Atascadero City Council
Staff Report – Community Development Department

PLN 2014-1529
Halcon Residential Density Change / ConsciousBuild Residential Planned Development
(CousciousBuild Atascadero Dev. LLC.)

RECOMMENDATIONS:

Planning Commission recommends:

1. Adopt Draft Resolution A certifying mitigated negative declaration 2015-0007 based on findings; and

2. Adopt Draft Resolution B approving General Plan Amendment 2014-0030 based on findings; and

3. Introduce for first reading, by title only, Draft Ordinance A approving Title 9 Zone Text Amendment ZCH 2015-0178 establishing PD overlay zone 33 based on findings; and

4. Introduce for first reading, by title only, Draft Ordinance B approving Zone Map Amendment ZCH 2014-0175 based on findings; and

5. Adopt Draft Resolution C approving Conditional Use Permit 2014-0284 (Master Plan of Development) and Tree Removal Permit TRP 2014-0178 based on findings and subject to Conditions of Approval and Mitigation Monitoring; and

REPORT-IN-BRIEF:

The owner/applicant has proposed a residential density change for multiple properties totaling 37 acres at Viejo Camino and Halcon Rd. The project will rezone 10-acres of the project area to allow for a maximum density of two du/ac. A 17-lot subdivision and Master plan of Development is proposed for this portion of the site. The remaining 27 acres will be rezoned to allow for a maximum density of 1 du/ac. Future development of this portion of the site will be guided by Planned Development overlay zone standards and is not proposed for subdivision at this time.

The project has been reviewed by the DRC and Planning Commission.

DISCUSSION:

Situation and Facts:

1. Applicant: ConsciousBuild Atascadero Dev. LLC.  
   2921 Garibaldi Ave  
   San Luis Obispo, CA 93401

2. Owners:

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<tr>
<th>Name</th>
<th>Address</th>
<th>City, CA</th>
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<tr>
<td>Ben and Amanda Poore</td>
<td>11675 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
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<td>Carol Ratzlaff</td>
<td>11745 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Mike and Laura Joy</td>
<td>11885 Halcon Rd</td>
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<tr>
<td>Shawn Sarnecki</td>
<td>11845 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
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<tr>
<td>Pat and Terri Rodda</td>
<td>11855 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Jeannie Dagnall</td>
<td>11875 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
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3. Address: 11955 & 11975 Viejo Camino; 11675, 111745, 11885, 11845, 11855, 11875 Halcon Rd (APN's 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017)

4. Current General Plan: Suburban Estates (SE)

   Single-Family Residential – X (2 du/ac)

   Residential Single-Family – X (2 du/ac)

8. Project Area: Approximately 37.7 acres

9. Existing Use: Single-family residential / Vacant

10. Environmental Status: Proposed Mitigated Negative Declaration 2015-0007

**Surrounding Land Use and Setting:**

*North:* Paloma Park  
*East:* Small Lot Single-Family/Multi-Family (Las Lomas Development)  
*South:* Large Lot Single-family – County Parcels  
*West:* Public zoned land (Existing Single-family / schools / church)
PROJECT DESCRIPTION:

The requested General Plan Amendment and Zone Change encompasses 37.7 acres on the south end of the City along Halcon Rd. The project area consists of eight (8) existing parcels and is divided into two adjoining project packages as follows:

*The Groves project:*

- Comprised of two (2) existing lots at the corner of Viejo Camino and Halcon Rd.
- 17 units proposed
- General Plan Amendment: SFR-X (2 du/ac)
- Zone Map Amendment: RSF-X (2 du/ac)
- Planned Development (PD) Overlay Zone Text Amendment
- Conditional Use Permit (Master Plan of Development): architecture, road layout, and landscaping.
- Tentative Tract Map: subdivision into 17 single family parcels ranging in size from 0.25-acre to over 1-acre.
- Tree Removal Permit

*The Neighbors project:*

- Comprised of six (6) existing parcels fronting Halcon Rd
- Maximum development potential of 28 lots that could be available for future development (no subdivision or development proposed at this time).
- General Plan Amendment: SFR-Y (1 du/ac)
- Zone Map Amendment: RSF-Y (1 du/ac)
- Planned Development (PD) Overlay Zone Text Amendment

The project site is bordered by rural residential county properties, Paloma Park, the Las Lomas development, and public zoned land between Viejo Camino and El Camino Real. The project is in close proximity to a number of small-lot single-family and multi-family developments including Las Lomas, Dove Creek, and Southside Villas.
ANALYSIS:

Project Design

The Neighbor portion of the project, excluding the two existing parcels, are designed to take access off of Halcon Rd. Based on the submitted traffic analysis, the future roads serving the neighbor parcels must be consolidated and analyzed for adequate sight-distance when submitted. This will allow for two cul-de-sac access roads off of Halcon to serve a majority of the remaining neighbor parcels, creating a more cohesive neighborhood design and minimizing traffic conflicts on Halcon Rd.

The Groves portion of the project is designed to take access off of Viejo Camino. The subdivision is designed to provide access to two of the existing Neighbor parcels once they develop. The Viejo Camino entrance narrows at the intersection to slow traffic in order to eliminate potential conflicts with the proposed on-street parking. Access to parcels within the subdivision is provided by private roads and shared driveways. On-street parking has been provided throughout the subdivision to allow for guest parking in addition to parking in garages and private driveways.
Planned Development Overlay Zone Policy:

The Planned Development Benefit Policy was established by the City Council in 2004. It requires that planned development projects offer community benefits in exchange for modified development standards. The benefit chart is shown below. All Tier 1 benefits are considered mandatory.

<table>
<thead>
<tr>
<th>PD Location</th>
<th>Tier 1 Benefits</th>
<th>Tier 2 Benefits</th>
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</table>
| Inside of Urban Core | a) Affordable / Workforce Housing  
b) High Quality Architectural Design  
c) High Quality Landscape Design  
d) Buffering between Urban and Suburban zones (large lot sizes, increased setbacks, landscape buffers, etc.)  
e) Higher density to meet Housing Element goals | a) Pocket Parks in larger projects  
b) Trails / Walkways for Pedestrian Connectivity  
c) Historic Preservation |
| PD-7  
PD-17  
Custom PD’s | a) Natural Open Space Preservation | a) Multi-Purpose Trails – Equestrian / Bicycle / Pedestrian  
b) Recreational Areas / Facilities  
c) Historic Preservation |
| Outside of Urban Core  
Rural / Suburban Areas  
PD-16  
Custom PD’s | a) Affordable Housing (Payment of in-lieu fee as discussed below)  
b) High Quality Architectural Design  
c) High Quality Landscape Design  
d) Buffering between urban and suburban land uses  
e) Higher Density Housing  
f) Natural Open Space Preservation | a) Pocket Parks in larger projects  
b) Trails / Walkways for Pedestrian Connectivity  
c) Historic Preservation |

The projects include the following benefits:

The Groves

Tier 1 (required elements, also includes Tier 1 Urban Core Benefits):
- Affordable Housing (Payment of in-lieu fee as discussed below)
- High Quality Architectural Design
- High Quality Landscape Design
- Buffering between urban and suburban land uses
- Higher Density Housing
- Natural Open Space Preservation

Tier 2 (optional benefits):
- Pedestrian connectivity

The Neighbors

Tier 1 (required elements):
- Affordable Housing (Payment of in-lieu fee as discussed below)
- High Quality Architectural Design (DRC review required for future clustered development projects)
High Quality Landscape Design at the project edges incorporating street trees and pathway landscaping as discussed below.

Buffering between urban and suburban land uses

Higher Density Housing

Natural open space preservation

Tier 2 (optional benefits):

Pedestrian connectivity

Parking:

Parking for residential units within The Groves development will be provided in garages. Road standards for residential developments require that on-street parking be maximized for guest parking opportunities. The Groves portion of the project has been designed to provide approximately 32 on-street parking spaces. In addition, all proposed parcels can accommodate at least two (2) cars within the residential driveways.

The Neighbor parcels will be rezoned to RSF-Y, requiring a 1-acre minimum lot size. Based on the size of these parcels, on-street parking will not be required. Language has been included in the PD-33 text to require on-street parking should a cluster development be proposed with lot sizes below a half-acre in size.

Architecture, Materials, and Color:

A Master Plan of Development in the form of a Conditional Use Permit (CUP 2014-0284) has been submitted for The Groves portion of the project site. This application will govern individual site and architectural design themes for the Groves project. Architectural guidance for the Neighbor parcels will be codified in the PD overlay language. The City Council’s Planned Development Benefit Policy requires that a finding be made that the project provides high quality architectural design. A finding has been included in the attached resolutions to this effect. Based on the analysis below, staff believes that this finding can be affirmed.

The project went before the DRC in November 2015. The DRC reviewed the project for subdivision layout, architectural design, landscape design, and sound wall design and integration. DRC discussion points and recommendations are discussed below as applicable. The Planning Commission concurred with DRC’s recommendations.

The Neighbor Parcels:

The neighbor parcels may develop individually or may be combined for future mapping and development. No specific development or subdivision has been proposed at this time, only the rezoning that would allow a subdivision in the future. These parcels will allow for a density of 1 du/ac. Under this scenario, two options for development exist: 1) If sewer is present, development may be clustered and smaller lots may be approved
providing that the overall site density remain at 1 du/ac; 2) The lots may follow the standard minimum lot size of 1-acre, providing a more larger-lot development with more rural home sites.

If the project develops with larger 1-acre or greater lots, review of residential design will be completed by staff at time of building permit. If a cluster development is proposed over any portion of the site, the project will be brought to DRC for review and direction. Language is included in the PD overlay zone text to this effect.

A finding is required that the project provides high quality architectural design in order to be approved under the Planned Development Overlay Policy. The PD33 text ensures that cluster developments will have all architecture and site design elements reviewed by the DRC, allowing for oversight of the aesthetic components of any such future project. If the Neighbor parcels subdivide into larger parcels of 1-acre or greater, residences will likely be built as custom homes at a higher price point than standard small lot planned development sites. Based on this, a finding is included in the attached resolutions to affirm the required PD Benefit Policy finding.

The Groves Project:

The submitted CUP application includes detailed architectural concept plans for the Groves portion of the project (see attachment 9 for concept plans). The proposed architecture theme is contemporary agrarian in nature with many details consistent with ranch style homes. The proposed homes include dark colored standing seem metal roofing, board and batten siding, horizontal wood siding, and stone accents. Homes are designed with a mix of 1- and 2-story elements. Elevations include articulated horizontal and vertical elements to break up the mass of the building and accentuate the building form. The massing and architectural detailing of the buildings provide visual interest. The project provides 360-degree architecture minimizing blank and unarticulated walls. No changes to the project architecture were recommended by the DRC or Planning Commission.

Landscape Plan:

The Master Plan of Development for the Groves portion of the project includes landscape design details. Landscaping for the Neighbor parcels, including requirements for street tree planting and drought-tolerant plant palettes will be included in the PD overlay language. Consistent with the PD Benefit Policy, a finding must be made that the project includes high quality landscaping.

The Groves:

The landscape proposed for The Groves development has been designed to retain the natural vegetation to a great extent and be minimalistic in nature. Areas adjacent to the residences will be landscaped with a native plant palette. The remaining portion of the parcels will retain the existing landscape. All areas of disturbed earth not landscaped
with drought-tolerant plants will be hydroteeded with a native grass mixture, with the exception of screened private yard areas.

Proposed fencing includes rural split rail fences along the project boundary and for front yards internal to the project. Solid wood fencing is proposed for private yard areas where not adjacent to Viejo Camino. The proposed lots face internal roads in the proposed Groves development, which places rear yards adjacent to Viejo Camino. A minimum 10-foot setback is required from the split rail fencing for structures and solid fencing along the Viejo Camino frontage to provide consistency throughout the development and adequate setback from the required pedestrian path. This would allow the future residents to erect privacy fencing for portions of the rear yard while maintaining an aesthetically pleasing project edge.

Street trees will be provided along Viejo Camino and Halcon Roads. Language for the provision of street trees along Halcon will be included in the Planned Development Overlay Zone. Deviations from the standard 30-foot spacing may be allowed to provide for rural street tree clustering, topographical feature avoidance, and to avoid drainage feature conflicts as applicable and where approved by the Community Development Director and City Engineer.
Visual Buffering

The proposed project is bounded in the City by higher density developments and public uses. However, residential uses within the County jurisdiction to the south remain rural in nature and occupy larger estate lots. In addition, Paloma Park is located off of Viejo Camino and Halcon Rd across from the project site. As such, the visual character of the project edges is an important feature. The Groves portion of the project has been designed to cluster development away from Santa Barbara Rd and the existing rural county parcels. A majority of the oak woodland along the eastern portion of the project site has been retained by clustering lots to the north western portion of the site. The landscape plan also shows proposed tree planting in the rear yard areas of Lot 7 along the Santa Barbara Rd. frontage. The project has been conditioned to enhance landscaping in this area and provide lower shrubs as well as trees to visually screen the development.

The Neighbors:

Landscaping is required to be provided along the Halcon Rd frontage upon future development of abutting parcels. Street trees and pathway landscaping are required and will ensure that a consistent visual element is provided along the entirety of the Halcon Rd frontage. Should future developers request a cluster subdivision over all or part of the Neighbor parcels, a landscape plan will be required as part of the development proposal, ensuring that a high quality design is achieved. Should the parcels develop in a large-lot pattern, landscaping will remain rural in nature.

