CITY OF ATASCADERO
CITY COUNCIL

AGENDA

Tuesday, February 23, 2016

City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California
(Entrance on Lewis Ave.)

| City Council Closed Session:           | 5:00 P.M. |
| City Council Regular Session:          | 6:00 P.M. |

CITY COUNCIL CLOSED SESSION: 5:00 P.M.

1. CLOSED SESSION -- PUBLIC COMMENT

2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION

3. CLOSED SESSION -- CALL TO ORDER

   a. Conference with Labor Negotiators (Govt. Code Sec. 54957.6)
      Agency designated representatives: Rachelle Rickard, City Manager
      Employee Organizations: Atascadero Firefighters Bargaining Unit

4. CLOSED SESSION – ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS

6. CLOSED SESSION – REPORT
REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

PLEDGE OF ALLEGIANCE: Council Member Fonzi

ROLL CALL: Mayor O’Malley
Mayor Pro Tem Moreno
Council Member Fonzi
Council Member Kelley
Council Member Sturtevant

APPROVAL OF AGENDA: Roll Call

PRESENTATIONS:

1. Proclamation Designating Tuesday, February 23, 2016, as “World Spay Day”

A. CONSENT CALENDAR: (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. DRAFT MINUTES: Council meeting draft minutes are listed on the Consent Calendar for approval of the minutes. Should anyone wish to request an amendment to draft minutes, the item will be removed from the Consent Calendar and their suggestion will be considered by the City Council. If anyone desires to express their opinion concerning issues included in draft minutes, they should share their opinion during the Community Forum portion of the meeting.)

   - Recommendation: Council approve the City Council Draft Action Minutes of the January 26, 2016 City Council meeting. [City Clerk]

   - Recommendation: Council approve the City Council Draft Action Minutes of the January 29, 2016 City Council special meeting. [City Clerk]

3. December 2015 Investment Report
   - Fiscal Impact: None.
   - Recommendation: Council receive and file the City Treasurer’s report for quarter ending December 2015. [City Treasurer/Administrative Services]
4. **Lake View Drive Pavement Rehabilitation Construction Award – City Bid No. 2015-001**
   - **Fiscal Impact:** The fiscal impact of this award is $284,360 in budgeted Capital Project Funds including funding from General Capital Improvement Funds and Proposition 1B State Grant funding.
   - **Recommendations:**
     
     Council:
     1. Award the Lake View Drive Pavement Rehabilitation Base Bid and Bid Alternate in the total amount of $284,360.00 to Viborg Sand and Gravel, Inc.; and,
     2. Authorize the City Manager to execute a contract with Viborg Sand and Gravel, Inc., in the amount of $284,360.00, for construction of the Lake View Drive Pavement Rehabilitation Project; and,
     3. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the project. [Public Works]

5. **Community Facilities District 2005-1: Annexation No. 14 – 5310 Carrizo Tract 2625 / Annexation No. 15 – 8570 El Corte Tract 2802 / Annexation No. 16 – 10380 El Camino Real VTPM #AT 14-0028**
   - **Fiscal Impact:** There is no fiscal impact in adopting the draft resolutions declaring the intent to annex territory into the Community Facilities District.
   - **Recommendations:**
     
     Council adopt:
     1. Draft Resolution A, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 14 (5310 Carrizo Tract 2625); and,
     2. Draft Resolution B, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 15 (8570 El Corte Tract 2802); and,
     3. Draft Resolution C, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 16 (10380 El Camino Real VTPM #AT 14-0028). [Community Development]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)
COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information, may contact the City Clerk’s Office, between the hours of 8:30 a.m. and 5:00 p.m. at 470-3400, or mtorgerson@atascadero.org.)

B. PUBLIC HEARINGS:

   - Ex-Parte Communications:
   - Fiscal Impact: Based on the revenue projections from the Taussig Study, the City has developed standard Conditions of Approval for new residential planned development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and community facilities districts.
   - Recommendations:
     Planning Commission recommends Council:
     1. Adopt Draft Resolution A certifying mitigated negative declaration 2015-0007 based on findings; and,
     2. Adopt Draft Resolution B approving General Plan Amendment 2014-0030 based on findings; and,
     3. Introduce for first reading, by title only, Draft Ordinance A approving Title 9 Zone Text Amendment ZCH 2015-0178 establishing PD overlay zone 33 based on findings; and,
     4. Introduce for first reading, by title only, Draft Ordinance B approving Zone Map Amendment ZCH 2014-0175 based on findings; and,
     5. Adopt Draft Resolution C approving Conditional Use Permit 2014-0284 (Master Plan of Development) and Tree Removal Permit TRP 2014-0178 based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,
     6. Adopt Draft Resolution D approving Tentative Subdivision Map TTM 2014-0108, based on findings and subject to Conditions of Approval and Mitigation Monitoring. [Community Development]
C. MANAGEMENT REPORTS:

1. **Lot Line Adjustment 2015-0121 (ATAL 15-0094) - City Lake Park and Atascadero Kiwanis Parcels - 7848 Pismo Avenue**
   - **Fiscal Impact:** There is no future fiscal impact from the adoption of Draft Resolution A. Significant City staff and attorney time has been incurred (in-kind contribution) towards the processing of the lot line adjustment. Kiwanis has requested that permit application and other costs also be shared. Any direction to additionally share in these costs will have a fiscal impact.
   - **Recommendations:** The Parks and Recreation Commission recommends:
     1. City Council adopt Draft Resolution “A” to authorize the City to be a party to a lot line adjustment to modify the boundary of two City owned parcels at the Lake Park/Pavilion parking lot in order to correct a historic lot line location inconsistency at the Kiwanis Hall property at 7848 Pismo Avenue; and,
     2. City Council provide staff direction regarding a memorandum of understanding to provide parking for Kiwanis Hall; and,
     3. City Council provide staff direction regarding relief of fees and additional cost participation with the processing of the lot line adjustment. [Community Development]

2. **City of Atascadero - Marketing Plan Update 2015-16**
   - **Fiscal Impact:** None
   - **Recommendations:**
     Council:
     1. Receive and file marketing plan update; and,
     2. Approve special event sponsorship criteria. [City Manager]

3. **Proposed Ordinance to Amend the Atascadero Municipal Code for Remittance of Transient Occupancy Tax from Quarterly to Monthly**
   - **Fiscal Impact:** If the Council directs staff to move forward with a potential amendment to the Municipal Code, staff estimates the costs to prepare the staff reports, prepare the draft ordinance, and publicly notice the meetings will cost approximately $5,100.
   - **Recommendation:** Council provide direction to staff regarding a potential amendment to the Atascadero Municipal Code to change the reporting and remittance of Transient Occupancy Tax from quarterly to monthly based on the request of the Atascadero Tourism and Business Improvement District (ATBID). [City Manager]

COUNCIL ANNOUNCEMENTS AND REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)
D. COMMITTEE REPORTS: (The following represent standing committees. Informative status reports will be given, as felt necessary):

**Mayor O’Malley**
1. City / Schools Committee
2. County Mayors Round Table
3. Integrated Waste Management Authority (IWMA)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

**Mayor Pro Tem Moreno**
1. California Joint Powers Insurance Authority (CJPIA) Board
2. City of Atascadero Finance Committee (Chair)
3. Economic Vitality Corporation, Board of Directors (EVC)

**Council Member Fonzi**
1. Air Pollution Control District
2. Oversight Board for Successor Agency to the Community Redevelopment Agency of Atascadero
3. SLO Local Agency Formation Commission (LAFCo)
4. City of Atascadero Design Review Committee
5. SLO County Water Resources Advisory Committee (WRAC)
6. Water Issues Liaison

**Council Member Kelley**
1. Atascadero State Hospital Advisory Committee
2. City of Atascadero Design Review Committee
3. Homeless Services Oversight Council
4. City of Atascadero Finance Committee

**Council Member Sturtevant**
1. City / Schools Committee
2. League of California Cities – Council Liaison

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

F. ADJOURNMENT

*Please note:* Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk’s office.
I, Lori M. Kudzma, Deputy City Clerk of the City of Atascadero, declare under the penalty of perjury that
the foregoing amended agenda for the February 23, 2016 Regular Session of the Atascadero City
Council was posted on February 17, 2016, at the Atascadero City Hall, 6500 Palma Avenue,
Atascadero, CA  93422 and was available for public review in the Customer Service Center at that
location.

Signed this 17th day of February, 2016, at Atascadero, California.

Lori M. Kudzma, Deputy City Clerk
City of Atascadero
City of Atascadero

**WELCOME TO THE ATASCADERO CITY COUNCIL MEETING**

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City’s website at [www.atascadero.org](http://www.atascadero.org). Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information (470-3400).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the City Clerk's office.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager’s Office or the City Clerk’s Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council’s attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk’s office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

**TO SPEAK ON AGENDA ITEMS** (from Title 2, Chapter 1 of the Atascadero Municipal Code)

Members of the audience may speak on any item on the agenda. The Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present
6. All comments limited to 3 minutes

The Mayor will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Council.
City Council Regular Session:

Successor Agency to the Community Redevelopment Agency of Atascadero:

City Council Closed Session:

REGULAR SESSION – CALL TO ORDER:

Mayor O'Malley called the meeting to order at 6:01 p.m. and Boy Scout Troop 51 led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Kelley, Fonzi, Sturtevant, Mayor Pro Tem Moreno, and Mayor O'Malley
Absent: None

Others Present: City Clerk Marcia McClure Torgerson

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Chief Jerel Haley, Fire Chief Kurt Stone, City Attorney Brian Pierik, and Deputy City Manager Lara Christensen.

APPROVAL OF AGENDA:

Mayor O’Malley stated that Boy Scout Troop 51 will be making a brief presentation about the history of their Troop.

Mayor O’Malley stated that he will be pulling Consent Calendar #1 to allow a review of the staff report and allow public comment on the item before the Council considered any action. He also said that he will have the City Clerk review the meeting history of this issue as there has been some confusion on the meetings leading up to tonight.

MOTION: By Council Member Fonzi and seconded by Council Member Sturtevant to approve the agenda as revised.

Motion passed 5:0 by a roll-call vote.

PRESENTATIONS:

Boy Scout Troop Master Sean Brown gave a presentation of the history of Troop 51. Troop Master Brown also introduced District Commissioner Don Lewis.

A. CONSENT CALENDAR:

1. Ordinance Repealing Chapter 5-13 Regarding Medical Marijuana Facilities and Adding Section 9-6.186 To Title 9 Of The Atascadero Municipal Code Prohibiting Marijuana Cultivation Facilities, Marijuana Dispensaries, Commercial Cannabis Activities, and Medical Marijuana Deliveries

   \- Fiscal Impact: None.
   \- Recommendation: Council adopt on second reading, by title only, Draft Ordinance A repealing Chapter 5-13 of the Atascadero Municipal Code regarding Medical Marijuana Facilities and adding Section 9-6.186 to Title 9 of the Atascadero Municipal Code prohibiting marijuana cultivation facilities, marijuana dispensaries, commercial cannabis activities, and medical marijuana deliveries. [Community Development]
Mayor O’Malley asked the City Clerk to review the meeting schedule on this issue, including the issues with the State of California. City Clerk Torgerson stated that she is not familiar with the State’s deadlines and involvement, but she did explain that the original scheduling of the first reading of this ordinance was scheduled for January 12, 2016. There was a mix up with the newspaper with getting the notifying in the newspaper when it was legally required for that type of hearing. As a result, the item was pulled from the meeting on January 12th. Staff could have moved the first reading to tonight, but the Council already had a Special Meeting scheduled on January 19th and staff decided that since the Council was already meeting, we should set the first reading of this ordinance before that Special Meeting, and keep the second reading on tonight’s agenda as was originally scheduled.

Mayor O’Malley asked Council Member Sturtevant to explain the League of California Cities position on this issue. Council Member Sturtevant stated the State set a deadline for cities of March 1st to have ordinances in place against cultivation. If cities do not adopt such an ordinance, the State can dictate where cultivation can occur. The California League of California Cities has recommended to cities to have ordinances in place prior to March 1st.

Community Development Director Phil Dunsmore gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Dana Holland, David May, Jim McAlister, Amber Scott, Crystal, Georgine Bratton, Julie Clark, Ernest Hall, Cory Hockman, Ky Calderon, Steven Clary, Robin Mellum, Barbara Savala, Dudley Schusterick, Bianca Goodnight, and Josh Haleron.

**Mayor O’Malley closed the Public Comment period.**

**MOTION:** By Mayor O’Malley and seconded by Council Member Fonzi to adopt on second reading, by title only, Draft Ordinance A repealing Chapter 5-13 of the Atascadero Municipal Code regarding Medical Marijuana Facilities and adding Section 9-6.186 to Title 9 of the Atascadero Municipal Code prohibiting marijuana cultivation facilities, marijuana dispensaries, commercial cannabis activities, and medical marijuana deliveries.

*Motion passed 5:0 by a roll-call vote. (Ordinance No. 593)*

Council Member Kelley stated while voting that he feels that the Council has been backed into the corner, and feels somewhat uncomfortable, but he believes that this is the position that the Council needs to take. He promised the audience that he will aggressively pursue this issue and get it cleaned up in the shortest period of time possible.

Mayor Pro Tem Moreno stated that she agrees with Council Member Kelley.

Atascadero City Council
January 26, 2016
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There was Council consensus to direct staff to return to the next Council meeting with a realistic schedule that the Council can follow to assist them in being prepared for future issues as they arise with the State.

Mayor O’Malley recessed the meeting at 8:01 p.m.
Mayor O’Malley reconvened the meeting at 8:13 p.m.

UPDATES FROM THE CITY MANAGER:

City Manager Rachelle Rickard gave an update on projects and issues within the City.

COMMUNITY FORUM:

The following citizens spoke during Community Forum: Jeff Urke, Jeremy Main, and Vicki Fogleman (Exhibit A).

Mayor O’Malley closed the COMMUNITY FORUM period.

There was Council consensus to have staff bring back to the Council the issue of Mello Roos fees included in Community Facilities District, Resolution No. 2005-001.

B. PUBLIC HEARINGS:

1. PLN 2099-0829 - Carrizo Road Tract 2625 Project Redesign and Amendments - (5310 Carrizo Rd. / 5310 Carrizo LLC / Eddings)
   - Ex-Parte Communications:
   - Fiscal Impact: the proposed project amendments will be fiscally neutral with implementation of the CFD and Homeowner’s Association to off-set maintenance costs.
   - Recommendations:
     The Planning Commission recommends the City Council:
     1. Introduce for first reading by title only, Draft Ordinance A, approving an amendment to Zone Change 2004-0078 / Zone Change 2015-0179; and,
     2. Adopt Resolution A approving amendments to Conditional Use Permit 2004-0126 based on findings and subject to Conditions of Approval; and,
     3. Adopt Resolution B approving of Lot Line Adjustment 2015-0120 based on findings and subject to Conditions of Approval; and,
     4. Adopt Resolution C approving Tree Removal Permit 2015-0193 for the removal of one (1) Coast Live Oak totaling 36-inches in DBH. [Community Development]
Ex Parte Communications
Mayor O’Malley announced that all Council Members received approximately four letters or emails on this topic.

Council Member Kelley announced that he sits on the Design Review Committee and this issue was before that Committee.

Community Development Director Phil Dunsmore gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Royce Eddings, Barry Efrim, Vicki Fogleman (Exhibit B), Jamison Warner, Ryan Smith, and John McDonald.

Mayor O’Malley closed the Public Comment period.

Mayor O’Malley recessed the meeting at 9:40 p.m.
Mayor O’Malley reconvened the meeting at 9:52 p.m.

PUBLIC COMMENT:

The following citizens spoke on this item: Royce Eddings, Barry Efrim, Jamison Warner, John McDonald and Cathy Warner.

Mayor O’Malley closed the Public Comment period.

MOTION: By Council Member Kelley and seconded by Mayor Pro Tem Moreno to:
1. Introduce for first reading by title only, Draft Ordinance A, approving an amendment to Zone Change 2004-0078 / Zone Change 2015-0179; and,
2. Adopt Resolution A approving amendments to Conditional Use Permit 2004-0126 based on findings and subject to Conditions of Approval with the following corrections and additions:
   - Condition of Approval #18 – the first sentence should begin, “Prior to issuance of first building permit,...”
   - Condition of Approval #72 – remove the second to last bullet that starts with, “Prior to either the close of sale...” and add a new bullet in its place that shall read as follows: Abandonment of the pressure wastewater system and new connections to the gravity sewer main shall be completed within 120 days after City acceptance of a public gravity sewer main extending to El Camino Real.
• Condition of Approval #78 - The Developer will enter into an agreement with neighboring Homeowners Association (HOA) for a road maintenance assurance and repair any damage caused by construction of the proposed project.

• Condition of Approval #79 - Construction related parking is prohibited along Carrizo Road for the duration of the proposed project. All construction related parking shall be accommodated within the boundaries of the proposed project and shall be enforced by the Developer’s construction manager.

• Condition of Approval #80 - Developer to install landscaped berm and drought tolerant shrubs on APN 049-311-112 (5505 Carrizo Road), if property owner at APN 049-311-112, desires, prior to the final or certificate of occupancy issuance of the first unit within the development to diffuse light and glare from new vehicular headlights,

• Condition of Approval #81 - A stop sign shall be placed at the intersection of Medio Lane and Pinion Lane. Stop sign installation shall be installed to City Standard and to the satisfaction of the City Engineer; and,

3. Adopt Resolution B approving of Lot Line Adjustment 2015-0120 based on findings and subject to Conditions of Approval; and,

4. Adopt Resolution C approving Tree Removal Permit 2015-0193 for the removal of one (1) Coast Live Oak totaling 36-inches in DBH.

Motion passed 5:0 by a roll-call vote. (#2: Resolution No. 2016-001, #3: Resolution No. 2016-002, #4: Resolution No. 2016-003)

There was Council consensus to direct staff to bring back the issue of the historical house and mitigation of Carrizo neighbors’ concerns.

MOTION: By Mayor Pro Tem Moreno and seconded by Council Member Fonzi to continue the meeting past 11:00 p.m.

Motion passed 5:0 by a voice vote.

C. MANAGEMENT REPORTS:

1. Fiscal Year 2014-2015 Audit
   - Fiscal Impact: None.
   - Recommendation: Council review and accept the financial audit for the period ended June 30, 2015. [Administrative Services]
Administrative Services Director Jeri Rangel gave the staff report and answered questions from the Council.

PUBLIC COMMENT: None

_The Council received and filed this report._

COUNCIL ANNOUNCEMENTS AND REPORTS:

Mayor O’Malley appointed Council Member Kelley and himself to address homeless issues and warming stations in Atascadero.

D. COMMITTEE REPORTS: None

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURN TO SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF ATASCADERO MEETING

Mayor O’Malley adjourned the meeting of the City Council to the Successor Agency meeting at 11:04 p.m.

G. CITY COUNCIL CLOSED SESSION:

Mayor O’Malley announced at 11:08 p.m. that the Council is going into Closed Session.

1. CLOSED SESSION -- PUBLIC COMMENT - None

2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION

3. CLOSED SESSION -- CALL TO ORDER

   a. Conference with Legal Counsel – Anticipated Litigation
      Initiation of litigation pursuant to Government Code Section 54956.9 (d)(4) - one case.

4. CLOSED SESSION – ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS
6. CLOSED SESSION – REPORT

The City Attorney reported that the City Council authorized the filing of litigation. He explained that the nature of the litigation, and the parties, will be disclosed if and when the litigation is filed.

H. ADJOURNMENT

Mayor O’Malley adjourned the meeting at 11:27 p.m.

MINUTES PREPARED BY:

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

The following exhibit is available for review in the City Clerk’s office:

Exhibit A – Handout by Vicki Fogleman regarding Mello Roos
Exhibit B – Handout by Vicki Fogleman
SPECIAL MEETING
ATASCADERO CITY COUNCIL

Friday, January 29, 2016, 6:00 P.M.
Saturday, January 30, 2016, 8:30 A.M.

City Hall – Council Chambers
6500 Palma Avenue, Atascadero (Enter on Lewis Avenue)

Strategic Planning Workshop

DRAFT MINUTES

FRIDAY, JANUARY 29, 2016, 6:00 P.M.

Mayor O’Malley called the meeting to order at 6:00 p.m.

ROLL CALL:

Present: Council Members Kelley, Fonzi, Sturtevant, Mayor Pro Tem Moreno, and Mayor O’Malley

Absent: None

Others Present: City Clerk Marcia McClure Torgerson

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Chief Jerel Haley, Fire Chief Kurt Stone, City Attorney Brian Pierik, Deputy City Manager Terrie Banish, and Deputy City Manager Lara Christensen.

Facilitators: Matthew Landkamer and Craig Trames of the Coraggio Group
COMMUNITY FORUM:

The following citizens spoke during Community Forum: Joni Walter, Paul Murphy and Don Lynch.

Mayor O’Malley closed the COMMUNITY FORUM period.

COUNCIL WORKSHOP – STRATEGIC PLANNING

1. **Strategic Planning 2015-2016 Update on Council Goals**
   - Recommendation: Council receive and file this report.

City Manager Rickard welcomed everyone to the Strategic Planning Workshop, reviewed the City’s Mission Statement and the update staff report of the Council’s Goals. She also answered questions from the Council regarding the Update Report.

**Mayor O’Malley recessed the meeting at 8:05 p.m.**
**Mayor O’Malley reconvened the meeting at 8:15 p.m.**

Facilitators Matthew Landkamer and Craig Trames led the Council through an exercise to prepare them for strategic thinking at tomorrow’s meeting. The Council listed issues affecting Atascadero under each of the following categories:

- ✓ Political / Regulatory Trends
- ✓ Economic / Business Trends
- ✓ Social / Demographic Trends

ADJOURNMENT:

Mayor O’Malley adjourned the meeting at 9:00 p.m. to Saturday, January 30, 2016, at 8:30 a.m. to continue the Strategic Planning Workshop.

SATURDAY, JANUARY 30, 2016, 8:30 A.M.

Mayor O’Malley called the meeting to order at 8:40 a.m.

ROLL CALL:

Present: Council Members Kelley, Fonzi, Sturtevant, Mayor Pro Tem Moreno, and Mayor O’Malley
Absent: None

Others Present: City Clerk Marcia McClure Torgerson

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Public Works Director Nick DeBar, Police Chief Jerel Haley, Fire Chief Kurt Stone, City Attorney Brian Pierik, Deputy City Manager Terrie Banish, and Deputy City Manager Lara Christensen.

Facilitators: Matthew Landkamer and Craig Trames of the Coraggio Group

**COUNCIL WORKSHOP – STRATEGIC PLANNING**

The Workshop began with a presentation by Fire Marshall Tom Peterson on the topic of Code Enforcement. He clarified the difference between code enforcement and new development assistance:

- ✓ New development assistance: Assisting and Applicant with complying to their plans and City Codes to achieve their final occupancy.
- ✓ Code enforcement: Staff responding to a complaint about a possible Code violation. If valid, staff pursues compliance.

*Mayor O’Malley recessed the meeting at 10:03 a.m.*

*Mayor O’Malley reconvened the meeting at 10:12 a.m.*

There was a lengthy discussion on the issues of Code enforcement and new development assistance.

*There was Council consensus that they want consistency, seamless, timely/responsive and collaborative action.*

*Mayor O’Malley recessed the meeting at 11:03 a.m.*

*Mayor O’Malley reconvened the meeting at 11:12 a.m.*

The Facilitators led the Council on a review of the Council Norms where they made a few changes.

Next, the Council discussed future economic development in Atascadero and agreed we should develop intentionally and authentically. They also discussed other issues of concern such as staffing and resources, roads, fees, and zoning.
ADJOURNMENT:

Mayor O’Malley adjourned the meeting at 1:45 p.m. to the next Regular Session.

MINUTES PREPARED BY:

Marcia McClure Torgerson, C.M.C.
City Clerk
December 2015 Investment Report

RECOMMENDATION:
Council receive and file the City Treasurer's report for quarter ending December 2015.

