



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, January 14, 2020

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

City Council Closed Session:

5:00 P.M.

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**

Public Financing Authority:

**Immediately following
conclusion of the Successor
to the Community
Redevelopment Agency of
Atascadero Session**

CITY COUNCIL CLOSED SESSION: 5:00 P.M.

Mayor Moreno announced at 5:00 p.m. that the Council was going into Closed Session.

- 1. CLOSED SESSION -- PUBLIC COMMENT - None**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
 - a. Conference With Legal Counsel—Anticipated Litigation**
Initiation of litigation pursuant to Government Code
Section 54956.9(d)(4); Number of Cases: One
 - b. Conference With Legal Counsel—Anticipated Litigation**
Significant exposure to litigation pursuant to Govt. Code
Section 54956.9(d)(2): One potential case

4. CLOSED SESSION – ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS

6. CLOSED SESSION – REPORT

The City Attorney reported that there was no reportable action in Closed Session.

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

Mayor Moreno called the meeting to order at 6:00 p.m. and Mayor Pro Tem Bourbeau led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

Others Present: City Treasurer Sibbach

Staff Present: City Manager Rachelle Rickard, Public Works Director Nick DeBar, Police Chief Jerel Haley, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Senior Planner Kelly Gleason and Assistant Planner Mariah Gasch

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: None.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – December 10, 2019

- Recommendation: Council approve the December 10, 2019 Draft City Council Special Meeting and Regular Meeting Minutes. [City Clerk]

2. November 2019 Accounts Payable and Payroll

- Fiscal Impact: \$2,806,846.55
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for November 2019. [Administrative Services]

3. 2019 Municipal Code Updates - Title 4, Title 8, Title 9 and Title 11 (CPP19-0080)

- **Fiscal Impact:** Staff expects minimal fiscal impact to the City from the adoption of the new building codes and proposed code text amendments.
- **Recommendations:** Council:
 1. Adopt on second reading, by title only, Draft Ordinance A repealing and replacing Title 4, Public Safety, Chapter 7, Fire Code, for consistency with the 2019 California Building and Fire Codes.
 2. Adopt on second reading, by title only, Draft Ordinance B repealing and replacing Title 8, Building Code, of the Atascadero Municipal Code for consistency with the 2019 California Building Code.
 3. Adopt on second reading, by title only, Draft Ordinance C approving amendments to Title 11, Subdivisions, Section 11-4.23 for minor text corrections. [Community Development]

4. 4 Unit Planned Development – 7900 Curbaril Avenue (DEV18-0124)

- **Fiscal Impact:** If the project is approved for processing, it should be required to be fiscally neutral so the added residential units fund their own on-site improvements and maintenance, as well as their fair share of off-site improvements and impacts to City emergency services.
- **Recommendation:** Council adopt on second reading, by title only, Draft Ordinance amending Title 9, Chapter 3 of the Atascadero Municipal Code approving a zoning text change to establish Planned Development Overlay Zone No. 36 and amending the official zoning district designation for APN 031-231-003 from Residential Multi-family – 10 (RMF-10) to Residential Multi-family – 10 / Planned Development Overlay No. 36 (RMF-10/PD36). [Community Development]

**MOTION: By Council Member Fonzi and seconded by Council Member Newsom to approve the Consent Calendar. (#A-3: Ordinance Nos. 631, 632, and 633)(#A-4: Ordinance No. 634).
*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. Police Chief Haley gave a brief update on the changes the City has seen since the implementation of the Smoking Ordinance.

COMMUNITY FORUM:

The following citizens spoke during Community Forum: Frances Romero (Exhibit B), Scott Newton and Geoff Auslen

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS:

1. Appeal of Planning Commission Decision - USE19-0061 7835 El Camino Real “Human Bean Coffee” (Moss Lane Ventures/ Pamela Jardini)

- **Fiscal Impact:** Slight positive fiscal impact is expected from the operation of Human Bean coffee shop.

▪ Recommendation: Council:

1. Adopt Draft Resolution A, granting the appeal and affirming in part Planning Commission's action thereby approving Conditional Use Permit (USE19-0061) to allow a drive-through coffee shop in the Commercial Professional (CP) district subject to revised conditions of approval.

OR

2. Adopt Draft Resolution B to deny the appeal and affirm Planning Commission's approval of the Conditional Use Permit (USE 19-0061) with no modifications to the project or conditions of approval. [Community Development]

Ex Parte Communications:

All Council Members reported receiving communications from the applicant's representative. Council Members Fonzi and Newsom reported serving on the DRC and reviewing the project in that capacity.

Council Member Newsom also reported speaking with the applicant's representative.

Mayor Pro Tem Bourbeau reported meeting with the applicant's representative on site, speaking with Planning Commissioners, and reviewing the Planning Commission materials for the December 3, 2019 Meeting.

Mayor Moreno reported meeting with the applicant's representative on site, speaking with a neighbor of the proposed project site, and reviewing the Planning Commission materials for the December 3, 2019 Meeting.

Council Member Funk reported visiting the proposed project site as well as making site visits to comparative sites for measuring distance from the speaker to the property line on abutting residential properties.

Council Member Fonzi reported that she resides within 500 feet of the proposed project which creates a potential conflict of interest. She stepped down from the dais, recusing herself from the discussion and vote for this item.

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

PUBLIC COMMENT:

The following citizens spoke on this item: Pamela Jardini, Dr. David Lord, Pat Mitchell, Al Fonzi, Geoff Auslen, and Nick McClure

Mayor Moreno closed the Public Comment period.

Mayor Moreno recessed the meeting at 8:00 p.m.

Mayor Moreno reconvened the meeting at 8:12 p.m. with all present.

MOTION: By Mayor Pro Tem Bourbeau and seconded by Council Member Newsom to adopt Resolution No. 2020-001 granting the appeal and affirming in part Planning Commission's action thereby approving Conditional Use Permit (USE19-0061) to allow a drive-through coffee shop in the Commercial Professional (CP) district subject to revised conditions of approval:

- Delete Condition No. 17 in its entirety
- Amend Condition No. 20 to limit the hours of operation for outdoor amplified sound from 5am to 9pm.
- Add Condition No. 21 to read: Site design shall be in general conformance with the modified preliminary grading plan dated January 28, 2020, to the satisfaction of the City Engineer.
- Add Condition No. 22 to read: The Use Permit shall be subject to additional review upon receipt of noise or operational complaints. Additional mitigation may be warranted upon verification of recurring noise or operational disturbances that impact residential properties.

Motion passed 4:0 by a roll-call vote.

Council Member Fonzi returned to the dais.

C. MANAGEMENT REPORTS:

Mayor Moreno announced that Item C-2 would be presented prior to Item C-1.

2. Fiscal Year 2019 Annual Road Report

- Fiscal Impact: Distribution of the 2019 Community Road Report is estimated to cost \$4,000-\$5,000 in budgeted General Funds.
- Recommendations: Council:
 1. Approve the Fiscal Year 2019 Annual Road Report.
 2. Approve the 2019 Community Road Report. [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 Newsom and seconded by Council Member Funk to:

1. Approve the Fiscal Year 2019 Annual Road Report.
2. Approve the 2019 Community Road Report with the modification to the 2020 Garba Road Rehabilitation Project description as suggested by the Public Works Director.

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

1. Fiscal Year 2018-2019 Audit

- Fiscal Impact: None.
- Recommendation: Council review and accept the financial audit for the period ended June 30, 2019. [Administrative Services]

Administrative Services Director Rangel gave the staff report and answered questions from the Council. Adam Guise, with Moss, Levy & Hartzheim, LLP, also addressed the Council and answered questions.

PUBLIC COMMENT:

The following citizens spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Fonzi and seconded by Council Member Funk to review and accept the financial audit for the period ending June 30, 2019.
Motion passed 5:0 by a roll-call vote.

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)
2. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Fonzi

1. City of Atascadero Design Review Committee

Council Member Funk

1. Homeless Services Oversight Council

Council Member Newsom


1. City / Schools Committee
2. City of Atascadero Design Review Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

F. ADJOURN TO MEETING OF THE SUCCESSOR AGENCY

Mayor Moreno adjourned the meeting at 9:23 p.m. to the Meeting of the Successor Agency.

