Atascadero City Council
Staff Report - Community Development Department

General Plan Amendment & Planned Development 7
Atascadero Avenue Triangle / 6905 Navajoa Avenue
(City of Atascadero / MLW Holdings, LLC / Atascadero Homeowners, LLC)

(General Plan Amendment to remove the park requirement from Master Plan of Development #12; a 9-unit Planned Development; and a 2-unit Planned Development with a private landscape feature.)

RECOMMENDATIONS:

Planning Commission Recommends Council:

1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2007-0027; and,

2. Adopt Draft Resolution B approving General Plan Amendment 2007-0019, amending the development requirements identified in General Plan Table II-5, Master Plan of Development Overlay #12: “Atascadero Avenue Triangle,” and changing the General Plan Land Use Designation on Lot 1 of APN 030-283-005 from Recreation (REC) to High Density Residential (HDR); and,

3. Introduce for first reading, by title only, Draft Ordinance A approving Zoning Map Amendment 2007-0140, changing the Atascadero Municipal Code Zoning Designation on Lot 1 of APN 030-283-005 from Recreation (L) to Residential Multi-family, with 16 units per acre (RMF-16); and,

4. Introduce for first reading, by title only, Draft Ordinance B approving Zone Change 2007-0145 to allow a 9-unit PD-7 and Zone Change 2007-0146 to allow a 2-unit PD-7 based on findings; and,

5. Adopt Draft Resolution C approving Conditional Use Permit 2007-0208 (Master Plan of Development for 9-unit PD-7) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,
6. Adopt Draft Resolution D approving Tentative Tract Map 2007-0101 to create nine parcels on Lots 2 and 3, based on findings and subject to Conditions of Approval and Mitigation Monitoring.

7. Adopt Draft Resolution E approving Conditional Use Permit 2007-0219 (Master Plan of Development for 2-unit PD-7 and private landscape feature) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,

8. Adopt Draft Resolution F approving Tentative Parcel Map 2007-0091 to create three parcels on Lot 1, based on findings and subject to Conditions of Approval and Mitigation Monitoring.

REPORT-IN-BRIEF:

The proposed project consists of the following components:

1.) A City initiated General Plan Text Amendment, Land Use Diagram Amendment, and Zoning Map Amendment. The project site is approximately 2.24 acres and consists of three parcels. The General Plan Land Use designation on Lot 1 is proposed to be changed from Recreation to High Density Residential. Currently, the General Plan requires that the project site be developed with a Master Plan of Development, including a minimum ½ acre pocket park. The City initiated applications propose to amend the General Plan’s Master Plan of Development Overlay #12 to remove the requirement for a ½ acre park on the Atascadero Avenue Triangle site, and to allow two residential units on Lot 1, as directed by the City Council.

2.) Lots 2 & 3 (MLW Holdings, LLC): The project proposes a PD-7 Overlay with nine single-family units. The project includes a tree removal application for eight Black Walnuts, totaling 310 inches DBH.

3.) Lot 1 (Atascadero Homeowners, LLC): A PD-7 Overlay is proposed on Lot 1. A Tentative Parcel Map is included which proposes to create three parcels, two of which are proposed to be developed with single-family residences, and the third is proposed as a private landscape feature. Due the General Plan’s Master Plan of Development requirement on the subject site, and fact that the PD-7 does not allow for a 2-unit Planned Development, the application is being processed in conjunction with the application above.

Lot sizes in both projects range from 5700-8700 sq. ft. The residences are proposed at approximately 1567 sq. ft. with two-car garages. A total of 4,040 cu. yds of fill would be required to develop the 11 units. Frontage improvements would be installed and the residences would connect to City sewer. The project site is currently vacant.
The Planning Commission held a hearing on January 15, 2008 to consider recommending the proposed project to the City Council. The Planning Commission voted to recommend approval on a 5-2 vote. Commissioners Heatherington and O’Grady opposed the recommendation.

Commissioner Heatherington stated she was concerned that the private landscape area was not for the public. Commissioner O’Grady was concerned that the elimination of the public park was not consistent with the General Plan. (Planning Commission minutes are attached; refer to Attachment 3.)

The Planning Commission recommended the following conditions be added to the project. These conditions have been added to the City Council draft resolutions and will be adopted with a motion to approve.

1. A traffic warrant study to be done concerning Atascadero Avenue and San Andreas streets and how traffic impacts that.

2. Reduce the fence height of the private landscape area to five feet tall.

3. Change Conditions No. 9, of both the Master Plan of Development and Map: A Homeowners Association shall not be required. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The bulleted list to remain unchanged.

4. Conditions No. 10 of both the Master Plan of Development and Map shall be changed to read: The private open space feature at the corner of Atascadero Avenue and San Andreas shall be maintained and owned by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti.

The proposed projects are scheduled for hearing at the Parks and Recreation Commission on Thursday, February 21, which is the week prior to the scheduled City Council hearing. An addendum to this report will be distributed on Friday, February 22 to notify the City Council of the Parks and Rec Commission’s discussion and recommendation.
DISCUSSION:


1. Applicant: City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422

2. Owners: Lot 1: Atascadero Homeowners, LLC, Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422
   Lots 2 & 3: MLW Holdings, LLC, PO Box 604, Atascadero, CA 93423

3. Project Address: 6905 Navajo Avenue (San Luis Obispo County)
   APN 030-283-005; Lots 1, 2, and 3

4. General Plan Designation: High Density Residential (HDR) & Recreation (REC)

5. Zoning District: Residential Multi-Family-16 (RMF-16) & Recreation (L)

6. Site Area: Approximately 2.24 acres

7. Existing Use: Vacant


Situation and Facts: PLN 2007-1197 / ZCH 2007-0145

1. Applicant: Adamski, Moroski, Madden & Green, LLP
   PO Box 3835, San Luis Obispo, CA 93403

2. Owner: MLW Holdings, LLC
   PO Box 604, Atascadero, CA 93423

3. Project Address: 6905 Navajo Avenue (San Luis Obispo County)
   APN 030-283-005; Lots 2 and 3

4. General Plan Designation: High Density Residential (HDR)

5. Zoning District: Residential Multi-Family-16 (RMF-16)

6. Site Area: Approximately 1.86 acres

7. Existing Use: Vacant

Situation and Facts: PLN 2007-1251

1. Applicant: Adamski, Moroski, Madden & Green, LLP
   PO Box 3835, San Luis Obispo, CA 93403

2. Owner: Atascadero Homeowners, LLC, Kelly Gearhart
   6205 Alcantara Avenue, Atascadero, CA 93422

3. Project Address: 6905 Navajoa Avenue (San Luis Obispo County)
   APN 030-283-005; Lot 1

4. General Plan Designation: Recreation (REC) (Proposed to change to High Density Residential (HDR))

5. Zoning District: Recreation (L) (Proposed to change to Residential Multi-Family-16 (RMF-16))

6. Site Area: Approximately 0.38 acres

7. Existing Use: Vacant

**Background**

**Surrounding Land Use and Setting:**

*North:* Residential Multifamily-16 units per acre  
*East:* Public (Atascadero Library), Commercial Retail (Circle K), and Morro Road (Highway 41)  
*South:* Residential Multifamily-10 units per acre  
*West:* Residential Multifamily-10 units per acre and Limited Single Family-X (1/2 acre minimum lot size)

The project site, referred to in the General Plan as the “Atascadero Avenue Triangle,” is located just off of Morro Road. The project site is bordered by Navajoa Avenue, Atascadero Avenue, and San Andres Avenue. The site consists of three underlying Colony lots, totaling approximately 2.24 acres.

Following the 1992 General Plan Update, the entire site (all three parcels) had a General Plan Designation of Recreation (REC) and a conflicting Zoning Map Designation of Residential Multi-Family (RMF-16). The original owner, Wes O’Reiley applied for a multi-family building permit in 2000. Staff determined that the permit could not be processed because of the General Plan inconsistency and recommended the owner request to have the property’s land use redesignated in the General Plan Update that was in process at the time. The owner resubmitted the request which was considered during the General Plan Update. During the General Plan Update hearings, there was considerable public comment and Council discussion about the need for a park next to the library. Many members of the public requested that the City retain the park designation for the entire site and the City build a park. The Council decided to designate the corner near Morro Road for a ½-acre park and designate the remainder of
the site for 10 residential units. The General Plan created a Master Plan of Development Overlay (MPD Overlay #12) requirement for the site (refer to following maps.) The MPD Overlay currently allows for 10 residential units and a ½-acre park that is required to be developed concurrently with the housing project.

At the time of the General Plan Update, it was not known that the site had three underlying lots of record. Sometime in the last several years, Kelly Gearhart purchased the site and proposed a Planned Development consistent with the General Plan.

In May of 2006, the project proposed by Kelly Gearhart was reviewed by the Council with regards to the issue of park improvements and maintenance. At that meeting, the Council decided to defer the improvement and acquisition of the park and require the developer to provide a passive landscaped open space area in the location of the park. The project was eventually withdrawn and MLW Holdings, LLC purchased two of the parcels. Currently, the two MLW Holdings parcels (Lots 2 and 3) are designated for residential multi-family units, and the third parcel (Lot 1) is owned by Atascadero Homeowners, LLC and designated as Recreation.

In early 2007, legal issues were raised by the property owners regarding the park requirement for this project. In September of 2007, the City Council discussed the issues and options surrounding the General Plan’s ½ acre park requirements. Atascadero Homeowners, LLC requested that the City amend the General Plan to eliminate all requirements for a public park on the site. As an alternative, the owner of the park parcel made an initial offer to sell the property to the City for $300,000, should the City choose to purchase and develop the site.

There are three legal issues which were raised by the applicant’s attorney surrounding the park requirement for this project. The Council considered these issues at the September 2007 meeting.

1.) **Is the General Plan requirement for the dedication and improvement of a half-acre park, as a condition to developing a 10-unit residential subdivision, constitutional?**

*City Attorney’s Opinion:*
Federal and State constitutional law restrict the City’s ability to compel the dedication of land as a condition of granting discretionary approvals. The well known *Nollan-Dolan* line of Supreme Court cases provides that any requirement that a property owner dedicate property must be related to the impacts of the proposed development and that the amount or value of the property to be dedicated must be roughly proportional to those impacts. In other words, there must be a “nexus” between the compelled dedication and the impacts, and the amount of land dedication sought must be “roughly proportional” to the impact of the project. To compel the dedication of some or the entire 0.47 acre site for a pocket park, the City must be able to show that the dedication will mitigate the impacts of the residential development and that the amount of land that must be dedicated is not disproportional to those impacts.
2.) Is there a nexus between the development of the 10 residential units and the need for a park?

City Attorney’s Opinion:
There is certainly a nexus between the housing project and the need for additional park area, including the improvements. The more difficult question is whether the requirement for a half-acre parcel is roughly proportional to the impacts on the City’s parks and recreation and the need for the improvements. Based on the analysis done under the Quimby Act, the City would be imposing a dedication in excess of the normal exaction for parks.

The City Parkland Dedication requirement is five (5) acres of property for each 1,000 person residing in the city to be devoted to public parks, public recreational trails and/or public recreation facilities. The requirements in this case, assuming 10 units, with an average of three (3) persons per unit would require a dedication of 0.15 acre of parkland. The half acre requirement is over three times the parkland dedication requirement, and does not factor in the requirement to install the improvements.

While the General Plan is the constitution for development throughout the City, and is the vehicle through which competing interests and the needs of the citizenry are balanced and meshed, it must be consistent with the general laws of the State of California, and the Federal and State Constitutions. In this case, the applicant argues that the General Plan requirement for the park dedication is unconstitutional in that it violates the Fifth Amendment of the United States Constitution.

3.) Is the exaction roughly proportional between the impacts of the project on park and recreational facilities?

City Attorney’s Opinion:
To demonstrate rough proportionality, the City must document the connection between the exaction and the projected impact of the proposed development. Findings must establish the required reasonable relationship between the required exaction and the impact. This requires an assessment of whether this condition is in reasonable proportion to the burden created by the new development. This may be possible, but the courts will give the findings a heightened level scrutiny since the exactions are imposed on a few parcels and not on a broad class of property owners.

At the September 2007 discussion, the City Council agreed that the City does not have the funds to purchase or maintain a public park, and the Council directed staff to work on a General Plan Amendment to eliminate the requirement for the ½ acre park on Lot 1. At the Council’s direction, Lot 1 would be rezoned from Recreation to High Density Residential. The Council discussed the option for the owner to develop Lot 1 with two residences, recommending that the site include additional landscape buffer or affordable housing.
ANALYSIS:

Part 1: City Initiated General Plan Amendment and Zone Map Change:

Based on City Council’s direction at the September 2007 meeting, staff has prepared a General Plan Amendment and Zone Change consisting of the following items:

1. Amendment proposed to change the General Plan Land Use Designation on Lot 1 of APN 030-283-005 from Recreation (REC) to High Density Residential (HDR).

2. Amendment proposed to change the Atascadero Municipal Code Zoning Designation on Lot 1 of APN 030-283-005 from Recreation (L) to Residential Multi-family, with 16 units per acre (RMF-16).

3. Amend the Master Plan of Development requirements identified in the General Plan Land Use, Open Space, and Conservation Element Table II-5, Master Plan of Development Overlay #12: “Atascadero Avenue Triangle.” The proposed amendment would keep the master plan requirement on the site so that all three parcels would be planned and developed together. However, the requirement for the ½ acre pocket park is proposed to be removed, and Lot 1 would be allowed to be developed with up to two residences.

Lots 2 & 3:
- Owner: MLW Holdings, LLC
- Currently zoned RMF-16
- Housing site (10 units max allowed by current General Plan requirements)
- Proposed development includes PD-7 for 9 single-family residential units

Lot 1:
- Owner: Atascadero Homeowners, LLC
- Current zoning: Recreation
- Currently includes General Plan Requirement for ½ park
- Proposed to be rezoned to RMF-16
- Proposed General Plan amendment to remove ½ acre park requirement
- Proposed development includes PD-7 for 3 lots, including 2 single-family residential units and a private park parcel at the corner
General Plan Master Plan of Development Overlay #12 "Atascadero Avenue Triangle"
To remain as a master planned site with the proposed amendment
Existing General Plan Text:

City of Atascadero
General Plan Land Use, Open Space and Conservation Element

Table II-5: Master Plan of Development Overlay Areas.

<table>
<thead>
<tr>
<th>Overlay Number</th>
<th>Location</th>
<th>EIR Maximum Density</th>
<th>Special Features</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rochelle Single Family Project</td>
<td>50 single family residential units max.</td>
<td>• Equestrian staging area with Salinas River / De Anza Trail access required.</td>
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<td></td>
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<td></td>
<td>• Trail connection to El Camino Real required.</td>
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<tr>
<td>2</td>
<td>Woodlands Specific Plan</td>
<td>269 residential units max:</td>
<td>• Specific Plan approval required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 143 single family units max</td>
<td>• Minimum 40% open space required.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• 126 multi-family units max</td>
<td></td>
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<tr>
<td>3</td>
<td>Dove Creek Mixed Used Center</td>
<td>200 dwelling units max</td>
<td></td>
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<td></td>
<td></td>
<td>300,000 square feet of commercial development max</td>
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<tr>
<td>4</td>
<td>Neighborhood Shopping Center: South San Anselmo at El Camino Real</td>
<td>Commercial Center 80,000 sf</td>
<td></td>
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<tr>
<td>5</td>
<td>Neighborhood Shopping Center: Northeast Del Rio at El Camino Real</td>
<td>Commercial Center 100,000 sf</td>
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<tr>
<td>6</td>
<td>Southeast Del Rio at El Camino Real</td>
<td>Commercial Center 150,000 sf</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Single Family Cluster Development</td>
<td>56 clustered market rate units</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>½ acre density</td>
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<td></td>
<td></td>
<td>14 deed restricted affordable bonus units (moderate income 25% density bonus)</td>
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<tr>
<td>8</td>
<td>Mixed Use Center Porius / US 101</td>
<td>Mixed Use Commercial Center 170,000 sf</td>
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<tr>
<td>9</td>
<td>Neighborhood Shopping Center: Southeast Corral at El Camino Real</td>
<td>Neighborhood Commercial Center 20,000 square feet</td>
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<tr>
<td>10.</td>
<td>Northend Annexation</td>
<td>No increased intensity modules</td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Eagle Ranch Annexation</td>
<td>Development of existing 400 colony lots</td>
<td>• Specific Plan required</td>
</tr>
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<td></td>
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<td></td>
<td>• Historic colony lots and roads to be reconfigured and clustered to minimize impacts.</td>
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<tr>
<td></td>
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<td></td>
<td>• Public open space, trails and parks to be provided.</td>
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<td></td>
<td></td>
<td></td>
<td>• Required</td>
</tr>
<tr>
<td>12.</td>
<td>Atascadero Avenue Triangle</td>
<td>10 residential units with a minimum 1/2 acre pocket park</td>
<td>• Pocket park shall be improved concurrently with housing project.</td>
</tr>
</tbody>
</table>

General Plan Master Plan of Development Overlay #12
"Atascadero Avenue Triangle"

Development Standards proposed to be amended. ½ acre park would not be required. Proposed amendment would allow up to 10 residential units on Lots 2 and 3, and up to 2 residential units on Lot 1. Lot 1 shall include additional landscape buffer in place of the pocket park.

