Atascadero City Council

Staff Report - Community Development Department

PLN-2099-0818
General Plan Amendment / Zone Change / Planned Development Amendment and Two Lot Parcel Map
Eagle Creek Golf Course
(Gearhart)

(Approval would result in zone changes, the authorization to replace the existing golf course with two single-family residences, and a 10-acre lot subdivision into two lots.)

RECOMMENDATIONS:

Planning Commission recommends Council:

1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2007-0022; and,

2. Adopt Draft Resolution B approving General Plan Amendment 2005-0016 based on findings; and,

3. Introduce for first reading, by title only, a Draft Ordinance A approving Zone Text Change 2005-0111 amending the PD-8 Overlay District based on findings; and,

4. Introduce for first reading, by title only, a Draft Ordinance B approving Zoning Map Change 2005-0111 based on findings; and,

5. Adopt Draft Resolution C approving Conditional Use Permit 2005-0175 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,

REPORT-IN-BRIEF:

The proposed project consists of a General Plan Amendment of 10.0 acres from CREC (Commercial Recreation) to RSF-Y (Residential Single-Family 1.0 acre min), a Zone Change of 10.0 acres from LS (Special Recreation) to SFR-Y (Single-Family Residential 1.0 acre min), an amendment of the Master Plan of Development for Planned Development-8 to replace an existing golf course with two single-family residences, and a parcel map to subdivide 10.0 acres into two lots. The proposed project is located within the 100-year flood plain.

The Planning Commission held a hearing on October 16, 2007 to consider recommending the proposed project to the City Council. The Planning Commission voted to recommend approval on a 4-0 vote, the hearing minutes are provided as Attachment 3. During the hearing the applicant and a neighborhood representative spoke in favor of the project. The Planning Commission is recommending the following conditions be added to the project:

- The existing rail fence shall be repaired as needed.
- The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.
- The CC&R’s shall be consistent with the requirements of the existing CC&R’s for the tract on Eagle Creek Court.
- A six (6) year landscape maintenance and management plan shall be approved by City staff with a maintenance bond

Staff received a comment letter from the Air Pollution Control District (APCD) on October 29, 2007 in response to the proposed Mitigated Negative Declaration for the project. The APCD is requesting that additional air quality mitigations be added to the project. The additional conditions appear to be standard APCD conditions with the exception of the transfer of density suggestion. Staff will address the procedure for adding these conditions during the hearing.
Situation and Facts:

1. Applicant / Representative: Kelly Gearhart, 6205 Alcantara Ave., Atascadero, CA 93422
2. Owner: Kelly Gearhart, 6205 Alcantara Ave., Atascadero, CA 93422
3. Project Address: 13000 Atascadero Road, Atascadero, CA 93422
   APN 045-391-015, 016
4. General Plan Designation: CREC (Commercial Recreation)
5. Zoning District: LS (Special Recreation)
6. Site Area: 10.0 acres
7. Existing Use: Abandoned Golf Course

Surrounding Land Use and Setting:

North: Rural Residential / Santa Barbara Road
East: Residential Single-Family
South: Single-Family Residential
West: US 101 / Rural Residential
DISCUSSION:

Background:

The City Council has held two separate study sessions to review proposed changes to the Eagle Creek Golf Course. The first study session was on March 28, 2006 where the applicant proposed a youth sports field in the location of the golf course with two new single-family residential units. This proposal was deemed to be too intensive for the neighborhood by the City Council. The City Council directed staff and the applicant to develop a less intensive reuse plan. A second study session was held on March 27, 2007 to review a new reuse concept. This concept involved converting two existing golf course buildings into single-family residential dwellings and restoring the golf course back to a native landscape. This concept was supported by the surrounding neighbors and the City Council. The City Council authorized staff to prepare a General Plan Amendment for this project concept.

The property in question was originally zoned as Commercial Tourist. In 1991, the property was rezoned to Special Recreation and High Density Single-Family with the PD-8 Overlay District. The rezoning and PD-8 allowed for the construction of the golf course, driving range and 13 single-family units.

1991 Eagle Creek Planned Development Overlay Zoning Code Text

9-3.652 Establishment of Planned Development Overlay Zone No. 8: (PD8).

Planned Development Overlay Zone No. 8 is established as shown on the Official Zoning Maps (Section 9-1.102). The following development standards are established:

(a) A Master Plan of Development shall be approved prior to any development of the site. The Master Plan shall be processed in the same manner as a Conditional Use Permit except that the Master Plan may be submitted and processed in the same manner set forth for the processing of a Tentative Map.

(b) In approving a Master Plan of Development for the site, the uses allowed shall be limited to:

(1) Single-family dwellings;
(2) Residential accessory uses (See Section 9-6.106);
(3) Crop production and grazing;
(4) Farm animal raising (See Section 9-6.111);
(5) Home occupation (See Section 9-6.105);
(6) Temporary dwelling (See Section 9-6.176);
(7) Agricultural accessory uses (See Section 9-6.109);
(8) Outdoor recreation services, limited to a golf course and/or tennis and swim club (See Section 9-6.123);
(9) Pipelines;

(c) No uses shall be established, or expanded, unless approved pursuant to a Master Plan following a public hearing.

(d) The grove of oak trees located on the slope between the top of the knoll and the intersection of
Santa Barbara and Atascadero Roads shall be preserved. In approving a Master Plan, or Tentative Map, efforts shall be made to place this extreme western portion of the property into open space easement, or otherwise ensure its preservation.

(e) Any substantial expansion of recreational uses beyond a nine-hole golf course shall require preparation of a traffic study. The result of that traffic study and recommendation shall appear on the consent calendar of the City Council.

(f) Residential uses shall be subject to Appearance Review. (Ord. 338 § 2, 1998; Ord. 221 § 3, Exh. B, 1991)

1991 Master Plan of Development
In 1998, PD-8 was amended to allow the golf course and driving range to take access off of Atascadero Road rather than Santa Barbara Road as originally required.

In 2000, the owner applied for a Zone Change and PD Master Plan Amendment to remove the outdoor driving range and add four additional single-family units. The request was approved on April 10, 2001. In 2005, the golf course was closed to the public and watering and maintenance of the course ceased.

