Atascadero City Council

Staff Report - Community Development Department

Planned Development #25 Zone Change 2005-0110,
Master Plan of Development (CUP 2005-0174),
Tentative Tract Map 2005-0081
7298 & 7312 Santa Ysabel Avenue (Patel & Patel)

(Approval of the construction of twelve (12) new attached single-family residences and the demolition of two existing single-family residences.)

RECOMMENDATIONS:

Planning Commission Recommends Council:

1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2006-0036; and,

2. Introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2005-0110 based on findings; and,

3. Adopt Draft Resolution B approving Conditional Use Permit 2005-0174 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,


REPORT-IN-BRIEF:

The proposed project consists of an application for a Zone Change (ZCH), Conditional Use Permit (CUP) and Tentative Tract Map (TTM). The Zone Change request would place a Planned Development #25 Overlay on the site subject to a Master Plan of Development (CUP) that would allow construction of twelve (12) new attached single-family residences. The project would demolish two existing single-family residences. The Tentative Tract Map would create a twelve (12) lot subdivision in accordance with the PD #25 standards. No native trees are on site.
DISCUSSION:

Situation and Facts:

   Niral Patel, 175 S. Mesa Road, Nipomo CA 93444

2. Project Address:  7298 & 7312 Santa Ysabel Avenue, Atascadero, CA 93422  APN 030-121-003 & 004

3. General Plan Designation: HDR (High-Density Residential, 16 units per acre)

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

5. Site Area: 0.957 acres / 41,827 Sq. Ft. (combined area of the 2 lots)

6. Existing Use: One Single-Family Residence on each lot

7. Environmental Status: Proposed Mitigated Negative Declaration 2006-0036

Background: On May 1, 2007, the Planning Commission held a public hearing for the proposed project and recommended that the City Council approve the proposed project, on a 5-1 vote.
Surrounding Land Use and Setting:

North: Multi-Family Residential-16  
East: Multi-Family Residential-16  
South: Multi-Family Residential-16  
West: Commercial Retail

The project site is zoned Residential Multi-Family-16 with a corresponding General Plan designation of High Density Residential, which allows for a maximum of 16 units per acre. The Zoning Ordinance allows the establishment of a Planned Development Overlay No. 25 (PD-25) in the Multi-Family Zone, based on specific site development standards and appearance review, as analyzed within this report.

Properties to the north, south, and east are Residential Multi Family-16 and properties; to the west are Commercial Retail. The residences have been designed to be consistent with the existing neighborhood and zoning.
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 12 new attached homes on individual lots in the RMF-16 zoning District.

The proposed project consists of a twelve-lot residential subdivision on two existing parcels with a combined site area of 0.957 acres under the requirements of a PD-25 Overlay Zoning District. The proposed lot sizes range from 2,745 to 4,552 square feet. Building footprints do not exceed 40% of the net lot area, as required by the PD-25 overlay.

The units are designed as attached single family residences. There are six buildings proposed with two residential units per building. The Tentative Tract Map divides the two parcels into 12 individual lots.

Proposed homes range in size from approximately 1512 to 1602 square feet of living space. Garage sizes range from approximately 253 to 444 square feet (a combination of one and two car garages.) A Master Plan of Development, approved as a Conditional Use Permit, will include all site development and architectural design standards for the project. The Planning Commission can make any future amendments to the Master Plan of Development in the future, independent of Council action.

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 analyzed below:

- Decorative parking court/shared driveway
- Architectural detailing and high quality materials
- Emphasized front entry features and porches
- Professional Landscape Plan
The proposed site plan meets the requirements of the Atascadero Municipal Code and the appearance review requirements of the General Plan, including the development standards of the PD-25 overlay zone. The project includes 12 new attached units arranged around a shared decorative parking court that is accessed off of Santa Ysabel Avenue.

The RMF-16 zoning on the 0.957 acre lot area would allow for up to 15 multifamily units on one common lot with a standard building permit. To meet the PD-overlay requirements, the applicant is proposing only 12 units in order to accommodate the PD standard for higher quality development, including large backyards, large porches, and high quality architectural, landscape, and site design to warrant the granting of special Planned Development overlay and create a density consistent with the character of the lots on Santa Ysabel Avenue.
All trash storage, recycling storage, and air conditioning units will be screened from view behind fenced or landscaped enclosures. A centralized trash enclosure has been included at the terminus of the parking court as requested by Planning Commission (see section below.)

Seven of the twelve residential units have two car garages with the other five units include one-car garages. The new units are arranged off of a shared decorative parking courtyard. All units are designed to provide for an additional one to two guest parking spaces in the driveway. Three additional guest parking spaces are provided at the terminus of the parking, for a total of 41 parking spaces provided on site.

The table below summarizes parking requirements for the PD-25, standard multi-family developments, and what has been provided by the project:

**Parking requirement comparison chart (Calculations provided for twelve 3-bedroom units)**

<table>
<thead>
<tr>
<th></th>
<th>PD-25</th>
<th>Multi-Family Parking Requirements:</th>
<th>Proposed site plan</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Unit Parking Spaces</strong></td>
<td>2 spaces for units with less than 4 bedrooms</td>
<td>2 spaces per 2 bedroom unit; 0.5 spaces per additional bedroom</td>
<td></td>
</tr>
<tr>
<td><strong>Code Requirement:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Unit Parking Spaces:</strong></td>
<td>24 required</td>
<td>30 required</td>
<td>38 provided</td>
</tr>
<tr>
<td><strong>Guest Spaces</strong></td>
<td>1 space per 3 units</td>
<td>1 space per 5 units</td>
<td></td>
</tr>
<tr>
<td><strong>Code Requirement:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Additional Guest Spaces:</strong></td>
<td>4 required</td>
<td>3 required</td>
<td>3 provided</td>
</tr>
<tr>
<td><strong>Total Parking Spaces:</strong></td>
<td>28 required</td>
<td>33 required</td>
<td>41 provided</td>
</tr>
</tbody>
</table>

As identified in the table, the applicant has provided 41 total parking spaces, which is 13 more spaces (46% more) than required by the PD-25 standard and 8 more spaces (24% more) than required by standard multifamily requirements.

The spaces in front of the garages are all a minimum of 20-feet in length to provide a full parking space as to code. CC&R’s will include provisions that garages must be used for parking. The guest parking on site would be reduced from 4 spaces to 3 spaces with the addition of the trash enclosure requested by Planning Commission. 3 guest spaces meets the standard multifamily requirement, but requires an exception to the PD-25 standard, which requires 4 guest spaces.
Frontage Improvements and on Street Parking:

Full frontage improvements will be constructed along the Santa Ysabel Avenue frontage to include curb, gutter, and sidewalk. All utilities are to be undergrounded.

The project has been conditioned to include a full 4 foot clear path of travel on the sidewalk on front of the proposed project, and to be ADA accessible. The applicant shall work directly with the post office to locate the project’s mailboxes prior to building permits, and then provide bump outs where necessary to ensure a clear 4-foot path of travel (Condition #28.) The existing mail boxes for the apartment complex across the street shall be relocated to provide a clear 4 foot path of travel.

The applicant has designed the site plan to comply with the current street section plan as approved by City Council, including a bulb out in front of the two existing residences. As requested by Planning Commission, staff and the applicant reviewed the possibility of redesigning the project to provide parking along the street in front of the project on Santa Ysabel. Staff has calculated that a revised street section could provide 4 to 6 additional on-street parking spaces in front of the proposed project if the project was to be redesigned without the bulb outs. Parallel parking spaces are to be a minimum of 22-feet in length each, and a red curb would be required on both sides of the driveway for sight distance.

Due to the slope at the front of the site, pushing the street and sidewalk towards the project to provide for on street parking would require retaining walls along the entire property frontage, smaller porches, and a significantly reduced landscape area. The porches on lots 1 and 12 have been oriented along the public street as a PD-25 feature. The applicant complied with the City approved street section (which includes the bulb outs) when designing the proposed site plan. The homes are designed to meet the minimum 12-foot setback from right-of-way, and the project provides an 18 foot setback to the back of sidewalk. This additional space provided from the back of the sidewalk accommodates larger porch designs which encroach in the setback to 4 feet from the right of way and 10 feet from the back of sidewalk (PD-25 allows 3 feet of encroachment into the required setback for porches without an exception.) With this wider parkway, the project has been able to meet planned development standards for providing public benefit with substantial porches, a pedestrian friendly street frontage, and a large landscaped parkway, creating a visually superior project.
In order to widen the street, an entire redesign of the site plan, grading and drainage plan, and possibly the floor plans of the units would be required in order to accommodate the retaining walls, revised grading plan, and to possibly push the structures back on the site plan to accommodate the same size porches. Design of retaining walls and a new grading plan would require considerable cost and extra time for the applicant. In addition, cost would be added to the project construction budget to tear out and reconstruct the entire street frontage, which was just recently installed by the City.

In summary, removing the bump out is not advisable due to the following factors:

- Preservation of the pedestrian oriented street front with large porches and large landscaped parkway
- Applicant prefers to avoid several additional months and the additional cost for a total redesign of the site and grading plan
- The proposed project has been designed to meet the existing City approved street section, recently constructed by the City
- The applicant has provided a large percentage of additional parking on site in addition to code requirements (46% more than the PD-25 requires)
- Only 4 to 6 additional spaces would be provided by a new street section and project redesign
- Existing bulb out act as a traffic calming measure for the highly traveled street

Therefore, staff is recommending approval of the site plan as previously submitted with the current approved street section, including the existing bulb outs.
Architecture, Materials, Color

The proposed residential units incorporate architectural façade detailing in order to create a more single family neighborhood appearance. Facades include large porches, wood siding, stone accents, shutters, and grided hung windows consistent with Atascadero’s colony style architectural details. A total of six buildings (twelve units) are proposed.