MINUTES PREPARED BY:



Lara K. Christensen
Deputy City Manager / City Clerk

The following exhibits are available for review in the City Clerk's office:

- Exhibit A – Item B-1, letter from Pamela Jardini received after agenda printed and distributed
- Exhibit B – Letter from Frances Romero, FORMA Companies

APPROVED: January 28, 2020

Date: January 14, 2020planningsolutions@charter.net

805-801-0453

January 8, 2020

RECEIVED

Mayor Moreno and Council Members
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422
Via: email

JAN 09 2020

CITY OF ATASCADERO
CITY CLERK'S OFFICE

**RE: Appeal of the Human Bean drive-through Coffee Shop; APL 19-019
7835 El Camino Real; Conditional Use Permit USE 19-0061**

Dear Mayor Moreno and Council Members,

The project being appealed is a Human Bean drive-through coffee shop located on El Camino Real on property zoned Commercial Professional and within the City's redevelopment area. The Human Beans' coffee shops provide convenient quality coffee, espresso, smoothies and hot chocolate. All Human Bean coffee shops are drive-through facilities; no tables or seating areas are provided. The site plan for the Human Bean drive-through coffee shop provides a single-sided drive-up design with a menu board and order station conveniently located in the landscaped area. The building is 600 sq. ft. and the drive-through lane may accommodate up to 5 stacked cars. Five on-site parking spaces and one loading space are provided for Human Bean's employees and the wholesale/distribution building.

The project was approved by the Planning Commission; the Planning Commission did not adopt hours of operation for the project and they did not limit the hours of operation of the speaker mounted on the menu ordering board.

Hours of Operation

The proposed hours of operation are from 5 am to 9 pm daily. It is important for the Human Bean to open at 5 am to serve beverages to employees of local businesses, construction workers, and commuters. Limiting the Human Bean's hours would deprive the business of servicing customers during prime revenue time. Human Bean's main competitor opens for business at 4:30 am or at 5:00 am depending on their location within the City.

Speaker at Menu Ordering Board

At the Planning Commission hearing, a neighbor raised concerns regarding the hours of operation and the volume of the speaker. The Commissioners discussed the issue but did not adopt restrictive hours for the use of the speaker.

To address the neighbor's concerns, 45 dB Acoustics completed an acoustical report / noise analysis (Report). Per their report, the three properties flanking the project site could be impacted from the noise emanating from the speaker. A summary of the results are discussed below and a copy of their report is attached for your reference.

The project will use a speaker model that is equipped with an Automatic Volume Control System which automatically limits the volume of the speaker to a volume that is 15 dB above the ambient noise level measured one foot from the speaker.

The use of the Automatic Volume Control System assures that the sound from the speaker

- will be at or below the ambient noise level just 10 meters from the speaker,
- will be below the ambient noise level at the property boundaries, and
- will not be audible at the three locations that could be impacted by the speaker noise - adjacent properties lying to the north (R1), east (R2), and south (R3).

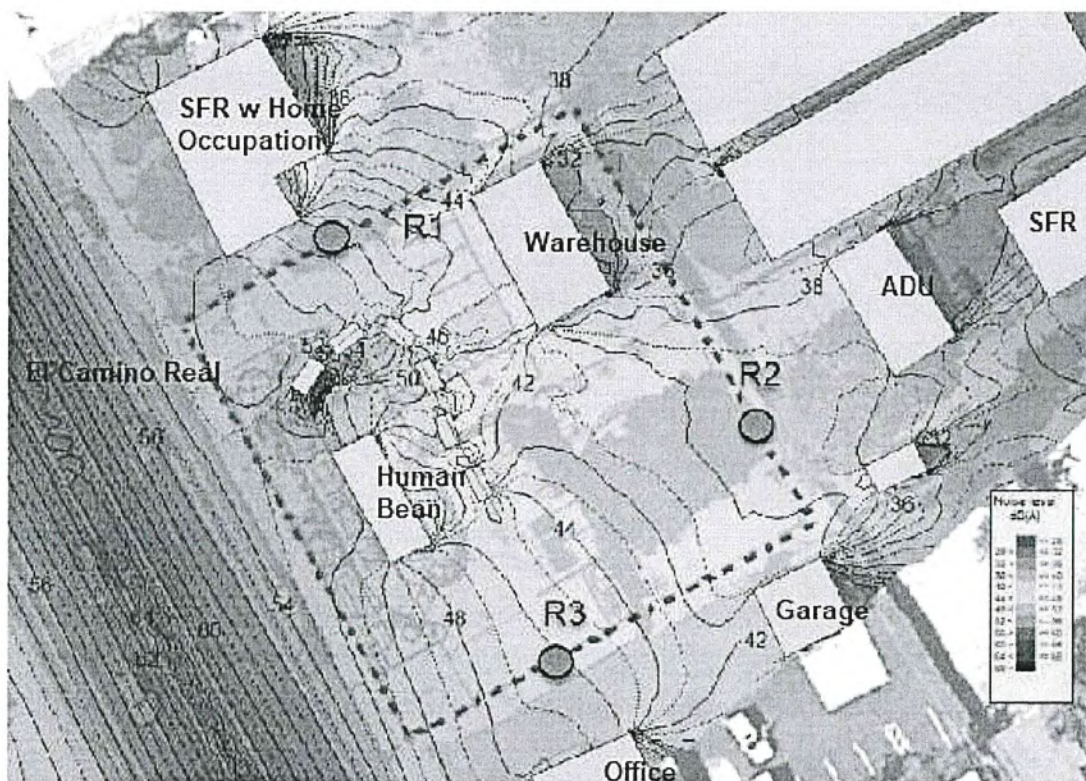


Figure 7: 45dB Acoustics acoustical report dated January 7, 2020

Both the Noise Element of the General Plan and the ordinance allow up to 50 dB for daytime and up to 45 dB for nighttime. In the case of the Human Bean project, Section 9-14.05 (b) of the ordinance allows a higher level because the ambient noise level at the property boundary of the receiving site pre-project exceeds the level permitted by the ordinance at two of the three locations during daytime hours and at one of the three locations during nighttime hours.

Table 1 below provides data for the maximum pre and post-project daytime noise levels and maximum pre and post project nighttime noise levels at each of the three adjacent properties. As stated above, the maximum pre and post project daytime noise level for R1 and R3 exceed the ordinance requirement of 50 dB during the daytime. The 45 dB nighttime level is exceeded at R1. Since the level of the noise at the property line does not increase post project, there is no impact to the adjacent parcels.

Table 1: Analysis of Before- and After-Project Hourly Daytime and Nighttime Sound Levels, dBA

	Address	Maximum Pre- Project Daytime Noise Level (Ld)	Maximum Post- Project Daytime Noise Level (Ld)	Maximum Pre- Project Nighttime Noise Level (Ln)	Maximum Post- Project Nighttime Noise Level (Ln)	Complies with Noise Element?
R1	7765 El Camino Real (south property line)	56	56	50	50	Yes
R2	7880 Sinaloa Avenue (west property line)	44	44	38	38	Yes
R3	7865 El Camino Real (north property line)	52	52	45	45	Yes
NOTES: 1. Utilizes AVC (Automatic Volume Control) speaker system						

Table 1 45 dB Acoustics acoustical report dated January 7, 2020

The report provided by 45dB Acoustics demonstrates that the project complies with the Noise Element of the General Plan and the Ordinance. The concern expressed by the neighbor and discussed by the Planning Commissioners was addressed and the report determined that their concerns have no factual basis. Even in the unlikely event that the speaker could be heard, it would be below the standard established by the Noise Element.

In order for the Human Bean to be a viable addition to the City's businesses, the hours of operation must be similar to their competitors and the conditions placed on the project must be based on factual data. We respectfully request that you uphold the Planning Commission's approval of this project, deny the appeal, and adopt appropriate conditions of approval.

If you have any questions, please contact me at 805-801-0453 or at planningsolutions@charter.net. Thank you for your time and service to the community.

Regards,

Pamela Jardini

cc: Mariah Gasch, project planner

Phil Dunsmore, Community Development Director

Attachment: 45 dB Acoustics' report dated January 7, 2020



45dB Acoustics
CONSULTANTS IN SOUND AND VIBRATION

David Lord, PhD dl@45dB.com
Sarah Taubitz, MSME st@45dB.com

California | Colorado
www.45dB.com

January 7, 2020
Project 19071

Acoustics Assessment:	Requested by:	Owner:
Drive-Through Coffee Shop APN 030-132-049 & -050 7835 El Camino Real Atascadero, CA	Pam Jardini, J.D. Planning Solutions planningsolutions@charter.net (805) 801-0453	Mr. Pat Mitchell c/o Moss Ventures, LLC P.O. Box 3067 Stockton, CA 95213

1 Executive Summary

This project was analyzed for compliance with the City of Atascadero's General Plan Noise Element. Operational hours for the drive-through are 5am to 9pm.

