



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

In accordance with City Council Resolution No. 2022-010 and the requirements of AB 361, the City Council Meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

HOW TO SUBMIT PUBLIC COMMENT:

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

If you wish to comment but not via a live platform, please email public comments to cityclerk@atascadero.org. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments will not be read into the record.***

AMERICAN DISABILITY ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: www.atascadero.org.

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 on our website, 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 made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, May 10, 2022

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California**

City Council Regular Session:

6:00 P.M.

City Council Closed Session:

**Immediately following
the conclusion of the City
Council Regular Session**

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

PLEDGE OF ALLEGIANCE: Council Member Funk

ROLL CALL:

Mayor Moreno
Mayor Pro Tem Newsom
Council Member Bourbeau
Council Member Dariz
Council Member Funk

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

CLOSED SESSION – REPORT (IF ANY)

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the adjournment of Regular Session will be made at the beginning of the next Regular City Council meeting as Closed Session is not recorded or videotaped.

PRESENTATIONS:

1. Proclamation declaring May as National Foster Care Awareness Month

- 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.)

1. City Council Draft Action Minutes – April 26, 2022

- Recommendation: Council approve the April 26, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

2. Department of Defense Firefighter Property (FFP) Program

- Fiscal Impact: There is no cost to participate in the program. There will be costs to ship, deliver or pick up property received. Any costs associated with acquiring property will be budgeted.
- Recommendation: Council adopt Draft Resolution authorizing the City Manager to enter into a cooperative agreement between the State of California Department of Forestry and Fire Protection (CAL FIRE) in order to allow the City to take custody and use excess Department of Defense (DOD) property for use in providing fire and emergency medical services, including disaster relief activities. [Fire & Emergency Services]

3. Apple Valley Assessment Districts

- Fiscal Impact: Annual assessments for 2022/2023 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.
- Recommendation: Council:
 1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.
 2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
 3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
 4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
 5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.

6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023. [Administrative Services]

4. De Anza Estates Assessment Districts

- Fiscal Impact: Annual assessments for 2022/2023 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$1,400 for the fiscal year 2022/2023 for half of the maintenance costs of the trails and open space.
- Recommendation: Council:
 1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
 2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
 3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
 4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
 5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
 6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023. [Administrative Services]

5. Las Lomas (Woodridge) Assessment Districts

- Fiscal Impact: Annual assessments for 2022/2023 will total \$99,189 for road/drainage system maintenance and \$70,452 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the fiscal year 2022/2023 for 25% of the maintenance costs of the trails and open space.
- Recommendation: Council:
 1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.
 2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
 3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023. [Administrative Services]

6. Adoption of Atascadero Transit's Updated Title VI Plan 2022-2025

- Fiscal Impact: None. However, the City benefits from FTA capital and operating assistance funding and this funding could be withheld should the City fail to submit a Title VI Plan.
- Recommendation: Council adopt Atascadero Transit's updated Title VI Plan for 2022-2025. [Public Works]

7. Centennial Plaza Planned Development (ZCH) 22-0022

- Fiscal Impact: None
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance approving a Zoning Map Amendment adding a Planned Development overlay zone, based on findings. [Community Development]

8. Virtual Meetings – AB 361 Requirements

- Fiscal Impact: None
- Recommendation: Council adopt the Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]

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. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. 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 (805) 470-3400, or cityclerk@atascadero.org.)

B. PUBLIC HEARINGS:

1. Weed Abatement – Hearing of Objections

- Fiscal Impact: None.
- Recommendation: Council:
 1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections, and,
 2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire & Emergency Services]

2. Proposition 218 Majority Protest Process Relative to Proposed Increase to Wastewater (Sewer) Rates

- Fiscal Impact: Approving staff recommendations will generate an estimated \$650,000 in additional revenue from sewer service charges collected in FY22/23.
 - Recommendation: Council:
 1. Conduct a public hearing to receive all written and verbal testimony regarding the proposed wastewater (sewer) rates and consider the results of protest proceedings in accordance with Proposition 218.
 2. Adopt one of the following resolutions certifying the protest results:
 - A. For a non-majority protest – Draft Resolution A certifying that the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate increase.
- OR**
- B. For a majority protest – Draft Resolution B certifying that the number of valid written protests were received from property owners representing a majority of the parcels subject to the proposed rate increase.
 3. If no majority protest exists, adopt Draft Resolution C approving proposed wastewater rates effective July 1, 2022. [Public Works]

C. MANAGEMENT REPORTS:

1. AB 481 – Military Equipment Policy

- Fiscal Impact: None.
- Recommendations: Council introduce for first reading, by title only, a Draft Ordinance adopting a Military Equipment Policy in accordance with Assembly Bill 481. [Police Department]

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee
4. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION: (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.)

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

F. RECESS TO CLOSED SESSION FOLLOWING CONCLUSION OF CITY COUNCIL REGULAR SESSION

COUNCIL CLOSED SESSION:

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**

a. Conference with Real Property Negotiators

(Govt. Code 54956.8)

Real Property: 5970 El Camino Real (APN 030181031)

Agency Negotiator: Rachele Rickard, City Manager

Negotiating Parties: Fred C. Pflum Revocable Trust

Subject of Negotiations: Purchase price and/or terms of payment

b. Conference with Legal Counsel – Anticipated Litigation

Significant exposure to litigation pursuant to Government Code
Section 54956.9(d)(2): 1 potential case – California Voting Rights Act

4. CLOSED SESSION – ADJOURNMENT

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the adjournment of Regular Session will be made at the beginning of the next Regular City Council meeting as Closed Session is not recorded or videotaped.

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.



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, April 26, 2022

City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California

City Council Closed Session: 5:00 P.M.

City Council Regular Session: 6:00 P.M.

COUNCIL CLOSED SESSION – CALL TO ORDER: 5:00 P.M.

Mayor Moreno called Closed Session to order at 5:00 p.m.

1. ROLL CALL

Present: Council Members Bourbeau, Dariz, Funk, Mayor Pro Tem Newsom and Mayor Moreno

Others Present: None

Staff Present: City Manager Rachelle Rickard, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen and IT Manager Luke Knight

2. CLOSED SESSION -- PUBLIC COMMENT – None

3. COUNCIL RECESS INTO CLOSED SESSION

IT Manager Knight did not attend this portion of the meeting.

4. CLOSED SESSION

a. Conference with Legal – Anticipated Litigation

Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): 1 potential case – California Voting Rights Act

b. Conference with Legal Counsel – Existing Litigation

Government Code Sec. 54956.9(d)(1)

Name of Case: Newton v. City of Atascadero

San Luis Obispo Superior Court Case No. 21CVP-0168

5. CLOSED SESSION – ADJOURNMENT

6. COUNCIL RETURNS

7. CLOSED SESSION REPORT

City Attorney Pierik noted that, with respect to Closed Session Item B, the City has been reviewing the issue of whether or not to change from at-large to district elections, however the City has not yet made a decision in that regard. He reported that if the City were to decide to change to district elections, there is a substantial public process required and this process would not be completed for the November 2022 election, and the first election where there could be districts, if the City chose to go to districts, would be the November 2024 election.

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

Mayor Moreno called the meeting to order at 6:01 p.m. and Council Member Dariz led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Bourbeau, Dariz, and Funk, Mayor Pro Tem Newsom and Mayor Moreno

Absent: None

Others Present: None

Staff Present: Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Police Chief Bob Masterson, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen and IT Manager Luke Knight

APPROVAL OF AGENDA:

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Newsom to:

1. Approve this agenda; and,
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

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

PRESENTATIONS:

1. Proclamation declaring April as Sexual Assault Action Month

The City Council presented a proclamation to Jennifer Adams, CEO of Lumina Alliance, proclaiming April as Sexual Assault Action Month.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – April 12, 2022

- Recommendation: Council approve the April 12, 2022 Draft City Council Regular Meeting Minutes and the Draft Special Closed Session Meeting Minutes. [City Clerk]

2. March 2022 Accounts Payable and Payroll

- Fiscal Impact: \$4,666,915.54
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for March 2022. [Administrative Services]

3. Radio Repeater Replacement

- Fiscal Impact: \$332,500.00
- Recommendation:
 1. Authorize the City Manager to execute a contract with Applied Technology Group, Inc. in the amount of \$287,529 for the purchase and installation of radio repeater equipment and related hardware for the City's radio communication system.
 2. Authorize the Director of Administrative Services to appropriate up to \$12,500 in Dial-a-Ride funds for the local match. [Information Technology]

4. Revision (or Update) to Deed Restriction Requirements on Affordable Housing Moderate-Income Unit Resale

- Fiscal Impact: No immediate fiscal impact; however, this change in policy could reduce the total number of moderate-income units available within the City's Affordable Housing Program.
- Recommendation: Council adopt Draft Resolution giving the City Manager or designee the authority to waive the requirement to record an affordable housing deed restriction on moderate-income units upon sale to a qualified buyer when the sales price and appraised value are within 2% or below the maximum applicable moderate-income sales price, consistent with the current San Luis Obispo County's Affordable Housing Standard. [Administrative Services]

Council Member Funk asked a clarifying question on Consent Calendar Item #A-4, which Administrative Services Director Rangel answered.

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to approve the Consent Calendar. (#A-3: Contract No. 2022-006)(#A-4: Resolution No. 2022-011)
*Motion passed 5:0 by a roll-call vote.***

UPDATES FROM THE CITY MANAGER:

Deputy City Manager Christensen gave an update on projects and events within the City.

COMMUNITY FORUM:

The following persons spoke in-person, by telephone or through the webinar: Nancy, Maggie Payne, Anthony Vasquez, Jody Smith, Josh Cross, Kathy Redden, Anne Colby, Sandy Obermeyer, Wendy Lewis, Geoff Auslen, and Deborah McKrell

B. PUBLIC HEARINGS:

1. Centennial Plaza Planned Development - Zone Change (ZCH) 22-0022 - 5901 East Mall

- Fiscal Impact: None.
- Recommendation: Council introduce for first reading, by title only, a Draft Ordinance, amending the Atascadero Municipal Code, Title 9 Planning & Zoning, Section 9-3, Article 26, adding Section 9-3.682 to add a new Planned Development Overlay Zone 37 for the five vacant lots surrounding Centennial Plaza and including Centennial Plaza (lots 12-17), based on findings and subject to the future approval of a Master Plan of Development. [Community Development]

Ex Parte Communications

No Council Members had anything to report.

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

Mayor Moreno recessed the meeting at 7:49 p.m.

Mayor Moreno reconvened the meeting with all present at 8:02 p.m.

PUBLIC COMMENT:

The following persons on this item: Geoff Auslen

Mayor Moreno closed the Public Comment period.

MOTION: By Mayor Pro Tem Newsom and seconded by Council Member Funk to introduce for first reading, by title only, a Draft Ordinance, amending the Atascadero Municipal Code, Title 9 Planning & Zoning, Section 9-3, Article 26, adding Section 9-3.682 to add a new Planned Development Overlay Zone 37 for the five vacant lots surrounding Centennial Plaza and including Centennial Plaza (lots 12-17), based on findings and subject to the future approval of a Master Plan of Development with the following change to Exhibit A, Section (E)(10):

10. Public Restrooms: Public restrooms shall be provided in one or more of the ground floor buildings within the PD. Restrooms shall be open to the public for hours to be determined by the City in a location that is accessible from the ground floor.

