Atascadero City Council

Staff Report - Community Development Department

Historic Banker House Planned Development
(5715/5735 Rosario Ave. / Ravatt)

(Project approval would allow a 10-unit residential planned development on a project site that is currently developed with a single family residence that has been identified as a Colony Home.)

RECOMMENDATIONS:

Planning Commission Recommends: Council:

1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2006-0033; and,

2. Introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2006-0128 based on findings to establish Planned Development Overlay Zone #28; and,

3. Introduce for first reading, by title only, Draft Ordinance B approving Zone Change 2005-0109 based on findings; and,

4. Adopt Draft Resolution B approving Conditional Use Permit 2005-0173 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,

5. Adopt Draft Resolution C approving Vesting Tentative Tract Map 2005-0078 based on findings and subject to Conditions of Approval and Mitigation Monitoring.
REPORT-IN-BRIEF:

The proposed project consists of a Zone Text Amendment to establish a custom Planned Development Overlay Zone (PD28) on the subject site with a corresponding Zone Map Amendment, Master Plan of Development (CUP), and vesting Tentative Tract Map that would allow a 10-unit residential planned development. The project site is currently developed with a single-family residence that has been identified as a Colony Home.

DISCUSSION:

Situation and Facts:

1. Owners: Greg Ravatt & Tina Mayer, 5735 Rosario Ave. Atascadero, CA 93422
   James Barton Albrecht & Natalie Mejia
   4518 Hummel Dr., Santa Maria, CA 93455

2. Applicant: Greg Ravatt, 5735 Rosario Ave., Atascadero

3. Project Address: 5735/5715 Rosario Ave (APN 029-252-001) (San Luis Obispo County).

4. General Plan Designation: MDR (Medium Density Residential)

5. Zoning District: RMF-10 (Residential Multi-family - 10)

6. Site Area: 1.12 acres

7. Existing Use: Single Family Residence

8. Environmental Status: Proposed Mitigated Negative Declaration 2006-0033
Background

On December 19, 2006, the Planning Commission held a public hearing for the proposed project and zoning code amendment and recommended that the City Council approve the proposed project, on a 6-0 vote.

Surrounding Land Use and Setting:

North: Residential Multi-family  
East: Residential Multi-family  
South: Residential Multi-family  
West: Residential Multi-family

The project site is within the Medium Density Residential General Plan Land Use Designation and is zoned Residential Multi-Family-10, which allows for a maximum density of 10 units per acre. The properties along Rosario Avenue in the vicinity of the project site are developed with single-family residences and multi-family developments.

ANALYSIS:

The proposed site plan has been designed to meet the requirements of the Atascadero Municipal Code and the Appearance Review requirements of the General Plan. The applicant is proposing to construct 9 new attached and detached homes on individual lots including the restoration of the existing Colony Home and surrounding gardens. The units provide approximately 1,400 to 1,600 square-feet of living space with a minimum one car attached garage.
As a Planned Development, the City Council must find the project provides high quality architectural, landscape, and site design to warrant the granting of special development standards.

**Appearance Review**

The following amenities have been provided throughout the project to warrant the granting of the Planned Development Overlay District as discussed below:

- Decorative parking court/shared driveway.
- Architectural detailing to compliment the existing Colony Home.
- Homes located on the slope designed to step down with the natural terrain.
- Restoration of the existing Colony Home and Carriage House.
- Creation/restoration of the historic gardens.
- Emphasized front entry features.

**Site Plan, Circulation, and Parking**

The proposed project includes nine new attached and detached units and one existing Colony Home. The new units are arranged off of a shared decorative parking courtyard to the side and rear of the existing Colony Home to preserve views of the historic residence from Rosario Ave. The rear of the site slopes downward toward Traffic Way. The units proposed to be developed on the sloped area are designed to step down the hillside to minimize grading and the height of the homes as viewed from Traffic Way.

Based on multi-family standards outlined in the Municipal Code, the project requires 27 parking spaces. The applicant has provided a total of 30 parking spaces. Nine of the ten residential units have two car garages with the tenth unit consisting of the one-car garage. Units 1 through 6 allow for an additional guest parking space in the driveway. Four additional guest parking spaces are provided at the terminus of the parking court and one guest space is provided adjacent to the relocated carriage house.

Full frontage improvements will be constructed along the Rosario Avenue frontage to include curb, gutter, and sidewalk.

**Architecture, Materials, and Color**

The proposed units are designed to compliment the historic Colony Home which was constructed in the style of an Italian Villa. This style of Colony Home is one of the more unique architectural examples of homes built during the Historic Colony period. The proposed units utilize similar architectural features and detailing as the historic residence including entry porches featuring classical columns, stylized chimneys, decorative window trim, and gridded windows.
Historic Impact Analysis

The proposed project has been reviewed by Todd Hannahs of Cultural Resource Management Services and documented in a Historic Analysis dated June 30, 2006. The historic consultant has concluded that impacts to the historic site and setting of the existing residence are reduced to a level of insignificance with design features and restoration as proposed. The following mitigation measures will ensure that the project is implemented as proposed and no significant impacts result to the historic residence as a result of the project.

The proposed project incorporates the Secretary of the Interior’s Standards and Illustrated Guidelines for Rehabilitating Historic Buildings (Mitigation Measures 5.a.1, 5.a.2). The standards apply to the exterior rehabilitation of the Colony house, construction of the new detached garage for the colony house, design of the proposed three homes, and proposed landscape improvements to the overall project site. For detailed information, the National Park Service maintains a web site at http://www2.cr.nps.gov/tps/tax/rhb/. In addition, a copy of the guidelines can be reviewed at the City’s Community Development Department.

The proposed construction, lot size, and site improvements will contribute toward increasing the economic viability of the existing house as an original Atascadero Colony residence. The proposed detached garage has been designed for vehicle parking and additional storage. In addition, the Colony House lot will include a deed restriction preventing the site from being subdivided or from being altered, which degrades the significance of this Historic House (Condition CUP 23).