Native Tree Mitigation / Preservation:

The Groves:

There are 108 mature oak trees within The Groves project boundary. The project as proposed will require the removal of 19 native trees. The majority of trees to be removed are located near lots 15 and 16 in the residential portion of the development. An additional tree is proposed for removal along Street-A. A finding is included, consistent with the City's Native Tree Ordinance, to allow for the removal of the
identified trees. In addition, a tree protection plan is required to be submitted with the building permits for the project to ensure that the remaining trees are protected throughout construction. All tree removals will be mitigated in accordance with the provisions of the Native Tree Ordinance. The applicant is proposing a tree preservation easement as mitigation for the proposed tree removals. The easement would be placed on Lots 7 and 10 where oak trees are most dense.

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**Mitigation Requirement**

req'd tree replacements: 17 five gal trees  
req'd tree replacements: 48 five gal trees

Remaining Mitigation 17 five gal trees  
Remaining Mitigation 48 five gal trees  

Tree Fund Payment: $825.00  
Tree Fund Payment: $2,383.33  $3,208.33

**The Neighbor Parcels**

Tree removals would be analyzed and mitigated once development or improvement plans are submitted. All tree removals will be processed and mitigated per the requirements of the Atascadero Native Tree Ordinance and tree protection measures will follow the standards set forth in City guidelines.

**Site Drainage:**

The Groves portion of the project site has been designed to meet all City standards for stormwater management. Drainage swales and three (3) on-site basins will integrate with existing drainage patterns and mitigate additional flows caused by the increase in impervious surfaces. The applicant has also incorporated permeable pavement into the design for the residential driveways, minimizing to the extent possible the amount of impermeable surfaces.

Neighbor parcels will be required to meet current City stormwater management standards at the time of construction and development.
**Wastewater and Utilities:**

City wastewater facilities will be extended to The Groves portion of the project. The developer will be required to cover the cost of extending these facilities, however, reimbursement may be requested if properties outside of The Groves development connect to any developer installed extensions in accordance with City ordinance.

Neighbor parcels 1-acre or greater will be allowed to be served by private on-site septic systems. Should a cluster development be proposed over any portion or portions of the Neighbor parcels resulting in lot sizes of less than 1-acre, sewer hook-up will be required.

**Inclusionary Housing**

The City Council initiated an inclusionary housing program in 2003. The policy requires that all residential discretionary projects that require a legislative act to provide for affordable housing in the form of either fees paid into the City inclusionary housing fund or the provision of affordable units within the project. The fees payment was originally set at 2.5% of the building valuation of each residence within the development but was later raised to 5%. Per Council policy, projects of 10 units or less can opt to pay the fees; projects of more than 10 units are required to construct affordable units.

The proposed development includes a General Plan Amendment, Zone Map Amendment and Zone Text Change (legislative acts), therefore, the project is subject to the existing policy. In addition, the Planned Development Benefit policy requires that all residential PD’s provide affordable housing as one of the required benefits.

Under the current policy, up to nine (9) deed restricted affordable units at the moderate rate would be required throughout the project site, including throughout the neighbor parcels. The proposed project is unique in a number of ways and the applicant is requesting an alternative to the adopted policy.

1. Neighbor Parcel development plan unknown

   The affordable housing policy is applicable to the entirety of the project area, requiring the deed restriction of up to 9 units at the moderate income rate based on total potential build-out of the project area (45 units). This presents a number of challenges as the neighbor parcels will potentially develop individually and the total number of residences to be constructed is unknown.

   a. Deed restricted lots would be required to be identified with the approval of
this project, any requirement to provide for the construction of affordable units could place an undue burden on one or two of the property owners within the development.

b. The project may end up providing more than the 20% requirement should development occur below maximum build-out potential.

c. Based on the requirement for lots of less than 1-acre to connect to City sewer, affordable units designated within the Neighbor portion of the project would not be able to be constructed as density bonus units unless a cluster development plan was submitted and sewer was extended. This scenario does not allow for the offset of costs associated with the provision of affordable units as assumed by the current City Inclusionary Housing policy.

2. Economic challenges

Due to the location of the project on the edge of the City limits, costs to extend infrastructure to serve the project and surrounding area exceed those normally incurred by other projects and impacts to the Santa Barbara interchange trigger fair share mitigation payment of approximately $15,879 per unit as discussed below.

3. Limited Density Bonus Potential

The proposed project has been designed to support compatibility with the surrounding area and avoid impacts to sloped forested areas. As such, The Groves portion of the project has been designed below the maximum density of 20 units. In addition, the neighbor portion of the project would only be able to implement a density bonus if sewer is available and a clustered development plan is presented. Current Council policy recognizes the need to offset some of the costs associated with providing affordable units by allowing any constructed affordable units to be density bonus units. Because of the limitations of the Groves project site and the need to provide for larger lots adjacent to existing rural areas, additional units cannot be included in the project design. And because the development pattern of the Neighbor parcels is unknown, the inclusion of density bonus sites cannot be identified at this time. Therefore, the applicant has limited means to offset costs associated with the construction of affordable units.
Based on these factors, the applicant is requesting an alternative to the established City Council policy which modifies two of the current provisions:

1. Instead of constructing affordable units, the applicant is requesting payment of fees into the City’s inclusionary housing fund, and
2. The applicant is requesting that the fee be reduced to 2.5% of the valuation of each new residence instead of the current 5% requirement.

It should be noted that this fee applies to all residential units within the project boundary including the existing residences on the neighbor parcels. Payment of this fee would be triggered prior to recordation of a future subdivision map proposed for the development of the Neighbor Parcels. The fee is based on the square-footage of each residence. Under the current policy requiring 5% of the valuation as in-lieu payment, the fee would be approximately $15,000 (based on a 2400 sf residence) per unit.

The Planning Commission has reviewed the applicants proposal and agrees that modifications to the policy are warranted based on the specific characteristics and circumstances of the project. The current policy allows for a request to be made to provide payment of the in-lieu fee as an alternative to providing residential units. The Council has the ultimate authority to approve alternatives to the current policy. The Planning Commission recommends that the fee be set at 2.5% of the building valuation based on the reasons listed above.

**Tentative Tract Map**

A 17-lot Vesting Tentative Tract Map (TTM 2014-0108) is proposed for The Groves portion of the project. Subdivision and development of the Neighbor parcels is not proposed at this time and will require future application.

*The Groves:*

The Vesting Tentative Subdivision Map (VTTM) includes project conditions to meet all City standards. The applicant will be required to record CC&R’s with the Map that will include maintenance provisions for drainage areas, open spaces, etc. throughout the proposed development as needed.

**Pedestrian and Bike Facilities:**

Pedestrian and bike facilities are required for both Halcon Rd and Viejo Camino consistent with the City’s Bike Master Plan and Trail Master Plan, and the
A comprehensive SLOCOG Salinas River Trail Plan which focuses on linking Santa Margarita to Paso Robles.

The project is responsible for the construction of a 10-foot wide detached multi-use trail along Viejo Camino and Halcon Rd. This path will be decomposed granite or similar as approved by the City Engineer. Landscaping is required to be provided between the curb and the path. The Groves project is required to provide adequate easements to accommodate the pathway improvements as specified in the project conditions. The Neighbor parcels will provide easements and construct improvements upon each parcel development. Language is included in the Planned Development Overlay Zone text to this effect.

Within The Groves portion of the project, walkable shoulders are provided along roadways throughout the development to accommodate pedestrians while maintaining the rural character of the area and maximizing natural drainage control. Consolidated access associated with the Development of the neighbor parcels will include walkable shoulders along all new roads.

The traffic analysis recommended that a crosswalks be installed at the Viejo Camino/Halcon intersection and the Viejo Camino/Santa Barbara intersection. Because there are no existing pedestrian facilities along Santa Barbara between Viejo Camino and El Camino Real, this crosswalk is not conditioned to be included as part of site development. The crosswalk at Viejo Camino crossing Halcon Rd presents a number of safety issues for pedestrian crossings. The intersection at this location is wide to accommodate quarry truck traffic. A crosswalk would necessitate the construction of two (2) raised medians/refuge areas to control traffic at the intersection and create a safe environment for pedestrians. The intersection currently allows for free right turns off of Viejo Camino creating safety issues with pedestrian crossings at this location. Viejo Camino does not meet warrants for a stop sign at this location and therefore, a crosswalk at this intersection may present conflicts. There is an existing crosswalk across Halcon Rd to Paloma Park at the entry road to the Las Lomas Development. Conditions have been included to provide a pedestrian path along the project frontages linking the project area to this crosswalk. This alternative has been reviewed by the Public Works Director and has been found to be a superior option to the intersection crosswalk recommended in the traffic analysis.
Traffic

A traffic analysis was prepared for the project site. The traffic analysis assumed 51 units to provide a conservative analysis of the project related traffic impacts. Based on the analysis, the project would result in 57 total PM peak hour trips. This number includes the existing residences and therefore, additional PM peak hour trips from new units would be slightly less. Slightly more than half of the project would take access off of Viejo Camino with approximately 19 primary residential units taking access off of Halcon Rd.
LOS at the study intersections (SB Rd/US 101, SB Rd/ECR, and SB Rd/Viejo Camino) remains at LOS A or B under the Existing Plus Project scenario. LOS drops to unacceptable levels at the SB/US101 interchange under the cumulative and cumulative plus project scenarios. This is due to the inclusion of Eagle Ranch in the analysis. Refer to the below Santa Barbara Mitigation Fee discussion for mitigation measures associated with this cumulative impact.

Both Halcon and Viejo Camino are classified as Minor Arterials by the City. City standards and specifications call for two vehicular travel lanes, on-street parking or class II bike facilities, curb, gutter, and sidewalk. Bike facilities and pedestrian facilities are required for these street sections. Based on traffic projections and area development patterns, the City Engineer has called for build out of these roadways to include two vehicular travel lanes, class II bike lanes, drainage control (i.e. curb and gutter), and pedestrian pathway.

Due to the fact that these roads provide linkages to Paloma Park and the comprehensive trail network proposed and approved by SLOCOG to link Santa Margarita to Paso Robles, the project is required to provide an enhanced detached pedestrian pathway along both project frontages in addition to Class II bike lanes as discussed above.

The traffic analysis analyzed sight distance along Halcon Rd and Viejo Camino. The report determined that sight-distance at the proposed Viejo Camino entrance met sight distance standards and provided clear sight lines in excess of 400-feet. The report identified concerns with sight-distance at the existing access points from Halcon Rd and recommended that access points be consolidated and located an adequate distance away from the horizontal and vertical curves. Planned Development Overlay 33 language includes requirements for the consolidation of access from Halcon Rd and requires a sight-distance analysis at the time plans are proposed to ensure that access from Halcon Rd meets minimum sight-distance standards.
**Santa Barbara Mitigation Fee:**

As part of the Eagle Ranch project analysis, a traffic study was completed that shows the need for re-construction of the Santa Barbara interchange to accommodate future traffic growth in the area. The need for the improvements, which consist of roundabouts at each on-ramp, are triggered by the Eagle Ranch development but are contributed to by area developments that increase trip generation above what was anticipated by the General Plan.

The proposed project will increase residential density above that which was anticipated by the General Plan. The fair share for the improvements is $15,879 per unit based on estimated construction costs for the improvements. A detailed cost estimate has not yet been completed. Once the detailed cost analysis has been finalized, the fee will be adjusted to reflect this analysis. A condition has been included to require fair share payment toward the Santa Barbara interchange cost for all new residential units. The payment will be required by both The Groves portion of the project and the Neighbor portion of the project upon site development.

**Noise**

The noise analysis prepared for the project identified exterior noise levels for proposed parcels adjacent to Viejo Camino and Halcon Roads in excess of maximum standards. This is mostly due to the existing truck route from the nearby Quarry. As such, the report recommends that the identified parcels provide exterior activity areas that are either located outside of the high noise areas or are shielded from the noise source. Many of the proposed unit plans for the Groves portion of the project are designed to include shielded patio areas within the building footprints or are properly sited to achieve adequate sound attenuation without additional shielding. For units that cannot be sited in such a manner, a solid wall will need to be constructed to provide shielding from the noise source. The DRC and Planning Commission recommends that any required sound walls along the street frontages be setback a minimum of 10-feet from the edge of the public easement which accommodates the pedestrian pathway and that landscaping be included to visually screen the wall from the street. In addition, the wall is required to taper down at the project site boundaries to transition effectively to areas where sound attenuation is not required. Conditions of approval have been included to this effect. As the Neighbor parcels are not yet subdivided and no design plan have been submitted, language governing the design of sound attenuation walls for outdoor activity areas is included as part of the PD33 overlay language.

**Community Facilities District Formation**

Based on findings from the 2003 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 (CFD). The Groves portion of the project will be required to annex into the City’s CFD and establish a Homeowners Association or other similar mechanism to maintain the development’s roadways, common area landscaping, drainage, etc. Language has been included in PD-33 to require annexation into the CFD prior to recordation of any final map for the Neighbor parcels and that maintenance mechanisms be established at the time of development of the Neighbor parcels.

**Proposed Planned Development Overlay 33 Zone Text**

The proposed project requires establishment of a custom Planned Development. This will allow for the clustered development proposed for The Groves portion of the project and will provide opportunities for clustering of the Neighbor parcels when, and if, they develop. In addition, adoption of the PD-33 text will ensure that City goals for frontage improvements, consolidation of driveways, and fiscal neutrality will be achieved. Key requirements include:

- Standards for frontage improvements
- Affordable housing requirements
- Processes for the review and approval of subsequent development plans
- Pedestrian pathway standards
- Frontage landscaping
- Consolidated access and neighborhood connectivity

The full proposed text can be found in Attachment 7 (Draft Ordinance A).

**FINDINGS**

The following findings are required to be made to recommend project approval and are included as a part of the attached Resolutions.

