SPECIFIC PLAN ADMINISTRATION
8.1 INTRODUCTION

The process described below applies to all development proposed within the Specific Plan area. Figures 8-1 through 8-3 are graphic illustrations of this process from design concept to approval of the building permit. Each element of the permit process is described in greater detail in state law, the Atascadero Municipal Code, and applicable City standards.

8.2 DEVELOPMENT REVIEW, PERMIT, AND APPROVAL PROCESS

All development within the Specific Plan area must be consistent with the objectives, policies, development standards, and guidelines of this Specific Plan as well as the City’s General Plan. Should inconsistencies arise, the standards and regulations set forth in this Specific Plan shall prevail.

8.2.1 Development Agreements

Development Agreements provide assurances and certainty to both the City and the project applicant that the project may proceed for a specified time in accordance with the policies, rules, and regulations in place at Agreement adoption. Development Agreements are intended to strengthen the public planning process, encourage private participation in comprehensive planning, and provide mutual assurances. A Development Agreement is a legislative act that is approved by resolution. A Development Agreement must be consistent with the General Plan and the Eagle Ranch Specific Plan.

8.2.2 Specific Plan Environmental Review (CEQA)

The Eagle Ranch Specific Plan constitutes a “project” under the California Environmental Quality Act (CEQA), and has been evaluated for its potential to create adverse effects on the environment. To meet CEQA requirements, an Environmental Impact Report (EIR) has been prepared to assess the potential direct and indirect environmental effects associated with the development proposed for the area.

Although the EIR analysis is included in a separate document, it is important to note that the environmental review process has been an integral component of the planning process from the very beginning to ensure the Specific Plan’s sensitivity to environmental concerns. To keep this Specific Plan as concise as possible, much of the environmental data has not been included. For additional information relating to the EIR environmental foundation prepared for the Specific Plan, one should refer to the Eagle Ranch Specific Plan EIR SCH No. 2013051039 (First Carbon Solutions, 2017). A copy of the EIR is available for review at the City of Atascadero Planning Department.

The EIR addresses the development of the Eagle Ranch Specific Plan area as a single project which is projected to be developed in increments over a period of many years. This approach enables the City to comprehensively evaluate the cumulative impacts of the Specific Plan and consider alternatives and mitigation measures prior to adoption of the Specific Plan.
The environmental review of the Specific Plan is also intended to expedite the processing of future projects that are consistent with the Specific Plan. If, when considering subsequent development proposals, the City determines that the proposed development will not result in new effects or require additional mitigation, the City can approve the project without additional environmental review. Or, if there are significant changes proposed to the approved Specific Plan that the City concludes may result in new impacts, any additional environmental review need focus only on those specific areas or topics affected by the change.

Development within the Specific Plan area shall comply with all conditions of approval and mitigation measures identified in the certified Specific Plan EIR (Eagle Ranch Specific Plan EIR SCH No. 2013051039 (First Carbon Solutions, 2017), and any subsequent CEQA document (e.g., Mitigated Negative Declaration, Subsequent EIR, or Supplemental EIR). All residential development consistent with the certified CEQA documents is exempt from any further CEQA analysis pursuant to California Government Code §65457 and CEQA Guidelines §15182. Note that this exemption does not apply if any of the conditions set forth in CEQA Guidelines §15162-64 occur that would trigger the need for a Subsequent EIR, including:

1. Substantial changes are proposed in the project which require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes that occur with respect to circumstances under which the project is undertaken that require major revisions of the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or shows any of the following: The project will have one or more significant effects not discussed in the previous EIR;
   - Significant effects previously examined will be substantially more severe than shown in the previous EIR;
   - Mitigation measures or alternatives previously found not to be practical would in fact be practical and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
   - Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Examples of development proposals requiring supplemental review by the City include potential creek crossings, potential for development on steep slopes in excess of 20% when not adhering to hillside grading standards, or other environmental constraints as outlined in Section 3. Development designs for these individual residential lots were unknown during the processing of the Specific Plan EIR, and therefore supplemental review shall be done at time of building permits if deemed necessary by the Community Development Department to mitigate impacts not identified in the EIR.
8.2.3 Subdivision and Vesting Tentative Map (VTM) Process