2001 Master Plan of Development
ANALYSIS:

Master Plan of Development
The proposed project is consistent with the concept plan presented to the City Council on March 27, 2007. The proposed project will convert two existing golf course buildings into single-family residential units and subdivide the golf course into two lots. The golf course fairways will be converted back to a natural landscape with the planting of native trees, shrubs and grasses. An open space easement will be placed over the golf course area to ensure this area remains open and landscaped in perpetuity. The maintenance of the open space area will be the sole responsibility of the owner of lot 1 which will also include the converted golf clubhouse building. The existing parking lot and support facilities surrounding the clubhouse will be removed as part of the project. The applicant is also proposing a gated gravel driveway that will take access from Santa Barbara Road. The purpose of the driveway is to provide access to the rear of most of the existing lots that had frontage on the golf course.
Proposed 2007 Eagle Creek Master Plan of Development

Project Location
Area to be redesignated from Recreation to Single-Family Residential 1 ac minimum

Existing golf course to be re-landscaped with native plants and protected with an open space easement

Existing clubhouse to be converted into a single-family residential unit

Existing shop to be converted into a single-family residential unit

Paloma Creek
Landscape Restoration Plan / Open Space Restrictions

A conceptual landscape plan has been prepared for the open space portion of the golf course. The landscape plan was developed by a landscape architect and the biologists at Althouse and Meade to restore the golf course as a native landscape. The area will be replanted with native upland trees including Oaks, Bay Trees and Pines; and along the creek Riparian Species including Sycamores, Cottonwoods, and Willows. The restoration planting will also include native perennial grasses, shrubs, and ground covers. This restoration planting is intended to create an attractive visual landscape along US 101 and create a beneficial natural habitat along Paloma Creek. A permanent open space easement will be placed on approximately 6.5± acres of Lot 1. The open space easement will require the landscape to be maintained by the owner of Lot 1. In addition the easement will prohibit the construction of structures, parking of vehicles, storage of equipment, or the keeping of livestock. The existing storage building will be excluded from the open space easement.
Neighborhood Compatibility
The proposed project has been designed to be compatible with the surrounding neighborhood and create an attractive open space appearance that is similar to the original golf course. At the March 27, 2007 study session many of the neighbors expressed support to the project concept with the open space restoration. Staff has been contacted by some neighbors with concerns about the project. One issue raised concerned the club house parking lot, walkways and transformers that are located on some of the lots on Eagle Creek Drive. The site improvement plans indicates that all of these improvements will be removed from the neighboring lots. Another neighbor expressed concern about gaining access to the rear of their lot. The access driveway provides access to the rear of most of the lots with the exception of lot APN 045-391-033 located at the end of Atascadero Road. The applicant claims that access to the rear of this lot is not feasible because of the location of Paloma Creek.

Project Benefits and Standard PD Conditions
Council policy requires Planned Development (PD) projects to provide a number of public benefits in exchange for the Planned Development. Because this is an existing PD with an abandoned golf course it may not be practical for the project to provide the standard PD benefits. It is staff’s understanding from the Council’s March 27, 2007 study session, that the open space restoration element of the project will be considered the public benefit of the project similar to the PD benefits of a PD-16.

<table>
<thead>
<tr>
<th>PD Location</th>
<th>Tier 1 Benefits (required)</th>
<th>Tier 2 Benefits (encouraged when applicable)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Outside of Urban Core Rural / Suburban Areas PD-16</td>
<td>a) Natural Open Space Preservation</td>
<td>a) Multi-Purpose Trails – Equestrian/Bicycle/Pedestrian</td>
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<tr>
<td></td>
<td></td>
<td>b) Recreational Areas / Facilities</td>
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<td></td>
<td></td>
<td>c) Historic Preservation</td>
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</table>

City policy requires PD’s to provide affordable housing. Since the project is limited to two houses on large lots the provision of affordable housing within the project does not appear practical. Staff is recommending that the project be conditioned to pay an affordable housing in-lieu fee.

City policy also requires PD projects to form a community facilities district (CFD) to off set emergency services costs. Due to the small size of the project and the fact that the rest of PD-8 will not be subject to the requirement, staff is recommending that the CFD requirement be waived for this project.

Site Drainage / Flood Plain
Most of the golf course site is occupied by the flood plain for Paloma Creek. The club-house and shop buildings that are proposed to be converted to residential are above the 100-year flood plain. Since the area of the site located within the flood plain is planned to be restored to a natural landscape the project is considered to have a beneficial
impact on Paloma Creek and the flood plain. The existing golf course will be
recontoured to improve drainage.

Wastewater Systems

The project site is not located in an area that is served by sewer. The existing clubhouse is currently served by a septic system. Both residential units will be served by a private septic system. The septic system leach fields and expansion areas will be setback a minimum of 100 feet from Paloma Creek consistent with the watercourse setback requirements of the RWQCB Basin Plan. The septic systems will also be located outside of the 100-year flood plain.

Interchange Widening Dedication

The project site is located adjacent to the Santa Barbara Road / US 101 interchange. Future plans call for improvements to the interchange to accommodate existing and future traffic impacts that are expected to occur. The City is currently in the process of studying the feasibility of installing traffic roundabouts at the ramp heads to accommodate future traffic levels. Installation of roundabouts will require additional right-of-way dedications from neighboring properties to accommodate the improvements. Staff is recommending the project be conditioned to provide a 60± foot dedication at the northeastern corner of the golf course area to accommodate the roundabout. If this dedication is not required at this time, the City will be required to purchase the right-of-way in the future.
**Planned Development Overlay Amendments**

The proposed project requires the amendment of the PD-8 Overlay District for the project site. The proposed text amendments will modify PD-8 to be exclusively a residential project.

**9-3.652 Establishment of Planned Development Overlay Zone No. 8: (PD-8).**

Planned Development Overlay Zone No. 8 is established as shown on the Official Zoning Maps (Section 9-1.102). The following development standards are established:

(a) A Master Plan of Development shall be approved prior to any development of the site. The Master Plan shall be processed in the same manner as a conditional use permit except that that Master Plan may be submitted and processed in the same manner set forth for the processing of a tentative map.