**General Plan Amendment**

1. The proposed General Plan Amendment has been prepared consistent with the applicable laws and guidelines of the State of California; and,

   **Staff Comment:** All applicable State Laws have been adhered to in the preparation of this General Plan Amendment application.

2. A duly noticed public hearing has been held to receive and consider public testimony regarding the proposed amendments to the General Plan Land Use Diagram; and,
**Staff Comment:** Hearing notices were prepared in accordance with State Law and applicable Atascadero Municipal Code requirements. A public hearing was held by the Planning Commission at which public testimony was received and considered prior to taking action on the proposed application.

3. The proposed amendment is in the public interest and protects the health, safety and welfare of public by ensuring the orderly development of the City.

The proposed amendment is consistent with General Plan Land Use Policies 1.1, 1.3, 2.1, 2.3, 5.3, 6.1, 7.1, 7.2, 8.5, 15.1, and 15.6; Circulation Policies 1.1, 1.4, 1.5, 2.1, and 3.2; and Housing Element Policies 1.1, 4.3 and 10.1. The proposed amendment provides for new housing opportunities within the City’s urban services line and increases residential density in areas appropriate for residential growth. The proposed Planned Development Overlay District and requirements for a Master Planned neighborhood ensure that the overall neighborhood design and layout supports existing and future traffic patterns and provides pedestrian connectivity both internal and external to the development area.

**Establishment of Planned Development Overlay 33 and Zone Map Change**

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

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

   **Staff Comment:** The proposed amendments are consistent with General Plan Land Use Policies 1.1, 1.3, 2.1, 2.3, 5.3, 6.1, 7.1, 7.2, 8.5, 15.1, and 15.6; Circulation Policies 1.1, 1.4, 1.5, 2.1, and 3.2; and Housing Element Policies 1.1, 4.3 and 10.1.

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

   **Staff Comment:** The proposed residential use will not be detrimental to the health, safety, or welfare of the general public or persons residing in the neighborhood. A residential use is consistent with the surrounding neighborhood. The Planned Development Overlay language and City development standards will ensure that pedestrian and vehicular access conditions are designed in a manner which does not create ongoing safety concerns.
3. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,

Staff Comment: The proposed residential use is consistent with other residential and residential serving uses in the area.

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

Staff Comment: The proposed residential use will not generate significant and unavoidable impacts to traffic, infrastructure, or public services. The project will contribute City TIF fees and mitigation fees toward the Santa Barbara/US 101 interchange. All internal and abutting roads have been designed to City standard. All residences within the project area will be required to annex into the Citywide Community Facilities District to cover costs associated with the increased City costs of providing police, fire, and park services to new residents.

5. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development, and;

Staff Comment: The establishment of PD-33 will establish development standards that promote a cohesive neighborhood development and ensure that City goals related to traffic mitigation, aesthetic character, inclusionary housing, and pedestrian connectivity, among others, are achieved.

6. 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, and;

Staff Comment: The proposed Planned Development text will modify standard development requirements to allow for a clustered development pattern, preserving heavily sloped and treed areas of the project site. In addition, the ability to provide larger lots adjacent to existing rural residential areas will provide a transition from proposed higher density single-family areas to larger lot developments bordering the City. Modified standards for the neighboring parcels will provide for consolidated access and clustering opportunities allowing for the siting of new units in a way which compliments the neighborhood character and preserves topographic and other natural features.

7. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements.

Staff Comment: The Planned Development Overlay Zone 33 ensures that development within the area provide certain benefit as identified by Council Policy. Development under the PD33 standards will maintain and enhance neighborhood character, buffer between adjacent larger-lot residential zones, and provide pedestrian connectivity. In addition, the clustering of lots allows for the retention and preservation of native oak habitat.
**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 approved Master Plan of Development sets development standards related to architectural design, site design, landscape, signage, and specific development standards required by the Zoning Ordinance. The Planning Commission must make the following five findings to recommend to the City Council approval of the proposed Master Plan of Development amendments:

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

   **Staff Comment:** The proposed amendments are consistent with the General Plan Land Use Policies 1.1, 1.3, 2.1, 2.3, 5.3, 6.1, 7.1, 7.2, 8.5, 15.1, and 15.6; Circulation Policies 1.1, 1.4, 1.5, 2.1, and 3.2; and Housing Element Policies 1.1, 4.3 and 10.1.

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

   **Staff Comment:** The proposed amendments satisfy all Conditional Use Permit and Planned Development zoning code provisions.

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

   **Staff Comment:** The proposed amendments 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 amendments are compatible with the surrounding neighborhood. The project includes detached small lot single-family residences with high quality landscape and architecture. The project has been designed to enhance the appearance of this currently vacant site.

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the
surrounding neighborhood that would result from full development in accordance with the Land Use Element.

**Staff Comment:** The proposed amendments and use is consistent with the traffic projections and road improvements anticipated within the General Plan and as conditioned.

**Tree Removal:**

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

   **Staff Comment:** The proposed removals occur within the areas of proposed infrastructure or residential units that cannot be reasonable redesigned to avoid the need for removal.

**Tentative Subdivision Map (TTM) Findings**

The following findings must be made for the TTM 2014-0108 to be approved:

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-33 Overlay District.

   **Staff Comment:** See applicable comments under findings for General Plan Amendment and Zone Text Amendment.

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

   **Staff Comment:** The Fire Department and Public Works Department have reviewed the proposed development plans and all City standards can be met. The clustering of lots will allow development to avoid heavily sloped areas. All roads and private driveways will be required to meet applicable Fire Department and Engineering standards.
3. The site is physically suitable for the density of development proposed.

   **Staff Comment:** The approval of the proposed General Plan Amendment will increase the residential density of the sites allowing for additional residential units to be constructed. City staff has reviewed the proposed density changes and determined that site characteristics, neighboring land uses, and abutting roads can support the proposed development potential. City sewer will be required to be extended for all lots less than 1-acre. Lots of 1-acre or greater will be required to show septic feasibility at the time of building permit.

4. 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.

   **Staff Comment:** The proposed project will not result in substantial environmental damage. No creeks or waterways are located on the project site. All native tree removals will be mitigated per the City’s Native Tree Ordinance. Mitigation Measures have been incorporated into the project to ensure a less than significant impact to any sensitive species found on the project site.

5. 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.

   **Staff Comment:** No easements for public access currently exist on the project site. Consolidated access will be required to be designed off Halcon Rd. Access location and design is required to serve all future and existing lots at the time of development.

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

   **Staff Comment:** The subdivision design has been reviewed and approved, as conditioned, by the City Engineer. All proposed roads and frontage improvements meet City standards.

**Environmental Determination**

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public starting November 30, 2015. The environmental analysis identified concerns regarding potential impacts to aesthetics, noise, biological resources, air quality, 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 Planning Commission recommends certification of the Proposed Mitigated Negative Declaration 2015-0007.

**FISCAL IMPACT:**

Based on findings from the 2003 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 community facilities district (CFD) annexation. The proposed project will be required to establish a Homeowners Association or other similar mechanism to maintain the developments roadways, common area landscaping, drainage, etc. Conditions of approval have been included in the attached Master Plan of Development and Map resolutions as well as the proposed PD33 text.

**CONCLUSION**

The proposed project consist of a General Plan Amendment and Rezone of 8 existing parcels along Halcon and Viejo Camino to increase residential density in the area from a 2.5 acre minimum lot size to a combination of 1 du/acre density and 2 du/acre density. The project has been reviewed and analyzed by staff and recommendations from the Design Review Committee and Planning Commission have been incorporated. The project, as designed and conditioned, meets all the required findings for approval.

**ALTERNATIVES**

1. The City Council may recommend modifications to the proposed amendments and/or conditions of approval for the project.

2. The City Council may determine more information is needed on some aspect of the amendments and may refer the item back to the applicant and staff to provide the additional information. The Commission should clearly state the type of information required and move to continue the item to a future date.

3. The City Council may recommend denial to the City Council. The Council should specify the reasons for denial.
ATTACHMENTS:

Attachment 1: Zoning Map
Attachment 2: Conceptual neighborhood development plan
Attachment 3: Proposed Vesting Tentative Map – The Groves
Attachment 4: Proposed Mitigated Negative Declaration 2015-0007
Attachment 5: Draft Resolution A (certification of MND)
Attachment 6: Draft Resolution B (Approval of GPA)
Attachment 7: Draft Ordinance A (Establishment of PD33)
Attachment 8: Draft Ordinance B (Zone Map Amendment)
Attachment 9: Draft Resolution C (Master Plan of Development)
Attachment 10: Draft Resolution D (Subdivision Map)
Current General Plan: Suburban Estates (SE)

Proposed General Plan: Single-Family Residential – Y (1 du/ac)
Single-Family Residential – X (2 du/ac)

Current Zoning District: Residential Suburban (RS)

Proposed Zoning District: Residential Single-Family – Y (1 du/ac)
Residential Single-Family – X (2 du/ac)
Attachment 2: Conceptual Neighborhood Development Plan

The Neighbor Parcels – 1du/ac maximum

The Groves Development – 2du/ac maximum
Attachment 3: Proposed Vesting Tentative Map – The Groves
Attachment 4: Proposed Mitigated Negative Declaration 2015-0007

Please see the following page
DRAFT RESOLUTION A
MND CERTIFICATION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, CERTIFYING MITIGATED
NEGATIVE DECLARATION 2015-0007

HALCON RESIDENTIAL PLANNED DEVELOPMENT
CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

Ben and Amanda Poore (11675 Halcon Rd, Atascadero, CA 93422) Owner, and;

Carol Ratzlaff (11745 Halcon Rd, Atascadero, CA 93422) Owner, and;

Mike and Laura Joy (11885 Halcon Rd, Atascadero, CA 93422) Owner, and;

Shawn Sarnecki (11845 Halcon Rd, Atascadero, CA 93422) Owner, and;

Pat and Terri Rodda (11855 Halcon Rd, Atascadero, CA 93422) Owner, and;

Jeannie Dagnall (11875 Halcon Rd, Atascadero, CA 93422) Owner.

to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 37.7± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2015-0007 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, Section 21000, et. seq., of the Public Resources Code and Section 15000, et. seq., of Title 14 of the California Code of Regulations (the “CEQA Guidelines”), which govern the preparation, content, and processing of Negative Declarations, have been fully implemented in the preparation of the MND.

WHEREAS, pursuant to California State Law and the Atascadero Municipal Code, public hearing notices were mailed to all property owners within an area exceeding a three hundred foot radius of the subject property and a public hearing was published for a minimum of 10 days prior to the first public hearing; and

WHEREAS, a duly noticed public hearing was held by the Atascadero Planning Commission on February 2, 2016, to consider the MND at which all interested persons were given the opportunity to be heard and has recommended certification of the MND; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended the City Council certify the Mitigated Negative Declaration for the Halcon Residential Planned Development Area and associated applications; and

WHEREAS, a duly noticed public hearing was held by the Atascadero City Council on February 23, 2016 following the close of the review period, to consider the MND at which all interested persons were given the opportunity to be heard and has recommended certification of the MND; and,

WHEREAS, the City Council of the City of Atascadero has reviewed and considered the information contained in the MND for the Halcon Residential Planned Development and associated applications; and,

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Atascadero, hereby resolves to certify Proposed Mitigated Negative Declaration 2015-0007 based on the following Findings, and as shown in Exhibit A:

1. The Proposed Mitigated Negative Declaration has been completed in compliance with CEQA; and,

2. The Proposed Mitigated Negative Declaration was presented to the Planning Commission, and the information contained therein was considered by the Planning Commission, prior to recommending action on the project for which it was prepared; and,

3. The Proposed Mitigated Negative Declaration was presented to the City Council, and the information contained therein was considered by the City Council, prior to action on the project for which it was prepared; and,

4. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project; and,

5. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,
6. The project does not have impacts which are individually limited, but cumulatively considerable; and,

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

On motion by Council Member ______________________, and seconded by Council Member ___________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

____________________________
Tom O’Malley, Mayor

Attest:

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

APPROVED AS TO FORM:

____________________________
Brian A. Pierik, City Attorney
CITY OF ATASCADERO
PROPOSED
NEGATIVE DECLARATION #2015-0007

Applicant/Owner: ConsensusBuild Atascadero Dev. LLC; 2921 Garribaldi Ave. San Luis Obispo, CA 93401
Project Title: PLN 2014-1529 – Halcon General Plan Amendment
Project Location: 11955 & 11975 Viejo Camino, Atascadero, CA 93422
(San Luis Obispo County) API: 045-401-003, & 004

11676, 11745, 11855, 11855, 11875 Halcon Rd., Atascadero, CA 93422
(San Luis Obispo County) API: 045-401-014, 013, 010, 069, 038, & 017

Project Description: The applicant is requesting a General Plan Amendment and Zone Rezone to allow for an increase in residential density. The subject parcels are located along Halcon Road at the southerly boundary of the City Limits. Current zoning allows for a maximum lot size of 2.5 to 10 acres depending on certain site characteristics. The proposed General Plan Amendment and Zone Rezone would create a new single-family residential area ("The Groves") encompassing 10 acres of the project site at the Viejo Camino and Halcon intersection and increase the density of the remaining 27.7 acres of the project site ("Neighbor Parcels") to allow for 1 primary dwelling unit per acre. There are currently 6 existing units within the project area. The proposal would increase the number of primary units to a maximum of 45 residential units. The highest density (17 units) will be located on the property at the corner of Viejo Camino and Halcon Road ("The Groves"). The Groves development will preserve a portion of the existing oak woodland grove on the southeast corner of the property in permanent open space easements. Nineteen (19) native trees are proposed for removal as part of The Groves development. Additional trees may be removed as the Neighbor parcels develop.