Landscape Design & Site Drainage

Site drainage has been designed to flow into one on-site shallow drainage detention basin located on lots 6 and 7. The basin shall be landscaped by the applicant and maintained by the Homeowner’s Association. An easement is to be recorded over the basin for use by the other lots for both drainage and access. The basin / landscape feature is located at the end of the driveway in a prominent location visible from all lots and Santa Ysabel Avenue per the requirements of the PD-25 Overlay Zone. The basin is designed as a passive green space feature at the center of the project.

Wastewater

Sewer service will be extended from Santa Ysabel Avenue onto the project site.
Trash Pick Up

The PD-25 standards require that all trash cans be stored in individual garages or behind fenced areas in individual lots. At the first Planning Commission hearing, a letter and photos were submitted which requested that the trash and recycling be located in a centralized location, such as a trash dumpster, due to the number of trash cans which would have to be placed along Santa Ysabel on trash day. With 12 new residences on the parking court which would require 3 trash cans each (trash, recycling, and green waste) there was concern that trash collection on Santa Ysabel may hinder public access on the street and sidewalks on trash day.

Atascadero Waste Alternatives stated that individual trash pick up on the interior parking court (rather than on Santa Ysabel) is possible; however, there would not be enough room on the interior street for the 36 trash cans. The company requires 3 feet of separation between each can, which would not be possible on the interior parking court.

Since individual trash pick up on the interior street is not an option, the applicant has redesigned the site plan to include a centralized trash enclosure at the end of the parking court. The addition of this trash enclosure has replaced one of the guest spaces at the back of the parking court; there are now three guest spaces rather than four.

The trash enclosure size is designed to Atascadero Waste Alternatives requirements, and is conditioned to be approved in writing by the trash company prior to building permit issuance (Condition #26.) The enclosure is designed to hold both a trash and a recycling dumpster. Green waste trash cans would be provided to the residents as requested by the individual home owner or tenant. The green waste would be picked up in front of the residence on the interior parking court (specific individual green waste locations for pick up day to be included in the CC&R’s, Condition #27.)

Staff has worked with the applicant to include architectural and landscape features around the new trash enclosure for optimum screening. The enclosure will have solid metal architectural style doors on the front of the enclosure (Condition #23.) Residents would access the trash enclosure through a walkway which leads to the rear of the enclosure for trash drop off; the walkway shall be ADA accessible. Solid split face block has been included along the rear property lines to block the enclosure from the lot next door. The enclosure shall be constructed of dark split face block; a trellis is used above the dumpsters for screening. The heavy timbers trellis will be installed above the dumpster for screening. Lighting shall be provided near the trash enclosure for safe nighttime access. (Condition #23.)

Additional landscape has been added to the landscape plan in order to screen the enclosure from the surrounding residences. A curb with landscape planting will buffer the remaining parking space from the trash enclosure and will help to screen the trash enclosure from lot 8. The trash enclosure shall be maintained by the homeowners association, similar to the maintenance in place for the drainage basin / common landscape feature. Maintenance shall be outlined in the CC&R’s and shall record with
the final map (Condition #25.) The Atascadero Waste Alternatives has the ability to schedule trash pick up as many times per week as needed.

Revised Site Plan: includes trash enclosure in place of 1 guest parking space
### Project Summary Table

#### Site Area Percentage Calculations

<table>
<thead>
<tr>
<th>LOT</th>
<th>Building Footprint Area</th>
<th>Paved/Concrete Area</th>
<th>Landscaped Area</th>
<th>Total Site Area</th>
<th>Building Footprint Coverage of Net Lot Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>951 SQ.FT. = 26%</td>
<td>990 SQ.FT. = 28%</td>
<td>1,030 SQ.FT. = 42%</td>
<td>2,790 SQ.FT. = 100%</td>
<td>26%</td>
</tr>
<tr>
<td>2</td>
<td>855 SQ.FT. = 31%</td>
<td>746 SQ.FT. = 27%</td>
<td>1,120 SQ.FT. = 42%</td>
<td>2,720 SQ.FT. = 100%</td>
<td>21%</td>
</tr>
<tr>
<td>3</td>
<td>855 SQ.FT. = 32%</td>
<td>718 SQ.FT. = 27%</td>
<td>1,110 SQ.FT. = 41%</td>
<td>2,686 SQ.FT. = 100%</td>
<td>21%</td>
</tr>
<tr>
<td>4</td>
<td>855 SQ.FT. = 22%</td>
<td>1,891 SQ.FT. = 48%</td>
<td>1,192 SQ.FT. = 36%</td>
<td>3,930 SQ.FT. = 100%</td>
<td>34%</td>
</tr>
<tr>
<td>5</td>
<td>995 SQ.FT. = 26%</td>
<td>1,103 SQ.FT. = 32%</td>
<td>1,406 SQ.FT. = 40%</td>
<td>3,504 SQ.FT. = 100%</td>
<td>29%</td>
</tr>
<tr>
<td>6</td>
<td>951 SQ.FT. = 26%</td>
<td>1,115 SQ.FT. = 29%</td>
<td>1,750 SQ.FT. = 66%</td>
<td>3,866 SQ.FT. = 100%</td>
<td>29%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LOT</th>
<th>Building Footprint Area</th>
<th>Paved/Concrete Area</th>
<th>Landscaped Area</th>
<th>Total Site Area</th>
<th>Building Footprint Coverage of Net Lot Area Including Basin</th>
</tr>
</thead>
<tbody>
<tr>
<td>7</td>
<td>1,000 SQ.FT. = 25%</td>
<td>1,132 SQ.FT. = 29%</td>
<td>1,862 SQ.FT. = 46%</td>
<td>3,934 SQ.FT. = 100%</td>
<td>25%</td>
</tr>
<tr>
<td>8</td>
<td>989 SQ.FT. = 29%</td>
<td>1,069 SQ.FT. = 31%</td>
<td>1,392 SQ.FT. = 40%</td>
<td>3,470 SQ.FT. = 100%</td>
<td>31%</td>
</tr>
<tr>
<td>9</td>
<td>851 SQ.FT. = 20%</td>
<td>2,107 SQ.FT. = 46%</td>
<td>1,635 SQ.FT. = 35%</td>
<td>4,691 SQ.FT. = 100%</td>
<td>35%</td>
</tr>
<tr>
<td>10</td>
<td>855 SQ.FT. = 22%</td>
<td>764 SQ.FT. = 28%</td>
<td>1,076 SQ.FT. = 40%</td>
<td>2,695 SQ.FT. = 100%</td>
<td>38%</td>
</tr>
<tr>
<td>11</td>
<td>855 SQ.FT. = 21%</td>
<td>707 SQ.FT. = 26%</td>
<td>1,168 SQ.FT. = 43%</td>
<td>2,730 SQ.FT. = 100%</td>
<td>37%</td>
</tr>
<tr>
<td>12</td>
<td>951 SQ.FT. = 24%</td>
<td>1,037 SQ.FT. = 27%</td>
<td>1,889 SQ.FT. = 49%</td>
<td>3,877 SQ.FT. = 100%</td>
<td>24%</td>
</tr>
</tbody>
</table>

Landscape plan
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 (CUP and TTM Conditions #18 and #19).

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 (CUP and TTM Conditions #14 and #15).

Project Benefits

One of the required findings for approval of a planned development rezone is that the project offers certain redeeming features to compensate for the requested modification. The table below summarizes the City Council Planned Development Benefits Policy. The Planning Commission must find that the project meets all of the Tier 1 benefits as underlined below.

<table>
<thead>
<tr>
<th>PD Location</th>
<th>Tier 1 Benefits</th>
<th>Tier 2 Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inside of Urban Core</td>
<td>a) Affordable / Workforce Housing</td>
<td>a) Pocket Parks in larger projects</td>
</tr>
<tr>
<td>PD - 25</td>
<td>b) High Quality Architectural Design</td>
<td>b) Trails / Walkways for Pedestrian Connectivity</td>
</tr>
<tr>
<td></td>
<td>c) High Quality Landscape Design</td>
<td>c) Historic Preservation</td>
</tr>
<tr>
<td></td>
<td>d) Buffering between Urban and Suburban zones (large lot sizes, increased setbacks, landscape buffers, etc.)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>e) Higher density to meet Housing Element goals</td>
<td></td>
</tr>
</tbody>
</table>

Affordable 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. This program requires the proposed project to provide two deed-restricted units for a 30-year period, one moderate-income and one low-income (CUP and TTM Condition #14).
Tentative Tract Map

A twelve (12)-lot Tentative Tract Map is proposed as part of the project consistent with the Master Plan of Development. The Tract Map has been conditioned by the City Engineer to meet all City standards, including street frontage improvements. The applicant will be required to record CC&R’s for the map that will include maintenance and access of any common areas, including the project drainage detention basins (CUP and TTM Condition #16 and #20.)

General Plan Consistency

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

Housing Element Policy 2.1.2: “Continue to encourage, where suitable, Planned Unit Development (PD) Overlay Zones, particularly the PD-7 zone of small lot subdivisions, for single-family ownership in the RMF-10 and RMF-16 zoning districts”.

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.”

Implementing General Plan programs requires appearance review of architectural design, materials, street trees, and landscaping to maintain and retain the rural atmosphere and protect the environment, and incorporate architectural themes into the site and building design. As analyzed above, the proposed project, as conditioned, is consistent with the General Plan.

In staff’s opinion, the project is consistent with the goals and policies of the Land Use Element and the Housing Element. The project will provide 12 new single-family dwellings that fulfill an important housing need within the community. As conditioned, the project incorporates architectural and landscape elements that are consistent with the character of the surrounding neighborhood, and the General Plan’s appearance review requirement.