REPORT IN BRIEF:

<table>
<thead>
<tr>
<th>Cash and Investments</th>
<th>$1,481,481</th>
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<tbody>
<tr>
<td>Checking</td>
<td>16,913</td>
</tr>
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<td>Zoo Credit Card Deposit Account</td>
<td>11,452,551</td>
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<tr>
<td>Money Market Accounts</td>
<td>36,128</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
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<tr>
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<td>9,492,627</td>
</tr>
<tr>
<td>LAIF</td>
<td>2,291,783</td>
</tr>
</tbody>
</table>

Cash in Banks at December 31, 2015: $38,106,961
Outstanding Checks: (350,966)
Cash and Investments at December 31, 2015: $37,755,995

Investment Activity

Securities Purchased:

<table>
<thead>
<tr>
<th>Purchase Date</th>
<th>Description</th>
<th>Type</th>
<th>Cost</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/05/15</td>
<td>FNMA</td>
<td>Government</td>
<td>$995,150</td>
<td>06/22/20</td>
</tr>
<tr>
<td></td>
<td>CUSIP #3135G0D75</td>
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</tr>
<tr>
<td>11/05/15</td>
<td>FNMA</td>
<td>Government</td>
<td>990,230</td>
<td>11/30/20</td>
</tr>
<tr>
<td></td>
<td>CUSIP #3135G0F73</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>11/20/15</td>
<td>FNMA</td>
<td>Government</td>
<td>492,584</td>
<td>11/30/20</td>
</tr>
<tr>
<td></td>
<td>CUSIP #3135G0F73</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>11/12/15</td>
<td>Enerbank</td>
<td>Certificate of Deposit</td>
<td>245,000</td>
<td>11/12/20</td>
</tr>
<tr>
<td></td>
<td>Salt Lake City, UT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/17/15</td>
<td>Bridgewater Bank</td>
<td>Certificate of Deposit</td>
<td>245,000</td>
<td>05/15/20</td>
</tr>
<tr>
<td></td>
<td>Bloomington, MN</td>
<td></td>
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</tr>
<tr>
<td>11/20/15</td>
<td>Frontier Bank</td>
<td>Certificate of Deposit</td>
<td>245,000</td>
<td>11/20/19</td>
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<tr>
<td></td>
<td>Madison, NE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11/20/15</td>
<td>Washington Trust</td>
<td>Certificate of Deposit</td>
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<td>01/21/20</td>
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<tr>
<td></td>
<td>Westerly, RI</td>
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</table>
### Investment Activity (continued)

#### Securities Purchased (continued):

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
<th>Type</th>
<th>Original Cost</th>
<th>Maturity Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/20/15</td>
<td>FNMA CUSIP #3136G0W23</td>
<td>Government Security</td>
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<td>04/30/20</td>
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<tr>
<td>11/20/15</td>
<td>FHLMC CUSIP #3134G33Z1</td>
<td>Government Security</td>
<td>$550,361</td>
<td>07/30/20</td>
</tr>
<tr>
<td>11/20/15</td>
<td>First Business Bank</td>
<td>Certificate of Deposit</td>
<td>$245,000</td>
<td>11/20/20</td>
</tr>
<tr>
<td></td>
<td>Madison, WI</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/10/15</td>
<td>Two Rivers Community</td>
<td>Certificate of Deposit</td>
<td>$245,000</td>
<td>12/10/20</td>
</tr>
<tr>
<td></td>
<td>Middletown, NJ</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12/24/15</td>
<td>Celtic Bank Salt Lake City, UT</td>
<td>Certificate of Deposit</td>
<td>$245,000</td>
<td>12/24/20</td>
</tr>
<tr>
<td>12/28/15</td>
<td>Citizens State Bank Lacrosse, WI</td>
<td>Certificate of Deposit</td>
<td>$245,000</td>
<td>12/28/20</td>
</tr>
<tr>
<td>12/29/15</td>
<td>First International Bank</td>
<td>Certificate of Deposit</td>
<td>$245,000</td>
<td>12/29/20</td>
</tr>
<tr>
<td></td>
<td>Watford City, ND</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Securities Matured:

<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>Description</th>
<th>Type</th>
<th>Original Cost</th>
<th>Amount Matured</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/16/15</td>
<td>FFCB CUSIP #31331J2S1</td>
<td>Government Security</td>
<td>$497,370</td>
<td>500,000</td>
</tr>
<tr>
<td>12/15/15</td>
<td>FHLB CUSIP #313371MA1</td>
<td>Government Security</td>
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<td>500,000</td>
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<tr>
<td>12/15/15</td>
<td>FHLB CUSIP #313371MA1</td>
<td>Government Security</td>
<td>$487,880</td>
<td>500,000</td>
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CITY OF ATASCADERO  
TREASURER'S REPORT  
CASH & INVESTMENTS ACTIVITY SUMMARY  
for the quarter ending December 31, 2015

<table>
<thead>
<tr>
<th>CHECKING ACCOUNTS</th>
<th>INVESTMENTS</th>
<th>FISCAL AGENT</th>
<th>TOTALS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Balance per Banks at October 1, 2015</strong></td>
<td><strong>$ 235,554</strong></td>
<td><strong>$ 32,106,034</strong></td>
<td><strong>$ 2,881,732</strong></td>
</tr>
<tr>
<td><strong>Receipts</strong></td>
<td><strong>8,447,616</strong></td>
<td><strong>91,045</strong></td>
<td><strong>4,157</strong></td>
</tr>
<tr>
<td><strong>Recognition of Premiums &amp; Discounts</strong></td>
<td><strong>(34,917)</strong></td>
<td><strong>-</strong></td>
<td><strong>(34,917)</strong></td>
</tr>
<tr>
<td><strong>Disbursements</strong></td>
<td><strong>(5,030,154)</strong></td>
<td><strong>(594,106)</strong></td>
<td><strong>(5,624,260)</strong></td>
</tr>
<tr>
<td><strong>Transfers In</strong></td>
<td><strong>6,796,433</strong></td>
<td><strong>8,951,055</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Transfers Out</strong></td>
<td><strong>(8,951,055)</strong></td>
<td><strong>(6,796,433)</strong></td>
<td><strong>-</strong></td>
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<tr>
<td><strong>Balance per Banks at December 31, 2015</strong></td>
<td><strong>$ 1,498,394</strong></td>
<td><strong>$ 34,316,784</strong></td>
<td><strong>$ 2,291,783</strong></td>
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<tr>
<td><strong>Deposits in Transit</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
</tr>
<tr>
<td><strong>Outstanding Checks</strong></td>
<td><strong>(350,966)</strong></td>
<td><strong>-</strong></td>
<td><strong>-</strong></td>
</tr>
</tbody>
</table>

**Adjusted Treasurer's Balance**  

$ 37,755,995
<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>Description (Issuer)</th>
<th>Purchase Date</th>
<th>Investment Type</th>
<th>Investment Rating</th>
<th>Stated % Rate</th>
<th>Yield</th>
<th>Face Value</th>
<th>Premium/Discount</th>
<th>Cost of Investment</th>
<th>Market Value</th>
<th>Unrealized Gain/(Loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>Local Agency Invest. Fund (LAIF)</td>
<td>n/a</td>
<td>State Investment Fund</td>
<td>n/a</td>
<td>n/a</td>
<td>0.40%</td>
<td>$9,492,627</td>
<td>n/a</td>
<td>$9,492,627</td>
<td>$9,484,909</td>
<td>$(7,718)</td>
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<tr>
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<td>n/a</td>
<td>Money Fund</td>
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<td>n/a</td>
<td>Vary</td>
<td>36,128</td>
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<td>36,128</td>
<td>36,128</td>
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<tr>
<td>01/07/16</td>
<td>World Financial Capital Bank Salt Lake City, UT</td>
<td>03/02/11</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>2.00%</td>
<td>2.00%</td>
<td>190,000</td>
<td>n/a</td>
<td>190,000</td>
<td>190,000</td>
<td>-</td>
</tr>
<tr>
<td>06/07/16</td>
<td>Scotiabank San Juan, PR</td>
<td>06/07/13</td>
<td>Certificate of Deposit</td>
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<td>0.70%</td>
<td>0.70%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>245,082</td>
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<td>08/25/16</td>
<td>Federal Home Loan Mtge Corp CUSIP #3137EACW7</td>
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<td>Government Security</td>
<td>Aaa</td>
<td>2.00%</td>
<td>1.01%</td>
<td>500,000</td>
<td>3,210</td>
<td>503,210</td>
<td>504,025</td>
<td>815</td>
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<td>Federal Home Loan Bank CUSIP #31337OTW8</td>
<td>10/14/11</td>
<td>Government Security</td>
<td>Aaa</td>
<td>2.00%</td>
<td>1.10%</td>
<td>275,000</td>
<td>1,706</td>
<td>276,706</td>
<td>277,310</td>
<td>604</td>
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<td>Federal National Mortgage Assn CUSIP #3135G0CM3</td>
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<td>Government Security</td>
<td>Aaa</td>
<td>1.25%</td>
<td>1.07%</td>
<td>500,000</td>
<td>655</td>
<td>500,655</td>
<td>501,810</td>
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<td>10/15/16</td>
<td>First Sentry Bank, Inc. Huntington, WV</td>
<td>10/05/11</td>
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<td>1.30%</td>
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<td>n/a</td>
<td>245,000</td>
<td>245,901</td>
<td>901</td>
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<tr>
<td>11/15/16</td>
<td>Federal National Mortgage Assn CUSIP #3135G0ES8</td>
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<td>Government Security</td>
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<td>1.38%</td>
<td>1.10%</td>
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<td>1,198</td>
<td>501,198</td>
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<td>Banco Popular de Puerto Rico Hato Rey, PR</td>
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<td>0.90%</td>
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<td>245,000</td>
<td>245,087</td>
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<td>Barclays Bank Wilmington, DE</td>
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<td>2.00%</td>
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<td>245,000</td>
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<tr>
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<td>Government Security</td>
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<td>1.00%</td>
<td>500,000</td>
<td>1,328</td>
<td>501,328</td>
<td>501,875</td>
<td>547</td>
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<td>02/10/17</td>
<td>Cardinal Bank McLean, VA</td>
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<td>1.20%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>245,615</td>
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<td>02/16/17</td>
<td>Thomasville National Bank Thomasville, GA</td>
<td>02/16/12</td>
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<td>1.00%</td>
<td>1.00%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>245,059</td>
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<tr>
<td>04/10/17</td>
<td>Federal Home Loan Bank CUSIP #313378SM4</td>
<td>05/02/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.32%</td>
<td>0.91%</td>
<td>500,000</td>
<td>2,570</td>
<td>502,570</td>
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<td>04/27/17</td>
<td>Federal National Mortgage Assn CUSIP #3135GOJA2</td>
<td>06/11/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.13%</td>
<td>0.76%</td>
<td>500,000</td>
<td>2,382</td>
<td>502,382</td>
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<td>06/11/12</td>
<td>Government Security</td>
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<td>1.25%</td>
<td>0.78%</td>
<td>$500,000</td>
<td>$3,166</td>
<td>$503,166</td>
<td>$500,775</td>
<td>$(2,391)</td>
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<tr>
<td>MATURITY DATE</td>
<td>DESCRIPTION (ISSUER)</td>
<td>PURCHASE DATE</td>
<td>INVESTMENT TYPE</td>
<td>INVESTMENT RATING</td>
<td>STATED % RATE</td>
<td>YIELD</td>
<td>FACE VALUE</td>
<td>PREMIUM/ (DISCOUNT)</td>
<td>COST OF INVESTMENT</td>
<td>MARKET VALUE</td>
<td>UNREALIZED GAIN / (LOSS)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
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<td>-------------------</td>
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<td>-----------</td>
<td>---------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>--------------------------</td>
</tr>
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<td>05/12/17</td>
<td>Federal Home Loan Mtge Corp</td>
<td>06/29/12</td>
<td>Government Security</td>
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<td>1.25%</td>
<td>0.78%</td>
<td>500,000</td>
<td>3,190</td>
<td>503,190</td>
<td>500,775</td>
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<tr>
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<td>Federal Home Loan Bank</td>
<td>07/24/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.00%</td>
<td>0.70%</td>
<td>500,000</td>
<td>2,151</td>
<td>502,151</td>
<td>499,895</td>
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<td>06/19/17</td>
<td>Federal Home Loan Bank</td>
<td>07/24/12</td>
<td>Government Security</td>
<td>Aaa</td>
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<td>0.70%</td>
<td>500,000</td>
<td>2,259</td>
<td>502,259</td>
<td>500,285</td>
<td>(1,974)</td>
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<td>Federal Home Loan Mtge Corp</td>
<td>08/29/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.00%</td>
<td>0.74%</td>
<td>500,000</td>
<td>2,035</td>
<td>502,035</td>
<td>499,170</td>
<td>(2,865)</td>
</tr>
<tr>
<td>09/08/17</td>
<td>Federal Home Loan Bank</td>
<td>09/27/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>0.75%</td>
<td>0.74%</td>
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<td>86</td>
<td>500,086</td>
<td>496,810</td>
<td>(3,276)</td>
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<tr>
<td>09/21/17</td>
<td>Federal Farm Credit Bank</td>
<td>09/27/12</td>
<td>Government Security</td>
<td>Aaa</td>
<td>0.83%</td>
<td>0.73%</td>
<td>500,000</td>
<td>856</td>
<td>500,856</td>
<td>497,905</td>
<td>(2,951)</td>
</tr>
<tr>
<td>11/21/17</td>
<td>Goldman Sachs Bank USA</td>
<td>11/21/12</td>
<td>Certificate of Deposit</td>
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<td>1.35%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>244,615</td>
<td>(385)</td>
</tr>
<tr>
<td>03/26/18</td>
<td>Ally Bank</td>
<td>09/24/15</td>
<td>Certificate of Deposit</td>
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<td>244,236</td>
<td>(764)</td>
</tr>
<tr>
<td>05/02/18</td>
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<td>05/02/13</td>
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<td>1.10%</td>
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<td>245,000</td>
<td>243,694</td>
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<tr>
<td>05/03/18</td>
<td>First Bank</td>
<td>05/03/13</td>
<td>Certificate of Deposit</td>
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<td>1.00%</td>
<td>1.00%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>243,679</td>
<td>(1,321)</td>
</tr>
<tr>
<td>05/29/18</td>
<td>Discover Bank</td>
<td>05/29/13</td>
<td>Certificate of Deposit</td>
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<td>1.20%</td>
<td>1.20%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>242,347</td>
<td>(2,653)</td>
</tr>
<tr>
<td>05/30/18</td>
<td>Beal Bank</td>
<td>05/29/13</td>
<td>Certificate of Deposit</td>
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<td>1.00%</td>
<td>1.00%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>241,190</td>
<td>(3,810)</td>
</tr>
<tr>
<td>06/27/18</td>
<td>Beal Bank</td>
<td>06/26/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.00%</td>
<td>1.00%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>242,954</td>
<td>(2,046)</td>
</tr>
<tr>
<td>07/24/18</td>
<td>Compass Bank</td>
<td>07/24/13</td>
<td>Certificate of Deposit</td>
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<td>1.70%</td>
<td>1.70%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>246,862</td>
<td>1,862</td>
</tr>
<tr>
<td>07/24/18</td>
<td>Mercantil Bank</td>
<td>07/24/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.75%</td>
<td>1.75%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>246,311</td>
<td>1,311</td>
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</tbody>
</table>
### CITY OF ATASCADERO INVESTMENT REPORT
#### December 31, 2015

<table>
<thead>
<tr>
<th>Maturity Date</th>
<th>Description (Issuer)</th>
<th>Purchase Date</th>
<th>Investment Type</th>
<th>Investment Rating</th>
<th>Stated % Rate</th>
<th>Yield</th>
<th>Face Value</th>
<th>Premium/Discount</th>
<th>Cost of Investment</th>
<th>Market Value</th>
<th>Unrealized Gain/(Loss)</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/21/18</td>
<td>Institution for Savings Newburyport, MA</td>
<td>08/21/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.60%</td>
<td>1.60%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$246,098</td>
<td>$1,098</td>
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<tr>
<td>08/23/18</td>
<td>Merchants National Bank Hillsboro, OH</td>
<td>08/23/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.60%</td>
<td>1.60%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$246,088</td>
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<tr>
<td>09/18/18</td>
<td>York Traditions Bank York, PA</td>
<td>09/18/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.80%</td>
<td>1.80%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$245,086</td>
<td>86</td>
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<tr>
<td>09/25/18</td>
<td>Third Federal Savings &amp; Loan Cleveland, OH</td>
<td>09/25/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.90%</td>
<td>1.90%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$246,330</td>
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<tr>
<td>10/15/18</td>
<td>Delta National Bank &amp; Trust New York, NY</td>
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<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.75%</td>
<td>1.90%</td>
<td>$245,000</td>
<td>(981)</td>
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<td>$244,527</td>
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<td>Sallie Mae Bank Salt Lake City, UT</td>
<td>10/23/13</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>2.05%</td>
<td>1.90%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$246,161</td>
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<tr>
<td>11/28/18</td>
<td>Morton Community Bank Salt Lake City, UT</td>
<td>09/28/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.30%</td>
<td>1.30%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,277</td>
<td>(723)</td>
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<tr>
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<td>Martin Business Bank Hillsboro, OH</td>
<td>09/25/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.40%</td>
<td>1.40%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,258</td>
<td>(742)</td>
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<tr>
<td>01/28/19</td>
<td>Gold Coast Bank Chicago, IL</td>
<td>10/09/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.75%</td>
<td>1.75%</td>
<td>$240,000</td>
<td>n/a</td>
<td>$240,000</td>
<td>$238,200</td>
<td>(1,800)</td>
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<tr>
<td>02/21/19</td>
<td>Federal Home Loan Mtge Corp CUSIP #3134G3PA2</td>
<td>09/18/15</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.70%</td>
<td>1.25%</td>
<td>$1,000,000</td>
<td>13,612</td>
<td>$1,013,612</td>
<td>$1,006,680</td>
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<tr>
<td>05/14/19</td>
<td>Cit Bank Salt Lake City, UT</td>
<td>05/14/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.95%</td>
<td>1.95%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,838</td>
<td>(162)</td>
</tr>
<tr>
<td>05/21/19</td>
<td>Minnwest Bank Sioux Falls, SD</td>
<td>05/21/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.90%</td>
<td>1.90%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,873</td>
<td>(127)</td>
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<tr>
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<td>Bar Harbor Bar Harbor, ME</td>
<td>09/30/14</td>
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<td>n/a</td>
<td>1.85%</td>
<td>1.85%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$243,528</td>
<td>(1,472)</td>
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<tr>
<td>06/18/19</td>
<td>Community One Bank New York, NY</td>
<td>06/18/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.70%</td>
<td>1.70%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,598</td>
<td>(402)</td>
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<tr>
<td>06/27/19</td>
<td>Synchrony Bank Salt Lake City, UT</td>
<td>06/27/14</td>
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<td>n/a</td>
<td>2.05%</td>
<td>2.05%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,459</td>
<td>(541)</td>
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<tr>
<td>07/24/19</td>
<td>American Express Salt Lake City, UT</td>
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<td>2.00%</td>
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<td>n/a</td>
<td>$245,000</td>
<td>$244,427</td>
<td>(573)</td>
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<tr>
<td>MATURITY DATE</td>
<td>DESCRIPTION (ISSUER)</td>
<td>PURCHASE DATE</td>
<td>INVESTMENT TYPE</td>
<td>INVESTMENT RATING</td>
<td>STATED % RATE</td>
<td>YIELD</td>
<td>FACE VALUE</td>
<td>PREMIUM/ (DISCOUNT)</td>
<td>COST OF INVESTMENT</td>
<td>MARKET VALUE</td>
<td>UNREALIZED GAIN / (LOSS)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>-------</td>
<td>------------</td>
<td>---------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>07/25/19</td>
<td>NCB FSB Hillsboro, OH</td>
<td>07/25/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.80%</td>
<td>1.80%</td>
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<td>$245,000</td>
<td>$244,836</td>
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</tr>
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<td>NBT Bank Norwich, NY</td>
<td>08/13/14</td>
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<td>2.00%</td>
<td>$245,000</td>
<td>n/a</td>
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<td>$244,280</td>
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</tr>
<tr>
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<td>Webster Bank Waterbury, CT</td>
<td>08/20/14</td>
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<td>n/a</td>
<td>1.90%</td>
<td>1.90%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,140</td>
<td>$ (860)</td>
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<td>Capital One Bank Glen Allen, VA</td>
<td>09/24/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>2.05%</td>
<td>2.05%</td>
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<td>n/a</td>
<td>$245,000</td>
<td>$243,871</td>
<td>$ (1,129)</td>
</tr>
<tr>
<td>09/30/19</td>
<td>Safra National Bank New York, NY</td>
<td>10/09/14</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>2.00%</td>
<td>2.00%</td>
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<td>n/a</td>
<td>$245,000</td>
<td>$243,866</td>
<td>$ (1,134)</td>
</tr>
<tr>
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<td>Frontier Bank Omaha, NE</td>
<td>11/20/15</td>
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<td>n/a</td>
<td>1.50%</td>
<td>1.50%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$243,383</td>
<td>$ (1,617)</td>
</tr>
<tr>
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<td>Washington Trust Westerly, RI</td>
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<td>1.50%</td>
<td>1.50%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$242,989</td>
<td>$ (2,011)</td>
</tr>
<tr>
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<td>09/18/15</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.65%</td>
<td>1.65%</td>
<td>$1,000,000</td>
<td>142</td>
<td>$1,000,142</td>
<td>$966,250</td>
<td>$ (3,892)</td>
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<td>Government Security</td>
<td>Aaa</td>
<td>1.50%</td>
<td>1.66%</td>
<td>$695,000</td>
<td>(4,629)</td>
<td>$690,371</td>
<td>$684,700</td>
<td>$ (5,671)</td>
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<td>Bridgewater Bank Bloomington, MN</td>
<td>11/17/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.45%</td>
<td>1.45%</td>
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<td>n/a</td>
<td>$245,000</td>
<td>$242,998</td>
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<td>Federal National Mortgage Assn CUSIP #313500D75</td>
<td>11/05/15</td>
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<td>1.50%</td>
<td>1.61%</td>
<td>$1,000,000</td>
<td>(4,685)</td>
<td>$995,315</td>
<td>$987,550</td>
<td>$ (7,765)</td>
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<td>Federal Home Loan Mtge Corp CUSIP #3134G33Z1</td>
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<td>1.55%</td>
<td>1.74%</td>
<td>$555,000</td>
<td>(4,533)</td>
<td>$550,467</td>
<td>$548,112</td>
<td>$ (2,355)</td>
</tr>
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<td>Capital One Bank McLean, VA</td>
<td>09/23/15</td>
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<td>2.30%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$244,062</td>
<td>$ (938)</td>
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<td>2.20%</td>
<td>2.20%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$243,905</td>
<td>$ (1,095)</td>
</tr>
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<td>Certificate of Deposit</td>
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<td>1.80%</td>
<td>1.80%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$243,035</td>
<td>$ (1,965)</td>
</tr>
<tr>
<td>11/20/20</td>
<td>First Business Bank Madison, WI</td>
<td>11/20/15</td>
<td>Certificate of Deposit</td>
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<td>1.80%</td>
<td>1.80%</td>
<td>$245,000</td>
<td>n/a</td>
<td>$245,000</td>
<td>$242,984</td>
<td>$ (2,016)</td>
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<tr>
<td>MATURITY DATE</td>
<td>DESCRIPTION (ISSUER)</td>
<td>PURCHASE DATE</td>
<td>INVESTMENT TYPE</td>
<td>INVESTMENT RATING</td>
<td>STATED % RATE</td>
<td>YIELD</td>
<td>FACE VALUE</td>
<td>PREMIUM/ DISCOUNT</td>
<td>COST OF INVESTMENT</td>
<td>MARKET VALUE</td>
<td>UNREALIZED GAIN / (LOSS)</td>
</tr>
<tr>
<td>---------------</td>
<td>----------------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>-------------------</td>
<td>---------------</td>
<td>-------</td>
<td>------------</td>
<td>------------------</td>
<td>-------------------</td>
<td>--------------</td>
<td>------------------------</td>
</tr>
<tr>
<td>11/30/20</td>
<td>Federal National Mortgage Assn CUSIP #3135GOF73</td>
<td>11/05/15</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.50%</td>
<td>1.70%</td>
<td>$1,000,000</td>
<td>$(9,496)</td>
<td>$990,504</td>
<td>$987,141</td>
<td>$(3,363)</td>
</tr>
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<td>Federal National Mortgage Assn CUSIP #3135GOF73</td>
<td>11/20/15</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.50%</td>
<td>1.81%</td>
<td>500,000</td>
<td>(7,258)</td>
<td>492,742</td>
<td>486,204</td>
<td>(6,538)</td>
</tr>
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<td>12/10/20</td>
<td>Two Rivers Community Bank Middletown, NJ</td>
<td>12/10/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.75%</td>
<td>1.75%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>242,942</td>
<td>(2,058)</td>
</tr>
<tr>
<td>12/24/20</td>
<td>Celtic Bank Salt Lake City, UT</td>
<td>12/24/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.85%</td>
<td>1.85%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>242,729</td>
<td>(2,271)</td>
</tr>
<tr>
<td>12/28/20</td>
<td>Federal National Mortgage Assn CUSIP #3135G0H55</td>
<td>11/20/15</td>
<td>Government Security</td>
<td>Aaa</td>
<td>1.50%</td>
<td>1.81%</td>
<td>800,000</td>
<td>(935)</td>
<td>799,065</td>
<td>799,568</td>
<td>503</td>
</tr>
<tr>
<td>12/28/20</td>
<td>Citizens State Bank Lacrosse, WI</td>
<td>12/28/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.85%</td>
<td>1.85%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>242,699</td>
<td>(2,301)</td>
</tr>
<tr>
<td>12/29/20</td>
<td>First International Bank Watford City, ND</td>
<td>12/29/15</td>
<td>Certificate of Deposit</td>
<td>n/a</td>
<td>1.85%</td>
<td>1.85%</td>
<td>245,000</td>
<td>n/a</td>
<td>245,000</td>
<td>244,427</td>
<td>(573)</td>
</tr>
</tbody>
</table>

Total Funds Managed by the City: $34,308,755 | 8,029 | 34,316,784 | 34,228,970 | (87,814)

Funds Managed by Fiscal Agent:

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<tr>
<th>n/a</th>
<th>BNY Western Trust Hamilton Treas. Money</th>
<th>n/a</th>
<th>Treasury Fund</th>
<th>Aaa</th>
<th>n/a</th>
<th>1.09%</th>
<th>$1,415,349</th>
<th>n/a</th>
<th>$1,415,349</th>
<th>$2,007,757</th>
<th>$592,408</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>BNY Western Trust Hamilton Treas. Money</td>
<td>n/a</td>
<td>Treasury Fund</td>
<td>Aaa</td>
<td>n/a</td>
<td>0.88%</td>
<td>876,434</td>
<td>n/a</td>
<td>876,434</td>
<td>875,359</td>
<td>(1,075)</td>
</tr>
</tbody>
</table>

Total Funds Managed by Fiscal Agent: $2,291,783 | n/a | 2,291,783 | 2,883,116 | (1,075)

$36,600,538 | $8,029 | $36,608,567 | $37,112,086 | (88,889)

Average Maturity of Total Portfolio 816 Days
Weighted Average Yield of Total Portfolio 1.18%

Certification:
It has been verified that this investment portfolio is in conformity with the City of Atascadero's investment policy, which was approved by the City Council on February 22, 2011. The City Treasurer certifies that there is sufficient liquidity to meet the City of Atascadero's estimated future expenditures for a period of six months.