Existing General Plan Designation: Suburban Estates (SE)
Existing Zoning: Rural Suburban (RS)

Proposed Zoning: Residential Single-Family – X (RSF-X: 2 d/acre)

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

Determination:
Based on the above findings, and the information contained in the Initial Study 2015-0007 made a part hereof by reference and on file in the Community Development Department, it has been determined that the above project will not have an adverse impact on the environment.

Prepared By: Kelly Glaston, Senior Planner
Date Posted: November 30, 2015
Public Review Ends: December 21, 2015
Attachments:
- Location Map
- General Plan and Zoning Designation Map
- Aerial Map
- Neighborhood concept development plan
- Existing Tentative Tract Map (The Groves)
- Landscape Plan
- Grading and Drainage Plan
- Tree Inventory Map
- Wetlands Map
- Hazardous Materials Map
- FEMA Flood Insurance Rate Map
- Initial Study 2015-0007
DRAFT PC RESOLUTION B
GENERAL PLAN LAND USE DIAGRAM AMENDMENT

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING GENERAL PLAN LAND USE DIAGRAM AMENDMENT 2014-0030

HALCON RESIDENTIAL PLANNED DEVELOPMENT
CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

   ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

   Ben and Amanda Poore (11675 Halcon Rd, Atascadero, CA 93422) Owner, and;

   Carol Ratzlaff (11745 Halcon Rd, Atascadero, CA 93422) Owner, and;

   Mike and Laura Joy (11885 Halcon Rd, Atascadero, CA 93422) Owner, and;

   Shawn Sarnecki (11845 Halcon Rd, Atascadero, CA 93422) Owner, and;

   Pat and Terri Rodda (11855 Halcon Rd, Atascadero, CA 93422) Owner, and;

   Jeannie Dagnall (11875 Halcon Rd, Atascadero, CA 93422) Owner.

   to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 37.7± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017); and,

   WHEREAS, the site’s current General Plan Land Use Designation is Suburban Estates (SE); and,

   WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,
WHEREAS, a General Plan Land Use Diagram Amendment is proposed by the applicants to change the Land Use Designation of lots within the project site to Single-Family Residential – X (SFR-X) and Single Family Residential – Y (SFR-Y) as identified in the amended General Plan Land Use Diagram attached to this Resolution as Exhibit B; 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, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on February 2, 2016, studied and considered General Plan Amendment 2014-0030 for the Halcon Residential Planned Development, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project adopted Planned Development Overlay Zone #33 in conjunction with CUP 2014-0284, and,

WHEREAS, the Atascadero Planning Commission has recommended that the Atascadero City Council approve General Plan Amendment 2014-0030 for the Halcon Residential Planned Development Area, and,

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

WHEREAS, the Atascadero City Council, at a Public Hearing held on February 23, 2016, studied and considered General Plan Amendment 2014-0030 for the Halcon Residential Planned Development Area, after first considering the Planning Commission’s recommendations and considering the Initial Study and Mitigated Negative Declaration prepared for the project, and,
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero makes the following findings, determinations and recommendations with respect to the proposed General Plan Land Use Diagram Amendment:

SECTION 1. Findings for Approval the Halcon Residential Planned Development General Plan Land Use Diagram Amendment:

The Atascadero City Council finds as follows:

- The proposed General Plan Amendment is consistent with the findings attached as Exhibit A.
SECTION 2. **Approval.** The Atascadero City Council, in a regular session assembled on February 23, 2016 resolved to approve the General Plan Land Use Diagram Amendment consistent with the following exhibits:

1. EXHIBIT A: General Plan Amendment Findings
2. EXHIBIT B: General Plan Land Use Amendment Diagram

On motion by Council Member ______________________, and seconded by Council Member ___________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Tom O’Malley, Mayor

Attest:

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

APPROVED AS TO FORM:

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

Halcon Residential Planned Development
(PLN 2015-1529)

GENERAL PLAN AMENDMENT FINDINGS

1. The proposed General Plan Amendment has been prepared consistent with the applicable laws and guidelines of the State of California; and,

   **Staff Comment:** All applicable State Laws have been adhered to in the preparation of this General Plan Amendment application.

2. A duly noticed public hearing has been held to receive and consider public testimony regarding the proposed amendments to the General Plan Land Use Diagram; and,

   **Staff Comment:** Hearing notices were prepared in accordance with State Law and applicable Atascadero Municipal Code requirements. A public hearing was held by the Planning Commission at which public testimony was received and considered prior to taking action on the proposed application.

3. The proposed amendment is in the public interest and protects the health, safety and welfare of public by ensuring the orderly development of the City.

   The proposed amendment is consistent with General Plan Land Use Policies 1.1, 1.3, 2.1, 2.3, 5.3, 6.1, 7.1, 7.2, 8.5, 15.1, and 15.6; Circulation Policies 1.1, 1.4, 1.5, 2.1, and 3.2; and Housing Element Policies 1.1, 4.3 and 10.1. The proposed amendment provides for new housing opportunities within the City’s urban services line and increases residential density in areas appropriate for residential growth. The proposed Planned Development Overlay District and requirements for a Master Planned neighborhood ensure that the overall neighborhood design and layout supports existing and future traffic patterns and provides pedestrian connectivity both internal and external to the development area.
Exhibit B: General Plan Land Use Diagram Amendment

Halcon Residential Planned Development
(PLN 2015-1529)

APN’s 045-401-014, 013, 010, 009, 018, & 017
Current GP designation: Suburban Estates (SE)

APN’s 045-401-003, & 004
Current GP designation: Suburban Estates (SE)
Proposed GP designation: Single-Family Residential – X (SFR-X)
DRAFT ORDINANCE A
PD-33 OVERLAY DISTRICT
ZONING CODE TEXT AMENDMENT

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9, ARTICLE 28, TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY DISTRICT #33 ZONING DISTRICT (ZCH 2015-0178) FOR THE HALCON RESIDENTIAL PLANNED DEVELOPMENT

HALCON RESIDENTIAL PLANNED DEVELOPMENT
CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

Ben and Amanda Poore (11675 Halcon Rd, Atascadero, CA 93422) Owner, and;

Carol Ratzlaff (11745 Halcon Rd, Atascadero, CA 93422) Owner, and;

Mike and Laura Joy (11885 Halcon Rd, Atascadero, CA 93422) Owner, and;

Shawn Sarnecki (11845 Halcon Rd, Atascadero, CA 93422) Owner, and;

Pat and Terri Rodda (11855 Halcon Rd, Atascadero, CA 93422) Owner, and;

Jeannie Dagnall (11875 Halcon Rd, Atascadero, CA 93422) Owner.

to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 37.7± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017); and,
WHEREAS, the site’s current General Plan Land Use Designation is Suburban Estates (SE); and,

WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Single-Family Residential (SFR-X) and Single-Family Residential – Y (SFR-Y); and,

WHEREAS, a Zoning Ordinance Text Change is proposed by the applicants to establish zoning code text for Planned Development Overlay Zone #33 (PD-33); 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, 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, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was 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 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, 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 February 2, 2016, studied and considered Zone text Change 2015-0178 to establish Planned Development Overlay Zone #33, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the Planned Development #33 zoning district; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and,
WHEREAS, the Atascadero City Council, at a Public Hearing held on February 23, 2016, studied the Planning Commission’s recommendation and considered the proposed Planned Development #33 zoning district, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero hereby ordains as follows:

SECTION 1. Findings for Approval of a Zone Text Change Amendment creating a Planned Development District Zone #33. The City Council finds as follows:

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

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

3. The proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development; and,

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

5. The proposed zone change is consistent with the project-specific Mitigated Negative Declaration and incorporates all feasible mitigation measures consistent with the Mitigation Monitoring and Reporting Program; and,

6. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development, and;

7. 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, and;

8. 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 February 23, 2016 resolved to introduce for first reading, by title only, an ordinance that would amend the City Zoning Ordinance with the following:
Planned Development Overlay Zone No. 33 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 33 is established on parcels APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017 with a combined acreage of 37.7 acres. Development shall be permitted as follows:

(a) Project Area Development Standards
The following development standards shall be applicable to the entire project area as identified in Figure 1.

(1) Lots of less than 1-acre net shall be required to hook up to City sewer.
(2) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground.
(3) All residential uses shall be consistent with the requirements of the underlying zoning district except as allowed by a master plan of development.
(4) Any future tree removal shall require approval of the Planning Commission. Exceptions for single-family uses will not be considered exempt within the Planned Development Overlay Zone.
(5) Street trees shall be provided along all internal and abutting public street frontages at a maximum spacing of 30-feet on-center. Clustering and alternative spacing may be approved by the City Engineer to accommodate topographic, sight-distance, or drainage conflicts or to maintain the rural setting within larger lot development areas.
(6) The construction of any new residential unit (not applicable to replacement of existing units) shall require payment of a mitigation fee toward the Santa Barbara / US 101 interchange. Payment shall be made prior to issuance of any residential building permit. Final fee amount shall be based on a City approved engineers cost estimate for the final improvements.
(7) All newly constructed residential units shall be subject to inclusionary housing fee payment totaling 2.5% of the building valuation for any primary residential unit.
(8) All shared facilities and public street frontages shall be maintained by the development as a whole or in portions. An HOA or other maintenance mechanism shall be established for each subdivision requiring such prior to recordation of any final map.
(9) All parcels shall annex into the City’s Community Facilities District prior to or concurrent with recordation of any final map. Annexation will not be required for existing parcels if no map is pursued.
(10) Solid privacy fencing adjacent to public frontages shall be setback a minimum of 10-feet from the edge of the pedestrian path/public way easements. All low property line fencing will include landscaping between the fencing and the pedestrian pathway.
(11) 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
(12) APCD construction level mitigation measures for fugitive dust and construction emissions shall be required for any site development.
(b) The Groves Development – RSF-X parcels (APN’s 045-401-003, & 004)

The following development standards shall be applicable to The Groves development parcels, identified in Figure 1.

1. A clustered subdivision may be permitted with an overall maximum density of 2 du/ac.
2. All clustered 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.
3. No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.
4. A meandering 10-foot wide pedestrian pathway shall be required along the Viejo Camino frontage, subject to the approval of the City Engineer. Easements shall be dedicated to the City where applicable to accommodate all pedestrian facilities.
5. All internal streets shall be designed with a 4-foot minimum width walkable shoulder. Exceptions may be granted where topography or drainage facilities conflict, subject to the approval of the City Engineer.
6. Larger parcels shall abut Santa Barbara Rd to provide a buffer to the existing rural residential area, maximize tree retention, and minimize grading on heavily sloped areas.
7. A cul-de-sac connection to the neighboring parcels (APN’s 045-401-014, 013), as shown on figure 1, shall be provided through The Groves Development site.
8. On street parking shall be provided for all streets serving lots of ½ acre or less.
9. All shared facilities shall be maintained by the development through an HOA or other City approved maintenance mechanism.

(c) The Neighboring Parcels – RSF-Y parcels (APN’s 045-401-014, 013, 010, 009, 018, & 017)

The following Development Standards shall apply to future development within the Planned Development boundary.

1. A cluster subdivision may be permitted on any portions or portions of the site area providing overall density does not exceed 1 du/ac.
2. All clustered 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.
3. Architectural site design and individual lot development for non-clustered developments shall be completed by staff and/or a designee of the Community Development Director.
(4) Access to the Neighbor Parcel portion the project site from Halcon Rd shall be consolidated into 2 access roads. Shared access roads shall be evaluated for sight-distance upon submittal of any tentative map and/or development plan. Proposed access roads shall be designed to serve the entire area. Private driveways shall be eliminated once development commences. Private driveways serving existing residences where access off of the shared roads is not feasible, may request an exception to this requirements, subject to the approval of the City Engineer. Should any parcel resulting from the subdivision of APN’s 045-401-014, 013 take access via Halcon Rd, the consolidated access roads shall be utilized. No private driveway connections to Halcon Rd from APN’s 045-401-014, 013, or subdivided portions thereof, shall be permitted.

(5) All shared facilities shall be maintained by the development through an HOA or other City approved maintenance mechanism.

(6) On-street parking shall be required for roads serving lots of ½ acre or less.

(7) Walkable shoulders designed to meet City standards shall be required for all roads serving lots of ½ acre or less. Roads serving lots of greater than ½ acre shall be designed to City standards.

(8) A meandering 10-foot wide pedestrian pathway shall be required along the Halcon Rd. frontage, subject to the approval of the City Engineer. Easements shall be dedicated to the City where applicable to accommodate all pedestrian facilities.

(9) A noise analysis shall be required for all residential units and private outdoor areas located within 75-feet of Halcon Rd. A noise analysis will only be required for private outdoor areas where the usable space is located entirely within this zone.

(10) A biological survey to determine the presence of sensitive plant species and wildlife species such as nesting birds, American badger, or Silvery legless lizards shall be conducted prior to the issuance of any building permit or approval of any subdivision map or development plan. Recommendations from the report shall be adhered to prior to and/or during construction.
Figure 1
Development Diagram

The Neighboring Parcels - APN's 045-401-014, 013, 010, 009, 018, & 017

The Groves Development - APN's 045-401-003, & 004

Potential consolidated access point

Cul-de-sac connection to adjoining lots (APN's 045-401-014, 013)

Site Access

Potential consolidated access point
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.