(b) In approving a Master Plan of Development for the site, the uses allowed shall be limited to:

1. Single-family dwellings;
2. Residential accessory uses (See Section 9-6.106);
3. Crop production and grazing;
4. Farm animal raising (See Section 9-6.111);
5. Home occupation (See Section 9-6.105);
6. Temporary dwelling (See Section 9-6.176);
7. Agricultural accessory uses (See Section 9-6.109);
8. Outdoor recreation services, limited to a golf course and/or tennis and swim club (See Section 9-6.122);

(c) No uses shall be established, or expanded, unless approved pursuant to a Master Plan following a public hearing.

(d) The grove of oak trees located on the slope between the top of the knoll and the intersection of Santa Barbara and Atascadero Roads shall be preserved. In approving a Master Plan, or Tentative Map, efforts shall be made to place this extreme western portion of the property into open space easement, or otherwise ensure its preservation.

(e) Any substantial expansion of recreational uses beyond a nine-hole golf course shall require preparation of a traffic study. The result of that traffic study and recommendation shall appear on the consent calendar of the City Council.

(f) An open space easement of 6.5± acres shall be maintained in perpetuity on the northern part of lot 1 created by parcel map AT 05-0364. The open space easement shall remain landscaped and with plant material in good condition consistent with the landscape plan adopted by CUP 2005-0175 (Master Plan of Development PD-8). No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement. No further subdivisions or lot line adjustments shall be permitted of lot 1 created by parcel map AT 05-0364.

(g) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.

**General Plan Consistency**

The proposed project appears to be consistent with the following General Plan Land Use and Housing Element Policies:
Land Use Policy 1.1: “Preserve the rural atmosphere of the community and assure “elbow room” in areas designed for lower density development by guiding new development into the Urban Core to conform to the historic Colony land use patterns of the City and to respect the natural environment, hillside area and existing neighborhoods.”

The proposed project is consistent with the goals and policies of the Land Use Element and the Housing Element. The project will provide two single-family residential units within the single-family residential zone.

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

Findings

General Plan Amendment

As specified in the City’s General Plan and Zoning Ordinance, the following findings for the proposed Zone Text Change, Zone Map Change, and Conditional Use Permit (Master Plan of Development), must be made in order to approve the proposed project.

Amendment of PD-8

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

1. 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.

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

Planned Development Overlay

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

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

2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.
3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

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

5. 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.

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

7. The proposed project offers certain redeeming features to compensate for the requested Zone Change.

Conditional Use Permit (Master Plan of Development)

A Master Plan of Development is required for the Planned Development in the form of a Conditional Use Permit. The proposed Master Plan of Development sets development standards related to architectural design, site design, landscaping and specific development standards required by the Zoning Ordinance. The Planning Commission needs to recommend that the following seven findings be made for approval of the proposed Master Plan of Development:

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

   Staff Comment: The use is consistent with the General Plan Land Use Element Policy 1.1, and 2.1.

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

   Staff Comment: As conditioned, the project satisfies all Conditional Use Permit and Planned Development Zoning Code requirements.

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 project and landscape restoration will be compatible with the surrounding neighborhood.

4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.
Staff Comment: The project’s large lots and large open space area will be consistent with the character of the immediate neighborhood.

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

Staff Comment: The proposed project will reduce the traffic impacts from pervious use on the site.

6. The Master Plan of Development standards or processing requirements will enhance the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

Staff Comment: The project has been designed to restore an abandoned golf course with the native landscape creating an attractive gateway along US 101 and restoring open space views for surrounding neighbors.

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

Staff Comment: The only feasible way to restore the abandoned golf course is to amend PD-8 to allow a new replacement use.

**Proposed Environmental Determination**

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public on September 28, 2007. The environmental analysis identified concerns regarding potential impacts to archaeology, biological resources and water quality. Based on special studies that analyzed these impacts, mitigation measures pertaining to these resources are included. A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures.

**Conclusion**

The proposed project is a creative approach to eliminate an abandoned golf course that has become a visual blight to the southern gateway of Atascadero. The conversion of two golf course buildings into residential units and the restoration of the golf course into natural open space is a good solution that will benefit the applicant, the surrounding neighbors and the City.
FISCAL IMPACT

The project will likely have a slight negative fiscal impact on City Revenues. A City fiscal analysis found that residential projects tend to require services that exceed the tax revenues generated. The total deficit for the project is estimated at less than $1,000 and is off-set by the large privately maintained open space area.

ALTERNATIVES

1. The City Council may approve minor modifications to the project and/or Conditions of Approval.

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

3. The City Council may deny the project. The Council should specify the reasons for denial of the project and make an associated finding with such action.

ATTACHMENTS:

Attachment 1: Location, General Plan, and Zoning Map
Attachment 2: Site Aerial
Attachment 3: Planning Commission 10-16-07 Minutes
Attachment 4: Proposed Mitigated Negative Declaration and Initial Study
Attachment 5: Draft Resolution A
Attachment 6: Draft Resolution B
Attachment 7: Draft Ordinance A
Attachment 8: Draft Ordinance B
Attachment 9: Draft Resolution C
Attachment 10: Draft Resolution D
Attachment 1: Location, General Plan, and Zoning Map

**Project Location**

Existing General Plan Land Use:
CREC (Commercial Recreation)

Proposed General Plan Land Use:
SFR-Y (Single-Family Residential 1.0 ac min)

Existing Zoning:
LS / PD-8 / FH (Special Recreation)

Proposed Zoning:
RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min)
5. **PLN-2099-0818, 13000 ATASCADERO AVENUE**

