



**CITY OF ATASCADERO
NOTICE OF EXEMPTION**

6500 Palma Avenue

Atascadero, CA 93422

805.461.5000

TO: File
 State Clearinghouse

Date Adopted: Aug. 21, 2023

FROM: Kelly Gleason, Senior Planner
City of Atascadero
Community Development Department
6500 Palma Avenue
Atascadero, CA 93422

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152.1 of the Public Resources Code.

Project Title: USE22-0093 – Mixed Use Development

Project Applicant: Max Zappas

Project Owner: Z 8, LLC, 8189 San Dimas Ave, Atascadero, CA 93422
Curbaril Corner, LLC, 6100 El Camino Real #B, Atascadero, CA 93422

Project Location: Corner of Curbaril Ave and Morro Rd, Atascadero, CA 93422 (San Luis Obispo County, 031-161-044, 045, 046, 047, 048, 049, 050, and 051)

Proposed Project Site



Project Description:

The subject site is approximately 1.5 acres in size and is comprised of 8 vacant parcels. The applicant proposes nine mixed-use buildings totaling approximately 11,000 square-feet of commercial and 53 residential units. The parking and access areas, in addition to utility infrastructure is existing on site and will be slightly modified to accommodate the revised plan. The project site is part of a previous commercial subdivision approved in 2005 and recorded in 2006. Some shared improvements, such as parking lot and utility stub outs were installed but the buildings were never constructed. The previous project proposed 1 and 2 story office buildings and potential for a drive through use.

The applicant is proposing 8 affordable units that will meet the low-income affordability category in accordance with the County of San Luis Obispo Affordable Housing Standards. Per State density bonus law, the project qualifies for a density bonus and may request concessions to code required development standards. The project also qualifies for reduced residential parking ratios. The applicant is requesting one concession at this time: reduced residential open space.



Name of Public Agency Approving Project: City of Atascadero

Name of Person or Agency Carrying Out Project: Max Zappas (Z8, LLC and Curbaril Corner, LLC)

Exempt Status:

- | | | | |
|-------------------------------------|--|--------------------------|---|
| <input type="checkbox"/> | Ministerial (Sec. 15073) | <input type="checkbox"/> | Emergency Project (Sec. 1507 (b) and (c)) |
| <input type="checkbox"/> | Declared Emergency (Sec. 15061 (a)) | <input type="checkbox"/> | General Rule Exemption (Sec. 15061.c) |
| <input checked="" type="checkbox"/> | Categorically Exempt (Sec. 15301-15333): 15332 | | |

Reasons why project is exempt: The Class 32 Exemption of the California Environmental Quality Act (CEQA) (Section 15332, In-Fill Development projects) consists of projects characterized as in-fill development meeting the following conditions:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

Mixed Use residential and commercial projects require a conditional use permit per the City of Atascadero Municipal Code. This project is consistent with its General Plan designation (General Commercial), all applicable general plan policies, its zoning designation (Commercial Professional) and regulations with the approval of a Conditional Use Permit.

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; 2.1.3 and 7.2.3 for providing street trees; 7.2.4 for providing shade trees; 8.5.3 for providing on-site stormwater 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; 1.4 for requiring a tree lined street; 1.5.1 for requiring adequate off-street parking; 1.5.3 for landscaping, lighting, screening and shade trees in the parking lot; and 2.3.1 for providing adequate sidewalks.

The General Plan identifies the General Commercial land use designation as appropriate for mixed-use development. The project will comply with the State density Bonus law for the provision of affordable units, gaining a density bonus of 17 market-rate units as allowed by State law.

- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed project is within the City limits of the City of Atascadero on a site 1.5 acres in size. The property is surrounded by commercial as well as single & multi-family residential uses. The site is currently vacant but it at the location of a previous commercial subdivision that was never fully constructed. Some common facilities were installed including parking, access, and frontage improvements. Some utilities are available to each lot.

- c) The project site has no value as habitat for endangered, rare or threatened species.

The project site is comprised of 8 vacant parcels with some shared site improvements installed and is bordered by developed areas. The site is located at the corner of Highway 41 and Curbaril Ave. The site has been previously disturbed through the implementation of the previous tract improvements. No sensitive species exist on site. One native tree remains and will be protected during construction.

- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The project site is located off of State Highway 41 which is designed to accommodate commercial build-out of Morro Rd as anticipated in the General Plan. As the project is located adjacent to a heavily traveled road, residential uses will be required to incorporate fenestration design which mitigated exposure to excessive noise. The project is located on a one and a half acre lot and is proposed for 11,000 sf of commercial tenant space and 53 residential units (36 base density units + 17 state DB units). The units, as

designed, are studio to 2-bedroom units and will provide affordable by design and workforce housing in close proximity to Atascadero's major business corridors. The General Plan anticipated this level of development along the Highway 41 corridor and transit, schools, and recreational facilities exist in close proximity, thus, impacts to air quality are less than significant. The project will be required to implement construction and post construction stormwater management per the requirements of the City and the regional Water Quality Control Board, thus, no impact to water quality will occur. Per City and State standards, all projects are required to implement stormwater detention, retention, and filtration as necessary.

- e) The site can be adequately served by all required utilities and public services.

The project site is located in an area with full City and utility services. All service providers have adequate capacity to serve the site at completion of the project.

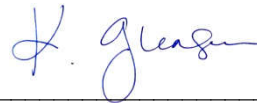
The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of projects (Classes 3, 4, 5, 6 and 11) due to location where the project may impact an environmental resource or hazardous or critical concern;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (e) where the project is located on a state designated hazardous waste site; and
- (f) where the project may cause a substantial adverse change in the significance of a historical resource.

All of the above considerations have been evaluated. The project will not impact an environmental resource no create a cumulative impact. Development in this area was anticipated in the General Plan build-out scenario and no significant cumulative impact will result as part of this project. The project will not create an unusual circumstance that would result in an environmental impact nor is it located along a designated scenic highway. The site is currently vacant with shared parking and access facilities installed as well as some utility connections. No historic resources exist on the site or adjacent to the site.

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Date: August 21, 2023



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