Traffic counts from the City's 2015 published levels were conservatively adjusted to 6,000 AADT which more than accounts for 1% per year growth factor. This AADT was then parsed into day, evening, and nighttime traffic count per hour for present-day traffic noise for El Camino Real—this becomes 382 cars/hour for the twelve daytime hours of 7 am to 7 pm, 200 cars/hour within the three evening hours from 7 pm to 10 pm, and 91 cars/hour for the nine nighttime hours from 10 pm to 7 am. A 5-car queue of idling vehicles was included as an incremental noise source for all operational hours of the business.

An order-speaker stand system utilizing dynamic background/ambient noise level adjustment to within 15 dB over the current background level was modeled. This system provides an obvious benefit over other conventional systems without this technology. Regardless of the ambient background noise level, the speaker's sound level will adapt to existing hourly daytime and nighttime noise levels.

Under the above conditions and assumptions, the drive-through coffee shop is anticipated to fully comply with the Noise Element requirements for the City of Atascadero.

3 Introduction

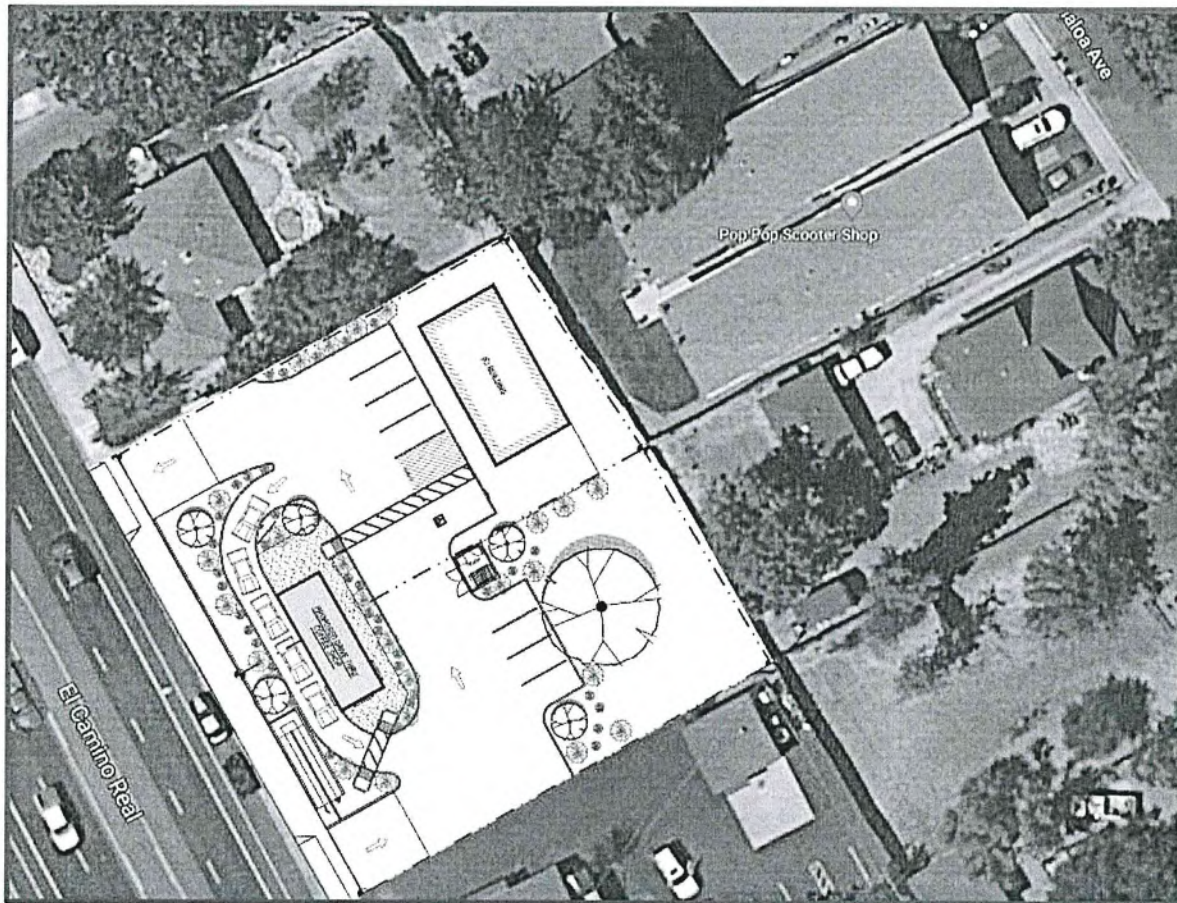
This sound level assessment is intended to determine the potential impact of on-site noise associated with operations and patrons at the proposed drive-through order coffee shop. The project was analyzed assuming operational drive-through hours for the business of 5 am to 9 pm.

The following topics are presented:

- The topographical relationship of on-site and off-site transportation noise sources in relation to the single-story residences opposite the proposed project.
- Identification of noise sources and their characteristics, including predicted noise levels at the exterior of the potentially sensitive residential land use to the south.
- Determination of ambient sound levels and mapping of sound level contours for various scenarios, including speaker-post drive-through ordering.
- Basis for the sound level prediction which is obtained from published data, the noise attenuation measures to be applied, and an analysis of speaker board sound level scenarios.
- Information on fundamentals of noise and vibration to aid in interpreting the report.

4 Project Location

The proposed project is located at 7835 El Camino Real, this street being the primary transportation noise source for the area.

Figure 1: Vicinity Map of Project Location with plan overlaid

5 Regulatory Setting

Noise regulations are addressed by federal, state, and local government agencies. Local policies are generally adaptations of federal and state guidelines, adjusted to prevailing local condition.

5.1 Local Regulation

The City of Atascadero General Plan, Noise Element provides regulation and guidelines regarding noise. The Noise Element provides the conclusions, recommendations, and strategies necessary to ensure an appropriately quiet and pleasurable interior environment for all. Since the regulation of transportation noise sources such as roadway and train traffic primarily fall under either State or Federal jurisdiction, the local jurisdiction generally uses land use and planning decisions to limit locations or volumes of such transportation noise sources, to avoid development within noise impact zones, or to shield impacted receivers or sensitive receptors. The maximum allowable noise exposure to assess new stationary noise sources at the nearest receiving land use property line, are the applicable noise limits (Figure 2). In this report we have evaluated the entire property boundary for each adjacent neighboring property.

Figure 2: Maximum Allowable Noise Exposure, City of Atascadero

Table IV-4: Maximum Allowable Noise Exposure – Stationary Noise Sources

MAXIMUM ALLOWABLE NOISE EXPOSURE-STATIONARY NOISE SOURCES¹

	Daytime (7 a.m. to 9 p.m.)	Nighttime (9 p.m. to 7 a.m.)
Hourly L_{eq} , dB ²	50	45
Maximum level, dB ³	70	65
Maximum level, dB-Impulsive Noise ³	65	60

¹As determined at the property line of the receiving land use. When determining the effectiveness of noise mitigation measures, the standards may be applied on the receptor side of noise barriers or other property line noise mitigation measures.

²Sound level measurements shall be made with slow meter response.

³Sound level measurements shall be made with fast meter response.

6 Sound Level Analysis

El Camino Real is the primary and dominant transportation noise source for this project.

6.1 Existing Outdoor Sound Level

The SoundPLAN® noise model utilizes ADT traffic volume and the FHWA's Traffic Noise Model (TNM) to calculate / predict day ("Ld"), evening ("Le"), and nighttime ("Ln"), and Community Noise Equivalent (CNEL) noise levels across the site as desired. The results are mapped as sound level contours on the following pages. In this case, the City of Atascadero has published traffic counts for this location of El Camino Real (Figure 3) from June of 2015, which we conservatively adjust upward to 6,000 AADT.