The overall project site has been carefully planned to reduce impacts to the Historic House and setting to a level of insignificance. A mitigation measure has been included to require Covenants, Conditions and Restrictions (CC&R’s) that incorporate the planned development conditions of approval to ensure that the site retains the historic qualities (historic buildings, architecture, colors, materials, fencing, and landscaping) over time. Based on the above analysis and conditions, the Planning Commission recommends a finding to the City Council that the project is consistent with the U.S. Secretary of the Interior’s Standards and Illustrated Guidelines for Rehabilitating Historic Buildings.
As a mitigation measure for the proposed project, and as consistent with the goals of the General Plan, the proposed Zone Change includes a Historic Site Overlay Zone over lot 10.

**Landscape Design**

The preliminary landscape plan has been designed to retain existing mature native oak trees and enhance historic and natural site elements. The applicant is proposing to recreate classical gardens at the front and rear of the historic Colony Home which will be partially open for use by all residents of the project. Street trees are provided along the Rosario Avenue frontage and throughout the shared parking court.

**Native Tree Mitigation/Preservation**

There are 22 native trees located on or adjacent to the proposed project site. A tree removal application for three native oak trees is included with the proposed development as noted in the chart below. A condition of approval has been included requiring the applicant to 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 CUP 20). Also conditioned is a requirement for the payment of a mitigation deposit for all trees with rootzone impacts of 40% or greater (Condition CUP 20).

<table>
<thead>
<tr>
<th>Evergreen Native Trees (inches)</th>
<th>Deciduous Native Trees (inches)</th>
<th>Totals</th>
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<td><strong>Total</strong></td>
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**Mitigation Requirement**

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<tr>
<th>req’d tree replacements:</th>
<th>21 five gal trees</th>
<th>req’d tree replacements:</th>
<th>0 five gal trees</th>
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<tr>
<td>Proposed Replanting</td>
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<td>Remaining Mitigation</td>
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<td>Tree Fund Payment</td>
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**Site Drainage**

Historically, the site drains to the rear of the project site. The project is designed to detain all water in a detention basin located along the Rosario Avenue frontage and release the water at historic rates.
Wastewater

Sanitary sewer will be connected to existing sewer facilities in Rosario Avenue.

Inclusionary and Workforce Housing

The City Council has implemented an interim Inclusionary Affordable Housing Program to include a fixed percentage of units within residential developments that require a legislative approval to be reserved as deed restricted affordable units or for an in-lieu fee to be paid. A condition of approval has been added to ensure this requirement is met (Condition CUP 13, 14/TTM 11, 12).

Project Benefits

One of the required findings for approval of a Planned Development rezone is 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. Staff notes that the project as proposed meets the additional tier 2 benefit for historic preservation.

<table>
<thead>
<tr>
<th>PD Location</th>
<th>Tier 1 Benefits</th>
<th>Tier 2 Benefits</th>
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<tbody>
<tr>
<td>Inside of Urban Core</td>
<td>a) Affordable / Workforce Housing</td>
<td>a) Pocket Parks in larger projects</td>
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<tr>
<td>Custom PD</td>
<td>b) High Quality Architectural Design</td>
<td>b) Trails / Walkways for Pedestrian</td>
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<td>c) High Quality Landscape Design</td>
<td>Connectivity</td>
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<td>d) Buffering between Urban and Suburban zones (large lot sizes, increased</td>
<td>c) Historic Preservation</td>
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<td>setbacks, landscape buffers, etc.)</td>
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<td></td>
<td>e) Higher density to meet Housing Element goals</td>
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**Tentative Tract Map**

An 11 lot Tentative Tract Map (TTM 2005-0078) is proposed as part of the project consistent with the proposed Master Plan of Development and proposed custom Planned Development Overlay Zone. Lot 11 is proposed as a common space lot that contains the proposed gardens and common drainage facilities. The included Master Plan of Development with recommended conditions ensures that this lot will remain undeveloped in the future (Condition 22). The Tract Map has been conditioned by staff and the City Engineer to meet all City standards including on- and off-site street improvements. The applicant will be required to record CC&R’s with the map that will include maintenance and access of common areas (Condition CUP 19/TTM 10).

**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.”

Land Use Policy 6.4: “Encourage conservation and preservation of structures and houses that have historical and architectural significance.”

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

The Planning Commission has determined that the proposed project is consistent with the goals and policies of the Land Use Element and the Housing Element. The project will provide ten single-family residential units within the medium-density residential zone including one restored Colony Home. 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

Establishment of PD28

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.

Planned Development Overlay / Historic Site Overlay

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

1. The proposed Zone Change is in conformance with the adopted General Plan goals, policies, and programs and the overall intent of the General Plan.

2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.

3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

4. The proposed Zone Change is consistent with the project-specific Mitigated Negative Declaration.

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 Medium Density Residential designation of the General Plan and General Plan Land Use Element Policy 1.1, 1.1.7, 2.1, 6.4, and Housing Element Policy 4.3.
2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.

Staff Comment: As conditioned, the project satisfies all Conditional Use Permit and Planned Development zoning code provisions.

3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use.

Staff Comment: The proposed residential development will not be detrimental to the general public or working person’s health, safety, or welfare.

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

Staff Comment: The proposed project is compatible with the surrounding neighborhood by providing a higher density residential development that includes high quality architecture and preserves the existing on-site Colony Home.

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 November 6, 2006. The Environmental Analysis identified concerns regarding potential impacts to aesthetics, land use and planning, noise, historic 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

In staff’s opinion, proposed development is consistent with the General Plan and compatible with the surrounding neighborhood. The project incorporates appearance review of architectural design, materials, and landscaping, and incorporates architectural themes into the site and building design, 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’s 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 staff’s analysis in the preceding sections, it appears 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 or other approved means (Conditions CUP 17 and 18/ TTM 8 and 9).
ALTERNATIVES

1. The Commission may recommend modifications to the project and/or conditions of approval for the project to the City council.

2. The Commission 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 Commission should clearly state the type of information required and move to continue the item to a future date.

3. The Commission may recommend the City Council deny the project. The parcel would retain its designation of Residential Multi-family. The Commission should specify the reasons for denial of the project and recommend an associated finding with such action.