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9 PLANNING 7 ZONING, SECTION 9-3, ARTICLE 26, ADDING SECTION 9-3.682 TO ADD A NEW PLANNED DEVELOPMENT OVERLAY ZONE NO. 37 FOR THE FIVE VACANT LOTS SURROUNDING CENTENNIAL PLAZA (LOTS 12-17), AND DETERMINING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

C. MANAGEMENT REPORTS:

1. Fiscal Update

- Fiscal Impact: None.
- Recommendations: Council receive and file fiscal update. [Administrative Services]

Administrative Services Director Rangel gave the report and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Geoff Auslen

Mayor Moreno closed the Public Comment period.

The City Council received and filed the report.

2. AB 481 – Military Equipment Policy

- Fiscal Impact: None.
- Recommendations: Council review and receive the proposed 2022-2023 Military Equipment Policy in accordance with AB 481. [Police Department]

Police Chief Masterson gave the report and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: None

Mayor Moreno closed the Public Comment period.

The City Council reviewed and received the proposed Military Equipment Policy.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Regional Transit Authority (RTA)

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

1. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

1. Design Review Committee
2. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Council

- a) Council Member Funk will present information regarding the work of the HSOC Steering Committee developing the Countywide Strategic Plan to Address Homelessness. Council will discuss, receive public comment and provide input/feedback to Councilmember Funk on the San Luis Obispo County Strategic Plan to Address Homelessness for her to share with the Steering Committee.

Council Member Funk and Joe Dzvonic, Principal Homeless Analyst for the County of San Luis Obispo, gave the presentation and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Elizabeth Helgerson and Christina Asdel Cisneros

Mayor Moreno closed the Public Comment period.

F. ADJOURN

Mayor Moreno adjourned the meeting at 9:54 pm.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



Atascadero City Council

Staff Report – Fire & Emergency Services

Department of Defense Firefighter Property (FFP) Program

RECOMMENDATION:

Council adopt Draft Resolution authorizing the City Manager to enter into a cooperative agreement with the State of California Department of Forestry and Fire Protection (CAL FIRE) in order to allow the City to take custody and use excess Department of Defense (DOD) property in providing fire and emergency medical services, including disaster relief activities.

DISCUSSION:

The Firefighter Property Program (FFP) is a program where local fire departments can acquire excess federal property to assist them in meeting their mission. This mission can include fire suppression, emergency services and disaster preparedness. Types of equipment generally available include vehicles, generators, medical supplies, firefighting tools and equipment, portable structures and disaster relief supplies. Equipment becomes available throughout the year and is placed on an FFP website where it can be searched for and requested.

Any equipment acquired through the program would be free of charge and there is no cost to participate in the program. It is the responsibility of the City to acquire the property and we would use budgeted funds to either ship or pick up the item. The nearest equipment disposition locations to Atascadero are Barstow, Tracy and San Diego.

Atascadero Fire is required to apply for and sign an agreement with CAL FIRE in order to participate. CAL FIRE works with the United States Department of Agriculture (USDA) Forest Service to implement the program.

By agreeing to this cooperative agreement, the City of Atascadero must follow several federal and state guidelines. We would need to justify how the equipment will help support fire suppression, EMS or disaster preparedness activities. Equipment must be used or placed into service within one year, and not stockpiled or sold. Equipment must be tracked and fully maintained just like any other purchased piece of equipment. It also must be used for a minimum of one year. After one year of use, the equipment can be removed from the federal and state inventory and either continued to be used or disposed of by the City's normal surplus equipment policy.

FISCAL IMPACT:

There is no cost to participate in the program. There will be costs to ship, deliver or pick up property received. Any costs associated with acquiring property will be budgeted.

ITEM NUMBER:
DATE:

A-2
05/10/22

ATTACHMENTS:

1. Draft Resolution
2. Cooperative Agreement

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ACCEPTING A COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION AND AUTHORIZING APPLICATION FOR THE FIREFIGHTER PROPERTY (FFP) PROGRAM IN ACCORDANCE WITH TITLE 10 UNITED STATES CODE § 2576B

WHEREAS, there is a need for excess personal property from the Department of Defense (DoD) through the Firefighter Property (FFP) program to help actively engage in prevention, protection and suppression of all fires and medical emergency response services in the City of Atascadero; and

WHEREAS, the acquisition of certain Firefighter Property, as described in the United States Department of Agriculture (USDA) Forest Service Firefighter Property Standard Operating Procedures, in accordance with Title 10 United States Code § 2576b, is available for local fire agencies; and

WHEREAS, the California Department of Forestry and Fire Protection (CAL FIRE) has been approved as an agent of the USDA Forest Service for administering excess DoD personal property as part of the FFP program; and

WHEREAS, entering into a cooperative agreement with CAL FIRE will allow the City to take custody and use excess DoD FFP property in providing fire and emergency medical services, including disaster relief activities.

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

SECTION 1. The City Council accepts the agreement between the State of California, Department of Forestry and Fire Protection (CALFIRE) and the City of Atascadero, Atascadero Fire and Emergency Services Department, May 10, 2022 for the acquisition of Firefighter Property, and, authorizes the City Manager to sign the agreement on behalf of the City Council.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

Agreement #: 882104

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
DEPARTMENT OF DEFENSE
FIREFIGHTER PROPERTY (FFP) PROGRAM
Under Title 10 United States Code § 2576b

This agreement is entered into by and between

THE STATE OF CALIFORNIA
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

AND

THE CITY OF ATASCADERO
ATASCADERO FIRE AND EMERGENCY SERVICES DEPARTMENT

This agreement made and entered into this _____ day of _____, **2022**, by and between the State of California acting by and through the Director of the Department of Forestry and Fire Protection (CAL FIRE), hereinafter referred to as the STATE and the **City of Atascadero Fire and Emergency Services Department**, hereinafter referred to as the COOPERATOR, covenants as follows:

I. PURPOSE

The STATE has been approved as an agent of the United States Department of Agriculture (USDA) Forest Service for administering excess Department of Defense (DoD) personal property as part of the Firefighter Property (FFP) program, which allows the COOPERATOR to take custody and use FFP property in providing fire and emergency medical services, including disaster relief activities.

II. MUTUAL INTEREST OF PARTIES

Both the STATE and the COOPERATOR have a mutual interest in the prevention, protection, and suppression of all fires near and adjacent to the property and the people of California, including providing medical emergency services and disaster relief.

III. AUTHORITIES

The Secretary of Defense is authorized by Title 10 United States Code § 257b to transfer to firefighting agencies, personal property that is excess to the needs of the DoD and that the Secretary of Defense determines is suitable to be used by such agencies in fire protection, emergency medical services and disaster relief activities.

IV RESPONSIBILITIES

THE COOPERATOR AGREES:

1. To only screen and acquire FFP property that are designed for or can be modified for direct use in fire pre-suppression or suppression activities, provide emergency medical services associated with the COOPERATOR's fire service responsibilities, or items that can be used to support disaster relief activities.
2. FFP property cannot be requested or issued for: cannibalization, parts, for speculative/possible future use, warehousing/stockpiling, or to sell, lease, rent, exchange, barter, secure a loan, or to otherwise supplement normal budget.

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3. Warehousing/stockpiling is only authorized for disaster response accommodations. FFP property such as generators, cots, tents, etc. that are obtained to support potential disaster relief or other contingency operations will be considered to have been placed into use if they are readily available to support emergency contingencies.
4. To send the STATE a copy of the signed receipt (1348-1A) for each FFP property item removed from the DoD Defense Logistics Agency (DLA) upon return from property pick up. This is a mandatory requirement as identified by the DoD and the USDA Forest Service.
5. To bear the entire cost of transportation, retrofit, modification, maintenance, repair, (including painting, as necessary) and operation of acquired FFP property while in the COOPERATOR'S possession, and relieve the STATE of all responsibility and liability in matters related to FFP property.
6. Acquired FFP property must be placed into use or ready for use within one (1) year of receipt. If the property is not placed for use in the one (1) year timeline, the property must be returned to the DoD Defense Logistics Agency (DLA) at the COOPERATOR's expense.
7. To ensure add on tanks, pumps, hose reels, modification of property (e.g.: converting fuel tanker to a water tanker) etc. will not cause an acquired FFP vehicle to exceed the manufacturer's Gross Vehicle Weight (GVW) rating. This could compromise the safe use of the FFP vehicle.
8. To obtain prior to operation of any FFP property, the minimum liability insurance in the amount required by State law to cover the operation of FFP rolling stock. The COOPERATOR must maintain adequate insurance to cover damages or injuries to cover persons or property relating to the use of the FFP property.
9. Insurance is not required on any FFP property that has a DEMIL code of B, C, D, F and Q (other than Q6) along with other property with special handling requirements that remain titled to the DoD.
10. The COOPERATOR must paint any FFP rolling stock that has distinct military colors or markings.
11. The COOPERATOR shall be responsible for the proper care, maintenance, security, and storage of the FFP property.
12. The COOPERATOR is required to keep the FFP property operational for a minimum of one (1) year after "In Service" date before normal disposal can take place.
13. Identify and track all FFP property that has a DEMIL code of B, C, D, F and Q (other than Q6) which require special handling. These FFP property items will not transfer ownership to the COOPERATOR and will remain titled to the DoD.
14. COOPERATOR will contact the STATE for FFP property that has a DEMIL code of B, C, D, F and Q (other than Q6) that is no longer needed and to be returned to the DLA at the COOPERATOR's expense.
15. The DoD reserves the right to recall DEMIL property issued through the FFP program at any time tracked by the USDA Forest Service for accountability purpose until the COOPERATOR requests disposal of the FFP property item.
16. FFP property that has not been used for firefighting or emergency services for a minimum of one year must be reported to the STATE and USDA Forest Service for disposal authority. Supporting documentation must be provided on why the property needs to be disposed prior to the one year of use. Possible documentation includes:
 - a. A police report for items lost or stolen.