The Master Plan of Development Overlay shall continue to remain as a requirement of this site to ensure compatibility of the development on the site.
Proposed General Plan Text Change:

Proposed text change to the EIR Maximum Density and Special features of Master Plan of Development #12: “Atascadero Avenue Triangle.”

<table>
<thead>
<tr>
<th>Overlay Number</th>
<th>Location</th>
<th>EIR Maximum Density</th>
<th>Special Features</th>
</tr>
</thead>
</table>
| 12.            | Atascadero Avenue Triangle| • 10 dwelling units combined max on Lots 2 & 3
• 2 dwelling units max on Lot 1 | • Development on Lot 1 shall include additional landscape buffer |
Part #2: Proposed Development Projects:

Two separate applications for Planned Developments have been submitted for development of the three parcels, since the parcels are the under ownership of two different entities. The first application proposes a Planned Development 7 on Lots 2 and 3, consisting of nine single-family units, each on individual lots. A second application has been submitted for Lot 1, also for a Planned Development 7. The second application consists of two single-family units on individual lots, and a third lot which would be developed with a private, fenced landscape area to be owned and maintained by the current owner, Atascadero Homeowners Association.

The applications must be processed together for two reasons:

1.) **General Plan Master Plan of Development Overlay #12:** The General Plan requirements have been proposed to be amended by the City initiated General Plan Amendment, however, the site is still required to provide a Master Plan of Development per the General Plan Overlay #12 shown in Table II-5. A Master Plan of Development will ensure consistent development throughout this highly visible site.

2.) **Proposed 2-unit PD-7:** One of the requirements of the Planned Development 7 Overlay states that, “A proposed planned development project shall consist of no fewer than four (4) residential units”. The application on Lot 1 includes only two residential units. A special finding must be made to approve this separate application. It is staff’s opinion that a 2-unit PD-7 would be acceptable in this circumstance based on the two applications with a total of 11 units. The resolutions have been conditioned that the projects be developed together, and that one joint homeowners association be provided for all 11 units to create consistency throughout the project (Conditions 10 and 11.)

Both site plans have been designed to meet the requirements of the Atascadero Municipal Code and the appearance review requirements of the General Plan. Lot sizes in both projects range from 5700 to 8700 sq. ft. in size. The residences are proposed at approximately 1567 sq. ft. with two-car garages. A total of 4,040 cu. yards of fill would be required to develop the 11 units on all three lots.

As a Planned Development, the City Council must find that each project provides high quality architectural, landscape, and site design to warrant the granting of special development standards for a Planned Development project. The following sections provide an analysis of these requirements.
Appearance Review

Site Plan, Circulation, and Parking

Both site plans have been designed to take access off the public street frontages. The 11 single family units each have private driveways that meet the guest parking requirement of the PD-7. The units each face the street adjacent to the property, consistent with the surrounding single family residences on the adjacent properties. The site plan is designed to meet all of the setback requirements of a Planned Development 7. Parking for each unit is provided with attached two-car garages, and two additional parking spaces are provided in each driveway. The proposed site plans provide more parking than is required by the PD-7, with a total of 44 spaces for the 11 units.

Frontage improvements are proposed along all street frontages, including Atascadero Avenue, Navajoa Avenue, and San Andres Avenue. The streets would be widened as to City requirements, and sidewalks are included along all frontages. Driveways and frontage improvements have been designed to retain the existing native trees where possible.
Architecture, Materials, and Color

Both development projects include two different stock plans for the 11 proposed units. Both floor plans are one-story residences. The first plan has a craftsman architectural style. There are three options for the architectural detailing on the elevations of this plan. Each option includes a large porch which extends six feet beyond the front of the garage. The elevations include stucco walls with added architectural details such as decorative gable features, craftsman style window trim, gridded windows, and knee braces at the roof line. The second stock plan has a ranch style influence with wood siding and a wrap around porch. Accent materials are provided at the roof pitch. Window trim, gridded windows, and columns along the porch give the elevations added detail.

The applicants have provided a total of five different color schemes for the 11 units. The options utilize earth toned colors with mostly browns, rusts, and muted green tones, combined with an off-white trim. It is staff’s opinion that the two stock plans with different elevation options, combined with the five different color schemes will provide sufficient architectural variety to the streetscape. Conditions have been included in the attached resolutions to require smooth stucco on the craftsman style stock plan, and substantial columns (6” by 6” minimum, square) on the porch of the ranch-style plan (Conditions 17 and 18.)
Stock Plan #1 with 3 elevation options

Stock Plan #2 with 1 elevation option
Staff is recommending minor changes be made to the residences to meet the Planned Development finding for superior architecture. These changes include adding railing to the wrap around porch on the ranch-style plan, and changing out the “clay urn” building color in the color schemes with a more muted color, consistent with the surrounding neighborhood (Conditions 17 and 19.) The side elevation on Lot 8 has been conditioned to include additional architectural detail due to its prominent location on the corner of Navajoa and San Andres Avenues (Condition 16.) Due to the prominent garage on the front elevations, staff has conditioned the project to include wood or other similar carriage style garage doors (Condition 20.) The owner has requested that no changes be made to the colors or elevations proposed. However, staff believes that these minor changes would support the required finding of a superior project.

Side Elevation Lot 8, facing Navajoa & San Andres Ave.
Conditioned to include larger windows and additional detailing at this prominent corner location

Garage door cut sheet above proposed by applicant
Garage doors conditioned to be wood or carriage style doors instead
Landscape Design and Private Landscape Feature

The Preliminary Landscape Plan has been designed to retain existing mature native trees where feasible. Proposed landscaping includes drought tolerant shrubs and accent plants. In staff’s opinion, the proposed Landscape Plan and palette, as conditioned, meets the Planned Development appearance review requirements.

A third parcel for landscape is proposed at the corner of Atascadero Avenue and San Andres is designed to act as a buffer between the residences and Morro Road. The landscape area would be fenced and gated for private use by the current owner, Atascadero Homeowners Association. The lot is not proposed for use by the adjacent planned development and will not be maintained by a homeowners association. A condition has been included in the resolution to ensure maintenance of the park by the private property owner: “The private open space feature at the corner of Atascadero Avenue and San Andres shall be maintained by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti” (Condition #10.)

Pathways with decorative pavement are included through the private landscape feature. A dry pond made of cobble rocks is located at the front of the area. A dry creek meanders through the area and combines with the landscape on the residential lot next door. Ground cover is made up of low shrubs and perennials. Larger trees line the back of the area to provide privacy for the adjacent residential properties. A statue is proposed at the center of the private landscape feature.

The proposed private landscape feature includes a decorative wall and fence along the property line at the corner facing Morro Road. Access gates would be located on each street frontage, and would allow the area to be locked for security purposes. The wall is proposed at 2'-8” in height with a wrought iron fence on top. The fence/wall combination has been proposed by the applicant at six feet in height. The Atascadero Municipal Code limits fences within the front setback to a three foot maximum height in order to provide adequate visibility and an open, neighborhood feeling along street frontages. The Planning Commission discussed this issue and recommended a condition be added to limit the fence height to five feet (Condition 25.) A five foot fence still exceeds the Municipal Code height limit and requires an exception to be approved by City Council with the approval of the proposed planned development.
Landscape Plan, Lot 1
2 units and 3rd lot with a private landscape feature

Landscape Plan, Lots 2 & 3
9 Single-Family Units
Proposed wall/fence around private landscape feature
Conditioned by Planning Commission to be no more than 5 feet in height
Native Tree Mitigation/Preservation

The project site includes several native trees including native Sycamore, Black Walnuts, Valley Oaks, and one Coast Live Oak. Native trees have been preserved where feasible. The driveway and floor plan on Lot 3 of the 9-unit PD have been sited for adequate clearance of the 35-inch Live Oak along the property line. A bump out is included along Atascadero Avenue to provide for an existing 56-inch Sycamore in the right-of-way. Grading and excavation around these trees shall be monitored by the project arborist to ensure that the trees survive (Mitigation Measures 4.e.1 and 4.e.2.)

A tree removal application for removal of 8 Black Walnuts, totaling 310 inches DBH is included with the proposed project on Lots 2 and 3. Six of the Black Walnuts proposed for removal are located within the right-of-way along Navajoa Avenue and have been trimmed for power line clearance over the years. The other two Black Walnuts are located on Lot 8 and require removal for construction of this residence. A Condition of Approval has been included requiring that the applicant pay mitigation fees into the Tree Replacement Fund or provide equivalent re-plantings on-site, as required by the Atascadero Native Tree Ordinance and as shown in the following chart (Condition 15.) The Applicant would be required to pay $10,333.33 into the tree fund or replant 207 five gallon native trees. A combination of mitigation fees and replanting is also available to the applicant.

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Mitigation Requirement

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<tbody>
<tr>
<td>Proposed Replanting</td>
<td>0 five gal trees</td>
<td>Proposed Replanting</td>
<td>0 five gal trees</td>
<td>0 box trees (24&quot;)</td>
</tr>
<tr>
<td></td>
<td>0 box trees (24&quot;)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remaining Mitigation</td>
<td>0 five gal trees</td>
<td>Remaining Mitigation</td>
<td>207 five gal trees</td>
<td>207 five gal trees</td>
</tr>
<tr>
<td>Tree Fund Payment:</td>
<td>$</td>
<td>Tree Fund Payment:</td>
<td>$ 10,333.33</td>
<td>$ 10,333.33</td>
</tr>
</tbody>
</table>
Site Drainage

This project is required to retain the difference between the undeveloped 2 year storm run off and the developed 50 year storm runoff to mitigate the increase runoff into the storm drain system. The project will use individual drainage basins on each lot to handle the increased flow. The basin will be underground “infiltrator” basins. When the basin becomes full, they will overflow into the new curb and gutter through small drain pipe under the side walk. The gutters will drain into storm drain inlets that connect to the existing storm drain in Atascadero Ave. The Atascadero Ave. storm drain drains into Atascadero Creek. (City Engineer Project Condition #2.)

This system will mitigate the increased storm water flow and keep the silts and pollutants on site and not in Atascadero Creek.

Traffic:

At the January 15 hearing, the Planning Commission added a condition to address neighbor’s concerns about added traffic from the new residences. “The project engineer shall investigate the feasibility of installing 4 way stop control on Navajoa at San Andres Ave and Atascadero Ave. The engineer shall present a schematic layout of a 4 way stop and produce a warrant analysis in accordance with the Manual on Uniform Traffic Control Devices. The City Engineer shall decide if the 4 way stops shall be installed based on the information submitted” (Public Works Condition #3.)

Wastewater

Sanitary sewer will be connected to existing sewer facilities.

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. All residential projects that require legislative approval are subject to the inclusionary requirement as follows:

- Projects of 1-10 units: pay in-lieu fee or build units.
- Projects of 11 or more units must build units or receive a Council approval to pay in-lieu fees.

Per the requirements of the General Plan, the Atascadero Avenue Triangle is required to be developed as a Master Planned Development. A total of 11 units are proposed on the three lots, and therefore, the project is required to provide one affordable unit deed restricted at the moderate income rate to meet the City Council’s Inclusionary Affordable Housing Program. A Condition of Approval has been added to ensure that this requirement is met (Condition 13.)
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>
| Inside of Urban Core PDs     | a) Affordable / Workforce Housing  
b) High Quality Architectural Design  
c) High Quality Landscape Design  
d) Buffering between Urban and Suburban zones (large lot sizes, increased setbacks, landscape buffers, etc.)  
e) Higher density to meet Housing Element goals                                             | a) Pocket Parks in larger projects  
b) Trails / Walkways for Pedestrian Connectivity  
c) Historic Preservation |

Tentative Tract Map

A 9-lot Tentative Tract Map (TTM 2007-0101) is proposed as part of the project on Lots 2 and 3. A 3-lot Tentative Parcel Map (TPM 2007-0091) is proposed on Lot 1. Both Maps are consistent with the proposed Master Plan of Developments and proposed PD–7 Overlay Zone. The Maps have been conditioned by staff to meet all City standards including on- and off-site street improvements. The applicant will be required to record CC&R’s with the Map that will include maintenance of drainage and Master Plan of Development requirements as needed (Condition 12.)

GPA Tribal Review

The General Plan Amendment and project plans have been referred for Tribal Consultation as required by Senate Bill 18. Requests for information were sent to both the Native American Heritage Commission and California Historic Resources Information System. No known historical, archeological or cultural sites have been found or documented in the vicinity of the project. City staff met with Fred Collins of the Northern Chumash Tribal Council to discuss the project and do a site visit. The City has received written approval to proceed on the General Plan Amendment by the Northern Chumash Tribal Council.

General Plan Consistency

The proposed project is consistent with the following General Plan Land Use and Housing Element Policies:
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”.

Land Use Program 1.1.7: “Within the Urban Core encourage infill development or revitalization or reuse of land already committed to urban development where utilities and public services exist.

Land Use Policy 2.1: “Ensure that new development is compatible with existing and surrounding neighborhoods”.

Housing Element Policy 4.3: “Encourage attractive architecture and site landscaping that respect terrain and native trees”.

In staff’s opinion the proposed project, as conditioned is consistent with the goals and policies of the Land Use Element and the Housing Element. The projects will provide 11 single-family residential units within the high-density residential zone. As conditioned, the project incorporates elements that are consistent with the scale and character of the surrounding residential neighborhood and the goals and policies of the General Plan.

**Findings**

General Plan Findings:

1. The proposed amendment is in the public interest; and

2. The proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan; and

3. The proposed amendment is compatible with existing development, neighborhoods and the environment; and

4. The proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts; and

5. The proposed amendment is consistent with adopted General Plan EIR and mitigation monitoring program; and

6. The proposed amendment is in the best interest of the City to enact this amendment to the General Plan Land Use Diagram to protect the health, safety and welfare of its citizens and is compatible with existing and proposed development.
Zone Change Findings:

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.
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. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
5. 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.
6. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.
7. The proposed project offers certain redeeming features to compensate for the requested Zone Change.

Tentative Tract Map and Tentative Parcel Map Findings:

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-8 Overlay District.
2. The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District-7 Master Plan of Development.
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.
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 Planning Commission 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 General Plan Land Use Element Policy 1.1, 1.1.7, 2.1, and Housing Element Policy 4.3. With the approval of the attached General Plan Amendment, the proposed development would be consistent with the General Plan requirements.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.
   **Staff Comment:** With approval of the attached Zoning Map Amendment, and approval of the minor exceptions noted in the analysis above, the projects satisfy 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. The project includes detached single-family residences, with high quality landscape and architecture. The project has been designed to enhance the appearance of this currently vacant site.

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

1. The tree is 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.

Proposed Environmental Determination

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public on December 27, 2007. The Environmental Analysis identified concerns regarding potential impacts to aesthetics, land use and planning, noise, biological resources, and traffic. 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

With the approval of the City-initiated General Plan Amendment and Zoning Map Amendment, the proposed development projects, as conditioned, would be consistent with the requirements of the General Plan and Zoning Ordinance. The proposed GPA would amend the Master Plan of Development requirement of the Atascadero Avenue Triangle to no longer require a ½ acre park on the subject site. A Master Plan of Development would still be required for the three sites to ensure that cohesive development occurs on the parcels. The General Plan and Zoning Designation would be amended, and Lot 1 would be allowed to be developed with up to two residences.