<table>
<thead>
<tr>
<th><strong>Owner:</strong></th>
<th>Kelly Gearhart, 6205 Alcantara Ave., Atascadero, CA  93422</th>
</tr>
</thead>
</table>
| **Project Title:** | Eagle Creek Golf Course  
General Plan Amendment / Zone Change / Planned Development Amendment and 2-lot Parcel Map  
| **Project Location:** | 13000 Atascadero Road, Atascadero, CA 93422  
(San Luis Obispo County) APN 045-391-015, 016 |
| **Project Description:** | The proposed project consists of a General Plan Amendment of 10.0 acres from CREC (Commercial Recreation) to RSF-Y (Residential Single-Family 1.0 acre min), Zone Change of 10.0 acres from LS (Special Recreation) to SFR-Y (Single-Family Residential 1.0 acre min), Amendment of the Master Plan of Development for Planned Development-8 to replace an existing golf course with two Single-Family Residences, and Parcel Map to subdivide 10.1 acres into two lots. The proposed project is located within the 100-year flood plain.  
*General Plan Designation: REC (Recreation)  
Zoning District: L (Recreation)* |
| **Proposed Environmental Determination:** | Based on the above findings, and the information contained in the Initial Study 2007-0022 (made a part hereof by reference and on file in the Community Development Department), it has been determined that the above project will not have an adverse impact on the environment when the following proposed mitigation measures are incorporated into the project. |

Community Development Director Warren Frace gave the staff report and answered questions of the Commission.

**PUBLIC COMMENT**

Jamie Kirk, applicant’s representative, gave a PowerPoint presentation on the project and requested several changes to the Conditions of Approval regarding livestock and right of way. Ms. Kirk answered questions of the Commission.

Lynne Dee Althouse, project biologist, and Casey Patterson, landscape architect, spoke about the design for the site and answered questions of the Commission.

Kelly Gearhart spoke about the maintenance of the open space area, and suggested a maintenance bond could be set in place, checked and renewed annually.
Doug Pierto, representing 17 homeowners in the Eagle Creek area, spoke about their concerns, made several suggestions, and stated the project as presented represents effective consensus building and that the neighbors appreciated having the opportunity to participate in the planning process.

David Tissue stated the existing project has CC&R’s which prohibit grazing animals. He commented that all who live there would like to see this project move forward as quickly as possible and that in its present state the project is very viable and feasible.

Chairperson O’Keefe closed the Public Comment period.

MOTION: By Chairperson O’Keefe and seconded by Commissioner O’Grady to adopt Draft Resolution 2007-0089 recommending the City Council certify Proposed Mitigated Negative Declaration 2007-0022; and, adopt Draft Resolution 2007-0090 recommending the City Council approve General Plan Amendment 2005-0016 based on findings; and, adopt Draft Resolution 2007-0091 recommending the City Council introduce for first reading, by title only, a draft ordinance approving Zone Text Change 2005-0111 amending the PD-8 Overlay District based on findings; and, adopt Draft Resolution 2007-0092 recommending the City Council introduce for first reading, by title only, a draft ordinance approving Zoning Map Change 2005-0111 based on findings; and, adopt Draft Resolution 2007-0093 recommending the City Council approve Conditional Use Permit 2005-0175 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt Draft Resolution 2007-0094 recommending the City Council approve Vesting Tentative Parcel Map 2005-0080 based on findings and subject to Conditions of Approval and Mitigation Monitoring and adding the following conditions:

1. A requirement to add that the CC&R’s be consistent with the existing tract; this condition added to the CUP and Map resolutions.
2. A requirement for a six year maintenance and management plan subject to city approval with a maintenance bond; this condition added to the CUP and Map.
3. A condition that the existing fence be repaired; amendment to Condition #10 of the CUP.
4. Limited grazing of animals allowed for annual fuel management will be permitted; this condition added to the zone change text, the CUP and the Map.

Motion passed 4:0 by a roll-call vote.
CITY OF ATASCADERO
PROPOSED MITIGATED
NEGATIVE DECLARATION #2007-0022

6907 El Camino Real Atascadero, CA 93422 855/461-5000

APPLICANT:  Kelly Garden
6205 Alisantara Ave.  
Atascadero, CA 93422

PROJECT TITLE:  Eagle Creek Golf Course General Plan Amendment / Zone Change / Planned Development Amendment and 2-lot Parcel Map (PIN-2009-0816)

PROJECT LOCATION:  13000 Atascadero Road, Atascadero, CA 93422
San Luis Obispo County
APN 045-391-015, 016

PROJECT DESCRIPTION:  The proposed project consists of a General Plan Amendment of 10.0 acres from CBRC (Commercial Recreation) to SF-1 (Residential Single Family 1.0 acre min). Zone Change of 10.0 acres from L3 (Special Recreation) to SF-1 (Single Family Residential 1.0 acre min) amendment of the Master Plan of Development for Planned Development & to replace an existing golf course with two single-family residences, and parcel map to subdivide 10.1 acres into two lots. The proposed project is located within the 100-year flood plain.

FINDINGS:

1. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project.

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

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

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

DETERMINATION:

Based on the above findings, and the information contained in the initial study 2006-0022 (made a part hereof by reference and on file in the Community Development Department), it has been determined that the above project will not have an adverse impact on the environment when the following proposed mitigation measures are incorporated into the project.

PREPARED BY:  Warren Prince, Community Development Director

DATE POSTED:  September 28, 2007

PUBLIC REVIEW ENDS:  October 29, 2007
Insert neg dec here
DRAFT RESOLUTION A


APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422 (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422 (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development 8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission of the City of Atascadero held a public hearing on October 16, 2007 to consider the following project and proposed environmental document; and,

WHEREAS, the Planning Commission has recommended that the project will have no significant impacts with project specific mitigation measures incorporated, and,

WHEREAS, the Atascadero City Council held a public hearing on November 13, 2007 to consider the following project and proposed environmental document; and,
WHEREAS, the City Council has determined that the project will have no significant impacts with project specific mitigation measures incorporated, and,

NOW THEREFORE, the Atascadero City Council, hereby resolves to certify Proposed Mitigated Negative Declaration 2007-0022 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 City Council, and the information contained therein was considered by the City Council, prior to recommending action on the project for which it was prepared; and,

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

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

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

6. The project will not cause substantial adverse effects on human beings either directly or indirectly.
On motion by Council Member _______________________ and seconded by Council Member _______________________, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ________________________________

Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Rob Schultz, Interim City Attorney
CITY OF ATASCADERO
PROPOSED MITIGATED
NEGATIVE DECLARATION #2007-0022