The subdivision process within the Specific Plan area shall be governed by the City of Atascadero’s Subdivision Ordinance and Municipal Code as well as the State Subdivision Map Act (California Government Code Sections 66410 et. seq.). Processing procedures, submittal requirements, and findings required by the City’s Subdivision Ordinance will be regulated as set forth therein. The Eagle Ranch Specific Plan and associated EIR sets forth maximum densities throughout the Specific Plan area. No additional subdivisions of land shall be permitted beyond the number of lots indicated in this Specific Plan without first amending the Specific Plan and completing all necessary environmental analysis associated with such a request. The Community Development Director or his/her designee may exempt subdivision of commercial properties or residential PD’s on ERSP-MU designated areas.

Vesting Tentative Map (VTM) #3046 has been filed for the Eagle Ranch Specific Plan area in accordance with this Specific Plan, the Atascadero Municipal Code, and state law. Development proposals must be consistent with an approved VTM and the objectives set forth in this Specific Plan. The VTM includes important information such as No-Build areas, utility easements, and slopes.

Proposed subdivisions must provide the improvements required by the Specific Plan, the Environmental Impact Report, the Vesting Tract Map, Development Agreement, and any associated project conditions of approval.

The Community Development Department shall distribute copies of the tentative map to the City engineer and to any other City officials and departments.

Subdivision Improvement Plans shall be prepared upon submittal of a development application. Plans shall comply with the development standards contained in Section 3 herein.

8.2.4 Final Maps and Subdivision Improvements

Prior to the expiration of the phased tentative map or development agreement, multiple final maps must be submitted to the Department of Public Works. The final maps shall be prepared by either a registered civil engineer or licensed land surveyor and must substantially conform with the tentative map as it was approved or conditionally approved. The form and contents of the final maps shall conform to the requirements of the Atascadero Municipal Code and state law.

Upon receipt and review of the final map for any phase, the City engineer, or other designated engineer, will include a certificate on the map which certifies that the map has been examined and that provisions of the Map Act and local ordinances applicable at the time of approval of the tentative map (including the Specific Plan) have been complied with, and that the map is technically correct. The final map is then forwarded to the City Council for approval.

The developer(s) will construct required subdivision improvements prior to recordation of final maps for a given phase as shown on VTM #3046, or provide a subdivision agreement of sufficient surety in a form acceptable to the City prior to acceptance by the City for approval and recordation. Landscape plans shall also be prepared in conjunction with the Subdivision Improvement Plans and shall be in compliance with the development standards and design guidelines found in Section 3 and Appendix A of this Specific Plan, respectively.
8.2.5 Permit Roles and Responsibilities: HOA and City

A Homeowners Association is envisioned to be formed for the Eagle Ranch Specific Plan area to oversee the maintenance of common areas in addition to implementing standards and guidelines for development throughout the Specific Plan area. Homeowners associations are not affiliated with the City and act on their own accord. The City bears no responsibility for the implementation of HOA documents such as the CC&R’s. Any dispute between the HOA and a landowner/developer within the Specific Plan area shall be remedied through civil proceedings and shall not involve the City. The City does retain oversight capacity for publicly accessible infrastructure. Should the HOA fail to maintain such infrastructure to City standards, the City may assume maintenance responsibilities funded by the Specific Plan through a CFD.

**Single-Family Residential:**

a. **HOA Review:** The Home Owners Association Architecture Review Committee (HOA ARC) shall review single-family residential projects except for homes on Agriculture (ER-AG) designated lots (see Figure 8-1). The applicant will need to prepare development plans and submit them to the HOA ARC for approval. The HOA ARC will then prepare an approval letter for submittal to the City or the applicant will be asked to revise and resubmit final plans.

If a proposed single-family residential project is found by the HOA ARC to be inconsistent with the Specific Plan and/or design guidelines, it will require revisions and resubmittal to the HOA ARC.