ATTACHMENTS:

Attachment 1: Location, General Plan, and Zoning Map
Attachment 2: Arborist Report
Attachment 3: Historic Analysis
Attachment 4: Proposed Mitigated Negative Declaration and Initial Study
Attachment 5: Draft Resolution A
Attachment 6: Draft Ordinance A
Attachment 7: Draft Ordinance B
Attachment 8: Draft Resolution B
Attachment 9: Draft Resolution C
Current General plan Designation:  MDR (Medium Density Residential)
Current Zoning District:  RMF-10 (Residential Multi-Family-10 units per acre)

Proposed General Plan Designation:  MDR (Medium Density Residential)
Proposed Zoning District:  RMF-10 (Residential Multi-Family) / Custom Planned Development Overlay / Historic Site Overlay on Lot 10
Attachment 2: Arborist Report

See Following
Attachment 3: Historic Analysis

See Following
Attachment 4: 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 2006-0033
PREPARED FOR ZONE CHANGE 2005-0109, TENTATIVE TRACT MAP
2005-0078 AND CONDITIONAL USE PERMIT 2005-0173
ON APN 029-252-001
(5715/5735 Rosario Ave – Ravatt/Mayer/Albrecht/Mejia)

WHEREAS, an application has been received from Greg Ravatt & Tina Mayer (5735 Rosario Ave, Atascadero CA 93422) and James Barton Albrecht & Natalie Mejia (4518 Hummel Dr., Santa Maria, CA 93455) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD28 (Residential Multi-Family-10 with a Planned Development Overlay 28) including an HS (Historic Site) overlay zone on lot 10 with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5715/5735 Rosario Avenue, (APN 029-252-001); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2006-0033 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 December 19, 2006 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 January 23, 2007, following the close of the review period, to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to certify Proposed Mitigated Negative Declaration 2006-0033 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: ________________________________
       Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________
Patrick L. Enright, City Attorney
# Proposed Mitigated Negative Declaration 2006-0033

## CITY OF ATASCADERO

**PROPOSED MITIGATED NEGATIVE DECLARATION #2006-0033**

6297 El Camino Real
Atascadero, CA 93422
855/461-5800

| Owners          | Gregory Keene & Lisa Mayer, 5735 Rosario Avenue, Atascadero, CA 93422, Phone: 461-1221
|                 | James Burton Allred & Natalie Mejia, 4516 Bianca Dr., Santa Maria, CA 93455 |
| Applicant       | Gregory Keene, 5735 Rosario Ave., Atascadero, CA 93422 |
| Project Title   | PLN 2009-0380: Rosario House Planned Development Overlay |
| Project Location| 5735/53 Rosario Avenue (San Luis Obispo County) APH029-222-001 |
| Project Description | The proposed project consists of an application for construction of 9 new single family attached and detached homes on individual lots that will be developed under the requirements of a custom Planned Development Overlay District within the AUF-10 Zoning District. The existing Rosario Colony House will be retained as part of the project and the existing existing homes will be retained and retained on-site for use by the residents of the Colony House. Proposed homes range in size from 1,425 square feet to 1,565 square feet. Lot sizes range from 0.17 to 0.24 acres. Three (3) tree proposals for removal. The project will be served by City water. Final Plan Designation: Medium Density Residential (MDR); Zoning District: Residential Mid-Family-10 (RMF-10) |

## Findings

1. The project does not have the potential to degrade the environment.
2. The project will not achieve or contribute 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 affects on human beings either directly or indirectly.

## Determination

Based on the above findings, and the information contained in the Initial Study 2005-0035 (made a part herewith by reference and on file in the Community Development Department), it has been determined that the above project will not create an adverse impact on the environment when the following proposed mitigation measures are incorporated into the project (see attachment).

## Proposed By

Kelly Themann, Associate Planner

## Date Requested

December 6, 2006

## Public Review Ends

December 5, 2006

## Attachments

- Location/Drawing Map
- Aerial Photos
- Site Photos
- Site Plan/Street Plan of Development
- Existing Site/Street plan
- Floor Plans and Elevations
- Preliminary Landscape Plan
- Grading and Utility Plan
- Site Sections
- Historic Resource Analysis
- Initial Study 2006-0035

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For more information on this project, visit 6297 EL CAMINO REAL ATASCADERO, CA 93422 • (805) 461-5800 • FAX 461-7012
DRAFT ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2006-0128 TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY #28
(Banker House PD – Ravatt/Mayer/Albrecht/Mejia)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Greg Ravatt (5735 Rosario Ave, Atascadero CA 93422) & James Barton Albrecht & Natalie Mejia (4518 Hummel Dr., Santa Maria, CA 93455) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD28 (Residential Multi-Family-10 with a Planned Development Overlay 28) including an HS (Historic Site) overlay zone on lot 10 with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5715/5735 Rosario Avenue, (APN 029-252-001); and,

WHEREAS, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0033 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 Zoning Code Text 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 Zone Text 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 text amendments; and,
WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on December 19, 2006 studied and considered Zone Change 2006-0128, after first studying and considering the Draft 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 January 23, 2007, studied and considered Zone Change 2006-0128, 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 Text Change Creating a PD-28 Planned Development Overlay District. 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.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on January 23, 2007 resolved to introduce for first reading by title only, an ordinance that would amend the City Zoning code text with the following:

9-3.673 Establishment of Planned Development Overlay Zone #28

This Planned Development Overlay Zone applies to APN 029-252-001 in the Residential Multi-family zone. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD-28 overlay zone:

a) All site development shall require the approval of a Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

b) The Tentative Tract Map and any subsequent amendments for the site shall be consistent with an approved Master Plan of Development. All construction and development shall conform to the approved Master Plan of Development, as conditioned.

c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved Master Plan of Development.

d) All utilities, including electric, telephone, and cable, within the PD and along the project frontages shall be installed and/or relocated underground.

e) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.
f) Trash shall be stored in individual garages.

g) This project contains a historic Colony Home. Any future modifications to the exterior of the buildings or the site setting shall follow the Secretary of the Interiors standards.