The Planning Commission has determined that the proposed development projects, as conditioned, meet the minimum requirements of the General Plan and all applicable provisions of the Zoning Ordinance. The projects incorporate appearance review of architectural design, materials, and landscaping, and incorporate architectural themes into the site and building designs, as conditioned. 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 analysis in
the preceding sections, it appears that all of the required findings for project approval
can be made.

FISCAL IMPACT:

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 8 and 9.) Since there are no common facilities
proposed with these Planned Developments, and the private landscape feature will be
maintained by the sole property owner, a Homeowners Association is not required.

ALTERNATIVES

1. The Council may make modifications to the project and/or conditions of approval
   for the project.

2. The 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.

3. The Council may deny the City initiated or private development projects. The
   Council should specify the reasons for denial of the project. If the Council denies
   the City initiated General Plan Amendment and Zone Change, the two
development applications can not be approved.
ATTACHMENTS:

Attachment 1: Location, General Plan, and Zoning Map
Attachment 2: Letter from neighbor
Attachment 3: Planning Commission Minutes
Attachment 4: Arborist Reports
Attachment 5: Proposed Mitigated Negative Declaration and Initial Study
Attachment 6: Draft Resolution A
Attachment 7: Draft Resolution B
Attachment 8: Draft Ordinance A
Attachment 9: Draft Ordinance B
Attachment 10: Draft Resolution C
Attachment 11: Draft Resolution D
Attachment 12: Draft Resolution E
Attachment 13: Draft Resolution F
Lots 2 & 3:
- Currently zoned RMF-16
- Housing site (10 units max allowed by current General Plan requirements)

Lot 1:
- Current zoning: Recreation
- Currently includes General Plan Requirement for ½ park
- Proposed to be rezoned to RMF-16
- Proposed General Plan amendment to remove ½ acre park requirement
Dear Atascadero Council Members:

My name is Mary Martindale and I live at 6895 Atascadero AV. My concerns about the Navajoa Avenue Development are the following.

My first concern is about changing the General Plan for Lot 1 from Recreation to High Density Residential. Why? Our sweet small town is being eaten up with concrete and needs dirt and trees in order to breathe.

I hope that the roads will be the first on the Developers' list and that the Developer will pay for the so-called improvement. Lots 2 & 3 will have nine 2-car garages, 18 new cars. Lot 1 will have at least four new cars. Atascadero AV and San Andres AV are heavy with High School traffic now, and of course the school will only grow.

And there are two other developments in the immediate vicinity: across Navajoa and 1/2 block down Atascadero AV. It's amazing to me the number of new cars the City Council thinks we can tolerate.

Sincerely,
Mary Martindale
   **PLANNED DEVELOPMENT**

| Owners: | Lot 1: Atascadero Homeowners, LLC, Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422  
Lots 2 & 3: MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423 |
|---------|-------------------------------------------------------------------|
| Applicants: | General Plan Amendment, City of Atascadero, 5907 El Camino Real, Atascadero, CA 93422  
Planned Development Project: Adamski, Morello, Madden & Green, LLP, P.O. Box 3836, San Luis Obispo, CA 93403 |
| Project Title: | PLN 2007-1243 / PLN 2007-1251 / PLN 2007-1197  
General Plan Amendment for Atascadero Avenue 11-Unit Residential Planned Development |
| Project Location: | 6905 Navajo Avenue, Atascadero, CA 93422  
(San Luis Obispo County) APN 030-283-005, Lots 1, 2, and 3 |
| Project Description: | The project consists of an application for a City initiated General Plan Text Amendment, Land Use Diagram Amendment, and Zoning Map Amendment. The project site is approximately 1.9 acres and consists of three parcels. The General Plan Land Use designation on Lot 1 would be changed from Recreation to High Density Residential. Currently, the General Plan requires that the project site be developed with a Master Plan of Development, including a minimum ½ acre park on Lot 1. This application proposes to amend the Master Plan of Development to remove the requirement for a ½ acre park, and allow two residential units on Lot 1. Two separate applications have been submitted for the development of the parcels.  
1) Lot 1: A PD-7 Overlay is proposed on Lot 1. A Parcel Map is included which proposes to create three parcels, two of which will be developed with single-family residences, and the third is proposed as a private park.  
2) Lots 2 & 3: The project proposes a PD-7 Overlay with nine single-family units. The project includes a tree removal application for 8 Black Walnuts, totaling 310 inches DBH.  
Lot sizes in both projects range from 5700-9700 sq. ft. The residences are proposed at approximately 1500 sq. ft. with two-car garages. A total of 4,040 cu. yards of fill will be required to develop the 11 units. Drainage basins are incorporated into the site plan and the residences would connect to City sewer.  
General Plan Designation: High Density Residential (HDR) & Recreation (REC)  
Zoning District: Residential Multi-Family-16 (RMF-16) & Recreation (L) |
| Proposed Environmental Determination: | Based on the Initial Study prepared for the project, a Negative Declaration is proposed. The proposed Negative Declaration is available for public review from December 27, 2007 through January 15, 2008 at 5907 El Camino Real, Community Development Department, from 8 a.m. to 5 p.m., Monday through Friday. |

Associate Planner Callie Taylor gave the staff report and answered questions of the Commission.

**PUBLIC COMMENT**

Ty Green, applicant’s representative, stated there would be no homeowners association for this project, spoke about the buffer area, and explained why the original park idea has gone away. Mr. Green answered questions of the Commission.

Kelly Gearhart, applicant, answered questions of the Commission.
Sharon Turner stated her support for the development of this site and asked several questions regarding traffic safety, the need for stop signs to slow traffic, noise buffers and the fence proposed for the site.

Brian Newsome expressed concern regarding the corner of the landscape buffer and the drainage at that site. Mr. Newsome asked for a condition that the drainage in the area be looked at seriously.

Kelly Gearhart addressed traffic and drainage issues raised by the previous speakers.

Sharon Turner asked about a homeowners association for the project and if the road could be paved on all three sides.

**Chairperson O’Keefe closed the Public Comment period.**

City Engineer Steve Kahn addressed issues raised during the Public Comment period.

Commissioner Heatherington stated she had a hard time getting past 1/10 of an acre not being for the public, and questioned if it would be a gift of public funds.

Community Development Director Frace stated this was not a gift of public funds and explained the requirement under the city’s ordinances and sub division map act.

Commissioner O’Grady spoke of the vision of the General Plan and stated the elimination of the public park at this location is a cut to that plan. He commented that the benefits of this project were dubious and was concerned with the slow housing market at this time and its affect on this project. In addition he stated that given the amount of money the Council has been authorizing for consultants, the maintenance costs for this park was not a burden; rather it was a question of priorities.

**Chairperson O’Keefe recessed the hearing at 9:25 p.m.**

**Chairperson O’Keefe called the meeting back to order at 9:30 p.m.**

**MOTION:** By Commissioner Slane and seconded by Commissioner Jack to adopt Resolution PC 2008-0004 recommending that the City Council certify Proposed Mitigated Negative Declaration 2007-0027; and, adopt Resolution PC 2008-0005 recommending that the City Council approve General Plan Amendment 2007-0019, amending the development requirements identified in General Plan Table 11-5, Master Plan of Development Overlay #12: “Atascadero Avenue Triangle,” and changing the General Plan Land Use Designation on Lot 1 of APN 030-283-005 from Recreation (REC) to High Density Residential (HDR); and, adopt Resolution PC 2008-0006 recommending that the City
Council introduce an Ordinance for first reading by title only, to approve Zoning Map Amendment 2007-0140, changing the Atascadero Municipal Code Zoning Designation on Lot 1 of AON 030-283-005 from Recreation (L) to Residential Multi-family, with 16 units per acre (RMF-16); and, adopt Resolution PC 2008-0007 recommending that the City Council introduce an Ordinance for first reading by title only, to approve Zone Change 2007-0145 to allow a 9-unit PD-7 and Zone Change 2007-0146 to allow a 2-unit PD-7 based on findings; and, adopt Resolution PC 2008-0008 recommending that the City Council approve Conditional Use Permit 2007-0208 (Master Plan of Development for 9-unit PD-7) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt Resolution PC 2008-0009 recommending that the City Council approve Tentative Tract Map 2007-0101 to create nine parcels on Lots 2 and 3, based on findings and subject to Conditions of Approval and Mitigation Monitoring. Adopt Resolution PC 2008-0010 recommending that the City Council approve Conditional Use Permit 2007-0219 (Master Plan of Development for 2-unit PD-7 and private park) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt Resolution PC 2008-0011 recommending that the City Council approve Tentative Parcel Map 2007-0091 to create three parcels on Lot 1, based on findings and subject to Conditions of Approval and Mitigation Monitoring. The following changes will be made to the conditions:

1. A traffic warrant study to be done concerning Atascadero Avenue and San Andreas streets and how traffic impacts that.
2. Reduce the fence size of the buffer zone to five foot.
3. Accept the staff recommendations for the change of colors and architecture.
4. Conditions No. 9, of both the Master Plan of Development and Map shall read: All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The bulleted list to remain unchanged.
5. Conditions No. 10 of both the Master Plan of Development and Map shall read: The private open space feature at the corner of Atascadero Avenue and San Andreas shall be maintained and owned by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti.

Motion passed 5:2 by a roll-call vote. (O'Grady, Heatherington opposed)
9-28-07
Atascadero Homeowners LLC.
6205 Alcantara Ave
Atascadero, CA 93422

Re: Parcel Map AT 07-0229

This tree protection plan is in regard to lots 1-3 of lot 1, Block Y-A behind Circle K off of Morro Road in Atascadero, California. Only lots 1 and 2 will be developed with single family homes. The trees on-site consist of black walnuts (Juglans hindsii) and valley oaks (Quercus lobata). The black walnuts will be impacted from home over-excavation and the valley oaks will be impacted from sidewalk construction. All excavation shall be monitored for proper root pruning near the black walnuts. The valley oaks shall be protected from excess fill sloughing downhill from sidewalk excavation.

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

This project shall require an on-site pre-construction meeting with the city, owner, grading contractor and the arborist. Topics will include fencing, monitoring and requirements for a positive final occupancy letter.

All trees potentially 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 and trees to be removed 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>
</tbody>
</table>
4. May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.
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:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4’ high chain link, snow or safety fence staked at the edge of the drip line or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. The fencing must be constructed prior to the city pre-construction meeting for inspection by the city and the arborists.

2. **Soil Aeration Methods:** Soils within the drip line that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18” deep, 2-3’ apart with a 2-4” auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

3. **Chip Mulch:** All areas within the drip line of the trees that cannot be fenced shall receive a 4-6” layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

4. **Trenching Within Drip Line:** All trenching for foundations within the drip line of native trees shall be **hand dug**. 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/trenching contractor(s) shall take place prior to work start. This activity shall be monitored by the arborist(s) to insure proper root pruning is taking place.

5. **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.
6. 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.

7. Paving Within The Drip Line: Pervious surfacing is preferred within the drip line of any native tree. This includes coring vertical tubing approximately 4 feet on center within the drip line and backfilling with Mychorizza, slow release fertilizer and pea gravel.

8. Equipment Operation: Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

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

10. 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.

11. 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
   - All grading and trenching near trees requiring monitoring on the spreadsheet

12. 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) shall 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.

13. Pruning: Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned prior to any grading activities to avoid any branch tearing.
14. **Landscape:** All landscape under the drip-line shall be drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around drip lines; otherwise above ground drip-irrigation shall be used. It is the owner's responsibility to notify the landscape contractor regarding this mitigation.

15. **Utility Placement:** All utilities and sewer/storm drains shall be placed down the roads/driveways and when 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.** Roots greater than 2 inches in diameter shall **not** be cut.

16. **Fertilization and Cultural Practices:** As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

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.

A & T Arborists strongly suggests that the responsible party (owner of their designee) make copies of this report. Any reproduction by A & T Arborists or changes to this original report will require an additional charge.

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

Steven G. Alvarez  
Certified Arborist #WC 0511

Chip Tamagni  
Certified Arborist #WE 6436-A
<table>
<thead>
<tr>
<th>#</th>
<th>SPECIES</th>
<th>DBH (in)</th>
<th>CONDITION</th>
<th>DSH</th>
<th>CONDITION</th>
<th>STATUS</th>
<th>% IMPACT</th>
<th>IMPACT</th>
<th>PROPOSAL</th>
<th>MITIGATION</th>
<th>MONIT</th>
<th>PRUNING</th>
<th>FIELD</th>
<th>NOTES</th>
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<tbody>
<tr>
<td>1</td>
<td>VO</td>
<td>27</td>
<td>1</td>
<td>30%</td>
<td>5</td>
<td>I</td>
<td>near culvert</td>
<td>I</td>
<td>suppressed</td>
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<tr>
<td>2</td>
<td>VO</td>
<td>2.5</td>
<td>3</td>
<td>20%</td>
<td>3</td>
<td>I</td>
<td>I suppressed</td>
<td>I</td>
<td>suppressed</td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>VO</td>
<td>3x18</td>
<td>4</td>
<td>30%</td>
<td>4</td>
<td>I</td>
<td>I suppressed</td>
<td>I</td>
<td>suppressed</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>4</td>
<td>BW</td>
<td>2x41</td>
<td>4</td>
<td>15%</td>
<td>2</td>
<td>I</td>
<td>I suppressed</td>
<td>I</td>
<td>suppressed</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>5</td>
<td>BW</td>
<td>43</td>
<td>4</td>
<td>15%</td>
<td>4</td>
<td>I</td>
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<td></td>
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</tr>
</tbody>
</table>

**Legend:**
- 1 = Tree Type: Common Name / E.W. = White Oak
- 2 = Tree Type: Diameter in 49
- 3 = Tree Condition: 1 = Poor, 10 = Excellent
- 4 = Proposed Pruning Class 14
- 5 = Mitigation Requirements: Fencing, Monitoring, Trimming
- 6 = Construction Impact Type: Grading, Grading, Grading, Grading
- 7 = Arborist Monitoring Required: Yes
- 8 = Arborist Monitoring Required: No
- 9 = Arborist Monitoring Required: No
- 10 = Arborist Monitoring Required: No
- 11 = Arborist Monitoring: Yes
- 12 = Arborist Monitoring: No
- 13 = Arborist Monitoring: No
- 14 = Arborist Monitoring: No
- 15 = Arborist Monitoring: No
- 16 = Arborist Monitoring: No
- 17 = Arborist Monitoring: No
- 18 = Arborist Monitoring: No
- 19 = Arborist Monitoring: No
- 20 = Arborist Monitoring: No
9-29-07
Kelly Gearhart
Tract 2959 lots 2 and 3
Atascadero, California

This project involves the development of the empty lot behind Circle K off Highway 41 in Atascadero, California. The lot is relatively flat with a native sycamore (Platanus Racemosa), black walnuts (Juglans nigra), valley oaks (Quercus lobata) and one coast live oak (Quercus agrifolia). Eight black walnuts (seven are multi-trunked) are being proposed for removal with a total diameter of 310 inches. Six of the walnuts have been trimmed for power line clearance and provide poor to fair aesthetic value. The site appearance would be improved by removing these trees and installing new landscape trees out from under the power lines. Monitoring will be mandatory for the street improvements near trees #1 and 15. All curbing depth shall be kept to a minimum so that no large (>3”) surface roots will need to be cut. All curbing excavation within the drip line shall be hand dug. The developer shall be prepared to span the curbing over any large roots encountered.

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

This project shall require an on-site pre-construction meeting with the city, owner, grading contractor and the arborist. Topics will include fencing, monitoring and requirements for a positive final occupancy letter.

All trees potentially 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 and trees to be removed 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>
</tbody>
</table>
May be saved with attention to class 4 pruning, insect/pest eradication and future monitoring.

Some past failures, some pests or structural defects that may be mitigated by class IV pruning.

May have had minor past failures, excessive deadwood or minor structural defects that can be mitigated with pruning.

Relatively healthy tree with little visual structural and or pest defects.

Healthy tree that probably can be left in its natural state.

Have had proper arboricultural pruning and attention or have no apparent structural defects.

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:** The proposed fencing shall be shown in orange ink on the grading plan. It must be a minimum of 4' high chain link, snow or safety fence staked at the edge of the drip line or line of encroachment for each tree or group of trees. The fence shall be up before any construction or earth moving begins. The owner shall be responsible for maintaining an erect fence throughout the construction period. The arborist(s), upon notification, will inspect the fence placement once it is erected. After this time, fencing shall not be moved without arborist inspection/approval. If the orange plastic fencing is used, a minimum of four zip ties shall be used on each stake to secure the fence. All efforts shall be made to maximize the distance from each saved tree. The fencing must be constructed prior to the city pre-construction meeting for inspection by the city and the arborists.