Findings:

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

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

As previously mentioned, a Master Plan of Development is required for the PD-25, approved through the Conditional Use Permit process. The Conditional Use Permit process provides the opportunity for the public and the Planning Commission to review the specifics of land use proposals, such as architectural design, site design, landscape, and specific standards of the Zoning Ordinance. The following five findings must be made to approve a Conditional Use Permit:

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 High Density Residential designation of the General Plan and Housing Element Policy 2.1.2, Land Use Policy 1.1, Land Use Policy 2.1, and Land Use Program 1.1.7.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the PD-25 Ordinance.
   
   **Staff Comment:** As conditioned, the project satisfies PD-25 Zoning Code provisions, incorporating high-quality architectural and neighborhood design.

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 project will not be detrimental to the general public or working persons’ 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 project has been designed to be consistent with the existing neighborhood character, which includes a mix of multi family and single family dwellings and the mix of both attached and detached dwelling units.

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. An individual ownership residential subdivision use in the proposed location is consistent and compatible with the surrounding residential neighborhood. The General Plan identifies this site as Multi-Family Residential with a maximum density of 16 dwelling units per acre (du/ac) with a minimum lot area of 0.5 acres net. Smaller lot sizes allowing up to 16 du/ac may be allowed through a Planned Development Overlay.

Based on staff’s analysis in the preceding sections, it appears that all of the required findings for approval of a Master Plan of Development (Conditional Use Permit) can be made. The project is consistent with the City’s General Plan Land Use and Housing Elements.

**Proposed Environmental Determination**

Staff has prepared a Draft Mitigated Negative Declaration that was circulated to public agencies and interested members of the public on November 3, 2006. The Environmental Analysis identified concerns regarding potential impacts to aesthetics, air quality, biology, cultural resources, geology and soils, water quality, noise, and traffic. Mitigation measures pertaining to these areas 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.

On a 5-1 vote on May 1, 2007, the Planning Commission recommend that the City Council certify Proposed Mitigated Negative Declaration 2006-0036.

**CONCLUSION:**

The 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 into the site and building design, as conditioned. 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. Based on staff’s analysis in the preceding sections, it appears all of the required findings for project approval can be made.

ALTERNATIVES:

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

2. The Commission may determine that 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 that is 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 - 16. The Commission should specify the reasons for denial of the project and make an associated finding with such action.

ATTACHMENTS:

Attachment 1: Location Map, General Plan, and Zoning
Attachment 2: Proposed Mitigated Negative Declaration and Initial Study
Attachment 3: Response to Comments
Attachment 4: Letters regarding parking and trash cans (submitted for hearing 3/6/07)
Attachment 5: Draft Resolution A
Attachment 6: Draft Ordinance A
Attachment 7: Draft Resolution B
Attachment 8: Draft Resolution C
Existing Designations:
- General Plan: High Density Residential
- Zoning District: Residential Multi-Family - 16

Proposed Designations:
- General Plan: High Density Residential
- Zoning District: Residential Multi-Family – 16 / Planned Development #25
See following
RESPONSE TO COMMENTS FOR MITIGATED NEGATIVE DECLARATION #2006-0036  

Andy Mutziger, Air Pollution Control District, County of San Luis Obispo  
Dated November 22, 2006

**General Comment:**

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. The APCD agrees with the air quality mitigated measures that are included in the Mitigated Negative Declaration; however, there are additional measures that are also needed for this project.

**Response:**

APCD comments and requirements have been incorporated into the Mitigated Negative Declaration as to the following mitigation measures:

**Mitigation Measure 3.b.2:**
Prior to any grading activities at the site, the applicant shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.

**Mitigation Measure 3.b.3:**
There shall be no developmental burning of vegetative material.

**Mitigation Measure 3.b.4:**
Applicant shall contact Tim Fuhs of the Enforcement Division of the APCD (#781-5912) prior to removal or relocation of utility pipelines and existing buildings. Construction shall comply with the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey...
conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.

**Mitigation Measure 3.b.5:**
Applicant shall contact David Dixon of the APCD’s Engineering Division at (805) 781-5912 for specific information regarding permitting requirements of equipment and operations.

**Mitigation Measure 3.b.6:**
Only APCD approved wood burning devices shall be installed in new dwelling units. These devices include:

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

(See attached letter)

Response:

As a responsible agency under the California Environmental Quality Act, the comments of the California Regional Water Quality Board are an important part of the CEQA review process. The issues discussed in the letter in regards to Low Impact Development design techniques are acknowledged and will be passed on to the applicant. However, at this time, Atascadero’s Municipal Code does not require implementation of these regulations. Therefore, the comments will remain as suggestions only and will not be required as mitigation measures in the Mitigated Negative Declaration.

The proposed project at 7298 & 7312 Santa Ysabel has incorporated an on site basin into the site plan which meets the City standards for storm water runoff. The project is required to comply with all mitigation measures outlined in the Mitigated Negative Declaration. The environmental document’s initial study concludes that the project will not have significant adverse impacts on the environment when the applicable mitigation measures are implemented. All mitigation measures shall be implemented and followed during the course of the project.

The City acknowledges the comments of the Regional Water Quality Board as important concepts and will look into the possibility of adopting these types of requirements in the future.
November 28, 2006

Callie Taylor
6907 El Camino Real
Atascadero, CA 93422

Ms. Callie Taylor:

RE: Notice of Intent to Adopt Mitigated Negative Declaration, Zone Change 2005-0110, San Luis Obispo County

Thank you for the opportunity to review the above-referenced document. The Central Coast Regional Water Quality Control Board (Water Board) is a responsible agency under the California Environmental Quality Act (CEQA). Water Board staff understands that the proposed project will include the construction of 12 new single-family homes, which, without mitigation, will result in the increase of stormwater runoff. We recommend you require Low Impact Development (LID) design techniques for the proposed project. LID or equivalent methods are necessary to mitigate stormwater runoff pollution impacts that result from significantly increased downstream flows due to introduced impermeable surfaces.

The County of San Luis Obispo will soon be required to comply with the NPDES Phase II Municipal Stormwater Permit (Permit). The Permit requires new and redevelopments to reduce stormwater runoff volume and pollutant load to the Maximum Extent Practicable (MEP). In most cases, MEP standards are not met by conventional site layouts, construction methods, and stormwater conveyance systems with “end of pipe” basins and treatment systems that do not address the changes in volume and rates of storm water runoff and urban pollutants (including thermal pollution). Low Impact Development practices meet the MEP standard and are more effective at reducing pollutants in storm water runoff at a practicable cost.

LID is an alternative site design strategy that uses natural and engineered infiltration and storage techniques to control stormwater runoff where it is generated. The objective is to disperse LID devices uniformly across a site to minimize runoff. LID serves to preserve the hydrologic and environmental functions altered by conventional stormwater management. LID methods provide temporary retention areas, increase infiltration, allow for pollutant removal and control the release of stormwater into adjacent waterways (Anne Guillette, Whole Building Design Guide). For further reference please see:

http://www.epa.gov/owow/nps/lid/
Eight Common LID Practices Include:

1. Reduced and Disconnected Impervious Surfaces
2. Native Vegetation Preservation
3. Bioretention
4. Tree Boxes to Capture and Infiltrate Street Runoff
5. Vegetated Swales, Buffers, and Strips
6. Roof Leader Flows Directed to Planter Boxes and Other Vegetated Areas
7. Permeable Pavement
8. Soil Amendments to Increase Infiltration Rates

Water Board staff considers a project that meets the following descriptions (inclusive) to be a “Low Impact Development” project:

A. Runoff Volume Control. The pre-development stormwater runoff volume is maintained by a combination of minimizing the site disturbance, and providing distributed retention BMPs. Retention BMPs are structures that retain the excess (above pre-development project volumes) runoff resulting from the development for the design storm event (2-, 10- and 25-year, 24-hour duration storm). Note that "retention" is required, as opposed to "detention"; retention may be achieved using infiltration methods, and capture-for-use methods.

B. Peak Runoff Rate Control. Low impact development practices maintain the pre-development peak runoff discharge rate. This is done by maintaining the pre-development time of concentration and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site, to control runoff volume. If retention practices are not sufficient to control the peak runoff rate, detention practices may be added.

C. Flow Frequency Duration Control. Since low impact development emulates the pre-development hydrologic regime through both volume and peak runoff rate controls, the flow frequency and duration of post-development conditions must be identical (to the greatest extent possible) to those of pre-development conditions. Maintaining pre-development hydrologic conditions will minimize or eliminate potential impacts on downstream habitat due to erosion and sedimentation.

Please consider these comments in the approval process for this project. If you have questions, please contact Donette Dunaway at (805) 549-3688.

Sincerely,

Roger W. Briggs
Executive Officer

California Environmental Protection Agency

Attachment 4: Letter regarding parking on street; David Low
February 26, 2007

Additional note to the City of Atascadero, concerning the planned development at 7298 & 7312 Santa Ysabel & the public hearing scheduled for Tuesday, March 6, 2007.

As stated on my original letter to the city (please see the attached letter), my concern is centered on the parking problems on Santa Ysabel, and the negative impact that the proposed project will have if built according to the original plan.

My suggestion is that the existing curb and sidewalk, that does not allow any parking on that side of the street be replaced with one that will allow on street parking.

It is my understanding that the reason the existing curb and side walk was built in this way was that the existing drive ways on the 2 houses that are to be torn down would not allow a side walk to be built in a normal fashion. The proposed project suggests that a new driveway will replace the 2 old drive ways. This is a perfect time to replace the sidewalk in a fashion that will allow between 5 to 7 new parking spaces.