Figure 3: Traffic volume data used for noise model input

Station No	Road Name	Nearest Cross Street	Date	A D T	AM Peak	AM Peak Volume	PM Peak	PM Peak Volume	Peak Day Volume
5060	El Camino Real	N of Highway 58	02-Jun-15	4089	730	388	1530	370	N/A 4089
5060	El Camino Real	N of SR 58	07-Jun-16	3850	730	404	1400	329	N/A 3850
5060	El Camino Real	N of Highway 58	23-Feb-14	3541	800	378	1400	373	Tues 4109
5060	El Camino Real	N of Highway 58	13-Sep-09	4000	700	456	1600	381	Tues 4587
5130	El Camino Real	S of Santa Barbara Rd	24-Jun-12	5428	1100	424	1600	480	Fri 5985
5130	El Camino Real	S of Santa Barbara Rd	30-Apr-16	5195	745	562	1530	818	Sat 5892
5200	El Camino Real	S of Santa Clara Rd	24-Jun-12	4477	1100	367	1700	396	Fri 4972

Existing sound level contours for the area are shown in Figure 4 for daytime hourly periods, and in Figure 5 for nighttime hourly periods. The buildings to the north and south of the project site have elevations exposed to El Camino Real reaching 60dBA during daytime hours.

Figure 4: Existing nighttime sound level contours for the project site

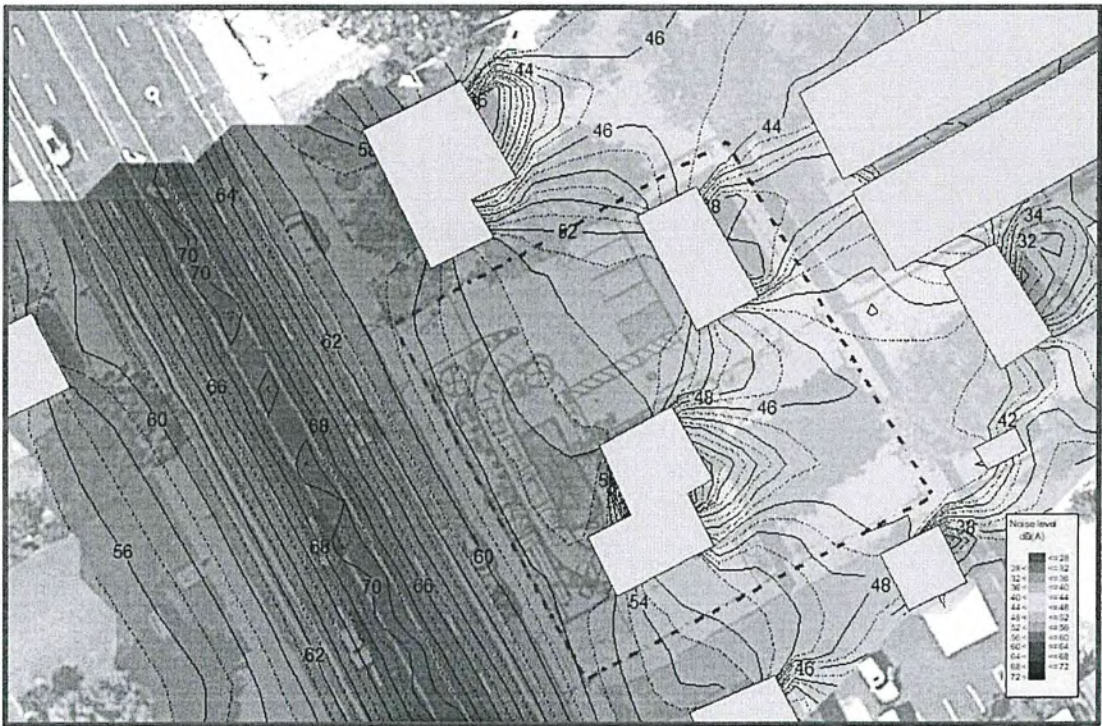
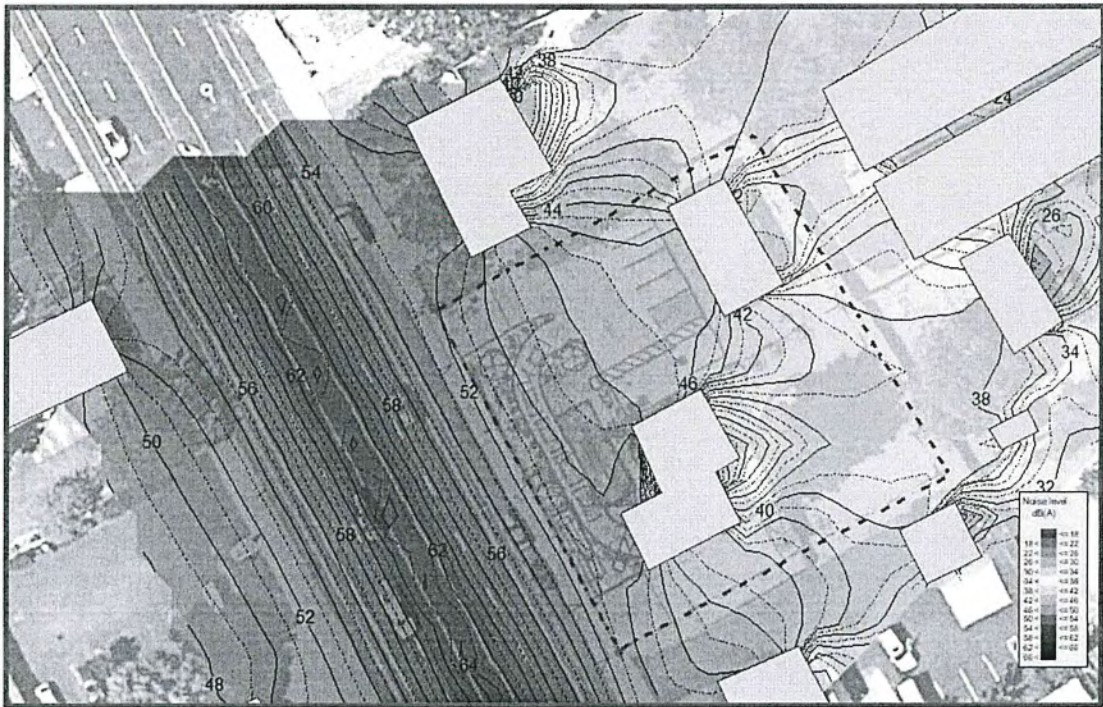


Figure 5: Existing nighttime sound level contours for the project



6.2 Predicted Sound Levels with Project

In the drive-through ordering sequence, the source of sound is each vehicle and the drive-through speaker system. Mounted on the speaker post, the speaker sound power level includes the order taker's voice. The speaker audio output must be loud enough to be clearly heard by the customer over the noise of the customer's vehicle, any local traffic and other ambient background noise in the area.

However, if it is too loud, the sound may be objectionable to neighbors or even violate specific regulations.

The base station speaker used in this project is equipped with a feature known as Automatic Volume Control or "AVC" which can be used to reduce the outbound sound pressure level based on ambient noise. When AVC is active, the speaker output sound level is reduced to a level that is 15 dB above the ambient noise level at the speaker post microphone, and never increases in level above what would be heard with AVC turned off. This feature considerably reduces the Sound Pressure Level (SPL) during quiet periods and may help in satisfying local requirements. Documentation of such a system, made by HCL, is included in the appendix.

Sound levels are measured in units of dB SPL and include a frequency variable weight referred to as "A Weighting", referred to as dBA. The sound pressure level from a speaker decreases (attenuates) as the distance away increases. However, it can be difficult to predict how much reduction will actually occur in a real-world setting. For a single point sound source, the SPL drops approximately 6 dB for every doubling of the distance from the source. Thus, starting at one foot away from the speaker, the level will be 36 dB lower at 64 feet away.

Buildings, automobiles, walls and street traffic will all affect the sound's direction and attenuation rate.

The speaker output sound level is never more than 15 dB above the ambient noise level at one foot distance from the speaker. This is particularly beneficial at night when there is less traffic on surrounding streets and fewer cars in the drive-through. Because the speaker is adjusting sound level continuously, it ensures that the output level is high enough to be heard by the customer whatever the surrounding sound level may be.