2. **Soil Aeration Methods:** Soils within the drip line that have been compacted by heavy equipment and/or construction activities must be returned to their original state before all work is completed. Methods include water jetting, adding organic matter, and boring small holes with an auger (18" deep, 2-3' apart with a 2-4" auger) and the application of moderate amounts of nitrogen fertilizer. The arborist(s) shall advise.

3. **Chip Mulch:** All areas within the drip line of the trees that cannot be fenced shall receive a 4-6" layer of chip mulch to retain moisture, soil structure and reduce the effects of soil compaction.

4. **Trenching Within Drip Line:** All trenching for foundations within the drip line of native trees shall be hand dug. 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/trenching contractor(s) shall take place prior to work start. This activity shall be monitored by the arborist(s) to insure proper root pruning is taking place.

5. **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.

6. **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.

7. **Paving Within The Drip Line:** Pervious surfacing is preferred within the drip line of any native tree. This includes coring vertical tubing approximately 4 feet on center within the drip line and backfilling with Mychorizza, slow release fertilizer and pea gravel. After final driveway approach design is complete near tree #1, the assessment will be made.

8. **Equipment Operation:** Vehicles and all heavy equipment shall not be driven under the trees, as this will contribute to soil compaction. Also there is to be no parking of equipment or personal vehicles in these areas. All areas behind fencing are off limits unless pre-approved by the arborist.

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

10. **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.

11. **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
   - All grading and trenching near trees requiring monitoring on the spreadsheet

12. **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) shall 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.
13. **Pruning:** Class 4 pruning includes-Crown reduction pruning shall consist of reduction of tops, sides or individual limbs. A trained arborist shall perform all pruning. No pruning shall take more than 25% of the live crown of any native tree. Any trees that may need pruning for road/home clearance shall be pruned prior to any grading activities to avoid any branch tearing.

14. **Landscape:** All landscape under the drip-line shall be drought tolerant or native varieties. Lawns shall be avoided. All irrigation trenching shall be routed around drip lines; otherwise above ground drip-irrigation shall be used. It is the owner’s responsibility to notify the landscape contractor regarding this mitigation.

15. **Utility Placement:** All utilities and sewer/storm drains shall be placed down the roads/driveways and when 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. Roots greater than 2 inches in diameter shall not be cut.

16. **Fertilization and Cultural Practices:** As the project moves toward completion, the arborist(s) may suggest either fertilization and/or mycorrhiza applications that will benefit tree health. Mycorrhiza offers several benefits to the host plant, including faster growth, improved nutrition, greater drought resistance, and protection from pathogens.

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

Chip Tamagni  
Certified Arborist #WE 6436-A
<table>
<thead>
<tr>
<th></th>
<th>TREE #</th>
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<th>CONDITION</th>
<th>STATUS</th>
<th>% IMPACT</th>
<th>MITIGATION</th>
<th>PRUNING</th>
<th>MONITOR</th>
<th>NOTES</th>
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<tr>
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<td>Syc X 2</td>
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<td>56</td>
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<td>F, RP, M</td>
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<td>I</td>
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</tbody>
</table>

1 = Tree # Mostlly Clockwise from Due North
2 = Tree Type: Common Name i.e. W.O. = White Oak
3 = Trunk Diameter @ 48'
4 = Tree Condition: 1 = POOR, 10 = Excellent
5 = Construction Status: Avoided, Impacted, Removal
6 = Drip-Line: Percent of Impacted Drip-Line
7 = Construction Impact Type: Grading, Compaction, Trenching
8 = Mitigation Requirements: Fencing, Monitoring, Root Pruning
9 = Arborist Monitoring Required: Yes/No
10 = Fenced/Pruned: Class 1-4
11 = Field Notes

9/28/2007
Attachment 4: Arborist Report and Tree Protection Plan: Lots 2 and 3
Attachment 5: Proposed Mitigated Negative Declaration and Initial Study

See Following
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING
PROPOSED MITIGATED NEGATIVE DECLARATION 2007-0027
PREPARED FOR
ON APN 030-283-005; Lots 1, 2, and 3
(Atascadero Homeowners, LLC / MLW Holdings, LLC / City of Atascadero)

WHEREAS, an application has been received from the City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422, (Applicant), Adamski, Moroski, Madden & Green, LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), Atascadero Homeowners, LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner), and MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423, (Property Owner), to consider a project consisting of a General Plan Amendment, Zoning Map Amendment, 9-unit Planned Development-7, and 2-unit Planned Development-7 with corresponding Master Plan of Development and Tentative Tract Map on a 2.24-acre site located at 6905 Navajo Avenue, (APN 030-283-005; Lots 1, 2, and 3); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2007-0027 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 January 15, 2008 following the close of the review period to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

WHEREAS, the Planning Commission has determined that the project will have no significant impacts with project specific mitigation measures incorporated; and,

WHEREAS, the City Council of the City of Atascadero held a public hearing on February 26, 2008, 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 2007-0027 based on the following Findings, and as shown in Exhibit A:

1. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,
2. 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,
3. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project; and,
4. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,
5. The project does not have impacts which are individually limited, but cumulatively considerable; and,
6. 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 on the following roll call vote:

AYES:
NOES:
ABSENT:
ADOPTED:

CITY OF ATASCADERO

By: ____________________________
  Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________
Brian Pierik, City Attorney
# Proposed Mitigated Negative Declaration 2007-0027

## CITY OF ATASCADERO PROPOSED MITIGATED NEGATIVE DECLARATION #2007-0027

### Owners:
- Lot 1: Atascadero Homeowners, LLC, 6205 Alcantara Avenue, Atascadero, CA 93422
- Lots 2 & 3: MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423

### Applicants:
- General Plan Amendment: City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422
- Planned Development Project: Adamski, Moroski, Madden & Green, LLP, PO Box 3835, SLO, CA 93403

### Project Title:
- General Plan Amendment for Atascadero Avenue 11 Unit Residential Planned Development

### Project Location:
- 6905 Navajo Avenue, Atascadero, CA 93422
- (San Luis Obispo County) APN 038-238-005; Lots 1, 2, and 3

### Project Description:
The project consists of an application for a City initiated General Plan Text Amendment, Land Use Diagram Amendment, and Zoning Map Amendment. The project site is approximately 1.9 acres and consists of three parcels. The General Plan Land Use designation on Lot 1 would be changed from Recreation to High Density Residential. Currently, the General Plan requires that the project site be developed with a Master Plan of Development, including a minimum ½ acre park on Lot 1. This application proposes to amend the Master Plan of Development to remove the requirement for a ½ acre park, and allow two residential units on Lot 1. Two separate applications have been submitted for the development of the parcels.

1. **Lot 1:** A PD-7 Overlay is proposed on Lot 1. A Parcel Map is included which proposes to create three parcels, two of which will be developed with single-family residences, and the third is proposed as a private park.
2. **Lots 2 & 3:** The project proposes a PD-7 Overlay with nine single-family units. The project includes a tree removal application for 8 Black Walnuts, totaling 310 inches DBH.

Lot sizes in both projects range from 5700-8700 sq. ft. The residences are proposed at approximately 1567 sq. ft. with two-car garages. A total of 4,040 cu. yd. of fill will be required to develop the 11 units. Drainage basins are incorporated into the site plan and the residences would connect to City sewer.

**General Plan Designation:** High Density Residential (HDR) & Recreation (REC)

**Zoning District:** Residential Multi-Family-10 (RMF-10) & Recreation (L)

### Proposed Environmental Determination:
Based on the initial study prepared for the project, a Negative Declaration is proposed. The proposed Negative Declaration is available for public review from December 27, 2007 through January 15, 2008 at 6907 El Camino Real, Community Development Department, from 8 a.m. to 5 p.m., Monday through Friday.

### Findings:
1. The project does not have the potential to degrade the environment.
2. The project will not achieve short-term to the disadvantage of long-term environmental goals.
3. The project does not have impacts which are individually limited, but cumulatively considerable.
4. The project will not cause substantial adverse effects on human beings either directly or indirectly.

### Determination:
Based on the above findings, and the information contained in the initial study 2007-0027 (made a part hereof by reference and on file in the Community Development Department), it has been determined that the above project will not have an adverse impact on the environment when the following mitigation measures are incorporated into the project (see attachment).

#### Prepared By:
**Callie Taylor, Associate Planner**

**Date Posted:** December 27, 2007

**Public Review Ends:** January 15, 2008

**Attachments:**
- Location, Zoning, and Aerial Maps
- General Plan and Zoning Text Amendments
- Site Plan, Site Plan, Renderings, Elevation, Private Park Site Plan
- Initial Study 2007-0027
- Arborist Reports & Tree Protection Plans

---

6907 EL CAMINO REAL • ATASCADERO, CA 93422 • (805) 461-5000 • FAX 461-7612
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
GENERAL PLAN AMENDMENT 2007-0019, AMENDING THE GENERAL
PLAN LAND USE DIAGRAM DESIGNATION OF LOT 1 OF APN 030-283-
005 FROM RECREATION (L) TO HIGH DENSITY RESIDENTIAL (HDR)
AND AMENDING THE REQUIREMENTS OF THE GENERAL PLAN
MASTER PLAN OF DEVELOPMENT OVERLAY #12
(ATASCADERO AVENUE TRIANGLE)
APN 030-283-005
6905 Navajoa Avenue
(City of Atascadero / Atascadero Homeowners, LLC / MLW Holdings, LLC)

WHEREAS, an application has been received from the City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422, (Applicant), Atascadero Homeowners, LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner), and MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423, (Property Owner) to consider a project consisting of an amendment to the requirements of the General Plan Master Plan of Development Overlay #12: “Atascadero Avenue Triangle” and a General Plan Land Use Diagram Amendment from Recreation (REC) to High Density Residential (HDR) and on a 0.38-acre site located at 6905 Navajoa (Lot 1 of APN 030-283-005); and,

WHEREAS, the site’s current General Plan Land Use Designation is Recreation (REC); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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 has determined that it is in the best interest of the City to enact this amendment to the General Plan Land Use Diagram to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject General Plan Amendment 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 General Plan Amendment; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on January 15, 2008, studied and considered General Plan Amendment 2007-0019, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

WHEREAS, the Atascadero City Council, at a duly noticed Public Hearing held on February 26, 2008, studied and considered General Plan Amendment 2007-0019, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation, and,

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

SECTION 1. Findings for Approval of a General Plan Amendment:

The City Council finds as follows:

1. The proposed amendment is in the public interest.

2. The proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

3. The proposed amendment is compatible with existing development, neighborhoods and the environment.

4. The proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

5. The proposed amendment is consistent with adopted General Plan EIR and mitigation monitoring program.

6. The proposed amendment is in the best interest of the City to enact this amendment to the General Plan Land Use Diagram to protect the health, safety and welfare of its citizens and is compatible with existing and proposed development; and,

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008, hereby resolves to approve General Plan Amendment 2007-0019 consistent with the following:

1. Exhibit A: General Plan Land Use Diagram Amendment
2. Exhibit B: General Plan Table II-5 Amendment; Amendment of Master Plan of Development Overlay #12 Requirements

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

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ______________________________
   Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian Pierik, City Attorney
Exhibit A: General Plan Land Use Diagram Amendment

General Plan Land Use Diagram Amendment

APN 030-283-005; Lot 1:

Existing General Plan Land Use:
REC (Recreation)

Proposed General Plan Land Use:
HDR (High Density Residential – 16 units per acre)
### Table II-5: Master Plan of Development Overlay Areas.

<table>
<thead>
<tr>
<th>Overlay Number</th>
<th>Location</th>
<th>EIR Maximum Density</th>
<th>Special Features</th>
</tr>
</thead>
</table>
| 12.            | Atascadero Avenue Triangle| • 10 dwelling units combined max on Lots 2 & 3  
• 2 dwelling units max on Lot 1 | • Development on Lot 1 shall include additional landscape buffer                  |
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE CHANGE 2007-0145, AMENDING THE OFFICIAL ZONING MAP DESIGNATION FROM RECREATION (L) TO RESIDENTIAL MULTIFAMILY WITH 16 UNITS PER ACRE (RMF-16)
APN 030-283-005; Lot 1
6905 Navajoa Avenue
(City of Atascadero / Atascadero Homeowners, LLC / MLW Holdings, LLC)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from the City of Atascadero, 6907 El Camino Real, Atascadero, CA 93422, (Applicant), Atascadero Homeowners, LLC, 6205 Alcántara Avenue, Atascadero, CA 93422, (Property Owner), and MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423, (Property Owner), to consider a project consisting of a Zoning Map Change from L (Recreation) to RMF-16 (Residential Multi-family) on a 0.38-acre site located at 6905 Navajoa Avenue (APN 030-283-005; Lot 1); and,

WHEREAS, the City Council has approved the site’s current General Plan Designation be changed from REC (Recreation) to HDR (High Density Residential with 16 units per acre); and,

WHEREAS, the site’s current zoning district is L (Recreation); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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 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, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on January 15, 2008, studied and considered Zone Change 2007-0140, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Zone Change 2007-0140, 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 HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero changing the existing site zoning to RMF-16 (Residential Multi-family with 16 units per acre). 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); 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.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008, resolved to introduce for first reading by title only, an ordinance that would rezone the subject site consistent with the following:

Exhibit A: Zone Map Amendment Diagram
SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: __________________________
    Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian Pierik, City Attorney
Zoning Map Amendment

APN 030-283-005; Lot 1:

Existing Zoning:
L (Recreation)

Proposed Zoning:
RMF-16 (Residential Multi-family – 16 units per acre)
DRAFT ORDINANCE B

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE
CHANGE 2007-0145 AND ZONE CHANGE 2007-0146, AMENDING THE
OFFICIAL ZONING MAP DESIGNATION OF APN 030-283-005 FROM
RMF-16 (RESIDENTIAL MULTI-FAMILY – 16) TO RMF-16/PD-7
(RESIDENTIAL MULTI-FAMILY – 16/ PLANNED DEVELOPMENT
OVERLAY #7)
(Adamski, Moroski, Madden & Green, LLP/ Atascadero Homeowners, LLC /
MLW Holdings, LLC)

The City Council hereby finds and declares as follows:

WHEREAS, applications has been received from Adamski, Moroski, Madden & Green,
LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), Atascadero Homeowners, LLC,
6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner), and MLW Holdings, LLC,
P.O. Box 604, Atascadero, CA 93423, (Property Owner), to consider a project consisting of a
Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/ PD-7 (Residential Multi-
Family-16 with a Planned Development Overlay-7) with corresponding Master Plan of
Developments, Tentative Tract Map, and Tentative Parcel Map on a 2.24-acre site located at
6905 Navajoa (APN 030-283-005); and,

WHEREAS, the site’s General Plan Designation is HDR (High Density Residential) on
Lots 2 and 3, and the City Council has approved a General Plan Amendment to change the
General Plan Designation on Lot 1 from Recreation (REC) to High Density Residential (HDR);
and,

WHEREAS, the site’s Zoning Designation is Residential Multi-family with 16 units per
acre (RMF-16) on Lots 2 and 3, and the City Council has approved a Zone Change to change the
zoning on Lot 1 from L (Recreation) to RMF-16 (Residential Multi-family with 16 units per
acre); and,

WHEREAS, the Planned Development Overlay-7 requires a minimum of 4 units, and by
combining the 2-unit and 9-unit projects as a Master Planned site per the General Plan
requirements, the application on Lot 1 meets this criteria; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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 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, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on January 15, 2008 studied and considered Zone Change 2007-0145 and Zone Change 2007-0146, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Zone Change 2007-0145 and Zone Change 2007-0146, 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 HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RMF-16/ PD-7. The City Council 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.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008, resolved to introduce 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

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on ____________, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on ____________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: __________________________

Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

________________________

Brian Pierik, City Attorney
Exhibit A: Location Map/Zone Map Amendment Diagram

Project Site (Change from RMF-16 to RMF-16 with PD-7 Overlay)
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT 2007-0208
(MASTER PLAN OF DEVELOPMENT FOR 9-UNIT PD-7)
ON APN 030-283-005, Lots 2 and 3
(Adamski, Moroski, Madden & Green, LLP / MLW Holdings, LLC)