If a new sidewalk is installed, in such a fashion that would allow on street parking. It would be a great improvement to the quality of life for all the residents living on Santa Ysabel and their visitors. Any additional cost, if any, would be offset by the added value of the properties to the developers of this project.

Thank you,

David Low
Owner of 7313 Santa Ysabel
Phone# 674-1120
To the City of Atascadero,

Re: Proposed Building project: 7298 and 7312 Santa Ysabel

To Kelly Gleason, or Whom It May Concern:

I own the apartments across the street from the proposed building project at 7313 Santa Ysabel. My renters and their visitors have suffered with a bad parking problem since 2003 when the city repaved, and in the process redesigned, the street and we LOST 7 PARKING spaces on the street. I have had to lower the rents because of the lack of parking in the area. I am in favor of repaving city streets.

I have personally reviewed the proposed plans for the building project and it looks like a very nice project. However, I have a few strong concerns which will cause a very negative impact on the neighborhood. My two greatest apprehensions are as follows:

The plan allows for four parking spaces per unit, that is, two cars inside a double garage and two cars parked in each driveway. Common sense tells us that many people will use the space in their garage for storage and in many instances use whatever parking that is available. I believe the planners have counted the garage and driveways as parking, and that this will reduce the theoretical parking idea for the entire project.

A second concern surrounds convince of guest parking. For this project, the guest parking spaces are shown in the rear part of the property; thus making it very likely that a visitor will park on the street when they visit a tenant living at this proposed project.

My suggestion is that if this project is approved it be conditioned in replacing the sidewalk on Santa Ysabel in a normal fashion. This would restore the lost parking spaces on the street and impact on the neighborhood that was caused as a result of the cities design of the sidewalks bulge because of the 2 houses that had sub standard drive ways. Now that they will be torn down for this project, this is the only chance the people of Atascadero will have to fix this very bad problem. Also, I suggest that the visitor parking be re-designed to be in the front part of the lot to make it likely that the visitors will not use the very precious street parking instead.

I believe that this project is not quite right for this neighborhood and should be re-designed with less units and or more thoughtful parking ideas, thus reducing the negative impact on this part of Atascadero.

Thank you,

[Signature]

David Low
6500 Alcantara Av.
Atascadero

Owner of 7313 Santa Ysabel

Phone # 674-1120
Interoffice Memorandum

David G. Graham, EA
5905 Capistrano Ave., Atascadero, CA 93422 - Tel (805) 466-7121

Date: March 2, 2007
To: Warren Frace

Subject: Patel project at 7298 and 7312 Santa Ysabel Avenue

Mr. Frace,

Please include the attached photos (as well as this memo) in the materials provided to the Planning Commission as part of the public input regarding the above project.

It is my hope that the commission will listen to someone who actually live in the neighborhood and experiences the affect of the Cities currently misguided police of allowing each PD unit to provide for their individual trash pickup.

As I have stated earlier, there are multiple problems associated with this policy.

a) Limits and interferes with handicap access.

b) Uses valuable on street parking that is often counted in the consideration of project approval.

d) Creates a traffic hazard, particularly in areas where the street is narrowed by bulb outs.

David G. Graham
7350 Santa Ysabel Ave
Atascadero, CA 93422
Hm: 466-2637
Wk: 466-7121
Trash Day w/ Centralized pickup 03/01/2007

Gerhart PD

Trash Day
No Centralized pickup 03/01/2007
Trash Day
Charley Apartments
No centralized pick up
(No Parking)
03/01/2007

Subject Property

Narrow Street
Bulb Out
03/01/2007
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING
PROPOSED MITIGATED NEGATIVE DECLARATION 2006-0036
PREPARED FOR ZONE CHANGE 2005-0110, CONDITIONAL USE
PERMIT 2005-0174, AND TENTATIVE PARCEL MAP 2005-0081,
APN 030-121-003 & 004
(7298 & 7312 Santa Ysabel Avenue / Patel & Patel)

WHEREAS, an application has been received from Paritosh Patel, 930 Wigeon Way, Arroyo Grande CA 93420 and Niral Patel, 175 S. Mesa Road, Nipomo CA, (Applicants and Property Owners) to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-Family -16) to RMF-16 / PD-25 (Residential Multi-Family -16 with Planned Development Overlay #25) with a corresponding Master Plan of Development and a twelve lot Tentative Tract Map on APN 030-121-003 & 004; and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2006-0036 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 May 1, 2007 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 June 12, 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 2006-0036 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.

4. The project will not achieve short-term to the disadvantage of long-term environmental goals.

5. The project does not have impacts which are individually limited, but cumulatively considerable.

6. The project will not cause substantial adverse effects on human beings either directly or indirectly.

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  Proposed Mitigated Negative Declaration 2006-0036

CITY OF ATASCADERO
PROPOSED MITIGATED
NEGATIVE DECLARATION #2006-0036

Applicant: Ranjith Patel, 930 Wilson Way, Arroyo Grande CA 93420  Phone: 805-324-3779
Niral Patel, 173 S. Mesa Road, Nipomo CA 93444  Phone: 805-478-6459

Project Title: Zone Change 2005-0110, CUP 2005-0174, TIM 2005-0081, PD-25

Project Location: 7298 & 7312 Santa Ysabel Avenue, Atascadero, CA 93422
(San Luis Obispo County) APN 030-121-003 & 004

Project Description: The proposed project consists of an application for a Zone Change, Conditional Use Permit, and Tentative Tract Map for the construction of 12 new single-family attached homes on individual lots that will be developed under the requirements of Planned Development 25 overlay district within the RMF-16 Zoning District. Proposed homes range in size from 1,512 to 1,602 square feet of living space plus one or two-car garages. The project includes attached units with one home per lot. Additional parking is included in each driveway and four guest spaces are also provided on site. There are no natives on site, no native trees are proposed for removal. The project includes a parking court which will take access off of Santa Ysabel.

General Plan Designation: High Density Residential (HDR) Zoning District: Residential Multi-Family-16 (RMF-16)

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

Based on the above findings, and the information contained in the initial study 2006-0036 (made a part hereof by reference and on file in the Community Development Department), it has been determined that the above project will not have an adverse impact on the environment when the following proposed mitigation measures are incorporated into the project (see attachment).

Prepared By: Callie Taylor, Assistant Planner
Date Posted: November 3, 2006
Public Review Ends: November 22, 2006
Attachments:
- Location / Zoning Map
- Aerial
- Existing Site Plan
- Site Plan / Master Plan of Development
- Floor Plans
- Elevations
- Preliminary Grading Plans
- Site Photos
- Initial Study
- Response to Comments

ATTACHMENT 6: Draft Ordinance A
DRAFT ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
ZONE CHANGE 2005-0110 AMENDING THE OFFICIAL ZONING MAP
DESIGNATION OF APN 030-121-003 & 004 FROM RMF-16
(RESIDENTIAL MULTI-FAMILY-16) TO RMF-16 / PD-25 (RESIDENTIAL
MULTI-FAMILY-16 WITH PLANNED DEVELOPMENT OVERLAY #25)
(7298 & 7312 Santa Ysabel Avenue / Patel & Patel)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Paritosh Patel, 930 Wigeon Way,
Arroyo Grande CA 93420 and Niral Patel, 175 S. Mesa Road, Nipomo CA, (Applicants and
Property Owners) to consider a project consisting of a Zone Change from RMF-16 (Residential
Multi-Family -16) to RMF-16 / PD-25 (Residential Multi-Family-16 with Planned Development
Overlay #25) with the adoption of a Master Plan of Development, and a twelve lot Tentative
Tract Map on APN 030-121-003 &004; and,

WHEREAS, the site’s General Plan Designation is HDR (High-Density Residential); and,

WHEREAS, the site’s current Zoning District is RMF-16 (Residential Multi-Family-16); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0036 were
prepared for the project and made available for public review in accordance with the
requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has determined that it is in the best interest of the
City to enact this amendment to the Official Zoning Map to protect the health, safety and welfare
of its citizens by applying orderly development of the City; and,

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone
Change application was held by the Planning Commission of the City of Atascadero at which
hearing evidence, oral and documentary, was admitted on behalf of said Zoning amendments; and,
WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on May 1, 2007, studied and considered Zone Change 2005-0110, 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 June 12, 2007, studied and considered Zone Change 2005-0110, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project; and,

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

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RMF-16/PD25. 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. Proposed plans offer certain redeeming features to compensate for the requested modification.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on June 12, 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: Zone Change Map
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
Exhibit A: Official Zoning Map Change 2005-0110 (Planned Development Overlay #25)

Existing Designations:
- General Plan: High Density Residential
- Zoning District: Residential Multi-Family - 16

Proposed Designations:
- General Plan: High Density Residential
- Zoning District: Residential Multi-Family – 16 / Planned Development #25

Project Site:
7298 & 7312 Santa Ysabel
DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT 2005-0174 (MASTER PLAN OF
DEVELOPMENT) ON APN 030-121-003 & 004
(7298 & 7312 Santa Ysabel Avenue / Patel & Patel)

WHEREAS, an application has been received from Paritosh Patel, 930 Wigeon Way, Arroyo Grande CA 93420 and Niral Patel, 175 S. Mesa Road, Nipomo CA (Applicants and Property Owners), to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-Family -16) to RMF-16 / PD-25 (Residential Multi-Family-16 with Planned Development Overlay #25) with the adoption of a Master Plan of Development, and a twelve lot Tentative Tract Map on APN 030-121-003 & 004; and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-16 (Residential Multi-Family) to RMF-16 with PD-25 (Residential Multi-Family-16 with a Planned Development Overlay 25); and,