The City processes and decisions are separate from the HOA, and therefore HOA ARC action may not be appealed to the City. Property owners will work directly with the HOA as outlined in the CC&R’s.

The ER HOA shall not make land use decisions.

The HOA shall be responsible for enforcement of Single-Family Residential Design Guidelines found in Appendix A.

b. **City Review:** Subsequent to, or concurrent with, the HOA ARC review and approval process, the applicant will need to submit plans to the Community Development Department for a construction permit before construction can begin.

The City shall review the plans against the standards and guidelines of this Specific Plan.

The City shall encourage the applicant to obtain HOA approval prior to submittal of building permits to the City.

**Non-Residential Development and Multifamily/Mixed-Use Sites:**

Non-residential development and multifamily/mixed-use development shall not be subject to review or approval through the HOA. City permits and processes shall be required for permitting and development of commercial, agricultural sites, mixed-use, multifamily, parks and open space, and infrastructure.
8.2.6 Single-Family Residential Development Process

Processing procedures, submittal requirements, and findings required by the City will be enforced consistent with the following:

**Single Family Residential ER-R1 and ER-R2**

Single-family residential projects require HOA review and approval, which is recommended prior to submittal of Building permit to the City. Development proposals shall adhere to the following:

- The project shall conform to the development and land uses standards identified within this Specific Plan and applicable appendices.
- The project shall be consistent with the design guidelines and architectural styles in Appendix A - Design Guidelines of this Specific Plan.
- The project shall conform with other construction codes applicable at the time of permit submittal.
- If required, any associated Conditional Use Permits, Administrative Use Permits, and/or Precise Plan applications shall be processed and completed prior to issuance of building permits. Uses on single-family lots which require supplemental Planning review by the City shall also be subject to HOA review and approval as required by the Eagle Ranch CC&R’s.
Development Process: Single-Family Residential ER-R1 and ER-R2 Projects

*Review Entity/Item Abbreviations:
ARC: Home Owner’s Association
Architectural Review Committee
AUP: Administrative Use Permit
CUP: Conditional Use Permit
DRC: Design Review Committee
HOA: Home Owner’s Association
PPN: Precise Plan
TRP: Tree Removal Permit

Figure 8-1 Development Process Diagram - Single-Family Residential Projects
Non-Residential Development Processes

The Development of non-residential uses shall require a variety of applications and processes as determined by zoning designations and/or proposed land uses. Non-residential development will, at minimum, require architectural review through the City’s DRC process. Development proposals must be consistent with applicable City codes and Specific Plan regulations. In addition, development proposals shall be designed to be consistent with the design guidelines and architectural styles in Appendix A - Design Guidelines of this Specific Plan.

Processing procedures, submittal requirements, and findings based on zoning designation and/or land use are outlined below:

**Mixed-Use (ER-MU)**

Development within the Mixed-Use (ER-MU) Zoning District requires Conditional Use Permit review and approval by the Planning Commission in order to establish a master plan of development for the property. The CUP process is intended to ensure comprehensive development of the commercial, mixed-use, and multifamily areas. Design review shall be part of the City’s CUP review process. All Conditional Use Permit approvals within the ER-MU District will require adoption of the following findings in addition to standard City findings.

**Findings**

a. The project conforms to the development standards found in Section 3 of this Specific Plan.

b. The project is consistent with any relevant/required mitigation measures adopted by the Environmental Impact Report as certified by the City Council.

c. The project is consistent with the standards and requirements of this Specific Plan as adopted and, therefore, additional environmental review under CEQA is not required (CEQA Guidelines Section 15182, Public Resources Code 21083, California Government Codes 65453) or additional environmental review has been completed in accordance with CEQA guidelines and additional mitigation measures have been incorporated as necessary.

d. The project is consistent with the architectural styles and other guidelines (such as landscape, signage, lighting, and design concepts) found in the Design Guidelines (Appendix A) of this Specific Plan.

e. The proposed development plan will establish a master plan of development for the property and will ensure comprehensive development of the project site.