WHEREAS, an application has been received from Adamski, Moroski, Madden & Green, LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), and MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423, (Property Owner) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/ PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7) with corresponding Master Plan of Development and Tentative Tract Map on a 1.86-acre site located at 6905 Navajoa Avenue, (APN 030-283-005, Lots 2 and 3); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-16 (Residential Multi-Family-16) to RMF-16 with PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7); and,

WHEREAS, the Planned Development Overlay-7 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 2007-0027 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, 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 Master Plan of Development; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on January 15, 2008 studied and considered the Conditional Use Permit 2007-0208 (Master Plan of Development for 9-unit PD-7), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and
WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Conditional Use Permit 2007-0208 (Master Plan of Development for 9-unit PD-7), 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 the City’s Appearance Review Manual; and,

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-7 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 project or use 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-7 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

8. The proposed project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties; and,
SECTION 2. Findings for Approval of Tree Removal. The City Council 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; 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 February 26, 2008 resolved to approve Conditional Use Permit 2007-0208 (Master Plan of Development for 9-unit PD-7) and Tree Removal Permit subject to the following:

EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
EXHIBIT B: Master Plan of Development
EXHIBIT C: Floor Plan A/B/C
EXHIBIT D: Floor Plan A/B/C Elevations w/options
EXHIBIT E: Floor Plan D
EXHIBIT F: Floor Plan D Elevations
EXHIBIT G: Color Boards and Site Plan Color Key
EXHIBIT H: Preliminary Landscape Plan
EXHIBIT I: Tree Protection Plan
EXHIBIT J: Grading, Drainage and Utility Plans
EXHIBIT K: Improvement Plans
On motion by Council Member ________________ and seconded by Council Member ________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ______________________________
    Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian Pierik, City Attorney
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
9-Lot Planned Development 7  

**Planning Services**

<table>
<thead>
<tr>
<th></th>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</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 2007-140, ZCH 2007-0145 and ZCH 2007-0146 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.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>2.</td>
<td>Approval of this Tentative Tract Map and Conditional Use Permit 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.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>3.</td>
<td>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 Tract Map and that the Final Map is in substantial conformance with the Tentative Map.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>4.</td>
<td>The granting of this entitlement shall apply to the property located at (APN 030-283-005) regardless of owner.</td>
<td>On going</td>
<td>PS</td>
</tr>
<tr>
<td>5.</td>
<td>The Final Map shall be drawn in substantial conformance with the approved tentative map, and in compliance with all conditions set forth herein, shall be submitted for review and approval in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>6.</td>
<td>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.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>7.</td>
<td>The Tract Map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance.</td>
<td>FM</td>
<td>PS</td>
</tr>
<tr>
<td>8.</td>
<td>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 administration of the above mentioned funds shall be by</td>
<td>BP</td>
<td>PS</td>
</tr>
</tbody>
</table>
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**9-Lot Planned Development 7**  

<table>
<thead>
<tr>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>
| GP: Grading Permit  
BP: Building Permit  
SIP: Subdivision Improvement Plans  
FM: Final Map  
TO: Temporary Occupancy  
FI: Final Inspection  
FO: Final Occupancy | PS: Planning Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney  
AMWC: Water Comp. | |

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. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity.

- All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.
- All parks, trails, recreational facilities and like facilities.
- All open space and native tree preservation areas.
- All drainage facilities and detention basins.
- All creeks, flood plains, floodways, wetlands, and riparian habitat areas.
- All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.
- All frontage landscaping and sidewalks along arterial streets

| BP | PS |

10. The private open space feature at the corner of Atascadero Avenue and San Andres shall be maintained by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti.

| Ongoing | PS |

11. The developments approved with CUP 2007-0208 and CUP 2007-0219 shall be developed together as one Master Plan of Development at as required by the General Plan.

| BP / GP | PS / PW |

12. Prior to final map, the applicant shall submit CC&Rs for review and approval by the Community Development Department. The CC&R’s shall record with the Final Map and shall include the following:

1. Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity.
2. Fencing design and locations
3. A detailed list of each individual homeowner’s responsibilities for
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**

9-Lot Planned Development 7


<table>
<thead>
<tr>
<th>Maintenance of the individual units.</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Residents shall keep all trash receptacles within the unit’s designated trash storage area.</td>
</tr>
<tr>
<td>5. Garages shall be maintained and used for vehicle parking.</td>
</tr>
<tr>
<td>6. No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.</td>
</tr>
<tr>
<td>7. A provision for review and approval by the City Community Development Department for any changes to the CC&amp;R’s that relate to the above requirements prior to the changes being recorded or taking effect.</td>
</tr>
</tbody>
</table>

| 13. Affordable Housing Requirement: As a General Plan required Master Planned site (Master Plan of Development Overlay #12), the Affordable Housing requirement shall apply to the 11 units approved for the subject sites with ZCH 2007-0145 and ZCH 2007-0146. |
| The applicant shall deed restrict a minimum of 1 residential unit for 30 years, at the moderate income rate. |

| 14. Workforce Housing: Prior to recordation of final map, the applicant shall enter into a legal agreement with the City to reserve ½ of the units for sale to residents or workers within the City of Atascadero, including the affordable units. The agreement shall include the following provisions: |
| The units shall be offered for sale to residents or workers within the City of Atascadero for a minimum of 60-days. During this time period offers may only be accepted from Atascadero residents or workers; |
| The applicant shall provide reasonable proof to the City that at least one of the qualified buyers is a resident or worker within the City Limits of Atascadero; |
| The Atascadero resident or worker restriction shall apply to the initial sale only; |
| The applicant shall identify which units will be reserved; and |
| The City Attorney shall approve the final form of the agreement. |

| 15. Approval of this permit shall include the removal of 8 Native Black Walnuts, totaling 310 inches dbh. 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. |
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**
9-Lot Planned Development 7

<table>
<thead>
<tr>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
</tr>
</thead>
</table>

16. The applicant shall work with staff to enhance the side elevation on Lot 8 facing Navajo Ave. The elevation shall include larger windows and added architectural detailing, consistent with the front elevation. Additional landscaping, including trees and tall shrubs shall be added to the side setback on this lot. Fencing may not be located in the side setback next to Navajo Ave. | BP | PS |

17. The columns on the wrap around porch on floor plan D (shown in Exhibits E and F) shall be a minimum size of 6” by 6” square. Railings shall be added to the wrap around porch. | BP | PS |

18. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT D and F with the following modifications:
   - All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.
   - Stucco siding shall be smooth troweled or light sand finish.
   - Roofs shall be architectural grade dimensional shingles. | BP | PS |

19. Building colors shall be consistent with Exhibit G with the following modification:
   - The color “clay urn” identified in color scheme #1 shall be replaced with a more muted color, consistent with the surrounding residences and color schemes 2 through 5. Final selection of colors and materials shall be subject to staff approval. | GP/BP | PS |

20. Garage doors shall be high quality, wood or carriage style doors. | BP | PS |

21. All site development shall comply with the standards of the Planned Development 7 Overlay District. | BP | PS, BS |

22. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B. | BP/FM | PS, BS, CE |

23. All project fencing shall be installed consistent throughout the project, and located as shown in the approved Landscape Plan, subject to the following modifications:
   - Fencing material and treatment shall comply with the PD-7 standards.
   - Final fence location shall be subject to staff approval.
   - Fencing within the front and corner lot setbacks shall be under 3 feet | GP/BP | PS |
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### 24. A final landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with EXHIBIT J, and as follows:

- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.
- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.
- Final tree list shall be submitted with building permits, subject to staff approval.
- Street and open space trees shall be minimum 15-gallon size and double staked.
- Front yard areas shall be landscaped with drought tolerant species, subject to staff approval.

### 25. The wall/fence around the private park on Lot 1 shall be allowed to be built at a maximum height of 5 feet at the tallest point.

### 26. The commemorative tile on the "commemorative wall" around he private park on Lot 1 shall be subject to staff approval

### City Engineer Project Conditions

1. The applicant shall install curb, gutter and sidewalk along all property frontages. All road frontages will be widened be City Standard.

2. This project is required to retain the difference between the undeveloped 2 year storm run off and the developed 50 year storm runoff to mitigate the increase runoff into the storm drain system. The project will use individual drainage basin on each lot to handle the increased flow. The basin will be underground "infiltrator" basins. Deep pit basins are not allowed. When the basin becomes full, they will overflow into the new curb and gutter through small drain pipe under the sidewalk.

3. The project engineer shall investigate the feasibility of installing 4 way stop control on Navajoa at San Andres Ave and Atascadero Ave. The engineer shall present a schematic layout of a 4 way stop and produce a warrant analysis in accordance with the Manual on Uniform Traffic Control Devices. The City Engineer shall decide if the 4 way stops shall be installed based on the information submitted.

### City Engineer Standard Conditions

4. In the event that the applicant bonds for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**

**9-Lot Planned Development 7**


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<tr>
<td>Improvement Agreement with the City Council.</td>
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<td>5. 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.</td>
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<td>6. The Subdivision Improvement Agreement shall record concurrently with the Final Map.</td>
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<td>7. A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage.</td>
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<td>8. 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.</td>
<td>GP, BP</td>
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<td>9. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.</td>
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<td>10. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.</td>
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<td>11. A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the tract map.</td>
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<td>12. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<td>13. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
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<td>14. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
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<td>15. Prior to recording the tract map, the applicant shall submit a copy of a valid tax bond.</td>
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<tr>
<td>16. Prior to recording the tract map, the applicant shall bond for or set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the tract 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>
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<td>17. Prior to recording the tract 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.</td>
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<td>18. All existing and proposed utility, pipeline, open space, or other easements are to be shown on the final map. If there are building or other restrictions related to the easements, they shall be noted on the final map. The applicant shall show all access restrictions on the final map.</td>
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<td>19. Prior to recording the tract 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 tract map.</td>
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<td>20. Prior to the issuance of building permits the applicant shall submit plans and supporting calculations/reports including street improvements, underground utilities, composite utilities, and grading/drainage plans prepared by a registered civil engineer for review and approval by the City Engineer.</td>
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<td>21. Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.</td>
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<td>22. Prior to the issuance of building permits the applicant shall provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</td>
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<td>23. Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.</td>
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<td>24. A mechanism for funding and maintenance of the storm drain facilities shall be provided.</td>
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<td>25. Prior to the issuance of building permits the applicant shall show the method of dispersal at all pipe outlets. Include specifications for size &amp; type.</td>
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<td>26. Prior to the issuance of building permits the applicant shall show method of conduct to approved off-site drainage facilities.</td>
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<td>27. Concentrated drainage from off-site areas shall be conveyed across the project site in drainage easements. Acquire drainage easements where</td>
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### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**9-Lot Planned Development 7**  

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FD: Fire Department  
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needed. Drainage shall cross lot lines only where a drainage easement has been provided. If drainage easement cannot be obtained the storm water release must follow the exact historic path, rate and velocity as prior to the subdivision.

28. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP). The Regional Water Quality Control Board shall approve the SWPPP.  

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29. 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.

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30. Off-site streets shall be improved consistent with the tentative tract map.

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31. Project shall include construction of curb, gutter and sidewalk along entire frontage.

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32. Alignment of frontage improvements shall be approved by the City Engineer.

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33. All utilities shall be undergrounded on project frontage.

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34. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.

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35. Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve.

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### 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.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
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### 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:

A. Reduce the amount of the disturbed area where possible.
B. 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.
C. All dirt stockpile areas should be sprayed daily as needed.
D. 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.
E. 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.
F. 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.
G. All roadways, driveways, sidewalks, etc, to be paved should be complete as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
H. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
I. 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.
J. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
K. 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.
L. 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.

**Mitigation Measure 3.b.2:** The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos. Prior to any grading activities at the site, the project proponent shall ensure that a
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<td>Mitigation Measure 3.b.3: Developmental burning of vegetative material is prohibited. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact Karen Brooks of the Enforcement Division at 781-5912.</td>
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| Mitigation Measure 3.b.4: Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:  
  - All EPA-Certified Phase II wood burning devices;  
  - Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;  
  - Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;  
  - Pellet-fueled woodheaters; and  
  - Dedicated gas-fired fireplaces. Questions about approved wood burning devices, should be referred to Tim Fuhs in the Enforcement Division at 781-5912. | BP | BS/PS | 3.b.4 |
| Mitigation Measure 4.e.1: The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:  
  (a) A written agreement between the arborist and the developer outlining a arborist monitoring schedule for each construction phase through final inspection shall be submitted to and approved by planning staff prior to the issuance of building/grading permits.  
  (b) Arborist shall schedule a pre-construction meeting with engineering/planning staff, grading equipment operators, project superintendent to review the project conditions and requirements prior to any grubbing or earth work for any portion of the project site. All tree protection fencing and trunk protection shall be installed for inspection during the meeting. Tree protection fencing shall be installed at the line of encroachment into the | BP | BS/PS | 4.e.1 |
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
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**Tree’s root zone area.**

(c) As specified by the arborist report and City staff:

- Prune all trees in active development areas to be saved for structural strength and crown cleaning by a licensed and certified arborist;
- Remove all debris and spoils from the lot cleaning and tree pruning;
- In locations where paving is to occur within the tree canopy, grub only and do not grade nor compact. Install porous pavers over a three-inch bed of ¾ inch granite covered with one-inch pea gravel for screeding. If curbs are required, use pegged curbs to secure the porous pavers. Pegged curbs are reinforced six to eight curbs poured at grade with a one-foot by one-foot pothole every four to six linear feet.
- All trenching or grading within the protected root zone area, outside of the tree protection fence shall require hand trenching or preserve and protect roots that are larger than 2 inches in diameter.
- No grading or trenching is allowed within the fenced protected area.
- Any roots that are 4 inches in diameter or larger are not to be cut until inspected and approved by the on-site arborist.

(d) Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.

### Mitigation Measure 4.e.2:

1. All existing trees outside of the limits of work shall remain.
2. Earthwork shall not exceed the limits of the project area.
3. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.
4. Vehicles and stockpiled material shall be stored outside the drip line of all trees.
5. All trees within twenty feet of construction 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.
6. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.
7. Utilities such as water, gas, power, cable, storm drainage, and sewer should be redirected from under the canopy of any trees that are to remain.
8. Where a building is placed within the canopy of a tree the foundation should be redesigned so that it bridges across any root systems.
9. Any foundation or other structure that encroaches within the drip line of trees to be saved shall be dug by hand.
10. At no time shall tree roots be ripped with construction equipment.

### Mitigation 5.d.1: Should any human remains be discovered on the property, all work on the project should stop and the County Coroner contacted. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) should be contacted at (916) 653-4082.
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**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 between the months of October 15 through April 15. All hydroseed mix shall be native species. 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 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 D: Floor Plan A/B/C Elevations and Options
EXHIBIT F: Floor Plan D Elevations
EXHIBIT G: Color Boards and Site Plan Color Key

Gearhart Stock Residences
Atascadero, CA

Color Scheme #1
August 31, 2007

A. Frazee #7804 “Clay Urn”
   Flat Exterior Finish
   Main Body

B. Frazee #8685 “Woodlet”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT G: Color Boards and Site Plan Color Key

Color Scheme #2
August 31, 2007

A. Frazee #8215 “Tattersall Brown”
   Flat Exterior Finish
   Main Body

B. Frazee #8276 “Mesquite Canyon”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.

Color Scheme #3
August 31, 2007

A. Frazee #8174 “Fenland”
   Flat Exterior Finish
   Main Body

B. Frazee #8505 “Elm Court”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT G: Color Boards and Site Plan Color Key

Color Scheme #4
October 4, 2007

A. Frazee #8693 “Stucco Greige”
   Flat Exterior Finish
   Main Body

B. Frazee #8665 “Gristmill”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.

Color Scheme #5
October 4, 2007

A. Frazee #8644 “Seal Beach”
   Flat Exterior Finish
   Main Body

B. Frazee #8755 “Spicenut”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT H: Preliminary Landscape Plan
EXHIBIT J: Grading, Drainage and Utility Plans
EXHIBIT K: Improvement Plans
DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING TENTATIVE TRACT MAP 2007-0101, A NINE-LOT SUBDIVISION CONSISTENT WITH A MASTER PLAN OF DEVELOPMENT ON APN 030-283-005, Lots 2 and 3
(Adamski, Moroski, Madden & Green, LLP / MLW Holdings, LLC)

WHEREAS, an application has been received from Adamski, Moroski, Madden & Green, LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), and MLW Holdings, LLC, P.O. Box 604, Atascadero, CA 93423, (Property Owner) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/ PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7) with corresponding Master Plan of Development and Tentative Tract Map on a 1.86-acre site located at 6905 Navajoa Avenue, (APN 030-283-005, Lots 2 and 3); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-16 (Residential Multi-Family-16) to RMF-16 with PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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, a timely and properly noticed Public Hearing upon the subject Tentative Tract 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 January 15, 2008 studied and considered Tentative Tract Map 2007-0101, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Tentative Tract Map 2007-0101, 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 of Approval for Tentative Tract Map, the City Council of the City of Atascadero finds as follows:

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-7 overlay district.