WHEREAS, the Planned Development #25 Overlay Zone requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, the trash and recycling will be stored in a centralized trash enclosure, 3 guest spaces will be made available, and porches shall be placed up to 4 feet from right of way, 10 feet from back of pavement; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0046 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 May 1, 2007, studied and considered Conditional Use Permit 2005-0174
WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on June 12, 2007, studied and considered Conditional Use Permit 2005-0174 (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 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,
3. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,
4. 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; and,
5. 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,
6. Benefits derived from the Master Plan of Development and PD overlay zone cannot be reasonably achieved through existing development standards or processing requirements; and,
7. Modifications to tehPD-25 requirements have been made to include the trash and recycling will be stored in a centralized trash enclosure, 3 on site guest spaces, and porches shall be placed up to 4 feet from right-of-way, 10 feet from back of pavement.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on June 12, 2007 resolved to approve Conditional Use Permit 2005-0174 (Master Plan of Development) subject to the following:

EXHIBIT A: 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
### Conditions of Approval / Mitigation Monitoring Program

**7298 & 7312 Santa Ysabel Ave.**

**PD-25 Master Plan of Development**

**ZCH 2005-0110 / CUP 2005-0174**

<table>
<thead>
<tr>
<th>Planning Services</th>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> 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>
<td></td>
</tr>
<tr>
<td><strong>2.</strong> 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 2005-0110 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</td>
<td>FM</td>
<td>PS</td>
<td></td>
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<tr>
<td><strong>3.</strong> Approval of this Master Plan of Development shall be valid concurrently with the life of Tentative Tract Map 2005-0081 and then indefinitely following final map. The Master Plan of Development approval shall expire and become null and void unless a final map is recorded consistent with the Master Plan of Development.</td>
<td>FM</td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td><strong>4.</strong> Subsequent changes to the Master Plan of Development shall be approved by the Planning Commission, independent of Council action.</td>
<td>On-going</td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td><strong>5.</strong> 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. The Planning Commission shall have the final authority to approve any other changes to the Master Plan of Development and any associated Tentative Maps.</td>
<td>BP / FM</td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td><strong>6.</strong> All subsequent Maps and construction permits shall be consistent with the Master Plan of Development contained herein.</td>
<td>BP / FM</td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td><strong>7.</strong> 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 project.</td>
<td>BP / FM</td>
<td>PS</td>
<td></td>
</tr>
</tbody>
</table>
| **8.** All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBITS B through G to include the following, subject to staff approval:  
  - The applicant shall submit a new color board to reflect deep earth-tone colors, consistent with the selected architectural style, subject to final staff approval.  
  - All exterior windows shall be of beige, taupe or similar color and | BP | PS |  |
Conditions of Approval / Mitigation Monitoring Program

7298 & 7312 Santa Ysabel Ave.
PD-25 Master Plan of Development
ZCH 2005-0110 / CUP 2005-0174

not be white.

- All garage doors shall be of architectural grade and high durable quality and painted to match or compliment the final approved building colors. Garage doors may either be purchased from the factory in a color approved by staff, or may be purchased in a primer finish to be painted in a color approved by staff.

- All exterior material finishes (siding, trim, doors, windows, light fixtures) shall be durable, high quality, and consistent with the architectural appearance.

9. All site development shall be consistent with the maximum intensities described in the statistical project summary as shown in EXHIBIT C

10. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBITS B THROUGH G

11. All project fencing shall be installed consistent with EXHIBIT D subject to the following modifications:

- The design of all fencing shall be of high architectural quality, durability, compatible with the selected architectural building design, and residential in design, subject to staff approval. Where existing perimeter fencing is retained, it shall be repaired as required to perform as fully and aesthetically functional.

- All wood for fencing shall be treated.

- All rear yard fencing shall be new or like new.

12. A final landscape and irrigation plan shall be submitted with the final map application and shall be approved with recordation of the final map. Landscaping shall be included as part of site improvement plan consistent with EXHIBIT D, as conditioned. Landscaping shall be installed prior to final of each building permit.

- All exterior meters, air conditioning units, and mechanical equipment shall be screened with landscape material. Trash/recycle container areas shall be screened with fencing or landscape.

- The developer shall landscape all front and street-facing side yards, and rear yards. Privacy shrubs and trees be planted along the development, subject to staff approval. All landscape maintenance shall be the responsibility of the individual property owner.

- All proposed tree locations, species, and sizes shall be as identified in EXHIBIT D, as conditioned. Trees shall be double staked.

- The drainage detention basin shall be landscaped by the developer.
### Conditions of Approval / Mitigation Monitoring Program

**7298 & 7312 Santa Ysabel Ave.**

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**ZCH 2005-0110 / CUP 2005-0174**

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<tr>
<td>and maintained by the Homeowner’s Association or other mechanism approved by the City.</td>
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<td>▪ Final street tree species selection shall be subject to staff approval. 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 native species, subject to staff approval.</td>
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<td>▪ Driveway material selection shall be compatible with proposed architecture. The material shall be pavers or decorative concrete, subject to final staff approval.</td>
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<td>▪ Turf shall be minimized in yards. Only the basin shall have full turf coverage.</td>
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<tr>
<td>13. The developer and/or subsequent owner shall assume responsibility for the continued maintenance of all landscape and common areas, consistent with EXHIBIT D.</td>
<td>Ongoing</td>
<td>PS</td>
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<tr>
<td>14. Affordable Housing Requirement: The applicant shall designate one unit as a moderate-income unit and one unit as a low-income unit, deed-restricted for a 30-year period prior to or concurrent with final map.</td>
<td>FM, BP</td>
<td>PS, CE</td>
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<tr>
<td>15. 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:</td>
<td>FM, BP</td>
<td>PS, CE</td>
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<tr>
<td>▪ 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;</td>
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<td>▪ 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;</td>
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<td>▪ The Atascadero resident or worker restriction shall apply to the initial sale only;</td>
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<td>▪ The applicant shall identify which units will be reserved; and</td>
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<td>▪ The City Attorney shall approve the final form of the agreement.</td>
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<td>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.</td>
<td>GP/BP</td>
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<tr>
<td>17. Prior to final map, the applicant shall submit CC&amp;Rs for review and approval by the Community Development Department. The CC&amp;R’s</td>
<td>BP</td>
<td>PS</td>
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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.

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

c. Individual unit’s responsibility for keeping all trash receptacles within the unit’s garage or behind a designated screened 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.

18. 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

19. 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 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.

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#### Mitigation Measure

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

20. 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.

21. An access and recreational use easement shall be recorded over Lots 6 and 7 that dedicates use of the drainage basin on the lots as an amenity and common drainage facility for the benefit of Lots 1 through 12.

22. The applicant shall work with staff to add additional windows and architectural details to the street elevations which face El Camino Real (lots 12 and 1.) The elevations shall be consistent with the interior parking court front elevations.

23. A centralized trash enclosure shall be provided at the terminus of the parking court for trash and recycling. The trash enclosure shall include:

- A fire rated trellis shall be installed over dumpsters
- Solid metal Architectural style doors (to be approved by staff) shall
be on the front of the enclosure

- A separate walkway (ADA accessible) shall be provided for residents to drop off trash through the back of the enclosure
- Dark split face block shall be used for the enclosure and the rear wall along the property line behind the enclosure
- Lighting shall be provided near the trash enclosure for safe nighttime access
- A water faucet, hose, and drain shall be provided in the trash enclosure for clean up.
- A curb with vines shall be provided between the trash enclosure and the guest parking space
- Additional landscape shall be provided around parking enclosure and front yards on lots adjacent to the enclosure.

### 24. Access gates shall be included on lots 8 and 9 to provide side access for these lots to the trash enclosure and parking court.

### 25. The trash enclosure shall be maintained by the homeowners association. Maintenance shall be outlined in the CC&R's to record with the final map.

### 26. The applicant shall obtain written approval from Atascadero Waste Alternatives for the size, location, and construction specifications of the centralized trash enclosure prior to building permit issuance.

### 27. Prior to final map, the applicant shall identify the location of the individual green waste trash cans for placement in the interior parking court on trash pick up day. These approved locations shall be identified in the CC&R's to record with the final map.

### 28. 4 foot clear path of travel on the sidewalk on front of the proposed project shall be provided and is to be ADA accessible. The applicant shall work directly with the post office to locate the mailboxes, and then provide bump outs where necessary to ensure a clear 4-foot path.

### 29. Roof material shall be high quality, architectural grade, subject to staff approval.

### 30. Street section to remain as constructed with bulb outs.

### 31. A light shall be installed at the end of the parking court near the detention basin. The homeowners association shall utilize the light source as they find necessary.
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<tr>
<td>1. Storm water runoff from the project shall be conveyed to the property line as shown on the preliminary plans. The adjacent landowner has indicated in writing that he is willing to accept the historical flow from the site. Final drainage calculations to confirm that flow from the site does not exceed the historical.</td>
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<tr>
<td>2. In the event that the applicant bonds for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City Council.</td>
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<tr>
<td>3. An engineer's estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond.</td>
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<tr>
<td>4. The Subdivision Improvement Agreement shall record concurrently with the Final Map.</td>
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<td>5. A six (6) foot Public Utility Easement (PUE) shall be provided contiguous to the property frontage.</td>
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<tr>
<td>6. The applicant shall acquire title interest in any off-site land that may be required to allow for the construction of the improvements. The applicant shall bear all costs associated with the necessary acquisitions. The applicant shall also gain concurrence from all adjacent property owners whose ingress and egress is affected by these improvements.</td>
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<tr>
<td>7. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.</td>
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<tr>
<td>8. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.</td>
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<tr>
<td>9. A preliminary subdivision guarantee shall be submitted for review in conjunction with the processing of the tract map.</td>
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<td>10. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<tr>
<td>11. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
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<td>12. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
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13. 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.  

14. 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.  

15. 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. The applicant shall show all access restrictions on the final/parcel map.  

16. 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.  