f. Minimum required commercial development is or can be provided on the Mixed-Use site(s) and is compatible with the proposed development plan.

g. The proposed development shall protect existing trees to the extent possible and/or mitigate impacts in accordance with standards set forth in the Atascadero Municipal Code.

h. The project shall provide adequate landscape screening in order to mitigate adverse visual impacts from adjacent residential units.

i. The project conforms to the applicable VTM.
Development Process: Commercial, Mixed-Use, and Multifamily Projects

PRELIMINARY PLANS
Develop in compliance with Specific Plan standards (site plan, conceptual grading, and elevations)

CONDITIONAL USE PERMIT
Submit Conditional Use Permit (CUP) application to City

CITY STAFF REVIEW
City Staff review for consistency with Specific Plan and City standards

DESIGN REVIEW COMMITTEE (DRC)

APPROVE
DENY

PLANNING COMMISSION HEARING

APPROVE
DENY

SUBMIT BUILDING PERMIT APPLICATION

CITY PLAN CHECK
City plan check review process for compliance with Specific Plan, VTM, and City regulations

BUILDING PERMIT ISSUED

CONSTRUCTION
Construction, grading, and any permitted tree removals may begin

MODIFICATIONS
Plan modifications and/or additional studies as needed

Note: HOA review/approval is NOT required for commercial or multifamily development
Commercial Recreation (ER-CREC-Hotel/Resort)

Commercial development within the ER-CREC Hotel/Resort Zoning District requires Conditional Use Permit review and approval by the Planning Commission in order to establish a master plan of development for the property. The CUP process is intended to ensure comprehensive development of the commercial areas within the Eagle Ranch Specific Plan area. Design review shall be part of the City’s CUP review process. All Conditional Use Permit approvals within the ER-CREC-Hotel/Resort zoning district will require adoption of the following findings in addition to those CUP findings identified in the Atascadero Municipal Code.

Findings

a. The project conforms to the development standards found in Section 3 of this Specific Plan.

b. The project is consistent with any relevant/required mitigation measures adopted by the Environmental Impact Report as certified by the City Council.

c. The project is consistent with the standards and requirements of this Specific Plan as adopted and, therefore, additional environmental review under CEQA is not required (CEQA Guidelines Section 15182, Public Resources Code 21083, California Government Codes 65453) or additional environmental review has been completed in accordance with CEQA guidelines and additional mitigation measures have been incorporated as necessary.

d. The project is consistent with the architectural styles and other guidelines (such as landscape, signage, lighting, and design concepts) found in the Design Guidelines (Appendix A) of this Specific Plan.

e. The proposed development plan establishes a master plan of development for the property and will ensure comprehensive development of the project site.

f. The proposed development protects existing trees to the extent practical and/or mitigates impacts in accordance with standards set forth in the Atascadero Municipal Code.

g. The project provides adequate landscape screening in order to mitigate adverse visual impacts from adjacent residential units.

h. The project conforms to the applicable VTM.
Conditional Use Permits, Administrative Use Permits, and Precise Plans: Adjustments, Exceptions, and Supplemental Review

Permissible uses and applicable development standards are listed in Section 3 of this Specific Plan. It is recognized that certain development proposals may require additional City review beyond the level of a ministerial building permit application to ensure that the objectives, policies, and vision of the Specific Plan are achieved. This could range from uses listed as conditionally permitted to requests for modifications from the development standards due to unique site characteristics. A variety of processes are identified throughout this document that may be required depending on the development proposal. These processes include:

- Conditional Use Permit
- Administrative Use Permit
- Precise Plan

Conditional Use Permits, Administrative Use Permits, and Precise Plans, where required, shall be processed and approved prior to issuance of building permits for development of the use or structure requiring the supplemental review. Development projects shall be required to pay any application fees associated with the required supplement review processes.