2. The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District-7 Master Plan of Development (CUP 2007-0208).

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. Covenants, Conditions and Restrictions (CC&R’s) or equivalent shall be required that incorporate the Master Plan of Development conditions of approval to ensure that the site retains the proposed qualities (architecture, colors, materials, plan amenities, fencing, and landscaping) over time.

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008, resolved to approve Tentative Tract Map (TTM 2007-0101) subject to the following:

1. Exhibit A: Tentative Tract Map 2007-0101

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 on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ____________________________
    Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian Pierik, City Attorney
Exhibit A: Tentative Tract Map (9 Unit PD-7)
**Conditions of Approval / Mitigation Monitoring Program**

<table>
<thead>
<tr>
<th><strong>Planning Services</strong></th>
<th><strong>Timing</strong></th>
<th><strong>Responsibility / Monitoring</strong></th>
<th><strong>Mitigation Measure</strong></th>
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<tbody>
<tr>
<td>1. 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 2007-140, ZCH 2007-0145 and ZCH 2007-0146 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.</td>
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<tr>
<td>2. Approval of this Tentative Tract Map and Conditional Use Permit 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.</td>
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<tr>
<td>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 Tract Map and that the Final Map is in substantial conformance with the Tentative Map.</td>
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<td>4. The granting of this entitlement shall apply to the property located at (APN 030-283-005) regardless of owner.</td>
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<td>5. The Final Map shall be drawn in substantial conformance with the approved tentative map, and in compliance with all conditions set forth herein, shall be submitted for review and approval in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance.</td>
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<tr>
<td>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.</td>
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<td>7. The Tract Map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance.</td>
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<tr>
<td>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 any final map. The administration of the above</td>
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<tr>
<td>Conditions of Approval / Mitigation Monitoring Program</td>
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<th>Responsibility Monitoring</th>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>GP: Grading Permit BP: Building Permit SIP: Subdivision Improvement Plans FM: Final Map TO: Temporary Occupancy FI: Final Inspection FO: Final Occupancy</td>
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</table>

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. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity.

- All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.
- All parks, trails, recreational facilities and like facilities.
- All open space and native tree preservation areas.
- All drainage facilities and detention basins.
- All creeks, flood plains, floodways, wetlands, and riparian habitat areas.
- All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.
- All frontage landscaping and sidewalks along arterial streets

10. The private open space feature at the corner of Atascadero Avenue and San Andres shall be maintained by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti.

11. The developments approved with CUP 2007-0208 and CUP 2007-0219 shall be developed together as one Master Plan of Development at as required by the General Plan.

12. Prior to final map, the applicant shall submit CC&Rs for review and approval by the Community Development Department. The CC&R's shall record with the Final Map and shall include the following:

- Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity.
### Conditions of Approval / Mitigation Monitoring Program

#### Atascadero Avenue Triangle
9-Lot Planned Development 7

<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
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<tbody>
<tr>
<td>• Fencing design and locations</td>
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<tr>
<td>• A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units.</td>
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<td>• Residents shall keep all trash receptacles within the unit’s designated trash storage area.</td>
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<td>• Garages shall be maintained and used for vehicle parking.</td>
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<td>• No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.</td>
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<td>• A provision for review and approval by the City Community Development Department for any changes to the CC&amp;R’s that relate to the above requirements prior to the changes being recorded or taking effect.</td>
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13. Affordable Housing Requirement: As a General Plan required Master Planned site (Master Plan of Development Overlay #12), the Affordable Housing requirement shall apply to the 11 units approved for the subject sites with ZCH 2007-0145 and ZCH 2007-0146.

The applicant shall deed restrict a minimum of 1 residential unit for 30 years, at the moderate income rate.

14. Workforce Housing: Prior to recordation of final map, the applicant shall enter into a legal agreement with the City to reserve ½ of the units for sale to residents or workers within the City of Atascadero, including the affordable units. The agreement shall include the following provisions:

- The units shall be offered for sale to residents or workers within the City of Atascadero for a minimum of 60-days. During this time period offers may only be accepted from Atascadero residents or workers;
- The applicant shall provide reasonable proof to the City that at least one of the qualified buyers is a resident or worker within the City Limits of Atascadero;
- The Atascadero resident or worker restriction shall apply to the initial sale only;
- The applicant shall identify which units will be reserved; and

The City Attorney shall approve the final form of the agreement.

15. Approval of this permit shall include the removal of 8 Native Black Walnuts, totaling 310 inches dbh. 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
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
9-Lot Planned Development 7  

<table>
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<th>Timing</th>
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#### shall be subject to Planning Commission approval.

16. The applicant shall work with staff to enhance the side elevation on Lot 8 facing Navajo Ave. The elevation shall include larger windows and added architectural detailing, consistent with the front elevation. Additional landscaping, including trees and tall shrubs shall be added to the side setback on this lot. Fencing may not be located in the side setback next to Navajo Ave.  

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17. The columns on the wrap around porch on floor plan D (shown in Exhibits E and F) shall be a minimum size of 6" by 6" square. Railings shall be added to the wrap around porch.  

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<th>BP</th>
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18. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT D and F with the following modifications:

- All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.
- Stucco siding shall be smooth troweled or light sand finish.
- Roofs shall be architectural grade dimensional shingles.  

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19. Building colors shall be consistent with Exhibit G with the following modification:

- The color “clay urn” identified in color scheme #1 shall be replaced with a more muted color, consistent with the surrounding residences and color schemes 2 through 5.  

Final selection of colors and materials shall be subject to staff approval.  

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20. Garage doors shall be high quality, wood or carriage style doors.  

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21. All site development shall comply with the standards of the Planned Development 7 Overlay District.  

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22. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B.  

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23. All project fencing shall be installed consistent throughout the project, and located as shown in the approved Landscape Plan, subject to the following modifications:

- Fencing material and treatment shall comply with the PD-7 standards.  

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Conditions of Approval / Mitigation Monitoring Program

Atascadero Avenue Triangle
9-Lot Planned Development 7

| Final fence location shall be subject to staff approval. |
| Fencing within the front and corner lot setbacks shall be under 3 feet tall. |

24. A final landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with EXHIBIT J, and as follows:

- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.
- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.
- Final tree list shall be submitted with building permits, subject to staff approval.
- Street and open space trees shall be minimum 15-gallon size and double staked.
- Front yard areas shall be landscaped with drought tolerant species, subject to staff approval.

25. The wall/fence around the private park on Lot 1 shall be allowed to be built at a maximum height of 5 feet at the tallest point.

26. The commemorative tile on the “commemorative wall” around the private park on Lot 1 shall be subject to staff approval.

City Engineer Project Conditions

1. The applicant shall install curb, gutter and sidewalk along all property frontages. All road frontages will be widened be City Standard.  

2. This project is required to retain the difference between the undeveloped 2 year storm run off and the developed 50 year storm runoff to mitigate the increase runoff into the storm drain system. The project will use individual drainage basin on each lot to handle the increased flow. The basin will be underground “infiltrator” basins. Deep pit basins are not allowed. When the basin becomes full, they will overflow into the new curb and gutter through small drain pipe under the side walk.

3. The project engineer shall investigate the feasibility of installing 4 way stop control on Navajo at San Andres Ave and Atascadero Ave. The engineer shall present a schematic layout of a 4 way stop and produce a warrant analysis in accordance with the Manual on Uniform Traffic Control Devices. The City Engineer shall decide if the 4 way stops shall be implemented.
<table>
<thead>
<tr>
<th>Conditions of Approval / Mitigation Monitoring Program</th>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
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<td><strong>be installed based on the information submitted.</strong></td>
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<tr>
<td>4. In the event that the applicant bonds for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.</td>
<td>GP, BP</td>
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<tr>
<td>5. 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.</td>
<td>GP, BP</td>
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<tr>
<td>6. The Subdivision Improvement Agreement shall record concurrently with the Final Map.</td>
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<td>7. A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>8. 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.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>9. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>10. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>11. A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the tract map.</td>
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<tr>
<td>12. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<tr>
<td>13. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
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<tr>
<td>14. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
<td>FM</td>
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<tr>
<td>15. Prior to recording the tract map, the applicant shall submit a copy of a valid tax bond.</td>
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**Conditions of Approval / Mitigation Monitoring Program**

**Atascadero Avenue Triangle**  
9-Lot Planned Development 7  

<table>
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<tr>
<th>Number</th>
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<th>Timing</th>
<th>Responsibility</th>
<th>Mitigation Measure</th>
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<tr>
<td>16.</td>
<td>Prior to recording the tract map, the applicant shall bond for or set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the tract 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>17.</td>
<td>Prior to recording the tract 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.</td>
<td>FM</td>
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<tr>
<td>18.</td>
<td>All existing and proposed utility, pipeline, open space, or other easements are to be shown on the final map. If there are building or other restrictions related to the easements, they shall be noted on the final map. The applicant shall show all access restrictions on the final map.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>19.</td>
<td>Prior to recording the tract 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 tract map.</td>
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<td>20.</td>
<td>Prior to the issuance of building permits the applicant shall submit plans and supporting calculations/reports including street improvements, underground utilities, composite utilities, and grading/drainage plans prepared by a registered civil engineer for review and approval by the City Engineer.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>21.</td>
<td>Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>22.</td>
<td>Prior to the issuance of building permits the applicant shall provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</td>
<td>GP, BP</td>
<td>CE</td>
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<td>23.</td>
<td>Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.</td>
<td>GP, BP</td>
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<tr>
<td>24.</td>
<td>A mechanism for funding and maintenance of the storm drain facilities shall be provided.</td>
<td>GP, BP</td>
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<tr>
<td>25.</td>
<td>Prior to the issuance of building permits the applicant shall show the method of dispersal at all pipe outlets. Include specifications for size &amp;</td>
<td>GP, BP</td>
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</table>
26. Prior to the issuance of building permits the applicant shall show method of conduct to approved off-site drainage facilities.

27. Concentrated drainage from off-site areas shall be conveyed across the project site in drainage easements. Acquire drainage easements where needed. Drainage shall cross lot lines only where a drainage easement has been provided. If drainage easement cannot be obtained the storm water release must follow the exact historic path, rate and velocity as prior to the subdivision.

28. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP). The Regional Water Quality Control Board shall approve the SWPPP.

29. 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.

30. Off-site streets shall be improved consistent with the tentative tract map.

31. Project shall include construction of curb, gutter and sidewalk along entire frontage.

32. Alignment of frontage improvements shall be approved by the City Engineer.

33. All utilities shall be undergrounded on project frontage.

34. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.

35. Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve.

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.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
9-Lot Planned Development 7  

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<th>Mitigation Measure</th>
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</table>
| • 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). | GP: Grading Permit  
BP: Building Permit  
SIP: Subdivision Improvement Plans  
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| • 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. | | |

**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:

- M. Reduce the amount of the disturbed area where possible.
- N. 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.
- O. All dirt stockpile areas should be sprayed daily as needed.
- P. 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.
- Q. 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.
- R. 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.
- S. All roadways, driveways, sidewalks, etc, to be paved should be complete as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- T. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- U. 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.
- V. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- W. Sweep streets at the end of each day if visible soil material is carried...
## Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**9-Lot Planned Development 7**  

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- **Onto adjacent paved roads.** Water sweepers with reclaimed water should be used where feasible.

- **X.** 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.

### Mitigation Measure 3.b.2:

The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos. Prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Refer to the APCD web page at [http://www.slocleanair.org/business/asbestos.asp](http://www.slocleanair.org/business/asbestos.asp) for more information or contact Tim Fuhs of the Enforcement Division at 781-5912.

### Mitigation Measure 3.b.3:

Developmental burning of vegetative material is prohibited. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact Karen Brooks of the Enforcement Division at 781-5912.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**
**9-Lot Planned Development 7**

Mitigation Measure 3.b.4: Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:
- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

Questions about approved wood burning devices, should be referred to Tim Fuhs in the Enforcement Division at 781-5912.

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Mitigation Measure 4.e.1: The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:

(a) A written agreement between the arborist and the developer outlining an arborist monitoring schedule for each construction phase through final inspection shall be submitted to and approved by planning staff prior to the issuance of building/grading permits.

(b) Arborist shall schedule a pre-construction meeting with engineering/planning staff, grading equipment operators, project superintendent to review the project conditions and requirements prior to any grubbing or earth work for any portion of the project site. All tree protection fencing and trunk protection shall be installed for inspection during the meeting. Tree protection fencing shall be installed at the line of encroachment into the tree’s root zone area.

(c) As specified by the arborist report and City staff:
   - Prune all trees in active development areas to be saved for structural strength and crown cleaning by a licensed and certified arborist;
   - Remove all debris and spoils from the lot cleaning and tree pruning.
   - In locations where paving is to occur within the tree canopy, grub only and do not grade or compact. Install porous pavers over a three-inch bed of ¾ inch granite covered with one-inch pea gravel for screening. If curbs are required, use pegged curbs to secure the porous pavers. Pegged curbs are reinforced six to eight curbs poured at grade with a one-foot by one-foot pothole every four to six linear feet.
   - All trenching or grading within the protected root zone area, outside of the tree protection fence shall require hand trenching or preserve and protect roots that are larger than 2 inches in diameter.
   - No grading or trenching is allowed within the fenced protected area.
   - Any roots that are 4 inches in diameter or larger are not to be cut until inspected and approved by the on-site arborist.

(d) Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
9-Lot Planned Development 7  

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<td><strong>4.e.2</strong></td>
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<td>11.</td>
<td>BP</td>
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<td>4.e.2</td>
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<td>All existing trees outside of the limits of work shall remain.</td>
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<td>12.</td>
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<tr>
<td>Earthwork shall not exceed the limits of the project area.</td>
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<td>13.</td>
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<td>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>14.</td>
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<tr>
<td>Vehicles and stockpiled material shall be stored outside the drip line of all trees.</td>
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<td>15.</td>
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<td>All trees within twenty feet of construction 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>16.</td>
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<td>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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<td>17.</td>
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<td>Utilities such as water, gas, power, cable, storm drainage, and sewer should be redirected from under the canopy of any trees that are to remain.</td>
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<td>18.</td>
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<td>Where a building is placed within the canopy of a tree the foundation should be redesigned so that it bridges across any root systems.</td>
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<td>19.</td>
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<tr>
<td>Any foundation or other structure that encroaches within the drip line of trees to be saved shall be dug by hand.</td>
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<td>20.</td>
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<td>At no time shall tree roots be ripped with construction equipment.</td>
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**Mitigation 5.d.1**: Should any human remains be discovered on the property, all work on the project should stop and the County Coroner contacted. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) should be contacted at (916) 653-4082.