17. 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.  

18. 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.  

19. Provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.  

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

21. Show the method of dispersal at all pipe outlets. Include specifications for size & type.  

22. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer.
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<tr>
<td>23. Off-site streets shall be improved consistent with the Tentative Tract Map.</td>
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<td>24. Project shall include construction of curb, gutter and sidewalk along entire frontage, as shown on the preliminary plans.</td>
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<td>25. Alignment of frontage improvements shall be approved by the City Engineer.</td>
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<td>26. All utilities shall be undergrounded on project frontage</td>
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<tr>
<td>27. All onsite sewer mains shall be privately owned and maintained.</td>
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<tr>
<td>28. 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.</td>
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<td>29. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</td>
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<td>30.Gravity mains within the subdivision shall be eight (8) inches in diameter.</td>
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<td>31. 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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#### Atascadero Mutual Water Company

32. 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.

33. Before the start of construction on the water system improvements, the applicant shall pay all installation and connection fees required by AMWC.
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34. Before issuance of building permits, the applicant shall obtain a “Will Serve” letter from AMWC for the newly created lots within the subdivision.

35. Separate water meters for domestic water service are required for each individual lot.

Mitigation Measures

Exhibit A
Mitigation Monitoring Program

7298 & 7312 Santa Ysabel Avenue


Mitigation Measure 1.c.1: The shared driveway shall be constructed of decorative concrete to minimize the visual impact of the paved area.

Mitigation Measure 1.d.1: Exterior lighting shall be limited to wall mounted building lighting only. All exterior lighting shall be designed to eliminate any off site glare and shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare.

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

Section 6.3: Construction Equipment
• Maintain all construction equipment in proper tune according to manufacturer’s specifications.
• Fuel all off-road and portable diesel powered equipment, including but not limited to bulldozers, graders, cranes, loaders, scrapers, backhoes, generator sets, compressors, auxiliary power units, with ARB certified motor vehicle diesel fuel (Non-taxed version suitable for use off-road).
• Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.

Section 6.4: Activity Management Techniques
• Develop a comprehensive construction activity management plan designed to minimize the amount of large construction equipment operating during any given time period.
• Schedule of construction truck trips during non-peak hours to reduce peak hour emissions.
• Limit the length of the construction workday period, if necessary.
• Phase construction activities, if appropriate.
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### Section 6.5: Fugitive PM10

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

- Reduce the amount of the disturbed area where possible.
- Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stockpile areas should be sprayed daily as needed.
- Permanent dust control measures identified in the approved project re-vegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities.
- Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast-germinating native grass seed and watered until vegetation is established.
- All disturbed soil areas not subject to re-vegetation should be stabilized using approved chemical soil binder, jute netting, or other methods approved in advance by the APCD.
- All roadways, driveways, sidewalks, etc, to be paved should be 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 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 3.b.2

Prior to any grading activities at the site, the applicant shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include...
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<tr>
<td>Mitigation Measure 3.b.4:</td>
<td>Applicant shall contact Tim Fuhs of the Enforcement Division of the APCD (#781-5912) prior to removal or relocation of utility pipelines and existing buildings. Construction shall comply with the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.</td>
<td>BP</td>
<td>BS/PS</td>
<td>3.b.4</td>
</tr>
<tr>
<td>Mitigation Measure 3.b.5:</td>
<td>Applicant shall contact David Dixon of the APCD's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements of equipment and operations.</td>
<td>BP</td>
<td>BS/PS</td>
<td>3.b.5</td>
</tr>
<tr>
<td>Mitigation Measure 3.b.6:</td>
<td>Only APCD approved wood burning devices shall be installed in new dwelling units. These devices include: • All EPA-Certified Phase II wood burning devices; • Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab; • Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab; • Pellet-fueled wood heaters; and • Dedicated gas-fired fireplaces.</td>
<td>BP</td>
<td>BS/PS</td>
<td>3.b.6</td>
</tr>
<tr>
<td>Mitigation Measure 6.b.1:</td>
<td>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.</td>
<td>GP</td>
<td>BS/CE</td>
<td>6.b.1</td>
</tr>
<tr>
<td>Mitigation Measure 6.c.d.1:</td>
<td>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.</td>
<td>GP</td>
<td>CE</td>
<td>6.c.d.1</td>
</tr>
<tr>
<td>Mitigation Measure 8.e.f.1:</td>
<td>The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such</td>
<td>Ongoing</td>
<td>BS/PS</td>
<td>8.e.f.1</td>
</tr>
</tbody>
</table>
### Conditions of Approval / Mitigation Monitoring Program

**7298 & 7312 Santa Ysabel Ave.**

**PD-25 Master Plan of Development**  
**ZCH 2005-0110 / CUP 2005-0174**

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.

<table>
<thead>
<tr>
<th>Mitigation Measure 8.g.h.i.1:</th>
<th>The site is located in Zone B, an area of within the 100 to 500 year flood plane. Building permits shall show building pads which are raised above 100-year flood hazard area.</th>
<th>GP</th>
<th>BS/CE/PS</th>
<th>8.g.h.i.1</th>
</tr>
</thead>
</table>
| Mitigation Measure 11.d.1:    | All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation. Construction activities shall be limited to the following hours of operation:  
- 7 a.m. to 7 p.m. Monday through Friday  
- 9 a.m. to 6 p.m. Saturday  
- No construction on Sunday  
Failure to comply with the above-described hours of operation may result in withholding of inspections and possible construction prohibitions, subject to the review and approval of the Community Development Director.  
A sign shall be posted on-site with the hours of operation and a telephone number of the person to be contacted in the event of any violations. The details of such a sign shall be approved by staff during the Grading Plan/Building Permit review process. | Ongoing | BS/PS | 11.d.1 |
# SITE AREA PERCENTAGE CALCULATIONS

## LOT 1:
- **(N) BUILDING FOOTPRINT AREA**: 951 SQ.FT. = 26%
- **PAVED/CONCRETE AREA**: 990 SQ.FT. = 28%
- **LANDSCAPED AREA**: 1,658 SQ.FT. = 46%
- **TOTAL SITE AREA**: 3,599 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET LOT AREA**: = 26%

## LOT 2:
- **(N) BUILDING FOOTPRINT AREA**: 855 SQ.FT. = 31%
- **PAVED/CONCRETE AREA**: 746 SQ.FT. = 27%
- **LANDSCAPED AREA**: 1,128 SQ.FT. = 42%
- **TOTAL SITE AREA**: 2,729 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET LOT AREA**: = 37%

## LOT 3:
- **(N) BUILDING FOOTPRINT AREA**: 855 SQ.FT. = 32%
- **PAVED/CONCRETE AREA**: 718 SQ.FT. = 27%
- **LANDSCAPED AREA**: 1,113 SQ.FT. = 41%
- **TOTAL SITE AREA**: 2,686 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET LOT AREA**: = 38%

## LOT 4:
- **(N) BUILDING FOOTPRINT AREA**: 855 SQ.FT. = 22%
- **PAVED/CONCRETE AREA**: 1,891 SQ.FT. = 48%
- **LANDSCAPED AREA**: 1,192 SQ.FT. = 30%
- **TOTAL SITE AREA**: 3,938 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET LOT AREA**: = 34%

## LOT 5:
- **(N) BUILDING FOOTPRINT AREA**: 995 SQ.FT. = 28%
- **PAVED/CONCRETE AREA**: 1,103 SQ.FT. = 32%
- **LANDSCAPED AREA**: 1,406 SQ.FT. = 40%
- **TOTAL SITE AREA**: 3,504 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET LOT AREA**: = 29%

## LOT 6:
- **(N) BUILDING FOOTPRINT AREA**: 995 SQ.FT. = 26%
- **PAVED/CONCRETE AREA**: 1,115 SQ.FT. = 29%
- **LANDSCAPED AREA**: 1,757 SQ.FT. = 45%
- **TOTAL SITE AREA**: 3,867 SQ.FT. = 100%
- **BUILDING FOOTPRINT COVERAGE OF NET Lot AREA INCLUDING BASIN**: = 29%
EXHIBIT C: Statistical Project Summary

LOT 7:
(N) BUILDING FOOTPRINT AREA = 1,000 SQ.FT. = 25%
PAVED/CONCRETE AREA = 1,132 SQ.FT. = 29%
LANDSCAPED AREA = 1,802 SQ.FT. = 46%
TOTAL SITE AREA = 3,934 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA INCLUDING BASIN = = 30%

LOT 8:
(N) BUILDING FOOTPRINT AREA = 989 SQ.FT. = 29%
PAVED/CONCRETE AREA = 1,089 SQ.FT. = 31%
LANDSCAPED AREA = 1,392 SQ.FT. = 40%
TOTAL SITE AREA = 3,470 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA = = 34%

LOT 9:
(N) BUILDING FOOTPRINT AREA = 951 SQ.FT. = 20%
PAVED/CONCRETE AREA = 2,107 SQ.FT. = 45%
LANDSCAPED AREA = 1,633 SQ.FT. = 35%
TOTAL SITE AREA = 4,691 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA = = 30%

LOT 10:
(N) BUILDING FOOTPRINT AREA = 855 SQ.FT. = 32%
PAVED/CONCRETE AREA = 764 SQ.FT. = 28%
LANDSCAPED AREA = 1,076 SQ.FT. = 40%
TOTAL SITE AREA = 2,695 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA = = 38%

LOT 11:
(N) BUILDING FOOTPRINT AREA = 855 SQ.FT. = 31%
PAVED/CONCRETE AREA = 707 SQ.FT. = 26%
LANDSCAPED AREA = 1,168 SQ.FT. = 43%
TOTAL SITE AREA = 2,730 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA = = 37%