Conditional Use Permit

Land uses permissible for each parcel within the Specific Plan area are identified in Table 3.4 and 3.18. Conditional Use Permits (CUP) may be required for development of specific land uses, structures, or zoning districts as identified in the Specific Plan. Any proposed development within the Mixed-Use (ER-MU) or Commercial Recreation (ER-CREC) zoning districts shall obtain a Conditional Use Permit prior to submittal of Building Permits to establish a comprehensive Master Plan of Development for the project site. In addition, any land uses or development identified as “conditionally allowed” shall require processing of a Conditional Use Permit. Conditional uses require special consideration so they may be properly located with respect to their effects on surrounding properties. Conditionally permitted uses may require special conditions to make them acceptable at particular locations.

Conditional Use Permits shall be processed in accordance with the Atascadero Municipal Code, and in addition shall be subject to the additional findings of approval as identified in the following sections of this Specific Plan. Conditional Use Permits shall be reviewed by the Atascadero Planning Commission.

Administrative Use Permit

An Administrative Use Permit (AUP) requires a public hearing over which the Community Development Director or his/her designee presides. AUP applications may also be reviewed by the City’s DRC for recommendation to the hearing officer depending on the nature of the application request. Tables 3.4 and 3.18 identify land uses and development standards that trigger an AUP. If development proposals require an AUP as identified in these tables, then an application will be submitted in accordance with the policies and procedures for AUP as outlined in the Atascadero Municipal Code.

Precise Plan

The Precise Plan (PPN) application within the Specific Plan applies to single-family residential lots with unique land use or environmental characteristics that may require additional environmental review to address specific development impacts. Examples of development proposals which would require a Precise Plan include, but are not limited to:
• Creek crossings or encroachments for driveways, culverts, or other development.
• Grading on slopes over 20% where the proposed development does not adhere to the hillside grading policies or retaining walls standards identified in this Specific Plan.
• Encroachment within No-Build areas, including crossing of No-Build zones to access developable areas of a lot.
• Deviation to the development standards which may have adverse environmental impacts.

8.2.9 Zoning Interpretations and Clarifications

Where this Specific Plan is silent or vague, the Community Development Director shall have the authority to make interpretations and determinations as to the appropriate development standard, zoning classification, use definition, or applicable Atascadero Municipal Code (AMC) section. Any such determinations or interpretations shall be made in writing and maintained on file and attached to this Specific Plan. Interpretations and determinations shall be incorporated into any subsequent Specific Plan amendments if deemed necessary by the Community Development Director.

8.2.10 Building Permits

Following approval of infrastructure development and City approval of any supplemental development reviews including Precise Plan applications, Administrative Use Permits, or Conditional Use Permits, property owners may apply for building permits through the Building Division of the Community Development Department. All structures must comply with the Uniform Building Code and Fire Code. HOA ARC approval is required for single-family residential projects only.

8.2.11 Appeals

Any action taken on a development review application by the Community Development Director or Design Review Committee may be appealed to the City of Atascadero Planning Commission consistent with City code. The Planning Commission’s action may also be appealed to the City Council within the time limits prescribed in the AMC.

The City processes and decisions are separate from the HOA, and therefore HOA ARC action may not be appealed to the City. Property owners will work directly with the HOA as outlined in the CC&R’s.
8.3 SPECIFIC PLAN AMENDMENT PROCESS

It is the intent of the Eagle Ranch Specific Plan (ERSP) to present a comprehensive set of standards and guidelines for the development of the Specific Plan area. These standards and guidelines promote a high quality development that allows for creativity and flexibility in the design process. However, changes in market conditions or developer interests may result in the need for amendments to the ERSP. Over time, various sections of this Specific Plan may need to be revised to respond to changing technical and economic conditions.

This Section addresses the process for amending the Specific Plan. The Specific Plan may be amended as often as deemed necessary by the City Council. Amendments to the Specific Plan may be initiated by a developer, an individual, or by the City. The following process must be followed in reviewing any proposed Specific Plan amendments and is illustrated in Figure 8-3.

