Atascadero City Council
Staff Report - Community Development Department

PLN 2006-1117
Ridgeway Court Planned Development:
Custom Planned Development #29
5825 Ridgeway Ct
(Beck)

(Approval would allow an 8-unit detached residential planned development)

RECOMMENDATIONS:

Planning Commission recommends Council:

1. Adopt Resolution A certifying Proposed Mitigated Negative Declaration 2007-0003; and,

2. Introduce for first reading, by title only, draft Ordinance A approving Zone Text Change 2006-0121 to establish Planned Development Overlay Zone #29; and

3. Introduce for first reading, by title only, draft Ordinance B approving Zone Map Change 2007-0135 based on findings; and,

4. Adopt Resolution B approving Conditional Use Permit 2006-0184 (Master Plan of Development), based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,

5. Adopt Resolution C approving Vesting Tentative Tract Map 2006-0089 based on findings and subject to Conditions of Approval and Mitigation Monitoring.
REPORT-IN-BRIEF:

The proposed project consists of a Zone Text Change to establish a new site-specific Planned Development Overlay Zone #29, and Zone Map Amendment to establish a Planned Development Overlay Zone #29 on the subject site with a corresponding Master Plan of Development (CUP) and Vesting Tentative Tract Map that would allow an 8-unit detached residential planned development. The project site is currently developed with a single-family residence that has been identified as a historically significant Colony Home.

DISCUSSION:

Situation and Facts:

1. Applicant / Representative: Jim and Adrienne Beck, 5825 Ridgeway Court, Atascadero, CA 93422
   Gary & Mary Tharp, 12250 San Antonio Road, Atascadero, CA 93422

2. Project Address: 5825 Ridgeway Court, Atascadero, CA 93422
   APNs 029-322-022, 023, 024 (San Luis Obispo County)

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

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

5. Site Area: 1.105 acres

6. Existing Use: Historic Colony Home

**Background**

On September 18, 2007, the Planning Commission held a public hearing for the proposed project and zoning code amendment and recommended that the City Council approve the proposed project, with the following conditions added:

- **Condition CUP 6: (bullet item 4)** Eliminate Clipped roof corners from unit proposed for lot 8.
- **Condition CUP 6: (bullet item 5)** Carriage door styles shall be utilized throughout the project and shall be painted/colored to compliment the historic color schemes.
- **Condition CUP 6: (bullet item 6)** The belly-band shall be eliminated and the transition between materials shall be historic in character, per staff approval.
- **Condition CUP 6: (bullet item 7)** The lower floor of lot 3 shall be stucco finish.
- **Condition CUP 28:** A qualified stone mason shall be used as a consultant for the demolition and reassembly of the historic wall.

The Commission recommended project approval with the establishment of PD-29 on a 5-2 vote.

**Surrounding Land Use and Setting:**

- **North:** Residential Multi-family
- **South:** Residential Multi-family
- **East:** Residential Multi-family
- **West:** Commercial Retail / Public
The project site is within the Medium Density Residential General Plan land use designation and is zoned Residential Multi-Family-10, which allows for a maximum density of 10 units per acre. The maximum density for this site, based on the current zoning, is 11 units. The properties within the existing residential neighborhood are developed with a combination of single and multiple-family projects. The existing home is designated as a Colony Home and is proposed to remain.

**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. Seven new detached hillside units are proposed on the project site along Palma and Rosario Avenues and the existing Colony Home located off of Ridgeway Court is proposed to remain. Proposed new homes range in size from 1500 square feet to 2300 square feet. Lot sizes range from 3155 square feet to 22,407 square feet. The proposed homes along Palma are 3-stories in height.

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**

**Site Plan and Circulation**

The proposed project includes seven detached units and one existing Colony Home. Each of the new units will take access either off Rosario Ave or Palma Ave. The Ridgeway Court frontage will remain as existing, with the exception of required frontage improvements, designed to maintain the historic character of the existing home and preserve character defining site elements such as an existing rock entry wall and historic carriage house.

The existing hillside area adjacent to Palma Ave contains 19 native trees ranging in diameter from 17-inches to 88-inches dbh. Due to the historic nature of the existing home, the development area of the site is limited to the more sloped areas of the property. At the Planning Commission’ direction the applicant positioned the units in a way that aimed to preserve the healthiest trees and reduced the setback along Palma Avenue to allow for fewer impacts to the hillside. In addition, the units closest to the corner of Rosario and Palma were designed to avoid the need to remove two native oak trees (26-inch Live Oak and 36-inch Valley Oak). The applicant maintained the 3-story design which minimizes the building footprint and, thus, the area of disturbance necessary to construct the units.

The applicant designed the units along Rosario Avenue to provide adequate turn-around area to allow vehicles to forward exit onto Rosario Avenue. The turn-around area is provided both for the garage and guest parking spaces.
Parking

Each new unit contains a 2-car garage with the Colony Home site remaining as it currently exists today.

The Planning Commission is recommending a parking option that eliminates guest parking spaces on lots 5 through 8 to increase landscaping and reduce hillside impacts. The project is conditioned to construct improvements on the opposite side of Palma Ave along the rear frontage of the City’s police station to increase the on-street parking opportunities along Palma Avenue as a whole. While on-street parking does not technically count towards the counted number of parking spaces for a project, the Planning Commission has recommended the this scenario be allowed under the custom Planned Development Overlay Zone #29.

Frontage Improvements:

Curb, gutter, and sidewalk are required along all frontages of the project site including Ridgeway Court. Due to the location of the existing stone wall along Ridgeway Court, the frontage improvements have been slightly modified to allow these improvements to remain. The Planning Commission recommends that the Palma Avenue frontage include a rolled concrete curb up to lot 5 with the location of the sidewalk at the edge of the existing right-of-way to allow for increased landscape area to the proposed units.

Architecture, Materials, and Color

The proposed units range in size from 1500 square feet to 2300 square feet. The units along Palma Ave are 3-storied in height. Unit 3 located along Rosario Avenue also includes a third story conditioned floor within the apex of the roofline.

Units 2, 3, and 4 include porches facing Rosario Avenue that include stylized columns, a variety of siding materials including horizontal and vertical siding, and shake accents. In addition, each unit includes double hung windows and exposed roof rafter tails. Each garage is designed as a side-loading garage to minimize the appearance of the garage doors from Rosario Avenue. Unit 4, located on the corner of Rosario and Palma Avenues is designed with the garage facing Palma Avenue. In addition, the conditioned entry wall as recommended by Planning Commission and the historic consultant will add a decorative element to the corner of Rosario Ave and Palma Ave.

Units 5, 6, 7, and 8 are designed as 3-story hillside homes that will be built into the hill. From the front the unit will appear as 3-stories, however, from the rear, the unit will appear as 2-stories. The applicant has varied the façade of each unit providing an individual character for each residence by differing the roof elements and styles as well as the porch elements. The units have been designed with two single-car garages to minimize the bulk of the garage doors and contain a variety of materials and colony style architectural details.
The planning Commission has added conditions as noted above to ensure that he units are compatible with the historic character of the site.