- b. An accident report for items that have been damaged, destroyed or rendered uneconomical to repair due to an accident.
 - c. A mechanics report for items that have suffered mechanical damage and are now considered uneconomical to repair.
 - d. A statement (email is acceptable if it includes the person's name, title and contact information) from a Fire Chief explaining why the item cannot be placed into service.
17. The COOPERATOR shall report lost, missing, stolen or destroyed FFP property to the STATE. FFP property with a DEMIL code of B, C, D, F and Q (other than Q6) must be reported within 24 hours. FFP property with a DEMIL Code of A or Q6 must be reported within seven (7) days.
18. When FFP property is lost, damaged, or stolen, a determination is required whether there was negligence on the part of the COOPERATOR. The STATE shall make a recommendation to the USDA Forest Service PMO whether there was negligence or gross negligence.
 - a. Negligence: The failure to abide by Federal rules and regulations.
 - i. Repeated instances of negligent damage to FFP property by employees of the COOPERATOR may be cause for the STATE to suspend further acquisitions by the COOPERATOR until the reasons for the negligence are identified and steps taken to prevent further instances.
 - b. Gross negligence: The intentional, willful, or wanton failure to exercise a reasonable degree of care to protect FFP property in one's custody in reckless disregard of the consequences of the actions.
 - i. If the STATE determines that there is apparent gross negligence on the part of a COOPERATOR employee, Recipient or a User of FFP property, the findings plus all supporting documentation shall be forwarded by the STATE to the USDA Forest Service Property Management Officer (PMO) for a final determination.
 - ii. If the final determination is one of gross negligence, the COOPERATOR shall be suspended from acquiring any additional FFP property for SIX (6) months.
 - iii. A second case of Gross Negligence will cause the COOPERATOR to lose all privileges of participating in the FFP program, indefinitely.
19. To perform/participate in the physical inventory process on FFP property with a DEMIL code of B, C, D, F and Q (other than Q6) in the COOPERATOR'S possession every two (2) years.
20. The STATE and the USDA Forest Service will periodically conduct joint reviews of the FFP program to ensure compliance with the DoD, USDA Forest Service and other applicable statutes, regulations and policies are being followed. The COOPERATOR must participate and provide access to all physical FFP property tracked in the Federal Property Management Information System (FEPMIS) along with access to all FFP documentation during the review. Any FFP property removed and closed in FEPMIS will not be inventoried during the review process.
21. The STATE is authorized to perform audits and reviews by STATE personnel, in between joint reviews, to provide the USDA Forest Service information for FFP program improvements.
22. To retain all documentation on all FFP property for six (6) years and three (3) months after acquisition; starting with the date of pick up through the property's disposal. Copies of final disposition paperwork shall be sent to the STATE.
23. The COOPERATOR must provide access to and the right to examine all records, books, or documents relating to FFP property transferred to the COOPERATOR under Title 10 U.S.C. 2576b to the USDA Forest Service, the Department of Defense, the Office of the Inspector General, and the Comptroller General of the United States, the STATE or their authorized representatives.
24. The proceeds from the sale of any FFP vehicle and/or other FFP property must be earmarked for "Fire/Emergency Services."

25. FFP Property with a DEMIL Code of A or Q6, after the one (1) year conditional holding and utilization period, may be sold or transferred to non-FFP participants in compliance with the United States Export Control Regulations. Under no circumstances will FFP property be sold or transferred to non-United States persons or exported.

V. OTHER AGREEMENT TERMS
IT IS MUTUALLY AGREED THAT:

1. Title and ownership of FFP property does not pass to any private individual in their private capacity.
2. The COOPERATOR shall complete a resolution, or a statement from their governing board/council approving participation in the FFP Program. The resolution must be received with this Cooperative Agreement as a requirement of the terms and conditions before the STATE will prepare the COOPERATOR's access to screen and manage FFP property.
3. The STATE will transfer ownership of said property. In the case of vehicles and other titled property, the Certificate of Title will transfer to the COOPERATOR under the terms of this agreement, once the property has become operational and is ready to be placed into service by the COOPERATOR.
 - a. The COOPERATOR which puts FFP property into use will accept ownership of equipment.
 - b. Title must be in the entity's name and cannot have an individual's name on the title.
 - c. COOPERATOR is responsible for any cost of obtaining title.
4. The STATE will not be responsible for furnishing spare parts for FFP property and the COOPERATOR accepts all FFP property "as is" without any warranties of any kind, either expressed or implied.
5. Owners of FFP property will cooperate with Federal and State parties to ensure compliance with Federal and State regulations, program and property management requirements. Additional FFP Program information may be requested and provided by the STATE.
6. COOPERATORS with any FFP property will cooperate with regulatory agencies to ensure compliance with Federal and State regulations, program and property management requirements.
7. In the event of any dispute over FFP property or any terms or conditions contained herein, the dispute shall be decided by the STATE and its decision shall be binding and final.
8. The parties hereto agree that the COOPERATOR, their officers, employees, agents, servants, contractors, volunteers, paid firefighters, and all others acting on behalf of the COOPERATOR, performing under the terms of this agreement, are not acting as officers, employees or agents of the State or the Federal Government.
9. The COOPERATOR agrees to defend, indemnify, save, and hold harmless the STATE as defined herein, and the Department of Forestry and Fire Protection (CAL FIRE), their officers, agents and employees against all claims, demands, causes of action or liability of any kind whatsoever arising out of the acts of the COOPERATOR, its agents or employees in the performance of any function provided for under the terms of this agreement or the use of property transferred.
10. The STATE and COOPERATOR will provide appropriate assurances of complying with the following federal anti-discrimination statutes:
 - a. On the basis of race, color, or national origin, in Title VL of the Civil Rights Act of 1964 (42 USC 2000d et seq.) as implemented by DOD regulations 32 CR Part 195.

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- b. On the basis of age, in the Age Discrimination Act of 1975 (42 USC 6101, et seq.) as implemented by Department of Health and Human Services regulations in 45 CFR Part 90.
 - c. On the basis of handicap, in Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended by Department of Justice regulations in 28 CFR Part 41 and DOD regulations at 32 CFR Part 56.
11. The period of this agreement is for three (3) years from the date of last signature on page six (6) and entered on page one (1), if no violations or signatory changes occur. Thereafter, the agreement shall be reviewed annually for compliance by the STATE during the agreement review process and extended if no violations or changes have occurred, not to exceed a three (3) year term renewal.
 12. During the three (3) year term of this agreement, at the option of the STATE, this agreement may be terminated for any material breach by the COOPERATOR for any terms herein.
 13. Either party may terminate this agreement by providing written notice to the other party 60 days prior to the termination date. If the agreement is terminated, the COOPERATOR shall be ineligible to continue participation in the FFP program. Upon termination of the Cooperative agreement, all FFP property as identified as assigned in FEPMIS to the COOPERATOR shall be returned to the DLA. Prior to terminating a COOPERATOR's eligibility for cause, the STATE shall attempt alternative solutions.
 14. Any information provided to the STATE under this Cooperative agreement is subject to the Freedom of Information Act (5 USC §§ 551 et seq.).
 15. The primary contact information of the parties hereto, for all notices, payments, repayments, or any other activity required or contemplated under the terms of this Cooperative agreement are:

Cooperator Name: City of Atascadero Fire and Emergency Services Department	Department of Forestry and Fire Protection (CAL FIRE) Federal Property Programs
Contact Name: Paul Netz	
Title: Fire Captain / Fire Investigator	
Street Address: 6005 Lewis Avenue	Street Address: 710 Riverpoint Court West Sacramento, CA 95605
Mailing Address:	Mailing Address: P.O. Box 944246
City: Atascadero	City: Sacramento
Zip: 93422	Zip: 94244-2460
Phone Number: (805) 461-5070 Ext.	Phone Number: (916) 894-9804
Cell Phone Number: () -	Fax Phone Number: (916) 894-9880
Email: pnetz@atascadero.org	Email: FederalProperty@fire.ca.gov

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year of the last signature below.

COOPERATOR	
NAME OF COOPERATOR: City of Atascadero Fire and Emergency Services Department	
BY (Authorized Signature):	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Casey Bryson, Fire Chief	
BY (Authorized Signature):	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING: Rachelle Rickard, City Manager	
STATE OF CALIFORNIA	
Department of Forestry and Fire Protection (CAL FIRE)	
BY (CAL FIRE Property and Local Services Manager):	DATE SIGNED:
PRINTED NAME AND TITLE OF PERSON SIGNING:	
Nicole Harner, Property and Local Services Manager	

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STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
DEPARTMENT OF FORESTRY AND FIRE PROTECTION (CAL FIRE)

COOPERATIVE AGREEMENT FOR THE
DEPARTMENT OF DEFENSE
FIREFIGHTER PROPERTY (FFP) PROGRAM
Under Title 10 United States Code § 2576b

ATTACHMENT A

CITY OF ATASCADERO FIRE AND EMERGENCY SERVICES DEPARTMENT

	ITEM:	SERIAL #:	IDENTIFICATION #
1.	No Property At This Time		
2.			
3.			
4.			
5.			
6.			
7.			

Revised July 2021

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RESOLUTION AUTHORIZING APPLICATION
FOR FIREFIGHTER PROPERTY (FFP) PROGRAM
IN ACCORDANCE
Under Title 10 United States Code § 2576b

Date

The City Council of the _____ Fire and Emergency Services Department finds:

WHEREAS, there is a need for excess personal property from the Department of Defense (DoD) through the Firefighter Property (FFP) program to help actively engage in prevention, protection and suppression of all fires and medical emergency response services in the City of _____, and

WHEREAS, the acquisition of certain Firefighter Property as described in the United States Department of Agriculture (USDA), Forest Service Firefighter Property Standard Operating Procedures, in accordance with Title 10 United States Code § 2576b is available for local fire agencies.

THEREFORE, be it resolved that the City Council of the _____ Fire and Emergency Services Department accepts the agreement between the State of California, Department of Forestry and Fire Protection (CAL FIRE) and the _____ Fire and Emergency Services, _____ for the acquisition of Firefighter

Dated

Property, and, authorizes Fire Chief _____ to sign the agreement on behalf of the City Council.

City Clerk

City Council of the _____ Fire Department



Atascadero City Council

Staff Report – Administrative Services Department

Apple Valley Assessment Districts

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.

REPORT-IN-BRIEF:

The City Council formed and began assessing Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in 2005. This district was formed to provide funding for future routine maintenance of the streets, storm drains and sidewalks in the Apple Valley subdivision.

The City Council also formed and began assessing Atascadero Landscape and Lighting Maintenance District No. 01 (Apple Valley) in 2005. This district was formed to provide for funding and maintenance of street trees, open space, park area, medians, walkways, paths and other landscape and lighting improvements within the Apple Valley subdivision.

NBS, an independent financial consultant, was hired to prepare the engineer’s report for the two districts. The engineer’s report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 14, 2022 at 6:00 p.m., at which time the final resolutions will be presented to the Council for consideration.

The proposed assessments for fiscal year 2022/2023 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the Maximum Assessment Rate may be increased for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased 5.2% (CPI) this year for both districts.

An Assessment Information Notice was mailed to all property owners on April 12, 2022. The notice provided the date of the upcoming June 14, 2022, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts and pages related to the districts from the City’s June 30, 2021, audited financial statements.

Staff has reviewed the short- and long-term costs to maintain the districts and recommends the total cost of both districts of \$1,450 remains flat when compared to the prior year. The Landscaping and Lighting District levy is about 48% of the allowable maximum annual assessment and the Street and Storm Drain District is about 64% of the allowable maximum annual assessment.

District	Amount Per EBU Assessment Fiscal Year 21-22	Amount Per EBU Proposed Assessment Fiscal Year 2022-23
Atascadero Street and Storm Drain Maintenance District No. 01 Apple Valley	\$ 550.00	\$ 550.00
Atascadero Landscaping and Lighting Maintenance District No. 01 Apple Valley	\$ 900.00	\$ 900.00

While the levies for fiscal year 2022/2023 are proposed with no increases, staff predicts that the Landscape and Lighting District will likely see increased costs due to the aging landscape, increases in utilities (water and electricity), and increases in labor costs for the landscape maintenance contractor. City staff works to maximize efficiencies and minimize levy increases. However, modest levy increases are expected in future years in order to continue providing the existing service levels.

FISCAL IMPACT:

Annual assessments for 2022/2023 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.

ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
3. **Draft Resolution C** - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters
4. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2022/2023 assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code
6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023
8. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2022/2023 assessments for Atascadero Landscaping and Lighting District No. 01 (Apple Valley)

DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2022/2023

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) formed an assessment district to be designated as Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”), for the purpose of funding the ongoing operation, maintenance and servicing of public streets, sidewalks, storm drain and flood control facilities installed in conjunction with the development of properties known as Apple Valley Tract 2495; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to *Article 3 Section 54710*, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to *Article 4 Section 54718*; and

WHEREAS, the City Council has retained NBS as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer’s Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the *California Constitution, Articles XIII C and XIII D*.