As an example, if the ambient noise level is 47 dBA, the speaker adjusts output sound level to approximately 62 dBA at a position about 1 ft from the speaker. Given this condition, the SPL will be below the ambient noise level less than 20 ft away from the speaker post. The front elevation of the nearest residence at 7765 El Camino Real is approximately 65 feet from the speaker post. Even with the menu board acting as a solid noise barrier wall located directly behind the speaker, the noise level of the speaker falls to the ambient level, i.e., 15dB attenuation, at approximately 10m distance. The customer's vehicle acts to further block that sound propagation in the opposite direction. Speaker sound levels will fall well below ambient sound level in all directions within the project property boundaries. This is demonstrated in the project-only sound level contours from the speaker and cars in Figure 6, and the scenario with

the project in place in addition to traffic in Figure 7. The worst-case, or highest, noise level locations for each property line are identified in Figure 7, as R1, R2, and R3 as shown.

Since the speaker self-adjusts to the noise level measured at the speaker post, a noisy vehicle will drive the output sound level up. Thus, the use of automatic volume control speakers will not guarantee that the SPL is below any particular level for all vehicles or conditions. However, it will keep the speaker output level from becoming excessively loud in relation to existing ambient sound levels.

Figure 6: Project-only sound level contours for daytime (no traffic noise)

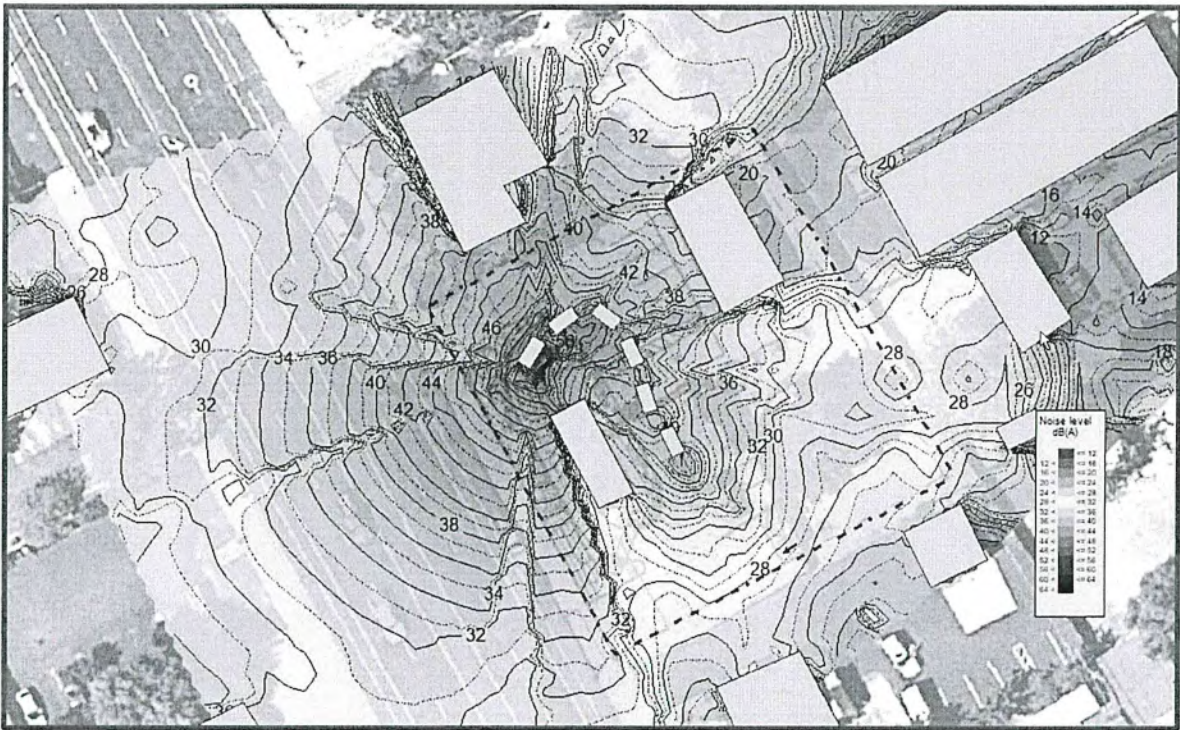


Figure 7: Total sound level contours for nighttime (with traffic noise)

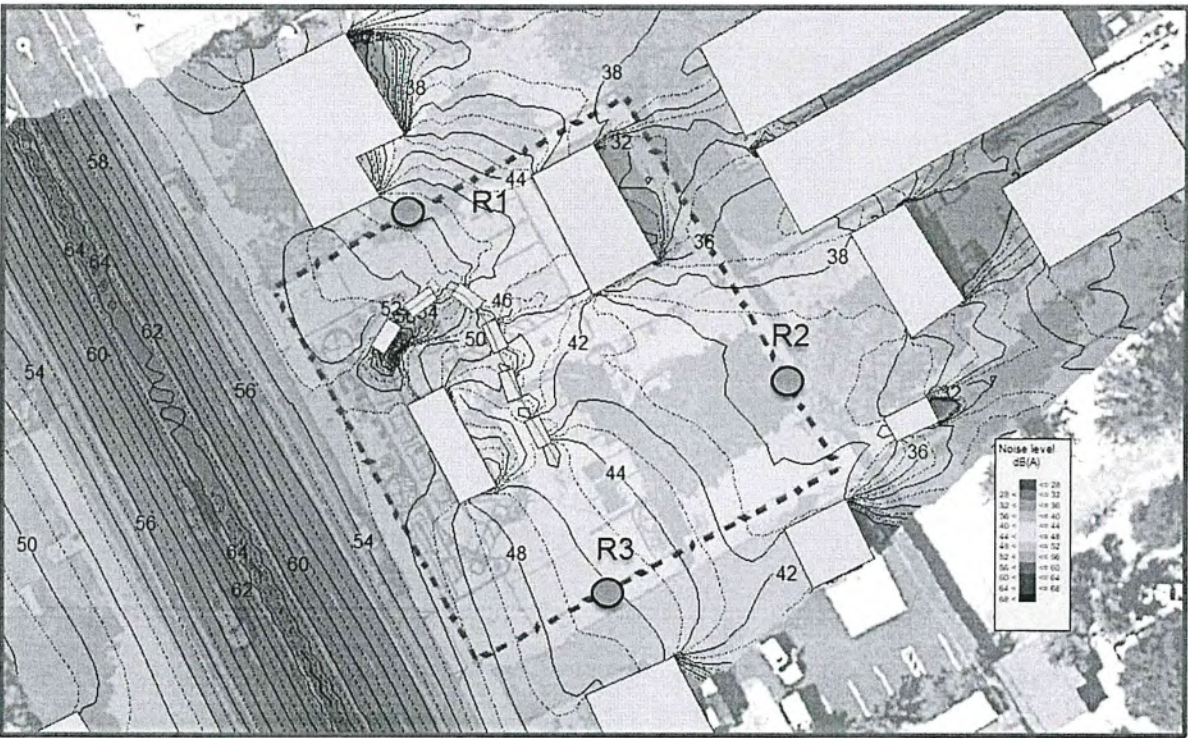


Table 1 below provides a summary of the existing daytime (“Ld”) and nighttime (“Ln”) levels for the highest noise levels due to the project at the worst-case property line noise levels for the three closest neighbors. Table 1 shows that there is a negligible, or less-than-significant impact for all receivers.

Table 1: Analysis of Before- and After-Project Hourly Daytime and Nighttime Sound Levels, dBA

	Address	Maximum Pre- Project Daytime Noise Level (Ld)	Maximum Post- Project Daytime Noise Level (Ld)	Maximum Pre- Project Nighttime Noise Level (Ln)	Maximum Post- Project Nighttime Noise Level (Ln)	Complies with Noise Element?
R1	7765 El Camino Real (south property line)	56	56	50	50	Yes
R2	7880 Sinaloa Avenue (west property line)	44	44	38	38	Yes
R3	7865 El Camino Real (north property line)	52	52	45	45	Yes
NOTES:						
1. Utilizes AVC (Automatic Volume Control) speaker system						

6.3 Future Outdoor Noise Levels

The future CNEL sound pressure level (year 2040) across the site in all the previous scenarios may increase approximately 1 dBA above existing sound levels modeled here, assuming that continued future combustion-engine traffic growth of approximately one percent per year for El Camino Real shall continue.