**Landscape Design**

The preliminary landscape plan has been designed to retain existing mature native oak trees. Street trees are provided along Palma and Rosario Avenues with medium scale trees included in landscape planters adjacent to the sidewalk along Palma Avenue.

Proposed landscaping includes drought tolerant shrubs and accent plants with minimized turf areas. Staff has added Conditions of Approval to ensure high quality landscaping along the Palma Avenue frontage and integration with proposed retaining walls.

**Native Tree Mitigation/Preservation**

A tree removal application for 8 native trees is included with the proposed development, 4 Toyons, 2 Valley Oaks, and 2 Live Oaks. A Condition of Approval has been included requiring the applicant to pay mitigation fees into the Tree Replacement Fund or provide equivalent re-plantings on site, as required by the Atascadero Native Tree Ordinance and as shown in the following chart (Condition CUP 20).

<table>
<thead>
<tr>
<th>Evergreen Native Trees (inches)</th>
<th>Deciduous Native Trees (inches)</th>
<th>Totals</th>
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<tbody>
<tr>
<td><strong>dbh</strong></td>
<td><strong>notes</strong></td>
<td><strong>dbh</strong></td>
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<tr>
<td>6</td>
<td>5-inches</td>
<td>6</td>
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<tr>
<td><strong>Total</strong></td>
<td>53-inches</td>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

**Mitigation Requirement**

req'd tree replacements: 18 five gal trees

Proposed Replanting: 0 five gal trees

Remaining Mitigation: 18 five gal trees

Tree Fund Payment: $883.33

req'd tree replacements: 31 five gal trees

Proposed Replanting: 0 five gal trees

Remaining Mitigation: 31 five gal trees

Tree Fund Payment: $1,533.33

48 five gal trees

0 five gal trees

0 box trees (24’’)

$2,416.67

A Condition of Approval has also been included to require the applicant to pay a mitigation deposit for all trees impacted 40% or greater. Under this scenario, a deposit will be required for 2 trees.
Site Drainage

Site drainage will be piped to underground detention basins. Easements will be required to be recorded on the final map to ensure continued maintenance of the shared facilities.

Wastewater

Sanitary sewer will be connected to existing facilities in Rosario and Palma Avenues.

Fiscal Impact

Based on findings from the Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City has developed standard Conditions of Approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and community facilities districts (Conditions 17 and 18).

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 (Conditions 14 and 15).

Project Benefits

One of the required findings for approval of a Planned Development Rezone is the project must “…offer certain redeeming features to compensate for the requested modification.” The table shown below outlines the Council policy on Planned Development benefits. In order to approve this project, the Council must find that the project offers all of the Tier 1 benefits to qualify for a Planned Development project. In addition, staff notes that this project does include preservation of a historic Colony Home, which is listed as a Tier 2 benefit.

<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 b) High Quality Architectural Design c) High Quality Landscape Design d) Buffering between Urban and Suburban zones (large lot sizes, increased setbacks, landscape</td>
<td>a) Pocket Parks in larger projects b) Trails / Walkways for Pedestrian Connectivity c) Historic Preservation</td>
</tr>
</tbody>
</table>
Tentative Tract Map

An 8-lot Tentative Tract Map (TTM 2006-0089) is proposed as part of the project consistent with the proposed Master Plan of Development and proposed PD Overlay Zone #29. The Tract Map has been conditioned by staff and the City Engineer to meet all City standards including on-site subdivision and frontage improvements. The applicant will be required to record CC&R’s with the map that will include maintenance and access of common areas (Condition 19).

General Plan Consistency

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

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

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

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

Land Use Program 6.1.7: The City shall carefully evaluate both public and private projects to require the preservation of trees, watersheds, natural slopes, and other natural features.

Land Use Program 6.1.9: Attention shall be paid to the aesthetic result of land division. Building sites shall minimize disruption of natural slopes, native vegetation and watersheds by the careful selection of building sites, leach fields and driveways. Building designs inappropriate for hillside locations shall not be approved.

Land Use Program 6.2.1: Actively utilize the Historic Overlay zoning district to protect known historic structures, significant Colony homes and colony sites.

Land Use Program 6.4.1: Protect historic buildings and sites. Atascadero’s historic buildings and features shall be preserved and protected in recognition of the role the
community’s past plays in its present and future. Historic overlay zoning shall be utilized to protect appropriate historic districts.

Land Use Program 6.4.5: Update the PD (Planned Development) overlay zone to include retention and rehabilitation of historic resources as a primary justification for PD zoning regulation standards.

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

The Planning Commission found that the proposed project is consistent with the goals and policies of the Land Use Element and the Housing Element. The project will provide seven new single-family residential units and will preserve an existing Colony Home within the medium-density residential zone. As conditioned, the project incorporates elements that are consistent with the character of the surrounding residential neighborhood and the goals and policies of the General Plan.

Findings

Establishment of PD-29 (Zone Text Amendment)

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.

2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

Planned Development Overlay (Zone Map Amendment)

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

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

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

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

4. The proposed Zone Change is consistent with the project-specific Mitigated Negative Declaration.
Conditional Use Permit (Master Plan of Development)

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

1. The proposed project or use is consistent with the General Plan and the City's Appearance Review Manual.

   **Staff Comment:** The use is consistent with the General Commercial designation of the General Plan and General Plan Land Use Element Policy 1.1, 1.1.7, 2.1, 6.1.7, 6.1.9, 6.2.1, 6.4.1, 6.4.5, and Housing Element Policy 4.3.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the Planned Development Ordinance.

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

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

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

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

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

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.
Staff Comment: The proposed project and use is consistent with the traffic projections and road improvements anticipated within the General Plan and as proposed by the applicant.

Tree Removals

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

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

Proposed Environmental Determination

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public on March 5, 2007. The environmental analysis identified concerns regarding potential impacts to aesthetics, land use and planning, noise, biological resources, and traffic. Mitigation Measures pertaining to these resources are included. A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified Mitigation Measures.

The historic analysis requested by the Planning Commission made recommendations regarding the removal and reuse of the wall material. Mitigation Measures 5.a.2 and 5.a.6 have been modified to be consistent with the recommendations of the historic analysis. A finding is included that these Mitigation Measures are equivalent to or better than the originally posted Mitigation Measures for the project.