Verified by: [Signature]
Jeri Rangel - Director of Administrative Services

Approved by: [Signature]
Gere Sibbeek - City Treasurer
City of Atascadero
Investments by Type
December 2015

<table>
<thead>
<tr>
<th>Investment</th>
<th>December 2015</th>
</tr>
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<tbody>
<tr>
<td>LAIF</td>
<td>$ 9,492,627</td>
</tr>
<tr>
<td>Certificates of Deposit</td>
<td>11,452,551</td>
</tr>
<tr>
<td>Government Securities</td>
<td>13,335,478</td>
</tr>
<tr>
<td>Cash with Fiscal Agent</td>
<td>2,291,783</td>
</tr>
<tr>
<td>Other</td>
<td>36,128</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$ 36,608,567</strong></td>
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</table>
City of Atascadero
Investments by Maturity *
December 2015

<table>
<thead>
<tr>
<th>Investment</th>
<th>December 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>On Demand</td>
<td>$9,528,755</td>
</tr>
<tr>
<td>Within One Month</td>
<td>190,000</td>
</tr>
<tr>
<td>One Month to One Year</td>
<td>2,761,769</td>
</tr>
<tr>
<td>One to Five Years</td>
<td>21,836,260</td>
</tr>
<tr>
<td></td>
<td><strong>$34,316,784</strong></td>
</tr>
</tbody>
</table>

* Cash with fiscal agent is not included in the totals for this graph because the amounts are restricted based on bond covenants, and therefore, the City doesn't retain the option to liquefy these funds at will.
City of Atascadero
Investments by Custodial Agent
December 2015

<table>
<thead>
<tr>
<th>Custodial Agent</th>
<th>December 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>State of California</td>
<td>$ 9,492,627</td>
</tr>
<tr>
<td>Union Bank</td>
<td>24,824,157</td>
</tr>
<tr>
<td>Bank of New York</td>
<td>2,291,783</td>
</tr>
<tr>
<td></td>
<td><strong>$ 36,608,567</strong></td>
</tr>
</tbody>
</table>
City of Atascadero
Investment Yield vs. 2-Year Treasury Yield
For the Quarter Ended December 31, 2015

<table>
<thead>
<tr>
<th>Date</th>
<th>City Yield</th>
<th>2-Yr Treasury Weighted Portfolio Yield</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 2013</td>
<td>0.98%</td>
<td>0.35%</td>
</tr>
<tr>
<td>March 2014</td>
<td>0.95%</td>
<td>0.37%</td>
</tr>
<tr>
<td>June 2014</td>
<td>0.92%</td>
<td>0.40%</td>
</tr>
<tr>
<td>September 2014</td>
<td>1.11%</td>
<td>0.43%</td>
</tr>
<tr>
<td>December 2014</td>
<td>1.04%</td>
<td>0.36%</td>
</tr>
<tr>
<td>March 2015</td>
<td>1.01%</td>
<td>0.47%</td>
</tr>
<tr>
<td>June 2015</td>
<td>0.81%</td>
<td>0.53%</td>
</tr>
<tr>
<td>September 2015</td>
<td>1.01%</td>
<td>0.53%</td>
</tr>
<tr>
<td>December 2015</td>
<td>1.18%</td>
<td>0.66%</td>
</tr>
</tbody>
</table>
Atascadero City Council

Staff Report – Public Works Department

Lake View Drive Pavement Rehabilitation Construction Award
City Bid No. 2015-001

RECOMMENDATIONS:

Council:

1. Award the Lake View Drive Pavement Rehabilitation Base Bid and Bid Alternate in the total amount of $284,360.00 to Viborg Sand and Gravel, Inc.; and,

2. Authorize the City Manager to execute a contract with Viborg Sand and Gravel, Inc., in the amount of $284,360.00, for construction of the Lake View Drive Pavement Rehabilitation Project; and,

3. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the project.

DISCUSSION:

Background:
Lake View Drive is a City-maintained residential roadway running north to south along the eastern edge of Atascadero Lake. Additional Right-of-Way improvements include an existing decomposed granite walkway along the western roadway edge and public exercise equipment. The current roadway Pavement Condition Index (PCI) is 43 out of 100, with the southernmost 700 feet near Santa Rosa Road in considerably worse condition due to drainage issues.

The Lake View Drive project scope includes full pavement replacement and drainage improvements at the southern segment, asphalt overlay throughout the project limits, pavement restriping, addition of asphalt dikes at several locations, and improvement of the existing decomposed granite pathway. City staff completed the project Bid Documents and will perform construction administration and inspection services.
During construction, some inconvenience is expected to vehicular and pedestrian traffic along Lake View Drive. The contractor will be required to prepare a traffic control plan and City staff will work with the contractor to minimize travel delays. Property owners on Lake View Drive will be notified of the construction schedule prior to work beginning.

The project is included in the adopted FY 2015-2017 Budget. Total project is a combination of $344,840 in General Capital Improvement funds and $66,120 of Proposition 1B State Grant funding.

Analysis:
The project was advertised for a minimum of 30 days, starting December 29, 2015, with the bid opening January 28, 2016. A total of 11 bids were received for this project. The Bid Form included a Base Bid and a Bid Alternate Schedule. The Bid Alternate included additional storm drainage improvements and pathway reconstruction. Bids (Base Bid plus Bid Alternate) ranged in price from $284,360 to $397,884. The bids were reviewed for accuracy and compliance with the City of Atascadero bidding requirements. Viborg Construction, Inc. is the lowest responsive bidder at $284,360.00.

Note: After bids were opened, six of the eleven bidders, including Viborg Sand and Gravel, Inc., did not meet the City requirement that Bid Item #1, Mobilization, be less than 2.5% of the total bid price. However, the City Specifications state that the City retains the right to accept a bid with “minor informalities or irregularities.” The Code of Federal Regulations, Section 14.405 defines a minor informality or irregularity as one that is merely a matter of form and not of substance, and does not give one contractor an advantage over another. In this situation, the bid irregularity was determined to be immaterial by City staff and the City Attorney, as the purpose of placing a cap on the Mobilization percentage is meant to benefit the City by limiting front-loading, and does not impact the total price supplied by the contractors. For reference, the discrepancy was less than 1% of the total bid amount.

Conclusion:
Staff recommends that the City Council authorize the City Manager to execute a contract with Viborg Sand and Gravel, Inc. in the amount of $284,360.00 for construction of the Lake View Drive Pavement Rehabilitation Project.
FISCAL IMPACT:

The fiscal impact of this award is $284,360 in budgeted Capital Project Funds including funding from General Capital Improvement Funds and Proposition 1B State Grant funding.

The current projected uses and sources of funds for the Project are as follows:

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design, bidding and other pre-construction costs</td>
<td>$17,520.00</td>
</tr>
<tr>
<td>Construction</td>
<td>$284,360.00</td>
</tr>
<tr>
<td>Staff / Inspection / Testing / Construction Admin</td>
<td>$42,650.00</td>
</tr>
<tr>
<td>Contingency @ 20%</td>
<td>$56,800.00</td>
</tr>
<tr>
<td><strong>Total Estimated Expenditure:</strong></td>
<td><strong>$401,330.00</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BUDGET</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposition 1B State Grant</td>
<td>$66,120.00</td>
</tr>
<tr>
<td>Capital Projects Fund</td>
<td>$344,840.00</td>
</tr>
<tr>
<td><strong>Total Funding Sources</strong></td>
<td><strong>$410,960.00</strong></td>
</tr>
</tbody>
</table>

**Estimated Project Surplus:** **$9,630.00**

ALTERNATIVES:

1. Council may reject staff’s recommendation and direct staff to redesign, rebid and or cancel the project. Staff does not recommend this action since the remaining State Proposition 1B funding for this project must be expended by June 30, 2016.

2. Award the Base Bid only in the amount of $268,520. Staff does not recommend this action since the Bid Alternate is covered by the project budget and includes valuable pedestrian and storm drainage facilities.

ATTACHMENT:

1. Bid Summary
City of Atascadero  
Office of the City Clerk  
Bid Summary

TO: Public Works  
FROM: Lori Kudzma, Deputy City Clerk  
BID NO.: 2015-001  
OPENED: 1/28/2016 @ 2:00PM  
PROJECT: Lake View Drive Pavement Rehabilitation

11 BIDS WERE RECEIVED AND OPENED TODAY, AS FOLLOWS:

<table>
<thead>
<tr>
<th>NAME OF BIDDER</th>
<th>TOTAL BASE BID</th>
<th>BID ALTERNATE 1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Viborg Sand &amp; Gravel, Inc</td>
<td>$268,520.00</td>
<td>$15,840.00</td>
</tr>
<tr>
<td>JG Contracting</td>
<td>$280,202.50</td>
<td>$17,689.50</td>
</tr>
<tr>
<td>Ferravanti Grading &amp; Paving</td>
<td>$292,390.50</td>
<td>$17,260.00</td>
</tr>
<tr>
<td>Souza Engineering Contracting, Inc</td>
<td>$293,855.00</td>
<td>$16,145.00</td>
</tr>
<tr>
<td>Rdz Contractors</td>
<td>$303,763.65</td>
<td>$11,832.40</td>
</tr>
<tr>
<td>Whitaker Construction Group, Inc</td>
<td>$319,618.00</td>
<td>$21,975.00</td>
</tr>
<tr>
<td>Michael Frederick Paving Corporation</td>
<td>$320,700.25</td>
<td>$20,790.00</td>
</tr>
<tr>
<td>Raminha Construction, Inc</td>
<td>$327,815.00</td>
<td>$20,260.00</td>
</tr>
<tr>
<td>Papich Construction Co., Inc</td>
<td>$335,470.00</td>
<td>$15,945.00</td>
</tr>
<tr>
<td>R. Burke Corporation</td>
<td>$366,599.00</td>
<td>$29,220.00</td>
</tr>
<tr>
<td>S. Chaves Construction, Inc.</td>
<td>$379,887.53</td>
<td>$17,996.68</td>
</tr>
</tbody>
</table>
Atascadero City Council
Staff Report – Community Development Department

Community Facilities District 2005-1

Annexation No. 14 – 5310 Carrizo Tract 2625
Annexation No. 15 – 8570 El Corte Tract 2802
Annexation No. 16 – 10380 El Camino Real VTPM #AT 14-0028

RECOMMENDATIONS:

Council adopt:

1. Draft Resolution A, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 14 (5310 Carrizo Tract 2625); and,

2. Draft Resolution B, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 15 (8570 El Corte Tract 2802); and,

3. Draft Resolution C, a resolution of intention to annex territory to Community Facility District and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 16 (10380 El Camino Real VTPM #AT 14-0028).

DISCUSSION:

Summary
In May 2005, the City Council established Community Facilities District No. 2005-1 to finance a portion of the cost associated with providing new services that are in addition to those currently provided as a result of new residential development within the City. The Government Code of the State of California, commencing with Section 53311, allows the formation of such districts to provide a financial mechanism to pay for such
new services through the levy of a Special Tax against the properties that will receive the new services.

Each of the following projects is required to annex in to the City’s Community Facilities District in order to finalize their subdivision maps or fulfill the conditions of approval.

1. 5310 Carrizo Road was amended by the City Council in January 2016.
2. 8570 El Corte was approved as a PD-17 overlay by the City Council in June 2007
3. 10380 El Camino Real was approved in February 2014.

Analysis:
The City of Atascadero has established a policy as part of the General Plan that recognizes that determining the best use of land based solely on revenues to the City is not good public policy. The City developed its General Plan to provide a full range of residential land uses and not simply to generate additional sales tax. Policies of this type promote the development of quality housing projects but they come at a cost. That cost is that new residential development must pay for new services that are in addition to those currently provided.

Shortly after adoption of the General Plan, the City initiated a study to determine what the financial impact was of adding a new median priced home in the City. The study looked at all revenues that the property and new residents would generate (property tax, sales tax, fees paid, etc.) and the cost to provide services to those properties and residents at the level that was being provided to existing residents. The study clearly showed that for each new median priced home built in the City, the cost to provide the services significantly exceeded the revenues generated by the home. Thus, as new homes continued to be built, services such as police, fire and park services continued to be eroded for all residents.

At the time Council was faced with a choice: (1) deny all new residential developments; or (2) allow continued residential development and continue to lower service levels (police officers per resident, etc…); or (3) find a way to make the new homes pay for the services that they receive. At that time, the Council adopted the following fiscal policies to help mitigate the fiscal implications of residential growth:

♦ To ensure that adequate funding is in place to provide essential services to new residents without diluting services for existing residents by:
  o Formation of a Community Services District to fund the addition of the necessary police, fire and parks personnel needed to provide services to these new residents.
  o Requiring EACH project that comes before Council to annex into the newly formed Community Facilities District. (The general plan requires that only developments with 100 or more units be fiscally neutral.)
  o To form road maintenance districts in order to provide an ongoing revenue source needed to maintain new, expanded or recently accepted roads.
♦ To require that new growth pay for the expansion of facilities and infrastructure necessary to serve the expanding population.
♦ To plan community growth with service and maintenance funding requirements in mind.

These policies continue to be a cornerstone of the City’s adopted financial plan. The CFD currently contributes funds for 2 police officer positions, 2 firefighter positions and one parks worker.

The City established a Community Facilities District in 2005 consistent with this policy and a number of projects have been annexed into the CFD as a requirement prior to recordation of a final map. With the resolution of intent, the City and the applicants are initiating the process of annexing these subdivisions into the City’s existing CFD. Annexation was established as a condition of approval. The applicants have submitted applications to be formally annexed into the CFD per this condition.

The resolutions establish a date for public hearings on the annexation action on April 12, 2016 and for elections among the authorized electors to follow. There are no registered voters in the area being annexed so the election will be a landowner vote.

Following completion of the annexation, Staff anticipates levying taxes on the parcels on which development has actually begun in the 2016-2017 tax year.

Conclusion:

These subdivisions projects were conditioned to be fiscally neutral through annexation into the CFD. Annexation into CFD 2005-1 will satisfy the project’s conditions of approval and allow for the annexation vote to occur. A total of 23 units will be annexed into the CFD upon recordation of their respective maps.

FISCAL IMPACT:

There is no fiscal impact in adopting the draft resolutions declaring the intent to annex territory into the Community Facilities District.

ALTERNATIVES:

Refer the item back to staff for additional review and analysis as directed by Council.

ATTACHMENTS:

1. Petition to Annex into CFD 2005-1 – No. 14 (5310 Carrizo)
2. Petition to Annex into CFD 2005-1 – No. 15 (8570 El Corte)
3. Petition to Annex into CFD 2005-1 – No. 16 (10380 ECR)
4. Draft Resolution A
5. Draft Resolution B
6. Draft Resolution C
Attachment 1: Petition to Annex into CFD 2005-1 – No. 14 (5310 Carrizo)

PETITION
(With Waivers)

Regarding Proceeding for Annexation of Territory to Community Facilities District No. 2005-1 (Public Services) and Related Matters

To the Honorable City Council,
City of Atascadero
6905 El Camino Real, Suite 8
Atascadero, CA 93422

Members of the Council:

This is a petition to institute proceedings to annex territory, including the property identified and described in Exhibit “A”, to Community Facilities District No. 2005-1 (Public Services) (CFD No. 2005-1) within the City of Atascadero and related matters pursuant to the Mello-Roos Community Facilities Act of 1982, commencing with Section 53311 of the California Government Code of the State of California (the “Act”), and it states as follows:

1. **Petitioner.** This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below as or for the record owner(s) of the parcels of land identified below (the "Property"). The undersigned warrants to the City of Atascadero that the Petitioner is such owner, or is a legally authorized representative of such owner(s), and that such ownership constitutes ownership of more than 10% of the property to be annexed, described in Exhibit "A" attached hereto.

2. **Proceedings Requested.** This Petition asks that the City Council undertake proceedings under the Act to annex territory to CFD No. 2005-1 and to levy special taxes therein for the purpose of financing all or part of the public services (the "Services") shown in Exhibit "B" attached hereto and made a part hereof.

3. **Boundaries.** This Petition asks that the territory, to be included in the boundaries of the annexation, consist of that shown on a map of the proposed boundaries of Annexation No. 14 filed with the City Clerk of the City of Atascadero and which map is attached hereto as Exhibit "A" and hereby made a part this Petition and which map includes the Property.

4. **Special Taxes.** The Petitioner agrees that it has reviewed and approves the Rate and Method of Apportionment of Special Taxes attached hereto as Exhibit "C" and made a part hereof, which Rate and Method has previously been adopted by the City Council of the City of Atascadero to be used by the City for the levy of Special Taxes in CFD No. 2005-1 and any future annexations to CFD No. 2005-1 to pay for the Services.

5. **Election.** The Petitioner asks that the special election to be held under the Act, to authorize the special taxes and to establish any appropriations limits for Annexation No. 14, be conducted by the City of Atascadero and its officials, using a mailed or hand-
delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the City Council for the public hearing for Annexation No. 14 to CFD No. 2005-1 under the Act or as soon thereafter as possible.

6. Waivers. To expedite the completion of the proceedings for Annexation No. 14 to CFD No. 2005-1, the Petitioner waives all notices of hearing and all published notices regarding the annexation of territory of Annexation No. 14 to CFD No. 2005-1, notices of election, applicable waiting periods under the Act for the election and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived. The Petitioner agrees to timely complete and return a consent and waiver to be provided to Petitioner by the City of Atascadero in order to expedite such proceedings.

7. Authority Warranted. The Petitioner warrants to the City of Atascadero that presentation of Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the City of Atascadero to annex Annexation No. 14 to CFD No. 2005-1 shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the City of Atascadero, the Petitioner agrees, at its expense, to supply to the City of Atascadero, current title evidence so that the City of Atascadero may supply any notice and ballot required under the Act to annex Annexation No. 14 to CFD No. 2005-1.

8. Due-Diligence and Disclosures. The Petitioner agrees to cooperate with the City of Atascadero, its attorneys and consultants, and provide all information and disclosures required by the City of Atascadero about the Special Taxes to purchasers of the Property or any part of it.

9. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the City of Atascadero to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the City of Atascadero's costs to annex Annexation No. 14 to CFD No. 2005-1. By executing this Petition, the Petitioner agrees to all of the above.

The Property is San Luis Obispo County Assessor Parcel No(s):

- 049-105-001  049-105-007
- 049-105-002  049-105-008
- 049-105-003  049-105-009
- 049-105-004  049-105-010
- 049-105-005  049-105-011
- 049-105-006  049-105-012

The Petitioner (record owner) is:

5310 Carrizo LLC

and the Property contains a total of 2.2 acres.

By: [Signature]

The address of the above for receiving any notice and ballot is:

125 S Bowling Green Way
Los Angeles, CA 90049
PETITION
(With Waivers)

Regarding Proceeding for Annexation of Territory to
Community Facilities District No. 2005-1 (Public Services)
and Related Matters

To the Honorable City Council,
City of Atascadero
6905 El Camino Real, Suite 6
Atascadero, CA 93422

Members of the Council:

This is a petition to institute proceedings to annex territory, including the property identified and described in Exhibit “A”, to Community Facilities District No. 2005-1 (Public Services) (CFD No. 2005-1) within the City of Atascadero and related matters pursuant to the Mello-Rosé Community Facilities Act of 1982, commencing with Section 53311 of the California Government Code of the State of California (the “Act”), and it states as follows:

1. Petitioner. This Petition is submitted by the person (the “Petitioner”) (whether one or more) identified below as or for the record owner(s) of the parcels of land identified below (the “Property”). The undersigned warrants to the City of Atascadero that the Petitioner is such owner, or is a legally authorized representative of such owner(s), and that such ownership constitutes ownership of more than 10% of the property to be annexed, described in Exhibit “A” attached hereto.

2. Proceedings Requested. This Petition asks that the City Council undertake proceedings under the Act to annex territory to CFD No. 2005-1 and to levy special taxes therein for the purpose of financing all or part of the public services (the “Services”) shown in Exhibit “B” attached hereto and made a part hereof.

3. Boundaries. This Petition asks that the territory to be included in the boundaries of the appropriation, consist of that shown on a map of the proposed boundaries of Annexation No. 15 filed with the City Clerk of the City of Atascadero and which map is attached hereto as Exhibit “A” and hereby made a part this Petition and which map includes the Property.

4. Special Taxes. The Petitioner agrees that it has reviewed and approves the Rate and Method of Apportionment of Special Taxes attached hereto as Exhibit “C” and made a part hereof, which Rate and Method has previously been adopted by the City Council of the City of Atascadero to be used by the City for the levy of Special Taxes in CFD No. 2005-1 and any future annexations to CFD No. 2005-1 to pay for the Services.

5. Election. The Petitioner asks that the special election to be held under the Act, to authorize the special taxes and to establish any appropriations limits for Annexation No. 15, be conducted by the City of Atascadero and its officials, using a mailed or hand-
delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the City Council for the public hearing for Annexation No. 15 to CFD No. 2005-1 under the Act or as soon thereafter as possible.

6. Waivers. To expedite the completion of the proceedings for Annexation No. 15 to CFD No. 2005-1, the Petitioner waives all notices of hearing and all published notices regarding the annexation of territory of Annexation No. 15 to CFD No. 2005-1, notices of election, applicable waiting periods under the Act for the election and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived. The Petitioner agrees to timely complete and return a consent and waiver to be provided to Petitioner by the City of Atascadero in order to expedite such proceedings.

7. Authority Warranted. The Petitioner warrants to the City of Atascadero that presentation of Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the City of Atascadero to annex Annexation No. 15 to CFD No. 2005-1 shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the City of Atascadero, the Petitioner agrees, at its expense, to supply to the City of Atascadero, current title evidence so that the City of Atascadero may supply any notice and ballot required under the Act to annex Annexation No. 15 to CFD No. 2005-1.

8. Due-Diligence and Disclosures. The Petitioner agrees to cooperate with the City of Atascadero, its attorneys and consultants, and provide all information and disclosures required by the City of Atascadero about the Special Taxes to purchasers of the Property or any part of it.

9. Agreements. The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the City of Atascadero to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the City of Atascadero's costs to annex Annexation No. 15 to CFD No. 2005-1. By executing this Petition, the Petitioner agrees to all of the above.

The Property is San Luis Obispo County Assessor Parcel No.(s):
030-421-005
and the Property contains a total of 2.0 acres.

The Petitioner (record owner) is:
8570 Corte LLC

By:

The address of the above for receiving any notice and ballot is:
125 S Bowling Green Way
Los Angeles, Ca 90049
PETITION
(With Waivers)

Regarding Proceeding for Annexation of Territory to
Community Facilities District No. 2005-1 (Public Services)
and Related Matters

To the Honorable City Council,
City of Atascadero
6905 El Camino Real, Suite 6
Atascadero, CA 93422

Members of the Council:

This is a petition to institute proceedings to annex territory, including the property
identified and described in Exhibit "A", to Community Facilities District No. 2005-1 (Public
Services) (CFD No. 2005-1) within the City of Atascadero and related matters pursuant to
the Mello-Roos Community Facilities Act of 1982, commencing with Section 53311 of the
California Government Code of the State of California (the "Act"), and it states as follows:

1. Petitioner. This Petition is submitted by the person (the "Petitioner") (whether
one or more) identified below as or for the record owner(s) of the parcels of land identified
below (the "Property"). The undersigned warrants to the City of Atascadero that the
Petitioner is such owner, or is a legally authorized representative of such owner(s), and that
such ownership constitutes ownership of more than 10% of the property to be annexed,
described in Exhibit "A" attached hereto.

2. Proceedings Requested. This Petition asks that the City Council undertake
proceedings under the Act to annex territory to CFD No. 2005-1 and to levy special taxes
therein for the purpose of financing all or part of the public services (the "Services") shown
in Exhibit "B" attached hereto and made a part hereof.

3. Boundaries. This Petition asks that the territory, to be included in the
boundaries of the annexation, consist of that shown on a map of the proposed boundaries
of Annexation No. 16 filed with the City Clerk of the City of Atascadero and which map is
attached hereto as Exhibit "A" and hereby made a part this Petition and which map
includes the Property.

4. Special Taxes. The Petitioner agrees that it has reviewed and approves the
Rate and Method of Apportionment of Special Taxes attached hereto as Exhibit "C" and
made a part hereof, which Rate and Method has previously been adopted by the City
Council of the City of Atascadero to be used by the City for the levy of Special Taxes in

5. Election. The Petitioner asks that the special election to be held under the Act,
to authorize the special taxes and to establish any appropriations limits for Annexation No.
16, be conducted by the City of Atascadero and its officials, using a mailed or hand-
delivered ballot and that such ballot be canvassed and the results certified at the same
meeting of the City Council for the public hearing for Annexation No. 16 to CFD No. 2005-1
under the Act or as soon thereafter as possible.

6. **Waivers.** To expedite the completion of the proceedings for Annexation No. 16
to CFD No. 2005-1, the Petitioner waives all notices of hearing and all published notices
regarding the annexation of territory of Annexation No. 16 to CFD No. 2005-1, notices of
election, applicable waiting periods under the Act for the election and all ballot arguments and
analysis for the election, if being acknowledged by the Petitioner that all such notices are for
the benefit of the Petitioner and may be waived. The Petitioner agrees to timely complete and
return a consent and waiver to be provided to Petitioner by the City of Atascadero in order to
expedite such proceedings.

7. **Authority Warranted.** The Petitioner warrants to the City of Atascadero that
presentation of Petition, any waivers contained herein, casting of ballots at the property owner
election and other actions mandated by the City of Atascadero to annex Annexation No. 16 to
CFD No. 2005-1 shall not constitute or be construed as events of default or delinquencies
under any existing or proposed financing documents entered into or to be entered into by the
Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing
security instruments secured by the Property. If requested by the City of Atascadero, the
Petitioner agrees, at its expense, to supply to the City of Atascadero, current title evidence so
that the City of Atascadero may supply any notice and ballot required under the Act to annex
Annexation No. 16 to CFD No. 2005-1.

8. **Due-Diligence and Disclosures.** The Petitioner agrees to cooperate with the
City of Atascadero, its attorneys and consultants, and provide all information and
disclosures required by the City of Atascadero about the Special Taxes to purchasers of the
Property or any part of it.

9. **Agreements.** The Petitioner further agrees to execute such additional or
supplemental agreements as may be required by the City of Atascadero to provide for any
of the actions and conditions under this Petition, including any amount of cash deposit
required to pay for the City of Atascadero's costs to annex Annexation No. 16 to CFD No.
2005-1. By executing this Petition, the Petitioner agrees to all of the above.

The Property is San Luis Obispo
County Assessor Parcel No(s):
056-383-021

and the Property contains a total
of 0.4 acres.

The Petitioner (record owner) is:
Henderson Frank L III & Jean M

By: [Signature]

The address of the above for receiving any
notice and ballot is:
4600 San Vicente Ave
Atascadero, Ca 93422
DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) AS ANNEXATION NO. 14, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

WHEREAS, the CITY COUNCIL of the CITY OF ATASCADERO, CALIFORNIA (the “City Council”), has previously conducted proceedings to establish a community facilities district pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, as amended (the “Act”), Chapter 2.5, Part 1, Division 2, Title 5, commencing at Section 53311, of the Government Code of the State of California, thereof designated as COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) (“CFD No. 2005-1”); and,

WHEREAS, the City Council has received a petition (including waivers) from the landowner requesting that it annex into CFD No. 2005-1 under the Act, to provide for the costs of services, and the City Council now desires to commence proceedings to annex territory into CFD No. 2005-1 as described herein; and

WHEREAS, under the Act, this City Council, as the legislative body for CFD No. 2005-1, is empowered with the authority to annex territory to CFD No. 2005-1, and now desires to undertake proceedings to annex territory to CFD No. 2005-1.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. Public Convenience and Necessity. This City Council hereby determines that the public convenience and necessity requires that territory be annexed into CFD No. 2005-1 in order to pay the costs and expenses for the required and authorized public services.

