Atascadero City Council

Staff Report - Community Development Department

PLN-2099-1002
Zone Change / Conditional Use Permit / Tentative Parcel Map
Planned Development Overlay-16
5190 Portola Road (Nolan)

(Proposed project would allow a 2-lot residential planned development)

REPORT-IN-BRIEF:

The proposed project consists of a Zone Map Amendment to establish a Planned Development Overlay Zone #16 on the subject site with a corresponding Master Plan of Development (CUP) and Tentative Parcel Map that would allow a 2-lot residential planned development. The project site is currently developed with a single-family residence.

The applicant does not meet the Zoning Ordinance’s minimum lot size requirements based on the flag lot subdivision standards and is requesting relief from those requirements through a Planned Development Overlay-16.

RECOMMENDATION:

The Planning Commission on a 5-2 vote recommends the City Council:

Adopt Draft Resolution A denying PLN 2099-1002, ZCH 2004-0091, CUP 2004-0140 and TPM 2004-0057 (AT 03-0258) for being inconsistent with the purpose and intent of the PD-16 Overlay Zone.

August 7th, 2007 Planning Commission DRAFT Minutes:

2. PLN 2099-1002, 5190 PORTOLA ROAD: PLANNED DEVELOPMENT OVERLAY-16, 2-LOT MAP
Associate Planner Kerry Margason gave the staff report, and with City Engineer Steve Kahn, answered questions of the Commission.

PUBLIC COMMENT

Russ Thompson, applicant’s representative, spoke about the project and the care the applicant has taken through the years to preserve the trees on the property. Mr. Thompson answered questions of the Commission.

Chairperson O’Keefe closed the Public Comment period.

Commissioner comments:

Commissioner Slane:
1. The applicant has been a resident for a number of years and has been very protective of the trees and surrounding environment.
2. He has no problem with the property split when the flag lot ordinance is considered.
3. The applicant meets the minimum requirement if taken on the gross.
4. Applicant is meeting the spirit of the ordinance.
5. Must be cautious because other neighbors may want to do the same and not meet the 1.5 minimum.

Commissioner Marks:
1. Was concerned with the non-permitted ag-building.
Commissioner O'Grady:
1. Expressed concern with the finding that the intent and purpose of the PD-16 Overlay includes providing relief from the City’s Subdivision Ordinance regulating flag lots.
2. Would like any findings made tonight to be specific to this project so there could be no misunderstandings in the future regarding actions taken by prior Commissions.

Vice Chairperson Fonzi:
1. The applicant has made a strong effort to meet the standards, and is within inches of making this an allowable use.
2. Important for the Commission to comply with the letter of the law with compassion and judgment.
3. This project is not creating a precedent that could be used in other areas.
4. 50% offered for open space is a sizable amount for public benefit.
5. There are smaller lots in the area and this project is in compliance with the general feel of the area, and not out of place.

Commissioner Heatherington:
1. Was concerned because part of the open space easement is going to be the leach field and septic system for one of the developed lots.
2. She could only go along with this if it is conditioned without second units.

Chairperson O'Keefe:
1. This does not meet the PD-16 requirements as the purpose is to allow the creative clustering of residential parcels, and this is not creative clustering.
2. Does not meet the flag lot requirements.
3. Does not meet the General Plan requirements regarding being surrounded by non-conforming parcels. There are a lot of smaller parcels there, but in the past there have been many decisions that did not follow the ordinances.
4. She cannot make the findings that are required that the intent and purpose of the PD-16 Overlay includes providing relief from the City’s Subdivision Ordinance, that modification of the three-to-one depth-to-width ratio is necessary, and that the proposed Parcel 2 will also exceed the three-to-one.

**MOTION:** By Commissioner O’Grady and seconded by Chairperson O’Keefe to deny the project.

*Motion passed 5:2 by a roll-call vote. (Slane, Fonzi opposed)*

Commissioner Slane stated for the record that he did not believe the spirit of the law is being met, and that the 3.0 on the lots has been met on the split if the flag lot is included and that was the intent of past Commissions.

Vice Chairperson Fonzi stated for the record that she agrees this is not meeting the spirit of the law.
SITUATIONS AND FACTS:

1. Owner: Ed Nolan, 5190 Portola Road
   Atascadero, CA 93422

2. Agent: Russ Thompson, RTC, 7600 Morro Road
   Atascadero, CA 93422

3. Project Address: 5190 Portola Road (APN 054-051-021) (San Luis Obispo County)

4. General Plan Designation: SFR-2 (1.5 to 2.5 acre Minimum Lot Size)

5. Zoning District: RSF-Z (1.5 to 2.5 acre Minimum Lot Size)

6. Site Area: 3.01 acres

7. Existing Use: Single-Family Residence

8. Environmental Status: Proposed Mitigated Negative Declaration 2007-0005
DISCUSSION:

Background

Surrounding Land Use and Setting:

North: Residential Single-Family - Z  
East: Residential Single-Family  
South: Residential Single-Family - Z  
West: Residential Suburban

The project site is within the Single-Family Residential General Plan Land Use designation and is zoned Residential Single-Family - Z, which allows for a minimum lot size of 1.5 to 2.5 acres, based on performance standards. The properties along Portola Road in the vicinity of the project site are developed with single-family residences on lots ranging in size from 0.5 to 5+ acres.
ANALYSIS:

The purpose of the PD-16 Overlay is to allow the creative clustering of residential parcels to preserve sensitive environmental features, and to provide open space by allowing smaller lot sizes than the underlying zone’s minimum lot size requirements, without increasing maximum density.

In the event that the City Council moves to approve this project, a finding has been included in the draft resolutions stating that the City Council finds that the purpose of a PD-16 includes “…relief from the requirements of the City’s Municipal Code’s Flag Lot provisions (Section 11-6.26)”.

This project is designed to facilitate placement of new residential and accessory structures in areas of previous site disturbances or where slopes are at a minimum. The project proposes 1.43 acres of open space easements to meet the requirements for a PD-16 public benefit.

History

The applicant first applied for a two (2) lot parcel map in February 2004. Staff reviewed the application and based on Section 11-6.26 of the Municipal Code, informed the applicant that there was insufficient land to process the parcel map.

The applicant then requested that staff evaluate the project based on Goal LOC 2, Policy 2.2.1, which states as follows:

“Allow for the orderly development of neighborhoods by allowing for the consideration of lot size reductions for lots that are significantly larger than the surrounding neighborhood.”

Program - Within the Urban Services line, allow for planned developments to approve lot sizes below district minimums in the SE, SFR-Z and SFR-Y land-use areas only, when no more than two (2) lots are surrounded on all sides within the same land-use designation by non-conforming lots. Minimum lot sizes shall not exceed maximum General Plan densities of the next lowest single-family land use designation.

Staff reviewed the request and determined that the property was not surrounded by non-conforming lots, as shown below in Figure 2:
The applicant then requested a Variance. Staff reviewed the request and determined it did not appear that the required findings for a Variance could be made. Staff met with the applicant and discussed the PD-16 process. The applicant then chose to submit the required application package and process the requested Zone Change.
Maximum Density:

Minimum lot size for the RSF-Z Zoning District is 1.5 to 2.5 acres, based on performance standards. As shown in Figure 3 - *Minimum Lot Size Calculations*, the performance standards for the proposed lots would allow for a minimum lot size of 1.466 or 1.5 acres. Maximum density for a 3-acre parcel would be two (2) lots with a single-family residence each, and the potential for one (1) second unit on each lot for a total of four (4) living units.

![Figure 3 – Minimum Lot Size Calculations](image)

Flag Lot:

The parent parcel is an existing flag lot with a gross acreage of approximately 3.02 acres. In accordance with the Flag Lot Ordinance (see below) the flag portion of the lot may not be used to meet minimum lot size requirements. The existing parcel currently has a flag of 30 feet by 225 feet for 6,750 square feet or 0.15 acre. The Flag Lot Ordinance requires that this area be subtracted prior to calculating minimum lot sizes. Subtracting the 0.15 acre from the 3.02 gross acres results in 2.87 acres, making the parcel too small to create two lots of 1.5 acres each, as required by the Zoning Ordinance.