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

SECTION 1. The City Council hereby orders the Engineer to prepare and file an Engineer’s Annual Levy Report concerning the levy of assessments for properties within the District as specified by *Article 4 Section 54716* of the 1982 Act.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance.

SECTION 3. The territory within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) consists of lots, parcels and subdivisions of land located in the development known as Apple Valley Tract 2495.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ____th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ACCEPTING AND PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2022/2023

The City Council of the City of Atascadero (hereafter referred to as "City Council") hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") regarding the assessment district to be designated as the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the "District"), and the levy and collection of assessments related thereto, pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the "1982 Act"); and

WHEREAS, there has now been presented to this City Council the Report as specified by *Article 4 Section 54716* of said 1982 Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District and the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

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

SECTION 1. The preceding recitals are true and correct.

SECTION 2. That the Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Boundary Diagram of the District.
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The Maximum Assessment described in the Report is hereby approved on a preliminary basis.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution, and the Minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) IN FISCAL YEAR 2022/2023, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto for the assessment district designated as Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (hereafter referred to as the “District”); and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2022/2023 (July 1, 2022 and ending June 30, 2023) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*, and the City Council did by previous Resolution preliminarily approve such Report.

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

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the District pursuant to the 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance. The Engineer’s Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.

SECTION 3. The proposed territory within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) consists of lots, parcels and subdivisions of land located in the development known as Apple Valley Tract 2495.

SECTION 4. The proposed assessments for the District are outlined in the Engineer's Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer's Report on file in the City Clerk's Office.

SECTION 6. The City Clerk shall give notice of the filing of the report and the time and place of the Public Hearing by publishing in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report

Street and Storm Drain Maintenance District No. 01 (Apple Valley)

May 2022

Prepared by:



Corporate Headquarters
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Temecula, CA 92592
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CITY OF ATASCADERO
Street and Storm Drain Maintenance District No. 01
(Apple Valley)

6500 Palma Avenue
Atascadero, CA 93422
Phone – (805) 461-5000
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CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

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1. ENGINEER’S LETTER

WHEREAS, on March 24, 2005 by Resolution No. 2005-042, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the provisions of the Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703 (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIII D (hereafter referred to as the “California Constitution”), established the City of Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) (the “District”); and

WHEREAS, on May 10, 2022, the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Summary of Assessment

Description	Amount
Estimated Annual Costs	\$22,090
Capital Reserve Collection/(Uses)	24,090
Levy Adjustments	(7,680)
Balance to Levy	\$38,500
Fiscal Year 2022/23 Maximum Rate	\$854.40
Fiscal Year 2022/23 Proposed Applied Rate	\$550.00

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1982 Act.

 City Engineer



2. EXECUTIVE SUMMARY

Pursuant to the provisions of the *Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703* (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the *California State Constitution Article XIII D* (hereafter referred to as the “California Constitution”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), proposed to form and levy special benefit assessments for the district designated as:

Street and Storm Drain Maintenance District No. 01 (Apple Valley)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as Apple Valley, Tract 2495 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23.

The City Council formed the District and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the street and storm drain improvements and facilities associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1982 Act and the substantive and procedural provisions of the California Constitution.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements and facilities. The annual assessments described herein will provide a funding source for the continued operation and maintenance of streets, storm drain system, and appurtenant facilities installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the streets and storm drain system that provides special benefits to properties within the District. The structure of the District (organization), the improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2495; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of this District’s formation, the City conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the *California Constitution, Article XIII D Section 4*. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing to

consider public testimonies, comments, and written protests regarding the formation of the District and levy of assessments. Upon conclusion of the public hearing, property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. The tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein; therefore, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, a Report shall be prepared and presented to the City Council describing any changes to the improvements, proposed services, the annual budget or assessments for that fiscal year and the City Council may hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Benefiting Properties within the District

The territory within the District consists of the lots, parcels, and subdivisions of land within the proposed residential subdivision known as the Apple Valley, Tract 2495, which encompasses an area of land totaling approximately twenty-eight acres (27.71 acres).

This residential subdivision includes seventy (70) single-family residential homes. The subdivision is situated in the northern portion of the City just southwest of Highway 101 and is generally located:

- South of Del Rio Road;
- North of Conejo Road;
- West of Ramona Road; and,
- East of Graves Creek.

3.2 Funding Authorized by the 1982 Act

As generally defined by the 1982 Act and applicable to this District, the City may impose a benefit assessment to finance the maintenance and operation costs of the following services:

- Drainage and Flood Control;
- Streets and Roads.

In addition to imposing a benefit assessment for the annual maintenance and operation of the District improvements, the City may also authorize an assessment or utilize existing assessment revenues to finance the installation, construction, or replacement of drainage and flood control facilities as well as the street and road improvements (with some limitations). While such activities are permitted under the 1982 Act, the budget and assessments for this District only provide for normal maintenance and operation of the improvements. Since most major rehabilitation/construction projects result from unforeseen damages, the extent and cost of such projects are not easily predicted and to accumulate funds as part of the normal annual assessments would not be reasonable. If such funding becomes necessary, the City may present a new or increased assessment to the property owners to support the projects.

3.3 Description of Improvements and Services

The purpose of this District is to fund the activities necessary to maintain and service the local streets and the drainage and flood control systems constructed and installed in connection with development of properties within the residential subdivision known as Apple Valley, Tract 2495 pursuant to approved development plans and agreements. The improvements may consist of all or a portion of the public streets, drainage and flood control facilities associated with Tract 2495 and the maintenance of these improvements may include but are not limited to the materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition.



The maintenance of the improvements and related activities shall be funded entirely or partially through the District assessments. The District improvements and services are generally described as:

- Street maintenance that may include but is not limited to the repair and servicing of street surfaces, curbs, gutters, bridges, driveway approaches, sidewalks, barricades, delineation, signage, or other facilities within the public street rights-of-way installed in connection with the development of properties in Tract 2495 and that have been dedicated to the City;
- Storm drain and flood control maintenance that may include but is not limited to inspection, repair and servicing of drainage basins, inlets, catch basins, manholes, outlets, drywells, pumps, filters, and storm drain pipes installed in connection with the development of properties of Tract 2495 as well as any off-site improvements and facilities directly associated with the aforementioned infrastructure that is deemed necessary to service or protect the properties including waste water treatment;
- The appurtenant, equipment, materials, and service contracts related to the aforementioned improvements and facilities;
- Specifically excluded are those improvements or facilities: located on private property or common areas; that may be provided or maintained by an agency other than the City; that may be provided by another assessment or tax levied by the City; or that may be provided and maintained by a Homeowner's Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 STREET MAINTENANCE

The street maintenance program may include but is not limited to: the repair of potholes, cracks, or other failures in the asphalt surface; repair or replacement of curbs, gutters, driveway approaches, and sidewalks as required as part of maintaining the streets; repair or installation of street signs, barricades, fencing, or other delineation; mechanized sweeping and cleaning of the streets and gutters; slurry sealing, overlays, and re-striping of the street surfaces. The specific activities and timing of various street and road maintenance services shall be determined by the City's Public Works Department as necessary to extend the life of the streets or to improve traffic circulation and safety as available funding permits. Specifically, the street improvements for this District are identified as:

- Approximately 106,460 square feet of asphalt street surface located on the perimeter of the development (south half of Del Rio Road); and the various interior streets identified as Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, and San Ramon Road.

- Approximately 5,320 linear feet of curb and gutter along Del Rio Road, Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, San Ramon Road, and Conejo Road;
- Approximately 3,545 square feet of decorative street pavers and 1,254 linear feet of curb and gutter in and around the two median islands on San Ramon Road (entryways to the development at Del Rio Road and Conejo Road);
- Approximately 70 driveway approaches, 25,394 square feet of sidewalks and various street signs within the District;
- Specifically, not included as part of the street maintenance program are the costs associated with major replacements or reconstruction. Although the District assessments will provide funding for regular maintenance and servicing of the improvements that will extend the useful life of the street improvements, the assessments are not intended to fund major replacements or reconstruction of the street surfaces or adjacent improvements such as curbs, gutters, or driveway approaches. The costs of extensive replacement or reconstruction activities such as grinding and resurfacing of the asphalt; and replacement of curbs, gutters, driveway approaches, and sidewalks is significantly more than the amount that can reasonably be collected annually under the provisions of the 1982 Act. When such repairs or activities are deemed necessary, the City will consider various financing options including new or increased assessments for property owner approval.

The Public Works Department shall authorize the operational activities and maintenance of the public street and right-of-way improvements, facilities, and services that may include, but are not limited to:

- Regular street sweeping services necessary to control dirt and debris on street surfaces and gutters;
- Annual inspection of street surface and repair of potholes and surface cracks as needed;
- Periodic slurry or overly of street surfaces and driveway approaches (typically one or the other once every five years);
- Periodic re-striping of traffic lanes, bike lanes, street parking areas, crosswalks, and intersections (typically in conjunction with slurry or overly activities);
- Graffiti abatement of public improvements within the street rights-of-way that are maintained by the District including but not limited to sandblasting, repainting and repair of fences, walls, barricades, sidewalks, and signage as needed;
- Annual inspection and periodic repair or replacement of decorative street- pavers as needed;
- Annual inspection and minor repairs of curbs, gutters, driveway approaches, and sidewalks including partial segment replacements as needed to ensure pedestrian and vehicle safety or the integrity of the street;
- Annual inspection and periodic repair or rehabilitation of street signs and traffic control devices;
- Annual inspection and repair of barricades, street-fencing, delineation or retaining walls within the street rights-of-way as needed.



A portion of the services described above are not performed on an annual basis but rather on a periodic basis, such as slurry sealing or overlaying the asphalt streets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent when sufficient funds have been accumulated to perform the services deemed necessary by the City (approximately every five years). This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

The storm drain and flood control system associated with the District may include but is not limited to: drainage basins and bio-filters; channel ways; storm drain inlets, catch basins, manholes, outlets; drywells, pumps, filters and pipes. The storm drain system to be maintained primarily involves on-site facilities (within the District boundaries) but may also include off-site improvements such as water treatment equipment, facilities or services mandated or required by Federal, State, or County regulations for water pollution control. The annual assessments for this District are intended to support a storm drain and flood control maintenance program that will adequately regulate and control storm water runoff resulting from the development of properties within the District. This maintenance program may include but is not limited to: inspection and documentation of the system; cleaning, servicing, or repair of the facilities and equipment; and the partial replacement or rehabilitation of equipment and facilities. The storm drain and flood control system includes but is not limited to:

- Approximately 30,050 square feet of drainage basin area;
- Twenty-eight (28) inlets, outlets, and manholes located throughout Tract 2495;
- Approximately 2,100 linear feet of storm drain pipe ranging from 18 inches to 42 inches in diameter.

The Public Works Department shall authorize and schedule the operational activities and maintenance of the storm drain and storm water pollution treatment infrastructure, facilities, and services that may include, but are not limited to:

- Cleaning of storm drain inlets, catch basins, manholes, and pipes as needed;
- Stencil maintenance and documentation of facilities as required by Federal, State, or County regulations;
- Cleaning and landscape maintenance of the drainage basins, bio-filter areas or channel ways as needed;
- Debris removal and pest control in and around the storm drain facilities as needed;
- Minor repairs and maintenance of the storm drain inlets, catch basins, and outlets as needed;
- Street sweeping services necessary to control debris and water flow for the storm drain system; and,



- The operational costs related to NPDES compliance requirements.

