



April 18, 2024

Yvonne Marchosky and Carter Tutwiler

RE: Response to Public Comment on Mitigated Negative Declaration DEV23-0100

Dear Ms. Marchosky and Mr. Tutwiler,

Thank you for providing comments regarding the proposed Precise Plan application to construct two residences on Vista Road.

The City's Public Works, Fire, and Planning Departments are required to review the plans to ensure that they meet all applicable City and State standards. However, the City requires a Precise Plan Process for any project that requires grading on slopes of over 20%. This Precise Plan process allows for a greater level of review than a typical single-family residence and allows for the identification of mitigation measures to mitigate impacts that exceed or have the potential to exceed identified thresholds and policy guidance. Staff has visited the property to evaluate the site and make recommendations on applicable mitigation measures based on state and local thresholds and guidelines.

Please see responses to your specific concerns below:

1. *Why is this project referenced as the "Saul Residences"? These properties are owned by SLO-RED, a California S Corp. I think it's misleading to the City Council and our neighbors to not name the owner and the obvious intent to build for speculation purposes.*

The City does not have a policy or standard that governs the naming of projects; however, Precise Plans and their associated environmental documents are generally named after the applicant and the scope of the project. In this case, Mr. Saul applied as an individual and not under the SLO-RED name. Precise Plans are reviewed at the staff level and are not brought before City Council or other hearing bodies.

Working together to **serve**, build **community** and enhance **quality of life**.

- 2. What is the reasoning behind only one Environmental Document for these two lots? These lots vary significantly in slope, character and proximity to other homes. They are not neighboring lots from the current access point on Vista Road, and they aren't going to share a driveway.*

The California Environmental Quality Act does not limit the number of lots described in a single Initial Study and expressly prohibits lead agencies from “piecemealing” projects and failing to analyze cumulative impacts. The two properties are adjoining and are proposed to be developed as part of the same project, therefore CEQA requires that they be analyzed as one project.

- 3. Are you allowing one building permit for this project? Doesn't that significantly increase the impacts on the City's permitting resources? Supervision of these projects is going to be critical towards compliance with the City's conditions.*

California Building Code requires that a permit be obtained for each structure. While these structures may be submitted concurrently, a separate permit record will be established for each site.

- 4. The grading for this proposed project is extensive. I realize that a grading plan has not been submitted but I expect that the City will force this developer to mitigate for flooding and mud. Who is responsible for damage to our property if those protections don't work?*

During a mild rain year in 2021, our driveway and garage were flooded with 4" of mud from 10945. Once the grass is no longer in place, it seems as though that problem will be compounded.

The City verifies compliance with local, regional, and State grading and drainage standards in addition to erosion control regulations during the course of reviewing building permit applications. The City is responsible for inspections on the property once work has commenced to ensure that all applicable standards are implemented and that protective measures are in place during the rainy season. Property owners and developers are responsible for implementation and maintenance of all appropriate drainage solutions as outlined in approved plans that are prepared by a licensed civil engineer.

- 5. Vista Road is a private road maintained by the residents of Panorama Oaks. In the last 3 years, Carter and I have invested \$3500 into its maintenance. What measures are in place to protect the infrastructure along Vista Road that could be damaged by this project, especially*

the wear on the road's pavement and substructure? Has the City or the HOA/Architectural Review Committee made demands on this developer to protect Vista Road?

Vista Road is a privately-maintained road within City right-of-way and is reserved for public use. It is the responsibility of residents using the road to repair and maintain the road in agreement with any new owner. The City does not restrict nor enforce bylaws of Homeowners Associations.

- 6. This building site is considered a "high fire" risk area (Zone 9) according to the City and Cal Fire. Sparks generated by gas/diesel fuels created by the heavy machinery that will be used are a significant issue? Who is responsible if the City's mitigation is not enough and we suffer a loss due to fire?*

The State of California regulates fire safety measures through equipment regulations and building code standards. While the City works to enforce fire safety regulations and provide resources for prevention, it is not responsible for fire damage due to act by private citizens on private property.

- 7. A previous Environmental Impact report, a summary of which is attached, was generated for 10945 in 2021. It expressed vastly different conclusions. The building site is essentially the same. Why have most of the mitigation measures relating to "Aesthetics" not been included in the current proposal?*

The previous application for development at 10945 Vista Road differed from the current proposal and generally had a greater potential impact on adjacent properties. In particular, the driveway for the earlier proposal would have required grading of a steeper slope and directly faced two neighboring homes, and as a result required different aesthetic mitigation.

AES-1 of the old report mandates that native trees and shrubs in the large graded area be replanted to sufficiently revegetate and act as erosion control.

The previous proposal included a large graded slope facing the existing residences. This proposal differs with some graded areas on the opposite side. The City requires hydroseeding as a method of erosion control for all grading activities. In this case, we are also requiring that the seed mixture exclusively use native seeds to mitigate potential biological impacts.

Our property, our neighbor's property (10950) and the SLO RED property (10945) encompass a native oak grove of over 35 acres. The proposed building site's proximity to us would seem to warrant measures to restore the native vista. The idea that no negative impact exists because the City's Tree Plan mandates that 5-gallon trees be used to replace some of the 81 trees that are going to be removed, seems optimistic. Those trees will take 20 years to grow back, if they survive at all. Once the trees are gone, our home will be exposed to this very large, new construction home. The negative impacts on us and our neighbors are significant.

As mentioned in the Biological Resources section of this project's Initial Study, the City's Native Tree Ordinance accounts for tree removals by mandating onsite replanting, in-lieu payment into the City's tree regeneration fund, or the setting-aside of tree conservation easement areas. This Ordinance adopts and implements Policies 7.1 and 7.2 of the Land Use, Open Space, and Conservation Element in the City's General Plan. The impacts of this element and its associated policies were addressed through the General Plan's Environmental Impact Report. The project, as proposed and with mitigation measures incorporated meets all City ordinance and policy guidance requirements.

AES-2/3 of the old report mandated the colors used to construct the home required approval. This extremely large home and its retaining walls, as well as the roof color affect how well the property will blend into the hillside. The window placement is also a concern.

Aesthetics are a consideration under CEQA and are being considered as part of this review. The Architectural Review Committee of the Homeowners Association may set their own architectural standards above and beyond any mitigation measures proposed under this evaluation. As mitigated, the proposed residence will create less than significant impacts to aesthetics. This site is already assumed to be developed in conjunction with the original subdivision map for Panorama Oaks.

AES-4 of the old report mandated that a structural engineer be retained to construct two retaining walls that reduce the overcut slope and site disturbance. The new plan is even bigger and will require more grading, why isn't this language used in the new Mitigation Summary?

The project team includes Walsh Engineering, who are providing guidance to the applicant regarding grading and drainage. Retaining walls are proposed on both driveways to reduce cut-and-fill. As a result, adding a mitigation requirement to the same effect would be redundant.

Warm Regards,



Sam Mountain
Assistant Planner
City of Atascadero