Title 11 of Atascadero’s Municipal Code provides for the following:
11-6.21 General requirements.
The design of lots should be based on intended use, topography and access requirements. Lots which are impractical for intended uses due to terrain, location of natural features, inadequate access, frontage, or buildable area, or other physical limitations will not be approved. All lots shall abut on an improved street unless approved as a deep lot subdivision by the Planning Commission, under standards adopted by the Planning Commission. (Ord. 370 § 2 (part), 2000)

11-6.26 Flag lots (deep lot subdivisions).
(a) Flag lots may be approved for subdividing deep lots subject to the following findings:
(1) the subdivision is consistent with the character of the immediate neighborhood; (2) the installation of a standard street, either alone or in conjunction with neighboring properties is not feasible; and (3) the flag lot is justified by topographical conditions. Such subdivisions shall conform with the following:
(1) The accessway serving the flag lot(s) shall not be included in the determination of required lot area for any lot.
(2) The original lot shall have frontage on a dedicated street.

The proposed parcels will both result in flag lots. Proposed parcel 1 would be 1.52 acres gross with a design that extends the flagpole portion of the lot, resulting in a parcel size of 1.08 acres. Proposed parcel 2 is 1.5 acres gross. Access for Parcel 2 would be provided over an easement across the flagpole portion of proposed Parcel 1. Proposed Parcel 2 will not have frontage on a dedicated street and the frontage for proposed Parcel 1 is limited to the existing 30-foot flagpole area connecting to Portola Road.

Depth to Width Ratio:

The parent parcel currently has a depth to width ratio of approximately 7.5:1 which greatly exceeds the Zoning Ordinance requirement for maximum depth to width of 3:1. Proposed Parcel 2 will continue to exceed this requirement with a depth to width ratio of approximately 3.5:1. Relief from the 3:1 ratio standard may also be provided by the PD Overlay-16. Proposed Parcel 1 would meet the requirement with a depth to width of approximately 2.7:1.
Native Trees:

There are numerous native oak trees on-site, ten (10) of which will be impacted by the proposed development and two (2) which are proposed for removal. If the City Council approves the project, staff recommends that the applicant replant native trees to mitigate the tree removals. The tree removal request and mitigation form are attached to draft Resolution B as Exhibit C.

Site Drainage

Historically, the site drains towards Portola Road. The project is designed to maintain historic flow.

Wastewater

The project will utilize engineered on-site septic systems.
Utilities

Utilities for the proposed new residence will be required to be placed underground (condition TPM 22).

Fiscal Impact

If approved, based on findings from the Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and Community Facilities Districts (Conditions CUP 12 / TPM 8).

Due to the small size of the project, staff is recommending that this condition be waived.

Inclusionary and Workforce Housing

The City Council has implemented an interim Inclusionary Affordable Housing Program to include a fixed percentage of units within residential developments that require a legislative approval to be reserved as deed restricted affordable units or for an in-lieu fee to be paid. It is recommended that in-lieu fees be paid for this project. A Condition of Approval has been added to ensure this requirement is met (Condition CUP 9 / TPM 10).

Project Benefits

One of the required findings for approval of a Planned Development Rezone is that the project must “…offer certain redeeming features to compensate for the requested modification.” The table shown below outlines the Council policy on Planned Development benefits. In order to approve this project, the City Council must find that the project offers all of the tier 1 benefits to qualify for a Planned Development project.

<table>
<thead>
<tr>
<th>PD Location</th>
<th>Tier 1 Benefits</th>
<th>Tier 2 Benefits</th>
</tr>
</thead>
</table>
| Outside of Urban Core Rural / Suburban Areas PD-16 | a) Natural Open Space Preservation | a) Multi-Purpose Trails – Equestrian / Bicycle / Pedestrian  
b) Recreational Areas / Facilities  
c) Historic Preservation |
**Tentative Parcel Map**

A two (2) lot Tentative Parcel Map (TPM 2004-0057/AT 03-0258) is proposed as part of the project consistent with the proposed Master Plan of Development and proposed PD–16 Overlay Zone. The Parcel Map has been conditioned by staff and the City Engineer to meet all City standards including on- and off-site street improvements. The applicant will be required to record a Road Maintenance Agreement for the access-way (condition TPM 9).

**General Plan Consistency**

The proposed project is consistent with the following General Plan Land Use Policy:

Land Use Policy 1.1: “Preserve the rural atmosphere of the community and assure “elbow room” in areas designed for lower density development by guiding new development into the Urban Core to conform to the historic Colony land use patterns of the City and to respect the natural environment, hillside area and existing neighborhoods.”

The proposed project is consistent with the goals and policies of the Land Use Element. The project will provide two, Single-Family Residential units within the Single-Family Residential zone.

**Findings**

**Planned Development Overlay**

As specified in the City’s General Plan and Zoning Ordinance, the following specific findings for the proposed Zone Change shall be made in order to approve the proposed project:

1. The proposed Zone Change is in conformance with the adopted General Plan goals, policies, and programs and the overall intent of the General Plan based on the projects consistency with LOC 1.1.
2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.
3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.
4. The proposed Zone Change is consistent with the project-specific Mitigated Negative Declaration.
Additional findings for approval of this zone change are recommended as follows:

1. The intent and purpose of the PD-16 Overlay includes providing relief from the City's Subdivision Ordinance regulating flag lots.
2. The requirement that the original parcel have existing road frontage prior to the subdivision is satisfied by the parcel’s connection to Portola Road through the 30-foot wide flagpole area of the existing lot.
3. Modification of the 3:1 depth to width ratio requirement of the City's Subdivision Ordinance is necessary based on the size and shape of the property and the different property ownerships which impede access to the public road.
4. Proposed Parcel 2 will exceed the 3:1 depth to width ratio, however there is adequate assurance that subsequent development may be accomplished without detriment to adjacent properties as there are numerous parcels within the neighborhood that are of a flag lot design.

Conditional Use Permit (Master Plan of Development)

A Master Plan of Development is required for the Planned Development in the form of a Conditional Use Permit. The proposed Master Plan of Development sets development standards related to architectural design, site design, landscape, signage, and specific development standards required by the Zoning Ordinance. The City Council must make the following five findings to recommend approval of the proposed Master Plan of Development:

1. The proposed project or use is consistent with the General Plan and the City's Appearance Review Manual.
   Staff Comment: The use is consistent with the Single Family Residential-Z designation of the General Plan and General Plan Land Use Element Policy 1.1.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.
   Staff Comment: As conditioned, the project satisfies all Conditional Use Permit and Planned Development Zoning Code provisions.

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.
   Staff Comment: The proposed residential development will not be detrimental to the general public or working person’s health, safety, or welfare.
4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.

**Staff Comment:** The proposed project is compatible with the surrounding neighborhood which consists of several existing flag lots.

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.

**Staff Comment:** The proposed project and use is consistent with the traffic projections and road improvements anticipated within the General Plan and as proposed by the applicant.

**Tree Removals**

The project proposes the removal of two (2) live oaks for a total of 15 inches dbh. Removal of the trees is necessary for driveway widening and fire safety clearance. Staff is recommending the following finding be made for the removal of these trees:

The trees are obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the Site Planner and determined by the Community Development Department based on the following factors:

- Early consultation with the City.
- Consideration of practical design alternatives.
- Provision of cost comparisons (from applicant) for practical design alternatives.
- If saving tree eliminates all reasonable uses of the property.
- If saving the tree requires the removal of more desirable trees.

**Proposed Environmental Determination**

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public on April 24, 2007. The Environmental Analysis identified concerns regarding potential impacts to land use, as well as planning and biological resources. Mitigation measures pertaining to these resources are included. A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures.

**Conclusion:**
Based on the proposed findings, the Planning Commission found that the proposed development would not be consistent with the General Plan or the purpose and intent of the PD – 16 overlay. Native trees have been preserved where feasible and required conditions and mitigation measures have been appropriately incorporated into the project. As analyzed within the project Initial Study and Draft Mitigated Negative Declaration, the proposed Master Plan of Development would have no significant environmental impacts and will not be detrimental to the general public or working persons, health, safety, or welfare. Based on the Planning Commission’s determination it appears that some of the required findings can not be made for this project.