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<td><strong>6.b.1</strong></td>
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<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 earthwork between the months of October 15 through April 15. All hydroseed mix shall be native species. 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.</td>
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<td><strong>8.e.f.1</strong></td>
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<td>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.</td>
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**Mitigation Measure 11.d.1**: All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.
DRAFT RESOLUTION E

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT 2007-0219 (MASTER PLAN OF
DEVELOPMENT FOR 2-UNIT PD-7)
ON APN 030-283-005, Lot 1
(Adamski, Moroski, Madden & Green, LLP / Atascadero Homeowners, LLC)

WHEREAS, an application has been received from Adamski, Moroski, Madden & Green, LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), and Atascadero Homeowners, LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to RMF-16/ PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7) with corresponding Master Plan of Development and Tentative Tract Map on a 0.38-acre site located at 6905 Navajoa Avenue, (APN 030-283-005, Lot 1); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from L (Recreation) to RMF-16 with PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7); and,

WHEREAS, the Planned Development Overlay-7 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, the Planned Development Overlay-7 requires a minimum of 4 units, and by combining the 2-unit and 9-unit projects as a Master Planned site per the General Plan requirements, the application on Lot 1 meets this criteria; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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, 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 Master Plan of Development; and,
WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on January 15, 2008 studied and considered the Conditional Use Permit 2007-0208 (Master Plan of Development for 2-unit PD-7), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Conditional Use Permit 2007-0208 (Master Plan of Development for 2-unit PD-7), 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 the City’s Appearance Review Manual; and,

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-7 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-7 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

8. The proposed project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties; and,
SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008 resolved to approve Conditional Use Permit 2007-0219 (Master Plan of Development for 2-unit PD-7) subject to the following:

EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
EXHIBIT B: Master Plan of Development
EXHIBIT C: Floor Plan A/B/C
EXHIBIT D: Floor Plan A/B/C Elevations w/options
EXHIBIT E: Floor Plan D
EXHIBIT F: Floor Plan D Elevations
EXHIBIT G: Color Boards and Site Plan Color Key
EXHIBIT H: Preliminary Landscape Plan
EXHIBIT I: Tree Protection Plan
EXHIBIT J: Grading, Drainage and Utility Plans
EXHIBIT K: Improvement Plans
EXHIBIT L: Private Park Site Plan, Sketch, and Fencing Design
On motion by Council Member ________________ and seconded by Council Member ________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ____________________________
   Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian Pierik, City Attorney
## Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**

**2-Lot Planned Development 7**


### Planning Services

1. 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 2007-140, ZCH 2007-0145 and ZCH 2007-0146 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 and Conditional Use Permit 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 030-283-005) regardless of owner.

5. The Final Map shall be drawn in substantial conformance with the approved tentative map, and in compliance with all conditions set forth herein, 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.
# Conditions of Approval / Mitigation Monitoring Program

## Atascadero Avenue Triangle

### 2-Lot Planned Development 7

|---------------------------------------------|

### Timing / Responsibility / Monitoring

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### Mitigation Measures

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<th>of 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.</th>
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<tr>
<td>• All Atascadero Police Department service costs to the project.</td>
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<td>• All Atascadero Fire Department service costs to the project.</td>
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<tr>
<td>• Off-site common City of Atascadero park facilities maintenance service costs related to the project.</td>
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### 9. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity.

| • All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project. |
| • All parks, trails, recreational facilities and like facilities. |
| • All open space and native tree preservation areas. |
| • All drainage facilities and detention basins. |
| • All creeks, flood plains, floodways, wetlands, and riparian habitat areas. |
| • All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities. |
| • All frontage landscaping and sidewalks along arterial streets |

### 10. The private open space feature at the corner of Atascadero Avenue and San Andres shall be maintained by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti. |

### 11. The developments approved with CUP 2007-0208 and CUP 2007-0219 shall be developed together as one Master Plan of Development at as required by the General Plan. |

### 12. Prior to final map, the applicant shall submit CC&Rs for review and approval by the Community Development Department. The CC&R's shall record with the Final Map and shall include the following:

| • Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity. |

### Notes

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### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
2-Lot Planned Development 7  

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- Fencing design and locations
  - A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units.
  - Residents shall keep all trash receptacles within the unit’s designated trash storage area.
  - Garages shall be maintained and used for vehicle parking.
  - No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.
  - A provision for review and approval by the City Community Development Department for any changes to the CC&R’s that relate to the above requirements prior to the changes being recorded or taking effect.

13. Affordable Housing Requirement: As a General Plan required Master Planned site (Master Plan of Development Overlay #12), the Affordable Housing requirement shall apply to the 11 units approved for the subject sites with ZCH 2007-0145 and ZCH 2007-0146.

The applicant shall deed restrict a minimum of 1 residential unit for 30 years, at the moderate income rate.

14. Workforce Housing: Prior to recordation of final map, the applicant shall enter into a legal agreement with the City to reserve ½ of the units for sale to residents or workers within the City of Atascadero, including the affordable units. The agreement shall include the following provisions:

- The units shall be offered for sale to residents or workers within the City of Atascadero for a minimum of 60-days. During this time period offers may only be accepted from Atascadero residents or workers;
- The applicant shall provide reasonable proof to the City that at least one of the qualified buyers is a resident or worker within the City Limits of Atascadero;
- The Atascadero resident or worker restriction shall apply to the initial sale only;
- The applicant shall identify which units will be reserved; and

The City Attorney shall approve the final form of the agreement.

15. Approval of this permit shall include the removal of 8 Native Black Walnuts, totaling 310 inches dbh. The applicant shall be required to pay mitigation
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

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16. The applicant shall work with staff to enhance the side elevation on Lot 8 facing Navajoa Ave. The elevation shall include larger windows and added architectural detailing, consistent with the front elevation. Additional landscaping, including trees and tall shrubs shall be added to the side setback on this lot. Fencing may not be located in the side setback next to Navajoa Ave.

17. The columns on the wrap around porch on floor plan D (shown in Exhibits E and F) shall be a minimum size of 6" by 6" square. Railings shall be added to the wrap around porch.

18. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT D and F with the following modifications:
   - All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.
   - Stucco siding shall be smooth troweled or light sand finish.
   - Roofs shall be architectural grade dimensional shingles.

19. Building colors shall be consistent with Exhibit G with the following modification:
   - The color "clay urn" identified in color scheme #1 shall be replaced with a more muted color, consistent with the surrounding residences and color schemes 2 through 5.

Final selection of colors and materials shall be subject to staff approval.

20. Garage doors shall be high quality, wood or carriage style doors.

21. All site development shall comply with the standards of the Planned Development 7 Overlay District.

22. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B.

23. All project fencing shall be installed consistent throughout the project, and located as shown in the approved Landscape Plan, subject to the following modifications:
   - Fencing material and treatment shall comply with the PD-7 standards.
## Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
2-Lot Planned Development 7  

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<thead>
<tr>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>24. A final landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with EXHIBIT J, and as follows:</td>
<td>BP</td>
<td>PS</td>
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<tr>
<td>- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.</td>
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<tr>
<td>- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.</td>
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<tr>
<td>- Final tree list shall be submitted with building permits, subject to staff approval.</td>
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<tr>
<td>- Street and open space trees shall be minimum 15-gallon size and double staked.</td>
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<tr>
<td>- Front yard areas shall be landscaped with drought tolerant species, subject to staff approval.</td>
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<td>25. The wall/fence around the private park on Lot 1 shall be allowed to be built at a maximum height of 5 feet at the tallest point.</td>
<td>BP</td>
<td>PS</td>
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<tr>
<td>26. The commemorative tile on the ‘commemorative wall” around he private park on Lot 1 shall be subject to staff approval</td>
<td>BP</td>
<td>PS</td>
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### City Engineer Project Conditions

1. The applicant shall install curb, gutter and sidewalk along all property frontages. All road frontages will be widened by City Standard.  
   - Timing: GP, BP  
   - Responsibility / Monitoring: CE

2. This project is required to retain the difference between the undeveloped 2 year storm run off and the developed 50 year storm runoff to mitigate the increase runoff into the storm drain system. The project will use individual drainage basin on each lot to handle the increased flow. The basin will be underground “infiltrator” basins. Deep pit basins are not allowed. When the basin becomes full, they will overflow into the new curb and gutter through small drain pipe under the side walk.  
   - Timing: GP, BP  
   - Responsibility / Monitoring: CE

3. The project engineer shall investigate the feasibility of installing 4 way stop control on Navajoa at San Andres Ave and Atascadero Ave. The engineer shall present a schematic layout of a 4 way stop and produce a warrant analysis in accordance with the Manual on Uniform Traffic Control Devices. The City Engineer shall decide if the 4 way stops shall be installed based on the information submitted.  
   - Timing: GP, BP  
   - Responsibility / Monitoring: CE
## Conditions of Approval / Mitigation Monitoring Program

### Atascadero Avenue Triangle
#### 2-Lot Planned Development 7

### City Engineer Standard Conditions

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<td>4.</td>
<td>In the event that the applicant bonds for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.</td>
<td>GP, BP, CE</td>
</tr>
<tr>
<td>5.</td>
<td>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.</td>
<td>GP, BP, CE</td>
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<tr>
<td>6.</td>
<td>The Subdivision Improvement Agreement shall record concurrently with the Final Map.</td>
<td>FM, CE</td>
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<td>7.</td>
<td>A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage.</td>
<td>GP, BP, CE</td>
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<tr>
<td>8.</td>
<td>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.</td>
<td>GP, BP, CE</td>
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<td>9.</td>
<td>Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.</td>
<td>GP, BP, CE</td>
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<td>10.</td>
<td>Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.</td>
<td>GP, BP, CE</td>
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<td>11.</td>
<td>A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the parcel map.</td>
<td>FM, CE</td>
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<td>12.</td>
<td>The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
<td>FM, CE</td>
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<td>13.</td>
<td>Prior to recording the parcel map, the applicant shall pay all outstanding plan check/inspection fees.</td>
<td>FM, CE</td>
</tr>
<tr>
<td>14.</td>
<td>Prior to recording the parcel map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
<td>FM, CE</td>
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<td>15.</td>
<td>Prior to recording the parcel map, the applicant shall submit a copy of a valid tax bond.</td>
<td>FM, CE</td>
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### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
2-Lot Planned Development 7  

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BS: Building Services  
FD: Fire Department  
PD: Police Department  
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16. Prior to recording the parcel map, the applicant shall bond for or 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.

17. 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.

18. All existing and proposed utility, pipeline, open space, or other easements are to be shown on the parcel map. If there are building or other restrictions related to the easements, they shall be noted on the parcel map. The applicant shall show all access restrictions on the parcel map.

19. 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 parcel map.

20. Prior to the issuance of building permits the applicant shall submit plans and supporting calculations/reports including street improvements, underground utilities, composite utilities, and grading/drainage plans prepared by a registered civil engineer for review and approval by the City Engineer.

21. Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.

22. Prior to the issuance of building permits the applicant shall provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.

23. Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.

24. A mechanism for funding and maintenance of the storm drain facilities shall be provided.
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25. Prior to the issuance of building permits the applicant shall show the method of dispersal at all pipe outlets. Include specifications for size & type.
   - GP, BP CE

26. Prior to the issuance of building permits the applicant shall show method of conduct to approved off-site drainage facilities.
   - GP, BP CE

27. 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.
   - GP, BP CE

28. Off-site streets shall be improved consistent with the tentative parcel map.
   - GP, BP CE

29. Project shall include construction of curb, gutter and sidewalk along entire frontage.
   - GP, BP CE

30. Alignment of frontage improvements shall be approved by the City Engineer.
   - GP, BP CE

31. All utilities shall be undergrounded on project frontage
   - GP, BP CE

32. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.
   - BP CE

33. Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve.
   - BP CE

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.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

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<th>Section 6.4: Activity Management Techniques</th>
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- 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.

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<tr>
<th>Section 6.5: Fugitive PM10</th>
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All of the following measures shall be included on grading, demolition and building plan notes:

- **Y.** Reduce the amount of the disturbed area where possible.
- **Z.** 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.
- **AA.** All dirt stockpile areas should be sprayed daily as needed.
- **BB.** 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.
- **CC.** 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.
- **DD.** 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.
- **EE.** All roads, driveways, sidewalks, etc, to be paved should be complete as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.
- **FF.** Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- **GG.** 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.
- **HH.** Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.
- **II.** 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.
- **JJ.** 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.

<table>
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<tr>
<th>Mitigation Measure 3.b.2: The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos. Prior to any grading activities at the site, the project proponent shall ensure that a</th>
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| **BP** | **BS/PS** | **3.b.2** |
Conditions of Approval / Mitigation Monitoring Program

Atascadero Avenue Triangle
2-Lot Planned Development 7

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geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Refer to the APCD web page at [http://www.slocleanair.org/business/asbestos.asp](http://www.slocleanair.org/business/asbestos.asp) for more information or contact Tim Fuhs of the Enforcement Division at 781-5912.

Mitigation Measure 3.b.3: Developmental burning of vegetative material is prohibited. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact Karen Brooks of the Enforcement Division at 781-5912.

Mitigation Measure 3.b.4: Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

Questions about approved wood burning devices, should be referred to Tim Fuhs in the Enforcement Division at 781-5912.

Mitigation Measure 4.e.1: The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:

(a) A written agreement between the arborist and the developer outlining a arborist monitoring schedule for each construction phase through final inspection shall be submitted to and approved by planning staff prior to the issuance of building/grading permits.

(b) Arborist shall schedule a pre-construction meeting with engineering/planning staff, grading equipment operators, project superintendent to review the project conditions and requirements prior to any grubbing or earth work for any portion of the project site. All tree protection fencing and trunk protection shall be installed for inspection during the meeting. Tree protection fencing shall be installed at the line of encroachment into the
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**

**2-Lot Planned Development 7**


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#### Tree’s Root Zone Area

(c) As specified by the arborist report and City staff:
- Prune all trees in active development areas to be saved for structural strength and crown cleaning by a licensed and certified arborist.
- Remove all debris and spoils from the lot cleaning and tree pruning.
- In locations where paving is to occur within the tree canopy, grub only and do not grade nor compact. Install porous pavers over a three-inch bed of ¾ inch granite covered with one-inch pea gravel for screeding. If curbs are required, use pegged curbs to secure the porous pavers. Pegged curbs are reinforced six to eight curbs poured at grade with a one-foot by one-foot pothole every four to six linear feet.
- All trenching or grading within the protected root zone area, outside of the tree protection fence shall require hand trenching or preserve and protect roots that are larger than 2 inches in diameter.
- No grading or trenching is allowed within the fenced protected area.
- Any roots that are 4 inches in diameter or larger are not to be cut until inspected and approved by the on-site arborist.

(d) Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.

### Mitigation Measure 4.e.2:

1. All existing trees outside of the limits of work shall remain.
2. Earthwork shall not exceed the limits of the project area.
3. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.
4. Vehicles and stockpiled material shall be stored outside the drip line of all trees.
5. All trees within twenty feet of construction 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.
6. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.
7. Utilities such as water, gas, power, cable, storm drainage, and sewer should be redirected from under the canopy of any trees that are to remain.
8. Where a building is placed within the canopy of a tree the foundation should be redesigned so that it bridges across any root systems.
9. Any foundation or other structure that encroaches within the drip line of trees to be saved shall be dug by hand.
10. At no time shall tree roots be ripped with construction equipment.