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: ______________________________

Dr. George Luna, Mayor

ATTEST:

_______________________________________

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

APPROVED AS TO FORM:

_______________________________________

Patrick L. Enright, City Attorney
DRAFT ORDINANCE B

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
ZONE CHANGE 2005-0109, AMENDING THE OFFICIAL ZONING MAP
DESIGNATION OF APN 029-252-001 FROM RMF-10 (RESIDENTIAL
MULTI-FAMILY – 10) TO RMF-10 /PD-28/HS (RESIDENTIAL MULTI-
FAMILY – 10/ PLANNED DEVELOPMENT OVERLAY #28 WITH A
HISTORIC SITE OVERLAY ON LOT 10)
(5715/5735 Rosario Ave – Ravatt/Mayer/Albrecht/Mejia)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Greg Ravatt & Tina Mayer (5735 Rosario Ave., Atascadero CA 93422) & James Barton Albrecht & Natalie Mejia (4518 Hummel Dr., Santa Maria, CA 93455) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-Family-10) to RMF-10/PD28 (Residential Multi-Family-10 with a Planned Development Overlay 28) including an HS (Historic Site) Overlay Zone on lot 10 with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5715/5735 Rosario Avenue, (APN 029-252-001); and,

WHEREAS, the site’s General Plan Designation is MDR (Medium Density Residential); and,

WHEREAS, the site’s current zoning district is RMF-10 (Residential Multi-Family -10); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0033 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 site contains a historic Colony Home of local significance; 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 December 19, 2006 studied and considered Zone Change 2005-0109, 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 January 23, 2007, studied and considered Zone Change 2005-0109, 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-10/ PD-28/HS. 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 January 23, 2007, 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: ______________________________
Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________
Patrick L. Enright, City Attorney
Current General plan Designation: MDR (Medium Density Residential)
Current Zoning District: RMF-10 (Residential Multi-Family-10 units per acre)

Proposed General Plan Designation: MDR (Medium Density Residential)
Proposed Zoning District: RMF-10 (Residential Multi-Family) / Custom Planned Development Overlay / Historic Site Overlay on Lot 10
WHEREAS, an application has been received from Greg Ravatt & Tina Mayer (5735 Rosario Ave, Atascadero CA 93422) & James Barton Albrecht & Natalie Mejia (4518 Hummel Dr., Santa Maria, CA 93455) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD28 (Residential Multi-Family-10 with a Planned Development Overlay 28) including an HS (Historic Site) Overlay Zone on lot 10 with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5715/5735 Rosario Avenue, (APN 029-252-001); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-10 (Residential Multi-Family-10) to RMF-10 with PD28 with an HS Overlay Zone on Lot 10 (Residential Multi-Family-10 with a Planned Development Overlay 28 – Historic Site overlay on Lot 10); and,

WHEREAS, the Planned Development #28 Overlay Zone requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0033 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 Conditional Use Permit 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 December 19, 2006 studied and considered the Conditional Use Permit
2005-0173 (Master Plan of Development), 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 January 23, 2007, studied and considered Conditional Use Permit 2005-0173 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

SECTION 1. Findings for Approval of Conditional Use Permit. The City Council finds as follows:

1. The proposed project or use is consistent with the General Plan and 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-28 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 overlay zone cannot be reasonably achieved through existing development standards or processing requirements; 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 January 23, 2007 resolved to approve Conditional Use Permit 2005-0173 (Master Plan of Development) and Tree Removal Permit subject to the following:

- EXHIBIT A: Conditions of approval / Mitigation Monitoring Program
- EXHIBIT B: Master Plan of Development / Site Plan
- EXHIBIT C: Tree Plan
- EXHIBIT D: Building 1-4 Floor Plan
- EXHIBIT E: Building 1-4 Elevations
- EXHIBIT F: Building 5-6 Floor Plan
- EXHIBIT G: Building 5-6 Elevations
- EXHIBIT H: Building 7-9 Floor Plan
- EXHIBIT I: Building 7-9 Elevations
- EXHIBIT J: Landscape Plan
- EXHIBIT K: Grading, Drainage and Utility Plan
- EXHIBIT L: Site Sections
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: __________________________
    Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_____________________________________
Patrick L. Enright, City Attorney
### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**  
**Banker House Planned Development**

<table>
<thead>
<tr>
<th>Planning Services</th>
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<tbody>
<tr>
<td>1. The approval of this zone change and use permit shall become final and effective following City Council approval.</td>
<td>FM</td>
<td>PS</td>
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<tr>
<td>2. 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 2005-0109 and ZCH 2006-0128 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>3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development.</td>
<td>BP / FM</td>
<td>PS, CE</td>
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<tr>
<td>4. Approval of this Conditional Use Permit shall be valid for twelve (12) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.</td>
<td>BP / FM</td>
<td>PS</td>
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<tr>
<td>5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision.</td>
<td>Ongoing</td>
<td>PS</td>
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<tr>
<td>6. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.</td>
<td>BP / FM</td>
<td>PS, CE</td>
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<td>7. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT B and J with the following modifications:</td>
<td>BP</td>
<td>PS</td>
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<tr>
<td>- All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.</td>
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<td>- Windows shall be consistent on all four elevations as shown in Exhibits E, G, and I.</td>
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<td>- Roofs shall be architectural grade dimensional shingles.</td>
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<td>- Stucco exterior shall be sand finish or similar.</td>
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## Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**

**Banker House Planned Development**

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<tr>
<td>8. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B C, J, K, and L.</td>
<td>BP/FM</td>
<td>PS, BS, CE</td>
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<td>9. All project fencing shall be installed consistent with EXHIBIT B, J, and K subject to the following modifications:</td>
<td>GP/BP</td>
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<td>▪ Final fence location shall be subject to staff approval.</td>
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<td>▪ Privacy fencing of the gardens at the rear of the Colony Home shall be a maximum of 5-feet tall.</td>
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<td>▪ All retaining walls shall consist of rock veneer with a decorative cap similar to the rock pattern used on the historic colony walls or shall be stucco with a decorative cap consistent with building architecture.</td>
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<td>10. Final selection of colors and materials shall be subject to staff approval.</td>
<td>GP/BP</td>
<td>PS</td>
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<td>11. 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>
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<td>▪ All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.</td>
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<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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<td>▪ Final tree list shall be submitted with building permits, subject to staff approval.</td>
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<td>▪ Street and open space trees shall be minimum 15-gallon size and double staked.</td>
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<td>▪ Front yard areas shall be landscaped with drought tolerant species, subject to staff approval.</td>
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<td>12. The developer and/or subsequent owner shall assume responsibility for the continued maintenance of all landscape and common areas, consistent with EXHIBIT J.</td>
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<td>13. Affordable Housing Requirement: The applicant shall comply with the City Council inclusionary housing policy and either deed restrict 20% of the proposed units or pay an in-lieu fee based on 5% of the construction valuation of each new and existing housing unit.</td>
<td>GP/BP</td>
<td>PS, CA</td>
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<td>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</td>
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### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**

**Banker House Planned Development**

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.