APPLICANT: Kelly Ganther
6205 Alcantara Ave.,
Atascadero, CA 93422

PROJECT TITLE: Eagle Creek Golf Course General Plan Amendment / Zone Change / Planned Development Amendment and 2-lot Parcel Map (PLN-2007-0022)

PROJECT LOCATION: 12000 Atascadero Road, Atascadero, CA 93422
San Luis Obispo County
APN 045-391-015, 016

PROJECT DESCRIPTION: The proposed project consists of a General Plan Amendment of 10.0 acres from CRBC (Commercial Recreation) to RS-1 (Residential Single Family 1.0 acre min.) Zone Change of 10.0 acres from EY (Special Recreation) to SFR-1 (Single Family Residential 1.0 acre min), amendment of the Master Plan of Development for Planned Development 8 to replace an existing golf course with two single-family dwellings, and parcel map to subdivide 10.1 acres into two lots. The proposed project is located within the 100-year flood plain.

FINDINGS:

1. The project does not have the potential to degrade the environment when mitigation measures are incorporated into the project.

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

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

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

DETERMINATION:

Based on the above findings, and the information contained in the initial study 2006-0022 (made a part hereof by reference and on file in the Community Development Department), it has been determined that the above project will not have an adverse impact on the environment when the following proposed mitigation measures are incorporated into the project.

PREPARED BY: Warren Bruce, Community Development Director
DATE POSTED: September 28, 2007
PUBLIC REVIEW ENDS: October 29, 2007
DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 2005-0016, AMENDING THE GENERAL PLAN LAND USE DIAGRAM DESIGNATION OF APN 045-391-015, 016 FROM CREC (COMMERCIAL RECREATION) TO SFR-Y (SINGLE-FAMILY RESIDENTIAL 1.0 AC MIN) WITH A PLANNED DEVELOPMENT-8 OVERLAY

APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422, (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development 8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, the site’s current CREC (Commercial Recreation); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,
WHEREAS, a timely and properly noticed Public Hearing upon the subject General Plan 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 Amendment; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007, studied and considered General Plan Amendment 2005-0016, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

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

WHEREAS, the Atascadero City Council, at a duly noticed Public Hearing held on November 13, 2007, studied and considered General Plan Amendment 2005-0016, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation, and,

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

SECTION 1. Findings for Approval of a General Plan Amendment to the Land Use Diagram of Atascadero as follows:

The City Council finds as follows:

1. The proposed amendment is in the public interest.

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

3. The proposed amendment is compatible with existing development, neighborhoods and the environment.

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

5. The proposed amendment is consistent with adopted General Plan EIR and mitigation monitoring program.

6. The proposed amendment is in the best interest of the City to enact this amendment to the General Plan Land Use Diagram to protect the health, safety and welfare of its citizens and is compatible with existing and proposed development; and,
SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 13, 2007, hereby resolves to approve General Plan Amendment 2005-0016 consistent with the following:

1. Exhibit A: General Plan Land Use Diagram Amendment

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

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ______________________________
   Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Rob Schultz, Interim City Attorney
Exhibit A: General Plan Land Use Diagram Amendment

General Plan Land Use Diagram Amendment

Existing General Plan Land Use:
CREC (Commercial Recreation)

Proposed General Plan Land Use:
SFR-Y (Single-Family Residential 1.0 ac min)
DRAFT
ORDINANCE A

AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY APPROVING ZONE CHANGE
2005-0111 TO AMEND PLANNED DEVELOPMENT OVERLAY DISTRICT-8
APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422, (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422, (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on October 16, 2007, studied and considered Zone Change 2005-0111, 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 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 City Council of the City of Atascadero, at a Public Hearing held on November 13, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation; and,

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

SECTION 1. Findings for Approval of a Zone Text Change Amending PD-8 Planned Development Overlay District. The City Council finds as follows:

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

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

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 13, 2007, resolved to introduce for first reading by title only, an Ordinance that would amend the City Zoning code text with the following:

Section 9-3.652 of the Atascadero Municipal Code is amended to read as follows:

9-3.652 Establishment of Planned Development Overlay Zone No. 8: (PD8).

Planned Development Overlay Zone No. 8 is established as shown on the Official Zoning Maps (Section 9-1.102). The following development standards are established:

(a) A Master Plan of Development shall be approved prior to any development of the site. The Master Plan shall be processed in the same manner as a Conditional Use Permit except that that Master Plan may be submitted and processed in the same manner set forth for the processing of a tentative map.

(b) In approving a Master Plan of Development for the site, the uses allowed shall be
limited to:
(1) Single-family dwellings;
(2) Residential accessory uses (See Section 9-6.106);
(3) Crop production and grazing;
(4) Farm animal raising (See Section 9-6.111);
(5) Home occupation (See Section 9-6.105);
(6) Temporary dwelling (See Section 9-6.176);
(7) Agricultural accessory uses (See Section 9-6.109);
(8) Outdoor recreation services, limited to a golf course and/or tennis and swim club (See Section 9-6.123);
(9) Pipelines;
(c) No uses shall be established, or expanded, unless approved pursuant to a Master Plan following a public hearing.
(d) The grove of oak trees located on the slope between the top of the knoll and the intersection of Santa Barbara and Atascadero Roads shall be preserved. In approving a Master Plan, or Tentative Map, efforts shall be made to place this extreme western portion of the property into open space easement, or otherwise ensure its preservation.
(e) Any substantial expansion of recreational uses beyond a nine-hole golf course shall require preparation of a traffic study. The result of that traffic study and recommendation shall appear on the consent calendar of the City Council.
(g) An open space easement of 6.5± acres shall be maintained in perpetuity on the northern part of lot 1 created by parcel map AT 05-0364. The open space easement shall remain landscaped and with plant material in good condition consistent with the landscape plan adopted by CUP 2005-0175 (Master Plan of Development PD-8). No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement. No further subdivisions or lot line adjustments shall be permitted of lot 1 created by parcel map AT 05-0364.
(g) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.
SECTION 3: A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s Office on and after the date following introduction and passage and shall be available to any interested member of the public.