ALTERNATIVES:

1. The City Council may approve the project by:
   a. Adopting Draft Resolution B certifying the Proposed Mitigated Negative Declaration 2007-0005; and,
   c. Adopting Draft Ordinance A introducing an ordinance for first reading by title only, to approve Zone Change 2004-0091 based on findings; and,
   d. Adopting Draft Resolution C approving Conditional Use Permit 2004-0140 (Master Plan of Development) and the Tree Removal Request for 2 native trees, based on findings and subject to Conditions of Approval and Mitigation Monitoring and waiving condition 12 requiring annexation into the community facilities district; and,
   e. Adopting Draft Resolution D approving Tentative Parcel Map 2004-0057 (AT 03-0258) based on findings and subject to Conditions of Approval and Mitigation Monitoring and waiving condition 8 requiring annexation into the community facilities district.

2. The City Council may recommend modifications to the project and/or Conditions of Approval for the project.

3. The City Council may determine 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 Council should clearly state the type of information required and move to continue the item to a future date.

PREPARED BY:  Kerry Margason, Associate Planner

ATTACHMENTS:
Attachment 1:  Location, General Plan, and Zoning Map
Attachment 2: Arborist Report
Attachment 3: Draft Resolution A – Denial of Project
Attachment 5: Draft Ordinance A – Approving PD-16 Overlay
Attachment 6: Draft Resolution C – Approving Master Plan of Development
Attachment 7: Draft Resolution D – Approving Tent. Parcel Map
Existing Designation:
- Single-Family Residential
- Residential Single-Family - Z

Proposed Designation:
- Single-Family Residential
- Residential Single-Family - Z
July 17, 2007

Mr. Ed Nolan
5190 Portola Road
Atascadero, CA 93422

Re: Tree Protection Plan for 5190 Portola Road Atascadero, CA 93422

This Tree Protection Plan is for the location stated above. The development will be impacting twelve native oak trees ten live oak (Quercus agrifolia) trees and two valley oak (Quercus lobata) trees. Two small live oak trees are being requested for removal. This project is for a lot split.

It is the responsibility of the owner to provide a copy of this tree protection plan to any and all contractors and subcontractors that work within the drip line of the native trees. It is highly recommended that each contractor sign and acknowledge this tree protection plan.

The trees impacted by this project are numbered and identified on both the grading plan and the spreadsheet. Trees are numbered on the grading plans and in the field with an aluminum tag. Tree protection fencing is shown on the grading plan. In the field trees to be saved have yellow tape. Trees suggested for removal have red tape.

Tree Rating System

A rating system of 1-10 was used for visually establishing the overall condition of each tree on the spreadsheet. The rating system is defined as follows:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Deceased</td>
</tr>
<tr>
<td>1</td>
<td>Evidence of massive past failures, extreme disease and is in severe decline.</td>
</tr>
<tr>
<td>2</td>
<td>May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.</td>
</tr>
<tr>
<td>3</td>
<td>Some past failures, some pests or structural defects that may be mitigated by class IV pruning.</td>
</tr>
<tr>
<td>4</td>
<td>May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.</td>
</tr>
</tbody>
</table>
5 Relatively healthy tree with little visual structural and or pest defects.
6 Healthy tree that probably can be left in its natural state.
7-9 Have had proper arboricultural pruning and attention or have no apparent structural defects.
10 Specimen tree with perfect shape, structure and foliage in a protected setting (i.e. park, arboretum).

The following mitigation measures/methods must be fully understood and followed by anyone working within the drip line of any native tree. Any necessary clarification will be provided by us (the arborists) upon request.

1. **Fencing:** Will not be necessary for this project.

2. **Trenching Within Drip Line:** All trenching within the drip line of native trees shall be hand dug, augered or bored (for utilities). All major roots shall be avoided whenever possible. All exposed roots larger than 1" in diameter shall be clean cut with sharp pruning tools and not left ragged. A **Mandatory** meeting between the arborists and grading contractor(s) must take place prior to work start.

3. **Grading Within The Drip Line:** Grading should not encroach within the drip line unless authorized. Grading should not disrupt the normal drainage pattern around the trees. Fills should not create a ponding condition and excavations should not leave the tree on a rapidly draining mound.

4. **Exposed Roots:** Any exposed roots shall be re-covered the same day they were exposed. If they cannot, they must be covered with burlap or another suitable material and wetted down 2x per day until re-buried.

5. **Existing Surfaces:** The existing ground surface within the drip line of all oak trees shall not be cut, filled, compacted or pared, unless shown on the grading plans and approved by the arborist.

6. **Construction Materials and Waste:** No liquid or solid construction waste shall be dumped on the ground within the drip line of any native tree. The drip line areas are not for storage of materials either.

7. **Arborist Monitoring:** An arborist shall be present for selected activities (trees identified on spreadsheet and items bulleted below). The monitoring does not necessarily have to be continuous but observational at times during these activities. It is the responsibility of the owner(s) or their designee to inform us prior to these events so we can make arrangements to be present. It is the responsibility of the owner to contract (prior to construction) a locally licensed and insured arborist that will document all monitoring activities.
   - Pre-construction fence placement
   - any utility or drainage trenching within any drip line
Attachment 2: Arborist Report

- All grading and trenching near trees requiring monitoring on the spreadsheet
- All driveway construction activities
- Tree removal operations

8. **Pre-Construction Meeting:** An on-site pre-construction meeting with the Arborist(s), Owner(s), Planning Staff, and the earth moving team shall be required for this project. Prior to final occupancy, a letter from the arborist(s) may be required verifying the health/condition of all impacted trees and providing any recommendations for any additional mitigation. The letter shall verify that the arborist(s) were on site for all grading and/or trenching activity that encroached into the drip line of the selected native trees, and that all work done in these areas was completed to the standards set forth above.

9. **Utility Placement:** All utilities shall be placed down the road/driveway and where possible outside of the drip lines. The arborist shall supervise trenching within the drip line. **All trenches in these areas shall be exposed by air spade or hand dug with utilities routed under/over the roots.**

The included spreadsheet includes trees listed by number, species and multiple stems if applicable, diameter and breast height (4.5'), condition (scale from poor to excellent), status (avoided, impacted, removed, exempt), percent of drip line impacted, mitigation required (fencing, root pruning, monitoring), construction impact (trenching, grading), recommended pruning and individual tree notes.

If all the above mitigation measures are followed, we feel there will be no additional long-term significant impacts to the remaining native trees.

Please let us know if we can be of any future assistance to you for this project.

Steven G. Alvarez  
Certified Arborist #WC 0511
## Tree Protection Spread Sheet

**For Eden Nolan 5190 Portola Road**

<table>
<thead>
<tr>
<th>TREE</th>
<th>TREE SPECIES</th>
<th>TRUNK DBH</th>
<th>TREE CONDITION</th>
<th>TREE STATUS</th>
<th>DRIP-LINE %</th>
<th>CONST MITIGATION</th>
<th>MONT PRUNING</th>
<th>FIELD NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 LO</td>
<td>19&quot;</td>
<td>I</td>
<td>I</td>
<td>30%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>NONE POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>2 LO</td>
<td>2X10&quot;</td>
<td>I</td>
<td>I</td>
<td>30%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>NONE POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>3 LO</td>
<td>4&quot;</td>
<td>I</td>
<td>I</td>
<td>30%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>NONE POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>4 LO</td>
<td>3X52</td>
<td>I</td>
<td>I</td>
<td>50%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>NONE POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>5 LO</td>
<td>12&quot;</td>
<td>I</td>
<td>I</td>
<td>30%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>NONE POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>7 LO</td>
<td>21&quot;</td>
<td>5</td>
<td>I</td>
<td>50%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>1 POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>8 LO</td>
<td>50&quot;</td>
<td>5</td>
<td>I</td>
<td>2%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>4 POWER-LINES/DRIVEWAY</td>
</tr>
<tr>
<td>9 LO</td>
<td>13&quot;</td>
<td>6</td>
<td>I</td>
<td>40%</td>
<td>G.C.T</td>
<td>M</td>
<td>YES</td>
<td>1 DRIVEWAY</td>
</tr>
<tr>
<td>10 LO</td>
<td>10&quot;</td>
<td>R</td>
<td>100%</td>
<td>G.C.T</td>
<td>NONE</td>
<td>NO</td>
<td>D</td>
<td>4 DRIVEWAY</td>
</tr>
<tr>
<td>11 LO</td>
<td>5&quot;</td>
<td>2</td>
<td>R</td>
<td>100%</td>
<td>G.C.T</td>
<td>NONE</td>
<td>NO</td>
<td>DRIVEWAY</td>
</tr>
<tr>
<td>12 LO</td>
<td>60&quot;</td>
<td>6</td>
<td>I</td>
<td>5%</td>
<td>G.C.T</td>
<td>F.M</td>
<td>YES</td>
<td>1 PROPOSED FIRE TURN AROUND</td>
</tr>
</tbody>
</table>