7 Conclusion

Adjusting for the elevated overall ambient noise level surrounding this site, the project is in compliance with Atascadero’s Noise Element of the General Plan. The drive-through Automatic Volume Control speaker system means that the ordering board and queue for drive-thru will not be audible at any of the neighboring addresses.

for **45dB Acoustics, LLC**

A California Limited Liability Company



by Sarah Taubitz, MSME, Member INCE-USA

8 Appendix

8.1 Terminology/Glossary

A-Weighted Sound Level (dBA)

The sound pressure level in decibels as measured on a sound level meter using the internationally standardized A-weighting filter or as computed from sound spectral data to which A-weighting adjustments have been made. A-weighting de-emphasizes the low and very high frequency components of the sound in a manner similar to the response of the average human ear. A-weighted sound levels correlate well with subjective reactions of people to noise and are universally used for community noise evaluations.

Air-borne Sound

Sound that travels through the air, differentiated from structure-borne sound.

Ambient Sound Level

The prevailing general sound level existing at a location or in a space, which usually consists of a composite of sounds from many sources near and far. The ambient level is typically defined by the Leq level.

Background Sound Level

The underlying, ever-present lower level noise that remains in the absence of intrusive or intermittent sounds. Distant sources, such as Traffic, typically make up the background. The background level is generally defined by the L90 percentile noise level.

Community Noise Equivalent Level (CNEL)

The Leq of the A-weighted noise level over a 24-hour period with a 5 dB penalty applied to noise levels between 7 p.m. and 10 p.m. and a 10 dB penalty applied to noise levels between 10 p.m. and 7 a.m. CNEL is similar to Ldn.

Day-Night Sound Level (Ldn)

The Leq of the A-weighted noise level over a 24-hour period with a 10 dB penalty applied to noise levels between 10 p.m. and 7 a.m. Ldn is similar to CNEL.

Decibel (dB)

The decibel is a measure on a logarithmic scale of the magnitude of a particular quantity (such as sound pressure, sound power, sound intensity) with respect to a reference quantity.

DBA or dB(A)

A-weighted sound level. The ear does not respond equally to all frequencies, but is less sensitive at low and high frequencies than it is at medium or speech range frequencies. Thus, to obtain a single number representing the sound level of a noise containing a wide range of frequencies in a manner representative of the ear's response, it is necessary to reduce the effects of the low and high frequencies with respect to the medium frequencies. The resultant sound level is said to be A-weighted, and the units are dBA. The A-weighted sound level is also called the noise level.

Energy Equivalent Level (Leq)

Because sound levels can vary markedly in intensity over a short period of time, some method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, one describes ambient sounds in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called Leq. In this report, an hourly period is used.

Field Sound Transmission Class (FSTC)

A single number rating similar to STC, except that the transmission loss values used to derive the FSTC are measured in the field. All sound transmitted from the source room to the receiving room is assumed to be through the separating wall or floor-ceiling assembly.

Outdoor-Indoor Transmission Class (OITC)

A single number classification, specified by the American Society for Testing and Materials (ASTM E 1332 issued 1994), that establishes the A-weighted sound level reduction provided by building facade components (walls, doors, windows, and combinations thereof), based upon a reference sound spectra that is an average of typical air, road, and rail transportation sources. The OITC is the preferred rating when exterior façade components are exposed to a noise environment dominated by transportation sources.

Percentile Sound Level, L_n

The noise level exceeded during n percent of the measurement period, where n is a number between 0 and 100 (e.g., L₁₀ or L₉₀)

Sound Transmission Class (STC)

STC is a single number rating, specified by the American Society for Testing and Materials, which can be used to measure the sound insulation properties for comparing the sound transmission capability, in decibels, of interior building partitions for noise sources such as speech, radio, and television. It is used extensively for rating sound insulation characteristics of building materials and products.

Structure-Borne Sound

Sound propagating through building structure. Rapidly fluctuating elastic waves in gypsum board, joists, studs, etc.

Sound Exposure Level (SEL)

SEL is the sound exposure level, defined as a single number rating indicating the total energy of a discrete noise-generating event (e.g., an aircraft flyover) compressed into a 1-second time duration. This level is handy as a consistent rating method that may be combined with other SEL and Leq readings to provide a complete noise scenario for measurements and predictions. However, care must be taken in the use of these values since they may be misleading because their numeric value is higher than any sound level which existed during the measurement period.

Subjective Loudness Level

In addition to precision measurement of sound level changes, there is a subjective characteristic which describes how most people respond to sound:

- A change in sound level of 3 dBA is *barely perceptible* by most listeners.
- A change in level of 6 dBA is *clearly perceptible*.
- A change of 10 dBA is subjectively perceived as being *twice* (or *half*) as loud.

8.2 Calculating CNEL

Housing and Urban Development (HUD) Code of Federal Regulations (CFR), Part 51 Environmental Criteria and Standards, along with Federal Highway Administration (FHWA) guidelines are used for estimating CNEL values based on “design hour” traffic flow measurement.

Highway projects receiving Federal aid are subject to noise analyses under the procedures of the FHWA. Where such analyses are available they may be used to assess sites subject to the requirements of this standard. The Federal Highway Administration employs two alternate sound level descriptors (23 CFR 772.12):

- (i) The A-weighted sound level not exceeded more than 10 percent of the time for the highway design hour traffic flow, symbolized as L10; or
- (ii) The equivalent sound level for the design hour, symbolized as Leq. The day-night average sound level may be estimated from the design hour L10 or Leq values by the following relationships, provided heavy trucks do not exceed 10 percent of the total traffic flow in vehicles per 24 hours and the traffic flow between 10 p.m. and 7 a.m. does not exceed 15 percent of the average daily traffic flow in vehicles per 24 hours:

(a) $CNEL \approx L10 \text{ (design hour)} - 3 \text{ decibels}$

(b) $CNEL \approx Leq \text{ (design hour) decibels}$

Existing highway traffic noise measurements are made to represent an hourly equivalent sound level, Leq. Statistical accuracy requires a minimum measurement of approximately eight minutes. Most highway agencies have automated measurement equipment and typically measure 15-minute time periods to represent the Leq. This is acceptable if unusual events do not occur during the noisiest hour.

Measurements along low-volume highways may require longer measurement periods (e.g., 30-60 minutes) to attain desirable statistical accuracy. If information is not available to identify the noisiest hour of the day or if there is public controversy at a specific location, 24-hour measurements may be necessary.

The FHWA stipulates the use of noise meters with sufficient accuracy to yield valid data for the particular project (ANSI S1.4-1983, TYPE II or better). The measurement procedure shall ensure measurements have consistent and supportable validity. Traffic conditions, climatic conditions, and land uses at the time of measurement shall be noted.

8.3 Traffic Noise Model (TNM)

The Federal Highway Administration Traffic Noise Model (TNM) used for the sound level analysis in this study, contains the following components:

1. Modeling of five standard vehicle types, including automobiles, medium trucks, heavy trucks, buses, and motorcycles, as well as user-defined vehicles.
2. Modeling both constant- and interrupted-flow traffic using a field-measured data base.
3. Modeling effects of different pavement types, as well as the effects of graded roadways.
4. Sound level computations based on a one-third octave-band data base and algorithms.
5. Graphically-interactive noise barrier design and optimization.
6. Attenuation over/through rows of buildings and dense vegetation.
7. Multiple diffraction analysis.
8. Parallel barrier analysis.
9. Contour analysis, including sound level contours, barrier insertion loss contours, and sound-level difference contours.

These components are supported by a scientifically founded and experimentally calibrated acoustic computation methodology, as well as a flexible data base, made up of over 6000 individual pass-by events measured at forty sites across the country.

8.4 SoundPLAN Acoustics Software

SoundPLAN, the software used for this acoustic analysis, is an acoustic ray-tracing program dedicated to the prediction of noise in the environment. Noise emitted by various sources propagates and disperses over a given terrain in accordance with the laws of physics. Worldwide, governments and engineering associations have created algorithms to calculate acoustical phenomena to standardize the assessment of physical scenarios. Accuracy has been validated to be ± 2.7 dBA with an 85% confidence level. SoundPLAN is compliant with TNM standards described above.

The software calculates sound attenuation of environmental noise, even over complex terrain, uneven ground conditions, and with complex obstacles. The modeling software calculates the sound field in accordance with ISO 9613-2 "Acoustics - Attenuation of sound during propagation outdoors, Part 2: General Method of Calculation." This standard states that "this part of ISO 9613 specifies an engineering method for calculating the attenuation of sound during propagation outdoors, in order to predict the levels of environmental noise at a distance from a variety of sources. The method predicts the equivalent continuous A-weighted sound pressure level under meteorological conditions favorable to propagation from sources of known sound emissions. These conditions are for downwind propagation under a well-developed moderate ground-based temperature inversion, such as commonly occurs at night."