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

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

_________________________
Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_________________________
Rob Schultz, Interim City Attorney
DRAFT
ORDINANCE B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, APPROVING ZONE CHANGE 2005-0111,
AMENDING THE OFFICIAL ZONING MAP DESIGNATION FROM LS / PD-8 / FH (SPECIAL RECREATION WITH A PLANNED
DEVELOPMENT-8 AND FLOOD HAZARD OVERLAY) TO RSF-Y / PD-8 / FH (RESIDENTIAL SINGLE-FAMILY 1.0 AC MIN WITH A PLANNED
DEVELOPMENT-8 AND FLOOD HAZARD OVERLAY)
APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara
Avenue, Atascadero, CA 93422 (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara
Avenue, Atascadero, CA 93422 (Property Owner) to consider a project consisting of a General
Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-
Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special
Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH
(Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard
Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map
on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, the Planning Commission has recommended that the site’s current General
Plan Designation be changed from CREC (Commercial Recreation) to SFR-Y (Single-Family
Residential 1.0 ac min); and,

WHEREAS, the site’s current zoning district is LS / PD-8 / FH (Special Recreation with
a Planned Development-8 and Flood Hazard Overlay); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were
prepared for the project and made available for public review in accordance with the
requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the Planning Commission has recommended that it is in the best interest of
the City to enact this amendment to the Official Zoning Map to protect the health, safety and
welfare of its citizens by applying orderly development of the City; and,
WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

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

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone 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 Amendments; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 13, 2007, studied and considered Zone Change 2005-0111, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation, and,

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

SECTION 1. Findings for Approval of a Zone Change to the Official Zoning Map of Atascadero Changing the existing site zoning to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development 8 and Flood Hazard Overlay). The City Council finds as follows:

1. The proposed Zone Change is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.
2. The proposed Zone Change is compatible with existing development, neighborhoods and the environment.
3. The proposed Zone Change will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.
4. Modification of development standards or processing requirements is warranted to promote orderly and harmonious development.
5. 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.
6. Benefits derived from the Overlay Zone cannot be reasonably achieved through existing development standards or processing requirements.
7. The proposed project offers certain redeeming features to compensate for the requested Zone Change.

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on November 13, 2007, resolved to introduce for first reading by title only, an Ordinance that would amend the Atascadero Zoning Map consistent with the following:

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

CITY OF ATASCADERO

__________________________
Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

__________________________
Rob Schultz, Interim City Attorney
Exhibit A: Zone Map Amendment Diagram

Zoning Map Amendment

Existing Zoning:
LS / PD-8 / FH (Special Recreation)

Proposed Zoning:
RSF-Y / PD-8 / FH (Residential Single-Family)
1.0 ac min
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 2005-0175 (MASTER PLAN OF DEVELOPMENT PD-8)

APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422 (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422 (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, the Planning Commission has recommended that the site’s General Plan Designation be changed from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay); and,

WHEREAS, the PD-8 requires the adoption of a Master Plan of Development, approved in the form of a Conditional Use Permit; and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,
WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Master Plan of Development; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007, studied and considered the Conditional Use Permit 2005-0175 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone 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 Master Plan of Development; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 13, 2007, studied and considered the Conditional Use Permit 2005-0175 (Master Plan of Development), after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation, and

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

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

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

2. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including provisions of the PD-8 Overlay Zone; and,

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

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

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

6. The Master Plan of Development standards or processing requirements will enhance
the opportunity to best utilize special characteristics of an area and will have a beneficial effect on the area.

7. Benefits derived from the Master Plan of Development and PD-8 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 November 13, 2007, resolved approve Conditional Use Permit 2005-0175 (Master Plan of Development) subject to the following:

1. EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program
2. EXHIBIT B: Master Plan of Development / Site Plan PD-8
3. EXHIBIT C: Landscape Plan
4. EXHIBIT D: Fencing Plan
5. EXHIBIT E: Elevations
6. EXHIBIT F: Grading & Drainage Plan

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

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _________________________
   Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Rob Schultz, Interim City Attorney
# EXHIBIT A: Conditions of Approval / Mitigation Monitoring Program