A portion of the services described above are not performed on an annual basis but rather on a periodic basis such as minor repairs to the storm drain inlets, catch basins, and outlets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent as needed to perform the services deemed necessary by the City. This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.



4. ESTIMATE OF COSTS

Budget	2022/2023 Assessment
DIRECT COSTS	
Streets, Roads & Storm Drain Improvements	
Street Maintenance	\$8,350
Inspection & Operational Services - Roads, Drainage	8,010
Slurry Seal	
Total Annual Direct Costs	\$16,360
ADMINISTRATION EXPENSES	
City Annual Administration	\$1,860
Engineer's Report & Services	3,670
Public Noticing	200
Total Annual Administration Costs	\$5,730
TOTAL DIRECT & ADMINISTRATION COSTS	\$22,090
CAPITAL RESERVE COLLECTIONS/(USES)	
Collection for Street Surface Activities	\$21,800
Collection Street Re-striping	80
Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks	850
Collection for Debris Removal	380
Collection for Storm Drain Fencing	380
Collection for Storm Drain Infrastructure	600
Total Annual Capital Reserve Collections/(Uses)	\$24,090
LEVY ADJUSTMENTS	
Interest Income - Improvement Fund	(\$10,200)
Interest Income - Operating Reserve Fund	(280)
Reserve Fund Collection/(Use)	2,800
Total Levy Adjustments	(\$7,680)
BALANCE TO LEVY	\$38,500
DISTRICT STATISTICS	
Total Parcels	74
Parcels Levied	70
Total EBU ⁽¹⁾	70
Levy per EBU	\$550.00
Maximum Levy per EBU	\$854.40
FUND BALANCE INFORMATION	
Beginning Operating Reserve Balance	\$13,930
Operational Reserve Interest	280
Surplus Transfer from Improvement Fund	7,829
Operational Reserve Collection (Use)	(\$7,680)
Estimated Ending Operating Reserve Balance	\$14,359
Beginning Improvement Fund Balance	\$496,630
Improvement Fund Interest	10,200
Surplus Transfer to Operations Fund	(\$7,829)
Improvement Fund Collection/(Use)	24,090
Estimated Ending Improvement Fund Balance	\$523,091

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel



5. METHOD OF ASSESSMENT

5.1 General

The 1982 Act permits the establishment of assessment districts by agencies for the purpose of providing for the maintenance, operation, and servicing of drainage and flood control improvements as well as streets, roads, and appurtenant facilities. The 1982 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service”.

Furthermore:

“The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service, except that the legislative body may, by resolution, determine that the estimated cost of work authorized ... is greater than can be conveniently raised from a single annual assessment and order that the estimated cost shall be raised by an assessment levied and collected in installments.... The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices in compliance with the provisions of the 1982 Act and the California Constitution. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements and services, and the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1982 Act and the California Constitution. The street and storm drain improvements associated with this District were necessary and essential requirements for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City’s General Plan. As such the ongoing operation, servicing, and maintenance of those improvements would otherwise be the direct financial obligation of each individual property owner. Since each parcel to be assessed within the District could not have been developed in the absence of these improvements and facilities, each parcel has a direct investment in the proper maintenance of the improvements that is over and above any general benefits that may be conferred by such improvements and services.

The ongoing maintenance and servicing of the District improvements is an integral part of the appearance, use and preservation of the properties within the District and such services to be funded by annual assessments confer a particular and distinct special benefit to those parcels. The proper maintenance of streets and appurtenant facilities allows individual parcels to be used to their fullest extent by ensuring the safe and

efficient movement of people and goods to and from the benefiting properties. Likewise, the maintenance and servicing of the storm drain system ensures proper water flow and control of excess water during periods of rain, which is essential to preservation and protection of private property. Together the maintenance and servicing of the streets and storm drain system contributes to a specific enhancement of each of the parcels within the District and the absence of adequate maintenance and servicing of the District improvements could eventually have a negative impact on properties within the District.

Although the improvements may include public streets and storm drain facilities that connect to similar facilities outside the District boundaries, it is clear that the construction and installation of these improvements were only necessary for the development of properties within the District. As such, these improvements were not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the ongoing maintenance, servicing and operation of the District improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District. Any improvement or portion thereof (particularly off-site storm drain facilities) that may be considered general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within this District. However, the costs associated with installation or improvement of any off-site facilities that benefit the parcels within this District as well as other properties (shared benefit) may be allocated to the parcels within the District based on their proportional special benefit from such improvements.

5.3 Assessment Methodology

The costs associated with the improvements and services shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the California Constitution Article XIII D Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

The method of apportionment established for this District and described herein, reflects the proportional special benefit each property receives from the improvements and services based on the actual or proposed land use of that parcel as compared to other properties within the District based on similarities and differences in parcel land use.

5.3.1 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1982 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and

applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.2 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit “EBU”).
- (2) **Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile-home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel’s total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases; the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.
- (3) **Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes, and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).



(4) Planned-Residential Development — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).

(5) Vacant Residential — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.0 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.0 EBU (parcels in excess of 25 acres are assigned 25.0 EBU). Parcels less than one acre, shall be assigned a minimum of 1.0 EBU (similar to a vacant lot within a residential tract).

(6) Exempt Parcels — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks, or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District.;
- Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels, or bifurcated lots or properties with very restrictive development use.

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels current development status. Government owned properties or public properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.



(7) Special Cases — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel.

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
Vacant Residential Land	1.00	Per Acre
	0.00	Per Parcel

The following formula is used to calculate each parcel's EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU's) is the sum of the individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU's of the parcels benefiting from the improvements. This Rate is then applied back to each parcel's individual EBU to determine the parcel's proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIII C and XIII D), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).



The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to the future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate is calculated independent of the District's annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo Counties in the State of California. This CPI will be used going forward.

Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional special benefit assigned to a land use classification is permitted. Changes in land use or size of an individual property resulting in an assessment increase, are not considered an increased assessment.

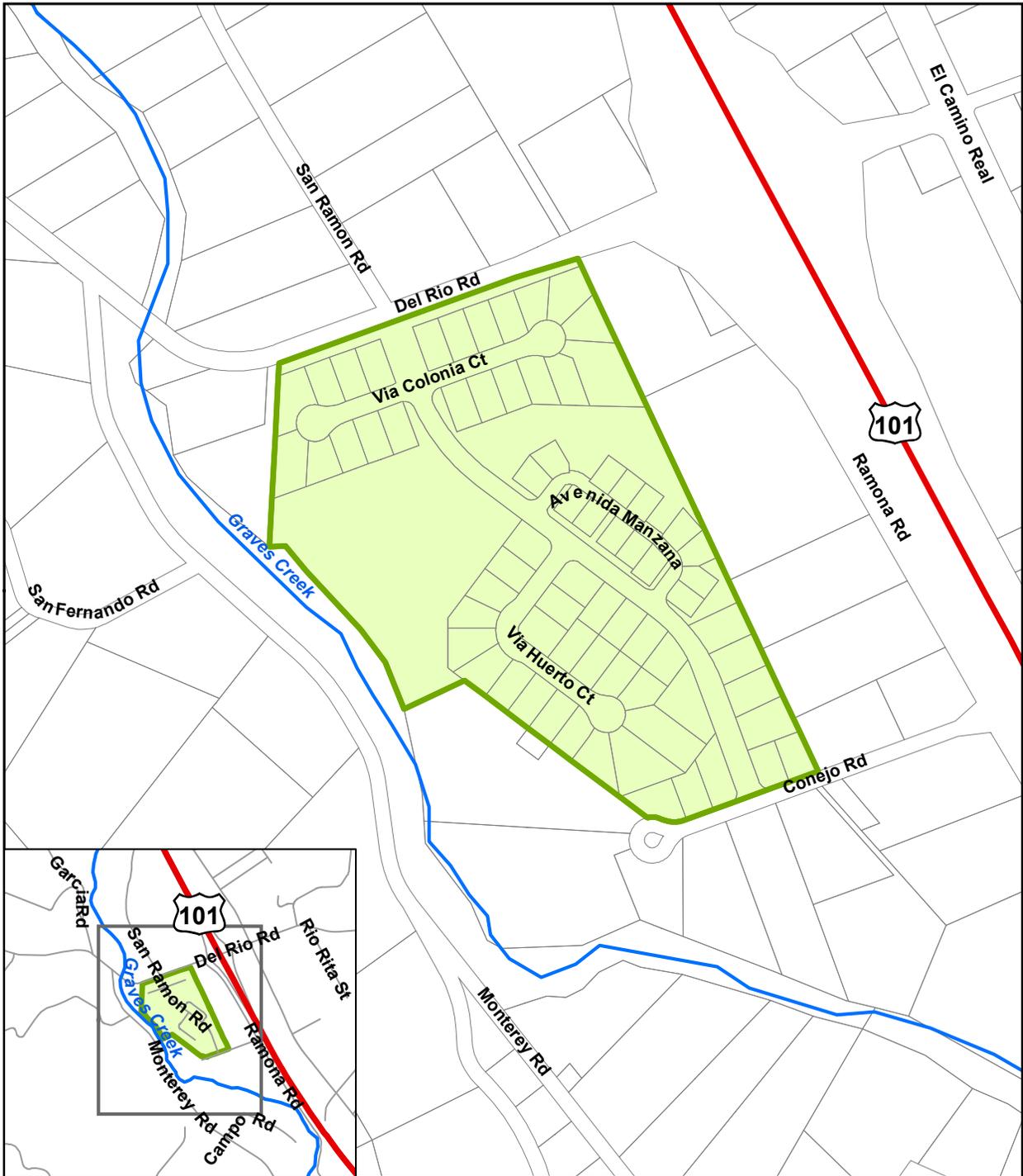
To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

6. ASSESSMENT DIAGRAM

The parcels within the Street and Storm Drain Maintenance District No. 01 (Apple Valley) consist of the lots, parcels, and subdivisions of land located in the residential development known as Apple Valley, Tract 2495. The District covers approximately twenty-eight acres (27.71 acres) in the northern portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.