SECTION 3. Boundaries. A general description of the territory included in the existing CFD No. 2005-1 is hereinafter described as follows: All that property and territory as originally included in the existing CFD No. 2005-1 heretofore recorded as Instrument No. 2005-037685 in the office of the County Recorder for the County of San Luis Obispo on May 9, 2015 in Book 5 at Page 11-13 of Maps of Assessments and Community Facilities Districts, to which map reference is hereby made, and as such map was amended as a result of prior annexations.
A description of the boundaries and territory proposed to be annexed is as follows: All that property and territory proposed to be annexed to CFD No. 2005-1, is shown on the Annexation Map for Annexation No. 14 to CFD No. 2005-1, on file in the Office of the City Clerk, the boundaries of which territory are hereby preliminary approved and to which map reference is hereby made for further particulars. The area proposed to be annexed to CFD No. 2005-1 is as shown on the Annexation Map identified in Exhibit A. The City Clerk is hereby directed to cause to be recorded such Annexation Map, showing the territory to be annexed, in the office of the County Recorder of the County of San Luis Obispo within fifteen days of the date of adoption of this resolution.

SECTION 4. Services. The services which CFD No. 2005-1 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2005-1 and will not be replacing services already available. A general description of the services to be financed is as follows:

POLICE AND FIRE SERVICES

Police services and fire protection and suppression services (the “Services”) of the City of Atascadero required to sustain the service delivery capability for emergency and non-emergency services to new growth areas of the City of Atascadero, including but not limited to, related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, services, supplies and personnel; provided, however, that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of Apportionment of the Special Taxes to fund such Services.

PARK SERVICE

Park services of the City of Atascadero required for the operation and maintenance of public parks.

The City of Atascadero is authorized to finance and direct administrative and incidental annual costs and expenses necessary to provide the maintenance and servicing for public services. No additional services will be necessary or provided in CFD No. 2005-1 and the services as described for CFD No. 2005-1 will serve the properties within CFD No. 2005-1. It is presently intended that the services will be provided, without preference or priority, to the existing territory in CFD No. 2005-1 and the territory proposed to be annexed to CFD No. 2005-1.

SECTION 5. Special Taxes. It is the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2005-1 and Annexation No. 14, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 14, will be levied annually within the boundaries of Annexation No. 14 from and after the annexation of such property to CFD No. 2005-1. The special taxes shall be those as originally authorized through the formation of CFD No. 2005-1 and adopted by Ordinance of this legislative body, and no changes or modifications
are proposed in the special taxes from those as originally set forth and made applicable to CFD No. 2005-1.

For particulars as to the rate and method of apportionment of the proposed special tax (the “RMA”), reference is made to the attached and incorporated Exhibit “B,” which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within Annexation No. 14 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

The special taxes, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, CFD No. 2005-1 may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

SECTION 6. Public Hearing. Notice is given that on Tuesday, April 12, 2016, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council at the City of Atascadero, City Hall Council Chambers, 6500 Palma Ave, Atascadero, California, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for CFD No. 2005-1, will conduct a public hearing on the annexation of territory to CFD No. 2005-1, and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD No. 2005-1 and the levy of said special tax therein.

SECTION 7. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of CFD No. 2005-1, including the area to be annexed to CFD No. 2005-1. The publication of the notice shall be completed at least seven days before the date herein set for said hearing. The City Clerk may also cause a copy of such notice to be mailed to the registered voters and land owners within the territory proposed to annexed, which shall be mailed at least fifteen days before the date of said hearing.
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: _________________________________
   Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

______________________________
Brian A. Pierik, City Attorney
EXHIBIT “A”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 14

ANNEXATION MAP
EXHIBIT “B”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 14
RATE AND METHOD OF APPORTIONMENT

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2005-06 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor’s Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.


"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries, benefits and overhead costs of City employees whose duties are directly related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Affordable Unit(s)" means dwelling units located on one or more Assessor’s Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

"Annual Escalation Factor" means the greater of, five percent (5%) or the annual percentage change in the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland-San Jose Area.
"Approved Property" means an Assessor’s Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors’ Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor’s Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

"Assessor’s Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor’s parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2006.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD" means Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.

"City" means the City of Atascadero.

"Council" means the City Council of the City of Atascadero, acting as the legislative body of the CFD.

"County" means the County of San Luis Obispo, California.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, or Public Property, for which a building permit was issued after July 1, 2004 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Final Map" means an Assessor’s Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may potentially be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor’s Parcel.

"Multi-Family Residence" means all Assessor’s Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Non-Residential Property" means all Assessor’s Parcels of Developed Property for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Residential Property or Multi-Family Property.

"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the
"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Propotionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the CFD formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Costs" means the estimated and reasonable costs of providing Public Safety services, including but not limited to (i) the costs of contracting for police and fire services, (ii) related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff if the City directly provides police and fire protection services, and (iv) City overhead costs associated with providing such services within the CFD. The Special Tax provides only partial funding for Public Safety.

"Residential Unit" means any residence in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use. This includes Single-Family Residence and Multi-Family Residence.

"Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (i) pay for Public Safety Costs; (ii) pay for Park Services; (iii) pay reasonable Administrative Expenses; (vi) pay any amounts required to establish or replenish any reserve funds; and (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the City or CFD Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final document and/or maps available to the CFD Administrator.
B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, Non-Residential Property, or Undeveloped Property. Developed Property shall further be classified as Residential Units as specified in Table 1 and shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

**TABLE 1**

Maximum Special Tax for Developed Property
Community Facilities District No. 2005-1 (Public Services)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Unit at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Residential Units</td>
<td>$440 per Unit</td>
</tr>
<tr>
<td>2</td>
<td>Affordable Units</td>
<td>$0 per Unit</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

**TABLE 2**

Maximum Special Tax for Approved Property
Community Facilities District No. 2005-1 (Public Services)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Lot at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Approved Property</td>
<td>$231 per Lot</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-residential Property

**TABLE 3**

Maximum Special Tax for Non-Residential Property
Community Facilities District No. 2005-1 (Public Services)

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Non-Residential Property</td>
<td>$1,848 per Acre</td>
</tr>
</tbody>
</table>

The minimum special tax Non-Residential Property shall be subject to is $50 per parcel. On each July 1 following the Base Year, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.
4. Multiple Land Use Classes

In some instances an Assessor’s Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor’s Parcel.

5. Undeveloped Property

As of the 2005 Base Year, Undeveloped Property will be assigned a Maximum Special Tax Rate of $410 per acre or portion thereof, with a minimum rate of $100 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Parcel/Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Undeveloped Property</td>
<td>$100 per Parcel</td>
</tr>
<tr>
<td></td>
<td>1/4 Acre</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Undeveloped Property</td>
<td>$410 per Acre</td>
</tr>
<tr>
<td></td>
<td>&gt;1/4 Acre</td>
<td></td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor.

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2005-06, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Developed Property Proportionately between Residential Units up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property. Third, if the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Non-Residential Property up to 100% of the applicable Maximum Special Tax for Non-Residential Property. Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the CFD Administrator may
directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.
DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO
ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO.
2005-1 (PUBLIC SERVICES) AS ANNEXATION NO. 15, AND TO
AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

WHEREAS, the CITY COUNCIL of the CITY OF ATASCADERO, CALIFORNIA
(the “City Council”), has previously conducted proceedings to establish a community facilities
district pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of
1982”, as amended (the “Act”), Chapter 2.5, Part 1, Division 2, Title 5, commencing at Section
53311, of the Government Code of the State of California, thereof designated as COMMUNITY
FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) (“CFD No. 2005-1”); and,

WHEREAS, the City Council has received a petition (including waivers) from the
landowner requesting that it annex into CFD No. 2005-1 under the Act, to provide for the costs
of services, and the City Council now desires to commence proceedings to annex territory into
CFD No. 2005-1 as described herein; and

WHEREAS, under the Act, this City Council, as the legislative body for CFD No. 2005-
1, is empowered with the authority to annex territory to CFD No. 2005-1, and now desires to
undertake proceedings to annex territory to CFD No. 2005-1.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. Recitals. The above recitals are true and correct.
SECTION 2. Public Convenience and Necessity. This City Council hereby
determines that the public convenience and necessity requires that territory be annexed into CFD
No. 2005-1 in order to pay the costs and expenses for the required and authorized public
services.

SECTION 3. Boundaries. A general description of the territory included in the
existing CFD No. 2005-1 is hereinafter described as follows: All that property and territory as
originally included in the existing CFD No. 2005-1 heretofore recorded as Instrument No. 2005-
037685 in the office of the County Recorder for the County of San Luis Obispo on May 9, 2015
in Book 5 at Page 11-13 of Maps of Assessments and Community Facilities Districts, to which
map reference is hereby made, and as such map was amended as a result of prior annexations.
A description of the boundaries and territory proposed to be annexed is as follows: All that
property and territory proposed to be annexed to CFD No. 2005-1, is shown on the Annexation
Map for Annexation No. 15 to CFD No. 2005-1, on file in the Office of the City Clerk, the
boundaries of which territory are hereby preliminary approved and to which map reference is hereby made for further particulars. The area proposed to be annexed to CFD No. 2005-1 is as shown on the Annexation Map identified in Exhibit A. The City Clerk is hereby directed to cause to be recorded such Annexation Map, showing the territory to be annexed, in the office of the County Recorder of the County of San Luis Obispo within fifteen days of the date of adoption of this resolution.

SECTION 4. Services. The services which CFD No. 2005-1 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2005-1 and will not be replacing services already available. A general description of the services to be financed is as follows:

POLICE AND FIRE SERVICES

Police services and fire protection and suppression services (the “Services”) of the City of Atascadero required to sustain the service delivery capability for emergency and non-emergency services to new growth areas of the City of Atascadero, including but not limited to, related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, services, supplies and personnel; provided, however, that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of Apportionment of the Special Taxes to fund such Services.

PARK SERVICE

Park services of the City of Atascadero required for the operation and maintenance of public parks.

The City of Atascadero is authorized to finance and direct administrative and incidental annual costs and expenses necessary to provide the maintenance and servicing for public services. No additional services will be necessary or provided in CFD No. 2005-1 and the services as described for CFD No. 2005-1 will serve the properties within CFD No. 2005-1. It is presently intended that the services will be provided, without preference or priority, to the existing territory in CFD No. 2005-1 and the territory proposed to be annexed to CFD No. 2005-1.

SECTION 5. Special Taxes. It is the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2005-1 and Annexation No. 15, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 15, will be levied annually within the boundaries of Annexation No. 15 from and after the annexation of such property to CFD No. 2005-1. The special taxes shall be those as originally authorized through the formation of CFD No. 2005-1 and adopted by Ordinance of this legislative body, and no changes or modifications are proposed in the special taxes from those as originally set forth and made applicable to CFD No. 2005-1.
For particulars as to the rate and method of apportionment of the proposed special tax (the “RMA”), reference is made to the attached and incorporated Exhibit “B,” which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within Annexation No. 15 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

The special taxes, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, CFD No. 2005-1 may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

SECTION 6. Public Hearing. Notice is given that on Tuesday, April 12, 2016, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council at the City of Atascadero, City Hall Council Chambers, 6500 Palma Ave, Atascadero, California, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for CFD No. 2005-1, will conduct a public hearing on the annexation of territory to CFD No. 2005-1, and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD No. 2005-1 and the levy of said special tax therein.

SECTION 7. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of CFD No. 2005-1, including the area to be annexed to CFD No. 2005-1. The publication of the notice shall be completed at least seven days before the date herein set for said hearing. The City Clerk may also cause a copy of such notice to be mailed to the registered voters and land owners within the territory proposed to annexed, which shall be mailed at least fifteen days before the date of said hearing.
On motion by Council Member ______________________ and seconded by Council Member ______________________, the foregoing Resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: ______________________________
   Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney
EXHIBIT “A”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 15

ANNEXATION MAP
EXHIBIT “B”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 15
RATE AND METHOD OF APPORTIONMENT

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero (“CFD”) shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2005-06 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.


"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries, benefits and overhead costs of City employees whose duties are directly related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Affordable Unit(s)" means dwelling units located on one or more Assessor's Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

"Annual Escalation Factor" means the greater of, five percent (5%) or the annual percentage change in the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland-San Jose Area.

"Approved Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map
recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2006.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD" means Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.

"City" means the City of Atascadero.

"Council" means the City Council of the City of Atascadero, acting as the legislative body of the CFD.

"County" means the County of San Luis Obispo, California.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, or Public Property, for which a building permit was issued after July 1, 2004 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any of the classes listed in Table 1.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may potentially be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Multi-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Residential Property or Multi-Family Property.

"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the City.
"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the CFD formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Costs" means the estimated and reasonable costs of providing Public Safety services, including but not limited to (i) the costs of contracting for police and fire services, (ii) related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff if the City directly provides police and fire protection services, and (iv) City overhead costs associated with providing such services within the CFD. The Special Tax provides only partial funding for Public Safety.

"Residential Unit" means any residence in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use. This includes Single-Family Residence and Multi-Family Residence.

"Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (i) pay for Public Safety Costs; (ii) pay for Park Services; (iii) pay reasonable Administrative Expenses; (iv) pay any amounts required to establish or replenish any reserve funds; and (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the City or CFD Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final document and/or maps available to the CFD Administrator.
B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, Non-Residential Property, or Undeveloped Property. Developed Property shall further be classified as Residential Units as specified in Table 1 and shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

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<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Unit at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>Affordable Units</td>
<td>$0 per Unit</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Lot at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Approved Property</td>
<td>$231 per Lot</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-residential Property

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Non-Residential Property</td>
<td>$1,848 per Acre</td>
</tr>
</tbody>
</table>

The minimum special tax Non-Residential Property shall be subject to is $50 per parcel. On each July 1 following the Base Year, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.
4. Multiple Land Use Classes

In some instances an Assessor’s Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor’s Parcel.

5. Undeveloped Property

As of the 2005 Base Year, Undeveloped Property will be assigned a Maximum Special Tax Rate of $410 per acre or portion thereof, with a minimum rate of $100 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Parcel/Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Undeveloped Property 1/4 Acre</td>
<td>$100 per Parcel</td>
</tr>
<tr>
<td>6</td>
<td>Undeveloped Property &gt;1/4 Acre</td>
<td>$410 per Acre</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2005-06, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Developed Property Proportionately between Residential Units up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property. Third, if the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Non-Residential Property up to 100% of the applicable Maximum Special Tax for Non-Residential Property. Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may
directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) AS ANNEXATION NO. 16, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

WHEREAS, the CITY COUNCIL of the CITY OF ATASCADERO, CALIFORNIA (the “City Council”), has previously conducted proceedings to establish a community facilities district pursuant to the terms and provisions of the “Mello-Roos Community Facilities Act of 1982”, as amended (the “Act”), Chapter 2.5, Part 1, Division 2, Title 5, commencing at Section 53311, of the Government Code of the State of California, thereof designated as COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) (“CFD No. 2005-1”); and,

WHEREAS, the City Council has received a petition (including waivers) from the landowner requesting that it annex into CFD No. 2005-1 under the Act, to provide for the costs of services, and the City Council now desires to commence proceedings to annex territory into CFD No. 2005-1 as described herein; and

WHEREAS, under the Act, this City Council, as the legislative body for CFD No. 2005-1, is empowered with the authority to annex territory to CFD No. 2005-1, and now desires to undertake proceedings to annex territory to CFD No. 2005-1.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. Public Convenience and Necessity. This City Council hereby determines that the public convenience and necessity requires that territory be annexed into CFD No. 2005-1 in order to pay the costs and expenses for the required and authorized public services.

SECTION 3. Boundaries. A general description of the territory included in the existing CFD No. 2005-1 is hereinafter described as follows: All that property and territory as originally included in the existing CFD No. 2005-1 heretofore recorded as Instrument No. 2005-037685 in the office of the County Recorder for the County of San Luis Obispo on May 9, 2015 in Book 5 at Page 11-13 of Maps of Assessments and Community Facilities Districts, to which map reference is hereby made, and as such map was amended as a result of prior annexations.
A description of the boundaries and territory proposed to be annexed is as follows: All that property and territory proposed to be annexed to CFD No. 2005-1, is shown on the Annexation Map for Annexation No. 16 to CFD No. 2005-1, on file in the Office of the City Clerk, the boundaries of which territory are hereby preliminary approved and to which map reference is hereby made for further particulars. The area proposed to be annexed to CFD No. 2005-1 is as shown on the Annexation Map identified in Exhibit A. The City Clerk is hereby directed to cause to be recorded such Annexation Map, showing the territory to be annexed, in the office of the County Recorder of the County of San Luis Obispo within fifteen days of the date of adoption of this resolution.

SECTION 4. Services. The services which CFD No. 2005-1 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2005-1 and will not be replacing services already available. A general description of the services to be financed is as follows:

POLICE AND FIRE SERVICES

Police services and fire protection and suppression services (the “Services”) of the City of Atascadero required to sustain the service delivery capability for emergency and non-emergency services to new growth areas of the City of Atascadero, including but not limited to, related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, services, supplies and personnel; provided, however, that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of Apportionment of the Special Taxes to fund such Services.

PARK SERVICE

Park services of the City of Atascadero required for the operation and maintenance of public parks.

The City of Atascadero is authorized to finance and direct administrative and incidental annual costs and expenses necessary to provide the maintenance and servicing for public services. No additional services will be necessary or provided in CFD No. 2005-1 and the services as described for CFD No. 2005-1 will serve the properties within CFD No. 2005-1. It is presently intended that the services will be provided, without preference or priority, to the existing territory in CFD No. 2005-1 and the territory proposed to be annexed to CFD No. 2005-1.

SECTION 5. Special Taxes. It is the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2005-1 and Annexation No. 16, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 16, will be levied annually within the boundaries of Annexation No. 16 from and after the annexation of such property to CFD No. 2005-1. The special taxes shall be those as originally authorized through the formation of CFD No. 2005-1 and adopted by Ordinance of this legislative body, and no changes or modifications
are proposed in the special taxes from those as originally set forth and made applicable to CFD No. 2005-1.
For particulars as to the rate and method of apportionment of the proposed special tax (the “RMA”), reference is made to the attached and incorporated Exhibit “B,” which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within Annexation No. 16 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

The special taxes, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however, CFD No. 2005-1 may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes at a different time or in a different manner if necessary to meet its financial obligations.

SECTION 6. Public Hearing. Notice is given that on Tuesday, April 12, 2016, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council at the City of Atascadero, City Hall Council Chambers, 6500 Palma Ave, Atascadero, California, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for CFD No. 2005-1, will conduct a public hearing on the annexation of territory to CFD No. 2005-1, and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD No. 2005-1 and the levy of said special tax therein.

SECTION 7. Notice. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper of general circulation in the area of CFD No. 2005-1, including the area to be annexed to CFD No. 2005-1. The publication of the notice shall be completed at least seven days before the date herein set for said hearing. The City Clerk may also cause a copy of such notice to be mailed to the registered voters and land owners within the territory proposed to annexed, which shall be mailed at least fifteen days before the date of said hearing.
On motion by Council Member ______________________ and seconded by Council Member ______________________, the foregoing Resolution is hereby adopted in its entirety by the following roll call vote:

AYES:

NOES:

ABSENT:

ADOPTED:

CITY OF ATASCADERO

By: _________________________________
   Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_______________________________
Brian A. Pierik, City Attorney
EXHIBIT “A”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 16

ANNEXATION MAP
EXHIBIT “B”

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT 2005-1
(PUBLIC SERVICES)
ANNEXATION NO. 16
RATE AND METHOD OF APPORTIONMENT

CITY OF ATASCADERO
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero ("CFD") shall be levied on all Assessor’s Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2005-06 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor’s Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.


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"Affordable Unit(s)" means dwelling units located on one or more Assessor’s Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

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"Approved Property" means an Assessor’s Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term “Approved Property” shall apply only to Assessors’ Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor’s Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

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"Multi-Family Residence" means all Assessor’s Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Non-Residential Property" means all Assessor’s Parcels of Developed Property for which a building permit(s) has been issued for a non-residential use and does not contain any residential units as defined under Residential Property or Multi-Family Property.
"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the City.

"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

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C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

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On each July 1 following the Base Year, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

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<tr>
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On each July 1 following the Base Year, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-residential Property

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Non-Residential Property</td>
<td>$1,848 per Acre</td>
</tr>
</tbody>
</table>

The minimum special tax Non-Residential Property shall be subject to is $50 per parcel. On each July 1 following the Base Year, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.
4. Multiple Land Use Classes

In some instances an Assessor’s Parcel may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor’s Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor’s Parcel.

5. Undeveloped Property

As of the 2005 Base Year, Undeveloped Property will be assigned a Maximum Special Tax Rate of $410 per acre or portion thereof, with a minimum rate of $100 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

<table>
<thead>
<tr>
<th>Land Use Class</th>
<th>Description</th>
<th>Maximum Special Tax Per Parcel/Acre at base year (2005)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>Undeveloped Property 1/4 Acre</td>
<td>$100 per Parcel</td>
</tr>
<tr>
<td>6</td>
<td>Undeveloped Property &gt;1/4 Acre</td>
<td>$410 per Acre</td>
</tr>
</tbody>
</table>

On each July 1 following the Base Year, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2005-06, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Developed Property Proportionately between Residential Units up to 100% of the applicable Maximum Special Tax. Second, if the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property. Third, if the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Non-Residential Property up to 100% of the applicable Maximum Special Tax for Non-Residential Property. Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor’s Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary ad valorem property taxes; provided, however, that the CFD Administrator may
directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.
Atascadero City Council

Staff Report – Community Development Department

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

RECOMMENDATIONS:

Planning Commission recommends Council:

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

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

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

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

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

REPORT-IN-BRIEF:

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

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

DISCUSSION:

Situation and Facts:

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

2. Owners:

<table>
<thead>
<tr>
<th></th>
<th>Address</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>ConsciousBuild Atascadero Dev. LLC</td>
<td>2921 Garibaldi Ave</td>
<td>San Luis Obispo, CA 93401</td>
</tr>
<tr>
<td>Ben and Amanda Poore</td>
<td>11675 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Carol Ratzlaff</td>
<td>11745 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Mike and Laura Joy</td>
<td>11885 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Shawn Sarnecki</td>
<td>11845 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Pat and Terri Rodda</td>
<td>11855 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
<tr>
<td>Jeannie Dagnall</td>
<td>11875 Halcon Rd</td>
<td>Atascadero, CA 93422</td>
</tr>
</tbody>
</table>

3. Address: 11955 & 11975 Viejo Camino; 11675, 11745, 11885, 11845, 11855, 11875 Halcon Rd (APN's 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017)

4. Current General Plan: Suburban Estates (SE)

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


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

8. Project Area: Approximately 37.7 acres

9. Existing Use: Single-family residential / Vacant

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

**Surrounding Land Use and Setting:**

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

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

The Groves project:

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

The Neighbors project:

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

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

Project Design:

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

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

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

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

The projects include the following benefits:

*The Groves*

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

Tier 2 (optional benefits):
- Pedestrian connectivity

*The Neighbors*

Tier 1 (required elements):
- Affordable Housing (Payment of in-lieu fee as discussed below)
High Quality Architectural Design (DRC review required for future clustered development projects)
High Quality Landscape Design at the project edges incorporating street trees and pathway landscaping as discussed below.
Buffering between urban and suburban land uses
Higher Density Housing
Natural open space preservation

Tier 2 (optional benefits):
• Pedestrian connectivity

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

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

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

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

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

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

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

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

Landscape Plan:
The Master Plan of Development for the Groves portion of the project includes landscape design details. Landscaping for the Neighbor parcels, including requirements for street tree planting and drought-tolerant plant palettes will be included in the PD overlay language. Consistent with the PD Benefit Policy, a finding must be made that the project includes high quality landscaping.
The Groves:
The landscape proposed for The Groves development has been designed to retain the natural vegetation to a great extent and be minimalistic in nature. Areas adjacent to the residences will be landscaped with a native plant palette. The remaining portion of the parcels will retain the existing landscape. All areas of disturbed earth not landscaped with drought-tolerant plants will be hydroseeded with a native grass mixture, with the exception of screened private yard areas.

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

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

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

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

Native Tree Mitigation / Preservation:

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

<table>
<thead>
<tr>
<th>Evergreen Native Trees (inches)</th>
<th>Deciduous Native Trees (inches)</th>
<th>Totals</th>
</tr>
</thead>
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<tr>
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<tr>
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</tr>
<tr>
<td>Total</td>
<td>99-inches</td>
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</tr>
</tbody>
</table>

**Mitigation Requirement**

req'd tree replacements: 17 five gal trees  req'd tree replacements: 48 five gal trees  
Remaining Mitigation 17 five gal trees  Remaining Mitigation 48 five gal trees  
Tree Fund Payment: $825.00  Tree Fund Payment: $2,383.33  

$3,208.33

*The Neighbor Parcels*

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

**Site Drainage:**

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

**Wastewater and Utilities:**

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

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

**Inclusionary Housing**

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

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

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

1. **Neighbor Parcel development plan unknown**

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

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

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

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

2. Economic challenges

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

3. Limited Density Bonus Potential

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

Based on these factors, the applicant is requesting an alternative to the established City Council policy which modifies two of the current provisions:
1. Instead of constructing affordable units, the applicant is requesting payment of fees into the City’s inclusionary housing fund, and
2. The applicant is requesting that the fee be reduced to 2.5% of the valuation of each new residence instead of the current 5% requirement.

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

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

**Tentative Tract Map**

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

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

**Pedestrian and Bike Facilities:**

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

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

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

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

A traffic analysis was prepared for the project site. The traffic analysis assumed 51 units to provide a conservative analysis of the project related traffic impacts. Based on the analysis, the project would result in 57 total PM peak hour trips. This number includes the existing residences and therefore, additional PM peak hour trips from new units.
would be slightly less. Slightly more than half of the project would take access off of Viejo Camino with approximately 19 primary residential units taking access off of Halcon Road.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>Number of Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Residential1</td>
<td>51 units</td>
<td>AM Daily 565 In 11 Out 34 Total 45 PM In 36 Out 21 Total 57</td>
</tr>
</tbody>
</table>

1. ITE Land Use Code 210, Single-Family Detached Housing. Fitted curve equations used.

LOS at the study intersections (SB Rd/US 101, SB Rd/ECR, and SB Rd/Viejo Camino) remains at LOS A or B under the Existing Plus Project scenario. LOS drops to unacceptable levels at the SB/US101 interchange under the cumulative and cumulative plus project scenarios. This is due to the inclusion of Eagle Ranch in the analysis. Refer to the below Santa Barbara Mitigation Fee discussion for mitigation measures associated with this cumulative impact.