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15. A Tree Protection Plan shall be submitted with subsequent building permits for encroachment within the drip line of native trees located on the subject parcel and any adjacent properties. The applicant will contract with a certified arborist to monitor all activity within the drip lines of existing native oak trees.

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

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17. 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 the City. Developer agrees to participate in the community facilities district and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property.

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

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18. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance cost shall be funded through a Home Owners Association established by the developer subject to City approval. The Home Owners Association must be in place prior to, or concurrently with acceptance of any final maps. The Home Owners Association shall be approved by the City Attorney, City Engineer and

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### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**

**Banker House Planned Development**

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<tr>
<th>Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the Home Owners Association.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>a)</strong> All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.</td>
</tr>
<tr>
<td><strong>b)</strong> All parks, trails, recreational facilities and like facilities.</td>
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<tr>
<td><strong>c)</strong> All open space and native tree preservation areas.</td>
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<tr>
<td><strong>d)</strong> All drainage facilities and detention basins.</td>
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<tr>
<td><strong>e)</strong> All creeks, flood plains, floodways, wetlands, and riparian habitat areas.</td>
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<tr>
<td><strong>f)</strong> All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.</td>
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<td><strong>g)</strong> All frontage landscaping and sidewalks along arterial streets.</td>
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<th>19. Prior to final map, the applicant shall submit CC&amp;R's for review and approval by the Community Development Department. The CC&amp;R's shall record with the Final Map and shall include the following:</th>
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<tbody>
<tr>
<td><strong>a)</strong> Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity.</td>
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<tr>
<td><strong>b)</strong> A detailed list of each individual homeowner's responsibilities for maintenance of the individual units.</td>
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<td><strong>c)</strong> Residents shall keep all trash receptacles within the unit's designated trash storage area.</td>
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<td><strong>d)</strong> Garages shall be maintained and used for vehicle parking.</td>
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<tr>
<td><strong>e)</strong> 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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<tr>
<td><strong>f)</strong> 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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<tr>
<td><strong>g)</strong> A statement related to the historic nature of the project shall be provided with restrictions on modifications to the exterior of the residential units and common landscape areas.</td>
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### Responsibility / Monitoring

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### Mitigation Measure

20. Approval of this permit shall include the removal of 3 Native Trees. The applicant shall be required to pay mitigation fees or provide replantings on-site per the requirements of the Atascadero Native Tree Ordinance. Any additional removals shall be subject to Planning Commission approval.

- A mitigation deposit shall be collected for all native trees with rootzones impacted 40% or greater. The applicant may submit written documentation that the tree remains in good health no sooner than 1-year after final of the project to receive a full refund of the deposit.

21. The applicant must provide for the repair and maintenance of on-site shared improvements. This includes roads, sidewalks, street trees, streetlights, private sewer system, drainage facilities, recreation areas and common landscaping. The two methods that may be used are:

   a. Homeowners Association. This private organization would be responsible for the maintenance, repair and replacement of the facilities.

   b. Assessment District and Landscape and Lighting District. Funds for the maintenance, repair and replacement of the facilities would be collected on the property tax bill and distributed to the City.

   The City Engineer and City Attorney shall approve the final form prior to recordation.

22. An easement shall be recorded over Lot 11 that dedicated use of the lot as an amenity and common drainage facility for the benefit of Lots 1 through 10.

23. The colony house lot shall include a deed restriction preventing the site from being altered in a manner which degrades the historic significance of the property.

City Engineer Project Conditions

24. The applicant shall improve Rosario Avenue to the City Standard 405 typical section across the frontage of the property, or as approved by the City Engineer. Red curbing shall be required where no on-street parking is permitted. Improvements to extend to ½ the street width plus 10’.

25. All storm water runoff from the buildings, shared driveway, and parking areas shall be directed to the on-site storm water detention system.

City Engineer Standard Conditions

26. 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

**5715/5735 Rosario Ave.**

**Banker House Planned Development**

<table>
<thead>
<tr>
<th>Improvement Agreement with the City Council.</th>
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<tr>
<td><strong>Timing</strong></td>
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<td>TO: Temporary Occupancy</td>
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<td>FO: Final Occupancy</td>
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27. 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.

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

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

30. 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.

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

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

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

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

35. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.

36. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.

37. 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 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.

38. 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.

39. All existing and proposed utility, pipeline, open space, or other easements are to be shown on the final/parcel map. If there are building or other restrictions related to the easements, they shall be noted on the final/parcel.
### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**  
**Banker House Planned Development**

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Timing</th>
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<th>Mitigation Measure</th>
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<td><strong>map.</strong> The applicant shall show all access restrictions on the final/parcel map.**</td>
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<tr>
<td><strong>40. 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 parcel map.</strong></td>
<td>FM, CE</td>
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<tr>
<td><strong>41. 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.</strong></td>
<td>GP, BP, CE</td>
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<tr>
<td><strong>42. 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.</strong></td>
<td>GP, BP, CE</td>
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<td><strong>43. Provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</strong></td>
<td>GP, BP, CE</td>
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<td><strong>44. Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.</strong></td>
<td>GP, BP, CE</td>
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<td><strong>45. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP) if greater than 1acre of land is disturbed. The Regional Water Quality Control Board shall approve the SWPPP prior to issuance of a grading or building permit.</strong></td>
<td>GP, BP, CE</td>
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<tr>
<td><strong>46. 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</strong></td>
<td>GP, BP, CE</td>
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<td><strong>47. Alignment of frontage improvements shall be approved by the City Engineer.</strong></td>
<td>GP, BP, CE</td>
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<td><strong>48. All utilities shall be undergrounded on project frontage</strong></td>
<td>GP, BP, CE</td>
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<td><strong>49. All onsite sewer mains shall be privately owned and maintained.</strong></td>
<td>FM, CE</td>
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<tr>
<td><strong>50. Prior to recording the final map, provisions for the repair and maintenance of the private SS shall be included in the CC&amp;R’s for this tract. Included shall be a mechanism to maintain the private sewer and structures, such as a homeowners association. The City Engineer and City Attorney shall approve the final form prior to recordation.</strong></td>
<td>FM, CE</td>
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</table>
### Conditions of Approval / Mitigation Monitoring Program

5715/5735 Rosario Ave.