Conclusion

The Planning Commission found that 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, and incorporates architectural themes into the site and building design, as conditioned. Native trees have been preserved where feasible and required conditions and Mitigation Measures have been appropriately incorporated into the project. As analyzed within the project Initial Study and Draft Mitigated Negative Declaration, the proposed Master Plan of Development would have no significant environmental impacts and will not be detrimental to the general public or working persons health, safety, or welfare. Based on staff’s analysis in the preceding sections, it appears all of the required findings for project approval can be made.
ALTERNATIVES:

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

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

3. The Council may deny the project. The parcel would retain its designation of Residential Multi-Family-10.

ATTACHMENTS:

Attachment 1: Location, General Plan, and Zoning Map
Attachment 2: Proposed Mitigated Negative Declaration and Initial Study
Attachment 3: Draft Resolution A
Attachment 4: Draft Ordinance A
Attachment 5: Draft Ordinance B
Attachment 6: Draft Resolution B
Attachment 7: Draft Resolution C
Existing Designation:
- Medium Density Residential
- Residential Multi-family - 10

Proposed Designation:
- Medium Density Residential
- Residential Multi-Family -10/ PD 29
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING
PROPOSED MITIGATED NEGATIVE DECLARATION 2007-0003
PREPARED FOR PLN 2006-1117
ON APN 029-322-022, 023, 024
5825 Ridgeway Ct.
(Beck)

WHEREAS, an application has been received from Jim and Adrienne Beck, 5825 Ridgeway Ct, Atascadero, Ca 93422, and Gary and Mary Tharp, 12250 San Antonio Rd, Atascadero, Ca 93422 (Applicants and Property Owners), to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10 / PD-29 (Residential Multi-Family-10 with a Planned Development Overlay #29) with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5825 Ridgeway Ct, (APN 029-322-022, 023, 024); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2007-0003 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 September 18, 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 October 9, 2007, following the close of the review period, to consider the Initial Study and Proposed Mitigated Negative Declaration; and,

NOW THEREFORE, the City Council of the City of Atascadero, hereby resolves to certify Proposed Mitigated Negative Declaration 2007-0003 based on the following Findings as shown on Exhibit A:

1. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,
2. The Proposed Mitigated Negative Declaration was presented to the Planning Commission, and the information contained therein was considered by the Planning Commission, prior to recommending action on the project for which it was prepared; and,

3. The project does not have the potential to degrade the environment when Mitigation Measures are incorporated into the project; and,

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

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

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

7. Mitigation Measures 5.a.2 and 5.a.6 have been modified to be consistent with the recommendations of the historic analysis. These Mitigation Measures are equivalent to or better than the originally posted Mitigation Measures for the project.
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:

_______________________________
Robert Schultz, Interim City Attorney
See following
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2006-0121 TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY #29
5825 Ridgeway Ct.
(Beck)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Jim and Adrienne Beck, 5825 Ridgeway Ct, Atascadero, Ca 93422, and Gary and Mary Tharp, 12250 San Antonio Rd, Atascadero, Ca 93422 (Applicants and Property Owners), to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD29 (Residential Multi-Family-10 with a Planned Development Overlay #29) with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5825 Ridgeway Ct, (APN 029-322-022, 023, 024); and,

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0003 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and,
WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on September 18, 2007 studied and considered Zone Change 2006-0121, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on October 9, 2007 studied and considered Zone Change 2006-0121, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

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

SECTION 1. Findings for Approval of a Zone Text Change Creating a PD Planned Development Overlay #29 District. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.

2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on October 9, 2007 resolved to introduce for first reading by title only, an ordinance that would amend the City Zoning Code Text with the following:

9-3.674 Establishment of Planned Development Overlay Zone #29

This Planned Development Overlay Zone on APN 029-322-022, 023, 02 in the Residential Multi-family Zone. The maximum residential density within the planned development shall not exceed the density allowed by the underlying zoning district and provisions of the Atascadero Municipal Code. The following development standards shall be met by the entitled project within the PD Overlay Zone #29:

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

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

c) No subsequent Tentative Parcel or Tract Map shall be approved unless found to be consistent with the approved Master Plan of Development.

d) Appearance of each dwelling unit, site landscaping, site development, and amenities shall be consistent with the Atascadero Appearance Review Manual. All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as
approved. Buffer landscaping along the eastern property line shall be maintained by the individual property owners in perpetuity.

e) Any future improvements/rehabilitation of the historic Colony Home shall be completed in accordance with the secretary of the interior’s standards for rehabilitating historic structures.

f) Each unit shall include the following:
   - 300 cubic feet of shelved storage area. (Bedroom and entry/coat closets shall not count toward this requirement).
   - Dedicated space for laundry facilities with hookups.

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

h) Exterior walls or fencing shall be consistent throughout the project. Design and appearance of fences and/or walls shall be compatible with the design of the dwelling units. Fence posts shall be metal or pressure treated wood. Wood preservative/sealer shall be applied to fence panels.

i) All mechanical equipment, including HVAC units and utility meters, shall be screened from view from adjacent streets and properties.

j) Trash shall be stored in individual garages.

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:

_______________________________________
Robert Schultz, Interim City Attorney
DRAFT ORDINANCE B

ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE CHANGE 2007-0135, AMENDING THE OFFICIAL ZONING MAP DESIGNATION OF APN 029-322-022, 023, 024 FROM RMF-10 (RESIDENTIAL MULTI-FAMILY – 10) TO RMF-10 /PD-29 (RESIDENTIAL MULTI-FAMILY – 10/ PLANNED DEVELOPMENT OVERLAY #29) WITH AN HS (HISTORIC SITE) DESIGNATION ON THE RESULTING LOT 1
5825 Ridgeway Ct.
(Beck)

The City Council hereby finds and declares as follows:

WHEREAS, an application has been received from Jim and Adrienne Beck (5825 Ridgeway Ct, Atascadero, Ca 93422) and Gary and Mary Tharp (12250 San Antonio Rd, Atascadero, Ca 93422) Applicants and Property Owners, to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD29 (Residential Multi-Family-10 with a Planned Development Overlay 29) with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5825 Ridgeway Ct, (APN 029-322-022, 023, 024); and,

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

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

WHEREAS, proposed Lot 1 contains an existing historic Colony Home; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0003 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 September 18, 2007 studied and considered Zone Change 2007-0135, 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 September 18, 2007 studied and considered Zone Change 2007-0135, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RMF-10/ PD-29. The City Council finds as follows:

1. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.

2. Modification of development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

3. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.

4. The proposed project offers certain redeeming features to compensate for the requested zone change.

5. The project site includes the retention of an existing Colony Home and an open space easement over the existing riparian area allowing for location of the guest parking in a parallel fashion along the shared driveway at the entrance to the project site.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on October 9, 2007, resolved to introduce for first reading by title only, an ordinance that would rezone the subject site consistent with the following:

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

By: ______________________________

Dr. George Luna, Mayor

ATTEST:

_______________________________________

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

APPROVED AS TO FORM:

_______________________________________

Robert Schultz, Interim City Attorney
Exhibit A: Location Map / Zone Map Amendment Diagram

Existing Designation:
- Medium Density Residential
- Residential Multi-family - 10

Proposed Designation:
- Medium Density Residential
- Residential Multi-Family -10/ PD 29 – HS designation on resulting Lot 1
DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT 2006-0184 (MASTER PLAN OF
DEVELOPMENT)
ON APN 029-322-022, 023, 024
5825 Ridgeway Ct.
(Beck)

WHEREAS, an application has been received from Jim and Adrienne Beck, 5825 Ridgeway Ct, Atascadero, Ca 93422, and Gary and Mary Tharp, 12250 San Antonio Rd, Atascadero, Ca 93422 (Applicants and Property Owners), to consider a project consisting of a Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD29 (Residential Multi-Family-10 with a Planned Development Overlay #29) with corresponding Master Plan of Development and Vesting Tentative Tract Map located at 5825 Ridgeway Ct, (APN 029-322-022, 023, 024); and,