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

AYES:

NOES:

ABSTAIN:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Tom O’Malley, Mayor

Attest:

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

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
DRAFT ORDINANCE B
ZONING MAP AMENDMENT

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING ZONE CHANGE ZCH 2014-0175 AMENDING THE OFFICIAL ZONING MAP DESIGNATION FOR THE HALCON RESIDENTIAL PLANNED DEVELOPMENT

HALCON RESIDENTIAL PLANNED DEVELOPMENT CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

Ben and Amanda Poore (11675 Halcon Rd, Atascadero, CA 93422) Owner, and;

Carol Ratzlaff (11745 Halcon Rd, Atascadero, CA 93422) Owner, and;

Mike and Laura Joy (11885 Halcon Rd, Atascadero, CA 93422) Owner, and;

Shawn Sarnecki (11845 Halcon Rd, Atascadero, CA 93422) Owner, and;

Pat and Terri Rodda (11855 Halcon Rd, Atascadero, CA 93422) Owner, and;

Jeannie Dagnall (11875 Halcon Rd, Atascadero, CA 93422) Owner.

to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 37.7± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017); and,

WHEREAS, the site’s current General Plan Land Use Designation is Suburban Estates (SE); and,
WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Single-Family Residential - X (SFR-X) and Single-Family residential – Y (SFR-Y); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change to establish zoning code text for Planned Development Overlay Zone #33 (PD-33); and,

WHEREAS, a Zoning Map Amendment is proposed by the applicant to change the zoning of lots with the project area to Residential Single-Family (RSF-X) and Residential-Single Family – Y (RSF-Y), with a PD-33 overlay on the entire project site in order to correspond with the recommended General Plan Land Use Diagram Amendment and PD-33 Zoning Ordinance code text; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was 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, the Planning Commission has determined that it is in the best interest of the City to enact this amendment to the Zoning Map to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and,

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on February 2, 2016, studied and considered Zoning Map Amendment ZCH 2014-0175 after first studying and considering the Draft Mitigated Negative Declaration prepared for the project; and,

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

WHEREAS, the Planning Commission of the City of Atascadero has recommended the City Council approve Zoning Map Amendment 2014-0175; and,
WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on February 23, 2016, studied and considered Zoning Map Amendment ZCH 2014-0175 after first studying and considering the Draft Mitigated Negative Declaration prepared for the project; and,

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

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero hereby ordains as follows:

SECTION 1. Findings for Approval of an Amendment to the Official Zoning Map of Atascadero changing the zoning of lots within the project area. The City Council finds as follows:

1. The proposed zone change will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the PD-33 Ordinance; and,

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

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016, resolved to introduce for first reading, by title only, an ordinance (ZCH 2014-0175) that would rezone the subject site consistent with the following:

1. EXHIBIT A: Zone Change Map

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

AYES:

NOES:

ABSTAIN:

ADOPTED:

CITY OF ATASCADERO, CA

__________________________________________
Tom O’Malley, Mayor

Attest:

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

APPROVED AS TO FORM:

__________________________________________
Brian A. Pierik, City Attorney
Exhibit A: Zoning Map Amendment

Halcon Residential Planned Development
(PLN 2014-1529)

APN’s 045-401-014, 013, 010, 009, 018, & 017
Current Zoning: Residential Suburban (RS)

APN’s 045-401-003, & 004
Current Zoning: Residential Suburban (RS)
Proposed Zoning: Residential Single-Family – X (RSF-X) / PD33
DRAFT RESOLUTION C
MASTER PLAN OF DEVELOPMENT / TREE REMOVAL PERMIT
THE GROVES

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO APPROVING THE MASTER PLAN OF
DEVELOPMENT FOR THE GROVES DEVELOPMENT AS A PORTION
OF THE HALCON RESIDENTIAL PLANNED DEVELOPMENT

HALCON RESIDENTIAL PLANNED DEVELOPMENT
CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 10± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004); and,

WHEREAS, the site’s current General Plan Land Use Designation is Suburban Estates (SE); and,

WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Single-Family Residential - X (SFR-X) and Single-Family residential – Y (SFR-Y); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change and Zoning Map Amendment to establish zoning code text for PD-33 zoning district and to change the zoning of lots with the project area to Residential Single-Family – X (RSF-X) and Residential Single-Family - Y (RSF-Y), with a PD-33 overlay on the entire project site based on findings; and,
WHEREAS, the PD-33 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit for cluster development portions of the project area; and

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was 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 Master Plan of Development 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 February 2, 2016 studied and considered Conditional Use Permit 2014-0284 (Master Plan of Development) and Tree Removal Permit 2014-0178, after studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of The Groves Master Plan of Development; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Master Plan of Development was held by the City Council 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 City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 23, 2016 studied and considered Conditional Use Permit 2014-0284 (Master Plan of Development) and Tree Removal Permit 2014-0178, after studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero makes the following findings, determinations and recommendations with respect to the proposed Master Plan of Development and Tree Removal Permit:

SECTION 1. Findings for Approval of Master Plan of Development. 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-33 Overlay Zone; and,
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,

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

5. The Master Plan of Development standards or processing requirements is warranted to promote orderly and harmonious development; and

6. 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.

7. 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

8. Benefits derived from the Master Plan of Development and PD-33 Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements; and,

9. The proposed project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties; and,

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

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

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

SECTION 3. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016 resolved to approve The Groves Master Plan of Development and associated Tree removal Permit subject to the following:

1. EXHIBIT A: Conditions of approval / Mitigation Monitoring Program
2. EXHIBIT B: Master Plan of Development / Site Plan
3. EXHIBIT C: Landscape Plan  
4. EXHIBIT D: Elevations / Floor Plan  
5. EXHIBIT E: Grading and Drainage Plan  
6. EXHIBIT F: Utility Plan  
7. EXHINIT G: Noise Analysis Diagram
On motion by Council Member ______________________, and seconded by Council Member ___________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: 

NOES: 

ABSTAIN: 

ABSENT: 

ADOPTED: 

CITY OF ATASCADERO, CA 

______________________________

Tom O’Malley, Mayor 

Attest: 

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

APPROVED AS TO FORM: 

______________________________

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

**Halcon Residential Planned Development – The Groves**  
**Planned Development (PD-33) Master Plan of Development**

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<tr>
<th>Planning Services</th>
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<tbody>
<tr>
<td>FM: Final Map</td>
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<tr>
<td>GP: Grading Permit</td>
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<tr>
<td>BP: Building Permit</td>
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<tr>
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<tr>
<td>FI: Final Inspection</td>
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<tr>
<td>FO: Final Occupancy</td>
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<tr>
<th>Timing</th>
<th>Responsibility /Monitoring</th>
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<td>WW: Wastewater</td>
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<td>FO: Final Occupancy</td>
<td>CA: City Attorney</td>
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<td>AMWC: Water Comp.</td>
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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 2014-0175 and ZCH 2015-0178 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 Director shall have the authority to approve minor changes to the project that remain in substantial conformance to the approved Master Plan of Development. Such changes may include, but are not limited to, building alterations and/or architectural changes, site placement of structures, landscape modifications, and construction design issues that do not substantively affect the Master Plan of Development.

   The DRC shall make a recommendation to the Community Development Director related to any proposed architectural design changes not in keeping with the architectural style approved by this resolution.

   The Planning Commission shall have the final authority to approve any changes to the Master Plan of Development and any associated Tentative Maps deemed to be substantive by the Community Development Director.

3. Approval of this Conditional Use Permit shall be valid for twenty-four (24) 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.
### Conditions of Approval / Mitigation Monitoring Program

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<th>Halcon Residential Planned Development – The Groves Planned Development (PD-33) Master Plan of Development</th>
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</table>

#### Timing

| FM: Final Map | GP: Grading Permit | BP: Building Permit | TO: Temporary Occupancy | FI: Final Inspection | FO: Final Occupancy |

#### Responsibility /Monitoring


5. All subsequent Tentative Map and construction permits shall be in substantial conformance with the Master Plan of Development contained herein. **BP / FM** **PS, CE**

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

- Garage doors shall be of a color compatible with the building color scheme and shall be designed to blend in with the façade rather that contrast.
- Any proposed exterior street, pedestrian, or building mounted light fixtures shall be of architectural grade and design and shall be compliment the architectural style, subject to staff approval. All lighting shall comply with dark sky standards and shall be located and directed to avoid off-site glare per City ordinance.
- Stucco siding shall be smooth troweled or similar. No machine finishes will be permitted.
- Stone accent banding shall wrap each façade to an adjoining projected feature or at a distance approved by staff. **BP** **PS**

7. All site work, grading, and site improvements shall be in substantial conformance with the Master Plan of Development as shown in EXHIBIT B, C, E and F. **BP/FM** **PS, BS, CE**

8. 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 C, and as follows:

- All exterior meters, trash storage areas, air conditioning units and mechanical equipment shall be screened with landscape material and/or architecturally compatible enclosures.
- All areas shown on the landscape plan and/or areas disturbed during construction for individual lots shall be landscaped and/or hydroseeded with a native mix by the developer completed prior to final of each lot, with the exception of private yard areas enclosed by a 6-foot privacy fence.
- Landscape areas between the Viejo Camino pathway and **BP** **PS, BS**
the split rail fence (limits of public easement) shall be landscaped prior to final and acceptance of the off-site improvements.

- Street trees shall be provided along Viejo Camino at a maximum spacing of 30 feet on center. Groupings of trees may be allowed to accommodate sight-distance, topographical features, and/or rural character, subject to the approval of the Community Development Director and City Engineer.

- Landscape screening comprised of a combination of trees and native shrubs/grasses shall be provided between all pedestrian pathways and any solid fencing or sound wall features. Walkable shoulders shall be considered as pedestrian pathways for the purposes of this condition.

- The corner of Viejo Camino and Santa Barbara Rd shall include enhanced landscaping to buffer between the project and the existing rural residences. Landscaping shall include a combination of trees and native shrubs/grasses, subject to staff approval.

- Street and screening trees shall be minimum 15-gallon size and double staked.

- A neighborhood identification monument sign shall be permitted at the Viejo Camino project entrance. Monument sign design shall be consistent with building and/or sound wall materials and shall be subject to the review and approval of staff.

- Adequate sight-distance shall be maintained at all intersections and private driveways. Shrubs/grasses shall be setback or eliminated where clear sight-distance is required.
### Conditions of Approval / Mitigation Monitoring Program

**Halcon Residential Planned Development – The Groves Planned Development (PD-33) Master Plan of Development**

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

- All solid fencing shall be setback a minimum of 10-feet from the edge of right-of-way/public access easements and shall include landscaping within the setback area.

- Split rail fencing shall be installed along the Viejo Camino frontage at the edge of the easement dedication. This fencing shall be maintained by the HOA.

- Rear yard privacy fencing for lost abutting Viejo Camino or any interior street shall be setback a minimum of 10-feet from the edge of the easement dedications. This includes all pathways and walkable shoulders.

- All project fencing shall be of consistent style and material.

- Sound walls may be required for outdoor activity areas located in areas along Viejo Camino where decibel readings exceed residential standards, as identified in EXHIBIT G. Where required, sound walls shall be of architectural quality and include features such as decorative top caps. Sound walls shall have the same setback and landscaping requirements as solid fencing. Any sound wall proposed at the boundaries of the project shall taper in a decorative matter and not abruptly terminate at the property line. Neighborhood signage may be incorporated into the sound wall design. Alternatively, sound attenuation areas may be integrated into the building design and/or setback outside of the identified area.

10. Final selection of colors and materials identified in EXHIBIT D shall be subject to staff approval.

11. Affordable Housing Requirement: The applicant shall submit a payment of 2.5% of the building valuation for each residential unit to be placed into the City’s inclusionary housing fund. Payment shall be required prior to building permit issuance.

12. A Tree Protection Plan shall be prepared as part of the on- and off-site improvement plan package and/or any residential building permit where construction activities will occur within 20-feet of a native tree dripline. The applicant will contract with a certified arborist to monitor all activity within the drip lines of existing native trees.
13. 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.

14. 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.

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

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

c) All open space and native tree preservation areas.

d) All drainage facilities and detention basins.

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

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

g) All frontage landscaping and sidewalks along public
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**Halcon Residential Planned Development – The Groves Planned Development (PD-33) Master Plan of Development**

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#### streets

15. Prior to issuance of building permits for any residential unit, the applicant shall pay their fair share toward improvements at the US 101/Santa Barbara interchange based on a City approved cost estimate for the build-out improvements.

   - **BP**   - **PS, BS**

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

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

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

   c) Individual unit’s responsibility for keeping all trash receptacles within the unit’s garage.

   - **BP**   - **PS, BS**

17. Approval of this permit shall include the removal of 19 Native Oak Trees, totaling 242-inches dbh. The applicant shall provide a tree preservation easement over a portion of lots 10 and 7 as mitigation of the approved removals. Any additional removals shall be subject to Planning Commission approval.

   - **BP**   - **PS, BS**

### ENGINEERING CONDITIONS

### PROJECT SPECIFIC CONDITIONS

18. The internal streets shall be offered as public rights-of-way as shown on the tentative map and shall be extended to include the cul-de-sac adjacent to lots 9, 16 & 17.

   - **BP, GP**   - **CE**
19. Internal streets shall not be improved with sidewalks but shall comply with City standards for Rural Local roads. The road shoulder adjacent to Lots 1-5 and Lots 13-15 shall include a 5-foot wide walkable shoulder of compacted Class II Agg Base or DG, with a cross-slope matching that of the street, but not exceeding 4%. Where curb & gutter, or, an AC dike are required to convey stormwater, the area behind the curb or dike shall be compacted base or DG as described above. Curb ramps are not required at the intersections of the internal streets.