### Mitigation 5.d.1: Should any human remains be discovered on the property, all work on the project should stop and the County Coroner contacted. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) should be contacted at (916) 653-4082.
| 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 between the months of October 15 through April 15. All hydroseed mix shall be native species. 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. | BP | BS/PS | 6.b.1 |
| 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. | BP | BS/PS | 8.e.f.1 |
| Mitigation Measure 11.d.1: | All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation. | BP | BS/PS | 11.d.1 |
EXHIBIT D: Floor Plan A/B/C Elevations and Options
EXHIBIT D: Floor Plan A/B/C Elevations and Options
EXHIBIT F: Floor Plan D Elevations
EXHIBIT F: Floor Plan D Elevations
EXHIBIT G: Color Boards and Site Plan Color Key
EXHIBIT G: Color Boards and Site Plan Color Key

Gearhart Stock Residences
Atascadero, CA

Color Scheme #1
August 31, 2007

A. Frazee #7804 “Clay Urn”
   Flat Exterior Finish
   Main Body

B. Frazee #8685 “Woodlet”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT G: Color Boards and Site Plan Color Key

Color Scheme #2
August 31, 2007

A. Frazee #8215 “Tattersall Brown”
   Flat Exterior Finish
   Main Body

B. Frazee #8276 “Mesquite Canyon”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.

Color Scheme #3
August 31, 2007

A. Frazee #8174 “Fenland”
   Flat Exterior Finish
   Main Body

B. Frazee #8595 “Elm Court”
   Lo-Sheen Exterior Finish
   Accent Trim and Doors

C. Frazee #8212 “Millet”
   Lo-Sheen Exterior Finish
   Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT G: Color Boards and Site Plan Color Key

**Color Scheme #4**
October 4, 2007

A. Frazee #8693 “Stucco Greige”
   - Flat Exterior Finish
   - Main Body

B. Frazee #8665 “Gristmill”
   - Lo-Sheen Exterior Finish
   - Accent Trim and Doors

C. Frazee #8212 “Millet”
   - Lo-Sheen Exterior Finish
   - Doors and Window Trim, Eaves, Facias, Posts, etc.

**Color Scheme #5**
October 4, 2007

A. Frazee #8644 “Seal Beach”
   - Flat Exterior Finish
   - Main Body

B. Frazee #8755 “Spicenut”
   - Lo-Sheen Exterior Finish
   - Accent Trim and Doors

C. Frazee #8212 “Millet”
   - Lo-Sheen Exterior Finish
   - Doors and Window Trim, Eaves, Facias, Posts, etc.
EXHIBIT I: Tree Protection Plan
EXHIBIT J: Grading, Drainage and Utility Plans
EXHIBIT J: Grading, Drainage and Utility Plans
EXHIBIT K: Improvement Plans
EXHIBIT L: Private Park Site Plan, Sketch, and Fencing Design
EXHIBIT L: Private Park Site Plan, Sketch, and Fencing Design
DRAFT RESOLUTION F

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
TENTATIVE PARCEL MAP 2007-0091, A THREE-LOT SUBDIVISION
CONSISTENT WITH A MASTER PLAN OF DEVELOPMENT ON APN
030-283-005, Lot 1
(Adamski, Moroski, Madden & Green, LLP / Atascadero Homeowners, LLC)

WHEREAS, an application has been received from Adamski, Moroski, Madden &
Green, LLP, P.O. Box 3835, San Luis Obispo, CA 93403, (Applicant), and Atascadero
Homeowners, LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner) to
consider a project consisting of a Zone Change from RMF-16 (Residential Multi-family-16) to
RMF-16/ PD-7 (Residential Multi-Family-16 with a Planned Development Overlay-7) with
corresponding Master Plan of Development and 3-Lot Tentative Parcel Map on a 0.38-acre site
located at 6905 Navajo Avenue, (APN 030-283-005, Lot 1); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District
be changed from L (Recreation) to RMF-16 with PD-7 (Residential Multi-Family-16 with a
Planned Development Overlay 7); and,

WHEREAS, the Planned Development Overlay-7 requires a minimum of 4 units, and by
combining the 2-unit and 9-unit projects as a Master Planned site per the General Plan
requirements, the application on Lot 1 meets this criteria; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0027 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, 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 January 15, 2008 studied and considered Tentative Parcel Map 2007-
0091, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 26, 2008, studied and considered Tentative Parcel Map 2007-0091, 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 of Approval for Tentative Parcel Map. The City Council of the City of Atascadero finds as follows:

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-7 overlay district.

2. The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District-7 Master Plan of Development (CUP 2007-0219).

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. Covenants, Conditions and Restrictions (CC&R’s) or equivalent shall be required that incorporate the Master Plan of Development conditions of approval to ensure that the site retains the proposed qualities (architecture, colors, materials, plan amenities, fencing, and landscaping) over time.

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 26, 2008, resolved to approve Tentative Parcel Map (TPM 2007-0091) subject to the following:
1. Exhibit A: Tentative Parcel Map 2007-0091
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 on the following roll call vote:

AYES:
NOES:
ABSENT:
ADOPTED:

CITY OF ATASCADERO

By: ________________________________
   Mike Brennler, Mayor

ATTEST:

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

APPROVED AS TO FORM:

___________________________
Brian Pierik, City Attorney
Exhibit A: 3 Lot Tentative Parcel Map
Exhibit B: Conditions of Approval / Mitigation Monitoring Program  
Tentative Parcel Map 2007-0091

### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

<table>
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<tr>
<th>Planning Services</th>
<th>Timing</th>
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<tr>
<td>1. 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 2007-140, ZCH 2007-0145 and ZCH 2007-0146 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.</td>
<td>FM</td>
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<td>2. Approval of this Tentative Parcel Map and Conditional Use Permit 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.</td>
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<td>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.</td>
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<td>4. The granting of this entitlement shall apply to the property located at (APN 030-283-005) regardless of owner.</td>
<td>On going</td>
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<td>5. The Final Map shall be drawn in substantial conformance with the approved tentative map, and in compliance with all conditions set forth herein, shall be submitted for review and approval in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.</td>
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<td>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.</td>
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<td>7. The Parcel Map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance.</td>
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<td>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 any final map.</td>
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### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

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. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity.
   - All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.
   - All parks, trails, recreational facilities and like facilities.
   - All open space and native tree preservation areas.
   - All drainage facilities and detention basins.
   - All creeks, flood plains, floodways, wetlands, and riparian habitat areas.
   - All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.
   - All frontage landscaping and sidewalks along arterial streets.

10. The private open space feature at the corner of Atascadero Avenue and San Andres shall be maintained by the property owner. All landscape shall be maintained in good condition and the site shall be kept free of litter and graffiti.

11. The developments approved with CUP 2007-0208 and CUP 2007-0219 shall be developed together as one Master Plan of Development at as required by the General Plan.

12. Prior to final map, the applicant shall submit CC&Rs for review and approval by the Community Development Department. The CC&R’s shall record with the Final Map and shall include the following:
   - Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity.

| Administration of the above mentioned funds | City

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## Conditions of Approval / Mitigation Monitoring Program

### Atascadero Avenue Triangle
#### 2-Lot Planned Development 7

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### Mitigation Measure

- Fencing design and locations
- A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units.
- Residents shall keep all trash receptacles within the unit’s designated trash storage area.
- Garages shall be maintained and used for vehicle parking.
- No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.
- A provision for review and approval by the City Community Development Department for any changes to the CC&R’s that relate to the above requirements prior to the changes being recorded or taking effect.

### 13. Affordable Housing Requirement:

As a General Plan required Master Planned site (Master Plan of Development Overlay #12), the Affordable Housing requirement shall apply to the 11 units approved for the subject sites with ZCH 2007-0145 and ZCH 2007-0146.

The applicant shall deed restrict a minimum of 1 residential unit for 30 years, at the moderate income rate.

### 14. Workforce Housing:

Prior to recordation of final map, the applicant shall enter into a legal agreement with the City to reserve ½ of the units for sale to residents or workers within the City of Atascadero, including the affordable units. The agreement shall include the following provisions:

- The units shall be offered for sale to residents or workers within the City of Atascadero for a minimum of 60-days. During this time period offers may only be accepted from Atascadero residents or workers;
- The applicant shall provide reasonable proof to the City that at least one of the qualified buyers is a resident or worker within the City Limits of Atascadero;
- The Atascadero resident or worker restriction shall apply to the initial sale only;
- The applicant shall identify which units will be reserved; and

The City Attorney shall approve the final form of the agreement.

### 15. Approval of this permit shall include the removal of 8 Native Black Walnuts, totaling 310 inches dbh. The applicant shall be required to pay

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**Conditions of Approval / Mitigation Monitoring Program**

**Atascadero Avenue Triangle**  
2-Lot Planned Development 7  

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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.

16. The applicant shall work with staff to enhance the side elevation on Lot 8 facing Navajoa Ave. The elevation shall include larger windows and added architectural detailing, consistent with the front elevation. Additional landscaping, including trees and tall shrubs shall be added to the side setback on this lot. Fencing may not be located in the side setback next to Navajoa Ave.

17. The columns on the wrap around porch on floor plan D (shown in Exhibits E and F) shall be a minimum size of 6” by 6” square. Railings shall be added to the wrap around porch.

18. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT D and F with the following modifications:

- All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.
- Stucco siding shall be smooth troweled or light sand finish.
- Roofs shall be architectural grade dimensional shingles.

19. Building colors shall be consistent with Exhibit G with the following modification:

- The color “clay urn” identified in color scheme #1 shall be replaced with a more muted color, consistent with the surrounding residences and color schemes 2 through 5.

Final selection of colors and materials shall be subject to staff approval.

20. Garage doors shall be high quality, wood or carriage style doors.

21. All site development shall comply with the standards of the Planned Development 7 Overlay District.

22. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

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23. All project fencing shall be installed consistent throughout the project, and located as shown in the approved Landscape Plan, subject to the following modifications:

- Fencing material and treatment shall comply with the PD-7 standards.
- Final fence location shall be subject to staff approval.
- Fencing within the front and corner lot setbacks shall be under 3 feet tall.

24. A final landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with EXHIBIT J, and as follows:

- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.
- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.
- Final tree list shall be submitted with building permits, subject to staff approval.
- Street and open space trees shall be minimum 15-gallon size and double staked.
- Front yard areas shall be landscaped with drought tolerant species, subject to staff approval.

25. The wall/fence around the private park on Lot 1 shall be allowed to be built at a maximum height of 5 feet at the tallest point.

26. The commemorative tile on the "commemorative wall" around the private park on Lot 1 shall be subject to staff approval.

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### City Engineer Project Conditions

1. The applicant shall install curb, gutter and sidewalk along all property frontages. All road frontages will be widened be City Standard.
### Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**  
**2-Lot Planned Development 7**  

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2. This project is required to retain the difference between the undeveloped 2 year storm run off and the developed 50 year storm runoff to mitigate the increase runoff into the storm drain system. The project will use individual drainage basin on each lot to handle the increased flow. The basin will be underground “infiltrator” basins. Deep pit basins are not allowed. When the basin becomes full, they will overflow into the new curb and gutter through small drain pipe under the side walk.

3. The project engineer shall investigate the feasibility of installing 4 way stop control on Navajo at San Andres Ave and Atascadero Ave. The engineer shall present a schematic layout of a 4 way stop and produce a warrant analysis in accordance with the Manual on Uniform Traffic Control Devices. The City Engineer shall decide if the 4 way stops shall be installed based on the information submitted.

4. In the event that the applicant bonds for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.

5. 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.

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

7. A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage.

8. 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.

9. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.

10. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.

11. A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the tract map.

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

13. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.
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<td>14. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
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<td>15. Prior to recording the tract map, the applicant shall submit a copy of a valid tax bond.</td>
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<td>16. Prior to recording the tract map, the applicant shall bond for or set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the tract 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>
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<td>17. Prior to recording the tract 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.</td>
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<td>18. All existing and proposed utility, pipeline, open space, or other easements are to be shown on the final map. If there are building or other restrictions related to the easements, they shall be noted on the final map. The applicant shall show all access restrictions on the final map.</td>
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<td>19. Prior to recording the tract 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 tract map.</td>
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<td>20. Prior to the issuance of building permits the applicant shall submit plans and supporting calculations/reports including street improvements, underground utilities, composite utilities, and grading/drainage plans prepared by a registered civil engineer for review and approval by the City Engineer.</td>
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<td>21. Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.</td>
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<td>22. Prior to the issuance of building permits the applicant shall provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</td>
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<td>23. Drainage basins shall be designed to desilt, detain and meter storm</td>
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## Conditions of Approval / Mitigation Monitoring Program

### Atascadero Avenue Triangle

**2-Lot Planned Development 7**  

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<td>24. A mechanism for funding and maintenance of the storm drain facilities shall be provided.</td>
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<td>25. Prior to the issuance of building permits the applicant shall show the method of dispersal at all pipe outlets. Include specifications for size &amp; type.</td>
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<td>26. Prior to the issuance of building permits the applicant shall show method of conduct to approved off-site drainage facilities.</td>
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<tr>
<td>27. Concentrated drainage from off-site areas shall be conveyed across the project site in drainage easements. Acquire drainage easements where needed. Drainage shall cross lot lines only where a drainage easement has been provided. If drainage easement cannot be obtained the storm water release must follow the exact historic path, rate and velocity as prior to the subdivision.</td>
<td>GP, BP</td>
<td>CE</td>
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<td>28. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP). The Regional Water Quality Control Board shall approve the SWPPP.</td>
<td>GP, BP</td>
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<td>29. 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</td>
<td>GP, BP</td>
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<td>30. Off-site streets shall be improved consistent with the tentative tract map.</td>
<td>GP, BP</td>
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<td>31. Project shall include construction of curb, gutter and sidewalk along entire frontage.</td>
<td>GP, BP</td>
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<td>32. Alignment of frontage improvements shall be approved by the City Engineer.</td>
<td>GP, BP</td>
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<td>33. All utilities shall be undergrounded on project frontage</td>
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<td>34. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</td>
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<td>35. Drainage piping serving fixtures which have flood level rims located below the elevation of the next upstream manhole cover of the public or private sewer serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve.</td>
<td>BP</td>
<td>CE</td>
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</table>
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.

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:

KK. Reduce the amount of the disturbed area where possible.
LL. 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.
MM. All dirt stockpile areas should be sprayed daily as needed.
NN. 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.
OO. 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.
PP. 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.
QQ. All roadways, driveways, sidewalks, etc, to be paved should be complete as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are
## Conditions of Approval / Mitigation Monitoring Program

**Atascadero Avenue Triangle**
2-Lot Planned Development 7

<table>
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<tr>
<th>Timing</th>
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| GP: Grading Permit  
BP: Building Permit  
SIP: Subdivision Improvement Plans  
FM: Final Map  
TO: Temporary Occupancy  
FI: Final Inspection  
FO: Final Occupancy | PS: Planning Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney  
AMWC: Water Comp. |  

### Mitigation Measure 3.b.1:
Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

### Mitigation Measure 3.b.2:
The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos. Prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. Refer to the APCD web page at [http://www.slocleanair.org/business/asbestos.asp](http://www.slocleanair.org/business/asbestos.asp) for more information or contact Tim Fuhs of the Enforcement Division at 781-5912.

### Mitigation Measure 3.b.3:
Developmental burning of vegetative material is prohibited. Under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. This requires prior application, payment of fee based on the size of the project, APCD approval, and issuance of a burn permit by the APCD and the local fire department authority. The applicant is required to furnish the APCD with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, contact Karen Brooks of the Enforcement Division at 781-5912.

### Mitigation Measure 3.b.4:
Under APCD Rule 504, only APCD approved wood burning devices can be installed in new dwelling units. These devices include:
- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1

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 RR. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

 SS. 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.

 TT. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

 UU. 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.

 VV. 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.
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<td><strong>grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;</strong></td>
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<tr>
<td>• Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;</td>
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<td>• Pellet-fueled woodheaters; and</td>
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<td>• Dedicated gas-fired fireplaces.</td>
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<tr>
<td>Questions about approved wood burning devices, should be referred to Tim Fuhs in the Enforcement Division at 781-5912.</td>
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**Mitigation Measure 4.e.1:** The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:

(a) A written agreement between the arborist and the developer outlining a arborist monitoring schedule for each construction phase through final inspection shall be submitted to and approved by planning staff prior to the issuance of building/grading permits.

(b) Arborist shall schedule a pre-construction meeting with engineering/planning staff, grading equipment operators, project superintendent to review the project conditions and requirements prior to any grubbing or earth work for any portion of the project site. All tree protection fencing and trunk protection shall be installed for inspection during the meeting. Tree protection fencing shall be installed at the line of encroachment into the tree’s root zone area.

(c) As specified by the arborist report and City staff:

- Prune all trees in active development areas to be saved for structural strength and crown cleaning by a licensed and certified arborist;
- Remove all debris and spoils from the lot cleaning and tree pruning.
- In locations where paving is to occur within the tree canopy, grub only and do not grade nor compact. Install porous pavers over a three-inch bed of ¾ inch granite covered with one-inch pea gravel for screeding. If curbs are required, use pegged curbs to secure the porous pavers. Pegged curbs are reinforced six to eight curbs poured at grade with a one-foot by one-foot pothole every four to six linear feet.
- All trenching or grading within the protected root zone area, outside of the tree protection fence shall require hand trenching or preserve and protect roots that are larger than 2 inches in diameter.
- No grading or trenching is allowed within the fenced protected area.
- Any roots that are 4 inches in diameter or larger are not to be cut until inspected and approved by the on-site arborist.

(d) Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection
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were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.

**Mitigation Measure 4.e.2:**
31. All existing trees outside of the limits of work shall remain.
32. Earthwork shall not exceed the limits of the project area.
33. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.
34. Vehicles and stockpiled material shall be stored outside the drip line of all trees.
35. All trees within twenty feet of construction 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.
36. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.
37. Utilities such as water, gas, power, cable, storm drainage, and sewer should be redirected from under the canopy of any trees that are to remain.
38. Where a building is placed within the canopy of a tree the foundation should be redesigned so that it bridges across any root systems.
39. Any foundation or other structure that encroaches within the drip line of trees to be saved shall be dug by hand.
40. At no time shall tree roots be ripped with construction equipment.

**Mitigation Measure 5.d.1:** Should any human remains be discovered on the property, all work on the project should stop and the County Coroner contacted. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) should be contacted at (916) 653-4082.

**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 between the months of October 15 through April 15. All hydroseed mix shall be native species. 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 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.