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

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from RMF-10 (Residential Multi-Family-10) to RMF-10 with PD29 (Residential Multi-Family-10 with a Planned Development Overlay #29); and,

WHEREAS, the Planned Development Overlay Zone #29 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0003 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 September 18, 2007 studied and considered the Conditional Use Permit 2006-0184 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on October 9, 2007 studied and considered the Conditional Use Permit 2006-0184 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

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

1. The proposed project or use is consistent with the General Plan and the City’s Appearance Review Manual; and,
2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD Overlay Zone #29; and,
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,
4. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,
5. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood that would result from full development in accordance with the Land Use Element.
6. The Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area; and
7. Benefits derived from the Master Plan of Development and PD Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

SECTION 2. Findings for Approval of Tree Removal. The City Council finds as follows:

1. The trees are obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the Site Planner and
determined by the Community Development Department based on the following factors:
- Early consultation with the City;
- Consideration of practical design alternatives;
- Provision of cost comparisons (from applicant) for practical design alternatives;
- If saving tree eliminates all reasonable uses of the property; or
- If saving the tree requires the removal of more desirable trees.

SECTION 3. Approval. The City Council of the City of Atascadero, in a regular session assembled on October 9, 2007 resolved to approve Conditional Use Permit 2006-0184 (Master Plan of Development) and Tree Removal Permit subject to the following:

EXHIBIT A: Conditions of approval / Mitigation Monitoring Program
EXHIBIT B: Master Plan of Development / Site Plan
EXHIBIT C: Floor Plan and Elevations – Lot 2
EXHIBIT D: Floor Plan and Elevations – Lot 3
EXHIBIT E: Floor Plan and Elevations – Lot 4
EXHIBIT F: Floor Plan and Elevations – Lot 5
EXHIBIT G: Floor Plan and Elevations – Lot 6
EXHIBIT H: Floor Plan and Elevations – Lot 7
EXHIBIT I: Floor Plan and Elevations – Lot 8
EXHIBIT J: Preliminary Landscape Plan
EXHIBIT K: Tree Protection Plan
EXHIBIT L: Grading, Drainage, and Frontage Improvement Plan
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:

______________________________
Robert Schultz, Interim City Attorney
### Conditions of Approval / Mitigation Monitoring Program

**5825 Ridgeway Ct**

**PLN 2006-1117**

**Planned Development Overlay #29**

#### Planning Services

1. The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of ZCH 2006-0121 and ZCH 2007-0135 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.

2. 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.

3. Approval of this Conditional Use Permit shall be valid for twelve (12) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.

4. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision.

5. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.

6. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT B through L with the following modifications:

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

   - Windows shall be gridded on all four elevations.

   - Roofs shall be architectural grade dimensional shingles.

   - Eliminate Clipped roof corners from unit proposed for lot 8.

   - Carriage door styles shall be utilized throughout the project and shall be
### Conditions of Approval / Mitigation Monitoring Program

<table>
<thead>
<tr>
<th>5825 Ridgeway Ct</th>
<th>PLN 2006-1117</th>
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**Painting/Coloring**
- Painted/colored to compliment the historic color schemes.
  - The belly-band shall be eliminated and the transition between materials shall be historic in character, per staff approval.
  - The lower floor of lot 3 shall be stucco finish.

7. All site development shall comply with the standards of the Planned Development Overlay District #29.

8. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B, J, K, and L. Where discrepancies exist between the landscape plan and the grading plan, the grading plan will take precedence. The following modification shall be required:
   - A rolled concrete curb shall be provided along Palma Avenue and the back of sidewalk shall be located at the extent of the existing right-of-way.
   - The parking configuration as shown in the Master Plan of Development (EXHIBIT B) shall take precedence over all other plans shown with the following modifications:
     - Condition the project that the applicant increase on-street parking opportunities rather than approve the exhibit as presented. Staff is not in support of widening the opposite side of Palma Avenue based on current slope conditions. Eliminating the guest parking between the units would provide two on-street parking spaces in front of the proposed units, creating a reduction in standard parking requirements of two spaces.

9. All project fencing shall be installed consistent with EXHIBIT B and J subject to the following modifications:
   - Fencing material and treatment shall comply with the PD-29 standards.
   - Fencing for the units shall be placed at the rear property lines. Fencing shall be 4-foot maximum solid or transparent fencing.

10. The proposed project shall incorporate dark earth-toned colors and shall utilize high quality decorative architectural materials compatible with the existing stone walls surrounding the Colony Home. Dark split-faced block that is compatible with the stone veneer may be utilized for the rear retaining walls.

11. A final landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with
**Conditions of Approval / Mitigation Monitoring Program**

**5825 Ridgeway Ct**

**PLN 2006-1117**

**Planned Development Overlay #29**

### EXHIBIT J, and as follows:

- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.
- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.
- Final tree list shall be submitted with building permits, subject to staff approval. Street trees within tree planters along Palma Avenue shall be medium sized shade trees such as honey or purple robe locust. Planting adjacent to parking spaces and within narrow planters shall consist of ornamental grasses and compatible upright screen shrubs and vines. Landscaping at the terraced walls shall consist of trailing plants and screen shrubs.
- Street trees shall be minimum 15-gallon size and double staked.
- Front yard areas not specifically conditioned shall be landscaped with drought tolerant species, subject to staff approval.

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

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

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

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

**5825 Ridgeway Ct**

**PLN 2006-1117**

**Planned Development Overlay #29**

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

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

**16.** 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.

**17.** 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.

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

**5825 Ridgeway Ct**  
**PLN 2006-1117**  
**Planned Development Overlay #29**

<table>
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<tr>
<td>18. 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 shall record with the Final Map and shall include the following:</td>
<td>BP</td>
<td>PS, BS</td>
</tr>
<tr>
<td>a) Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping in perpetuity.</td>
<td><strong>Timing</strong></td>
<td><strong>Responsibility /Monitoring</strong></td>
</tr>
</tbody>
</table>
| b) A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units. | BL: Business License  
GP: Grading Permit  
BP: Building Permit  
FI: Final Inspection  
TO: Temporary Occupancy  
FO: Final Occupancy | PS: Planning Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney |
| c) Residents shall keep all trash receptacles within the unit’s designated trash storage area. | **Mitigation Measure** | **ES**: Environmental Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney |
| d) Garages shall be maintained and used for vehicle parking. | **Timing** | **Responsibility /Monitoring** |
| e) No boats, RV’s or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage. | **Mitigation Measure** | **PS**: Planning Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
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| 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. | **Timing** | **Responsibility /Monitoring** |
| The applicant may choose not to record CC&R’s as shared facilities are minimal. In this case, the applicant will be required to record a combination of deed restrictions alerting future owners to project conditions and maintenance agreements for the shared maintenance of the drainage and shared parking facilities. | **Mitigation Measure** | **BS**: Building Services  
FD: Fire Department  
PD: Police Department  
CE: City Engineer  
WW: Wastewater  
CA: City Attorney |
| 19. Approval of this permit shall include the removal of 8 Native Trees. The applicant shall be required to pay mitigation fees or provide replantings on-site per the requirements of the Atascadero Native Tree Ordinance. Any additional removals shall be subject to Planning Commission approval. | BP | PS, BS |
| ▪ A mitigation deposit shall be collected for all native trees impacted 40% or greater. The deposit shall be released no sooner than 18 months following final of the unit(s) impacting the trees. | **Timing** | **Responsibility /Monitoring** |
| | **Mitigation Measure** | **ES**: Environmental Services  
BS: Building Services  
FD: Fire Department  
PD: Police Department  
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f) All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities.