8.5 Characteristics of Sound

When an object vibrates, it radiates part of its energy as acoustical pressure in the form of a sound wave. Sound can be described in terms of amplitude (loudness), frequency (pitch), or duration (time). The human hearing system is not equally sensitive to sound at all frequencies. Therefore, to approximate this human, frequency-dependent response, the A-weighted filter system is used to adjust measured sound levels. The normal range of human hearing extends from approximately 0 to 140 dBA. Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. Because of the physical characteristics of noise transmission and of noise perception, the relative loudness of sound does not closely match the actual amounts of sound energy. **Table 2** below presents the subjective effect of changes in sound pressure levels.

Table 2: Sound Level Change Relative Loudness/Acoustic Energy Loss

0 dBA	Reference 0%
-3 dBA	Barely Perceptible Change 50%
-5 dBA	Readily Perceptible Change 67%
-10 dBA	Half as Loud 90%
-20 dBA	1/4 as Loud 99%
-30 dBA	1/8 as Loud 99.9%
<i>Source: Highway Traffic Noise Analysis and Abatement Policy and Guidance, U.S. Department of Transportation, Federal Highway Administration, Office of Environment and Planning, Noise and Air Quality Branch, June 1995.</i>	

Sound levels are generated from a source and their decibel level decreases as the distance from that source increases. Sound dissipates exponentially with distance from the noise source. This phenomenon is known as spreading loss. Generally, sound levels from a point source will decrease by 6 dBA for each doubling of distance. Sound levels for a highway line source vary differently with distance because sound pressure waves propagate along the line and overlap at the point of measurement. A closely spaced, continuous line of vehicles along a roadway becomes a line source and produces a 3 dBA decrease in sound level for each doubling of distance. However, experimental evidence has shown that where sound from a highway propagates close to “soft” ground (e.g., plowed farmland, grass, crops, etc.), a more suitable drop-off rate to use is not 3.0 dBA but rather 4.5 dBA per distance doubling (FHWA 2010).

When sound is measured for distinct time intervals, the statistical distribution of the overall sound level during that period can be obtained. The L_{eq} is the most common parameter associated with such measurements. The L_{eq} metric is a single-number noise descriptor that represents the average sound level over a given period of time. For example, the L_{50} noise level is the level that is exceeded 50 percent of the time. This level is also the level that is exceeded 30 minutes in an hour. Similarly, the L_{02} , L_{08} and L_{25} values are the noise levels that are exceeded 2, 8, and 25 percent of the time or 1, 5, and 15 minutes per hour. Other values typically noted during a noise survey are the L_{min} and L_{max} . These values represent the minimum and maximum root-mean-square noise levels obtained over the measurement period.

Because community receptors are more sensitive to unwanted noise intrusion during the evening and at night, State law requires that, for planning purposes, an artificial dB increment be added to quiet-time noise levels in a 24-hour noise descriptor called the CNEL or Ldn. This increment is incorporated in the calculation of CNEL or Ldn, described earlier.

8.6 Evidence of Compliance

Evidence of compliance shall consist of submittal of an acoustical analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, with the application for building permit. The report shall show topographical relationship of noise sources and dwelling site, identification of noise sources and their characteristics, predicted noise spectra at the exterior of the proposed dwelling structure considering present and future land usage, basis for the prediction (measured or obtained from published data), noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met. If interior allowable noise levels are met by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation and cooling, if necessary, to provide a habitable interior environment.

1. References

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Drive-Thru Sound Levels

Some municipalities have adopted regulations aimed at controlling the acoustic noise levels in residential and (or) commercial areas. These regulations are of particular importance to drive-thru operators because the drive-thru is viewed as a source of noise. The noise originates both from the vehicles themselves and from the drive-thru communications system. This white paper addresses common questions related to sound from the communications system.

Note: Because every site is different and each municipality has its own regulations, HME is unable to make specific recommendations for compliance or give any assurance that any particular system configuration will comply with any given regulations. Statements made in this paper should be taken as general guidelines, but to ensure compliance, the site planner should retain the services of a qualified acoustic consultant equipped to make the necessary measurements.

In the drive-thru, the primary source of sound other than the vehicles is often the drive-thru communications system. Outbound audio includes the order taker's voice and any sound provided by the message repeater. The outbound audio is delivered by the speaker and must be loud enough to be clearly heard by the customer over the noise of the customer's vehicle, any local traffic and other ambient background noises in the area. However, if it is too loud, the sound can be objectionable to neighbors or even violate specific regulations.

HME base stations are equipped with a feature known as Automatic Volume Control or "AVC" which can be used to reduce the outbound sound pressure level based on ambient noise. When AVC is active, the outbound level is reduced to a level that is 15 dB above the ambient noise level at the speaker post microphone, but it **never** increases the level above what would be heard with AVC turned off. This feature can considerably reduce the SPL during quiet periods and may help in satisfying local requirements.

Sound levels are measured in units of dB SPL and usually include a frequency variable weight referred to as "A Weighting". For this reason, the units are frequently written as "dBA SPL" and that notation will be used throughout this paper. The sound pressure level from a speaker decreases as the distance away increases. However, it can be difficult to predict how much reduction will actually occur. For a single point sound source like an alarm bell hanging in air, the SPL drops approximately 6 dB every time the distance from the source doubles. Thus if one starts one foot away, the level will be 36 dB lower when one is 64 feet away. Unfortunately, speakers are neither single point sources nor are they hanging in air. Rather, speakers are mounted in a variety of different type enclosures. Further, the building, the ground and even other cars in proximity all effect the sound's direction and decay rate. All of this tends to make the sound more directional and the decay rate less predictable.

This paper provides some "typical" measurements taken outdoors under specific circumstances. These measurements can be used as a guide for what levels might occur in a drive-through installation. These measurements were taken using "pink noise", a type of noise frequently used for acoustic testing, at levels simulating the loudest speech expected from an order taker.

All typical measurements provided here were taken using the following equipment:

- Base station: HME ION IQ set to factory default levels
- Communicator: HME COM6000
- Speaker: HME SP10
- Speaker post: Texas Digital model 107150

Drive-Thru Sound Levels

The measurement environment was as follows:

- Asphalt parking lot 50 ft from any building
- Ambient background noise level: ~47 dBA SPL
- Nearest vehicle not part of measurement: 15 ft

Initial measurements were taken with AVC off, no vehicle in front of the speaker post, and no other obstructions within at least 100 ft of the speaker. These are not “normal” conditions for a drive-thru, but they do yield one worst-case measurement. Under these conditions, the sound pressure level 1 foot in front of the speaker is 90 dBA SPL. At 17 feet, it drops down to a normal conversational level of 66 dBA SPL, but does not drop to 60 dBA until a distance of 55 feet. Figure 1 shows the loudness contours for both 60 dBA and 66 dBA levels. Since the primary concern is noise abatement at a distance, higher level contours are not shown.