**Banker House Planned Development**

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<tr>
<td>51. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</td>
<td>BP</td>
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<td>52. Gravity mains within the subdivision shall be eight (8) inches in diameter.</td>
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<td>CE</td>
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<td>53. 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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<tr>
<td>54. All sanitary sewer (SS) mains shall terminate in manholes unless extension of the main, at some later date, is anticipated. If extension of a SS main is anticipated, said SS main may terminate in a cleanout providing the next downstream manhole is less than 300 linear feet from the cleanout and that the point of termination is not a reasonable location for a SS main angle point or intersection.</td>
<td>BP</td>
<td>CE</td>
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</table>
| **Atascadero Mutual Water Company**

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

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

**Mitigation Measures**

**Mitigation Measure 1.d.1**: All lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare. Any luminaire pole height shall not exceed 14-feet in height, limit intensity to 2.0 foot candles at ingress /egress, and otherwise 0.6 foot candle minimum to 1.0 maximum in parking areas. Fixtures shall be shield cut-off type. A maximum of 2 pole lights will be permitted for safety lighting throughout the project area.

| Mitigation Measure 1.d.1 | BP | PS | 1.d.1 |

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

#### 5715/5735 Rosario Ave.

**Banker House Planned Development**

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

#### Section 6.4: Activity Management Techniques

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

#### Section 6.5: Fugitive PM10

All of the following measures shall be included on grading, demolition and building plan notes:

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project re-vegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binder, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc, to be paved should be 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.
- Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.
- All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.
- Install wheel washers where vehicles enter and exit unpaved roads onto streets, or was off trucks and equipment leaving the site.
- Sweep streets at the end of each day if visible soil material is carried onto

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<td>PD: Police Department</td>
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<td>Ww: Wastewater</td>
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<td>FO: Final Occupancy</td>
<td>Ca: City Attorney</td>
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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 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 were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.
### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave.**

**Banker House Planned Development**

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<td><strong>4.e.2</strong></td>
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<td><strong>5.b.1</strong></td>
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<td><strong>6.b</strong></td>
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<td><strong>6.c.d</strong></td>
<td><strong>GP</strong></td>
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<td><strong>6.c.d</strong></td>
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**Mitigation Measure 4.e.2**: Grading and excavation and grading work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:

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 the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.
6. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.

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

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

**Mitigation Measure 5.a.2**: All recommendations made by the historic consultant shall be implemented during the project construction. Per the recommendations of the consultant, the historic carriage house shall be relocated and restored to its original use as a garage for the existing Colony Home.

**Mitigation Measure 6.b**: The grading permit application plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer at the time of Building Permit application. (See section 8 of the document).

**Mitigation Measure 6.c.d**: A soils report shall be required to be submitted with a future building permit by the building department. The building plans will be required to follow the recommendations of the soils report to assure safety for residents and buildings.
**Conditions of Approval / Mitigation Monitoring Program**

*5715/5735 Rosario Ave.*

**Banker House Planned Development**

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<tr>
<th>Mitigation Measure 8.e.f.1: A Stormwater Pollution Prevention Plan (SWPPP)/Erosion Control Plan shall be submitted and approved by the City Engineer prior to the issuance of the building permit. The plan shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The Building Permit application plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.</th>
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<tr>
<th>Mitigation Measure 8.e.f.2: 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 work orders.</th>
<th><strong>Timing</strong></th>
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<th><strong>Mitigation Measure</strong></th>
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<td>8.e.f.2</td>
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<tr>
<th>Mitigation Measure 11.d: All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.</th>
<th><strong>Timing</strong></th>
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<th><strong>Mitigation Measure</strong></th>
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<tr>
<th>Mitigation Measure 15.a.b.1: Full frontage improvements shall be required along Rosario Avenue, subject to the approval of the City Engineer.</th>
<th><strong>Timing</strong></th>
<th><strong>Responsibility /Monitoring</strong></th>
<th><strong>Mitigation Measure</strong></th>
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<td>BP, GP</td>
<td>PS/CE</td>
<td>15.a.b.1</td>
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EXHIBIT G: Building 5-6 Elevations
EXHIBIT H: Building 7-9 Floor Plans
EXHIBIT I: Building 7-9 Elevations
EXHIBIT K: Grading and Utility Plan
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
TENTATIVE TRACT MAP 2006-0078, AN ELEVEN LOT SUBDIVISION
CONSISTENT WITH A MASTER PLAN OF DEVELOPMENT ON
APN 029-252-001
(5735/5715 Rosario Ave – Ravatt/Mayer/Albrecht/Mejia)

WHEREAS, an application has been received from Greg Ravatt & Tina Mayer (5735 Rosario Ave, Atascadero CA 93422) & James Barton Albrecht & Natalie Mejia (4518 Hummel Dr., Santa Maria, CA 93455) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD28 (Residential Multi-Family-10 with a Planned Development Overlay 28) including an HS (Historic Site) Overlay Zone on lot 10 with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5715/5735 Rosario Avenue, (APN 029-252-001); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-10 (Residential Multi-Family-10) to RMF-10 with PD28 with an HS overlay zone on Lot 10 (Residential Multi-Family-10 with a Planned Development Overlay 28 – Historic Site overlay on Lot 10); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0033 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 December 19, 2006 studied and considered Tentative Tract Map 2006-0078, 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 January 23, 2007, studied and considered Tentative Tract Map 2006-0078, 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 Vesting 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-28 overlay district.