   g) All frontage landscaping and sidewalks along arterial streets
## Conditions of Approval / Mitigation Monitoring Program

### 5825 Ridgeway Ct

**PLN 2006-1117**

**Planned Development Overlay #29**

<table>
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<tbody>
<tr>
<td>20. The applicant must provide for the repair and maintenance of on-site shared improvements. This includes guest parking areas that cross property lines, shared driveways, and common drainage facilities. The two methods that may be used are:</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>a. Homeowners Association. This private organization would be responsible for the maintenance, repair and replacement of the facilities.</td>
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<tr>
<td>b. Other form of non-revocable maintenance agreement approved by the City Engineer and the Community Development Director.</td>
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<tr>
<td>The City Engineer and City Attorney shall approve the final form prior to recordation.</td>
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<tr>
<td>21. Rosario shall include a red curb to ensure that no parking is allowed along the Rosario Ave. frontage.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>22. The applicant shall work with the Post Office during the building permit process to locate mail boxes. A 5-foot path of travel shall be maintained along all project frontages.</td>
<td>GP, BP</td>
<td>PS</td>
<td></td>
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<tr>
<td>23. A repair permit for the carriage House shall be approved and finaled prior to final of the last residential unit.</td>
<td>GP, BP</td>
<td>PS</td>
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<tr>
<td>24. The tract improvement landscape plan shall include upgrades to landscaping along the Ridgeway Court frontage in front of the existing Colony House.</td>
<td>GP, BP</td>
<td>PS</td>
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### City Engineer Project Conditions

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<tr>
<td>25. Project shall include construction of curb, gutter and sidewalk along entire frontage of Palma Avenue, Rosario Avenue and Ridgeway Court, as modified on the Tentative Parcel Map.</td>
<td>GP, BP</td>
<td>CE</td>
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</tr>
<tr>
<td>26. In accordance with municipal code section 9-4.160, the applicant shall overlay Rosario Avenue across the frontage of the property to a width of ½ the street plus 10’.</td>
<td>GP, BP</td>
<td>CE</td>
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</tr>
<tr>
<td>27. In accordance with municipal code section 9-4.160, the applicant shall overlay Palma Avenue across the frontage of the property to a width of ½ the street plus 10’.</td>
<td>GP, BP</td>
<td>CE</td>
<td></td>
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<tr>
<td>28. A qualified stone mason shall be used as a consultant for the demolition and reassembly of the historic wall.</td>
<td>GP, BP</td>
<td>PS</td>
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### City Engineer Standard Conditions
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29. 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.

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30. 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.

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<td>GP, BP</td>
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31. The Subdivision Improvement Agreement shall record concurrently with the Final Map.

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

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33. 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.

<table>
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<td>GP, BP</td>
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34. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.

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

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

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

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

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

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40. 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.

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<th>Timing</th>
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41. 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.

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<th>Timing</th>
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### Conditions of Approval / Mitigation Monitoring Program

**5825 Ridgeway Ct**

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

42. 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.

43. 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.

44. 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.

45. 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.

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

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

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

49. Show method of conduct to approved off-site drainage facilities.

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

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

### Table: Timing, Responsibility, Mitigation Measure

<table>
<thead>
<tr>
<th>Conditions</th>
<th>Timing</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>5825 Ridgeway Ct</td>
<td>BL: Business License</td>
<td>PS: Planning Services</td>
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<tr>
<td>PLN 2006-1117</td>
<td>GP: Grading Permit</td>
<td>BS: Building Services</td>
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</tr>
<tr>
<td>Planned Development Overlay #29</td>
<td>GP: Building Permit</td>
<td>FD: Fire Department</td>
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<td></td>
<td>GP: Final Inspection</td>
<td>PD: Police Department</td>
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<td></td>
<td>To: Temporary Occupancy</td>
<td>CE: City Engineer</td>
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<td>FO: Final Occupancy</td>
<td>WW: Wastewater</td>
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<td>CA: City Attorney</td>
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### Conditions of Approval / Mitigation Monitoring Program

**5825 Ridgeway Ct**

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<tr>
<td><strong>52.</strong> All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer</td>
<td>GP, BP</td>
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<td><strong>53.</strong> Off-site streets shall be improved consistent with the Tentative Tract Map.</td>
<td>GP, BP</td>
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<td><strong>54.</strong> Alignment of frontage improvements shall be approved by the City Engineer.</td>
<td>GP, BP</td>
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<tr>
<td><strong>55.</strong> All utilities shall be undergrounded on project frontage</td>
<td>GP, BP</td>
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<tr>
<td><strong>56.</strong> Applicant shall pay sewer extension (Annexation), Connection and Reimbursement fees (if applicable) upon issuance of building permit.</td>
<td>BP</td>
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<tr>
<td><strong>57.</strong> 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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**Mitigation Measures**

**Mitigation Measure 1.b.1:** All houses constructed along the Palma Ave frontage on slopes of 20% or greater shall be painted darker earth toned historic colors to blend with the natural surrounding and existing Colony Home.  

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

**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.

- Asbestos has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If Naturally Occurring Asbestos (NOA) is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. If NOA is not present, an exemption request must be filed.
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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. Should Naturally Occurring Asbestos be identified within the area of construction, and the worked area will be less than or equal to one acre, then the dust control measures identified below are required. If the disturbed area is greater than one acre, additional requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.

- Dust Control Measures for Construction and Grading Operation Projects One Acre or Less: No person shall engage in any construction or grading operation on property where the area to be disturbed is one (1.0) acre or less unless all of the following dust mitigation measures are initiated at the start and maintained throughout the duration of the construction or grading activity:

  (A) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;

  (B) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;

  (C) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line;

  (D) Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or removed from the pile;

  (E) Equipment must be washed down before moving from the property onto a paved public road;

  (F) Visible track-out on the paved public road must be cleaned using wet sweeping or a HEPA filter equipped vacuum device within twenty-four (24) hours.
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<td><strong>3.b.2</strong></td>
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<td>PS</td>
<td>3.b.2</td>
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<tr>
<td><strong>4.e.1</strong></td>
<td>BP</td>
<td>PS</td>
<td>4.e.1</td>
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**Mitigation Measure 3.b.2**: Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.