20. Viejo Camino shall be improved to City standards as shown on the Tentative Map along the project frontage. New improvements shall be consistent with City standards and the Circulation Element and shall include new curb, gutter, street intersection with cross-gutter, traffic signage and delineation, a bike lane (Class II), and transit stop. The street pavement shall be completed to integrate the existing roadway with the new frontage improvements as shown on the Tentative Map.

21. Along the Viejo Camino frontage, the property owner shall dedicate an easement and construct a public pedestrian and bike trail to accommodate a 10-foot wide detached pedestrian & bike trail. The pedestrian/bike trail shall be constructed of asphalt to the satisfaction of the Director of Public Works and Director of Community Development. Final alignment shall meander as necessary to conform to the existing terrain, trees and drainage requirements to the satisfaction of the Director of Public Works and Director of Community Development. The path shall wrap along the Halcon Rd frontage (off-site frontage) within the existing City ROW for a distance required by the City Engineer.

22. The transit stop shown on Viejo Camino shall be not less than 90 feet long (end-to-end, including transition lanes). The transit stop shall be designed using smooth curves to allow for ease of entry/exit of the bus as well as street sweeping equipment. The bus staging area shall be of sufficient width to allow the bus to be safely located out of the travel lane(s) while loading or unloading passengers to the satisfaction of the City Engineer. The structural pavement-section shall be sufficient to support the typical transit vehicles but shall be not less than 6” Class A concrete over 6” Class II Aggregate Base, to the satisfaction of the City Engineer. Sidewalk at the transit stop shall be in addition to the concrete pad necessary to place the transit street furniture (bus shelter, bench, sign and other street furniture as deemed necessary by the Director of Public Works). Additional right-of-way shall be dedicated to accommodate the turn-out to
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<td>23. The Subdivider shall plant street trees along the Viejo Camino street frontage behind the public sidewalk and within 15-feet. Trees planted closer than 10-feet shall include deep-root planter barriers as approved by the City Engineer. One street tree shall be planted for each 35 linear feet (or portion thereof) of road frontage.</td>
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<td>24. Street trees on the internal streets shall be planted at the time of lot development along the road frontages of the internal streets offered to the public. One street tree shall be planted for each 35 linear feet (or portion thereof) of road frontage.</td>
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<td>25. A new gravity sewer shall be designed and extended in Viejo Camino to serve the lots of Tract 3078, to the satisfaction of the City Engineer. An optional route along Halcon Rd can be explored for feasibility, subject to the review and approval of the city Engineer. The developer may request a reimbursement agreement for future private sewer connections for any off-site sewer extension subject to City Ordinance and City Council authorization. Notice of developer intent to request a reimbursement agreement must be made in writing prior to the start of construction.</td>
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<td>26. Each new lot shall be served by separate laterals for water, power, communications, gas &amp; cable TV (if available adjacent to the subject property).</td>
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<td>27. The Final Map shall include the offer of Public Utility Easements along all street frontages (6-feet wide), to the satisfaction of the City Engineer.</td>
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<td>28. The Subdivider shall dedicated sufficient public right-of-way for street purposes along the northerly side of Santa Barbara Street to accommodate the existing improved road alignment.</td>
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<td><strong>STANDARD CONDITIONS</strong></td>
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<td>29. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard</td>
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# Conditions of Approval / Mitigation Monitoring Program

## Halcon Residential Planned Development – The Groves

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Specifications and Drawings.

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**Halcon Residential Planned Development – The Groves**

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<td><strong>38.</strong> Drainage easements shall be provided as needed to accommodate both public and private drainage facilities.</td>
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<td><strong>39.</strong> The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<td><strong>40.</strong> Prior to recording the tract map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance.</td>
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<td><strong>41.</strong> Prior to recording the tract map, the applicant shall 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>
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<td><strong>42.</strong> Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
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<td><strong>43.</strong> Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval</td>
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<td><strong>44.</strong> 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 map.</td>
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<td><strong>45.</strong> Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the recorded map.</td>
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| 46. Prior to the final inspection of any public improvements, the applicant shall submit a written statement from a registered civil engineer that all work has been completed and is in full compliance with the approved plans. | FM | CE |
| 47. Prior to the final inspection, the applicant shall submit a written certification from a registered civil engineer or land surveyor that all survey monuments have been set as shown on the final map. | BP, GP | CE |
| 48. An encroachment permit shall be obtained prior to any work within City rights of way. | BP, GP | CE |
| 49. Prior to the issuance of building permits the applicant shall submit a grading and drainage plan prepared by a registered civil engineer for review and approval by the City Engineer. | BP, GP | CE |
| 50. The applicant shall submit a hydraulic analysis with the first plan check submittal of the water system improvements for the project. The analysis should take into account the fire flows required by the California Building Code. The applicant is responsible for designing and constructing water system improvements that will provide water at pressures and flows adequate for the domestic and fire protection needs of the project. | BP, GP | CE |

### MITIGATION MONITORING PROGRAM

**Mitigation Measure 1.c.1**: A landscape buffer shall be provided along Santa Barbara Rd. Landscape material shall consist of native and/or drought tolerant species. As mixture of low and medium plants shall be utilized to provide visual screening of the project from the adjacent neighborhood.

**Mitigation Measure 1.c.2**: Street trees shall be provided along Viejo Camino and Halcon Rd. Street trees shall be spaced at no greater than 30-feet on center, however, rural tree groupings may be approved by the City Engineer due to topographic or sight distance concerns and/or to maintain the rural nature of the street.

**Mitigation Measure 1.c.3**: Rear or side yard privacy fencing where adjacent to a private road shall be set back from the edge of shoulder a minimum of 10-feet. Where rear or side yard fencing is adjacent to a public road, a minimum setback from the edge of...
pavement/sidewalk/pedestrian path of 10-feet shall be observed. Fencing adjacent to a public roadway shall be a maximum of 6-feet high and shall include landscaping on the street side of the fence. Fencing shall be decorative in nature. Any walls proposed for rear or side yards adjacent to a public road shall be constructed of high quality materials and shall adhere to the same setback as privacy fencing.

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.

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 Section 2 “Assessing and Mitigating Construction Impacts.”

2.4 Fugitive Dust Mitigation Measures: Standard List

a. Reduce the amount of the disturbed area where possible;

b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;

c. All dirt stock-pile areas should be sprayed daily as needed;

d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and

f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Mitigation Measure 3.b.2: The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos (NOA). Prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present...
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within the area that will be disturbed. If NOA is not present, and exemptions 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. Technical Appendix 4.4 of the SLO County APCD CEQA Air Quality Handbook includes a map of zones throughout San Luis Obispo County where NOA has been found and geological evaluation is required prior to any grading.

**Mitigation Measure 4.a.1:** A qualified biologist shall conduct a pre-construction survey within 30 days of initial site disturbance to identify whether silvery legless lizards are present. If silvery legless lizards are detected, a biological monitor shall be present during initial ground disturbing and vegetation removal activities to allow for a salvage and relocation effort for the lizard and other ground dwelling common wildlife that may be present.

**Mitigation Measure 4.a.2:** A qualified biologist shall conduct a pre-construction survey within 30 days of initial site disturbance to identify whether American badger are present. If American badger or their dens are detected during the survey, the location of the den shall be mapped, the biologist shall monitor the den for three days if it is within 50ft of proposed blueprints. If the den is deemed inactive it shall be destroyed if the den is active the biologist will continue monitoring its status till the den becomes inactive so it can be destroyed, during that time all development activities shall respect a 50ft buffer or exclusion zone around the den.

**Mitigation Measure 4.a.3:** Conduct a springtime rare plant survey to determine the presence/absence of any special-status plants. Should any be discovered, implement a seed and/or plant salvage program and incorporate the salvaged material into the drainage setback and detention basin landscaped areas.

**Mitigation Measure 4. d.1:** Vegetation removal and initial site disturbance shall be conducted between September 1 and January 31 outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season, then preconstruction nesting bird survey, prepared by a qualified biologist, shall be required to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required. If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. Nest sites shall be avoided and protected with the non-disturbance buffer zone until
the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist. As such, avoiding disturbance or taking of an active nest would reduce potential impacts on nesting birds to a less-than-significant level.

Mitigation Measure 4.e.1: Grading and excavation activities shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:

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

Mitigation Measure 4.e.2: Tree protection fencing shall be installed at the locations called out in the Tree Protection Plan. An inspection of the tree fencing shall be done by City staff prior to issuance of building permits.

Mitigation Measure 4.e.3: The following measure shall be incorporated on-site during the construction process of the proposed project:

1. A minimum height construction protective barrier shall be erected around the drip line of the tree plus 4’. The fence shall be supported with “T” posts at no more than 6’ o.c. and tied at least 3 places per post. This fence shall be installed by the General Contractor before any rough grading is allowed on the site. Approval for this stage must
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<td>AMWC: Water Comp.</td>
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be obtained in writing from either the Arborist or the Counties/Cities representative.

2. Earthwork shall not exceed the limits of the project area.

3. Low branches in danger of being torn during construction process shall be pruned prior to any heavy equipment work being undertaken.

4. Once the rough grading is accomplished the fence may be moved closer to the trunk of the tree for finish grading. At no time shall the fence be placed within the Critical Root Zone (CRZ). This location is determined by the diameter of the trunk at Diameter Breast Height (DBH). (4.5’ above grade) and is 1’ per 1” diameter in the direction of the drip line. At no time shall the fence be moved closer to the trunk than the drip line, unless additional preservation measures are implemented as recommended by the project arborist.

5. Any roots that are encountered over 2” diameter, during the excavation process shall be clean cut perpendicular to the direction of root growth with a handsaw. At no time shall tree seal be applied to any cut. Any roots over 2” diameter the county/city representative shall be notified to determine the preferred course of action.

6. All trenching with CRZ area shall require hand trenching to preserve and protect roots over 2” in diameter.

7. No grading of trenching is allowed within the CRZ fenced area without written permission from the County/City representative or a certified arborist.

8. Any roots over 4” in diameter are not to be cut or ripped until inspected and approved in writing by the arborist.

9. If, for whatever reason, work must be accomplished inside the drip line 4”-6” of mulch must be applied first to decrease the possibilities of compaction upon written approval from the arborist.

10. There shall be a pre-construction meeting between the Engineering/Planning staff of the County/City, Grading equipment operators, Project Superintendent and the Arborist to review the project conditions and requirements prior to any grubbing or earth work for any portions of the project site. All tree protection fencing shall be installed for inspection prior to this meeting.

11. All trees shall be pruned before any construction takes place that are in the development areas to be saved if they might be damaged by the
| Mitigation Measure 4.e.4: 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. | FO | PS/ |
| Mitigation Measure 4.e.5: All utilities shall remain outside the drip lines of native trees, unless preservation measures, as specified by the project arborist, are implemented. | BP | PS/ BS |
| Mitigation 5.a.b.c.1: An archaeological monitor shall be present during initial vegetation clearing, site “grubbing, and grading for all portions of the project. | GP | PS |
| Mitigation 5.d.1: In the event that human remains are discovered on the property, all work on the project shall stop and the Atascadero Police Department and the County Coroner shall be contacted. The Atascadero Community Development Department shall be notified. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) shall be contacted at (916) 653-4082 within 24 hours. A representative from both the Chumash Tribe and the Salinan Tribe shall be notified and present during the excavation of any remains. | BP / GP | PS |
| Mitigation Measure 6.b.1: The on-site subdivision / grading permit plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction, consistent with mitigation or construction methods outlined in the geotechnical report. Plans shall be approved by the City Engineer prior to issuance. | GP | PS/CE |
### Conditions of Approval / Mitigation Monitoring Program

**Halcon Residential Planned Development – The Groves**

**Planned Development (PD-33) Master Plan of Development**

<table>
<thead>
<tr>
<th>Mitigation Measure 6.b.2</th>
<th>All cut and fill slopes mitigated with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of earthwork, as approved by the City Engineer. All disturbed slopes shall have appropriate erosion control methods in place.</th>
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<tr>
<th>Mitigation Measure 6.b.3</th>
<th>The contractor will be responsible for the clean-up of any mud or debris that is tracked onto public streets by construction vehicles. An approved device must be in place prior to commencement of grading activities. This device shall be approved by the City Engineer.</th>
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<tr>
<th>Mitigation Measure 6.b.4</th>
<th>A re-vegetation plan shall be submitted with building permits. All disturbed cut and fill slopes shall be vegetated as specified in a landscaping plan. The landscaping plan must be approved by both the Community Development Department and the Public Works Department.</th>
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<tr>
<th>Mitigation Measure 8.h.1</th>
<th>All new construction will comply with section the California Building and Fire Codes. New residences in the City are required to install fire sprinklers. Fire protection measures shall include the use of non-combustible exterior construction and roofs and fire-resistant building materials.</th>
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<tr>
<th>Mitigation Measure 9.d.e.f.1</th>
<th>The project shall integrate Low Impact Development Best Management Practice's into the project design which may include on-site detention and/or retention basins, pervious paving, and vegetated swales. The detention basins must meet the City’s drainage design standards with surface runoff being treated for water quality through structural control measures including: disconnected downspouts flowing to vegetated bio-swales, and pervious pavement and/or landscape areas to control storm volume. All drainage control features shall be subject to the approval of the City Engineer.</th>
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<tr>
<th>Mitigation Measure 9.d.e.f.2</th>
<th>The developer shall ensure that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.</th>
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<tr>
<th>Mitigation Measure 12.a.1</th>
<th>Private yard outdoor activity spaces for each residential parcel adjacent to Viejo Camino and Halcon Rd</th>
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where outdoor noise levels exceed City standards shall be located where the building provides acoustical screening opportunities. If no such areas exist within the design of the structure on the site, private outdoor use areas shall be enclosed by a 6-foot high solid wall.