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

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

The traffic analysis analyzed sight distance along Halcon Rd and Viejo Camino. The report determined that sight-distance at the proposed Viejo Camino entrance met sight distance standards and provided clear sight lines in excess of 400-feet. The report identified concerns with sight-distance at the existing access points from Halcon Rd and recommended that access points be consolidated and located an adequate distance away from the horizontal and vertical curves. Planned Development Overlay 33 language includes requirements for the consolidation of access from Halcon Rd and requires a sight-distance analysis at the time plans are proposed to ensure that access from Halcon Rd meets minimum sight-distance standards.
Santa Barbara Mitigation Fee:
As part of the Eagle Ranch project analysis, a traffic study was completed that shows the need for re-construction of the Santa Barbara interchange to accommodate future traffic growth in the area. The need for the improvements, which consist of roundabouts at each on-ramp, are triggered by the Eagle Ranch development but are contributed to by area developments that increase trip generation above what was anticipated by the General Plan.

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

Noise

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

Community Facilities District Formation

Based on findings from the 2003 Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City
has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts, and community facilities districts (CFD). The Groves portion of the project will be required to annex into the City’s CFD and establish a Homeowners Association or other similar mechanism to maintain the development’s roadways, common area landscaping, drainage, etc. Language has been included in PD-33 to require annexation into the CFD prior to recordation of any final map for the Neighbor parcels and that maintenance mechanisms be established at the time of development of the Neighbor parcels.

**Proposed Planned Development Overlay 33 Zone Text**

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

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

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

**FINDINGS:**

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

**General Plan Amendment**

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

   **Staff Comment:** All applicable State Laws have been adhered to in the preparation of this General Plan Amendment application.
2. A duly noticed public hearing has been held to receive and consider public testimony regarding the proposed amendments to the General Plan Land Use Diagram; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Staff Comment: The proposed Planned Development text will modify standard development requirements to allow for a clustered development pattern, preserving heavily sloped and treed areas of the project site. In addition, the ability to provide larger lots adjacent to existing rural residential areas will provide a transition from proposed higher density single-family areas to larger lot developments bordering the City. Modified standards for the neighboring parcels will provide for consolidated access and clustering opportunities allowing for the siting of new units in a way which compliments the neighborhood character and preserves topographic and other natural features.
7. Benefits derived from the overlay zone cannot be reasonably achieved through existing development standards or processing requirements.

**Staff Comment:** The Planned Development Overlay Zone 33 ensures that development within the area provide certain benefit as identified by Council Policy. Development under the PD33 standards will maintain and enhance neighborhood character, buffer between adjacent larger-lot residential zones, and provide pedestrian connectivity. In addition, the clustering of lots allows for the retention and preservation of native oak habitat.

**Conditional Use Permit (Master Plan of Development):**

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

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

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

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

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

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

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

4. That the proposed project or use will not be inconsistent with the character or the immediate neighborhood or contrary to its orderly development.
Staff Comment: The proposed amendments are compatible with the surrounding neighborhood. The project includes detached small lot single-family residences with high quality landscape and architecture. The project has been designed to enhance the appearance of this currently vacant site.

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

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

Tree Removal:

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

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

Tentative Subdivision Map (TTM) Findings:

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

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

Staff Comment: See applicable comments under findings for General Plan Amendment and Zone Text Amendment.
2. The site is physically suitable for the type of development proposed.

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

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

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

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

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

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

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

6. The proposed subdivision design and type of improvements proposed will not be detrimental to the health, safety or welfare of the general public.
Staff Comment: The subdivision design has been reviewed and approved, as conditioned, by the City Engineer. All proposed roads and frontage improvements meet City standards.

Environmental Determination:

A Draft Mitigated Negative Declaration was circulated to public agencies and interested members of the public starting November 30, 2015. The environmental analysis identified concerns regarding potential impacts to aesthetics, noise, biological resources, air quality, and traffic. Mitigation measures pertaining to these resources are included. A finding is proposed that this project would not have a significant effect on the environment based upon the implementation of the identified mitigation measures.

The Planning Commission recommends certification of the Proposed Mitigated Negative Declaration 2015-0007.

CONCLUSION:

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

FISCAL IMPACT:

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

If the project is approved for processing, it should be required to be fiscally neutral so the added residential units fund their own on-site improvements and maintenance, as well as their fair share of off-site improvements and impacts to City emergency services.
ALTERNATIVES:

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

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

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

ATTACHMENTS:

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

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

Current Zoning District: Residential Suburban (RS)

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

The Neighbor Parcels – 1du/ac maximum

The Groves Development – 2du/ac maximum
CITY OF ATASCADERO
PROPOSED
NEGATIVE DECLARATION #2015-0007

6500 Palm Avenue
Atascadero, CA 93422
805-461-5035

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

Project Title: PLN 2014-1529 – Halcon General Plan Amendment

Project Location:
11955 & 11975 Viejo Camino, Atascadero, CA 93422
(San Luis Obispo County) APN 045-401-003, & 004
11676, 11745, 11885, 11855, 11875 Halcon Rd., Atascadero, CA 93422
(San Luis Obispo County) APN 045-401-014, 013, 010, 009, 018, & 017

Project Description:
The applicant is requesting a General Plan Amendment and Zoning of 37.7 acres of residential property to allow for an increase in residential density. The subject parcels are located along Halcon Road at the southerly boundary of the City limits. Current zoning allows for a minimum lot size of 2.5 to 10 acres depending on certain site characteristics. The proposed General Plan Amendment and Zoning would create a 17 unit small lot single-family development (“The Groves”) encompassing 10 acres of the project site at the Viejo Camino and Halcon intersection and increase the density of the remaining 27.7 acres of the project site (“Neighbor Parcels”) to allow for 1 primary dwelling unit per acre. There are currently 6 existing units within the project area. The proposal would increase the number of primary units to a maximum of 45 residential units. The highest density (17 units) will be located on the property at the corner of Viejo Camino and Halcon Road (“The Groves”). The Groves development will preserve a portion of the existing oak woodland grove on the southeast corner of the property in permanent open space easements. Nineteen (19) native trees are proposed for removal as part of The Groves development. Additional trees may be removed as the Neighbor parcels develop.

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

Residential Single-Family – X (RSF-X: 2 du/acre)

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

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, CERTIFYING MITIGATED NEGATIVE DECLARATION 2015-0007 (Halcon Residential Planned Development ConsciousBuild Atascadero Dev. LLC)

WHEREAS, an application has been received from:

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

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

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

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

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

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

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

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

WHEREAS, an Initial Study and Proposed Mitigated Negative Declaration (MND) 2015-0007 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, Section 21000, et. seq., of the Public Resources Code and Section 15000, et. seq., of Title 14 of the California Code of Regulations (the “CEQA Guidelines”), which
govern the preparation, content, and processing of Negative Declarations, have been fully
implemented in the preparation of the MND; and,

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of
Atascadero:

SECTION 1. The City Council hereby resolves to certify Proposed Mitigated Negative
Declaration 2015-0007 based on the following Findings, and as shown in Exhibit A:

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

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

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

4. The project does not have the potential to degrade the environment when mitigation
measures are incorporated into the project; and,
5. The project will not achieve short-term to the disadvantage of long-term environmental goals; and,

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

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

6509 Palm Avenue
Atascadero, CA 93422
805-461-5035

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

Project Title: PLN 2014-1529 – Halcón General Plan Amendment

Project Location: 11955 & 11975 Viaje Camino, Atascadero, CA 93422
                  (San Luis Obispo County) APN 045-401-003, & 004
                  11676, 11745, 11885, 11855, 11875 Halcón Rd., Atascadero, CA 93422
                  (San Luis Obispo County) APN 045-401-014, 013, 010, 009, 008, & 017

Project Description: The applicant is requesting a General Plan Amendment and Rezone of 37.7 acres of residential property to allow for an increase in residential density. The subject parcels are located along Halcón Road at the southerly boundary of the City limits. Current zoning allows for a minimum lot size of 2.5 to 10 acres depending on certain site characteristics. The proposed General Plan Amendment and Rezoning would create a 17 unit small lot single-family development ("The Groves") encompassing 10 acres of the project site at the Viaje Camino and Halcón Road intersection and increase the density of the remaining 27.7 acres of the project site ("Neighborhood Parks") to allow for 1 primary dwelling unit per acre. There are currently 6 existing units within the project area. The proposal would increase the number of primary units to a maximum of 45 residential units. The highest density (17 units) will be located on the property at the corner of Viaje Camino and Halcón Road ("The Groves"). The Groves development will preserve a portion of the existing oak woodland grove on the southeast corner of the property in permanent open space easements. Nineteen (19) native trees are proposed for removal as part of The Groves development. Additional trees may be removed as the Neighborhood parks develop.

Existing General Plan Designation: Suburban Estates (SE)

Existing Zoning: Rural Suburban (RS)

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

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

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING GENERAL PLAN LAND USE DIAGRAM AMENDMENT 2014-0030 (Halcon Residential Planned Development ConsciousBuild Atascadero Dev. LLC)

WHEREAS, an application has been received from

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

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

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

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

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

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

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

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

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

WHEREAS, the site’s current Zoning Designation is Residential Suburban (RS); and,
WHEREAS, a General Plan Land Use Diagram Amendment is proposed by the applicants to change the Land Use Designation of lots within the project site to Single-Family Residential – X (SFR-X) and Single Family Residential – Y (SFR-Y) as identified in the amended General Plan Land Use Diagram attached to this Resolution as Exhibit B; and,

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

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

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

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

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

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

The Atascadero City Council makes the following findings, determinations and recommendations with respect to the proposed General Plan Land Use Diagram Amendment:

- The proposed General Plan Amendment is consistent with the findings attached as Exhibit A.

SECTION 2. Approval. The Atascadero City Council, in a regular session assembled on February 23, 2016 resolved to approve the General Plan Land Use Diagram Amendment consistent with the following exhibits:

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

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

AYES:
NOES:
ABSTAIN:
ABSENT:
ADOPTED:  
CITY OF ATASCADERO, CA

Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

Halcon Residential Planned Development
(PLN 2015-1529)

GENERAL PLAN AMENDMENT FINDINGS

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

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

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

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

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

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

Halcon Residential Planned Development
(PLN 2015-1529)

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

APN’s 045-401-003, & 004
Current GP designation: Suburban Estates (SE)
Proposed GP designation: Single-Family Residential – X (SFR-X)
DRAFT ORDINANCE A

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9, ARTICLE 28, TO ESTABLISH A PLANNED DEVELOPMENT OVERLAY DISTRICT #33 ZONING DISTRICT (ZCH 2015-0178) FOR THE HALCON RESIDENTIAL PLANNED DEVELOPMENT (Halcon Residential Planned Development ConsciousBuild Atascadero Dev. LLC)

WHEREAS, an application has been received from

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

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

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

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

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

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

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

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

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

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

WHEREAS, a Zoning Ordinance Text Change is proposed by the applicants to establish zoning code text for Planned Development Overlay Zone #33 (PD-33); and,

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

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on February 2, 2016, studied and considered Zone text Change 2015-0178 to establish Planned Development Overlay Zone #33, after first studying and considering the Draft Mitigated Negative Declaration prepared for the project, and,

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016, resolved to introduce for first reading, by title only, an ordinance that would amend the City Zoning Ordinance with the following:

9-3.678 Establishment of Planned Development Overlay Zone No. 33 (PD33)
Planned Development Overlay Zone No. 33 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 33 is established on parcels APN’s 045-401-003, & 004 and 045-401-014, 013, 010, 009, 018, & 017 with a combined acreage of 37.7 acres. Development shall be permitted as follows:

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

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

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

(c) The Neighboring Parcels – RSF-Y parcels (APN’s 045-401-014, 013, 010, 009, 018, & 017)
The following Development Standards shall apply to future development within the Planned Development boundary.

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

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

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

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

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

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

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

Potential consolidated access point

Potential consolidated access point

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

Site Access

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

The Groves Development - APN’s 045-401-003, & 004
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 ADOPTED by the City Council of the City of Atascadero, State of California, on ________________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ADOPTED:

CITY OF ATASCADERO, CA

__________________________________________
Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

__________________________________________
Brian A. Pierik, City Attorney
WHEREAS, an application has been received from:

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

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

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

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

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

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

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

1. EXHIBIT A: Zone Change Map

SECTION 3. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk’s office on and after the date following introduction and passage and shall be available to any interested member of the public.
INTRODUCED at a regular meeting of the City Council held on ________________, and ADOPTED by the City Council of the City of Atascadero, State of California, on ________________, by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________

Tom O’Malley, Mayor

ATTEST:

______________________________

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

APPROVED AS TO FORM:

______________________________

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

Halcon Residential Planned Development
(PLN 2014-1529)

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

APN’s 045-401-003, & 004
Current Zoning: Residential Suburban (RS)
Proposed Zoning: Residential Single-Family – X (RSF-X) / PD33
DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING THE
MASTER PLAN OF DEVELOPMENT FOR THE GROVES
DEVELOPMENT AS A PORTION OF THE HALCON RESIDENTIAL
PLANNED DEVELOPMENT
(Halcon Residential Planned Development
ConsciousBuild Atascadero Dev. LLC)

WHEREAS, an application has been received from:

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

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

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

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

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

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on February 2, 2016 studied and considered Conditional Use Permit 2014-0284 (Master Plan of Development)and Tree Removal Permit 2014-0178, after studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

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

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

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Atascadero:

SECTION 1. Findings for Approval of Master Plan of Development. The City Council makes the following findings, determinations and recommendations with respect to 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; and,

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

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

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

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

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

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

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

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

SECTION 2. Findings for Approval of Tree Removal. The City Council makes the following findings, determinations and recommendations with respect to the proposed Tree Removal Permit:

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

   - Early consultation with the City;
   - Consideration of practical design alternatives;
   - Provision of cost comparisons (from applicant) for practical design alternatives;
   - If saving tree eliminates all reasonable uses of the property; or
   - If saving the tree requires the removal of more desirable trees.
SECTION 3. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016, resolved to approve The Groves Master Plan of Development and associated Tree removal Permit subject to the following:

1. EXHIBIT A: Conditions of approval / Mitigation Monitoring Program
2. EXHIBIT B: Master Plan of Development / Site Plan
3. EXHIBIT C: Landscape Plan
4. EXHIBIT D: Elevations / Floor Plan
5. EXHIBIT E: Grading and Drainage Plan
6. EXHIBIT F: Utility Plan
7. EXHIBIT G: Noise Analysis Diagram

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

_________________________________________
Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

## Halcon Residential Planned Development – The Groves

_(PLN 2014-1529)_

<table>
<thead>
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<td><strong>Planned Development (PD-33) Master Plan of Development</strong></td>
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**Planning Services**

1. The approval of this use permit shall become final and effective for the purposes of issuing building permits thirty (30) days following the City Council approval of ZCH 2014-0175 and ZCH 2015-0178 upon second reading, unless prior to that time, an appeal to the decision is filed as set forth in Section 9-1.111(b) of the Zoning Ordinance.

2. The Community Development Director shall have the authority to approve minor changes to the project that remain in substantial conformance to the approved Master Plan of Development. Such changes may include, but are not limited to, building alterations and/or architectural changes, site placement of structures, landscape modifications, and construction design issues that do not substantively affect the Master Plan of Development.

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

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

3. Approval of this Conditional Use Permit shall be valid for twenty-four (24) months after its effective date. At the end of the period, the approval shall expire and become null and void unless the project has received a building permit.

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**Conditions of Approval / Mitigation Monitoring Program**

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

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<tr>
<th><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</th>
<th><strong>Ongoing</strong></th>
<th><strong>PS</strong></th>
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<tr>
<td><strong>5.</strong> All subsequent Tentative Map and construction permits shall be in substantial conformance with the Master Plan of Development contained herein.</td>
<td><strong>BP / FM</strong></td>
<td><strong>PS, CE</strong></td>
</tr>
<tr>
<td><strong>6.</strong> All exterior elevations, finish materials and colors shall be in substantial conformance with the Master Plan of Development as shown in EXHIBIT D with the following modifications:</td>
<td><strong>BP</strong></td>
<td><strong>PS</strong></td>
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<tr>
<td>▪ Garage doors shall be of a color compatible with the building color scheme and shall be designed to blend in with the façade rather than contrast.</td>
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<tr>
<td>▪ Any proposed exterior street, pedestrian, or building mounted light fixtures shall be of architectural grade and design and shall be compliment the architectural style, subject to staff approval. All lighting shall comply with dark sky standards and shall be located and directed to avoid off-site glare per City ordinance.</td>
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<td>▪ Stucco siding shall be smooth troweled or similar. No machine finishes will be permitted.</td>
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<td>▪ Stone accent banding shall wrap each façade to an adjoining projected feature or at a distance approved by staff.</td>
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<tr>
<td><strong>7.</strong> All site work, grading, and site improvements shall be in substantial conformance with the Master Plan of Development as shown in EXHIBIT B, C, E and F.</td>
<td><strong>BP/FM</strong></td>
<td><strong>PS, BS, CE</strong></td>
</tr>
<tr>
<td>▪ All exterior meters, trash storage areas, air conditioning units and mechanical equipment shall be screened with landscape material and/or architecturally compatible enclosures.</td>
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<tr>
<td><strong>8.</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>
<td><strong>BP</strong></td>
<td><strong>PS, BS</strong></td>
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Conditions of Approval / Mitigation Monitoring Program

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

- All areas shown on the landscape plan and/or areas disturbed during construction for individual lots shall be landscaped and/or hydroseeded with a native mix by the developer completed prior to final of each lot, with the exception of private yard areas enclosed by a 6-foot privacy fence.

- Landscape areas between the Viejo Camino pathway and the split rail fence (limits of public easement) shall be landscaped prior to final and acceptance of the off-site improvements.

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

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

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

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

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

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

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

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<td>9. All project fencing shall be installed consistent with EXHIBIT C subject to the following modifications:</td>
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<tr>
<td>▪ All solid fencing shall be setback a minimum of 10-feet from the edge of right-of-way/public access easements and shall include landscaping within the setback area.</td>
<td>GP/BP</td>
<td>PS</td>
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<tr>
<td>▪ Split rail fencing shall be installed along the Viejo Camino frontage at the edge of the easement dedication. This fencing shall be maintained by the HOA.</td>
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<tr>
<td>▪ Rear yard privacy fencing for lost abutting Viejo Camino or any interior street shall be setback a minimum of 10-feet from the edge of the easement dedications. This includes all pathways and walkable shoulders.</td>
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<tr>
<td>▪ All project fencing shall be of consistent style and material.</td>
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<tr>
<td>▪ Sound walls may be required for outdoor activity areas located in areas along Viejo Camino where decibel readings exceed residential standards, as identified in EXHIBIT G. Where required, sound walls shall be of architectural quality and include features such as decorative top caps. Sound walls shall have the same setback and landscaping requirements as solid fencing. Any sound wall proposed at the boundaries of the project shall taper in a decorative matter and not abruptly terminate at the property line. Neighborhood signage may be incorporated into the sound wall design. Alternatively, sound attenuation areas may be integrated into the building design and/or setback outside of the identified area.</td>
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<tr>
<td>10. Final selection of colors and materials identified in EXHIBIT D shall be subject to staff approval.</td>
<td>GP/BP</td>
<td>PS</td>
</tr>
<tr>
<td>11. Affordable Housing Requirement: The applicant shall submit a payment of 2.5% of the building valuation for each residential unit to be placed into the City’s inclusionary housing fund. Payment shall be required prior to building permit issuance.</td>
<td>GP/BP</td>
<td>PS, CA</td>
</tr>
</tbody>
</table>
12. A Tree Protection Plan shall be prepared as part of the on- and off-site improvement plan package and/or any residential building permit where construction activities will occur within 20-feet of a native tree dripline. The applicant will contract with a certified arborist to monitor all activity within the drip lines of existing native trees.

13. The emergency services and facility maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance costs shall be funded through a community facilities district established by the City at the developer's cost. The funding mechanism must be in place prior to or concurrently with acceptance of the final maps. The funding mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any final map. The administration of the above mentioned funds shall be by the City. Developer agrees to participate in the community facilities district and to take all steps reasonably required by the City with regard to the establishment of the district and assessment of the property.

- All Atascadero Police Department service costs to the project.
- All Atascadero Fire Department service costs to the project.
- Off-site common City of Atascadero park facilities maintenance service costs related to the project.

14. All tract maintenance costs listed below shall be 100% funded by the project in perpetuity. The service and maintenance cost shall be funded through a Home Owners Association established by the developer subject to City approval. The Home Owners Association must be in place prior to, or concurrently with acceptance of any final maps. The Home Owners Association shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map. The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the Home Owners Association.

- All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, and sewer mains within the project.
## Conditions of Approval / Mitigation Monitoring Program

**Halcon Residential Planned Development – The Groves**

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

| b) All parks, trails, recreational facilities and like facilities. |
| c) All open space and native tree preservation areas. |
| d) All drainage facilities and detention basins. |
| e) All creeks, flood plains, floodways, wetlands, and riparian habitat areas. |
| f) All common landscaping areas, street trees, medians, parkway planters, manufactured slopes outside private yards, and other similar facilities. |
| g) All frontage landscaping and sidewalks along public streets |

**Timing**

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

**Responsibility / Monitoring**

| PS: Planning Services |
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| CE: City Engineer |
| WW: Wastewater |
| CA: City Attorney |
| AMWC: Water Comp. |

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

| BP | PS, BS |

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

   a) Provisions for maintenance of all common areas including access, parking, street trees, fencing and landscaping.
   b) A detailed list of each individual homeowner’s responsibilities for maintenance of the individual units.
   c) Individual unit’s responsibility for keeping all trash receptacles within the unit’s garage.

| BP | PS, BS |

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

| BP | PS, BS |

### ENGINEERING CONDITIONS
### Conditions of Approval / Mitigation Monitoring Program

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

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<td><strong>18.</strong> The internal streets shall be offered as public rights-of-way as shown on the tentative map and shall be extended to include the cul-de-sac adjacent to lots 9, 16 &amp; 17.</td>
</tr>
<tr>
<td><strong>19.</strong> Internal streets shall not be improved with sidewalks but shall comply with City standards for Rural Local roads. The road shoulder adjacent to Lots 1-5 and Lots 13-15 shall include a 5-foot wide walkable shoulder of compacted Class II Agg Base or DG, with a cross-slope matching that of the street, but not exceeding 4%. Where curb &amp; gutter, or, an AC dike are required to convey stormwater, the area behind the curb or dike shall be compacted base or DG as described above. Curb ramps are not required at the intersections of the internal streets.</td>
</tr>
<tr>
<td><strong>20.</strong> Viejo Camino shall be improved to City standards as shown on the Tentative Map along the project frontage. New improvements shall be consistent with City standards and the Circulation Element and shall include new curb, gutter, street intersection with cross-gutter, traffic signage and delineation, a bike lane (Class II), and transit stop. The street pavement shall be completed to integrate the existing roadway with the new frontage improvements as shown on the Tentative Map.</td>
</tr>
<tr>
<td><strong>21.</strong> Along the Viejo Camino frontage, the property owner shall dedicate an easement and construct a public pedestrian and bike trail to accommodate a 10-foot wide detached pedestrian &amp; bike trail. The pedestrian/bike trail shall be constructed of asphalt to the satisfaction of the Director of Public Works and Director of Community Development. Final alignment shall meander as necessary to conform to the existing terrain, trees and drainage requirements to the satisfaction of the Director of Public Works and Director of Community Development. The path shall wrap along the Halcon Rd frontage (off-site frontage) within the existing City ROW for a distance required by the City Engineer.</td>
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<tr>
<td><strong>22.</strong> The transit stop shown on Viejo Camino shall be not less than 90 feet long (end-to-end, including transition lanes). The transit stop shall be designed using smooth curves to allow for ease of entry/exiting of the bus as well as street sweeping equipment.</td>
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**Conditions of Approval / Mitigation Monitoring Program**

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<td>The bus staging area shall be of sufficient width to allow the bus to be safely located out of the travel lane(s) while loading or unloading passengers to the satisfaction of the City Engineer. The structural pavement-section shall be sufficient to support the typical transit vehicles but shall be not less than 6&quot; Class A concrete over 6&quot; Class II Aggregate Base, to the satisfaction of the City Engineer. Sidewalk at the transit stop shall be in addition to the concrete pad necessary to place the transit street furniture (bus shelter, bench, sign and other street furniture as deemed necessary by the Director of Public Works). Additional right-of-way shall be dedicated to accommodate the turn-out to the satisfaction of the City Engineer.</td>
<td><strong>23.</strong></td>
<td><strong>BP, GP</strong></td>
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<td><strong>24.</strong> Street trees on the internal streets shall be planted at the time of lot development along the road frontages of the internal streets offered to the public. One street tree shall be planted for each 35 linear feet (or portion thereof) of road frontage.</td>
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<td><strong>25.</strong> A new gravity sewer shall be designed and extended in Viejo Camino to serve the lots of Tract 3078, to the satisfaction of the City Engineer. An optional route along Halcon Rd can be explored for feasibility, subject to the review and approval of the city Engineer. The developer may request a reimbursement agreement for future private sewer connections for any off-site sewer extension subject to City Ordinance and City Council authorization. Notice of developer intent to request a reimbursement agreement must be made in writing prior to the start of construction.</td>
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<td><strong>26.</strong> Each new lot shall be served by separate laterals for water, power, communications, gas &amp; cable TV (if available adjacent to the subject property).</td>
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<td><strong>27.</strong> The Final Map shall include the offer of Public Utility Easements along all street frontages (6-feet wide), to the satisfaction of the City Engineer.</td>
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28. The Subdivider shall dedicated sufficient public right-of-way for street purposes along the northerly side of Santa Barbara Street to accommodate the existing improved road alignment.  

|  |  |
| FM | CE |

**STANDARD CONDITIONS**

29. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings.  

|  |  |
| BP, GP | CE |

30. In the event that the applicant is allowed to bond for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City.  

|  |  |
| FM | CE |

31. 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.  

|  |  |
| FM | CE |

32. The Subdivision Improvement Agreement (SIA) shall record concurrently with the Final Map. If it is the intent of the developer to pursue a reimbursement agreement with the City for the installation of off-site sewer facilities, reference to said agreement and terms shall be included in the SIA.  

|  |  |
| FM | CE |

33. The applicant shall be responsible for the relocation and/or alteration of existing utilities.  

|  |  |
| BP, GP | CE |

34. The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement.  

|  |  |
| BP, GP | CE |

35. The applicant shall monument all property corners for construction control and shall promptly replace them if disturbed.  

|  |  |
| FM | CE |

36. The applicant shall acquire title interest in any off-site land that may be required to allow for the construction of the

|  |  |
| FM | CE |
**Conditions of Approval / Mitigation Monitoring Program**

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

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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.