**Mitigation Measure 4.e.1**: The Grading Plan shall identify tree protection fencing around the dripline, or as recommended by the project arborist, of each existing on-site or off-site native tree.
### Conditions of Approval / Mitigation Monitoring Program

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Mitigation Measure 4.e.2: The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:

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

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

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

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

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<td><strong>4.e.3</strong></td>
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<td>4.e.3</td>
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<tr>
<td>Grading and excavation and grading work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:</td>
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<tr>
<td>1. All existing trees outside of the limits of work shall remain.</td>
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<td>2. Earthwork shall not exceed the limits of the project area.</td>
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<td>3. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.</td>
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<td>4. Vehicles and stockpiled material shall be stored outside the dripline of all trees.</td>
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<td>5. All trees within the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.</td>
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<td>6. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.</td>
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<td><strong>4.e.4</strong></td>
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<td>CE, PS</td>
<td>4.e.4</td>
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<td>Erosion control hydroseed/slope stabilization shall consist of native species matching the existing plant species within the tributary stream. The seed and plant material shall not contain any introduced plant species.</td>
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<td><strong>5.a.1</strong></td>
<td>ZCH</td>
<td>PS</td>
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<td>A “HS” (Historic Site) zoning designation shall be placed over Lot 1.</td>
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<td><strong>5.a.2</strong></td>
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<td>The existing retaining wall shall be disassembled and reconstructed as an entry feature on the corner of Rosario and Palma Avenues. Any remaining rock shall be used as accent features of the remaining lots and shall be focused on enhancing and preserving the additional stone walls on Lot 1, the Colony Home lot. All other retaining walls shall be constructed of high quality material and shall compliment the architectural style of the project. None of the walls shall be used as project signage.</td>
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<td><strong>5.a.3</strong></td>
<td>FMP</td>
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<td>CC&amp;R’s recorded for the development shall include a statement addressing the historic nature of Lot 1.</td>
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<td><strong>5.a.4</strong></td>
<td>Ongoing</td>
<td>PS</td>
<td>5.a.4</td>
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<td>Any exterior building modifications or site plan changes not represented in the proposed project that could occur during the Building Permit application process or during construction shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation &amp; Illustrated Guidelines for Rehabilitating Historic Buildings and shall meet the provisions of CEQA -Section 15064.5, as approved by Planning Staff.</td>
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<td><strong>5.a.5</strong></td>
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<td>The existing carriage house/drive through out-building shall be restored and maintained in a structurally and aesthetically sound condition. All modifications or repairs necessary for such shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation &amp; Illustrated Guidelines for Rehabilitating Historic Buildings and shall meet the provisions of CEQA -Section 15064.5, as approved by Planning Staff.</td>
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</table>
EXHIBIT B: Master Plan of Development / Site Plan
EXHIBIT C: Floor Plan and Elevations – Lot 2

RIDGEWAY COURT
LOT 2, ROSARIO AVE.

RIDGEWAY COURT
LOT 2, ROSARIO AVE.
EXHIBIT D: Floor Plan and Elevations – Lot 3

RIDGEWAY COURT
LOT 3, ROSARIO AVE.

RIDGEWAY COURT
LOT 3, ROSARIO AVE.
EXHIBIT G: Floor Plan and Elevations – Lot 6

RIDGEWAY COURT
LOT 6, PALMA AVE.

RIDGEWAY COURT
LOT 6, PALMA AVE.
EXHIBIT H: Floor Plan and Elevations – Lot 7

RIDGEWAY COURT
LOT 7, PALMA AVE.

RIDGEWAY COURT
LOT 7, PALMA AVE.
EXHIBIT I: Floor Plan and Elevations – Lot 8

RIDGeway COURT
LOT 8, PALMA AVE.

RIDGeway COURT
LOT 8, PALMA AVE.
EXHIBIT K: Tree Protection Plan
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
TENTATIVE TRACT MAP 2006-0089 (TRACT 2854), AN EIGHT LOT
SUBDIVISION CONSISTENT WITH A MASTER PLAN OF
DEVELOPMENT ON APN 029-322-022, 023, 024
5825 Ridgeway Ct.
(Beck)

WHEREAS, an application has been received from Jim and Adrienne Beck, 5825
Ridgeway Ct, Atascadero, Ca 93422, and Gary and Mary Tharp, 12250 San Antonio Rd,
Atascadero, Ca 93422, (Applicants and Property Owners), to consider a project consisting of a
Zone Change from RMF-10 (Residential Multi-family-10) to RMF-10/PD-29 (Residential Multi-
Family-10 with a Planned Development Overlay #29) with corresponding Master Plan of
Development and Vesting Tentative Tract Map located at 5825 Ridgeway Ct, (APN 029-322-
022, 023, 024); and,

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

WHEREAS, the Planning Commission has recommended that the site’s Zoning District
be changed from RMF-10 (Residential Multi-Family-10) to RMF-10 / PD-29 (Residential Multi-
Family-10 / Planned Development Overlay #29); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0003 were
prepared for the project and made available for public review in accordance with the
requirements of the California Environmental Quality Act (CEQA); and,

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Tentative
Tract Map application was held by the Planning Commission of the City of Atascadero at which
hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of
Development; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed
Public Hearing held on September 18, 2007 studied and considered Tentative Tract Map 2006-
WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on October 9, 2007 studied and considered Tentative Tract Map 2006-0089, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

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

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

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD Overlay District #29.

2. The proposed subdivision, as conditioned, is consistent with the Master Plan of Development (CUP 2006-0184).

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

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

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

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

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

8. The proposed subdivision design and type of improvements proposed will not be detrimental to the health, safety or welfare of the general public.
SECTION 2. **Approval.** The City Council of the City of Atascadero, in a regular session assembled on October 9, 2007, resolved approve Tentative Tract Map 2006-0089 subject to the following:

1. Exhibit A: Tentative Tract Map (Tract 2854)
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:

__________________________
Robert Schultz, Interim City Attorney
### Conditions of Approval / Mitigation Monitoring Program

**5825 Ridgeway Ct**

**PLN 2006-1117**

**Planned Development Overlay #29**

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<tr>
<th>Planning Services</th>
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1. The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of ZCH 2006-0121 and ZCH 2007-0135 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.

2. 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.

3. Approval of this Conditional Use Permit shall be valid for twelve (12) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.

4. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision.

5. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.

6. All exterior elevations, finish materials and colors shall be consistent with the Master Plan of Development as shown in EXHIBIT B through L with the following modifications:

   - All exterior material finishes (siding, trim, doors, windows, light fixtures, garage doors) shall be durable, high quality, and consistent with the architectural appearance.
   - Windows shall be gridded on all four elevations.
   - Roofs shall be architectural grade dimensional shingles.

7. All site development shall comply with the standards of the Planned Development Overlay District #29.
8. All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in EXHIBIT B J, K, and L. Where discrepancies exist between the landscape plan and the grading plan, the grading plan will take precedence. The following modification shall be required:

- A rolled concrete curb shall be provided along Palma Avenue and the back of sidewalk shall be located at the extent of the existing right-of-way.

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<td>BP/FM</td>
<td>PS, BS, CE</td>
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9. All project fencing shall be installed consistent with EXHIBIT B and J subject to the following modifications:

- Fencing material and treatment shall comply with the PD29 standards.
- Fencing for the units shall be placed at the rear property lines. Fencing shall be 4-foot maximum solid or transparent fencing.
- No fencing shall cross the creek channel nor shall be placed in any way which restricts flow.
- Fencing adjacent to the open space easement shall be transparent in nature.