8.3.1 Specific Plan Amendment Requirements

Specific Plan Amendments are changes to the Specific Plan document that permanently alter the regulations, zoning, or development standards. Amendments to the Specific Plan are applied universally throughout the Specific Plan area in zones identified for amendment. Amendments are not specific to singular lots as an Administrative or Conditional Use Permit would be. Amendments to the Specific Plan require approval of the City Council. The Specific Plan is a zoning document, and only legislative action by the City Council can amend a zoning document.

Amendments to the Specific Plan shall require the following findings be made in addition to standard zoning change findings:

1. The proposed amendment conforms with the Specific Plan’s objectives and design guidelines.
2. The proposed amendment is compatible with any approved development that will be affected by the Specific Plan amendment.
3. The proposed amendment is compatible with existing and planned land uses surrounding the proposed Specific Plan amendment.
4. Traffic impacts have been adequately analyzed for any increases in traffic generating uses including increased residential or commercial densities and mitigation measures have been incorporated as necessary.
5. The proposed amendment is consistent with the adopted CEQA findings prepared pursuant to CEQA Guidelines Section 15091, and based on the certified Eagle Ranch Specific Plan Environmental Impact Report SCH No. 2013051039 (First Carbon Solutions, 2017), as amended through any subsequent CEQA analysis as appropriate.
Amendment Process: Eagle Ranch Specific Plan

**AMENDMENT PROPOSAL**
Includes City Application Forms, Required City Fees, Detailed Information, Description of the Need for Amendment, and Supplemental Studies/Reports

**CITY STAFF REVIEW**

**STAFF REPORT**

**AMENDMENT**

**PLANNING COMMISSION**

- **APPROVE**
- **DENY**

**CITY COUNCIL**

- **APPROVE**
- **DENY**

**ADDITIONAL STUDIES**
If Needed

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*Figure 8-3* Specific Plan Amendment Process Diagram
8.3.2 Specific Details of Amendment

Proposals to amend this Specific Plan must be accompanied by applicable City application forms, required City fees, and detailed information to document the requested change. This information should include revised text (or excerpt therefrom) and revised map/figures, where relevant, depicting the requested amendment.

Presentation of Need for Amendment

Since a significant amount of forethought and resources has been invested in the preparation of this Specific Plan, any proposal to amend the Specific Plan must clearly and specifically document the need for such changes. The applicant should indicate the economic, social, and technical issues that generate the need for amendment.

Submittal of Supplemental Studies

Any proposal to amend this Specific Plan must be accompanied by reports or studies that analyze the amendment’s effects compared to the adopted Specific Plan.

The applicant must provide an analysis of the amendment’s impacts relative to the adopted Environmental Impact Report Document. Depending on the nature of the amendment, supplemental environmental analysis may be necessary, according to the California Environmental Quality Act (Section 15162).

8.3.3 City Staff Analysis

City staff shall review all of the above-submitted material for completeness and if determined to be complete shall schedule required hearing(s) and provide a staff report for presentation to the Planning Commission and City Council. Staff may also request further clarification of the application materials, if deemed necessary. The staff report will analyze whether the proposed Specific Plan Amendment is consistent with the General Plan and whether the need to amend this Specific Plan can be supported by the conclusions of the application materials and any supplemental analysis.

8.3.4 Public Hearings

Both the Planning Commission and City Council must hold Public Hearings on any Specific Plan Amendment, in accordance with §65453 of the State Government Code.

8.4 CONDITIONS, COVENANTS, AND RESTRICTIONS (CC&R’S)

The project developers or successors in interest shall be obligated to maintain architectural, landscape, and site control at point of sale so as to ensure the cumulative character intended by the Specific Plan. Although Conditions, Covenants, and Restrictions (CC&R’s) lie outside City enforcement procedures, this Specific Plan encourages the use of CC&R’s to enforce the design guidelines of the Specific Plan and to maintain landscape and open space areas and the improvements of each development project.

CC&R’s shall reflect the requirements contained in the Specific Plan. In addition, provisions for the design and maintenance of fencing, landscaping, and open space areas and other facilities within projects, as well as for the abatement of nuisances, may be set forth in the CC&R’s.