2. The proposed subdivision, as conditioned, is consistent with the Master Plan of Development (CUP 2005-0173).

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 January 23, 2007, resolved to recommend that the City Council approve Tentative Tract Map (TTM 2005-0078) subject to the following:

1. Exhibit A: Tentative Tract Map
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: ____________________________
    Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________________
Patrick L. Enright, City Attorney
Exhibit A: Tentative Tract Map
### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave**

**Banker House Planned Development**

<table>
<thead>
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<tr>
<td>1. The approval of this zone change and use permit shall become final and effective following City Council approval.</td>
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<tr>
<td>2. 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 2005-0109 and ZCH 2006-0128 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>3. The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development.</td>
<td>BP / FM</td>
<td>PS, CE</td>
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<td>4. Approval of this Conditional Use Permit shall be valid for twelve (12) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.</td>
<td>BP / FM</td>
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<td>5. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision.</td>
<td>Ongoing</td>
<td>PS</td>
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<td>6. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.</td>
<td>BP / FM</td>
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<td>7. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT B and J with the following modifications:</td>
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<td>▪ All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.</td>
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<tr>
<td>▪ Windows shall be consistent on all four elevations as shown in EXHIBITS E, G, and I.</td>
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<td>▪ Roofs shall be architectural grade dimensional shingles.</td>
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<td>▪ Stucco exterior shall be sand finish or similar.</td>
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**Conditions of Approval / Mitigation Monitoring Program**

**5715/5735 Rosario Ave**

**Banker House Planned Development**

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<tr>
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<td>GP/BP</td>
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8. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B, C, J, K, and L.

9. All project fencing shall be installed consistent with EXHIBIT B, J, and K subject to the following modifications:
   - Final fence location shall be subject to staff approval.
   - Privacy fencing of the gardens at the rear of the Colony Home shall be a maximum of 5-feet tall.
   - All retaining walls shall consist of rock veneer with a decorative cap similar to the rock pattern used on the historic colony walls or shall be stucco with a decorative cap consistent with building architecture.

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

11. 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.

12. The developer and/or subsequent owner shall assume responsibility for the continued maintenance of all landscape and common areas, consistent with EXHIBIT J.

13. Affordable Housing Requirement: The applicant shall comply with the City Council Inclusionary Housing Policy and either deed restrict 20% of the proposed units or pay an in-lieu fee based on 5% of the construction valuation of each new and existing housing unit.

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.

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| 15. A Tree Protection Plan shall be submitted with subsequent building permits for encroachment within the drip line of native trees located on the subject parcel and any adjacent properties. The applicant will contract with a certified arborist to monitor all activity within the drip lines of existing native oak trees. |
| GP/BP | PS |

| 16. An address marker to include address for all units shall be located at the public street access point. The address marker shall be compatible with the project architecture. |
| GP/BP | PS |

| 17. 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 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. |
| BP | PS |

- 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.

| 18. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance cost shall be funded through a Home Owners Association established by the developer subject to City approval. The Home Owners Association must be in place prior to, or concurrently with acceptance of any final maps. The Home Owners Association shall be approved by the City Attorney, City Engineer and |
| BP | PS |
Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the Home Owners Association.

a. All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.

b. All parks, trails, recreational facilities and like facilities.

c. All open space and native tree preservation areas.

d. All drainage facilities and detention basins.

e. All creeks, flood plains, floodways, wetlands, and riparian habitat areas.

f. All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.

g. All frontage landscaping and sidewalks along arterial streets.

19. 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:

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

b. A detailed list of each individual homeowner's responsibilities for maintenance of the individual units.

c. Residents shall keep all trash receptacles within the unit’s designated trash storage area.

d. Garages shall be maintained and used for vehicle parking.

e. No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.

f. 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.

g. A statement related to the historic nature of the project shall be provided with restrictions on modifications to the exterior of the residential units and common landscape areas.
## Conditions of Approval / Mitigation Monitoring Program

### 5715/5735 Rosario Ave

**Banker House Planned Development**

| 20. Approval of this permit shall include the removal of 3 Native Trees. The applicant shall be required to pay mitigation fees or provide replantings on-site per the requirements of the Atascadero Native Tree Ordinance. Any additional removals shall be subject to Planning Commission approval. | **Timing**<br>BL: Business License<br>GP: Grading Permit<br>BP: Building Permit<br>Fl: Final Inspection<br>TO: Temporary Occupancy<br>FO: Final Occupancy<nbsp | **Responsibility**<br>PS: Planning Services<br>BS: Building Services<br>FD: Fire Department<br>PD: Police Department<br>CE: City Engineer<br>WW: Wastewater<br>CA: City Attorney | **Mitigation Measure**

- A mitigation deposit shall be collected for all native trees with rootzones impacted 40% or greater. The applicant may submit written documentation that the tree remains in good health no sooner than 1-year after final of the project to receive a full refund of the deposit.

| 21. The applicant must provide for the repair and maintenance of on-site shared improvements. This includes roads, sidewalks, street trees, streetlights, private sewer system, drainage facilities, recreation areas and common landscaping. The two methods that may be used are:<nnbsp nbsp
n
- a. Homeowners Association. This private organization would be responsible for the maintenance, repair and replacement of the facilities.