37. Slope easements shall be provided as needed to accommodate cut of fill slopes.

38. Drainage easements shall be provided as needed to accommodate both public and private drainage facilities.

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

40. Prior to recording the tract map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.

41. Prior to recording the tract map, the applicant shall set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced.

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

43. Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval.

44. Prior to recording the tract map, the applicant shall have the map reviewed by all applicable public and private utility companies (cable, telephone, gas, electric, Atascadero Mutual Water Company). The applicant shall obtain a letter from each utility company indicating their review of the map. The letter shall identify any new easements that may be required by the
Conditions of Approval / Mitigation Monitoring Program

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

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<td>utility company. A copy of the letter shall be submitted to the City. New easements shall be shown on the map.</td>
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<tr>
<td>45. Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the recorded map.</td>
<td>FM</td>
<td>CE</td>
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<tr>
<td>46. Prior to the final inspection of any public improvements, the applicant shall submit a written statement from a registered civil engineer that all work has been completed and is in full compliance with the approved plans.</td>
<td>FM</td>
<td>CE</td>
</tr>
<tr>
<td>47. Prior to the final inspection, the applicant shall submit a written certification from a registered civil engineer or land surveyor that all survey monuments have been set as shown on the final map.</td>
<td>BP, GP</td>
<td>CE</td>
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<tr>
<td>48. An encroachment permit shall be obtained prior to any work within City rights of way.</td>
<td>BP, GP</td>
<td>CE</td>
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<tr>
<td>49. Prior to the issuance of building permits the applicant shall submit a grading and drainage plan prepared by a registered civil engineer for review and approval by the City Engineer.</td>
<td>BP, GP</td>
<td>CE</td>
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<td>50. The applicant shall submit a hydraulic analysis with the first plan check submittal of the water system improvements for the project. The analysis should take into account the fire flows required by the California Building Code. The applicant is responsible for designing and constructing water system improvements that will provide water at pressures and flows adequate for the domestic and fire protection needs of the project.</td>
<td>BP, GP</td>
<td>CE</td>
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MITIGATION MONITORING PROGRAM

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

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

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

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

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**Mitigation Measure 1.d.1:** All lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare.

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**Mitigation Measure 3.b.1:** The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in Section 2 “Assessing and Mitigating Construction Impacts.”

2.4 Fugitive Dust Mitigation Measures: Standard List

1. Reduce the amount of the disturbed area where possible;
2. Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
3. All dirt stock-pile areas should be sprayed daily as needed;
4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible, and building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
5. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
6. The contractor or builder shall designate a person or persons...
### Conditions of Approval / Mitigation Monitoring Program

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

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

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

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

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

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

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

setback and detention basin landscaped areas.

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

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

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

**Halcon Residential Planned Development – The Groves**

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

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

| BP | PS/ BS |

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

1. A minimum height construction protective barrier shall be erected around the drip line of the tree plus 4’. The fence shall be supported with “T” posts at no more than 6’ o.c. and tied at least 3 places per post. This fence shall be installed by the General Contractor before any rough grading is allowed on the site. Approval for this stage must be obtained in writing from either the Arborist or the Counties/Cities representative.
2. Earthwork shall not exceed the limits of the project area.
3. Low branches in danger of being torn during construction process shall be pruned prior to any heavy equipment work being undertaken.
4. Once the rough grading is accomplished the fence may be moved closer to the trunk of the tree for finish grading. At no time shall the fence be placed within the Critical Root Zone (CRZ). This location is determined by the diameter of the trunk at Diameter Breast Height (DBH). (4.5’ above grade) and is 1’ per 1” diameter in the direction of the drip line. At no time shall the fence be moved closer to the trunk than the drip line, unless additional preservation measures are implemented as recommended by the project arborist.
5. Any roots that are encountered over 2” diameter, during the excavation process shall be clean cut perpendicular to the direction of root growth with a handsaw. At no time shall tree seal be applied to any cut. Any roots over 2” diameter the county/city representative shall be notified to determine the preferred course of action.
6. All trenching with CRZ area shall require hand trenching to preserve and protect roots over 2” in diameter.
7. No grading of trenching is allowed within the CRZ.
## Conditions of Approval / Mitigation Monitoring Program

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

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1. fenced area without written permission from the County/City representative or a certified arborist.

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

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

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

5. All trees shall be pruned before any construction takes place that are in the development areas to be saved if they might be damaged by the construction equipment. This must be accomplished by a bonded, licensed, and certified Tree Service Contractor.

6. All debris shall be cleared from the area or chipped and spread on the site or stacked in orderly piles for future use by the Owner, at the Owners request.

7. In locations where paving is to occur within the drip line grub only and do not compact unless authorized in writing. Permeable pavers or other preamble surface must be approved by the Arborist.

### Mitigation Measure 4.e.4

Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.

### Mitigation Measure 4.e.5

All utilities shall remain outside the drip lines of native trees, unless preservation measures, as specified by the project arborist, are implemented.
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<tr>
<td>Mitigation 5.a.b.c.1: An archaeological monitor shall be present during initial vegetation clearing, site “grubbing, and grading for all portions of the project.</td>
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<td>Mitigation 5.d.1: In the event that human remains are discovered on the property, all work on the project shall stop and the Atascadero Police Department and the County Coroner shall be contacted. The Atascadero Community Development Department shall be notified. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) shall be contacted at (916) 653-4082 within 24 hours. A representative from both the Chumash Tribe and the Salinan Tribe shall be notified and present during the excavation of any remains.</td>
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<td>Mitigation Measure 6.b.1: The on-site subdivision / grading permit plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction, consistent with mitigation or construction methods outlined in the geotechnical report. Plans shall be approved by the City Engineer prior to issuance.</td>
<td>GP</td>
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<td>Mitigation Measure 6.b.2: All cut and fill slopes mitigated with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of earthwork, as approved by the City Engineer. All disturbed slopes shall have appropriate erosion control methods in place.</td>
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<td>PS/CE</td>
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<td>Mitigation Measure 6.b.3: The contractor will be responsible for the clean-up of any mud or debris that is tracked onto public streets by construction vehicles. An approved device must be in place prior to commencement of grading activities. This device shall be approved by the City Engineer.</td>
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<td>Mitigation Measure 6.b.4: A re-vegetation plan shall be submitted with building permits. All disturbed cut and fill slopes shall be vegetated as specified in a landscaping plan. The landscaping plan must be approved by both the Community Development Department and the Public Works Department.</td>
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<td>Mitigation Measure 8.h.1: All new construction will comply with section the California Building and Fire Codes. New residences in the City are required to install fire sprinklers. Fire protection</td>
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### Conditions of Approval / Mitigation Monitoring Program

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

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<td>Measures shall include the use of non-combustible exterior construction and roofs and fire-resistant building materials.</td>
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<td>Mitigation Measure 9.d.e.f.1: The project shall integrate Low Impact Development Best Management Practice’s into the project design which may include on-site detention and/or retention basins, pervious paving, and vegetated swales. The detention basins must meet the City’s drainage design standards with surface runoff being treated for water quality through structural control measures including: disconnected downspouts flowing to vegetated bio-swales, and pervious pavement and/or landscape areas to control storm volume. All drainage control features shall be subject to the approval of the City Engineer.</td>
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<td>Mitigation Measure 9.d.e.f.2: The developer shall ensure that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.</td>
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<td>PS/CE</td>
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<td>Mitigation Measure 12.a.1: Private yard outdoor activity spaces for each residential parcel adjacent to Viejo Camino and Halcon Rd where outdoor noise levels exceed City standards shall be located where the building provides acoustical screening opportunities. If no such areas exist within the design of the structure on the site, private outdoor use areas shall be enclosed by a 6-foot high solid wall.</td>
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<td>Mitigation Measure 12.a.2: Windows on facades adjacent to Halcon and Viejo Camino Road shall include additional sound attenuation features such as dissimilar glass or other methods aimed at reducing sound transmission beyond the standard dual pane requirements.</td>
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<td>Mitigation Measure 14: Prior to final map recordation, the applicant shall annex into the City’s Community Facilities District (CFD) to offset additional costs associated with the provision of additional police, fire, and park services.</td>
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<td>Mitigation Measure 16.a.b.1: In addition to the City’s Development Impact Fees, each new residential unit shall pay towards its fair share of the US 101 / Santa Barbara interchange improvements. The project may be eligible for TIF fee credits for Citywide improvements.</td>
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## Conditions of Approval / Mitigation Monitoring Program

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

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<td><strong>Mitigation Measure 16.d.1:</strong> Access for parcels abutting Halcon Rd shall be consolidated and shall be designed as private roads meeting City road standards. Driveways to individual parcels with existing residences may be approved by the City Engineer in locations where consolidated access cannot be utilized due to parcel locations. All access roads and driveways shall be evaluated at the time of tentative map submittal and/or improvement permits for sight distance.</td>
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<td><strong>Mitigation Measure 6.f.1:</strong> In addition to an on-street bike lane, a multi-use path shall be provided along Viejo Camino and Halcon Roads consistent with the adopted City bike and trail Master Plan and the SLOCOG Salinas River Trail Plan.</td>
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<td><strong>Mitigation Measure 17.d.1:</strong> Landscaping plans shall be submitted to the Community Development Department for review and approval. Landscaping must consist of drought tolerant species and utilize drip irrigation. Turf shall not be permitted as a part of the approved landscaping plan.</td>
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EXHIBIT B: Master Plan of Development / Site Plan
EXHIBIT C: Landscape Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT D: Elevations / Floor Plan
EXHIBIT E: Grading and Drainage Plan
EXHIBIT F: Utility Plan
EXHIBIT G: Noise Analysis Diagram

Area of db exceedance
DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, APPROVING A VESTING TENTATIVE SUBDIVISION MAP 2014-0108, CONSISTENT WITH THE PD-33 OVERLAY ZONING DISTRICT (Halcon Residential Planned Development ConsciousBuild Atascadero Dev. LLC)

WHEREAS, an application has been received from ConsciousBuild Atascadero Dev. LLC. (2921 Garabaldi Ave, San Luis Obispo, CA 93401) Owner and Applicant, and;

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

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

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

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

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

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

WHEREAS, an Initial Study and Draft Mitigated Negative Declaration 2015-0007 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

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

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

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

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

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

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Atascadero:

SECTION 1. Findings of Approval for Tentative Tract Map. the City Council of the City of Atascadero makes the following findings, determinations and recommendations with respect to the proposed Vesting Tentative Tract Map:
1. The proposed subdivision, design and improvements as conditioned, is consistent with the General Plan and applicable zoning requirements, including provisions of the PD-33 overlay district.

2. The proposed subdivision, as conditioned, is consistent with the proposed Master Plan of Development (CUP 2014-0284).

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

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

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

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

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

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

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

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

AYES:

NOES:

ABSTAIN:

ABSENT:

ADOPTED:

CITY OF ATASCADERO, CA

______________________________
Tom O’Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

**Vesting Tentative Subdivision Map TR 3078 (TTM 2014-0108)**

**Planning Department**

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

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

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

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

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

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

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

8. All subsequent Tentative Map and construction permits shall be consistent with the Master Plan of Development (CUP.  
   - **Timing**: BP / FM  
   - **Responsibility /Monitoring**: PS, CE
Conditions of Approval / Mitigation Monitoring Program
TTM 2014-0108
Vesting Tentative Tract Map
(The Groves – Halcon Residential Development)
APN 045-401-003 & 004

ITEM NUMBER: B-1
DATE: 02/23/16

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**Vesting Tentative Tract Map**
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2014-0284) approved for the project.

9. The parcel map shall be subject to additional fees for park or recreation purposes (QUIMBY Act) as required by City Ordinance

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10. All maintenance costs listed below shall be 100% funded by the project in perpetuity, except for public facilities that are planned for and currently maintained by the City of Atascadero. The service and maintenance cost shall be funded through an entity or mechanism established by the developer, subject to City Staff approval. This entity or mechanism must be in place prior to, or concurrently with acceptance of any final map(s). The entity or mechanism shall be approved by the City Attorney, City Engineer and Administrative Services Director prior to acceptance of any Final Map(s). The administration of the above mentioned funds, and the coordination and performance of maintenance activities, shall be the responsibility of the entity or mechanism.

a) All streets, bridges, sidewalks, streetlights, street signs, roads, emergency access roads, emergency access gates, traffic control signals, pavement markings and sewer mains within the proposed project including residential streets within any residential subdivision.

b) All landscaping and lighting within the proposed project area.

c) Common area fencing and/or features.

d) Open areas on private property within the proposed project area including detention facilities, bio-swales, and other low-impact-development features.

e) Newly constructed drainage facilities on private property within the proposed project area.

f) Landscaped frontages within the right-of-way of all public streets within the defined specific plan boundary.

g) On-site sewer and storm drains located outside of the right-of-way.

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

a) Provisions for maintenance of all common areas including parking lot, landscape areas, free standing signs, lighting and...
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solid waste storage.

b) Maintenance of on-site sewer and storm drainage systems.

c) Ensuring compliance with the Master Plan of Development.

d) Standards for the design, maintenance and appearance of individual lot development and maintenance.

e) A provision for review by the City Community Development Department for any changes to the CC&R’s that relate to the above requirements prior to the changes being recorded or taking effect.

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

On-Going

PS

Public Works Project Conditions

City Engineer Project Conditions

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

BP, GP

CE

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

BP, GP

CE

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

BP, GP

CE

16. Along the Viejo Camino frontage, the property owner shall dedicate an easement and construct a public pedestrian and bike trail to accommodate a 10-foot wide detached pedestrian & bike trail. The
### Conditions of Approval / Mitigation Monitoring Program

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A pedestrian/bike trail shall be constructed of asphalt to the satisfaction of the Director of Public Works and Director of Community Development. Final alignment shall meander as necessary to conform to the existing terrain, trees and drainage requirements to the satisfaction of the Director of Public Works and Director of Community Development. The path shall wrap along the Halcon Rd frontage (off-site frontage) within the existing City ROW for a distance required by the City Engineer.

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

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

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

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

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# Conditions of Approval / Mitigation Monitoring Program

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*(The Groves – Halcon Residential Development)*

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## Timing

### 21. Each new lot shall be served by separate laterals for water, power, communications, gas & cable TV (if available adjacent to the subject property).

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### 22. The Final Map shall include the offer of Public Utility Easements along all street frontages (6-feet wide), to the satisfaction of the City Engineer.

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### 23. The Subdivider shall dedicated sufficient public right-of-way for street purposes along the northerly side of Santa Barbara Street to accommodate the existing improved road alignment.

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### Standard Conditions

#### 24. All public improvements shall be constructed in conformance with the City of Atascadero Engineering Department Standard Specifications and Drawings.

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#### 25. In the event that the applicant is allowed to bond for the public improvements required as a condition of this map, the applicant shall enter into a Subdivision Improvement Agreement with the City.

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#### 26. An engineer's estimate of probable cost shall be submitted for review and approval by the City Engineer to determine the amount of the bond.

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#### 27. The Subdivision Improvement Agreement (SIA) shall record concurrently with the Final Map. If it is the intent of the developer to pursue a reimbursement agreement with the City for the installation of off-site sewer facilities, reference to said agreement and terms shall be included in the SIA.

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#### 28. The applicant shall be responsible for the relocation and/or...
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<td>alteration of existing utilities.</td>
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<td>29. The applicant shall install all new utilities (water, gas, electric, cable TV and telephone) underground. Utilities shall be extended to the property line frontage of each lot or its public utility easement.</td>
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<td>30. The applicant shall monument all property corners for construction control and shall promptly replace them if disturbed.</td>
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<td>31. 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>32. Slope easements shall be provided as needed to accommodate cut of fill slopes.</td>
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<td>33. Drainage easements shall be provided as needed to accommodate both public and private drainage facilities.</td>
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<td>34. The final map shall be signed by the City Engineer prior to the map being placed on the agenda for City Council acceptance.</td>
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<td>35. Prior to recording the tract map, the applicant shall submit a map drawn in substantial conformance with the approved tentative map and in compliance with all conditions set forth herein. The map shall be submitted for review and approval by the City in accordance with the Subdivision Map Act and the City's Subdivision Ordinance.</td>
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<td>36. Prior to recording the tract map, the applicant shall set monuments at all new property corners. A registered civil engineer or licensed land surveyor shall indicate by certificate on the parcel map, that corners have been set or shall be set by a date specific and that they will be sufficient to enable the survey to be retraced.</td>
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### Conditions of Approval / Mitigation Monitoring Program

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

38. Prior to recording the map, the applicant shall complete all improvements required by these conditions of approval.  

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

40. Upon recording the final map, the applicant shall provide the City with a black line clear Mylar (0.4 mil) copy and a blue line print of the recorded map.

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

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

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

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

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

MITIGATION MONITORING PROGRAM

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

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

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

Mitigation Measure 1.d.1: All lighting shall be designed to eliminate any off site glare. All exterior site lights shall utilize full cut-off, “hooded” lighting fixtures to prevent offsite light spillage and glare.

Mitigation Measure 3.b.1: The project shall be conditioned to comply with all applicable District regulations pertaining to the control of fugitive dust (PM-10) as contained in Section 2 “Assessing and Mitigating Construction Impacts.”

2.4 Fugitive Dust Mitigation Measures: Standard List

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

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

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**possible:**

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

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

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

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

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

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

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

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

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

Mitigation Measure 4.e.1: Grading and excavation activities shall be consistent with the City of Atascadero Tree Ordinance. Special precautions when working around native trees include:
1. During grading activities an arborist must be present.
2. All existing trees outside of the limits of work shall remain.
3. Earthwork shall not exceed the limits of the project area.
4. Low branches in danger of being torn from trees shall be pruned prior to any heavy equipment work being done.
5. Vehicles and stockpiled material shall be stored outside the drip line of all trees.
6. All trees within twenty feet of construction work shall be fenced for protection with 4-foot chain link, snow or safety fencing placed per the approved tree protection plan. Tree protection fencing shall be in place prior to any site excavation or grading. Fencing shall remain in place until completion of all construction activities.
7. Any roots that are encountered during excavation shall be clean cut by hand and sealed with an approved tree seal.
8. Utilities such as water, gas, power, cable, storm
### Conditions of Approval / Mitigation Monitoring Program

**TTM 2014-0108**

**Vesting Tentative Tract Map**

(The Groves – Halcon Residential Development)

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

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#### Mitigation Measure 4.e.2

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

#### Mitigation Measure 4.e.3

The following measure shall be incorporated on-site during the construction process of the proposed project:

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

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

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

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

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

**TTM 2014-0108**

**Vesting Tentative Tract Map**

(The Groves – Halcon Residential Development)

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

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

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

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

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

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

11. All trees shall be pruned before any construction takes place that are in the development areas to be saved if they might be damaged by the construction equipment. This must be accomplished by a bonded, licensed, and certified Tree Service Contractor.

12. All debris shall be cleared from the area or chipped and spread on the site or stacked in orderly piles for future use by the Owner, at the Owners request.

13. In locations where paving is to occur within the drip line grub only and do not compact unless authorized in writing. Permeable pavers or other preamble surface must be approved by the Arborist.

**Mitigation Measure 4.e.4:** Upon project completion and prior to final occupancy a final status report shall be prepared by the project arborist certifying that the tree protection plan was implemented, the trees designated for protection were protected during construction, and the construction-related tree protection measures are no longer required for tree protection.

| FO | PS/ |

**Mitigation Measure 4.e.5:** All utilities shall remain outside the drip lines of native trees, unless preservation measures, as specified by the project arborist, are implemented.

| BP | PS/ BS |

**Mitigation 5.a.b.c.1:** An archaeological monitor shall be present during initial vegetation clearing, site “grubbing, and grading for all portions of the project.

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**Mitigation 5.d.1:** In the event that human remains are discovered on the property, all work on the project shall stop and the Atascadero Police Department and the County Coroner shall be contacted. The Atascadero Community Development Department shall be notified. If the human remains are identified as being Native American, the California Native American Heritage Commission (NAHC) shall be contacted at (916) 653-4082 within 24 hours. A representative from both the Chumash Tribe and the Salinan Tribe shall be notified and present during the excavation of any remains.

**Mitigation Measure 6.b.1:** The on-site subdivision / grading permit plans shall include erosion control measures to prevent soil, dirt, and debris from entering the storm drain system during and after construction, consistent with mitigation or construction methods outlined in the geotechnical report. Plans shall be approved by the City Engineer prior to issuance.

**Mitigation Measure 6.b.2:** All cut and fill slopes mitigated with an appropriate erosion control method (erosion control blanket, hydro-mulch, or straw mulch appropriately anchored) immediately after completion of earthwork, as approved by the City Engineer. All disturbed slopes shall have appropriate erosion control methods in place.

**Mitigation Measure 6.b.3:** The contractor will be responsible for the clean-up of any mud or debris that is tracked onto public streets by construction vehicles. An approved device must be in place prior to commencement of grading activities. This device shall be approved by the City Engineer.

**Mitigation Measure 6.b.4:** A re-vegetation plan shall be submitted with building permits. All disturbed cut and fill slopes shall be vegetated as specified in a landscaping plan. The landscaping plan must be approved by both the Community Development Department and the Public Works Department.

**Mitigation Measure 8.h.1:** All new construction will comply with section the California Building and Fire Codes. New residences in the City are required to install fire sprinklers. Fire protection measures shall include the use of non-combustible exterior construction and roofs and fire-resistant building materials.
**Conditions of Approval / Mitigation Monitoring Program**  
**TTM 2014-0108**  
**Vesting Tentative Tract Map**  
*(The Groves – Halcon Residential Development)*

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

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

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

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

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

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

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

**Mitigation Measure 16.d.1**: Access for parcels abutting Halcon Rd shall be consolidated and shall be designed as private roads meeting City road standards. Driveways to individual parcels with existing residences may be approved by the City Engineer in locations where consolidated...
### Conditions of Approval / Mitigation Monitoring Program

**TTM 2014-0108**  
**Vesting Tentative Tract Map**  
(The Groves – Halcon Residential Development)  
**APN 045-401-003 & 004**

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<th>Access cannot be utilized due to parcel locations. All access roads and driveways shall be evaluated at the time of tentative map submittal and/or improvement permits for sight distance.</th>
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**Mitigation Measure 6.f.1:** In addition to an on-street bike lane, a multi-use path shall be provided along Viejo Camino and Halcon Roads consistent with the adopted City bike and trail Master Plan and the SLOCOG Salinas River Trail Plan.

**Mitigation Measure 17.d.1:** Landscaping plans shall be submitted to the Community Development Department for review and approval. Landscaping must consist of drought tolerant species and utilize drip irrigation. Turf shall not be permitted as a part of the approved landscaping plan.
EXHIBIT D: Utility Plan
Atascadero City Council  
Staff Report – Community Development Department

Lot Line Adjustment 2015-0121 (ATAL 15-0094)  
City Lake Park and Atascadero Kiwanis Parcels  
7848 Pismo Avenue

RECOMMENDATIONS:

The Parks and Recreation Commission recommends:

1. City Council adopt Draft Resolution “A” to authorize the City to be a party to a lot line adjustment to modify the boundary of two City owned parcels at the Lake Park/Pavilion parking lot in order to correct a historic lot line location inconsistency at the Kiwanis Hall property at 7848 Pismo Avenue; and,

2. City Council provide staff direction regarding a memorandum of understanding to provide parking for Kiwanis Hall; and,

3. City Council provide staff direction regarding relief of fees and additional cost participation with the processing of the lot line adjustment.

DISCUSSION:

Background:  
The Atascadero Kiwanis have recently acquired the former AARP building located at 7848 Pismo Avenue. The building is used as a rental hall for private events. Kiwanis and AARP also continue to use the building for their organizations’ activities.

The parcel at 7848 Pismo was created by grant deed in 1963. It appears that the parcel was portioned off by the previous owner prior to City incorporation so that AARP would be provided ownership of the building which they occupied. Through this process, the lot at APN 031-372-008 was created; however, the deed’s lot lines did not match the as-built location of the AARP structure on the property. The AARP/Kiwanis building has straddled the property line for the past 50 years, and is partially located on City owned property.
The Atascadero Kiwanis organization became aware of this issue last year when they began discussions to acquire ownership of the property. Kiwanis has submitted a lot line adjustment application to rectify the situation. The proposal is to shift the existing lot lines so that the existing building is located solely on Kiwanis owned property, with the required property line setbacks provided. Upon adjustment, the City parking spaces which are currently located on the Kiwanis parcel would be located solely on City owned property.

Aerial Photo with Existing Parcel Boundary

Kiwanis building crosses property line. Currently located partially on City property

Existing property line of 7848 Pismo Ave (Kiwanis parcel)

City parking currently located on Kiwanis property
Analysis:

The lot line adjustment proposes modifications to the property lines between the Kiwanis parcel and two (2) adjacent City owned parcels. City Council authorization is required for the City to be a party to the application. A City owned parcel cannot be modified without Council approval of the proposed changes. The lot line adjustment application itself does not require Council approval, and will follow the standard process of administrative action with Community Development Director review per Municipal Code section 11-5.02.

No physical improvements to the Lake Park are being proposed with the subject application. The application is only to rectify the existing property boundary inconsistencies. The proposal is consistent with the Atascadero Lake Park Master Plan which was adopted by Council in 2001. The Lake Park Master Plan identifies a long range plan which includes reconfiguration of the Pavilion parking lot. The proposed lot line adjustment would help to bring the site into conformance with the assumed property lines and future development plan for this area (see attachment 2).

The adjustment is an equal area exchange, which means that the Kiwanis parcel size will remain the same after adjustment. The proposal meets the requirements of Government Code section 37351, which states that the Council has the power to “exchange” real property “as is necessary or proper for municipal purposes”. In this case, the proposal is to exchange City land for a like amount of private land in order to (a) get the Kiwanis building all on one parcel, which is consistent with the City’s building and planning codes, and (b) get the building off of the City’s parcel, so that there is no question that the City bears no liability for it. The City Attorney has reviewed the proposed request for adjustment and has determined that there is benefit to the City, and the City’s regulation of buildings and land within its boundaries, to be a party to the application and relocate the parcel boundaries.