**Notes:**
- T = TREE TYPE; COMMON NAME (E G.O = WHITE OAK)
- D = DRINK DIAMETER (E 4” = 4”)
- C = TREE CONDITION; 1 = POOR, 2 = FAIR, 3 = GOOD, 4 = EXCELLENT
- I = INTERACTION; AVOIDED, IMPACTED, REMOVAL
- S = SHADE LINE; PERCENT OF IMPACTED SHADE LINE
- E = CONSTRUCTION IMPACT TYPE; GRAVING, COMPACTING, TRENCHING
- R = MITIGATION REQUIREMENTS; PINNING, MONITORING, ROOT STOPPING, PRUNING
- M = ARBORIST MONITORING REQUIRED; YES/NO
- P = PERMANENT PRUNING; CLASS 1/4
- F = FIELD NOTES
DRAFT RESOLUTION A

A RESOLUTION OF THE CITY COUNCIL DENYING
PLN 2099-1002, A REQUEST FOR ZONE CHANGE 2004-0091,
TENTATIVE PARCEL MAP 2004-0057 AND
CONDITIONAL USE PERMIT 2004-0140
5190 Portola Road
(Nolan)

WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road, Atascadero, CA 93422 (Applicant and Property Owner), to consider a project consisting of a Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-021); and,

WHEREAS, the Planning Commission of the City of Atascadero held a public hearing on August 7, 2007 to consider PLN 2099-1002, and accepted both oral and written testimony regarding the proposed project; and,

WHEREAS, the Planning Commission of the City of Atascadero, resolved to recommend denial of the proposed project to the City Council; and,

WHEREAS, the City Council held a public hearing on September 11, 2007 to consider the Planning Commission’s recommendation of denial for PLN 2099-1002, and accept both oral and written testimony regarding the project and the Planning Commission’s recommendation; and

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to deny PLN 2099-1002 (ZCH 2004-0091; CUP 2004-0140; TPM 2004-0057) based on the following Findings:

1. The project is inconsistent with the purpose and intent of the Planned Development Overlay-16 Zone because it would exceed the density allowed for the underlying zoning district in that the “flagpole” portion of the parent parcel may not be used to determine minimum lot size.

2. The project is inconsistent with the purpose and intent of the Planned Development Overlay-16 Zone which was not established to provide relief from the provisions of the City’s Municipal Code relating to flag lot subdivisions (Section 11-6.26).
On motion by Council Member ______________________, and seconded by Council Member ______________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
George Luna
Mayor

ATTEST:

______________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

______________________________
Patrick Enright, City Attorney
DRAFT RESOLUTION B


WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road, Atascadero, CA 93422 (Applicant and Property Owner), to consider a project consisting of a Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-021); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2007-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission of the City of Atascadero held a public hearing on August 7, 2007 following the close of the review period to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

WHEREAS, the City Council held a public hearing on September 11, 2007 following the close of the review period to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to certify Proposed Mitigated Negative Declaration 2007-0005 based on the following Findings, and as shown in Exhibit A:

3. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,

4. The Proposed Mitigated Negative Declaration was presented to the Planning Commission, and the information contained therein was considered by the Planning Commission, prior to recommending action on the project for which it was prepared; and,
The Proposed Mitigated Negative Declaration was presented to the City Council, and the information contained therein was considered by the City Council, prior to taking action on the project for which it was prepared; and,

6. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project; and,

7. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,

8. The project does not have impacts which are individually limited, but cumulatively considerable; and,

9. The project will not cause substantial adverse effects on human beings either directly or indirectly; and,

On motion by Council Member ____________________________, and seconded by Council Member ________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:  CITY OF ATASCADERO, CA

_______________________________________
George Luna
Mayor

ATTEST:

_______________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Patrick Enright, City Attorney
See Following
DRAFT ORDINANCE A


5190 Portola Road
(Nolan)

WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road, Atascadero, CA 93422 (Applicant and Property Owner), to consider a project consisting of a Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-021); and,

WHEREAS, the site’s General Plan Designation is SFR-Z (Single-Family Residential-Z); and,

WHEREAS, the site’s current zoning district is RSF-Z (Residential Single-Family –Z; 1.5 to 2.5 acre minimum); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); 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, the City Council has determined that it is in the best interest of the City to enact this amendment to the Official Zoning Map to protect the health, safety, and welfare of its citizens by applying orderly development of the City; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Amendments; and the Planning Commission recommended denial of the project; and,
WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on September 11, 2007, studied and considered Zone Change 2004-0091 (PLN 2099-1002), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

NOW, THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RSF-Z/PD-16. The Planning Commission finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.
3. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements.
4. The proposed project offers certain redeeming features to compensate for the requested zone change.
5. The project site includes an open space easement.
6. The intent and purpose of the PD-16 Overlay includes providing relief from the City’s Subdivision Ordinance regulating flag lots (Section 11-6.26 of the City’s Municipal Code).
7. Modification of the 3:1 depth to width ratio requirement of the City’s Subdivision Ordinance is necessary based on the size and shape of the property and different property ownerships which reduce access to the public road.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on August 7, 2007, introduced for first reading by title only, an ordinance that would rezone the subject site consistent with the following:

1. Exhibit A: Location Map / Zone Map Amendment Diagram
On motion by Council Member _________________, and seconded by Council Member _________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

_______________________________________
George Luna
Mayor

ATTEST:

__________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

__________________________
Patrick Enright, City Attorney
**Existing Designation:**
- Medium Density Residential
- Residential Multi-family - 10

**Proposed Designation:**
- Medium Density Residential
- Residential Multi-Family -10/ PD-16
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, APPROVING
CONDITIONAL USE PERMIT 2004-0140
MASTER PLAN OF DEVELOPMENT
ON APN 054-051-021
5190 Portola Road
(Nolan)

WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road, Atascadero, CA 93422 (Applicant and Property Owner), to consider a project consisting of a Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-021); and,

WHEREAS, the Planning Commission, at a public hearing held on August 7, 2007, has recommended that the City Council deny the request to change the site’s Zoning District from RSF-Z (Residential Single-Family-Z) to RSF-Z with PD16 (Residential Single-Family-Z with a Planned Development Overlay-16); and,

WHEREAS, the Planned Development-16 Overlay Zone requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0005 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Conditional Use Permit application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of Development; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on September 11, 2007 studied and considered the Conditional Use Permit 2004-0140 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

NOW, THEREFORE, the City Council of the City of Atascadero takes the following actions:
SECTION 1. **Findings for Approval of Conditional Use Permit.** The City Council finds as follows:

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

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-16 Overlay Zone; and,

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,

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

5. 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 Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area; and

7. Benefits derived from the Master Plan of Development and PD-16 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

8. The purpose and intent of the PD-16 Overlay Zone includes providing relief from Section 11-6.26 of the City’s Municipal Code, regulating flag lots.
SECTION 2. **Findings for Approval of Tree Removal**. The City Council finds as follows:

The trees are obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the Site Planner and determined by the Community Development Department based on the following factors:

- Early consultation with the City;
- Consideration of practical design alternatives;
- Provision of cost comparisons (from applicant) for practical design alternatives;
- If saving tree eliminates all reasonable uses of the property; or
- If saving the tree requires the removal of more desirable trees.