- b. Assessment District and Landscape and Lighting District. Funds for the maintenance, repair and replacement of the facilities would be collected on the property tax bill and distributed to the City. | **FM**

The City Engineer and City Attorney shall approve the final form prior to recordation.

| 22. An easement shall be recorded over Lot 11 that dedicated use of the lot as an amenity and common drainage facility for the benefit of Lots 1 through 10. | **FM**

| 23. The colony house lot shall include a deed restriction preventing the site from being altered in a manner which degrades the historic significance of the property. | **FM**

### City Engineer Project Conditions

| 24. The applicant shall improve Rosario Avenue to the City Standard 405 typical section across the frontage of the property, or as approved by the City Engineer. Red curbing shall be required where no on-street parking is permitted. Improvements to extend to ¼ the street width plus 10’. | **GP, BP**

| 25. All storm water runoff from the buildings, shared driveway, and parking areas shall be directed to the on-site storm water detention system. | **GP, BP**

### City Engineer Standard Conditions

| 26. 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 | **GP, BP**
## Conditions of Approval / Mitigation Monitoring Program

*5715/5735 Rosario Ave*

*Banker House Planned Development*

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27. 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. GP, BP, CE

28. The Subdivision Improvement Agreement shall record concurrently with the Final Map. FM, CE

29. A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage. GP, BP, CE

30. 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. GP, BP, CE

31. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes. GP, BP, CE

32. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities. GP, BP, CE

33. A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the tract map. FM, CE

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

35. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees. FM, CE

36. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval. FM, CE

37. 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 parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced. FM, CE

38. 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. FM, CE

39. All existing and proposed utility, pipeline, open space, or other easements are to be shown on the final/parcel map. If there are building or other restrictions related to the easements, they shall be noted on the final/parcel map. FM, CE
### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave**

**Banker House Planned Development**

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<tr>
<th><strong>map. The applicant shall show all access restrictions on the final/parcel map.</strong></th>
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<tr>
<td><strong>40. 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 parcel map.</strong></td>
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<tr>
<td><strong>41. 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.</strong></td>
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<td><strong>42. 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.</strong></td>
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<td><strong>43. Provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</strong></td>
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<td><strong>44. Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.</strong></td>
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<tr>
<td><strong>45. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP) if greater than 1 acre of land is disturbed. The Regional Water Quality Control Board shall approve the SWPPP prior to issuance of a grading or building permit.</strong></td>
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<td><strong>GP, BP</strong></td>
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<tr>
<td><strong>46. 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.</strong></td>
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<td><strong>GP, BP</strong></td>
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<td><strong>47. Alignment of frontage improvements shall be approved by the City Engineer.</strong></td>
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<td><strong>48. All utilities shall be undergrounded on project frontage.</strong></td>
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<td><strong>49. All onsite sewer mains shall be privately owned and maintained.</strong></td>
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<td><strong>50. Prior to recording the final map, provisions for the repair and maintenance of the private SS shall be included in the CC&amp;R’s for this tract. Included shall be a mechanism to maintain the private sewer and structures, such as a homeowners association. The City Engineer and City Attorney shall approve the final form prior to recordation.</strong></td>
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### Conditions of Approval / Mitigation Monitoring Program

**5715/5735 Rosario Ave**

**Banker House Planned Development**

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<tr>
<th>51. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</th>
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<td>52. Gravity mains within the subdivision shall be eight (8) inches in diameter.</td>
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<td>53. 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>
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<tr>
<td>54. All sanitary sewer (SS) mains shall terminate in manholes unless extension of the main, at some later date, is anticipated. If extension of a SS main is anticipated, said SS main may terminate in a cleanout providing the next downstream manhole is less than 300 linear feet from the cleanout and that the point of termination is not a reasonable location for a SS main angle point or intersection.</td>
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**Atascadero Mutual Water Company**

| 55. Before the issuance of building permits, the applicant shall submit plans to AMWC for the water distribution facilities needed to serve the project. AMWC shall review and approve the plans before construction begins on the water system improvements. All water distribution facilities shall be constructed in conformance with AMWC Standards and Details and the California Waterworks Standards (Code of Regulations Title 22, Division 4, Chapter 16). All cross-connection devices shall conform to AWWA and California Department of Health Services standards. | |
| 56. Before issuance of building permits, the applicant shall obtain a “Will Serve” letter from AMWC for the newly created lots within the subdivision. | |

### Mitigation Measures

**Mitigation Measure 1.d.1:** All lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare. Any luminaire pole height shall not exceed 14-feet in height, limit intensity to 2.0 foot candles at ingress /egress, and otherwise 0.6 foot candle minimum to 1.0 maximum in parking areas. Fixtures shall be shield cut-off type. A maximum of 2 pole lights will be permitted for safety lighting throughout the project area.

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

**Section 6.3: Construction Equipment**

- Maintain all construction equipment in proper tune according to
manufacturer’s specifications.

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

**Section 6.4: Activity Management Techniques**

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

**Section 6.5: Fugitive PM10**

All of the following measures shall be included on grading, demolition and building plan notes:

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 stock-pile 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 was off trucks and equipment leaving the site.

k. Sweep streets at the end of each day if visible soil material is carried onto

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

The contractor or builder shall designate a person or persons to monitor the dust control program and to order increased watering, as necessary, to prevent transport of dust off site. The name and telephone number of such persons shall be provided to the APCD prior to land use clearance for map recordation and land use clearance for finish grading of any structure.

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 nor compact. Install porous pavers over a three-inch bed of three-quarter 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
Grading and excavation and grading work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:

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 dripline of all trees.
5. All trees within the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.
6. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.

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

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

### Mitigation Measure 5.a.2
All recommendations made by the historic consultant shall be implemented during the project construction. Per the recommendations of the consultant, the historic carriage house shall be relocated and restored to its original use as a garage for the existing Colony Home.

### Mitigation Measure 6.b
The grading permit application plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction. A separate plan shall be submitted for this purpose and shall be subject to review and approval of the City Engineer at the time of Building Permit application. (See section 8 of the document).

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

### 5715/5735 Rosario Ave

**Banker House Planned Development**

<table>
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<tr>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
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</table>
|        | BL: Business License  
GP: Grading Permit  
BP: Building Permit  
F: Final Inspection  
TO: Temporary Occupancy  
FO: Final Occupancy |        |
|        | PS: Planning Services  
BS: Building Services  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney |        |

### Mitigation Measure 8.e.f.1: A Stormwater Pollution Prevention Plan (SWPPP)/Erosion Control Plan shall be submitted and approved by the City Engineer prior to the issuance of the building permit. The plan shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The Building Permit application plans shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.

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### Mitigation Measure 8.e.f.2: 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 work orders.

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### Mitigation Measure 11.d: All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.

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### Mitigation Measure 15.a.b.1: Full frontage improvements shall be required along Rosario Avenue, subject to the approval of the City Engineer.

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