Only building and zoning standards must be met for approval of a lot line adjustment. City staff has reviewed the proposed map, and has found the proposed boundary locations consistent with City standards for property line setbacks from adjacent buildings. The Atascadero Municipal Code specifies no minimum lot size for property in the Recreation (L) zoning district. Easements shall be recorded in locations of any utilities which cross property lines. As proposed, the lots will conform to the Subdivision Map Act and the City’s subdivision, zoning and building ordinances.
Proposed Lot Line Adjustment Map (ATAL 15-0094)

PARCEL AREAS BEFORE & AFTER

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<th>Description</th>
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<td>AARP DEED/PARCEL ONE</td>
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<td>6,536 SQ FT</td>
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<td>LOT 48/PARCEL TWO</td>
<td>9,630 SQ FT</td>
<td>6,640 SQ FT</td>
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<td>LOT 47/PARCEL THREE</td>
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Parks and Recreation Commission Review
On January 21, 2016, the Atascadero Parks and Recreation Commission reviewed the proposed reconfiguration of City Lake Park lots. On a 6-0 vote, the Commission unanimously recommended the Council authorize the adjustment of City owned parcels, as it will bring the site closer to conformance with existing uses and future development plans for the Lake Park.

The Parks and Recreation Commission discussed two (2) additional items for Council consideration. In a separate recommendation, on a 5-1 vote, the Commission, as an advisory body, made recommendations regarding entering into a parking agreement with Kiwanis, and regarding consideration of some relief on fees. These items are not included in the attached resolution of approval regarding adjustment; however, the Council may take action on these items separately with direction to City staff.

Parking MOU: The Kiwanis site does not have any existing, conforming parking on site other than an unimproved area facing Pismo Street. Kiwanis members and the rental hall users have historically utilized the City parking lot as needed, as any other member of the general public may do. When a large City event is being held at the Lake Park or Pavilion, City staff discusses this with Kiwanis so that they do not also book a large event on the same day. This unwritten “gentleman’s agreement” has been working fine and both parties are happy with the existing situation.

Parks and Recreation Commission expressed a desire to formalize the parking agreement by drafting a MOU, which could have a sunset clause if the property was ever sold to another user. Staff has looked further into this option, and has several concerns. The existing City parking adjacent to the Kiwanis Hall is not ADA compliant for access to the Kiwanis Building. If a parking agreement were adopted, the parking lot would be required to be brought into full compliance, including leveling the slope, adding new ramps, and adding additional accessible spaces based on code required percentages. In addition, City liability is increased by taking on the responsibly of providing parking for the private rental hall. A written parking agreement could also affect the use and future development of the Lake Park, especially if those parking spaces were required to be provided by the City for the private use at all times.

Kiwanis has stated that they are satisfied with the existing situation and would prefer not to put the agreement in writing. The proposed lot line adjustment will provide an area on the west side of the Kiwanis building where one new accessible parking space can be installed on the Kiwanis lot. Therefore, no provisions regarding parking agreements are included in the attached lot line adjustment resolution of approval.

If Council would like to see further action to create a written agreement or MOU, the City Attorney can provide an analysis and bring it back before the Council.

City participation in fees and/or costs: At the Parks and Recreation Commission meeting, Kiwanis discussed the costs associated with the lot line adjustment
application, and requested that the City participate in these costs to help fund the process. It was requested that the City pay 50% of the costs of the following items:

- Lot line adjustment application: $1,313.00
- Preliminary title document: $500.00
- Certificate of compliance application: $1,039.00

Parks and Recreation Commission recommends that the Council consider some relief of fees. City staff advises that in-kind contribution (staff and attorney time) be considered. The subject lot line adjustment has required substantially more time than a normal lot line adjustment application. There have been several meetings between City staff (City Manager, Public Works, Planning, and Building departments) and Kiwanis, a Parks and Recreation Commission meeting, a City Council meeting, and City Attorney review. The City is not initiating the proposed lot line adjustment, but staff is recommending being a party to the application for the reasons noted above. Kiwanis would be the primary beneficiary of the lot line adjustment, as they would own the land which their building sits on once the adjustment is finalized.

If Council would like to participate financially in the costs associated with the proposed lot line adjustment, direction may be given to staff to bring back a staff report with recommended items to cut from the current budget to accommodate the request or an appropriation of General Fund Reserves.

Conclusion:
A lot line adjustment is proposed by the Atascadero Kiwanis to rectify an inconsistency between the existing property boundary and existing building location. City Council authorization is required to adjust the boundary of the City owned parcels. Staff recommends that it is in the City’s interest to do an equal area exchange to get the Kiwanis building all on one parcel under their sole ownership, and off of the City park property. The lot line adjustment is consistent with the General Plan and applicable building, subdivision, and zoning code requirements.

FISCAL IMPACT:

There is no future fiscal impact from the adoption of Draft Resolution A. The proposed lot line adjustment is an equal area exchange, and therefore City property will not be made any larger or smaller through the adjustment.

Significant City staff and attorney time has been incurred (in-kind contribution) towards the processing of the lot line adjustment. Kiwanis has requested that permit application and other costs also be shared. Any direction to additionally share in these costs will have a fiscal impact.
ALTERNATIVES:

1. The Council may direct staff to come back with modifications to the proposed lot line adjustment prior to approval.

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

3. The Council may choose not to participate in the proposed lot line adjustment. The parcel lines would remain as currently located.

ATTACHMENTS:

1. Location Map / Aerial Photo
2. Maps from Atascadero Lake Park Master Plan
3. Draft Resolution A
Subject site:
7848 Pismo Ave.
Kiwanis Hall
(formerly AARP building)
Attachment 2: Atascadero Lake Park Master Plan, adopted 2001

Pavilion parking lot
Area 2, Phase 9
Includes reconfiguration of Pavilion parking lot for better circulation and access

Kiwanis Hall building
DRAFT RESOLUTION A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA AUTHORIZING THE CITY TO BE PARTY TO A LOT LINE ADJUSTMENT (ATAL 15-0094) TO MODIFY THE PROPERTY LINE LOCATIONS BETWEEN THE LAKE PARK AND THE KIWANIS PROPERTY LOCATED AT 7848 PISMO AVENUE (KIWANIS/CITY OF ATASCADERO)

WHEREAS, the Atascadero Kiwanis (7848 Pismo Avenue, Atascadero, CA 93422), are proposing a lot line adjustment between their parcel and the adjacent City owned Lake Park parking lot; and,

WHEREAS, City Council authorization is necessary for the City to be a party to any adjustment of City owned property; and,

WHEREAS, the City of Atascadero has recognized the need to rectify the historic inconsistency and adjust the parcel boundaries so that the Kiwanis building is solely located on property under their ownership; and,

WHEREAS, the Kiwanis parcel being proposed for adjustment would retain its existing size of 6,536 sq. ft. and would not become any larger or be granted any additional acreage as a result of the equal area adjustment with the City properties; and,

WHEREAS, the proposal is consistent with the Atascadero Lake Park Master Plan, adopted by City Council in October 2001, including future reconfiguration of the Pavilion parking lot; and,

WHEREAS, no physical changes to the site improvements at the Lake Park are proposed at this time; and,

WHEREAS, the Parks and Recreation Commission held a duly noticed public meeting to consider the proposed lot line adjustment on January 21, 2016 at 7:00 p.m. and considered testimony and reports from staff and the public; and,

WHEREAS, the City Council held a duly noticed public meeting to consider the proposed lot line adjustment on February 23, 2016 at 6:00 p.m. and considered testimony and reports from staff and the public.
NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero:

SECTION 1. Approval. The City Council of the City of Atascadero, in a regular session assembled on February 23, 2016 resolved to authorize the City to be a party to a lot line adjustment involving City owned parcels, subject to the following:

EXHIBIT A: Preliminary Lot Line Adjustment Map ATAL 15-0094

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: __________________________
    Tom O'Malley, Mayor

ATTEST:

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

APPROVED AS TO FORM:

_____________________________________
    Brian A. Pierik, City Attorney
EXHIBIT 1: Proposed Lot Line Adjustment Map ATAL 15-0094
Atascadero City Council
Staff Report – City Manager’s Office

City of Atascadero
Marketing Plan Update 2015-16

RECOMMENDATIONS:

Council:
1. Receive and file marketing plan update; and,

2. Approve special event sponsorship criteria.

DISCUSSION:

The City of Atascadero Marketing plan is designed to support our vision and brand that has been defined as Classic Americana, simply genuine, hometown feel and a “California as it used to be” experience. The goals for the City’s Marketing plan is to promote the City’s assets and events that appeal to local and county residents as well as encourage visitors who are already here to stay, spend and enjoy. The plan has been designed to implement the goals by keeping our City’s businesses and assets top-of-mind through an ongoing advertising campaign, growing existing events and establishing new events that appeal to our target audience. The update will also show year-to-date results with measurement across website growth, social media followers, and digital dashboard reporting of our retargeting display ads and SEM (Search Engine Marketing) platform to show how portions of the plan have been performing.

The marketing plan update reviews each of the five main objectives under promotions and events.

The promotions portion highlights the overall advertising campaign and the makeup of the promotional media within the campaign. The update reviews campaigns that have expired over the past four months, as well as campaigns that are currently being executed over the year.
The events portion reviews new events and how we are working to grow existing events. The update reviews new events that have been executed as well as upcoming events. Council will have the opportunity to review an oral presentation of our recent Winter Wonderland event to see how the event budget was applied with an actual cost analysis.

The marketing plan was approved mid October with focus on promoting upcoming events in the City. Events promoted on KSBY were 30 second commercial spots for the Holiday Lighting Ceremony, Winter Wonderland, Holiday Magic and Tamale Festival. Press releases have promoted all events across a variety of media since May. Prior to the marketing plan approval, Staff worked to promote across a variety of media with a consistent PR campaign promoting events with news coverage on KSBY/ NBC Affiliate, KCOY/ FOX Affiliate, KPRL Radio station as well as in print with Atascadero News, Tribune, New Times and online across the newspaper and television websites. Some of the events that were promoted with a PR only campaign were Summer Concert Series in the Park, Ice Cream Zoofari, the Zoo’s 60th Birthday, and Patriots Day & Lighting of City Hall.

The Marketing plan has three main promotional vehicles once the season begins in March that will span through September. The top three media will be Broadcast TV with KSBY, Digital SEM (Search Engine Marketing – paid Search, continual, started December) & Retargeting as well as social media. Outdoor advertising is the third main promotional vehicle that will include the Hearst Castle Buses, incoming traffic areas from the Lost Hills and Santa Maria corridor and directional signage utilizing our in-market billboard panels. Additional outdoor advertising being considered is a banner at the SLO Airport and/or the SLO Airport video.

The targeted areas outlined in the plan and followed with our media placement are SLO County, Northern Santa Barbara County & South Monterey County. Keywords have been integrated into the backend of the VisitAtascadero website and are being measured via our dashboard metrics. Keywords include City businesses and assets including the microbrew & specialty drinks scene plus coastal, culinary and historical to encourage visits to Atascadero so visitors stay and spend.

Additional promotional vehicles will be E-mail marketing blasts specific to events like Brew at the Zoo and Dancing in the Streets. Brochure distribution will also be in place promoting a new brochure for the Zoo and market expansion for the existing City brochure as well as development of a new City brochure. Other vehicles include ongoing radio promotions with Grape Encounters Radio Show with Quick bites and Uncorked that are aired on the local 92.5 KRUSH radio as well as neighboring Bakersfield and Fresno radio stations. Ongoing print and newspaper websites will be used along with radio designed to promote events.

The marketing plan provides the original plan with updates highlighted in yellow. The updates also include where we are with budget followed by the Special Events
Sponsorship Criteria and Agreement template. The 2016 Event Calendar is provided as an attachment.

**FISCAL IMPACT:** None

**ALTERNATIVES:**

1. The City Council may provide staff direction on any desired adjustments to the current approved Marketing Plan.
2. The City Council may provide staff direction on the Special Events Criteria.

**ATTACHMENTS:**

1. Marketing Plan with Updates
2. Special Events Criteria & Agreement Template - DRAFT
3. Event Calendar


Executive Summary

The City of Atascadero Marketing Plan is designed to promote the City’s assets and events that appeal to local and County residents as well as encourage visitors who are already here to stay, spend and enjoy. The Plan is designed with a focus on local businesses to attract and promote shopping local. Growth in retail and restaurant sales will help attract more business to the area, which would then foster economic growth. This Marketing Plan integrates and compliments the information from the Atascadero Tourism & Promotion Game Plan by the Coraggio Group and the Atascadero Tourism (ATBID) Marketing Plan by Verdin Marketing.

The City’s assets are defined as the Downtown core with historic City Hall, Galaxy Theater, Charles Paddock Zoo, Faces of Freedom Veterans Memorial, Atascadero Lake Park, Pavilion on the Lake, A-Town Skate Park and Chalk Mountain Golf Course.

Target Audience

Visitors, Local residents, SLO County residents

Geographic Markets

- In Market: Local & County Residents
- Outer Market:
  - Primary Market: Central Valley, Northern Santa Barbara County & Salinas/ Monterey County
  - Secondary Market: Reflects County tourism efforts to reach South Bay/ Bay Area & Ventura/ LA/ OC markets.

Behavioral Target

- Market to the local and County residents across all ages, families, active retirees, children

- Follows Atascadero ATBID Marketing Plan “Personas” defined by Trip Advisor that present the most opportunity for travel in 2015 for Visitors coming from outside of our area:
  - Millennials with no children from 28-35 years old.
- Families aged 25-54 with more than one school aged child.
- Retirees and Baby Boomers over 55, either couples or social groups often “inter-generationally” traveling with extended family (but often paying for family members).
- Childless couples from 30-54 years old.
- “Bleisure” travelers who combine work travel with extra days with family or friends at a destination.
- Key event travelers

While most Destination Marketing Organizations (DMOs) want to target millennial travelers, research continues to show that 40-60 year olds still travel the most and have the most discretionary income. However, future travelers will come from the Millennial age groups and they still have strong preferences for their vacations:

- 36% of Millennials want a beach vacation this year
- 35% of Millennials want a “culture-oriented” trip
- 24% of Millennials want adventure-oriented trips
- 7 out of 10 Millennials report they have FOMO (Fear of Missing Out!)

- Secondary Research – California Tourism Trends – California travel is at an all-time high due to road trips being more popular. (Please refer to the ATBID Marketing Plan)

➢ Food & wine enthusiasts

➢ Outdoor enthusiasts

**Unique Selling Proposition**

We have previously defined Atascadero in both the Coraggio Group Ten Year Vision and in the Verdin Marketing Creative Brief as follows:

Atascadero is a beautiful and authentic city of outdoor recreation, culinary adventures, and welcoming hospitality. It’s a safe place where the arts and history thrive, and the diversity of experience, generosity of spirit, and small-town ambiance are here to be enjoyed by visitors and residents alike. – by City Council at 8/31/14 Strategic Planning Session with Coraggio Group

Atascadero is California as it used to be. With classic roots, Atascadero is a traditional American town that offers authentic experiences with a blend of affordability and access to family friendly activities. – by Verdin Marketing
In Summary, Atascadero’s Unique Selling Proposition (USP):

Atascadero is a classic American, family friendly town offering something for the whole family to enjoy from community events to historic attractions, a Veteran’s memorial, A-Town Skate Park and the Charles Paddock Zoo. Atascadero is known for warm summer evenings where locals can enjoy coming together for picnicking, playing horseshoes, walking around the Lake, hiking, golfing, biking and horseback riding.

Downtown Atascadero offers a growing craft brewery and specialty spirits scene, along with fabulous food from surrounding restaurants. Take a stroll through the beautiful Sunken Gardens which is home to the historic City Hall that is surrounded by angel fountains that complement the architectural era of the structure. Nearby your walk will take you to the newest movie theater in the County, the Galaxy Theater.

**Marketing Strategy**

**Goals**

1. *Keep the City’s businesses and assets top-of-mind through an ongoing advertising plan that spans the year to local and County residents and visitors to our area.*

2. *Establish new events and grow existing events that appeal to local and County residents as well as attract visitors.*

3. *Continually measure the success of the Marketing Plan through website growth, Sales Tax, TOT revenues and increase of social media followers*

**Objectives**

**Objective #1:** Establish a top-of-mind advertising campaign and a promotional plan that spans the year highlighting the City’s businesses and assets of things to do and see while in Atascadero that appeal to local and County residents, as well as visitors while they are in our market.

**Promotion Plan**

Annual and on-going promotion of the City of Atascadero Businesses & Assets. Assets are defined as: Charles Paddock Zoo, Chalk Mountain Golf Course, Faces of Freedom, City Hall, Downtown, Galaxy Theater, A-town Skate Park, Pavilion on the Lake, Atascadero Lake Park. Themed promotions would apply to some of the tactics to promote local businesses and shopping local.
Promotion Tactics

- **Broadcast TV Combo with KSBY/ KCOY** ~ tailored to promote Key Events and to stay top of mind in the County with City assets and promoting our local businesses.
  - Promoted Zoo’s 60th Birthday, Zoo Boo, Holiday Magic and other events through Press Releases and follow up on both KSBY & KCOY newsroom.

- **Outdoor Advertising** -
  - Outdoor advertising captures people as they are outside the home and on-the-go in public places. It provides reach and exposure to travelers coming into our market to be top-of-mind with things to do as well as while they are in our market as a reminder to what we have to offer.
    - Billboards in feeder markets: King City/ Salinas Corridor and/ or Santa Maria Corridor & consider Transit billboards inside Hearst Castle Busses and SLO County airport that markets to tourism as well as local residents.
      - Billboards to be in place March 1 in Lost Hills. On a waiting list for Santa Maria Corridor. Nothing available in Salinas Corridor.
    - Update panels of six Atascadero billboards – keeps our City’s assets top-of-mind while travelers are in our market and to local/County residents as a reminder of things to do.
      - Billboards to be in place by mid-March on 5 of the 6 panels. The last panel is the Rossi Law Firm and is currently in an agreement and will not be available in the short term.

- **Digital Media**
  Focus on growing website traffic across VisitAtascadero.com and Atascadero.org reaching consumers living in San Luis Obispo County as well as looking to plan a trip to San Luis Obispo County. Integrates with the Atascadero ATBID Marketing Plan that includes digital and social media.
  - **SEM & RETARGETING Contextual/Search/Site (4 months) ~**
    - Zip Code Targeted: SLO County, Northern Santa Barbara County & South Monterey County; SEM to be used as asset (Zoo) and event targeted.
      - Started January for Search Engine Marketing and will be in place through December 2016, Retargeting Digital Display ads are in place running February – June.
    - Keywords can include City businesses and assets including the microbrew & specialty drinks scene plus coastal, culinary and historical to encourage visits to Atascadero so visitors stay and spend.
      - Keywords are in place and available for review.
Reputation Management provides an email database from SEM that can be used for newsletters and marketing efforts.

- Dashboard is up and tracking our success.

E-Marketing 100,000 emails (6 email drops)
- Targets desired audience and geography depending on the event or promotion. For instance, if we only want Cal Poly for Brew at the Zoo, we can send out that promotion to specific zip codes. If we want to promote Buy Local, we can e-blast to defined recipient that is a local resident, between ages of 25-40 and likes to golf, etc.
- First E-Marketing Email – starts with Brew at the Zoo to Cal Poly students.

Sponsored Content – Specific opportunity to tell our story and showcase our businesses, the Zoo, City Hall, and the Downtown. Compliments retargeting efforts with content targeting.
- Sponsored content to begin in summer around City Hall’s summer schedule and Zoo for Turtles of Madagascar.

Social Media
- Work on introducing Twitter, Foursquare & Google+ to City’s Social Media platform to assist in getting the word out. TBD
- Continually post with event information on City’s Facebook page.
  - Ongoing since June.
- Establish a Social Media Calendar.
  - Social Media calendar follows Visit Atascadero calendar for the Visit posts plus Charles Paddock Zoo Facebook pages. City Facebook posts are done for City Council meetings, restaurant openings and events vs. just event/tourism related topics.

Print
- Magazines – Focus on Assets with magazines that have solid reach and in-market focus like Access’s Quarterly Visitors Guide and work on sharing advertising expenses with ATBID on magazines that have multi-market distribution, like Vintages.
  - Vintages 2x per year started in October 2015 – split with ATBID when it makes sense
  - Visitors Guide – quarterly in place for 2016 – split with ATBID
- Newspapers – local & daily newspapers for reach and frequency of community events.
  - Ongoing advertising in Tribune, Atascadero News/ Paso Robles Press and New Times for events and event sponsorship and across websites. Also promotion of themed events like Restaurant Month & City Hall.

Giveaways – Permission to work with radio stations and other media to provide necessary giveaways to help promotion efforts (i.e., Radio remote includes 4 family packs of 4 tickets to the Zoo) – Will be doing a radio contest for Brew at the Zoo.
Right Angle Inc.: Uncorked and Quick Bites Grape Encounters Radio Show
- Provides focused content to promote events across SLO County (92.5 The KRUSH Wine Radio), Santa Maria, Bakersfield and Fresno
  - Quick Bites radio show specific to promoting our events have aired for Savor, Winter Wonderland, Tamale Festival, Restaurants opening in Atascadero and Tater Day on Traffic Way. Those spots include commentary from City staff on the air.
  - Provides exposure across 60 US markets
    - Ongoing generic Atascadero spots have been airing since July 2015 highlighting Atascadero across all markets.
    - Promotional flyer design has been executed for existing events like Cruise Night, Concerts in the Park, Movies in the Gardens and additional events for Winter Wonderland, Tamale Festival, and Brew at the Zoo. Additional coordination of creative for banners and printing of posters has also been accomplished.

Certified Brochure Distribution
- Welcome Centers have a strong presence across the State and provide an excellent outlet to provide content in the form of personal travel advice and increase the length of stay and spend. Increased footprint to feeder markets that are traveling our direction. Expanded distribution includes Monterey Bay Welcome Center, San Jose Airport and Santa Barbara Airport added to existing SLO County area hotels and Pismo Beach, Oxnard and Merced Welcome Centers.
  - City brochures are being distributed as described above.
  - Zoo brochures have been updated and are being distributed to all the SLO County hotels & Pismo Visitors Center starting mid February.
Objective #2: Special Event Sponsorship Program to assist our growth efforts to attract events to Atascadero.

- Atascadero would be an option for current events, traveling shows, and as a location to expand existing events. Special Event examples:
  - Attract from other areas (i.e., Quilt Show)
  - Expand events held across the County to add our City (i.e., Festival Mosaic)
  - Attract traveling shows (i.e., Cheerleading competitions, Cactus show)

- Implement Special Event Criteria. (Attached)
  - Two upcoming events: Festival Mosaic & North County Wedding Expo
  - Establish consistent Sponsorship criteria where possible, especially with our media partners. (Attached)

Objective #3: Develop and implement Event portfolio to grow and expand existing events and establish new events based on market trends and interest.

Following recaps how our events are classified:

- Tier1: Large Signature Events (1-2 night stay)
- Tier 2: Signature Event (overnight stay)
- Tier 3: Single Day Event

Event Plan

Tier 1 Events: Large Signature Events (1-2 Night Hotel Stay) - Identify existing trademark events that have the potential and interest to expand to a longer weekend stay for visitors and that encourage local and County residents to participate. Work with ATBID on Event ideas.

- Hot El Camino Cruise Nite & Car Show Weekend – introduce “Dancing in the Streets” to promote a grand event on Saturday night that people will stay to enjoy. Coordinate with Main Street Association and Mid State Cruizers Car Club.
  - NEW 2016: Dancing in the Streets to add onto Cruise Nite.

- SAVOR Adventure Tour & Main Event – New and engaging event in store from the Bristol Cider Adventure Tour to an interactive booth at the Main Event to highlight local culinary offerings unique to our city - cider, microbreweries, lavender, local restaurants, etc.
  - Staff worked with ATBID to execute and promote local flair to the booth with beer, cider, caterers, restaurants bread, vinegar, olive oil, sausage all from the Local businesses in Atascadero.

- Atascadero Lakeside Wine Festival – promoting the evening wine tasting event combined with Sunday “Fun-Day” activities at the individual wineries to encourage festival attendees to visit local wineries the day after the wine festival and extend their stay.
  - Working with the Chamber & Hotels to expand to start Friday evening – Barrel tasting or a similar event to drive tourism.
Tier 2 Events: Signature Events - Expand existing events and introduce new events to offer more activities that increase interest and participation both locally and across the County.

- **Colony Days** – working with committee to add “Tent City After Dark” event which will highlight local brewery scene & add dancing to extend celebration of Colony Days.
  - Staff executed and assisted Tent City Committee on the Tent City After Dark addition in 2015. Committee building on its success in 2016.

- **Winter Wonderland** – New for the City this year, this family event was created and established by our Main Street Assn., and we are working to continue an event enjoyed by families both locally and across the County with over 15,000 in attendance.
  - Executed new event in 2015 for the City and working on improving in 2017.

- **Holiday Lighting** – grow from a lighting of the Sunken Gardens trees and expand it to a hospitality night type of event with merchants offering hot cider and sweets to encourage local residents to start your shopping early.

Tier 3 Events: Single Day Events - Consider events that have an established trend in other markets and make sense to introduce to our market. Idea is to encourage growth to an overnight stay.

- **New Events:**
  - **Tamale Festival** – 3rd weekend in January – already working on 2017.
  - **Brew at the Zoo Event** – Spring 2016, April 30th

- **Food Truck Event** – One day trial event in the fall with a plan to be weekly in the summer “Food Mania Mondays” or “Food Truck Fridays”
  - Pending 2016 – may add trucks to start with Summer Concert Series. Issue is around the number of food trucks available to have a one day event.

- **Other Ideas - Ongoing:**
  - **Taste of Home** – Cooking Evening, local eats, features local celebrity chefs.
  - **Trading Day or Flea Market**
  - **Art in the Park**

Community “Locals Favorite” Events – Typically promoted through PR Tactics with press releases, mailings, flyer distribution and targeted print, radio and online advertising. Defined as follows:

- **Seasonal Events**
  - Tuesday’s BBQ in the Park; Movies in the Gardens; Summer Concert series at the Atascadero Lake Bandstand mid June through August.

- **2015 One-time Events:**
  - 60th Anniversary Celebration of the Zoo – Labor Day Weekend
  - Lighting Up of Historic City Hall – Sept 11th – Patriots Day Weekend
Event Tactics – In place
- Work on ongoing Public Relations Plan per event.
- Promote event with assistance of sponsorship revenue. Potential revenue not reflected in the event expenses.
- Advertise in Traditional media (print, radio & TV) and digital based on the type of event (i.e., If Brew at the Zoo – Cal Poly's Mustang Daily News and Radio promo with 92.5 the KRUSH Combo) Event expense includes advertising.