SECTION 3. **Approval**. The City Council of the City of Atascadero, in a regular session assembled on September 11, 2007, approved Conditional Use Permit 2004-0140 (Master Plan of Development) and Tree Removal Permit subject to the following:

- EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
- EXHIBIT B: Master Plan of Development / Site Plan
- EXHIBIT C: Tree Removal Request and Mitigation Worksheet
BE IT FURTHER RESOLVED that a copy of this Resolution be delivered forthwith by the Planning Commission Secretary to the City Council of the City of Atascadero.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

_______________________________________
George Luna
Mayor

ATTEST:

_______________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

_______________________________________
Patrick Enright, City Attorney
## Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road**

**ZCH 2004-0091, CUP 2004-0140, TPM 2004-0057**

### Planning Services

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<table>
<thead>
<tr>
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<tbody>
<tr>
<td>1.</td>
<td>The approval of this zone change and use permit shall become final and effective following City Council approval.</td>
<td>FM</td>
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<tr>
<td>2.</td>
<td>The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of ZCH 2004-0091 upon second reading and recordation of Parcel Map AT 03-0258, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</td>
<td>FM</td>
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<tr>
<td>3.</td>
<td>The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development.</td>
<td>BP / FM</td>
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<td>4.</td>
<td>The approval timeline of this Conditional Use Permit shall run concurrently with tentative parcel map AT 03-0258. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.</td>
<td>BP / FM</td>
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<td>5.</td>
<td>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 the subdivision</td>
<td>Ongoing</td>
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<td>6.</td>
<td>All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.</td>
<td>BP / FM</td>
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<tr>
<td>7.</td>
<td>Prior to issuance of building permits, the applicant shall submit, for review and approval, a maintenance agreement for the maintenance and repair of the common driveway. The agreement shall be reviewed by the City Engineer, Community Development Director and the City Attorney. This document shall record concurrently with the final parcel map.</td>
<td>GP/BP</td>
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<td>8.</td>
<td>All site development shall comply with the standards of the Planned Development-16 Overlay District.</td>
<td>BP</td>
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<tr>
<td>9.</td>
<td>Affordable Housing Requirement: The applicant shall comply with the City Council inclusionary housing policy and pay an in-lieu fee based on 5% of the construction valuation of each new housing unit.</td>
<td>GP/BP</td>
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<tr>
<td>10.</td>
<td>A Tree Protection Plan shall be submitted with subsequent building permits for encroachment within the drip line of native trees located on the subject parcel and any adjacent properties. The applicant will contract with a certified arborist to monitor all</td>
<td>GP/BP</td>
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</tbody>
</table>
### Conditions of Approval / Mitigation Monitoring Program

#### 5190 Portola Road

**ZCH 2004-0091, CUP 2004-0140, TPM 2004-0057**

- activity within the drip lines of existing native oak trees.

#### 11. An address marker to include addresses for all units shall be located at the public street access point. The address marker shall be compatible with the project architecture.

<table>
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<tr>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
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<tr>
<td>GP/BP</td>
<td>PS</td>
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#### 12. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer's cost. The funding mechanism must be in place prior to or concurrently with acceptance of the final maps. The funding mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any final map. The funding mechanism shall be by the City. Developer agrees to participate in the community facilities district and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property.

- All Atascadero Police Department service costs to the project.
- All Atascadero Fire Department service costs to the project.
- Off-site common City of Atascadero park facilities maintenance service costs related to the project.

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<th>Timing</th>
<th>Responsibility /Monitoring</th>
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<td>PS, BS</td>
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#### 13. Approval of this permit shall include the removal of 2 Native Trees. The applicant shall be required to pay mitigation fees or provide replantings on-site per the requirements of the Atascadero Native Tree Ordinance. Any additional removals shall be subject to Planning Commission approval.

- A mitigation deposit shall be collected for all native oak trees which will be impacted 40% or more. The applicant may submit written documentation from a certified arborist, that the trees remain in good health no sooner than 1-year after final of the project to receive a full refund of the deposit.

#### City Engineer Project Conditions

#### 14. The applicant shall improve Portola Road across the frontage of the property to City standards, including street widening, curb, gutter, and sidewalk, if required.

<table>
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<tr>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
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<td>BP</td>
<td>CE</td>
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#### 15. The applicant shall overlay Portola Road to a width of ½ the street plus 10’ across the frontage of the property as directed by the City Engineer in accordance with the conditions of approval for TPM 2004-0057.

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<tr>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
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<td>CE</td>
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#### 16. Applicant shall provide a minimum of 2% drainage away from the buildings for 5’.

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<th>Timing</th>
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### City Engineer Standard Conditions
<table>
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<tr>
<th>Conditions of Approval / Mitigation Monitoring Program</th>
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<tbody>
<tr>
<td><strong>5190 Portola Road</strong></td>
</tr>
<tr>
<td><strong>ZCH 2004-0091, CUP 2004-0140, TPM 2004-0057</strong></td>
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</tbody>
</table>

| 17. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer. |
|----|----|
| **Timing** | **Responsibility** |
| BP, GP | CE |

| 18. Prior to issuance of building permits, the applicant shall submit a grading and drainage plan with a separate sheet(s) devoted to sedimentation and erosion control, prepared by a registered civil engineer for review and approval by the City Engineer. |
|----|----|
| **Timing** | **Responsibility** |
| BP, GP | CE |

| 19. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer. |
|----|----|
| **Timing** | **Responsibility** |
| BP, GP | CE |

| 20. In the event that the applicant is allowed to bond for the public improvements required as a condition of this project, the applicant shall enter into a Subdivision Improvement Agreement with the City Council. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 21. An engineer’s estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 22. The Subdivision Improvement Agreement shall record concurrently with the Final Map. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 23. The applicant shall be responsible for the relocation and/or alteration of existing utilities. |
|----|----|
| **Timing** | **Responsibility** |
| BP, GP | CE |

| 24. The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement. |
|----|----|
| **Timing** | **Responsibility** |
| BP, GP | CE |

| 25. The applicant shall monument all property corners for construction control and shall promptly replace them if disturbed. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 26. The applicant shall acquire title interest in any off-site land that may be required to allow for the construction of the improvements. The applicant shall bear all costs associated with the necessary acquisitions. The applicant shall also gain concurrence from all adjacent property owners whose ingress and egress is affected by these improvements. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 27. Slope easements shall be provided as needed to accommodate cut of fill slopes. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 28. Drainage easements shall be provided as needed to accommodate both public and private drainage facilities. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 29. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance. |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |

| 30. Prior to recording the Parcel map, the applicant shall submit a map drawn in substantial conformance with the approved tentative parcel map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the |
|----|----|
| **Timing** | **Responsibility** |
| FM | CE |
### Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road**

**ZCH 2004-0091, CUP 2004-0140, TPM 2004-0057**

City in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

<table>
<thead>
<tr>
<th>Condition Number</th>
<th>Description</th>
<th>Timing</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>31.</td>
<td>Prior to recording the Parcel map, the applicant shall set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>32.</td>
<td>Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval</td>
<td>FM</td>
<td>CE</td>
</tr>
<tr>
<td>33.</td>
<td>Prior to recording the Parcel map, the applicant shall have the map reviewed by all applicable public and private utility companies (cable, telephone, gas, electric, Atascadero Mutual Water Company). The applicant shall obtain a letter from each utility company indicating their review of the map. The letter shall identify any new easements that may be required by the utility company. A copy of the letter shall be submitted to the City. New easements shall be shown on the map.</td>
<td>FM</td>
<td>CE</td>
</tr>
<tr>
<td>34.</td>
<td>Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the recorded map.</td>
<td>FM</td>
<td>CE</td>
</tr>
<tr>
<td>35.</td>
<td>Prior to the final inspection of any public improvements, the applicant shall submit a written statement from a registered civil engineer that all work has been completed and is in full compliance with the approved plans.</td>
<td>FM</td>
<td>CE</td>
</tr>
<tr>
<td>36.</td>
<td>Prior to the final inspection, the applicant shall submit a written certification from a registered civil engineer or land surveyor that all survey monuments have been set as shown on the final map.</td>
<td>BP, GP</td>
<td>CE</td>
</tr>
<tr>
<td>37.</td>
<td>An encroachment permit shall be obtained prior to any work within City rights of way.</td>
<td>BP, GP</td>
<td>CE</td>
</tr>
<tr>
<td>38.</td>
<td>Prior to the issuance of building permits the applicant shall submit a grading and drainage plan prepared by a registered civil engineer for review and approval by the City Engineer.</td>
<td>BP, GP</td>
<td>CE</td>
</tr>
</tbody>
</table>