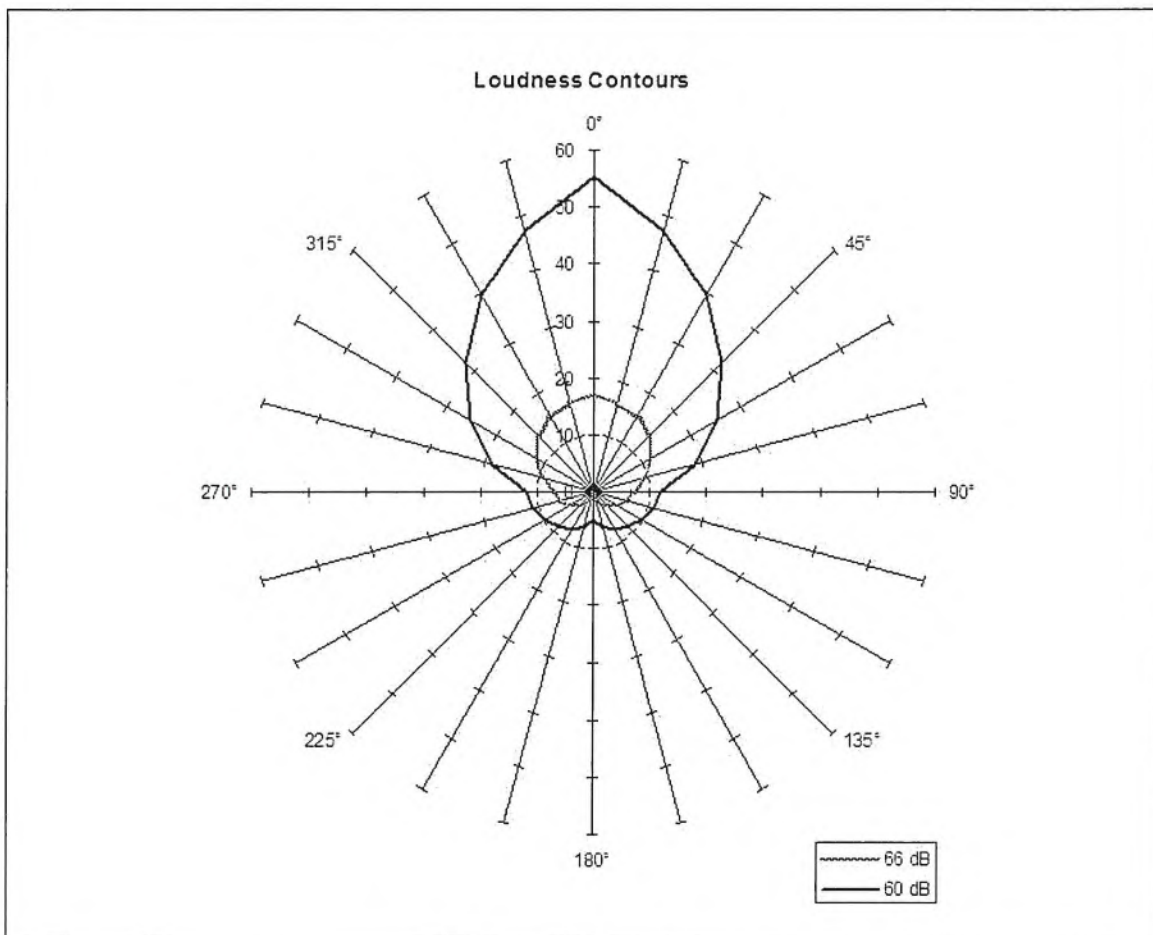


Figure 1 – SP10 SPL Contours

With a vehicle parked in front of the speaker, the shape of the contour changes dramatically and depends on many factors including the height, size, shape, and angle of the vehicle. Because of the tremendous differences in vehicles, positioning, and lane construction, HME cannot predict with any certainty the shape of the resulting SPL contours. However, generally, the shape flattens and the loudest sounds are found at angles to the front and rear of the vehicle with the front being louder.

Drive-Thru Sound Levels

AVC Operation

AVC measures the ambient noise level in the drive-thru and adjusts the outbound level down so that it is **never more than 15 dB above the ambient noise level**. This is particularly useful at night when there is less traffic on surrounding streets and fewer cars in the drive-thru. It may also be useful in situations where the regulations do not specify specific sound pressure levels, but use terms like “reasonable” or “sufficient”. Because AVC adjusts continuously, it ensures that the outbound level is high enough to be heard by the customer whatever the conditions may be.

As an example, if the ambient noise level is 47 dBA, AVC will adjust the outbound level to approximately 62 dBA at a position about 1 ft from the speaker. Given this condition, the SPL will be below the ambient noise level less than 20 ft away from the post.

Since AVC adjusts based on the noise level measured at the speaker post, a noisy vehicle will drive the outbound level up. Thus, the use of AVC will not guarantee that the SPL is below any particular level for all vehicles or conditions. However, it will keep the outbound level from becoming excessively loud.

Guidelines

HME cannot make specific recommendations, but here are some general things that can be done to minimize issues:

Do

- Place the speaker post where vehicles can get close to it. This allows the outbound level to be kept to a minimum.
- Use brick or concrete walls to isolate the installation from adjacent residences. These walls make good barriers, but must be high enough that sounds do not easily go over them.
- Adjust the outbound level to the minimum necessary to be clearly heard by customers
- Use AVC in situations where noise abatement is an issue to further reduce outbound levels during quiet periods.

Don't

- Face the speaker post toward busy streets. This increases the ambient noise level and makes it necessary to use higher outbound levels.
- Place the speaker post on a curve in the lane. Curves force vehicles to be further away from the post, which results in higher outbound level requirements and makes it difficult for order takers to hear customers.
- Face the speaker post or the drive-thru lane at adjacent residences. Remember that the highest sound levels are likely to be directly opposite the post and off the front of vehicles.
- Turn the outbound level up higher than necessary.
- Rely on vegetation to reduce sounds. Plants have rather limited impact on sound levels.

Memo**Re: Drive-Thru Sound Pressure Levels From the Menu Board or Speaker Post**

The sound pressure levels from the menu board or speaker post are as follows:

1. Sound pressure level (SPL) contours (A weighted) were measured on a typical HME SPP2 speaker post. The test condition was for pink noise set to 84 dBA at 1 foot in front of the speaker. All measurements were conducted outside with the speaker post placed 8 feet from a non-absorbing building wall and at an oblique angle to the wall. These measurements should not be construed to guarantee performance with any particular speaker post in any particular environment. They are typical results obtained under the conditions described above.
2. The SPL levels are presented for different distances from the speaker post:

Distance from the Speaker (Feet)	SPL (dBA)
1 foot	84 dBA
2 feet	78 dBA
4 feet	72 dBA
8 feet	66 dBA
16 feet	60 dBA
32 feet	54 dBA

3. The above levels are based on factory recommended operating levels, which are preset for HME components and represent the optimum level for drive-thru operations in the majority of the installations.

Also, HME incorporates automatic volume control (AVC) into many of our Systems. AVC will adjust the outbound volume based on the outdoor, ambient noise level. When ambient noise levels naturally decrease at night, AVC will reduce the outbound volume on the system. See below for example:

Distance from Outside Speaker	Decibel Level of standard system with 45 dB of outside noise <u>without</u> AVC	Decibel level of standard system with 45 dB of outside noise <u>with</u> AVC active
1 foot	84 dBA	60 dBA
2 feet	78 dBA	54 dBA
4 feet	72 dBA	48 dBA
8 feet	66 dBA	42 dBA
16 feet	60 dBA	36 dBA

If there are any further questions regarding this issue please contact HME customer service at 1-800-848-4468.

Thank you for your interest in HME's products.

Date: January 14, 2020

1/14/2020

TO: Mayor Moreno, City of Atascadero

FROM: Frances Romero, FORMA Companies

RE: Public Comment Non-Agendized Item: Revisions to "Public Use" Zone Designation

We want to say thank you for delaying action on the revision to the P zoned parcels so that all impacted landowners have an opportunity to comment on the change.

Yes, Mr. Newton is frustrated & feels like there is a lot of focus on his two parcels, it feels like he's been singled out. His consultant team has over 125 years of experience & none of us have seen this level of focus on specific parcel either.

While it is no secret that Mr. Newton would like to permit mini-storage on his site, he has also discussed other permitted uses with staff, but has found no support for any of those uses either. In addition, Mr. Newton has been told that he cannot rezone his parcel due to the "pending" General Plan Update which is creating an inability for him to exercise his property rights.

Mr. Newton bought his parcels based on the zoning. He wanted to develop them into a source of income. We need your help. You are smart people, certainly you see the dilemma. All Mr. Newton wants to know is "what is the right use"? This site is home to other failed proposals that did not meet the City's expectations either, so it begs the question that no one seems to be able to answer, what can be approved on this site? Despite numerous meetings, we only hear statements like "partner with developers who know how to get a project approved" or sell the parcel, no actual input that could result in an approvable project.

We'd like to request that rather than make a revision now that might not even matter after the General Plan Amendment, that you just wait on taking any action for zoning on the P zoned parcels for now. Maybe Mr. Newton's parcels won't even be P zoned after the General Plan Amendment. The timing for this zone revision just feels forced; certainly, there is no imminent threat to the City that would make this change necessary.

In the meantime, Mr. Newton has been keeping communication open with the City in hopes that he can deliver a project that is a win for him & the community.

Could you hit the pause button on any action & wait until the General Plan Update occurs? Thank you for your consideration.