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10. The proposed project shall incorporate dark earth toned colors and shall utilize stone veneer similar to or compatible with the existing stone walls surrounding the Colony Home. Stone veneer shall be used on the garage levels of lots 5 through 8 and for all retaining walls adjacent to the Palma Ave. frontage. Dark split faced block that is compatible with the stone veneer may be utilized for the rear retaining walls.

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11. A 3-foot wide planter shall be provided between the guest parking spaces along Palma Avenue and the retaining wall. Landscape in this area shall be low-lying to allow for vehicle overhang.

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

- All exterior meters, air conditioning units and mechanical equipment shall be screened with landscape material.
- All areas shown on the landscape plan shall be landscaped by the developer prior to the final of any single building permit on-site.
- Final tree list shall be submitted with building permits, subject to staff approval. Street trees within tree planters along Palma Avenue shall be medium sided shade trees such as honey or purple robe locust. Planting adjacent to parking spaces and within narrow planters shall consist of

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### Conditions of Approval / Mitigation Monitoring Program

#### 5825 Ridgeway Ct

**PLN 2006-1117**

**Planned Development Overlay #29**

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ornamental grasses and compatible upright screen shrubs and vines. Landscaping at the terraced walls shall consist of trailing plants and screen shrubs.

- Street trees shall be minimum 15-gallon size and double staked.
- Front yard areas not specifically conditioned shall be landscaped with drought tolerant species, subject to staff approval.

13. The developer and/or subsequent owner(s) shall assume responsibility for the continued maintenance of all landscape and common areas, consistent with EXHIBIT B, J, and L.

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

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:

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

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

17. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer’s cost. The funding mechanism must be in place prior to or
Conditions of Approval / Mitigation Monitoring Program

5825 Ridgeway Ct

PLN 2006-1117

Planned Development Overlay #29

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.

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

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

i) All parks, trails, recreational facilities and like facilities.

j) All open space and native tree preservation areas.

k) All drainage facilities and detention basins.

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

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

n) All frontage landscaping and sidewalks along arterial streets

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

- Provisions for maintenance of all common areas including access,
### Conditions of Approval / Mitigation Monitoring Program

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<td>Parking, street trees, fencing and landscaping in perpetuity.</td>
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<tr>
<td>BL: Business License</td>
<td>BS: Building Services</td>
<td>h) A detailed list of each individual homeowner's responsibilities for maintenance of the individual units.</td>
</tr>
<tr>
<td>GP: Grading Permit</td>
<td>FD: Fire Department</td>
<td>i) Residents shall keep all trash receptacles within the unit's designated trash storage area.</td>
</tr>
<tr>
<td>BP: Building Permit</td>
<td>PD: Police Department</td>
<td>j) Garages shall be maintained and used for vehicle parking.</td>
</tr>
<tr>
<td>FI: Final Inspection</td>
<td>CE: City Engineer</td>
<td>k) No boats, RV's or other type of recreation vehicle may occupy a guest or resident parking space, including within an individual garage.</td>
</tr>
<tr>
<td>TO: Temporary Occupancy</td>
<td>WW: Wastewater</td>
<td>l) A provision for review and approval by the City Community Development Department for any changes to the CC&amp;R's that relate to the above requirements prior to the changes being recorded or taking effect.</td>
</tr>
<tr>
<td>FO: Final Occupancy</td>
<td>CA: City Attorney</td>
<td>The applicant may choose not to record CC&amp;R's as shared facilities are minimal. In this case, the applicant will be required to record a combination of deed restrictions alerting future owners to project conditions and maintenance agreements for the shared maintenance of the drainage and shared parking facilities.</td>
</tr>
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</table>

20. Approval of this permit shall include the removal of 8 Native Trees. The applicant shall be required to pay mitigation fees or provide replantings on-site per the requirements of the Atascadero Native Tree Ordinance. Any additional removals shall be subject to Planning Commission approval.

- A mitigation deposit shall be collected for all native trees impacted 40% or greater. The deposit shall be released no sooner than 18 months following final of the unit(s) impacting the trees.

21. The applicant must provide for the repair and maintenance of on-site shared improvements. This includes guest parking areas that cross property lines, shared driveways, and common drainage facilities. 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. Other form of non-revocable maintenance agreement approved by the City Engineer and the Community Development Director.

The City Engineer and City Attorney shall approve the final form prior to recordation.
**Conditions of Approval / Mitigation Monitoring Program**

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### City Engineer Project Conditions

22. Project shall include construction of curb, gutter and sidewalk along entire frontage of Palma Avenue, Rosario Avenue and Ridgeway Court, as modified on the Tentative Parcel Map.

23. In accordance with municipal code section 9-4.160, the applicant shall overlay Rosario Avenue across the frontage of the property to a width of ½ the street plus 10’.

24. In accordance with municipal code section 9-4.160, the applicant shall overlay Palma Avenue across the frontage of the property to a width of ½ the street plus 10’.

### City Engineer Standard Conditions

25. 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.

26. 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.

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

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

29. 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.

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

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

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

33. The final map shall be signed by the City Engineer prior to the map being placed.
### Conditions of Approval / Mitigation Monitoring Program

#### 5825 Ridgeway Ct

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on the agenda for City Council acceptance.

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<tr>
<td>34. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
<td>FM</td>
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<tr>
<td>35. Prior to recording the map, the applicant shall bond for or complete all improvements required by these conditions of approval.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>36. 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.</td>
<td>FM</td>
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<tr>
<td>37. Prior to recording the tract map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>38. 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.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>39. 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.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>40. Prior to the issuance of building permits the applicant shall submit plans and supporting calculations/reports including street improvements, underground utilities, composite utilities, and grading/drainage plans prepared by a registered civil engineer for review and approval by the City Engineer.</td>
<td>GP, BP</td>
<td>CE</td>
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<td>41. Submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.</td>
<td>GP, BP</td>
<td>CE</td>
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<td>42. Provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.</td>
<td>GP, BP</td>
<td>CE</td>
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<tr>
<td>43. Drainage basins shall be designed to desilt, detain and meter storm flows as well</td>
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## Conditions of Approval / Mitigation Monitoring Program

### 5825 Ridgeway Ct

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**Planned Development Overlay #29**

- as release them to natural runoff locations.