**Atascadero Mutual Water Company**

39. Before the issuance of building permits, the applicant shall submit plans to AMWC for the water distribution facilities needed to serve the project. AMWC shall review and approve the plans before construction begins on the water system improvements. All water distribution facilities shall be constructed in conformance with AMWC Standards and Details and the California Waterworks Standards (Code of Regulations Title 22, Division 4, Chapter 16). All cross-connection devices shall conform to AWWA and California Department of Health Services standards.

40. Before issuance of building permits, the applicant shall obtain a “Will Serve” letter from AMWC for the newly created lots within the subdivision.

**Mitigation Measures**
### Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road**

**ZCH 2004-0091, CUP 2004-0140, TPM 2004-0057**

<table>
<thead>
<tr>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
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<tbody>
<tr>
<td>BI: Final Map</td>
<td>BP, GP</td>
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<tr>
<td>BL: Business License</td>
<td>BS, PS, CE</td>
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<tr>
<td>GP: Grading Permit</td>
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<tr>
<td>BP: Building Permit</td>
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<td>FI: Final Inspection</td>
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<tr>
<td>TO: Temporary Occupancy</td>
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<tr>
<td>FO: Final Occupancy</td>
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</tbody>
</table>

Mitigation Measure 3.b.1: The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in sections 6.3, 6.4 and 6.5 of the April 2003 Air Quality Handbook.

#### Section 6.3: Construction Equipment
- Maintain all construction equipment in proper tune according to manufacturer’s specifications.
- Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (Non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Install diesel oxidation catalysts (DOC), catalyzed diesels particulate filters (CDPF) or other District approved emission reduction retrofit services (Required for projects grading more than 4.0 acres of continuously worked area).

#### Section 6.4: Activity Management Techniques
- Develop a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period.
- Schedule of construction truck trips during non-peak hours to reduce peak hour emissions.
- Limit the length of the construction workday period, if necessary.
- Phase construction activities, if appropriate.

#### Section 6.5: Fugitive PM10
All of the following measures shall be included on grading, demolition and building plan notes:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project re-vegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binder, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc, to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
### Mitigation Measures

**Mitigation Measure 4.e.1:** The grading plan shall identify tree protection fencing around the dripline of each existing on-site tree and/or native shrub mass within 20 feet of construction activity.

- All existing trees outside of the limits of work shall remain.
- Earthwork shall not exceed the limits of the project area.
- Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.
- Vehicles and stockpiled material shall be stored outside the dripline of all trees.
- All trees within the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.
- Any roots that are encountered during excavation shall be clean-cut by hand and sealed with an approved tree seal.

**Mitigation Measure 4.e.2:** An arborists report shall be required prior to project implementation. The report shall identify each native tree proposed for removal and each tree within the project area subject to potential impact. The report shall provide recommendations for tree pruning, tree protection of existing native trees to remain, and identify native tree impact/replacement mitigation per the Atascadero Municipal Code Section 9-11.105.

**Mitigation Measure 5.d.1:** Should any cultural resources be unearthed during site development work, the provisions of CEQA -Section 15064.5, will be followed to reduce impacts to a non-significant level.

<table>
<thead>
<tr>
<th>Timing</th>
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<td>FO: Final Occupancy</td>
<td>CA: City Attorney</td>
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</table>
### Mitigation Measure 5.d.2:
In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been contacted to determine that no investigation of the cause of death is required, and to determine if the remains are of Native American heritage. If the remains are of Native American Heritage, the coroner shall contact the Native American Heritage Commission within 24 hours.

### Mitigation Measure 5.a.1:
Any exterior building modifications or site plan changes not represented in the proposed project that could occur during the Building Permit application process or during construction shall be consistent with the *Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings* and shall meet the provisions of CEQA -Section 15064.5, as approved by Planning Staff.

### Mitigation Measure 6.a.1:
All construction on site shall comply with the seismic construction standards for Seismic Construction Zone 4 per the California 2001 Building Code.

### Mitigation Measure 6.b.1:
All cut and fill slopes shall be hydro seeded with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of earthwork. All disturbed slopes shall have appropriate erosion control methods in place. Duration of the project: The contractor will be responsible for the clean up of any mud or debris that is tracked onto public streets by construction vehicles.

### Mitigation Measure 6.c.d.1:
A soils report shall be required to be submitted with a building permit by the building department. The building plans will be required to follow the recommendations of the soils report to assure safety for residents and buildings.

### Mitigation Measure 8.e.f.1:
The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

### Mitigation Measure 11.d.1:
All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.
EXHIBIT B: Master Plan of Development / Site Plan
CITY OF ATASCADERO
TREE REMOVAL PERMIT
SECTION 11.05 B.5

OWNER 1: Ed Nolan
ADDRESS: 5780 Portola Road
Atascadero, CA 93422
PHONE #: (805) 466-2793
FAX #:

OWNER 2: 
ADDRESS: 
PHONE #: 
FAX #:

ARBORIST: Steven S. Alvarez
ADDRESS: 1565 El Camino Real
Atascadero, CA 93422
PHONE #: (805) 431-2581
FAX #: (805) 466-1528

ARBORIST CERTIFICATION #: WE-051A
ARBORIST SIGNATURE:

Site Address:
Site APN:
Reason for Removal:

List all trees to be removed:

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>SIZE (dbh)</th>
<th>NUMBER TO BE REMOVED</th>
<th>CONDITION OF TREE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Quercus agrifolia</td>
<td>10&quot; - 15&quot;</td>
<td>2</td>
<td>Poor</td>
</tr>
<tr>
<td>2.</td>
<td></td>
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<td>3.</td>
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</table>

Property owner certifies that they have read and understood Atascadero Municipal Code Section 9-11.105. Tree removal is not to facilitate future development.

A plot plan shall be included showing all proposed improvements on the property, trees to be removed, and trees to remain. The trees shall correspond with the numbers above.

Signature of Property Owner Date

Signature of Property Owner Date

Signature, City of Atascadero Date
City of Atascadero
Community & Economic Development Department
Single Family Residential Tree Mitigation Form

<table>
<thead>
<tr>
<th>Date</th>
<th>July 30, 2007</th>
<th>Prepared by:</th>
<th>KM</th>
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<tbody>
<tr>
<td>Address</td>
<td>5190 Portola Road</td>
<td>Permit #:</td>
<td>ZCH 2004-0091</td>
</tr>
<tr>
<td>Applicant</td>
<td>Ed Nolan</td>
<td>Telephone:</td>
<td>xx</td>
</tr>
<tr>
<td>Owner</td>
<td>Ed Nolan</td>
<td>Telephone:</td>
<td>xx</td>
</tr>
</tbody>
</table>

**NATIVE TREE REMOVAL MITIGATION**

Tree protection required? Yes  Arborist review required? Yes

Total number of trees impacted: 10

Removals:

Number greater than 24"DBH: 0  number less than 24" DBH: 2

PG Permit Required? yes  Status: in process

Replacements required? Yes

<table>
<thead>
<tr>
<th>Evergreen Native Trees (inches)</th>
<th>Deciduous Native Trees (inches)</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>dbh notes</td>
<td>dbh notes</td>
<td>Totals</td>
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<td>15</td>
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<tr>
<td>Total 15 inches</td>
<td>Total 0 inches</td>
<td>15 inches</td>
</tr>
</tbody>
</table>