LOT 12:
(N) BUILDING FOOTPRINT AREA = 951 SQ.FT. = 24%
PAVED/CONCRETE AREA = 1,037 SQ.FT. = 27%
LANDSCAPED AREA = 1,889 SQ.FT. = 49%
TOTAL SITE AREA = 3,877 SQ.FT. = 100%
BUILDING FOOTPRINT COVERAGE OF NET LOT AREA = = 24%
** Full size color board available at the Planning Department
EXHIBIT G: Floor Plans, Units B-B: First Floor
EXHIBIT G: Elevations, Units B-B
EXHIBIT G: Elevations Units A-C
EXHIBIT H: Trash Enclosure

TRASH ENCLOSURE-PLAN

TRELLIS OVER WALL DETAIL

NEW 6'-0" HT. SOLID WALL
SPICE FACE BLOCK

TRELLIS OVER DUMPSTERS

NEW 6'-0" HT. SOLID WALL
SPICE FACE BLOCK

NEW 6'-0" HT. DECORATIVE REDWOOD FENCE
WITH BLOCK PILASTERS
ON TOP OF NEW RET. WALL (TYP)
SEE LANDSCAPE PLAN
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
TENTATIVE TRACT MAP 2005-0081, A TWELVE LOT SUBDIVISION
CONSISTENT WITH A PD-25 MASTER PLAN OF DEVELOPMENT ON
APN 030-121-003 & 004
(7298 & 7312 Santa Ysabel Avenue / Patel & Patel)

WHEREAS, an application has been received from Paritosh Patel, 930 Wigeon Way, Arroyo Grande CA 93420 and Niral Patel, 175 S. Mesa Road, Nipomo CA (Applicants and Property Owners), to consider a project consisting of a Zone Change from RMF-16 (Residential Multi-Family-16) to RMF-16 / PD-25 (Residential Multi-Family-16 with Planned Development Overlay #25) with the adoption of a Master Plan of Development, and a twelve lot Tentative Tract Map on APN 030-121-003 & 004; and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-16 (Residential Multi-Family-16) to RMF-16/PD 25 (Residential Multi-Family-16/Planned Development Overlay 25); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2006-0036 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 application; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on May 1, 2007, studied and considered Tentative Tract Map 2005-0081, 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 June 12, 2007, studied and considered Tentative Tract Map 2005-0081, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project; and,
NOW THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. Findings of Approval for Tentative Tract Map. the City Council of the City of Atascadero finds as follows:

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements.

2. The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District #25 Master Plan of Development (CUP 2005-0174).

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) shall be required that incorporate the planned development conditions of approval to ensure that the site retains the qualities (architecture, colors, materials, street 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 June 12, 2007, resolved to recommend that the City Council approve Tentative Tract Map (TTM 2005-0081) subject to the following:

1. Exhibit A: Tentative Tract Map 2005-0081

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 2005-0081

1st page of TTM shows existing lots, signature block, and vicinity map only
### Exhibit B: Conditions of Approval / Mitigation Monitoring Program

#### Tentative Tract Map 2005-0081

<table>
<thead>
<tr>
<th>Conditions of Approval / Mitigation Monitoring Program</th>
<th>Timing</th>
<th>Responsibility / Monitoring</th>
<th>Mitigation Measure</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>7298 &amp; 7312 Santa Ysabel</strong></td>
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<tr>
<td><strong>Tentative Tract Map</strong></td>
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<tr>
<td><strong>TTM 2005-0081</strong></td>
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#### Planning Services

1. The approval of this zone change and use permit shall become final and effective following City Council approval.
   - **Timing:** FM
   - **Responsibility:** PS

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 2005-0110 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.
   - **Timing:** FM
   - **Responsibility:** PS

3. Approval of this Master Plan of Development shall be valid concurrently with the life of Tentative Tract Map 2005-0081 and then indefinitely following final map. The Master Plan of Development approval shall expire and become null and void unless a final map is recorded consistent with the Master Plan of Development.
   - **Timing:** FM
   - **Responsibility:** PS

4. Subsequent changes to the Master Plan of Development shall be approved by the Planning Commission, independent of Council action.
   - **Timing:** On-going
   - **Responsibility:** PS

5. 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. The Planning Commission shall have the final authority to approve any other changes to the Master Plan of Development and any associated Tentative Maps.
   - **Timing:** BP / FM
   - **Responsibility:** PS

6. All subsequent Maps and construction permits shall be consistent with the Master Plan of Development contained herein.
   - **Timing:** BP / FM
   - **Responsibility:** PS

7. 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 project.
   - **Timing:** BP / FM
   - **Responsibility:** PS

8. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBITS B through G to include the following, subject to staff approval:
   - a. The applicant shall submit a new color board to reflect deep earth-tone colors, consistent with the selected.
### Conditions of Approval / Mitigation Monitoring Program

**7298 & 7312 Santa Ysabel**

**Tentative Tract Map**

**TTM 2005-0081**

<table>
<thead>
<tr>
<th>architectural style, subject to final staff approval.</th>
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<tbody>
<tr>
<td>b. All exterior windows shall be of beige, taupe or similar color and not be white.</td>
</tr>
<tr>
<td>c. All garage doors shall be of architectural grade and high durable quality and painted to match or compliment the final approved building colors. Garage doors may either be purchased from the factory in a color approved by staff, or may be purchased in a primer finish to be painted in a color approved by staff.</td>
</tr>
<tr>
<td>i. All exterior material finishes (siding, trim, doors, windows, light fixtures) shall be durable, high quality, and consistent with the architectural appearance.</td>
</tr>
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</table>

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<thead>
<tr>
<th>9. All site development shall be consistent with the maximum intensities described in the statistical project summary as shown in EXHIBIT C</th>
<th>BP/FM</th>
<th>PS</th>
</tr>
</thead>
</table>

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<tr>
<th>10. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBITS B THROUGH G</th>
<th>BP/FM</th>
<th>PS</th>
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<tr>
<th>11. All project fencing shall be installed consistent with EXHIBIT D subject to the following modifications:</th>
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<tbody>
<tr>
<td>• The design of all fencing shall be of high architectural quality, durability, compatible with the selected architectural building design, and residential in design, subject to staff approval. Where existing perimeter fencing is retained, it shall be repaired as required to perform as fully and aesthetically functional.</td>
</tr>
<tr>
<td>• All wood for fencing shall be treated.</td>
</tr>
<tr>
<td>• All rear yard fencing shall be new or like new.</td>
</tr>
<tr>
<td>12. A final landscape and irrigation plan shall be submitted with the final map application and shall be approved with recordation of the final map. Landscaping shall be included as part of site improvement plan consistent with EXHIBIT D, as conditioned. Landscaping shall be installed prior to final of each building permit.</td>
</tr>
<tr>
<td>d. All exterior meters, air conditioning units, and mechanical equipment shall be screened with landscape material. Trash/recycle container areas shall be screened with fencing or landscape.</td>
</tr>
<tr>
<td>e. The developer shall landscape all front and street-facing side yards, and rear yards. Privacy shrubs and trees be planted along the development, subject to staff approval. All landscape maintenance</td>
</tr>
<tr>
<td>Conditions of Approval / Mitigation Monitoring Program</td>
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<tr>
<td>------------------------------------------------------</td>
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<tr>
<td>7298 &amp; 7312 Santa Ysabel</td>
</tr>
<tr>
<td>shall be the responsibility of the individual property owner.</td>
</tr>
<tr>
<td>f. All proposed tree locations, species, and sizes shall be as identified in EXHIBIT D, as conditioned. Trees shall be double staked.</td>
</tr>
<tr>
<td>▪ The drainage detention basin shall be landscaped by the developer and maintained by the Homeowner’s Association or other mechanism approved by the City.</td>
</tr>
<tr>
<td>▪ Final street tree species selection shall be subject to staff approval. Street and open space trees shall be minimum 15-gallon size and double staked.</td>
</tr>
<tr>
<td>▪ Front yard areas shall be landscaped with drought tolerant native species, subject to staff approval.</td>
</tr>
<tr>
<td>▪ Driveway material selection shall be compatible with proposed architecture. The material shall be pavers or decorative concrete, subject to final staff approval.</td>
</tr>
<tr>
<td>▪ Turf shall be minimized in yards. Only the basin shall have full turf coverage.</td>
</tr>
<tr>
<td>13. The developer and/or subsequent owner shall assume responsibility for the continued maintenance of all landscape and common areas, consistent with EXHIBIT D.</td>
</tr>
<tr>
<td>14. Affordable Housing Requirement: The applicant shall designate one unit as a moderate-income unit and one unit as a low-income unit, deed-restricted for a 30-year period prior to or concurrent with final map.</td>
</tr>
<tr>
<td>15. 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:</td>
</tr>
<tr>
<td>▪ 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;</td>
</tr>
<tr>
<td>▪ 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;</td>
</tr>
<tr>
<td>▪ The Atascadero resident or worker restriction shall apply to the initial sale only;</td>
</tr>
<tr>
<td>▪ The applicant shall identify which units will be reserved; and</td>
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</tbody>
</table>
### Conditions of Approval / Mitigation Monitoring Program

#### 7298 & 7312 Santa Ysabel

**Tentative Tract Map**  
**TTM 2005-0081**

<table>
<thead>
<tr>
<th>Timing</th>
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</tr>
</thead>
<tbody>
<tr>
<td>GP/BP</td>
<td>PS: Planning Services</td>
<td>AMWC: Water Comp.</td>
</tr>
<tr>
<td>BP</td>
<td>BS: Building Services</td>
<td></td>
</tr>
<tr>
<td>SIP</td>
<td>PD: Police Department</td>
<td></td>
</tr>
<tr>
<td>FM</td>
<td>CE: City Engineer</td>
<td></td>
</tr>
<tr>
<td>FO</td>
<td>WW: Wastewater</td>
<td></td>
</tr>
<tr>
<td>CA</td>
<td>AMWC: Water Comp.</td>
<td></td>
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</table>

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

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.  