CITY OF ATASCADERO

APPLE VALLEY

Street and Storm Drain Maintenance District No. 1
Landscaping and Lighting District No. 1



Print Date: 5/13/2015
Printed by: City of Atascadero
GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the proposed lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, rights-of-way, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Street & Storm Drain Maintenance No. 1
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-192-001	6000 VIA COLONIA CT	SFR	\$550.00
049-192-002	6010 VIA COLONIA CT	SFR	550.00
049-192-003	6020 VIA COLONIA CT	SFR	550.00
049-192-004	6030 VIA COLONIA CT	SFR	550.00
049-192-005	6040 VIA COLONIA CT	SFR	550.00
049-192-006	6050 VIA COLONIA CT	SFR	550.00
049-192-007	6060 VIA COLONIA RD	SFR	550.00
049-192-008	6055 VIA COLONIA CT	SFR	550.00
049-192-009	6045 VIA COLONIA CT	SFR	550.00
049-192-010	6035 VIA COLONIA CT	SFR	550.00
049-192-011	6025 VIA COLONIA RD	SFR	550.00
049-192-012	6015 VIA COLONIA CT	SFR	550.00
049-192-013	6005 VIA COLONIA RD	SFR	550.00
049-192-014	5045 VIA COLONIA CT	SFR	550.00
049-192-015	5035 VIA COLONIA CT	SFR	550.00
049-192-016	5025 VIA COLONIA CT	SFR	550.00
049-192-017	5015 VIA COLONIA CT	SFR	550.00
049-192-018	5005 VIA COLONIA CT	SFR	550.00
049-192-019	5010 VIA COLONIA CT	SFR	550.00
049-192-020	5020 VIA COLONIA CT	SFR	550.00
049-192-021	5030 VIA COLONIA CT	SFR	550.00
049-192-022	5040 VIA COLONIA CT	SFR	550.00
049-193-001	6100 VIA HUERTO CT	SFR	550.00
049-193-002	6120 VIA HUERTO RD	SFR	550.00
049-193-003	6130 VIA HUERTO RD	SFR	550.00
049-193-004	6140 VIA HUERTO RD	SFR	550.00
049-193-005	6150 VIA HUERTO RD	SFR	550.00
049-193-006	6160 VIA HUERTO RD	SFR	550.00
049-193-007	6170 VIA HUERTO RD	SFR	550.00
049-193-008	6180 VIA HUERTO CT	SFR	550.00
049-193-010	6200 VIA HUERTO RD	SFR	550.00
049-193-011	6210 VIA HUERTO RD	SFR	550.00
049-193-012	6220 VIA HUERTO CT	SFR	550.00
049-193-013	6225 VIA HUERTO CT	SFR	550.00
049-193-014	6215 VIA HUERTO CT	SFR	550.00
049-193-015	6205 VIA HUERTO RD	SFR	550.00
049-193-016	6195 VIA HUERTO CT	SFR	550.00
049-193-017	6185 VIA HUERTO RD	SFR	550.00
049-193-018	6125 VIA HUERTO CT	SFR	550.00
049-193-019	6115 VIA HUERTO CT	SFR	550.00
049-193-020	6105 VIA HUERTO CT	SFR	550.00
049-193-021	2180 SAN RAMON RD	SFR	550.00

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 1
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-193-022	2190 SAN RAMON RD	SFR	550.00
049-193-023	2200 SAN RAMON RD	SFR	550.00
049-193-024	2210 SAN RAMON RD	SFR	550.00
049-193-025	2220 SAN RAMON RD	SFR	550.00
049-193-026	6190 CONEJO RD	SFR	550.00
049-193-027	6180 CONEJO RD	SFR	550.00
049-193-028	6160 CONEJO RD	SFR	550.00
049-193-029	6140 CONEJO RD	SFR	550.00
049-193-030	6100 CONEJO RD	SFR	550.00
049-193-031	2235 SAN RAMON RD	SFR	550.00
049-193-032	2225 SAN RAMON RD	SFR	550.00
049-193-033	2215 SAN RAMON RD	SFR	550.00
049-193-034	2205 SAN RAMON RD	SFR	550.00
049-193-035	2195 AVENIDA MANZANA RD	SFR	550.00
049-193-036	2185 AVENIDA MANZANA RD	SFR	550.00
049-193-037	2175 AVENIDA MANZANA RD	SFR	550.00
049-193-038	2165 AVENIDA MANZANA RD	SFR	550.00
049-193-039	2135 AVENIDA MANZANA RD	SFR	550.00
049-193-040	2125 AVENIDA MANZANA RD	SFR	550.00
049-193-041	2115 AVENIDA MANZANA RD	SFR	550.00
049-193-042	2065 AVENIDA MANZANA RD	SFR	550.00
049-193-043	2055 AVENIDA MANZANA RD	SFR	550.00
049-193-044	2100 AVENIDA MANZANA RD	SFR	550.00
049-193-045	2110 AVENIDA MANZANA RD	SFR	550.00
049-193-046	2140 AVENIDA MANZANA RD	SFR	550.00
049-193-047	2150 AVENIDA MANZANA RD	SFR	550.00
049-193-048	2160 AVENIDA MANZANA RD	SFR	550.00
049-193-051	6190 VIA HUERTO CT	SFR	550.00
70 Accounts			\$38,500.00
70 Total Accounts			\$38,500.00

Slight variances may occur due to rounding

DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2022/2023 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolutions, formed the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) (hereafter referred to as “District”) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the “Act”) that provides for levy and collection of assessments by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of lighting facilities, landscaping, and appurtenant facilities and operations related thereto; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the Annual Levy of the District and to prepare and file a report with the City Clerk in accordance with the Act.

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

SECTION 1. Engineer’s Annual Levy Report: The City Council hereby orders NBS to prepare the Engineer’s Annual Levy Report concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22622* of the Act.

SECTION 2. Proposed Improvements and Any Substantial Changes in Existing Improvements: The improvements within the District include the ongoing operation, administration, maintenance, servicing and incidental expenses related to the dedicated landscape areas, public street lighting and appurtenant facilities authorized pursuant to the Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The Engineer's Annual Levy Report describes any new improvements or substantial changes in existing improvements.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION E

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2022/2023

The City Council of the City of Atascadero (hereafter referred to as "City Council") does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the "Report") for the district known and designated as the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) (hereafter referred to as the "District") pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the "Act"); and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has now been presented with the Report as required by *Chapter 1, Article 4, Section 22566* of said Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied on a preliminary basis that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed within each benefit zone as set forth in said Report.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION F

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY
AND COLLECT ASSESSMENTS FOR THE ATASCADERO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01
(APPLE VALLEY) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2022/2023 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the “District”). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the “Act”), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

WHEREAS, the proposed District assessments for fiscal year 2022/2023 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and

WHEREAS, there has now been presented to this City Council an Engineer’s Annual Levy Report (hereafter referred to as the “Engineer’s Report”), and said Engineer’s Report has been filed with the City Clerk in accordance with the Act; and

WHEREAS, the City Council has examined and reviewed the Engineer’s Report as presented and is satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero, pursuant to Chapter 3, Section 22624 of the Act, as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2022/2023.

SECTION 3. The boundaries of the District are described in the Engineer’s Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as Apple Valley and referred to as the “Atascadero Landscaping and Lighting District No. 1”.

SECTION 4. The improvements within the District include the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District.

SECTION 5. The proposed assessments for fiscal year 2022/2023, as outlined in the Engineer’s Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIID.

SECTION 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with *Chapter 3, Section 22626* of the Act.

SECTION 7. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer’s Report on file in the City Clerk’s Office.

SECTION 8. The City Clerk shall give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code by publishing this Resolution of Intention in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report For:

Landscaping and Lighting District

District No. 01 (Apple Valley)

May 2022

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF ATASCADERO
Landscaping & Lighting District No. 01
(Apple Valley)

6500 Palma Avenue
Atascadero, CA 93422
Phone – (805) 461-5000
Fax – (805) 461-7612

CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

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1. ENGINEER’S LETTER

WHEREAS, on March 24, 2005 by Resolution No. 2005-045, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500 (the “1972 Act”) established the City of Atascadero Landscaping and Lighting District No. 01 (Apple Valley) (the “District”); and

WHEREAS, on May 10, 2022, the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Budget Summary

Description	Total Costs	Costs Not Assessed	Proposed Assessment	Total Benefit Units	Maximum Rate	Proposed Rate Per BU
Annual Maintenance	\$71,700	(\$10,160)	\$61,540			
Special Annual Projects	11,000	0	11,000			
Administration	7,260	0	7,260			
Capital Reserve Collections/(Uses)	(2,509)	(650)	(3,159)			
Levy Adjustments	(24,451)	(10,810)	(13,641)			
Total	\$63,000	\$0	\$63,000	70	\$1,867.13	\$900.00

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1972 Act.

 City Engineer



2. EXECUTIVE SUMMARY

Pursuant to the provisions of the Landscaping and *Lighting Act of 1972*, being *Part 2 of Division 15* of the *California Streets and Highways Code*, commencing with *Section 22500* (hereafter referred to as the “1972 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIID (hereafter referred to as “Article XIID”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), executed the proceedings required for the establishment of the special benefit assessment district designated as:

Landscaping and Lighting District No. 01 (Apple Valley)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as Apple Valley, Tract 2495 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

The City Council formed the District, and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the landscaping and lighting improvements associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1972 Act and the substantive and procedural provisions of Article XIID.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements. The annual assessments will provide a funding source for the continued operation and maintenance of public landscaping and lighting improvements installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the planned development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements. The boundaries of the District, the proposed improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2495; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of the District formation, the City of Atascadero conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the California Constitution, Article XIID Section 4. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing on May 24, 2005 to consider public testimonies, comments and written protests regarding the formation of the District and levy of assessments. Upon conclusion of the public hearing,

property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. Tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, an Engineer's Report shall be prepared and presented to the City Council describing the District any changes to the District or improvements and the proposed budget and assessments for that fiscal year and the City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Description of the District

The territory within the District consists of the lots, parcels and subdivisions of land within the proposed residential subdivision known as the Apple Valley, Tract 2495, which encompasses an area of land totaling approximately twenty-eight acres (27.71 acres).

This residential subdivision includes seventy (70) single-family residential homes. The subdivision is situated in the northern portion of the City of Atascadero just southwest of Highway 101 and is generally located:

- South of Del Rio Road;
- North of Conejo Road;
- West of Ramona Road; and,
- East of Graves Creek

3.2 Improvements and Services Authorized by the 1972 Act

As generally defined by the 1972 Act and applicable to this District, the improvements and associated assessments may include one or more of the following:

- 1) The installation or planting of landscaping;
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- 3) The installation or construction of public lighting facilities including, but not limited to street lights and traffic signals;
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- 5) The installation of park or recreational improvements, including, but not limited to, all of the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts, and public restrooms.
- 6) The acquisition of land for park, recreational, or open-space purposes or any existing improvement otherwise authorized pursuant to this section.
- 7) The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements;
 - b) Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;

- d) The removal of trimmings, rubbish, debris, and other solid waste;
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
 - f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
 - c) Compensation payable to the County for collection of assessments;
 - d) Compensation of any engineer or attorney employed to render services;
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

3.3 Description of Improvements and Services

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. The improvements may consist of all or a portion of the public landscaped areas, street lighting and appurtenant facilities within and adjacent to the District (Tract 2495). These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or rights-of-way constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The improvements to be maintained and funded entirely or partially through the District assessments are generally described as:

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2495 that are within the public rights-of-way or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2495;
- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as part of the residential development or landscaped improvement areas;
- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax

levied by the City or any improvement provided and maintained by a Homeowner's Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 LANDSCAPE IMPROVEMENTS

The landscape improvements for the District may include, but are not limited to turf, ground cover, shrubs and plants, trees, irrigation and drainage systems, ornamental lighting, masonry walls or other fencing, hardscape improvements, monuments, and associated appurtenant facilities located within the landscape easements or public rights-of-way. Specifically the landscape improvement areas for this District are identified as:

- Approximately 30,580 square feet of streetscape (parkway) landscaping within the public rights-of-way located on the perimeter of the development (south side of Del Rio Road); and along various locations of the interior streets including Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, and San Ramon Road.
- Approximately 108 street trees located along Del Rio Road, Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, San Ramon Road and Conejo Road;
- Approximately 12,541 square feet of landscaping and trees within the median islands on San Ramon Road located at the two entryways to the development (Del Rio Road and Conejo Road);
- Approximately 106,460 square feet of non-irrigated open space area within the District;
- Approximately 109,837 square feet of irrigated park and open space areas within the boundaries of the District including 56,647 square feet of turf; 40,335 square feet of irrigated open space; and 12,855 square feet of landscaped slopes within two drainage basins (6,690 and 6,165 square feet respectively); along with various trees and picnic areas;
- Approximately 10,320 square feet of paths and trails, 25,394 square feet sidewalks and 5,145 linear feet of fencing within and adjacent to the various landscape improvement areas.