**Mitigation Requirement**

- 3 five gallon trees
- 3 five gallon trees
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree
- 1 five gallon tree

**Tree Fund Payment:**

| Tree Fund Payment | $125.00 |

| Tree Fund Payment | $125.00 |
DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, APPROVING TENTATIVE PARCEL
MAP 2004-0057, A TWO-LOT SUBDIVISION CONSISTENT WITH A
MASTER PLAN OF DEVELOPMENT ON APN 054-051-021
5190 Portola Road
(Nolan)

WHEREAS, an application has been received from Ed Nolan, 5190 Portola Road,
Atascadero, CA 93422, (Applicant and Property Owner), to consider a project consisting of a
Zone Change from RSF-Z (Residential Single-Family-Z) to RSF-Z/PD16 (Residential Single-
Family-Z with a Planned Development Overlay-16) with corresponding Master Plan of
Development and Tentative Parcel Map located at 5190 Portola Road Avenue, (APN 054-051-
021); and,

WHEREAS, the Planning Commission, at a public hearing held on August 7, 2007, has
recommended that the City Council deny the request to change the site’s Zoning District from
RSF-Z (Residential Single-Family-Z) to RSF-Z with PD16 (Residential Single-
Family-Z with a Planned Development Overlay-16); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0005 were
prepared for the project and made available for public review in accordance with the
requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Tentative
Parcel Map 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 Master Plan of
Development; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed
Public Hearing held on August 7, 2007, studied and considered Tentative Parcel Map 2004-0057
(AT 03-0258), after first studying and considering the Proposed Mitigated Negative Declaration
prepared for the project recommended denial of the project to the City Council; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed public hearing
held on September 11, 2007, studied and considered Tentative Parcel Map 2004-0057 (AT 03-
0258), after first studying and considering the proposed Mitigated Negative Declaration prepared
for the project; and,
NOW THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. **Findings:** The City Council of the City of Atascadero finds as follows:

1. The proposed subdivision, design and improvements as conditioned, are consistent with the General Plan and applicable zoning requirements, including provisions of the PD-16 overlay district.

2. The proposed subdivision, as conditioned, is consistent with the Master Plan of Development (CUP 2004-0140).

3. The site is physically suitable for the type of development proposed.

4. The site is physically suitable for the density of development proposed.

5. The design and improvement of the proposed subdivision will not cause substantial environmental damage or substantially and unavoidably injure fish and wildlife or their habitat.

6. The design of the subdivision will not conflict with easements acquired by the public at large for access through, or the use of property within, the proposed subdivision; or substantially equivalent alternative easements are provided.

7. The proposed subdivision design and type of improvements proposed will not be detrimental to the health, safety or welfare of the general public.

8. Proposed Parcel 2 will exceed the 3:1 depth to width ratio, however there is adequate assurance that subsequent development may be accomplished without detriment to adjacent properties as there are numerous parcels within the neighborhood that are of a flag lot design.

9. The intent and purpose of the PD-16 Overlay includes providing relief from the City’s Subdivision Ordinance regulating flag lots (Section 11-6.26).

10. The requirement that the original parcel have existing road frontage prior to the subdivision is satisfied by the parcel’s connection to Portola Road through the 30 foot wide flagpole area of the existing lot.

11. The subdivision is consistent with the character of the immediate neighborhood.

12. The installation of a standard street, either alone or in conjunction with neighboring properties is not feasible.

13. The flag lot is justified by topographical conditions.
14. It is in the best interest of the general health, welfare and safety to have the required road frontage improvements on Portola Road completed prior to recording the final map to insure the orderly development of the surrounding neighborhood and to insure the required street frontage improvements are completed.

15. It is in the best interest of the general health, welfare and safety to have the required road frontage improvements on Portola Road completed prior to recording the final map for this subdivision in order to insure that a future buyer, who would have no road frontage is not required to install the frontage improvements.

SECTION 2. Findings for Approval for Tree Removal, the Planning Commission of the City of Atascadero finds as follows:

1. The trees are obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the Site Planner and determined by the Community Development Department based on the following factors:

   - Early consultation with the City
   - Consideration of practical design alternatives
   - Provision of cost comparisons (from applicant) for practical design alternatives
   - If saving tree eliminates all reasonable uses of the property
   - If saving the tree requires the removal of more desirable trees

SECTION 3. Approval. The City Council of the City of Atascadero, in a regular session assembled on September 11, 2007, hereby resolves to approve Tentative Parcel Map AT 03-0258 (TPM 2004-0057) subject to the following:

1. Exhibit A: Tentative Parcel Map (AT 03-0258)
2. Exhibit B: Conditions of Approval / Mitigation Monitoring Program.
On motion by Council Member __________________, and seconded by Council Member __________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: 

NOES: 

ABSTAIN: 

ABSENT: 

ADOPTED: 

CITY OF ATASCADERO, CA

______________________________ 
George Luna
Mayor

ATTEST:

_____________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

______________________________
Patrick Enright, City Attorney
Conditions of Approval / Mitigation Monitoring Program

5190 Portola Road PD-16
Tentative Parcel Map
TPM 2004-0057

Planning Services

1. The approval of this tentative parcel map shall become final and effective for the purposes of recording the final parcel map thirty (30) days following the City Council approval of ZCH 2004-0091 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.

2. Approval of this Tentative Parcel Map shall be valid for two years after its effective date. At the end of the period, the approval shall expire and become null and void unless an extension of time is granted pursuant to a written request received prior to the expiration date.

3. The Community Development Department shall have the authority to approve minor changes to the project that (1) result in a superior site design or appearance, and/or (2) address a design issue that is not substantive to the Tentative Parcel Map and that the Final Map is in substantial conformance with the Tentative Map.

4. The granting of this entitlement shall apply to the property located at (APN 054-051-021) regardless of owner.

5. The Final Map shall be drawn in substantial conformance with the approved tentative map and shall include all requirements as stated in the Subdivision Map Act and the City's Subdivision Ordinance, and shall be in compliance with all conditions set forth herein, and shall be submitted for review and approval in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

6. The subdivider 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 the subdivision.

7. The Parcel Map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance.

8. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer's cost. The funding mechanism must be in place prior to or concurrently with acceptance of the final maps. The funding mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of

Timing

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BP: Building Permit
SIP: Subdivision Improvement Plans
FM: Final Map
TO: Temporary Occupancy
FI: Final inspection
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### Conditions of Approval / Mitigation Monitoring Program

5190 Portola Road PD-16  
**Tentative Parcel Map**  
TPM 2004-0057

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Any final map. The administration of the above mentioned funds shall be by the City. Developer agrees to participate in the community facilities district and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property.

- All Atascadero Police Department service costs to the project.
- All Atascadero Fire Department service costs to the project.
- Off-site common City of Atascadero park facilities maintenance service costs related to the project.

9. Prior to final map, the applicant shall submit a road maintenance agreement for review and approval by the Community Development Department, the City Engineer and the City Attorney. Once approved, this document shall record concurrently with the final parcel map.

10. Affordable Housing Requirement: The applicant shall deed restrict a minimum of 1 residential unit for 30 years or shall pay in-lieu fees consistent with City Council Policy.

11. A tree conservation and open space easement shall be recorded as shown on the tentative map. The easement shall be in accordance with the requirements of the PD-16 Overlay Zone and shall include a metes and bounds description in addition to a graphic depiction.

### Fire Department Conditions

<table>
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<th>PS, FM</th>
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16. All existing driveways shall be configured to the satisfaction of the Fire Marshall prior to recording the final parcel map.

### City Engineer Project Conditions

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13. The applicant shall improve Portola Road across the frontage of the property to City standards as required and or directed by the City Engineer. This includes, but is not limited to, the necessary plans, specifications and reports necessary to construct the improvements.

14. The applicant shall overlay Portola Road to a width of ½ the street plus 10’ across the frontage of the property as required and directed by the City Engineer.