<table>
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<tr>
<th>GP/BP</th>
<th>PS</th>
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17. 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:

- g. Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping.
- h. A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units.
- i. Individual unit’s responsibility for keeping all trash receptacles within the unit’s garage or behind a designated screened area.
- j. Garages shall be maintained and used for vehicle parking.
- k. No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.
- l. 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.

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<tr>
<th>BP</th>
<th>PS</th>
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18. 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

| FM | PS |

19. 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

| FM | PS |
Conditions of Approval / Mitigation Monitoring Program

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Tentative Tract Map
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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 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.

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

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

i. All open space and native tree preservation areas.

j. All drainage facilities and detention basins.

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

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

m. All frontage landscaping and sidewalks along arterial streets.

20. 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.

21. An access and recreational use easement shall be recorded over Lots 6 and 7 that dedicates use of the drainage basin on the lots as an amenity and common drainage facility for the benefit of Lots 1 through 12.
### Conditions of Approval / Mitigation Monitoring Program

#### 7298 & 7312 Santa Ysabel

**Tentative Tract Map**  
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<table>
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<tr>
<td><strong>22.</strong> The applicant shall work with staff to add additional windows and architectural details to the street elevations which face El Camino Real (lots 12 and 1.) The elevations shall be consistent with the interior parking court front elevations.</td>
<td><strong>BP</strong></td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td><strong>23.</strong> A centralized trash enclosure shall be provided at the terminus of the parking court for trash and recycling. The trash enclosure shall include:</td>
<td><strong>BP</strong></td>
<td>PS</td>
<td></td>
</tr>
<tr>
<td>- A fire rated trellis shall be installed over dumpsters</td>
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<td>- Solid metal Architectural style doors (to be approved by staff) shall be on the front of the enclosure</td>
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<td>- A separate walkway (ADA accessible) shall be provided for residents to drop off trash through the back of the enclosure</td>
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<td>- Dark split face block shall be used for the enclosure and the rear wall along the property line behind the enclosure</td>
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<tr>
<td>- Lighting shall be provided near the trash enclosure for safe nighttime access</td>
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<tr>
<td>- A water faucet, hose, and drain shall be provided in the trash enclosure for clean up.</td>
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<tr>
<td>- A curb with vines shall be provided between the trash enclosure and the guest parking space</td>
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<td>- Additional landscape shall be provided around parking enclosure and front yards on lots adjacent to the enclosure.</td>
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<td><strong>24.</strong> Access gates shall be included on lots 8 and 9 to provide side access for these lots to the trash enclosure and parking court.</td>
<td><strong>BP</strong></td>
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<tr>
<td><strong>25.</strong> The trash enclosure shall be maintained by the homeowners association. Maintenance shall be outlined in the CC&amp;R’s to record with the final map.</td>
<td><strong>FM</strong></td>
<td>PS</td>
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<tr>
<td><strong>26.</strong> The applicant shall obtain written approval from Atascadero Waste Alternatives for the size, location, and construction specifications of the centralized trash enclosure prior to building permit issuance</td>
<td><strong>BP</strong></td>
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<tr>
<td><strong>27.</strong> Prior to final map, the applicant shall identify the location of the individual green waste trash cans for placement in the interior parking court on trash pick up day. These approved locations shall be identified in the CC&amp;R’s to record with the final map.</td>
<td><strong>FM</strong></td>
<td>PS</td>
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<tr>
<td><strong>28.</strong> 4 foot clear path of travel on the sidewalk on front of the proposed project shall be provided and is to be ADA accessible. The applicant</td>
<td><strong>BP</strong></td>
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### Conditions of Approval /
Mitigation Monitoring Program

#### 7298 & 7312 Santa Ysabel

**Tentative Tract Map**  
**TTM 2005-0081**

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

shall work directly with the post office to locate the mailboxes, and then provide bump outs where necessary to ensure a clear 4-foot path.

29. Roof material shall be high quality, architectural grade, subject to staff approval.  

30. Street section to remain as constructed with bulb outs.

31. A light shall be installed at the end of the parking court near the detention basin. The homeowners association shall utilize the light source as they find necessary.

### City Engineer Project Conditions

1. Storm water runoff from the project shall be conveyed to the property line as shown on the preliminary plans. The adjacent landowner has indicated in writing that he is willing to accept the historical flow from the site. Final drainage calculations to confirm that flow from the site does not exceed the historical.

### City Engineer Standard Conditions

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

3. 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.

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

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

6. 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.

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

8. Drainage easements shall be obtained by the applicant as needed to accommodate both public and private drainage facilities.
### Conditions of Approval / Mitigation Monitoring Program

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**Tentative Tract Map**

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#### Conditions

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

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

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

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

13. 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.

14. 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.

15. 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. The applicant shall show all access restrictions on the final/parcel map.

16. 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.

17. 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.

18. 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.
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<tr>
<td>19. Provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</td>
<td>GP, BP CE</td>
<td>CE</td>
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<tr>
<td>20. Drainage basins shall be designed to desilt, detain and meter storm flows as well as release them to natural runoff locations.</td>
<td>GP, BP CE</td>
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<td>21. Show the method of dispersal at all pipe outlets. Include specifications for size &amp; type.</td>
<td>GP, BP CE</td>
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<td>22. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer</td>
<td>GP, BP CE</td>
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<td>23. Off-site streets shall be improved consistent with the Tentative Tract Map.</td>
<td>GP, BP CE</td>
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<tr>
<td>24. Project shall include construction of curb, gutter and sidewalk along entire frontage, as shown on the preliminary plans.</td>
<td>GP, BP CE</td>
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<td>25. Alignment of frontage improvements shall be approved by the City Engineer.</td>
<td>GP, BP CE</td>
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<tr>
<td>26. All utilities shall be undergrounded on project frontage</td>
<td>GP, BP CE</td>
<td>CE</td>
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<tr>
<td>27. All onsite sewer mains shall be privately owned and maintained.</td>
<td>FM CE</td>
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<tr>
<td>28. 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.</td>
<td>FM CE</td>
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<tr>
<td>29. Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</td>
<td>BP CE</td>
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<td>30. Gravity mains within the subdivision shall be eight (8) inches in diameter.</td>
<td>BP CE</td>
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<tr>
<td>31. 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 CE</td>
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**Atascadero Mutual Water Company**
### Mitigation Measures

#### Mitigation Measure 1.c.1
- **Mitigation Measure 1.c.1**: The shared driveway shall be constructed of decorative concrete to minimize the visual impact of the paved area.
- **Timing**: BP
- **Responsibility**: PS
- **Mitigation Measure**: 1.c.1

#### Mitigation Measure 1.d.1
- **Mitigation Measure 1.d.1**: Exterior lighting shall be limited to wall mounted building lighting only. All exterior lighting shall be designed to eliminate any off site glare and shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare.
- **Timing**: BP
- **Responsibility**: PS
- **Mitigation Measure**: 1.d.1

#### Mitigation Measure 3.b.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.
- **Timing**: BP
- **Responsibility**: BS
- **Mitigation Measure**: 3.b.1

#### 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,
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with ARB certified motor vehicle diesel fuel (Non-taxed version suitable for use off-road).
- Maximize to the extent feasible, the use of diesel construction equipment meeting the ARB’s 1996 or newer certification standard for off-road heavy-duty diesel engines.

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

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

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

<table>
<thead>
<tr>
<th>Mitigation Measure 3.b.2:</th>
<th>Prior to any grading activities at the site, the applicant shall ensure that a geologic evaluation is conducted to determine if Naturally Occurring Asbestos (NOA) is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD.</th>
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<td>Monitoring</td>
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<th>Mitigation Measure 3.b.3:</th>
<th>There shall be no developmental burning of vegetative material.</th>
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<th>Mitigation Measure 3.b.4:</th>
<th>Applicant shall contact Tim Fuhs of the Enforcement Division of the APCD (#781-5912) prior to removal or relocation of utility pipelines and existing buildings. Construction shall comply with the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM.</th>
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<th>Mitigation Measure 3.b.5:</th>
<th>Applicant shall contact David Dixon of the APCD’s Engineering Division at (805) 781-5912 for specific information regarding permitting requirements of equipment and operations.</th>
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<tr>
<th>Mitigation Measure 3.b.6:</th>
<th>Only APCD approved wood burning devices shall be installed in new dwelling units. These devices include: • All EPA-Certified Phase II wood burning devices; • Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab; • Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally recognized testing lab;</th>
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- Pellet-fueled wood heaters; and
- Dedicated gas-fired fireplaces.

**Mitigation Measure 6.b.1**: 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.

**Timing**

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**Mitigation Measure 6.c.d.1**: 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.

**Timing**

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

**Timing**

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**Mitigation Measure 8.g.h.i.1**: The site is located in Zone B, an area of within the 100 to 500 year flood plane. Building permits shall show building pads which are raised above 100-year flood hazard area.

**Timing**

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**Mitigation Measure 11.d.1**: All construction activities shall comply with the City of Atascadero Noise Ordinance for hours of operation.

Construction activities shall be limited to the following hours of operation:

- 7 a.m. to 7 p.m. Monday through Friday
- 9 a.m. to 6 p.m. Saturday
- No construction on Sunday

Failure to comply with the above-described hours of operation may result in withholding of inspections and possible construction prohibitions, subject to the review and approval of the Community Development Director.

A sign shall be posted on-site with the hours of operation and a telephone number of the person to be contacted in the event of any violations. The details of such a sign shall be approved by staff during the Grading Plan/Building Permit review process.