Objective #4: Outreach to merchants, Atascadero Chamber of Commerce, Atascadero Main Street to work together on promotions that focus on shopping local.

- Restaurant Promotions
  - Themed promotions - Restaurant Month, Greyhound Month, Health Month, etc.
    - **January Restaurant Month** – promoted along with ATBID & VisitSLOCounty in January via print ads and online digital ads via New Times & Tribune’s Ticket Entertainment section.
    - **March** promoting local restaurants in the City of Atascadero in Menus.

- Local Retail ~ Shop Local Focus
  - Buy Local Promotions - Frequent Visitor Card, Passport Weekends, etc.

- Business Focused Events – Designed to drive traffic to Atascadero
  - Event ideas: Food Truck event, Art in the Park, Date Night, Farmers Market (move to a different location ~ Atascadero Lake Park or Sunken Gardens), **Taco Day on Traffic Way**, etc.
    - **Traffic Way businesses** – working with committee of business owners to promote their events, i.e. **Taco Day on Traffic Way, Tater Day on Traffic Way**
    - **Atascadero Alliance** – working with committee to capture the events in our area that span through non-profits, business events, etc.
Objective #5: Establish measurement metrics for promotions, events and a combination of the two that gauge the success of our promotions.

- **Websites** - Utilize information from our current website traffic on [www.visitatascadero.com](http://www.visitatascadero.com), [www.atascadero.org](http://www.atascadero.org) and [www.charlespaddockzoo.org](http://www.charlespaddockzoo.org) as a benchmark to gauge success with our Marketing Plan to see growth in traffic with page views, unique visitors and bounce rate.
  - Established a dashboard and website metrics to gauge performance of marketing dollars.

- **Zoo** - Utilize the Zoo’s zip code information to understand where people are visiting from and use attendance figures to gauge success with a consistent marketing effort to grow Zoo attendance. (i.e., in August, 3,400 visitors were in County and 2,000 were out of the area). **In progress.**

- **Transient Occupancy Tax (TOT)** to gauge increase in hotel stays year over year. This will be off until Springhill Suites Marriott come upon its one year anniversary in June/July. **In progress.**

- **Sales Tax** to gauge increase across different business categories. Specific categories: Restaurants & Retail Categories contingent upon authorization to release. **In progress.**

- **Colony Park Community Center Increase** in participation of sign ups to the variety of activities **In progress.**

- **Pavilion on the Lake** – growth in weddings and events and website traffic. **In progress.**

- **Community feedback** with the Chamber’s Business Walk, Main Street Association, Traffic Way Business Group Meetings. Increase in visitor activity with Chamber insight and travel brochure activity. **In progress.**
## Event Budget Details

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<tr>
<th>Event</th>
<th>Net Budget</th>
<th>Expenditures</th>
<th>Revenue</th>
<th>Net Actual</th>
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<td>One time: 60th Anniversary</td>
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<td>Taste of Home - Cooking Event</td>
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<td>Miscellaneous Existing Event/Event Ideas</td>
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## Promotion Budget Details

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<td>City Hall Tours – Staff Saturday</td>
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<td>Miscellaneous (local chapter dues, etc.)</td>
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**Total Events & Promotions Costs**

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* This event has not yet been closed out
City of Atascadero Special Event Sponsorship Criteria
The purpose of establishing Special Event Sponsorship Criteria is to be able to attract a variety of events and travel shows to the City. These events might already be established with another location in the County; would have an interest to add an event to our City that would be new; or bring media value that reaches a considerable amount of people in and outside the County. The venue would be offered as part of the value of the sponsorship program being considered.

Special Event Sponsorship Guidelines
To be able to qualify for sponsorship, the event would need to follow certain criteria for consideration. Following are the Sponsorship criteria:

- New and emerging events may be considered based on these criteria:
  - Regional appeal.
  - National or Tourism appeal.
  - Event has promotional ability:
    - Secured marketing funds to promote event via a solid advertising campaign that provides exposure over a minimum of two media vehicles.
    - Media exposure is measureable and includes at a minimum a City logo and/ or City tourism logo. Logo is included on event website, and logo is included in all promotional material and in all media where the event is promoted (i.e., print, radio, television, online, etc.)
    - Other sponsors.
  - Potential for growth and sustainability.

- If the event qualifies, the City would provide the following as part of the sponsorship:
  - Venue of choice (i.e., The Pavilion, Sunken Gardens, Atascadero Lake Bandstand).
  - City Press Release to promote the event to the Media for Editorial exposure.
  - At a minimum included on City’s Face book and Website. Inclusion on our Visit Atascadero Website and Face book pages is not a guarantee and is subject to the type of event as it must be tourism specific to be included on anything related to “Visit Atascadero.”
If the special event does not meet the above guidelines, we would provide the regular Rental Rates that apply to the venue being considered for the inquiring organization. Any questions or interest in our Special Event Sponsorship Program, please call Terrie Banish (805) 470-3490.

City of Atascadero

2016 Special Event Sponsorship Agreement – DRAFT

Organization: ____________________; Special Event ____________________
Agreement Timeline: ________________ : Event Date: ________________

EXHIBIT A
Organization Obligation:
- Event at the Venue being considered will receive the following:
  - Listing on organization website: YES or NO (Circle one)
  - Mention in Social Media: YES or NO (Circle one), If YES, how many posts, and boosts? ___
  - Mention at the Event: YES or NO (Circle one)
  - Tickets to the Event: YES or NO (Circle one), If YES, how many tickets & value: _______
  - Booth Space: YES or NO (Circle one), If YES, please include value: __________

Ad promoting the Venue on will be included in the following (please include value):
- Print Ads Include: _______________________________
- Commercial Spot on following TV stations: _______________________________
- Commercial Spot on following Radio stations: _______________________________
- Online Banner Ad included: YES or NO, (Circle One). If YES, How many impressions & value: _______________________________

- Total value/ cost: ________________

EXHIBIT B
City of Atascadero Obligation:
- Venue being considered: ________________ (Agreement with detail of usage must be filled out and accommodate this agreement.
- Agrees to give use of the following Venue: _______________________________
- Use of sound system & electricity: Yes or No
- Total value/ cost: ________________

Signature ___________________________ Date ___________________________

ORGANIZATION: ___________________________

Signature ___________________________ Date ___________________________

CITY: City of Atascadero
Contact: ____________________________ Contact: Terrie Banish
Phone: ____________________________ Phone: 805-470-3490
E-mail: ____________________________ E-mail: tbanish@atascadero.org
Address: __________________________ Address: 6500 Palma Ave.
Atascadero, CA 93422

CITY OF ATASCADERO ~ EVENT CALENDAR 2016

➤ January
   o NEW Tamale Festival at Pavilion on the Lake, January 23rd, 2016, Noon to 4 pm,
     Rain or shine! For information call (805) 470-3360 or www.VisitAtascadero.com

➤ February
   o Father Daughter Dance, Pavilion on the Lake; Feb 5th 6:30-9:30 pm (Ages 11 and
     under) & Feb 6th 7-10 pm (12 and up), for ticket information contact (805) 470-
     3360 or www.Atascadero.org
   o Sweetheart Stroll, February 13th, 1-4 pm, Downtown corner of Entrada & El
     Camino Real; $20/ ticket includes wine glass, over 18 wineries pouring at the
     different merchant locations, come over to Historic City Hall for free docent
     Tours! Presented by Main Street Association.
   o NEW North County Wedding Expo, Pavilion on the Lake, February 28th, 3:30 –
     7:30 pm; presented by Atascadero News. For information
     www.VisitAtascadero.com

➤ March
   o Hares ‘N’ Hounds 5K & Family Fun Day, March 5, 9 – 11 am Atascadero Lake
     Park. Presented by Atascadero Greyhound Foundation,
     www.atascaderogreyhoundfoundation.org
   o NEW Tater Day on Traffic Way, March 12th, 1-4 pm. Traffic Way in Downtown.
     Come for a taste of the Irish with a variety of merchants hosting a fun-filled
     afternoon for all ages! Presented by Traffic Way business group.
   o Presented by the Dancing with the Stars, Pavilion on the Lake – March 18 & 19;
     5:30 – 10:30 pm
   o Art & Wine Tour, March 18th 5:30 – 8:30 pm Downtown Atascadero $15/ ticket
     includes wine glass, tastings among downtown merchants, tours of Historic City
     Hall. Presented by Main Street Association.
   o Chick City @ the Charles Paddock Zoo March 20th through April 3rd, 2016. Zoo
     hours 10 am – 4 pm and in April 10-5 pm! Included with General Admission to
the Zoo. For more information call (805) 461-5080; www.charlespaddockzoo.com

- **April**
  - **Chick City @ The Charles Paddock Zoo** April 1st - 3rd, 2016, 10 am – 5 pm! Included with General Admission to the Zoo. For more information call (805) 461-5080; www.charlespaddockzoo.com
  - **Atascadero Firefighters Assoc. Annual Firehouse 5K & Health Fair**, April 9th 8:30 am – 11 am, Fire Station 1, corner of Lewis and Traffic Way. For more information www.atascaderoofirefighters.org.
  - **Charles Paddock Zoo Conservation Celebration Day**, April 16th, 10 – 5 pm at the Zoo. Activities are included with admission.
  - **NEW Brew at the Zoo** at the Charles Paddock Zoo, April 30th from 5-8:30 pm, $30/ ticket includes commemorative beer glass, microbrewery and cider tasting & live music – Presale $30/ticket; $35/ ticket at the door. Must be 21 years and over. Tickets go on sale April 1st at the Zoo. Visit www.VisitAtascadero.com or call (805) 461-5080.
  - **Colony Home Tour** – April 30th, 1-4 pm, Colony House, corner East Mall & Palma. For more information contact atascaderoocolonymuseum@gmail.com or (805) 466-8341. Presented by the Atascadero Historical Society.

- **May**
  - **NEW Cider Festival** at the Pavilion on the Lake – May 7th ~ Stay Tuned for more details...
  - **Cookie Adventure at the Charles Paddock Zoo** - May 8th from 11 am to 2 pm. Enjoy a variety of cookies this Mother’s Day at the Zoo!
  - **Children’s Day in the Park** – May 21st 11 am - 3 pm at Atascadero Lake Park. Tons of fun for all ages! $5 Carnival Wristband – all proceeds benefit the 2016 Summer Aquatics Program. For more information call (805) 470-3360
  - **Saturday Tours of Historic City Hall** – begin Saturday, May 28th through Saturday, September 3rd from 1-4 pm. Atascadero Historical Society Docents will take you on a journey back in time covering the beginning through the restoration process that followed after the San Simeon Earthquake. For more information, www.VisitAtascadero.com or www.AtascaderoColonyMuseum.org, (805) 466-8341.

- **June**
  - **Art & Wine Tour** - June 3rd 5:30 – 8:30 pm Downtown Atascadero $15/ ticket includes wine glass, tastings among downtown merchants, tours of Historic City Hall. Presented by Main Street Association.
  - **Saturday Tours of Historic City Hall** – Saturday’s in June from 1-4 pm. Atascadero Historical Society Docents will take you on a journey back in time covering the beginning through the restoration process that followed after the

- **NEW Lake Fest** - June 18th from 10-5 pm at Atascadero Lake Park. Activities for all ages starting in the morning with a 5K Family Fun Run and Walk, cardboard & duct tape boat races, canoe races, rubber ducky races and more! $5/ person general admission. All proceeds benefit special projects for the Lake. Presented by Friends of Atascadero Lake.

- **Saturday in the Park ~ Summer Concert Series Kicks Off with an Evening of Jazz** – June 18th at the Atascadero Lake Park Bandstand from 6:30 – 9:30 pm! Concerts are FREE to the Public! Food is available! Stay tuned for the band line-up. For more information visit www.Atascadero.org or call (805) 470-3360.

- **Tuesday in the Park BBQ** – Tuesdays June 21st through August 30th! Every Tuesday from 5-7 pm enjoy a tri tip and chicken BBQ dinner complete with all the fixins and then sit back and enjoy the Atascadero Community Band from 7-8 pm. Adults 12 & over $12, Seniors over 60 $10, Children 11 & under $6 – take out also available! For more information contact (805) 466-2044 or www.AtascaderoChamber.org.

- **Atascadero Wine Festival Weekend! June 24th – June 26th:**
  - **Atascadero Mayor’s Winemaker Dinner – Pavilion on the Lake** ~ June 24th, 6 pm proceeds benefit the Atascadero Special Needs Park – Parents for Joy. Presented by Atascadero Kiwanis.
  - **Wine Festival Morning Golf Tournament** – June 25th presented by Atascadero Optimist Club and Chalk Mountain Golf Course
  - **Atascadero Lakeside Wine Festival** – June 25th at Atascadero Lake Park from 4-8 pm. Includes wine tasting featuring Central Coast Wineries, Art and culinary vendors and Charles Paddock Zoo admission. Presented by the Atascadero Chamber of Commerce.
  - **Sunday FunDay** – June 26th – “Wine” down with your local favorite local wineries. Enjoy exclusive winery discounts and waived tastings at participating wineries!

For more information: [http://www.atascaderochamber.org/wine-festival/](http://www.atascaderochamber.org/wine-festival/)

- July 2016
  - **Saturday Tours of Historic City Hall** – Saturday’s in July from 1-4 pm. Atascadero Historical Society Docents will take you on a journey back in time covering the beginning through the restoration process that followed after the San Simeon Earthquake. For more information, www.VisitAtascadero.com or www.AtascaderoColonyMuseum.org, (805) 466-8341.
  - **Saturday in the Park ~ Summer Concert Series** at the Atascadero Lake Park Bandstand! July 2, 9, 16, 23, 30 from 6:30 – 8:30 pm. Concerts are FREE to the
Public! Food is available! Stay tuned for the band line-up. For more information visit www.Atascadero.org or call (805) 470-3360

- **Ice Cream Zoofari at the Charles Paddock Zoo**! July 16th 5:30 pm – 8:30 pm, Come enjoy lots of Ice Cream along with the animals! $12/ person 12+; $8/ person 3-11 years old; Free – 2 years and under, Members $2 discount on each ticket. Visit www.VisitAtascadero.com or call (805) 461-5080.

- **Tuesday in the Park BBQ** – Tuesdays July 1st through August 30th! Every Tuesday from 5-7 pm enjoy a tri tip and chicken BBQ dinner complete with all the fixin’s and then sit back and enjoy the Atascadero Community Band from 7-8 pm. Adults 12 & over $12, Seniors over 60 $10, Children 11 & under $6 – take out also available! For more information contact (805) 466-2044 or www.AtascaderoChamber.org.

- **Mid State Fair:** July 20th – July 31st Paso Robles – for more info: www.midstatefair.com

August 2016

- **Saturday Tours of Historic City Hall** – Saturday’s in August from 1-4 pm. Atascadero Historical Society Docents will take you on a journey back in time covering the beginning through the restoration process that followed after the San Simeon Earthquake. For more information, www.VisitAtascadero.com or www.AtascaderoColonyMuseum.org, (805) 466-8341.

- **Movies in the Gardens at Sunken Gardens**: August 6, 13, 27 & Sept 3rd, 8 pm – 11 pm – Come see your favorite movie with the family under the stars! Movies are Free to the Public! Food is available! For more information visit www.Atascadero.org or call (805) 470-3360.

- **Saturday in the Park ~ Summer Concert Series** at the Atascadero Lake Park Bandstand! August 6 & 13th from 6:30 – 8:30 pm. Concerts are FREE to the Public! Food is available! Stay tuned for the band line-up. For more information visit www.Atascadero.org or call (805) 470-3360.

- **Tuesday in the Park BBQ** – Tuesdays in August from 5-7 pm (ends August 30th). Enjoy a tri tip and chicken BBQ dinner complete with all the fixins and then sit back and enjoy the Atascadero Community Band from 7-8 pm. Adults 12 & over $12, Seniors over 60 $10, Children 11 & under $6 – take out also available! For more information contact (805) 466-2044 or www.AtascaderoChamber.org.

- **Enjoy a Cruisin’ Weekend as Atascadero expands the Cruise Nite Experience ~ August 19th – August 20th**!
  - **Hot El Camino Cruise Night** Kicks off the weekend on Friday, August 19th starting at 6:30 – 8:30 pm throughout Atascadero down El Camino Real. For pre-registration visit www.Atascadero.org or call (805) 470-3360 for more information.
  - **27th Annual Atascadero Lake Car Show** – Saturday, August 20th 10:00 a.m. – 3:00 p.m. - Mid-State Cruizers presents a fabulous Car Show! For information on participating contact: Duane Powell @ (805) 466 – 3853
or Larry Wilson @ (805) 466 - 2265 or www.midstatecruizers.org  
(participation is first come, first served)

- **NEW Dancing in the Streets**, Saturday, August 20\textsuperscript{th} 5-9 pm Downtown Atascadero. Enjoy an evening with performances and bands scattered throughout our downtown area and a variety of antique cars on display. Be prepared to dance in the streets and enjoy the variety of restaurants we have to offer! For info: (805) 470-3360, www.VisitAtascadero.com

- September
  - **Last Saturday Tour of the Summer - Historic City Hall** – Saturday, Sept. 3\textsuperscript{rd} from 1-4 pm. Atascadero Historical Society Docents will take you on a journey back in time covering the beginning through the restoration process that followed after the San Simeon Earthquake. For more information, www.VisitAtascadero.com or www.AtascaderoColonyMuseum.org, (805) 466-8341.
  - **Movies in the Gardens at Sunken Gardens** : Sept 3\textsuperscript{rd}, 8 pm – 11 pm – Come see your favorite movie with the family under the stars! Movies are Free to the Public! Food is available! For more information visit www.Atascadero.org or call (805) 470-3360
  - **Art & Wine Tour** - September 9\textsuperscript{th} 5:30 – 8:30 pm Downtown Atascadero $15/ ticket includes wine glass, tastings among downtown merchants, tours of Historic City Hall. Presented by Main Street Association.

- October
  - **Colony Days – October 15\textsuperscript{th} downtown Atascadero** ~ Join us for a day and evening of activities!
    - **Colony Days Parade & Festivities** – begins at 10 am through 3 pm, event is Free to the public, special parade down El Camino Real followed by a variety of activities throughout Tent City and Sunken Gardens, tours of City Hall, the Colony House and more! Experience life the way it used to be during the early days of the Colony of Atascadero!
    - **Tent City After Dark** – a special evening in Tent City with special music, dancing & beer tasting under the stars. Tickets available for purchase. All proceeds benefit Tent City.
  - **Zoo Boo at the Charles Paddock Zoo**, October 29\textsuperscript{th} from 5-8:30 pm, Regular Admission $10 per person; Members $9 per person; Ages 2 and Under Free. Visit www.VisitAtascadero.com or call (805) 461-5080.

- November
  - **Taco Day on Traffic Way** – November 12\textsuperscript{th} 1-5 pm, Downtown Atascadero along Traffic Way – shop and eat your way down Traffic Way and see the cool businesses along the way! Family Friendly! Tickets available at The Carlton, $10 for 5 Tacos. For more information: www.VisitAtascadero.com
o Armed Forces Day at the Charles Paddock Zoo, November 12th 10-4 pm - All Active Duty Armed Forces men, women and their immediate families (spouses and children) receive free admission to the Zoo. Just bring your Military ID! Visit www.VisitAtascadero.com or call (805) 461-5080.

o Holiday Boutique at the Pavillon on the Lake, November 19th, 10-3 pm. Over 50 vendors await you for this one-day craft show where all items are handmade! Get a head start on your holiday shopping or buy something special just for you! www.VisitAtascadero.com or call (805) 470-3178.

December

o Annual Holiday Lighting Ceremony - December 2nd, beginning at 6:00 p.m., in the Sunken Gardens in downtown Atascadero. The event is free and everyone is invited to bring their family and friends to enjoy an evening of Holiday fun! Plan for a special visit to Santa and a complimentary tour of City Hall! www.VisitAtascadero.com or call (805) 470-3360.

o Holiday Musical Walk Around the Lake – December 3rd, 5:30 – 9:30 pm at Atascadero Lake Park. Enjoy a special evening walk around the lake with musical groups, carolers, Santa, community singing, holiday decorations and more! Presented by the Atascadero Lake Neighborhood Association. Visit www.atascaderolake.net for more information.

o Winter Wonderland ~ one of Central Coasts Largest Holiday Event! December 9th from 5-9 pm, Atascadero’s Sunken Gardens & Downtown. A winter paradise indeed for all ages! Massive snow slide, snow play areas, rock climbing wall, bounce houses, Joe’s Little Train, Santa and Mrs. Claus and over 50 food and craft vendors await you! Have fun and get some shopping in all in one evening! www.VisitAtascadero.com or call (805) 470-3360.

o Holiday Magic at the Charles Paddock Zoo - December 17th from 11-2 pm. Experience the magic of the holiday season as the zookeepers step in as Santa’s Elves to prepare gifts for the animals. Santa will be there too! Something for everyone! www.VisitAtascadero.com or call (805) 461-5080.

o Annual Fireman’s Ball – December 31st starting at 7 pm, Springhill Suites by Marriott. Dress is tuxedos and black tie, however semi-formal attire is welcomed! We will be serving heavy hours d’ oeuvres, picture opportunities on the Red Carpet, DJ music, drinks and dancing until 2017! Presented by the Atascadero Firefighters Association. For more information contact (805) 470-3300 or www.Atascadero.org
January 2017

- **2nd Annual Tamale Festival** - Saturday, January 21, 2017 from 10-4 pm, Downtown Atascadero and Sunken Gardens! Longer hours and much MORE Tamales than last year! This event will feature homemade tamales from a variety of tamale vendors, “Best Tamale” contest, mariachi bands, dancers and a variety of entertainment including with bounce houses, face painting, balloon animals and plenty of activities for the kids. Rain or shine! For information call (805) 470-3360 or [www.VisitAtascadero.com](http://www.VisitAtascadero.com)
Atascadero City Council
Staff Report - City Manager’s Office

Proposed Ordinance to Amend the Atascadero Municipal Code for Remittance of Transient Occupancy Tax from Quarterly to Monthly

RECOMMENDATION:

Council provide direction to staff regarding a potential amendment to the Atascadero Municipal Code to change the reporting and remittance of Transient Occupancy Tax from quarterly to monthly based on the request of the Atascadero Tourism and Business Improvement District (ATBID).

DISCUSSION:

The Uniform Transient Occupancy Tax Law of the City of Atascadero was adopted in October 1980 and was codified in Title 3, Chapter 3 of the Atascadero Municipal Code (AMC). Since that time, Transient Occupancy Tax (TOT) is reported and remitted quarterly to the City by lodging businesses. In April 2013, at the request of lodging businesses, the Council established the Atascadero Tourism and Business Improvement District (ATBID) in order to levy annual assessments against lodging business within the ATBID for the purpose of funding tourism promotions and marketing programs to promote Atascadero as a tourist destination. The ATBID Advisory Board recommends expenditure of ATBID assessment revenues in accordance with the ATBID program and budget approved by the City Council.

The ATBID Board of Directors met in December 2015 and requested the collection of TOT on a monthly, rather than a quarterly basis. Other jurisdictions in San Luis Obispo County collect TOT on a monthly basis and the ATBID Board desires to measure and collect tourism dollars in Atascadero in relation to the rest of the County. According to the ATBID Board, amending the timing of the reporting and remittance of TOT would allow for a more timely benchmark of tourism and a better gauge of the performance of marketing dollars in the City. The ATBID Board believes that a collection of TOT on a monthly basis would enable the ATBID Board, and lodging owners, to track tourism trends and adjust marketing and promotional efforts to align with those trends.
Currently, lodging businesses report and remit payment for TOT, ATBID, and County Tourism Marketing District (TMD) activity quarterly to the City. The City creates and sends out quarterly tax return forms with instructions, relevant information, and due dates to lodging business. These forms also act as reminders to the lodging businesses that a reporting period is soon closing. Staff assists with questions regarding reporting and due dates. As the reports and payments are received by the City, the funds are deposited and the revenue is tracked through the accounting system and also summarized in Excel worksheets. This information is forwarded to the ATBID Board via periodic staff reports. On a quarterly basis, the City reconciles the information and prepares a check to the TMD for its portion of the quarterly revenue.

Changing the reporting and remittance periods from quarterly to monthly would require additional staff time and resources, and is estimated to cost an additional $6,500 per year. This increase assumes no other changes in the process and assumes lodging businesses stay in compliance with regards to the timeliness of reporting as delinquent tax payments require staff to spend additional time escalating the issues as required in the Municipal Code.

Section 3-3.08 of the Municipal Code requires penalties and interest to be charged and collected on delinquent taxes. According to Section 3-3.08, the penalty of $200 plus ten percent of the amount of the tax shall be collected in addition to the amount of the tax for the original delinquency. Other penalties and interest are charged on continued delinquencies. There could be significant staff time required to calculate these charges, follow-up with the delinquent business, and implement the escalation process. As the program exists today, the City's lodging businesses receive quarterly tax return forms from the City about one month prior to the due date, and overall, the City's lodging businesses are very timely in reporting and remitting payment.

In the event that Council does, through the public process, vote to change the collection period to monthly, there will exist somewhat of a greater burden on the lodging businesses to report and remit payment on a more frequent schedule. Additionally, the potential to accrue penalties increases as the number of reporting periods increase. On the other hand, the reporting and remittance of TOT monthly could allow lodging owners to more timely assess tourism trends in Atascadero, performance in comparison to countywide tourism trends, and the utilization of marketing efforts to align with these trends.

If the Council chose to take no action on the request by the ATBID Board, this would leave the quarterly reporting and remittance requirement in place and would require no additional staff time or cost to the City. Lodging owners would continue to receive quarterly tax return forms from the City and following the reconciliation of the TOT collection cycle a report would be distributed to the ATBID Board.

Should the Council decide to amend the collection of TOT from quarterly to monthly, staff will follow the typical process for an ordinance amendment. This would require staff and the City Attorney to draft a new ordinance, prepare staff reports and notice the
meetings and lodging owners within the ATBID. The new ordinance would require noticing and approval at two separate City Council meetings and would go into effect 30 days after the second reading.

**FISCAL IMPACT:**

If the Council directs staff to move forward with a potential amendment to the Municipal Code, staff estimates the costs to prepare the staff reports, prepare the draft ordinance, and publicly notice the meetings will cost approximately $5,100.

**ATTACHMENTS:**

None.