**Mitigation Measure 12.a.2:** Windows on facades adjacent to Halcon and Viejo Camino Road shall include additional sound attenuation features such as dissimilar glass or other methods aimed at reducing sound transmission beyond the standard dual pane requirements.

**Mitigation Measure: 14:** Prior to final map recordation, the applicant shall annex into the City’s Community Facilities District (CFD) to off-set additional costs associated with the provision of additional police, fire, and park services.

**Mitigation Measure 16.a.b.1:** In addition to the City’s Development Impact Fees, each new residential unit shall pay towards its fair share of the US 101 / Santa Barbara interchange improvements. The project may be eligible for TIF fee credits for Citywide development impact fees associated with the interchange improvements. Any TIF credit shall be approved by the City Engineer.

**Mitigation Measure 16.d.1:** Access for parcels abutting Halcon Rd shall be consolidated and shall be designed as private roads meeting City road standards. Driveways to individual parcels with existing residences may be approved by the City Engineer in locations where consolidated access cannot be utilized due to parcel locations. All access roads and driveways shall be evaluated at the time of tentative map submittal and/or improvement permits for sight distance.

**Mitigation Measure 6.f.1:** In addition to an on-street bike lane, a multi-use path shall be provided along Viejo Camino and Halcon Roads consistent with the adopted City bike and trail Master Plan and the SLOCOG Salinas River Trail Plan.

**Mitigation Measure 17.d.1:** Landscaping plans shall be submitted to the Community Development Department for review and approval. Landscaping must consist of drought tolerant species and utilize drip irrigation. Turf shall not be permitted as a part of the approved landscaping plan.
EXHIBIT C: Landscape Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT E: Grading and Drainage Plan
EXHIBIT F: Utility Plan
EXHIBIT G: Noise Analysis Diagram

Area of db exceedance
DRAFT RESOLUTION D
TRACT MAP – THE GROVES

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, APPROVING A VESTING
TENTATIVE SUBDIVISION MAP 2014-0108, CONSISTENT WITH THE
PD-33 OVERLAY ZONING DISTRICT

HALCON RESIDENTIAL PLANNED DEVELOPMENT
CONSCIOUSBUILD ATASCADERO DEV. LLC.

WHEREAS, an application has been received from

ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

to consider Planning Application PLN 2014-1529, for a project consisting of a General Plan Land Use Diagram Amendment, Zone Text and Map Amendments, Establishment of a Planned Development Overlay Zone, Vesting Tentative Tract Map, Tree Removal Permit and certification of a Mitigated Negative Declaration ("MND") on a 10± acre site located on Viejo Camino and Halcon Road, Atascadero, CA 93422 (APN’s 045-401-003, & 004); and,

WHEREAS, the site’s current General Plan Land Use Designation is Suburban Estates (SE); and,

WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a General Plan Land Use Diagram Amendment to change the Land Use Designation of lots within the project site to Single-Family Residential - X (SFR-X) and Single-Family residential – Y (SFR-Y); and,

WHEREAS, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change and Zoning Map Amendment to establish zoning code text for PD-33 zoning district and to change the zoning of lots with the project area to Residential Single-Family – X (RSF-X) and Residential Single-Family - Y (RSF-Y), with a PD-33 overlay on the entire project site based on findings; and,
WHEREAS, the PD-33 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit for cluster development portions of the project area; and,

WHEREAS, The Planning Commission has recommended that the City Council approve of a Master Plan of Development (CUP 2014-0284) prepared for the project site which, as conditioned, meet all requirements of the PD-33 Overlay Zoning District; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was 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 was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Subdivision; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on February 2, 2016 studied and considered Vesting Tentative Tract Map 2014-0108 (TR 3078), after studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of Vesting Tentative Map 2014-0108 (TR 3078), and,

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

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on February 23, 2016 studied and considered Vesting Tentative Tract Map 2014-0108 (TR 3078), after studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Atascadero makes the following findings, determinations and recommendations with respect to the proposed Vesting Tentative Tract Map:

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

1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-33 overlay district.
2. The proposed subdivision, as conditioned, is consistent with the proposed Master Plan of Development (CUP 2014-0284).

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 of the subdivision or the type of improvements will not cause serious health problems.

6. 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.

7. 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.

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016, resolved to approve Vesting Tentative Subdivision Map TR 3084 (TTM 2014-0108) subject to the following:

1. EXHIBIT A: Tentative Parcel Map 2014-0108
2. EXHIBIT B: Conditions of Approval / Mitigation Monitoring Program.
3. EXHIBIT C: Grading Plan
4. EXHIBIT D: Utility Plan
On motion by Council Member ______________________, and seconded by Council Member __________________, the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Tom O’Malley, Mayor

Attest:

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

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
Exhibit A: Vesting Tentative Subdivision Map TR 3078 (TTM 2014-0108)
# Exhibit B: Conditions of Approval / Mitigation Monitoring Program

## Vesting Tentative Subdivision Map (TTM 2014-0108)

### (The Groves – Halcon Residential Development)

**APN 045-401-003 & 004**

### Planning Department

1. **This Vesting Tentative Subdivision Map (TTM) is for the creation of 17 legal lots of record described on the attached exhibits and shall apply APNs 045-401-003, 004 regardless of owner.**
   - **Timing:** Ongoing
   - **Responsibility:** PS

2. **The approval of this Vesting Tentative Subdivision Map shall become final and effective for the purposes of issuing building permits upon the effective date of the associated Zone Text Amendment establishing Planned Development Overlay Zone #33, unless an appeal is made with the appropriate judicial circuit.**
   - **Timing:** Ongoing
   - **Responsibility:** PS

3. **The Community Development Director and/or City Engineer shall have the authority to make modifications to the final map that remain in substantial conformance with the approved Tentative Map.**
   - **Timing:** BP / FM
   - **Responsibility:** PS, CE

4. **Approval of this Vesting Tentative Subdivision Map shall be valid for twenty-four (24) months after its effective date and shall expire Monday, Date, 2018. At the end of the period, the approval shall expire and become null and void unless the project has received a final map or a time extension has been granted, consistent with the Atascadero Municipal Code.**
   - **Timing:** BP / FM
   - **Responsibility:** PS

5. **Vesting Tentative Subdivision Map was deemed complete on November 20, 2015, for the purposes of vested development rights and fees consistent with the Subdivision Map Act of the State of California.**
   - **Timing:** On-going
   - **Responsibility:** PS, CE

6. **A final parcel map drawn in substantial conformance with the approved vesting tentative map, and in compliance with all conditions set forth herein, shall be submitted for review and approval in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance.**
   - **Timing:** FM
   - **Responsibility:** PS/CE

7. **The subdivider shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning the subdivision.**
   - **Timing:** Ongoing

8. **All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development (CUP 2014-0284) approved for the project.**
   - **Timing:** BP / FM
   - **Responsibility:** PS, CE
### Conditions of Approval / Mitigation Monitoring Program

**TTM 2014-0108**

**Vesting Tentative Tract Map**

(The Groves – Halcon Residential Development)

**APN 045-401-003 & 004**

| 9. | The parcel map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance | BP | PS |
| 10. | All maintenance costs listed below shall be 100% funded by the project in perpetuity, except for public facilities that are planned for and currently maintained by the City of Atascadero. The service and maintenance cost shall be funded through an entity or mechanism established by the developer, subject to City Staff approval. This entity or mechanism must be in place prior to, or concurrently with acceptance of any final map(s). The entity or mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map(s). The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the entity or mechanism. | BR, GP, BP | PS |
| a) | All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, traffic control signals, pavement markings and sewer mains within the proposed project including residential streets within any residential subdivision. | | |
| b) | All landscaping and lighting within the proposed project area. | | |
| c) | Common area fencing and/or features. | | |
| d) | Open areas on private property within the proposed project area including detention facilities, bio-swales, and other low-impact-development features. | | |
| e) | Newly constructed drainage facilities on private property within the proposed project area. | | |
| f) | Landscaped frontages within the right-of-way of all public streets within the defined specific plan boundary. | | |
| g) | On-site sewer and storm drains located outside of the right-of-way. | | |
| 11. | Prior to final map, the applicant shall submit CC&R's for review by the Community Development Department. The CC&R’s shall record with the Final Map and shall include the following: | | |
| a) | Provisions for maintenance of all common areas including parking lot, landscape areas, free standing signs, lighting and solid waste storage. | | |
| b) | Maintenance of on-site sewer and storm drainage systems. | | |
| c) | Ensuring compliance with the Master Plan of Development. | | |
| d) | Standards for the design, maintenance and appearance of | | |
Conditions of Approval / Mitigation Monitoring Program
TTM 2014-0108

Vesting Tentative Tract Map
(The Groves – Halcon Residential Development)

APN 045-401-003 & 004

individual lot development and maintenance.

e) A provision for review 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.

12. All Conditions and mitigation monitoring program for CUP 2014-0284, as amended, are hereby incorporated by reference.

Public Works Project Conditions

City Engineer Project Conditions

13. The internal streets shall be offered as public rights-of-way as shown on the tentative map and shall be extended to include the cul-de-sac adjacent to lots 9, 16 & 17.

14. Internal streets shall not be improved with sidewalks but shall comply with City standards for Rural Local roads. The road shoulder adjacent to Lots 1-5 and Lots 13-15 shall include a 5-foot wide walkable shoulder of compacted Class II Agg Base or DG, with a cross-slope matching that of the street, but not exceeding 4%. Where curb & gutter, or, an AC dike are required to convey stormwater, the area behind the curb or dike shall be compacted base or DG as described above. Curb ramps are not required at the intersections of the internal streets.

15. Viejo Camino shall be improved to City standards as shown on the Tentative Map along the project frontage. New improvements shall be consistent with City standards and the Circulation Element and shall include new curb, gutter, street intersection with cross-gutter, traffic signage and delineation, a bike lane (Class II), and transit stop. The street pavement shall be completed to integrate the existing roadway with the new frontage improvements as shown on the Tentative Map.

16. Along the Viejo Camino frontage, the property owner shall dedicate an easement and construct a public pedestrian and bike trail to accommodate a 10-foot wide detached pedestrian & bike trail. The pedestrian/bike trail shall be constructed of asphalt to the satisfaction of the Director of Public Works and Director of Community Development. Final alignment shall meander as necessary to conform to the existing terrain, trees and drainage requirements to the satisfaction of the Director of Public Works and Director of Community Development. The path shall wrap along the Halcon Rd frontage (off-site frontage) within the existing City ROW.
## Conditions of Approval / Mitigation Monitoring Program

**TTM 2014-0108**

**Vesting Tentative Tract Map**
*(The Groves – Halcon Residential Development)*

**APN 045-401-003 & 004**

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<td><strong>for a distance required by the City Engineer.</strong></td>
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17. The transit stop shown on Viejo Camino shall be not less than 90 feet long (end-to-end, including transition lanes). The transit stop shall be designed using smooth curves to allow for ease of entry/exiting of the bus as well as street sweeping equipment. The bus staging area shall be of sufficient width to allow the bus to be safely located out of the travel lane(s) while loading or unloading passengers to the satisfaction of the City Engineer. The structural pavement-section shall be sufficient to support the typical transit vehicles but shall be not less than 6” Class A concrete over 6” Class II Aggregate Base, to the satisfaction of the City Engineer. Sidewalk at the transit stop shall be in addition to the concrete pad necessary to place the transit street furniture (bus shelter, bench, sign and other street furniture as deemed necessary by the Director of Public Works). Additional right-of-way shall be dedicated to accommodate the turn-out to the satisfaction of the City Engineer.

18. The Subdivider shall plant street trees along the Viejo Camino street frontage behind the public sidewalk and within 15-feet. Trees planted closer than 10-feet shall include deep-root planter barriers as approved by the City Engineer. One street tree shall be planted for each 35 linear feet (or portion thereof) of road frontage.

19. Street trees on the internal streets shall be planted at the time of lot development along the road frontages of the internal streets offered to the public. One street tree shall be planted for each 35 linear feet (or portion thereof) of road frontage.

20. A new gravity sewer shall be designed and extended in Viejo Camino to serve the lots of Tract 3078, to the satisfaction of the City Engineer. An optional route along Halcon Rd can be explored for feasibility, subject to the review and approval of the city Engineer. The developer may request a reimbursement agreement for future private sewer connections for any off-site sewer extension subject to City Ordinance and City Council authorization. Notice of developer intent to request a reimbursement agreement must be made in writing prior to the start of construction.