**PD-8 Master Plan of Development (CUP 2005-0175)**

## Conditions of Approval / Mitigation Monitoring Program CUP 2005-0175

### 13000 Atascadero Road

**PD-8 Master Plan of Development Amendment #2**

<table>
<thead>
<tr>
<th>Planning Services</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1.</strong> The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of ZCH 2005-0111 and ZCH 2005-0105 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.</td>
</tr>
<tr>
<td><strong>2.</strong> The Community Development Department shall have the authority to approve the following minor changes to the project that (1) modify the site plan project by less than 10%, (2) result in a superior site design or appearance, and/or (3) address a construction design issue that is not substantive to the Master Plan of Development. The Planning Commission shall have the final authority to approve any other changes to the Master Plan of Development and any associated Tentative Maps unless appealed to the City Council.</td>
</tr>
<tr>
<td><strong>3.</strong> Approval of this Conditional Use Permit shall be valid for twelve (12) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has applied for a building permit.</td>
</tr>
<tr>
<td><strong>4.</strong> The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the city, or any of its entities, concerning the subdivision</td>
</tr>
<tr>
<td><strong>5.</strong> All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development contained herein.</td>
</tr>
<tr>
<td><strong>6.</strong> All exterior elevations and finish materials shall be consistent with the Master Plan of Development as shown in Exhibit E.</td>
</tr>
<tr>
<td><strong>7.</strong> All site work, grading, and site improvements shall be consistent with the Master Plan of Development as shown in Exhibit B through F.</td>
</tr>
<tr>
<td><strong>8.</strong> All existing pavement, walkways, ramps, walls, transformers, buildings and similar appurtenance shall be removed from lots APN 045-391-012, 045-391-013, 045-391-014 and proposed Lot #2 consistent with Exhibit F.</td>
</tr>
<tr>
<td>Conditions</td>
</tr>
<tr>
<td>------------</td>
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<tr>
<td><strong>9.</strong> 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:</td>
</tr>
<tr>
<td>• All cut slopes associated with the access driveway shall be relandscaped.</td>
</tr>
<tr>
<td><strong>10.</strong> All project fencing shall be installed consistent with Exhibit D. The existing rail fence shall be repaired as needed.</td>
</tr>
<tr>
<td><strong>11.</strong> An accurate Tree Protection Plan shall be prepared for encroachment within the drip line of native trees located on or adjacent to the subject parcel. The applicant will contract with a certified arborist to monitor all activity within the drip lines of existing native oak trees.</td>
</tr>
<tr>
<td><strong>12.</strong> Affordable Housing Requirement: The applicant shall comply with the City Council inclusionary housing policy and pay an in-lieu fee based on 5% of the construction valuation of each new and existing housing unit.</td>
</tr>
<tr>
<td><strong>13.</strong> Prior to final map, the applicant shall submit CC&amp;Rs for review and approval by the Community Development Department. The CC&amp;R’s shall record with the Final Map and shall include the following:</td>
</tr>
<tr>
<td>a) Provisions for private maintenance of the open space area and shared driveway located on Lot 1.</td>
</tr>
<tr>
<td>b) The open space area on Lot 1 shall be landscaped and maintain in perpetuity by the owner of Lot 1. No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement.</td>
</tr>
<tr>
<td>c) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.</td>
</tr>
<tr>
<td>bjd) The CC&amp;R’s shall be consistent with the requirements of the existing CC&amp;R’s for the tract on Eagle Creek Court.</td>
</tr>
<tr>
<td><strong>14.</strong> The applicant shall acquire written permission from all owners of property where off site grading is proposed. If owner permission cannot be acquired, the applicant shall install a decorative split face wall instead.</td>
</tr>
<tr>
<td><strong>15.</strong> A deed notification shall be attached to Lot 1 notifying the owner that the open space area on Lot 1 shall be landscaped and maintain in perpetuity by the owner of Lot 1 and no structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement. The limited grazing of animals for the purpose of</td>
</tr>
</tbody>
</table>
### Conditions of Approval / Mitigation Monitoring Program CUP 2005-0175

#### 13000 Atascadero Road
PD-8 Master Plan of Development Amendment #2

<table>
<thead>
<tr>
<th>Timing</th>
<th>Responsibility/ Monitoring</th>
<th>Mitigation Measure</th>
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</thead>
<tbody>
<tr>
<td>FM, BL, GP, BP, FM, BL</td>
<td>PS, BS, FD, PD, CE, WW</td>
<td>Planning Services, Building Services, Fire Department, Police Department, City Engineer, Wastewater</td>
</tr>
</tbody>
</table>

#### City Engineer Project Specific Conditions

16. A right-of-way dedication shall be provided adjacent to the Santa Barbara Road / US 101 interchange consistent with Exhibit B.

17. The applicant shall obtain permits from California Fish and Game, Regional Water Quality Control Board, and Army Corps of Engineers, if required, based upon recommendations from the project biologist.

18. Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.

19. Prior to the issuance of building permits the applicant shall provide for the detention and metering out of developed storm runoff so that it is equal to or less than undeveloped storm runoff.

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24. Applicant shall submit erosion control plans and a Storm Water Pollution Prevention Plan (SWPPP) if area disturbed is greater than 1 acre. The Regional Water Quality Control Board shall approve the SWPPP.

25. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings or as directed by the City Engineer.

#### Mitigation Measures

- Annual wildfire fuel management is permitted.
## Conditions of Approval / Mitigation Monitoring Program CUP 2005-0175

**13000 Atascadero Road**  
**PD-8 Master Plan of Development Amendment #2**

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<tr>
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PD-8 Master Plan of Development Amendment #2

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**Planning Commission Condition**

| 26. A six (6) year landscape maintenance and management plan shall be approved by City staff with a maintenance bond. | GP | PS |  

**END OF CONDITIONS**
EXHIBIT C-2: Landscape Plan
EXHIBIT D: Fencing Plan

NOTES
1. RAILS, CAP & COVER TO BE FIR OR HEM FIR.
2. POST TO BE PRESSURE TREATED 4x4.
3. HOLES FOR POSTS TO BE A MINIMUM 24" DEEP WITH COMPACTED 3/4" CRUSHED GRAVEL AS BACKFILL. CORNER POST AND LINE POST 24" O.C. TO HAVE CONCRETE FOOTING.

3 BOARD FENCE DETAIL N.T.B.
EXHIBIT E-1: Floor Plans Elevations Converted Golf Clubhouse

Proposed Elevation

SFR CONVERSION DETAIL

- Proposed ‘conjoining’ of existing buildings
- Red area shows proposed modification (dining area with small bedroom and bathroom)
EXHIBIT E-2: Floor Plans Elevations Converted Shop Building

- Convert Existing Maintenance Building to SFD
- No Exterior Changes Required
DRAFT
RESOLUTION D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A TWO LOT VESTING TENTATIVE PARCEL MAP (VTPM 2005-0080), CONSISTENT WITH A MASTER PLAN OF DEVELOPMENT-8
APN 045-391-015, 016
13000 Atascadero Road
(Gearhart)

WHEREAS, an application has been received from Kelly Gearhart, 6205 Alcantara Avenue, Atascadero, CA 93422 (Applicant) and Atascadero Homeowners LLC, 6205 Alcantara Avenue, Atascadero, CA 93422 (Property Owner) to consider a project consisting of a General Plan Land Use Diagram Amendment from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min) and a Zoning Map Change from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay) with a corresponding Master Plan of Development and Vesting Tentative Parcel Map on a 10.0-acre site located at 13000 Atascadero Road (045-391-015, 016); and,

WHEREAS, the Planning Commission has recommended that the site’s General Plan Designation be changed from CREC (Commercial Recreation) to SFR-Y (Single-Family Residential 1.0 ac min); and,

WHEREAS, the Planning Commission has recommended that the site’s Zoning District be changed from LS / PD-8 / FH (Special Recreation with a Planned Development-8 and Flood Hazard Overlay) to RSF-Y / PD-8 / FH (Residential Single-Family 1.0 ac min with a Planned Development-8 and Flood Hazard Overlay); and,

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2007-0022 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Vesting Tentative Parcel Map application was held by the Planning Commission of the City of
WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on October 16, 2007, studied and considered Tentative Parcel Map 2005-0080, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project; and,

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on November 13, 2007, studied and considered Vesting Tentative Parcel Map 2005-0080, after first studying and considering the Proposed Mitigated Negative Declaration prepared for the project and the Planning Commission’s recommendation; and,

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

SECTION 1. Findings of Approval for Vesting Tentative Parcel 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-8 Overlay District.