3.3.2 PUBLIC LIGHTING IMPROVEMENTS

The lighting improvements may include but are not limited to the cost of providing electrical energy and servicing of lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities associated with:

- Lighting facilities located within the landscaped areas including safety lights, security lights or ornamental lights installed as part of the District improvements.

4. ESTIMATE OF COSTS

BUDGET	Total Budget	Costs Not Assessed	2022/23 Assessment
DIRECT COSTS			
Annual Costs			
Landscape Services	\$47,500	(\$6,550)	\$40,950
Landscape Supplies	2,500	0	2,500
Landscape Utilities	14,440	(3,610)	10,830
City Landscape Services	7,260	0	7,260
Tree Trimming and Replacement	0	0	0
Total Annual Direct Costs	71,700	(\$10,160)	61,540
CAPITAL EXPENDITURES			
Special Projects	\$11,000	\$0	\$11,000
Total Annual Special Projects	\$11,000	\$0	\$11,000
ADMINISTRATION EXPENSES			
Annual Administration Expenses			
City Annual Administration	\$2,160	\$0	\$2,160
Engineer's Report & Services	4,500	0	4,500
Public Noticing	600	0	600
Total Administration	\$7,260	\$0	\$7,260
TOTAL DIRECT & ADMINISTRATION COSTS	\$89,960	(\$10,160)	\$79,800
CAPITAL RESERVE COLLECTIONS/(USES)			
Landscape Rehabilitation/Replacement	\$1,300	(\$650)	\$650
Median Rehabilitation/Replacement	238	0	238
Open Space Rehabilitation/Replacement	1,120	0	1,120
Tree Rehabilitation/Replacement	(5,967)	0	(5,967)
Other Rehabilitation/Replacement	800	0	800
Total Annual Capital Reserve Collections/(Uses)	(2,509)	(\$650)	(3,159)
LEVY ADJUSTMENTS			
Interest Income - Improvement Fund	(\$2,234)	\$0	(\$2,234)
Interest Income - Operating Reserve Fund	(1,336)	0	(1,336)
Contributions from other Sources	(10,810)	(10,810)	0
Reserve Collection/(Use)	(10,071)	0	(\$10,071)
Total Levy Adjustments	(\$24,451)	(\$10,810)	(\$13,641)
BALANCE TO LEVY	\$63,000	\$0	\$63,000
DISTRICT STATISTICS			
Total Parcels			74
Parcels Levied			70
Total EBU ⁽¹⁾			70
Levy per EBU			\$900.00
Maximum Levy per EBU			\$1,867.13
FUND BALANCE INFORMATION			
Beginning Operating Reserve Balance			\$45,088
Operational Reserve Interest			1,336
Surplus Transfer from Improvement Fund			21,988
Operational Reserve Collection (Use)			(13,641)
Estimated Ending Operating Reserve Balance			\$54,771
Beginning Improvement Fund Balance			\$114,192
Improvement Fund Interest			2,234
Surplus Transfer to Operations Fund			(21,988)
Improvement Fund Collection/(Use)			(2,509)
Estimated Ending Improvement Fund Balance			\$91,929

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel



5. METHOD OF ASSESSMENT

5.1 General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and have been established pursuant to the 1972 Act and the provisions of Article XIID. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1972 Act and Article XIID. The improvements provided by this District and for which properties will be assessed have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City General Plan. As such, these improvements would be necessary and required of individual property owners for the development of such properties and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are a distinct and special benefit to the properties within the District. Any improvement or portion thereof that is considered to be of general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within the District.

5.2.1 SPECIAL BENEFIT

The method of apportionment (method of assessment) established herein is based on the premise that each assessed parcel within the District receives special benefits from the improvements and the desirability and security of those properties is enhanced by the presence of public lighting and well-maintained landscaping in close proximity to those properties

The special benefits associated with landscape improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties providing a positive representation of the area and properties.

- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping.
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Enhanced quality of life through well-maintained green space and landscaped areas.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting and other public lighting facilities are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads, streets and public areas.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal act and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.

The preceding special benefits contribute to the esthetic value and desirability of each of the assessed parcels within the District and thereby provide a special enhancement of the properties. Furthermore, it has been determined that the lack of funding to properly service and maintain the District improvements would have a negative impact on the properties within the District.

5.2.2 GENERAL BENEFIT

In reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include public areas, easements, rights-of-way and other amenities available or visible to the public at large, the construction and installation of these improvements were only necessary for the development of properties within the District and were not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District.

5.3 Assessment Methodology

The method of apportionment for the District calculates the receipt of special benefit from the respective improvements based on the actual or proposed land use of the parcels within the District. The special

benefit received by each lot or parcel is equated to the overall land use of parcels within the District based on the parcel's actual land use or proposed development.

The costs associated with the improvements shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the Article XIID Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

To identify and determine the special benefit to be received by each parcel and their proportionate share of the improvement costs it is necessary to consider the entire scope of the planned improvements as well as individual property development within the District. Upon review of the proposed improvements it has been determined that each of the residential parcels within the District receives special benefits from the improvements to be funded by annual assessments and based on the planned property development a single zone of benefit is appropriate for the allocation of the assessments and proportional benefit.

5.3.1 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1972 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.2 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against regarding special benefit (i.e. Equivalent Benefit Unit "EBU").
- (2) **Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately

assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for remaining units.

- (3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).
- (4) Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).
- (5) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent

of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).

(6) Exempt Parcels — This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District;
- Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment but shall be reviewed annually by the assessment engineer to confirm the parcels' current development status. Government owned properties or public properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.

(7) Special Cases — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel.

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Vacant Residential Land	1.00	Per Acre
Exempt Parcels	0.00	Per Parcel

The following formula is used to calculate each parcel’s EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU’s) is the sum of the individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU’s of the parcels benefiting from the improvements. This Rate is then applied back to each parcel’s individual EBU to determine the parcel’s proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIII C and XIII D), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment

amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate is established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate is calculated independent of the District’s annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo Counties in the State of California. This CPI will be used going forward.

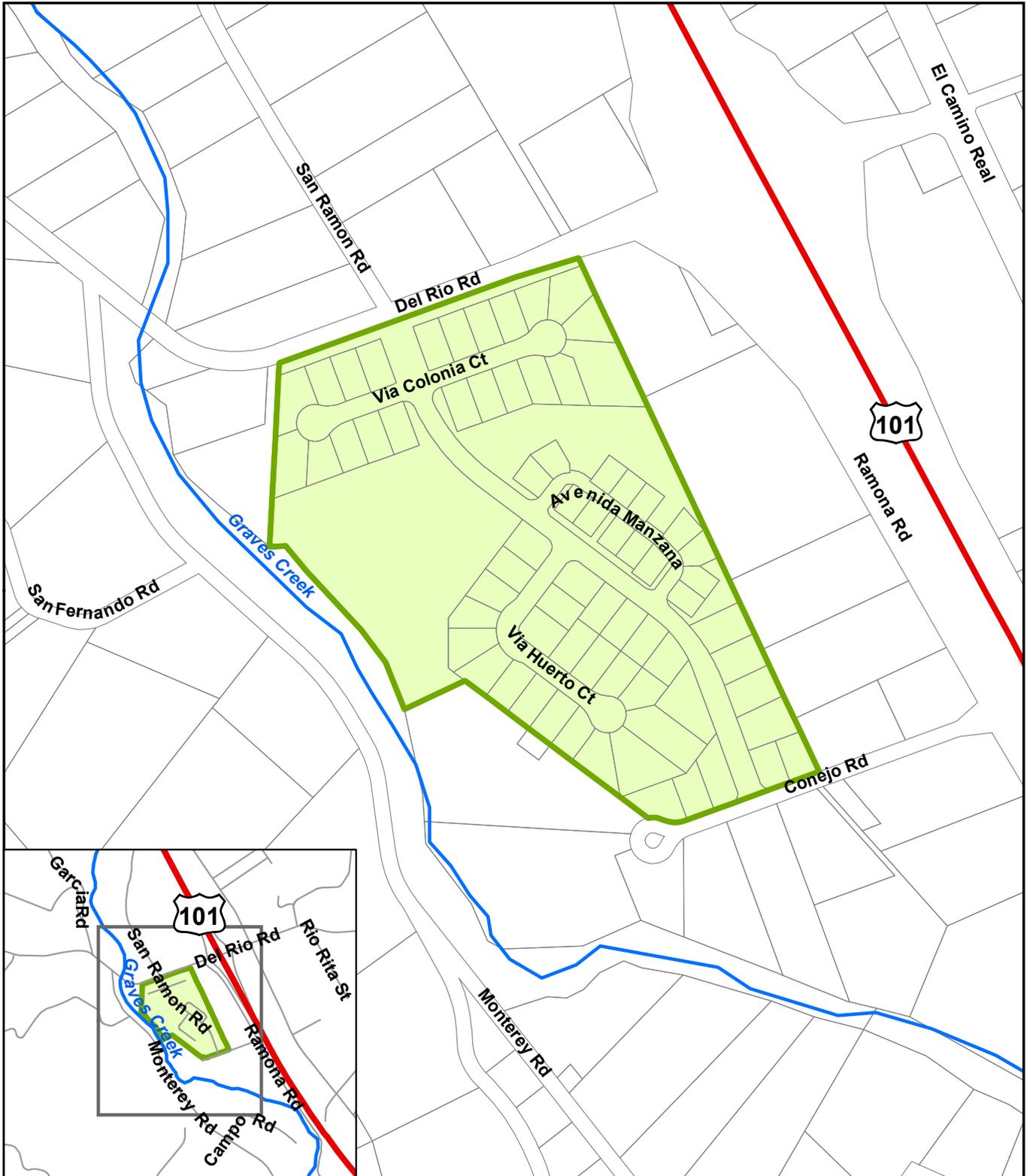
Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional special benefit assigned to a land use classifications are permitted. Changes in land use or size of an individual property resulting in an assessment increase, is not considered an increased assessment.

To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

6. ASSESSMENT DIAGRAM

The parcels within the Landscaping and Lighting District No. 01 (Apple Valley) consist of the lots, parcels and subdivisions of land located in the planned residential development known as Apple Valley, Tract 2495. The District covers approximately twenty-eight acres (27.71 acres) in the northern portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.