21. Each new lot shall be served by separate laterals for water, power, communications, gas & cable TV (if available adjacent to the subject property).
**Conditions of Approval / Mitigation Monitoring Program**

**TTM 2014-0108**

**Vesting Tentative Tract Map**
*(The Groves – Halcon Residential Development)*

**APN 045-401-003 & 004**

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<td><strong>22.</strong></td>
<td>The Final Map shall include the offer of Public Utility Easements along all street frontages (6-feet wide), to the satisfaction of the City Engineer.</td>
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<td><strong>23.</strong> The Subdivider shall dedicate sufficient public right-of-way for street purposes along the northerly side of Santa Barbara Street to accommodate the existing improved road alignment.</td>
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<td><strong>STANDARD CONDITIONS</strong></td>
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<td><strong>24.</strong></td>
<td>All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings.</td>
<td>BP, GP</td>
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<td><strong>25.</strong> In the event that the applicant is allowed to bond for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City.</td>
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<td><strong>26.</strong> An engineer’s estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond.</td>
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<td><strong>27.</strong> The Subdivision Improvement Agreement (SIA) shall record concurrently with the Final Map. If it is the intent of the developer to pursue a reimbursement agreement with the City for the installation of off-site sewer facilities, reference to said agreement and terms shall be included in the SIA.</td>
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<td><strong>28.</strong> The applicant shall be responsible for the relocation and/or alteration of existing utilities.</td>
<td>BP, GP</td>
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<td><strong>29.</strong> The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement.</td>
<td>BP, GP</td>
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<td><strong>30.</strong> The applicant shall monument all property corners for construction control and shall promptly replace them if disturbed.</td>
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<td><strong>31.</strong> 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</td>
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### Conditions of Approval / Mitigation Monitoring Program

**TTM 2014-0108**

**Vesting Tentative Tract Map**  
(The Groves – Halcon Residential Development)

**APN 045-401-003 & 004**

| Condition | Timing | Responsibility
<table>
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<tr>
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<tr>
<td>adjacent property owners whose ingress and egress is affected by these improvements.</td>
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<tr>
<td>32. Slope easements shall be provided as needed to accommodate cut of fill slopes.</td>
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<tr>
<td>33. Drainage easements shall be provided as needed to accommodate both public and private drainage facilities.</td>
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<tr>
<td>34. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<td>35. Prior to recording the tract map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City’s Subdivision Ordinance.</td>
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<tr>
<td>36. Prior to recording the tract map, the applicant shall 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>
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<td>37. Prior to recording the tract map, the applicant shall pay all outstanding plan check/inspection fees.</td>
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<td>38. Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval</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 map.</td>
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<tr>
<td>40. Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the</td>
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### Conditions of Approval / Mitigation Monitoring Program

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#### Timing

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#### Responsibility / Monitoring

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41. Prior to the final inspection of any public improvements, the applicant shall submit a written statement from a registered civil engineer that all work has been completed and is in full compliance with the approved plans.

42. Prior to the final inspection, the applicant shall submit a written certification from a registered civil engineer or land surveyor that all survey monuments have been set as shown on the final map.

43. An encroachment permit shall be obtained prior to any work within City rights of way.

44. Prior to the issuance of building permits the applicant shall submit a grading and drainage plan prepared by a registered civil engineer for review and approval by the City Engineer.

45. The applicant shall submit a hydraulic analysis with the first plan check submittal of the water system improvements for the project. The analysis should take into account the fire flows required by the California Building Code. The applicant is responsible for designing and constructing water system improvements that will provide water at pressures and flows adequate for the domestic and fire protection needs of the project.

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### MITIGATION MONITORING PROGRAM

**Mitigation Measure 1.c.1:** A landscape buffer shall be provided along Santa Barbara Rd. Landscape material shall consist of native and/or drought tolerant species. As mixture of low and medium plants shall be utilized to provide visual screening of the project from the adjacent neighborhood.

**Mitigation Measure 1.c.2:** Street trees shall be provided along Viejo Camino and Halcon Rd. Street trees shall be spaced at no greater than 30-feet on center, however, rural tree groupings may be approved by the City Engineer due to topographic or sight distance concerns and/or to maintain the rural nature of the street.

**Mitigation Measure 1.c.3:** Rear or side yard privacy fencing where adjacent to a private road shall be set back from the edge of shoulder a minimum of 10-feet. Where rear or side yard fencing is adjacent to a recorded map.

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<th>Mitigation Measure 1.c.1</th>
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<td>Mitigation Measure 1.c.2</td>
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public road, a minimum setback from the edge of pavement/sidewalk/pedestrian path of 10-feet shall be observed. Fencing adjacent to a public roadway shall be a maximum of 6-feet high and shall include landscaping on the street side of the fence. Fencing shall be decorative in nature. Any walls proposed for rear or side yards adjacent to a public road shall be constructed of high quality materials and shall adhere to the same setback as privacy fencing.

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.

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 Section 2 “Assessing and Mitigating Construction Impacts.”

2.4 Fugitive Dust Mitigation Measures: Standard List

- a. Reduce the amount of the disturbed area where possible;
- b. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock-pile areas should be sprayed daily as needed;
- d. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- e. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- f. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress.

Mitigation Measure 3.b.2: The project shall be conditioned to comply with all applicable APCD regulations pertaining to Naturally Occurring Asbestos (NOA). Prior to any grading activities a geologic evaluation should be conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, and exemptions 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
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Include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety program for approval by the APCD. Technical Appendix 4.4 of the SLO County APCD CEQA Air Quality Handbook includes a map of zones throughout San Luis Obispo County where NOA has been found and geological evaluation is required prior to any grading.

### Mitigation Measure 4.a.1:
A qualified biologist shall conduct a pre-construction survey within 30 days of initial site disturbance to identify whether silvery legless lizards are present. If silvery legless lizards are detected, a biological monitor shall be present during initial ground disturbing and vegetation removal activities to allow for a salvage and relocation effort for the lizard and other ground dwelling common wildlife that may be present.

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### Mitigation Measure 4.a.2:
A qualified biologist shall conduct a pre-construction survey within 30 days of initial site disturbance to identify whether American badger are present. If American badger or their dens are detected during the survey, the location of the den shall be mapped, the biologist shall monitor the den for three days if it is within 50ft of proposed blueprints. If the den is deemed inactive it shall be destroyed if the den is active the biologist will continue monitoring its status till the den becomes inactive so it can be destroyed, during that time all development activities shall respect a 50ft buffer or exclusion zone around the den.

### Mitigation Measure 4.a.3:
Conduct a springtime rare plant survey to determine the presence/absence of any special-status plants. Should any be discovered, implement a seed and/or plant salvage program and incorporate the salvaged material into the drainage setback and detention basin landscaped areas.

### Mitigation Measure 4.d.1:
Vegetation removal and initial site disturbance shall be conducted between September 1 and January 31 outside of the nesting season for birds. If vegetation and/or tree removal is planned for the bird nesting season, then preconstruction nesting bird survey, prepared by a qualified biologist, shall be required to determine if any active nests would be impacted by project construction. If no active nests are found, then no further mitigation shall be required. If any active nests are found that would be impacted by construction, then the nest sites shall be avoided with the establishment of a non-disturbance buffer zone around active nests as determined by a qualified biologist. Nest sites shall be avoided and protected with the non-disturbance buffer zone until the adults and young of the year are no longer reliant on the nest site for survival as determined by a qualified biologist. As such, avoiding disturbance or taking of an active nest would reduce potential impacts on nesting birds to a less-than-significant level.

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Mitigation Measure 4.e.1: Grading and excavation activities shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:

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

Mitigation Measure 4.e.2: Tree protection fencing shall be installed at the locations called out in the Tree Protection Plan. An inspection of the tree fencing shall be done by City staff prior to issuance of building permits.

Mitigation Measure 4.e.3: The following measure shall be incorporated on-site during the construction process of the proposed project:

1. A minimum height construction protective barrier shall be erected around the drip line of the tree plus 4’. The fence shall be supported with “T” posts at no more than 6’ o.c. and tied at least 3 places per post. This fence shall be installed by the General Contractor before any rough grading is allowed on the site. Approval for this stage must be obtained in writing from either the Arborist or the Counties/Cities representative.
2. Earthwork shall not exceed the limits of the project area.
3. Low branches in danger of being torn during...
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<th>Construction process shall be pruned prior to any heavy equipment work being undertaken.</th>
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<tr>
<td>4. Once the rough grading is accomplished the fence may be moved closer to the trunk of the tree for finish grading. At no time shall the fence be placed within the Critical Root Zone (CRZ). This location is determined by the diameter of the trunk at Diameter Breast Height (DBH). (4.5’ above grade) and is 1’ per 1” diameter in the direction of the drip line. At no time shall the fence be moved closer to the trunk than the drip line, unless additional preservation measures are implemented as recommended by the project arborist.</td>
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<td>5. Any roots that are encountered over 2” diameter, during the excavation process shall be clean cut perpendicular to the direction of root growth with a handsaw. At no time shall tree seal be applied to any cut. Any roots over 2” diameter the county/city representative shall be notified to determine the preferred course of action.</td>
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<td>6. All trenching with CRZ area shall require hand trenching to preserve and protect roots over 2” in diameter.</td>
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<td>7. No grading of trenching is allowed within the CRZ fenced area without written permission from the County/City representative or a certified arborist.</td>
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<td>8. Any roots over 4” in diameter are not to be cut or ripped until inspected and approved in writing by the arborist.</td>
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<td>9. If, for whatever reason, work must be accomplished inside the drip line 4’-6’ of mulch must be applied first to decrease the possibilities of compaction upon written approval from the arborist.</td>
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<td>10. There shall be a pre-construction meeting between the Engineering/Planning staff of the County/City, Grading equipment operators, Project Superintendent and the Arborist to review the project conditions and requirements prior to any grubbing or earth work for any portions of the project site. All tree protection fencing shall be installed for inspection prior to this meeting.</td>
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<td>11. All trees shall be pruned before any construction takes place that are in the development areas to be saved if they might be damaged by the construction equipment. This must be accomplished by a bonded, licensed, and certified Tree Service Contractor.</td>
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<td>12. All debris shall be cleared from the area or chipped and spread on the site or stacked in orderly piles for future use by the Owner, at the Owners request.</td>
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<td>13. In locations where paving is to occur within the drip line grub only and do not compact unless authorized in writing. Permeable pavers or other preamble surface must be approved by the Arborist.</td>
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<td>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.</td>
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<td>All utilities shall remain outside the drip lines of native trees, unless preservation measures, as specified by the project arborist, are implemented.</td>
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<th>Mitigation 5.a.b.c.1:</th>
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<td>An archaeological monitor shall be present during initial vegetation clearing, site “grubbing, and grading for all portions of the project.</td>
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<td>In the event that human remains are discovered on the property, all work on the project shall stop and the Atascadero Police Department and the County Coroner shall be contacted. The Atascadero Community Development Department shall be notified. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) shall be contacted at (916) 653-4082 within 24 hours. A representative from both the Chumash Tribe and the Salinan Tribe shall be notified and present during the excavation of any remains.</td>
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<th>Mitigation Measure 6.b.1:</th>
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<td>The on-site subdivision / grading permit plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction, consistent with mitigation or construction methods outlined in the geotechnical report. Plans shall be approved by the City Engineer prior to issuance.</td>
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<th>Mitigation Measure 6.b.2:</th>
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<td>All cut and fill slopes mitigated with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of earthwork, as approved by the City Engineer. All disturbed slopes shall have appropriate erosion control methods in place.</td>
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<td>The contractor will be responsible for the clean-up of any mud or debris that is tracked onto public streets by construction vehicles. An approved device must be in place prior to commencement of grading activities. This device shall be approved by the City Engineer.</td>
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Mitigation Measure 6.b.4: A re-vegetation plan shall be submitted with building permits. All disturbed cut and fill slopes shall be vegetated as specified in a landscaping plan. The landscaping plan must be approved by both the Community Development Department and the Public Works Department.

Mitigation Measure 8.h.1: All new construction will comply with section the California Building and Fire Codes. New residences in the City are required to install fire sprinklers. Fire protection measures shall include the use of non-combustible exterior construction and roofs and fire-resistant building materials.

Mitigation Measure 9.d.e.f.1: The project shall integrate Low Impact Development Best Management Practice’s into the project design which may include on-site detention and/or retention basins, pervious paving, and vegetated swales. The detention basins must meet the City’s drainage design standards with surface runoff being treated for water quality through structural control measures including; disconnected downspouts flowing to vegetated bio-swales, and pervious pavement and/or landscape areas to control storm volume. All drainage control features shall be subject to the approval of the City Engineer.

Mitigation Measure 9.d.e.f.2: The developer shall ensure that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.

Mitigation Measure 12.a.1: Private yard outdoor activity spaces for each residential parcel adjacent to Viejo Camino and Halcon Rd where outdoor noise levels exceed City standards shall be located where the building provides acoustical screening opportunities. If no such areas exist within the design of the structure on the site, private outdoor use areas shall be enclosed by a 6-foot high solid wall.

Mitigation Measure 12.a.2: Windows on facades adjacent to Halcon and Viejo Camino Road shall include additional sound attenuation features such as dissimilar glass or other methods aimed at reducing sound transmission beyond the standard dual pane requirements.

Mitigation Measure 14: Prior to final map recordation, the applicant shall annex into the City’s Community Facilities District (CFD) to off-set additional costs associated with the provision of additional police, fire,
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and park services.

### Mitigation Measure 16.a.b.1:
In addition to the City’s Development Impact Fees, each new residential unit shall pay towards its fair share of the US 101 / Santa Barbara interchange improvements. The project may be eligible for TIF fee credits for Citywide development impact fees associated with the interchange improvements. Any TIF credit shall be approved by the City Engineer.

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### Mitigation Measure 16.d.1:
Access for parcels abutting Halcon Rd shall be consolidated and shall be designed as private roads meeting City road standards. Driveways to individual parcels with existing residences may be approved by the City Engineer in locations where consolidated access cannot be utilized due to parcel locations. All access roads and driveways shall be evaluated at the time of tentative map submittal and/or improvement permits for sight distance.

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### Mitigation Measure 6.f.1:
In addition to an on-street bike lane, a multi-use path shall be provided along Viejo Camino and Halcon Roads consistent with the adopted City bike and trail Master Plan and the SLOCOG Salinas River Trail Plan.

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### Mitigation Measure 17.d.1:
Landscaping plans shall be submitted to the Community Development Department for review and approval. Landscaping must consist of drought tolerant species and utilize drip irrigation. Turf shall not be permitted as a part of the approved landscaping plan.

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EXHIBIT C: Grading and Drainage Plan
EXHIBIT D: Utility Plan