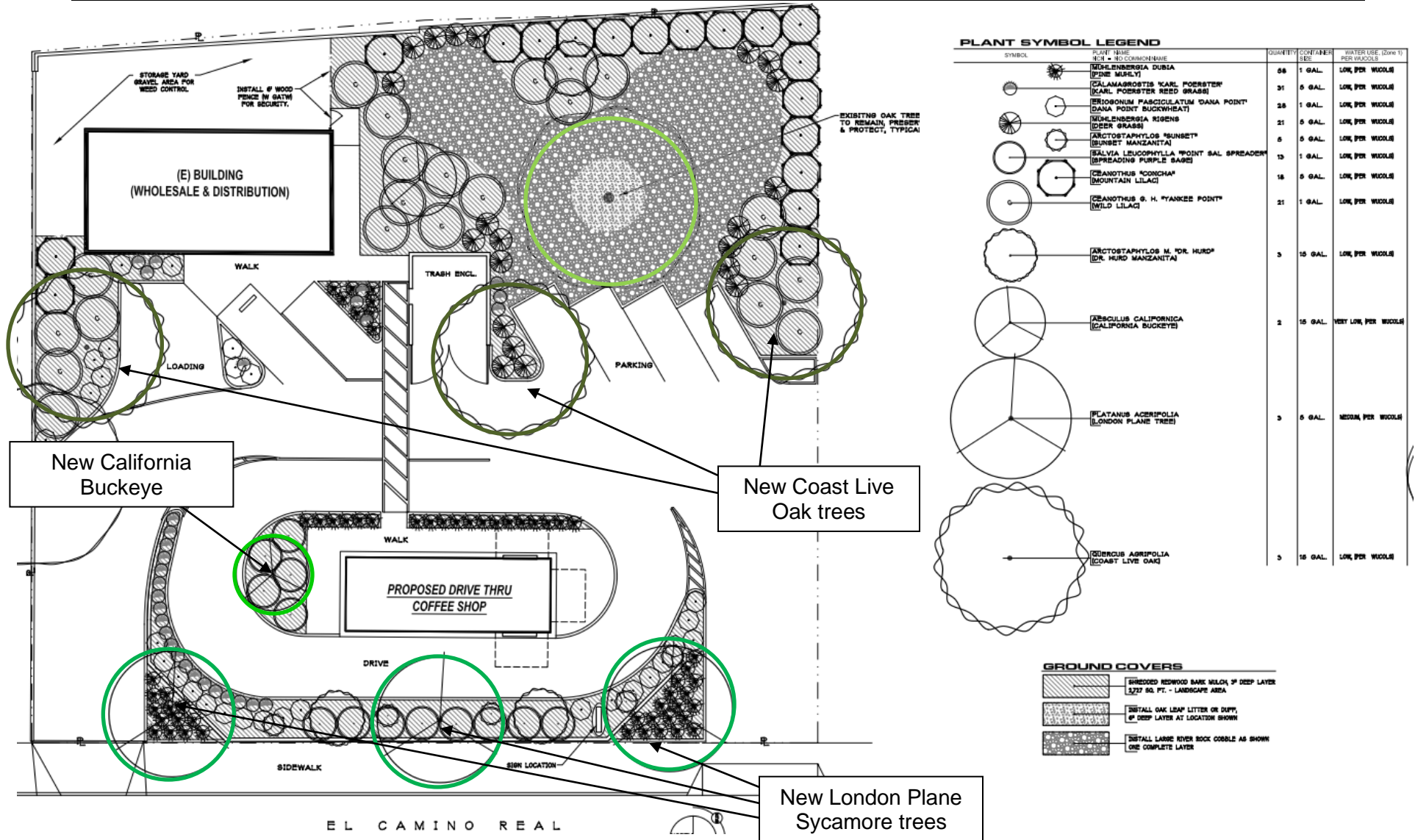


EXHIBIT C: Landscape Plan
USE 19-0061



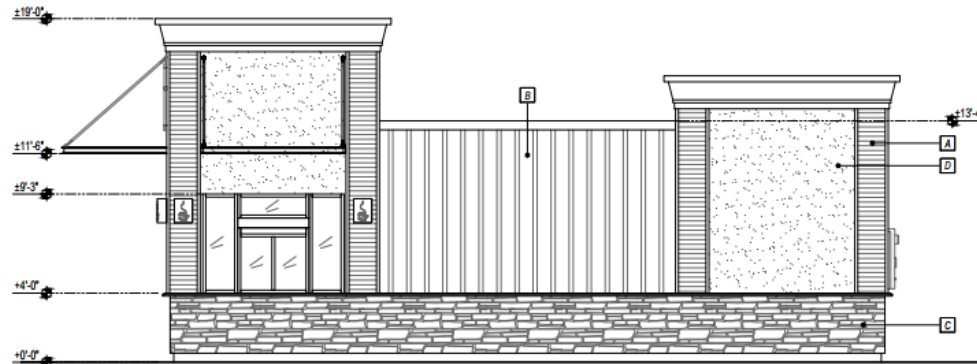
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE ATASCADERO COMMUNITY DEVELOPMENT DEPARTMENT AT

<http://www.atascadero.org>
6500 PALMA AVENUE | ATASCADERO, CA 93422 | (805) 461-5000

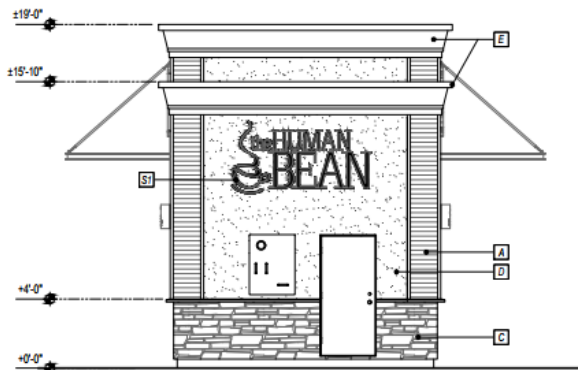
EXHIBIT D: Elevations
USE 19-0061



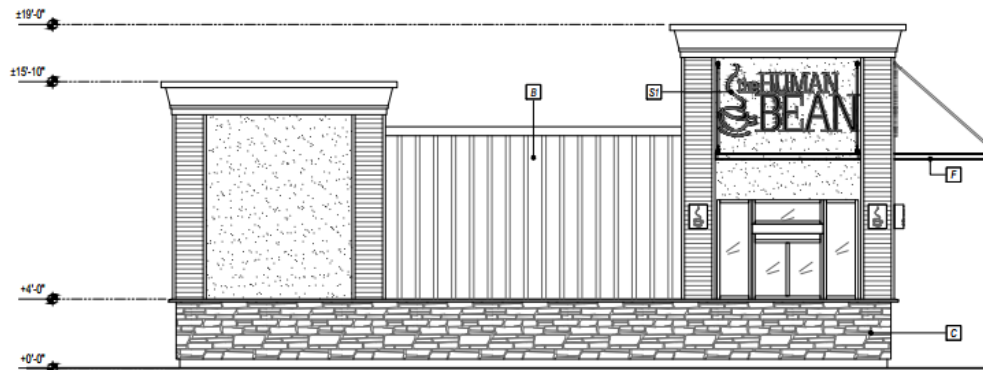
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION (EL CAMINO REAL)

MATERIALS:

- A** SIDING
LAP SIDING
COLOR:
SHERWIN WILLIAMS
DORMER BROWN
(SW 7521)
- B** SIDING
BOARD AND BATTEN
COLOR:
SHERWIN WILLIAMS
CUSTOM COLOR
MC-29065
- C** SIDING
STONE VENEER
EL DORADO
WARM SPRING LEDGE
PANEL
- D** SIDING
STUCCO
COLOR:
SHERWIN WILLIAMS
KILIM BEIGE (SW 6106)
- E** AWNING
EPIS FOAM COVERED
w/STUCCO
STUCCO COLOR:
SHERWIN WILLIAMS
KILIM BEIGE (SW 6106)
METAL COLOR:
MUSKET SR-30.2
- F** AWNING
METAL
CUSTOM-BUILT METALS
COLOR:
MUSKET SR-30.2

LIGHTING:

- L1** LIGHTING
WALL MOUNT SCONCE

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