

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A ZONING TEXT AMENDMENT TO ALLOW CARWASH USES IN THE COMMERCIAL PARK PLANNED DEVELOPMENT OVERLAY ZONE (PD-9)

Home Depot Master Plan of Development Amendment (USE25-0069)

WHEREAS, an application has been received from Westar Associates, LLC, applicant, and Atascadero 101 Associates, LLC, property owner, to consider a Zoning Text Amendment to allow carwash uses within the Commercial Park Planned Development Overlay Zone (PD-9) to allow development of a carwash use within the Home Depot Center at 805 El Camino Real (APN 049-045-036).

WHEREAS, the project site has a General Plan Designation of Commercial Park (CPK); and

WHEREAS, the site is in the Commercial Park (CPK) zoning district and within Planned Development Overlay Zone No. 9 (PD-9); and

WHEREAS, PD-9 allows retail uses and restaurants ministerially, allows drive-through restaurant uses with a Conditional Use Permit, and does not allow carwash uses; and

WHEREAS, site development is governed by the existing Master Plan of Development originally approved by City Council in 1997 and subsequently amended to accommodate various uses and development; and

WHEREAS, an application for Lot Line Adjustment and a Conditional Use Permit with a parking reduction, driveway design modification, and sign exception to amend the Home Depot Center Master Plan of Development (CUP 2000-0014) and allow a carwash, drive-through restaurant, and commercial shell at the Home Depot Center at 805, 910, 920, and 940 El Camino Real (APNs 049-045-036, 049-045-034, 049-045-033, & 049-045-035) (the "Project Site"), requiring concurrent approval of this Zone Text Amendment.

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 Project was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said use permit; and

WHEREAS, the Project was reviewed by the Planning Commission at their regularly scheduled meeting on March 3, 2026 and the Planning Commission recommended approval of the Project after receiving the staff report and hearing testimony from the public; and

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero held a duly noticed Public Hearing on March 24, 2026 to consider the Project with testimony and reports from staff, the applicants, and the public.

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

A. Findings for approval of a Zone Map and Specific Plan Zone Amendment

1. **FINDING:** The Planning and Zoning Text and Map Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.
FACT: The proposed Zoning Text Amendment is consistent with the General Plan. The Project will amend PD-9 to include carwashes within the list of conditionally allowed uses in that zone. The Home Depot Commercial Center is designated for regional commercial uses with a mix of uses that can be established through planned commercial developments. Allowing carwashes in this overlay zone is appropriate given the current mix of uses and automobile-oriented design of the center.
2. **FINDING:** This Amendment of the Zoning Ordinance and Map will provide for the orderly and efficient use of lands where such development standards are applicable.
FACT: Allowing carwash uses with a conditional use permit ensures site-specific review and allows for project specific consideration for common issue areas such as traffic, noise, and aesthetics. The amendment enables infill of long-vacant pads within an established commercial center while maintaining the character of the commercial center.
3. **FINDING:** The Text and Map Change will not, in itself, result in significant environmental impacts.
FACT: The amendment only adds carwash as a conditional use in PD-9 and does not authorize construction without further review. Environmental impacts are addressed through CEQA analysis for the specific projects. If needed, mitigation measures ensure impacts remain less than significant.

SECTION 4. CEQA. The City Council finds that the project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section

15332 (In-fill Development) exemptions of the CEQA Guidelines, in accordance with the Notice of Exemption.

SECTION 5. Approval. The City Council of the City of Atascadero, in a regular session assembled on March 24, 2026, resolved to approve the Project consistent with the following:

EXHIBIT A: Amended PD-9 Text

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on March 24, 2026, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on April 14, 2026.

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Charles Bourbeau, Mayor

ATTEST:

Lara K. Henderson, City Clerk

APPROVED AS TO FORM:

David Fleishman, City Attorney