2. The proposed subdivision, as conditioned, is consistent with the proposed Planned Development Overlay District-8 Master Plan of Development (CUP 2005-0175).

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

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

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

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

7. 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 November 13, 2007, resolved to approve Vesting Tentative Parcel Map (TPM 2005-0080) subject to the following:

1. Exhibit A: Vesting Tentative Parcel Map 2005-0080
2. Exhibit B: Conditions of Approval / Mitigation Monitoring Program

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

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ____________________________

Dr. George Luna, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_________________________________________

Rob Schultz, Interim City Attorney
Exhibit A-1: Vesting Tentative Tract Map

ROW dedication
Exhibit A-2: Vesting Tentative Tract Map

ROW dedication
**Exhibit B: Conditions of Approval / Mitigation Monitoring Program**  
**Tentative Parcel Map 2005-0080**

### Conditions of Approval / Mitigation Monitoring Program

**13000 Atascadero Road**  
**Vesting Tentative Parcel Map**  
**TPM 2005-0080**

#### Planning Services

1. The approval of this parcel map shall become final and effective for the purposes of recording a final map thirty (30) days following the City Council approval of ZCH 2005-0111 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. Approval of this Tentative Parcel Map shall be valid for two years after its effective date. At the end of the period, the approval shall expire and become null and void unless an extension of time is granted pursuant to a written request received prior to the expiration date.

3. The Community Development Department shall have the authority to approve minor changes to the project that (1) result in a superior site design or appearance, and/or (2) address a design issue that is not substantive to the Tentative Tract Map and that the Final Map is in substantial conformance with the Tentative Map.

4. The Final Map shall be drawn in substantial conformance with the approved 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.

5. 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.

6. All existing pavement, walkways, ramps, walls, transformers buildings and similar appurtenance shall be removed from lots APN 045-391-012, 045-391-013, 045-391-014 and proposed Lot #2 consistent with Exhibit A-2.

7. The Tract Map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance.

8. Affordable Housing Requirement: The applicant shall comply with the City Council inclusionary housing policy and pay an in-lieu fee based on 5% of the construction valuation of each new and existing housing unit.

9. A deed notification shall be attached to Lot 1 notifying the owner that the open space area on Lot 1 shall be landscaped and maintain in perpetuity by the owner of Lot 1 and no structures, vehicles, equipment, livestock or material shall be erected or stored in the open space.

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# Conditions of Approval / Mitigation Monitoring Program

**13000 Atascadero Road**  
**Vesting Tentative Parcel Map**  
**TPM 2005-0080**

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The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.

10. Prior to Final Map, the applicant shall submit CC&Rs for review and approval by the Community Development Department. The CC&R’s shall record with the Final Map and shall include the following:
   
a) Provisions for private maintenance of the open space area and shared driveway located on Lot 1.
   
b) The open space area on Lot 1 shall be landscaped and maintained in perpetuity by the owner of Lot 1. No structures, vehicles, equipment, livestock or material shall be erected or stored in the open space easement.
   
c) The limited grazing of animals for the purpose of annual wildfire fuel management is permitted.
   
**b) d** The CC&R’s shall be consistent with the requirements of the existing CC&R’s for the tract on Eagle Creek Court.

## City Engineer Project Conditions

11. The applicant shall acquire written permission from all owners of property where off site grading is proposed. If owner permission cannot be acquired, the applicant shall install a decorative split face wall instead.

12. A right-of-way dedication shall be provided adjacent to the Santa Barbara Road / US 101 interchange consistent with Exhibit A-1.

13. The applicant shall obtain permits from California Fish and Game, Regional Water Quality Control Board, and Army Corps of Engineers, if required, based upon recommendations from the project biologist.

## City Engineer Standard Conditions

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

15. 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.

16. The Subdivision Improvement Agreement shall record concurrently with the Final Map.
### Conditions of Approval / Mitigation Monitoring Program

**13000 Atascadero Road**  
**Vesting Tentative Parcel Map**  
**TPM 2005-0080**

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<td>18. The applicant shall acquire title interest in any off-site land that may be required to allow for the construction of the improvements. The applicant shall bear all costs associated with the necessary acquisitions. The applicant shall also gain concurrence from all adjacent property owners whose ingress and egress is affected by these improvements.</td>
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<td>19. Slope easements shall be obtained by the applicant as needed to accommodate cut or fill slopes.</td>
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<td>26. Prior to recording the parcel map, the applicant shall bond for or set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced.</td>
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Conditions of Approval / Mitigation Monitoring Program

13000 Atascadero Road
Vesting Tentative Parcel Map
TPM 2005-0080

restrictions on the final/parcel map.

29. Prior to recording the parcel map, the applicant shall have the map reviewed by all applicable public and private utility companies (cable, telephone, gas, electric, Atascadero Mutual Water Company). The applicant shall obtain a letter from each utility company indicating their review of the map. The letter shall identify any new easements that may be required by the utility company. A copy of the letter shall be submitted to the City. New easements shall be shown on the parcel map.

30. Prior to the issuance of building permits the applicant shall submit calculations to support the design of any structures or pipes. Closed conduits shall be designed to convey the 10-year flow with gravity flow, the 25-year flow with head, and provide safe conveyance for the 100-year overflow.

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complete as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used.

8. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site.

9. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114.

10. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site.

11. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible.

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

**Mitigation Measure 4.b.1.** Restoration plantings along Paloma Creek shall be consistent with the recommendations of Althouse & Meade’s July 17, 2007 Restoration Plan.

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| GP | PS | |

**END OF CONDITIONS**