15. The applicant shall construct the improvements required by Conditions 13 & 14, above, prior to recordation of the Final Parcel Map. The City Engineer may allow the applicant to bond for the public improvements in lieu of completing the public improvements prior to Final Map recordation. In the event that the applicant is allowed to bond for the public improvements, required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.
16. An engineer’s estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond.

17. The Subdivision Improvement Agreement shall record concurrently with the Final Map.

18. Applicant shall provide a minimum of 2% drainage away from the buildings for 5’.

19. Prior to issuance of building permits, the applicant and or property owner(s) shall submit a grading and drainage plan with a separate sheet(s) devoted to sedimentation and erosion control, prepared by a registered civil engineer for review and approval by the City Engineer.

20. Prior to City Council approval of the Parcel Map, the Applicant shall submit calculations for the acreage of each lot, acceptable to the City Engineer.

STANDARD CONDITIONS

21. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer.

22. In the event that the applicant is allowed to bond for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.

23. An engineer’s estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond.

24. The Subdivision Improvement Agreement shall record concurrently with the Final Map.

25. The applicant shall be responsible for the relocation and/or alteration of existing utilities.

26. The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement.

27. The applicant shall monument all property corners for construction control and shall promptly replace them if disturbed.

28. The applicant shall acquire title interest in any off-site land that may be required to allow for the construction of the improvements. The applicant shall bear all costs associated with the necessary acquisitions. The applicant shall also gain concurrence from all adjacent property owners whose ingress and egress is affected by these improvements.
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</table>

29. Slope easements shall be provided as needed to accommodate cut of fill slopes. **FM** **CE**

30. Drainage easements shall be provided as needed to accommodate both public and private drainage facilities. **FM** **CE**

31. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance. **FM** **CE**

32. Prior to recording the Parcel map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance. **FM** **CE**

33. Prior to recording the Parcel map, the applicant shall set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced. **FM** **CE**

34. Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval. **FM** **CE**

35. Prior to recording the Parcel map, the applicant shall have the map reviewed by all applicable public and private utility companies (cable, telephone, gas, electric, Atascadero Mutual Water Company). The applicant shall obtain a letter from each utility company indicating their review of the map. The letter shall identify any new easements that may be required by the utility company. A copy of the letter shall be submitted to the City. New easements shall be shown on the map. **FM** **CE**

36. Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the recorded map. **FM** **CE**

37. Prior to the final inspection of any public improvements, the applicant shall submit a written statement from a registered civil engineer that all work has been completed and is in full compliance with the approved plans. **FM** **CE**

38. Prior to the final inspection, the applicant shall submit a written certification from a registered civil engineer or land surveyor that all survey monuments have been set as shown on the final parcel map. **BP, GP** **CE**

39. An encroachment permit shall be obtained prior to any work within City rights of way. **BP, GP** **CE**

40. Prior to the issuance of building permits the applicant shall submit a grading and drainage plan prepared by a registered civil engineer for review and **BP, GP** **CE**
### Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road PD-16**  
**Tentative Parcel Map**  
**TPM 2004-0057**  

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approval by the City Engineer.

**Atascadero Mutual Water Company**

41. **Before the issuance of building permits**, the applicant shall submit plans to AMWC for the water distribution facilities needed to serve the project. AMWC shall review and approve the plans before construction begins on the water system improvements. All water distribution facilities shall be constructed in conformance with AMWC Standards and Details and the California Waterworks Standards (Code of Regulations Title 22, Division 4, Chapter 16). All cross-connection devices shall conform to AWWA and California Department of Health Services standards.

42. **Before issuance of building permits**, the applicant shall obtain a “Will Serve” letter from AMWC for the newly created lots within the subdivision.

43. **The applicant shall provide AMWC with easements** for those water facilities proposed for operation and maintenance by AMWC that are constructed outside of publicly maintained right-of-ways. AMWC shall review the form and content of the easements before recordation.

44. **The applicant shall provide AMWC with easements** for those water facilities proposed for operation and maintenance by AMWC that are constructed outside of publicly maintained right-of-ways. AMWC shall review the form and content of the easements before recordation.

### Mitigation Measures

**Mitigation Measure 3.b.1:** The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in sections 6.3, 6.4 and 6.5 of the April 2003 Air Quality Handbook.

**Section 6.3: Construction Equipment**
- Maintain all construction equipment in proper tune according to manufacturer’s specifications.
- Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (Non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.
- Install diesel oxidation catalysts (DOC), catalyzed diesels particulate filters (CDPF) or other District approved emission reduction retrofit services (Required for projects grading more than 4.0 acres of continuously worked area).
### Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road PD-16**  
**Tentative Parcel Map**  
**TPM 2004-0057**

#### Timing
- GP: Grading Permit
- BP: Building Permit
- SIP: Subdivision Improvement Plans
- FM: Final Map
- TO: Temporary Occupancy
- FO: Final Occupancy

#### Responsibility / Monitoring
- PS: Planning Services
- BS: Building Services
- FD: Fire Department
- PD: Police Department
- CE: City Engineer
- WW: Wastewater
- CA: City Attorney
- AMWC: Water Comp.

### Section 6.4: Activity Management Techniques
- Develop a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period.
- Schedule of construction truck trips during non-peak hours to reduce peak hour emissions.
- Limit the length of the construction workday period, if necessary.
- Phase construction activities, if appropriate.

### Section 6.5: Fugitive PM10
All of the following measures shall be included on grading, demolition and building plan notes:
- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project re-vegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binder, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc, to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.
- The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of any structure.
### Conditions of Approval / Mitigation Monitoring Program

**5190 Portola Road PD-16**  
**Tentative Parcel Map**  
**TPM 2004-0057**

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
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<th>Responsibility /Monitoring</th>
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<tbody>
<tr>
<td><strong>Mitigation Measure 4.e.1</strong></td>
<td>BP, GP</td>
<td>PS</td>
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<tr>
<td>The grading plan shall identify tree protection fencing around the dripline of each existing on-site tree and/or native shrub mass within 20 feet of construction activity.</td>
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<tr>
<th>Mitigation Measure 4.e.2</th>
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<th>PS, BS</th>
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<tr>
<td>Grading and excavation and grading work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:</td>
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<td>7. All existing trees outside of the limits of work shall remain.</td>
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<td>8. Earthwork shall not exceed the limits of the project area.</td>
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<td>9. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.</td>
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<td>10. Vehicles and stockpiled material shall be stored outside the dripline of all trees.</td>
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<td>11. All trees within the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.</td>
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<td>12. Any roots that are encountered during excavation shall be clean-cut by hand and sealed with an approved tree seal.</td>
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<tr>
<th>Mitigation Measure 5.d.1</th>
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<tr>
<td>Should any cultural resources be unearthed during site development work, the provisions of CEQA -Section 15064.5, will be followed to reduce impacts to a non-significant level.</td>
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<td>In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of the county in which the remains are discovered has been contacted to determine that no investigation of the cause of death is required, and to determine if the remains are of Native American heritage. If the remains are of Native American Heritage, the coroner shall contact the Native American Heritage Commission within 24 hours.</td>
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<tr>
<th>Mitigation Measure 6.a.1</th>
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<th>BS, PS, CE</th>
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<tr>
<td>All construction on site shall comply with the seismic construction standards for Seismic Construction Zone 4 per the California 2001 Building Code.</td>
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<tr>
<th>Mitigation Measure 6.b.1</th>
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<tr>
<td>All cut and fill slopes shall be hydro seeded with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of</td>
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<tr>
<td>Conditions of Approval / Mitigation Monitoring Program</td>
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- **earthwork. All disturbed slopes shall have appropriate erosion control methods in place. Duration of the project: The contractor will be responsible for the clean up of any mud or debris that is tracked onto public streets by construction vehicles.**

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<tr>
<th>Mitigation Measure 6.c.d.1: A soils report shall be required to be submitted with a building permit by the building department. The building plans will be required to follow the recommendations of the soils report to assure safety for residents and buildings.</th>
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<tr>
<th>Mitigation Measure 8.e.f.1: The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.</th>
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<th>Mitigation Measure 11.d.1: All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.</th>
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