### Timing
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- FI: Final Inspection
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- FO: Final Occupancy

### Responsibility /Monitoring
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### Mitigation Measures

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<td>1.b.1</td>
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<tr>
<td><strong>Mitigation Measure 1.b.1:</strong> All houses constructed along the Palma Ave frontage on slopes of 20% or greater shall be painted darker earth toned historic colors to blend with the natural surrounding and existing Colony Home.</td>
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<td>CE</td>
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| Mitigation Measure 1.d.1 | | | |
| **Mitigation Measure 1.d.1:** All lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, "hooded" lighting fixtures to prevent offsite light spillage and glare. Any luminaire pole height shall not exceed | GP, BP | PS |

### Mitigation Measures

| Mitigation Measure 1.b.1 | | | |
| All houses constructed along the Palma Ave frontage on slopes of 20% or greater shall be painted darker earth toned historic colors to blend with the natural surrounding and existing Colony Home. | BP | PS | 1.b.1 |

| Mitigation Measure 1.d.1 | | | |
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Conditions of Approval / Mitigation Monitoring Program

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14-feet in height, limit intensity to 2.0 foot candles at ingress / egress, and otherwise 0.6 foot candle minimum to 1.0 maximum in parking areas. Fixtures shall be shield cut-off type.

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.

- Asbestos has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If Naturally Occurring Asbestos (NOA) is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. 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. Should Naturally Occurring Asbestos be identified within the area of construction, and the worked area will be less than or equal to one acre, then the dust control measures identified below are required. If the disturbed area is greater than one acre, additional requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.

- Dust Control Measures for Construction and Grading Operation Projects One Acre or Less: No person shall engage in any construction or grading operation on property where the area to be disturbed is one (1.0) acre or less unless all of the following dust mitigation measures are initiated at the start and maintained throughout the duration of the construction or grading activity:
  
  (A) Construction vehicle speed at the work site must be limited to fifteen (15) miles per hour or less;
  
  (B) Prior to any ground disturbance, sufficient water must be applied to the area to be disturbed to prevent visible emissions from crossing the property line;
  
  (C) Areas to be graded or excavated must be kept adequately wetted to prevent visible emissions from crossing the property line;
  
  (D) Storage piles must be kept adequately wetted, treated with a chemical dust suppressant, or covered when material is not being added to or
## Conditions of Approval / Mitigation Monitoring Program

### 5825 Ridgeway Ct

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<td>GP: Grading Permit</td>
<td>FD: Fire Department</td>
<td></td>
</tr>
<tr>
<td>BP: Building Permit</td>
<td>PD: Police Department</td>
<td></td>
</tr>
<tr>
<td>Fl: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</td>
<td>CE: City Engineer WW: Wastewater CA: City Attorney</td>
<td></td>
</tr>
</tbody>
</table>

Mitigation Measure 3.b.2: Naturally Occurring Asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common in the state and may contain naturally occurring asbestos. Under the State Air Resources Board Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if naturally occurring asbestos is present within the area that will be disturbed. If naturally occurring asbestos is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations. These requirements may include but are not limited to 1) an Asbestos Dust Mitigation Plan which must be approved by the District before construction begins, and 2) an Asbestos Health and Safety Program will also be required for some projects.

Mitigation Measure 4.e.1: The Grading Plan shall identify tree protection fencing around the dripline, or as recommended by the project arborist, of each existing on-site or off-site native tree.
**Mitigation Measure 4.e.2:** The developer shall contract with a certified arborist during all phases of project implementation. The certified arborists shall be responsible for monitoring the project during all phases of construction through project completion, as follows:

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

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

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

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

**5825 Ridgeway Ct**

**PLN 2006-1117**

**Planned Development Overlay #29**

<table>
<thead>
<tr>
<th>Mitigation Measure 4.e.3</th>
<th>Grading and excavation and grading work shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:</th>
</tr>
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<tbody>
<tr>
<td>7.</td>
<td>All existing trees outside of the limits of work shall remain.</td>
</tr>
<tr>
<td>8.</td>
<td>Earthwork shall not exceed the limits of the project area.</td>
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<tr>
<td>9.</td>
<td>Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.</td>
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<tr>
<td>10.</td>
<td>Vehicles and stockpiled material shall be stored outside the dripline of all trees.</td>
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<tr>
<td>11.</td>
<td>All trees within the area of work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.</td>
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<tr>
<td>12.</td>
<td>Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.</td>
</tr>
</tbody>
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<tr>
<th>Mitigation Measure 4.e.4</th>
<th>Erosion control hydroseed/slope stabilization shall consist of native species matching the existing plant species within the tributary stream. The seed and plant material shall not contain any introduced plant species.</th>
</tr>
</thead>
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<tr>
<th>Mitigation Measure 5.a.1</th>
<th>A “HS” (Historic Site) zoning designation shall be placed over Lot 1.</th>
</tr>
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<tr>
<th>Mitigation Measure 5.a.2</th>
<th>The existing retaining wall shall be disassembled and reconstructed as an entry feature on the corner of Rosario and Palma Avenues. Any remaining rock shall be used as accent features of the remaining lots and shall be focused on enhancing and preserving the additional stone walls on Lot 1, the Colony Home lot. All other retaining walls shall be constructed of high quality material and shall compliment the architectural style of the project.</th>
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<tr>
<th>Mitigation Measure 5.a.3</th>
<th>CC&amp;R’s recorded for the development shall include a statement addressing the historic nature of Lot 1.</th>
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<tr>
<th>Mitigation Measure 5.a.4</th>
<th>Any exterior building modifications or site plan changes not represented in the proposed project that could occur during the Building Permit application process or during construction shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation &amp; Illustrated Guidelines for Rehabilitating Historic Buildings and shall meet the provisions of CEQA -Section 15064.5, as approved by Planning Staff.</th>
</tr>
</thead>
</table>

<p>| Mitigation Measure 5.a.5 | The existing carriage house/drive through out-building shall be restored and maintained in a structurally and aesthetically sound condition. All modifications or repairs necessary for such shall be consistent with the Secretary of the Interior’s Standards for Rehabilitation &amp; Illustrated Guidelines for Rehabilitating Historic Buildings and shall meet the provisions of CEQA -Section 15064.5, as approved by Planning Staff. |</p>
<table>
<thead>
<tr>
<th>Mitigation Measure</th>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
<th>Mitigation Measure</th>
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<tbody>
<tr>
<td>5.6a</td>
<td>BP</td>
<td>PS</td>
<td>5.a.6</td>
</tr>
<tr>
<td>6.b</td>
<td>GP, BP</td>
<td>CE</td>
<td>6.b</td>
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<tr>
<td>6.c.d</td>
<td>GP, BP</td>
<td>CE</td>
<td>6.c.d</td>
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<tr>
<td>8.e.f.1</td>
<td>GP, BP</td>
<td>CE</td>
<td>8.e.f.1</td>
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<td>8.e.f.2</td>
<td>BP, GP</td>
<td>CE</td>
<td>8.e.f.2</td>
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<tr>
<td>11.d</td>
<td>GP, BP</td>
<td>PS</td>
<td>11.d</td>
</tr>
<tr>
<td>15.a.b.1</td>
<td>PI</td>
<td>CE</td>
<td>15.a.b.1</td>
</tr>
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Mitigation Measure 5.6a: All recommendations of the Historic Analysis shall be implemented and adhered to throughout construction and the life of the historic Colony Home.

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

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

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

Mitigation Measure 8.e.f.2: The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop work orders.

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

Mitigation Measure 15.a.b.1: Full frontage improvements shall be required along Palma Avenue, Rosario Avenue, and Ridgeway Court, per the standards and approval of the City Engineer.