CITY OF ATASCADERO

APPLE VALLEY

Street and Storm Drain Maintenance District No. 1
Landscaping and Lighting District No. 1



Print Date: 5/13/2015
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GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include, but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, rights-of-way, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Landscaping & Lighting Maint Dist No. 1
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-192-001	6000 VIA COLONIA CT	SFR	\$900.00
049-192-002	6010 VIA COLONIA CT	SFR	900.00
049-192-003	6020 VIA COLONIA CT	SFR	900.00
049-192-004	6030 VIA COLONIA CT	SFR	900.00
049-192-005	6040 VIA COLONIA CT	SFR	900.00
049-192-006	6050 VIA COLONIA CT	SFR	900.00
049-192-007	6060 VIA COLONIA RD	SFR	900.00
049-192-008	6055 VIA COLONIA CT	SFR	900.00
049-192-009	6045 VIA COLONIA CT	SFR	900.00
049-192-010	6035 VIA COLONIA CT	SFR	900.00
049-192-011	6025 VIA COLONIA RD	SFR	900.00
049-192-012	6015 VIA COLONIA CT	SFR	900.00
049-192-013	6005 VIA COLONIA RD	SFR	900.00
049-192-014	5045 VIA COLONIA CT	SFR	900.00
049-192-015	5035 VIA COLONIA CT	SFR	900.00
049-192-016	5025 VIA COLONIA CT	SFR	900.00
049-192-017	5015 VIA COLONIA CT	SFR	900.00
049-192-018	5005 VIA COLONIA CT	SFR	900.00
049-192-019	5010 VIA COLONIA CT	SFR	900.00
049-192-020	5020 VIA COLONIA CT	SFR	900.00
049-192-021	5030 VIA COLONIA CT	SFR	900.00
049-192-022	5040 VIA COLONIA CT	SFR	900.00
049-193-001	6100 VIA HUERTO CT	SFR	900.00
049-193-002	6120 VIA HUERTO RD	SFR	900.00
049-193-003	6130 VIA HUERTO RD	SFR	900.00
049-193-004	6140 VIA HUERTO RD	SFR	900.00
049-193-005	6150 VIA HUERTO RD	SFR	900.00
049-193-006	6160 VIA HUERTO RD	SFR	900.00
049-193-007	6170 VIA HUERTO RD	SFR	900.00
049-193-008	6180 VIA HUERTO CT	SFR	900.00
049-193-010	6200 VIA HUERTO RD	SFR	900.00
049-193-011	6210 VIA HUERTO RD	SFR	900.00
049-193-012	6220 VIA HUERTO CT	SFR	900.00
049-193-013	6225 VIA HUERTO CT	SFR	900.00
049-193-014	6215 VIA HUERTO CT	SFR	900.00
049-193-015	6205 VIA HUERTO RD	SFR	900.00
049-193-016	6195 VIA HUERTO CT	SFR	900.00
049-193-017	6185 VIA HUERTO RD	SFR	900.00
049-193-018	6125 VIA HUERTO CT	SFR	900.00
049-193-019	6115 VIA HUERTO CT	SFR	900.00
049-193-020	6105 VIA HUERTO CT	SFR	900.00
049-193-021	2180 SAN RAMON RD	SFR	900.00

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 1
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-193-022	2190 SAN RAMON RD	SFR	900.00
049-193-023	2200 SAN RAMON RD	SFR	900.00
049-193-024	2210 SAN RAMON RD	SFR	900.00
049-193-025	2220 SAN RAMON RD	SFR	900.00
049-193-026	6190 CONEJO RD	SFR	900.00
049-193-027	6180 CONEJO RD	SFR	900.00
049-193-028	6160 CONEJO RD	SFR	900.00
049-193-029	6140 CONEJO RD	SFR	900.00
049-193-030	6100 CONEJO RD	SFR	900.00
049-193-031	2235 SAN RAMON RD	SFR	900.00
049-193-032	2225 SAN RAMON RD	SFR	900.00
049-193-033	2215 SAN RAMON RD	SFR	900.00
049-193-034	2205 SAN RAMON RD	SFR	900.00
049-193-035	2195 AVENIDA MANZANA RD	SFR	900.00
049-193-036	2185 AVENIDA MANZANA RD	SFR	900.00
049-193-037	2175 AVENIDA MANZANA RD	SFR	900.00
049-193-038	2165 AVENIDA MANZANA RD	SFR	900.00
049-193-039	2135 AVENIDA MANZANA RD	SFR	900.00
049-193-040	2125 AVENIDA MANZANA RD	SFR	900.00
049-193-041	2115 AVENIDA MANZANA RD	SFR	900.00
049-193-042	2065 AVENIDA MANZANA RD	SFR	900.00
049-193-043	2055 AVENIDA MANZANA RD	SFR	900.00
049-193-044	2100 AVENIDA MANZANA RD	SFR	900.00
049-193-045	2110 AVENIDA MANZANA RD	SFR	900.00
049-193-046	2140 AVENIDA MANZANA RD	SFR	900.00
049-193-047	2150 AVENIDA MANZANA RD	SFR	900.00
049-193-048	2160 AVENIDA MANZANA RD	SFR	900.00
049-193-051	6190 VIA HUERTO CT	SFR	900.00
70 Accounts			\$63,000.00
70 Total Accounts			\$63,000.00

Slight variances may occur due to rounding



Atascadero City Council

Staff Report – Administrative Services Department

De Anza Estates Assessment Districts

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.

REPORT-IN-BRIEF:

The City Council formed and began assessing Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in 2005. This district was formed to provide funding for future routine maintenance of the streets, storm drains and sidewalks in the De Anza Estates subdivision.

The City Council also formed and began assessing Atascadero Landscape and Lighting Maintenance District No. 03 (De Anza Estates) in 2005. This district was formed to provide for funding and maintenance of street trees, open space, park area, medians, walkways, paths and other landscape and lighting improvements within the De Anza Estates subdivision.

NBS, an independent financial consultant, was hired to prepare the engineer’s report for the two districts. The engineer’s report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 14, 2022, at 6:00 p.m., at which time the final resolutions will be presented to the Council for consideration.

The proposed assessments for fiscal year 2022/2023 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the City may increase the Maximum Assessment Rate for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased by 5.2% (CPI) this year for both districts.

An Assessment Information Notice was mailed to all property owners on April 12, 2022. The notice provided the date of the upcoming June 14, 2022, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts, and pages related to the districts from the City’s June 30, 2021 audited financial statements.

Staff has reviewed the short and long-term costs to maintain the districts and recommends the total cost of both districts of \$1,274 remains flat when compared to the prior year. The Landscaping and Lighting District levy is about 17% of the allowable maximum annual assessment and the Street and Storm Drain District is about 65% of the allowable maximum annual assessment.

District	Amount Per EBU Assessment Fiscal Year 2021-22	Amount Per EBU Proposed Assessment Fiscal Year 2022-23
Atascadero Street and Storm Drain Maintenance District No. 03 De Anza Estates - Senior Housing	\$ 342.48	\$ 342.48
Atascadero Street and Storm Drain Maintenance District No. 03 De Anza Estates - Single Family Residential	\$ 681.50	\$ 681.50
Atascadero Landscaping and Lighting Maintenance District No. 03 De Anza Estates	\$ 250.00	\$ 250.00

While the levies for fiscal year 2022/23 are proposed with no increases, staff predicts that the Landscape and Lighting District will likely see increased costs due to the aging landscape, increases in utilities (water and electricity), and increases in labor costs for the landscape maintenance contractor. City staff works to maximize efficiencies and minimize levy increases, However, modest levy increases are expected in future years in order to continue providing the existing service levels.

FISCAL IMPACT:

Annual assessments for 2022/2023 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$1,400 for the fiscal year 2022/2023 for half of the maintenance costs of the trails and open space.

ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates)
3. **Draft Resolution C** - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters
4. **Engineer's Annual Levy Report-** for the levy and collection of fiscal year 2022/2023 assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code
6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023
8. **Engineer's Report-** for the levy and collection of fiscal year 2022/2023 assessments for Landscaping and Lighting District No. 03 (De Anza Estates)

DRAFT RESOLUTION A

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR
THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR
ATASCADERO STREET AND STORM DRAIN MAINTENANCE
DISTRICT NO. 03 (DE ANZA ESTATES) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) formed an assessment district to be designated as Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) (hereafter referred to as the “District”), for the purpose of funding the ongoing operation, maintenance and servicing of public streets, sidewalks, storm drain and flood control facilities installed in conjunction with the development of properties known as De Anza Estates Tract 2498; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to *Article 3 Section 54710*, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to *Article 4 Section 54718*; and

WHEREAS, the City Council has retained NBS as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer’s Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*.

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

SECTION 1. The City Council hereby orders the Engineer to prepare and file an Engineer’s Annual Levy Report concerning the levy of assessments for properties within the District as specified by *Article 4 Section 54716* of the 1982 Act.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance.

SECTION 3. The territory within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) consists of lots, parcels and subdivisions of land located in the development known as De Anza Estates Tract 2498.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION B

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, ACCEPTING AND PRELIMINARILY
APPROVING THE ENGINEER’S ANNUAL LEVY REPORT REGARDING
THE ATASCADERO STREET AND STORM DRAIN MAINTENANCE
DISTRICT NO. 03 (DE ANZA ESTATES) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of an Engineer’s Annual Levy Report (hereafter referred to as the “Report”) regarding the assessment district to be designated as the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) (hereafter referred to as the “District”), and the levy and collection of assessments related thereto, pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”); and

WHEREAS, there has now been presented to this City Council the Report as specified by *Article 4 Section 54716* of said 1982 Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District and the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

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

SECTION 1. The preceding recitals are true and correct.

SECTION 2. That the Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Boundary Diagram of the District.
- c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
- d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The Maximum Assessment described in the Report is hereby approved on a preliminary basis.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution, and the Minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ____th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 03 (DE ANZA ESTATES) IN FISCAL YEAR 2022/2023, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto for the assessment district designated as Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) (hereafter referred to as the “District”); and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2022/2023 (July 1, 2022 and ending June 30, 2023) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*, and the City Council did by previous Resolution preliminarily approve such Report.

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

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the District pursuant to the 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District, and dedicated to the City of Atascadero for such maintenance. The Engineer’s Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.

SECTION 3. The proposed territory within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) consists of lots, parcels and subdivisions of land located in the development known as De Anza Estates Tract 2498.

SECTION 4. The proposed assessments for the District are outlined in the Engineer’s Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer’s Report on file in the City Clerk’s Office.

SECTION 6. The City Clerk shall give notice of the filing of the report and the time and place of the Public Hearing by publishing in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report For:

Street and Storm Drain Maintenance District No. 03 (De Anza Estates)

May 2022

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF ATASCADERO
Street and Storm Drain Maintenance District No. 03
(De Anza Estates)

6500 Palma Avenue
Atascadero, CA 93422
Phone – (805) 461-5000
Fax – (805) 461-7612

CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

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1. ENGINEER’S LETTER

WHEREAS, on August 9, 2005 by Resolution No. 2005-071, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the provisions of the Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703 (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIII D (hereafter referred to as the “California Constitution”), established the City of Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) (the “District”); and

WHEREAS, on May 10, 2022, the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Summary of Assessment

Description	Zone A - Amount	Zone B - Amount	Total Amount
Estimated Annual Costs	\$8,061	\$14,329	\$22,390
Capital Reserve Collection/(Uses)	14,939	15,873	30,812
Levy Adjustments	(10,157)	(12,483)	(22,640)
Balance to Levy ⁽¹⁾	\$12,843	\$17,719	\$30,562
Fiscal Year 2022/23 Maximum Rate ⁽²⁾	\$848.36	\$1,048.84	
Fiscal Year 2022/23 Proposed Applied Rate ⁽²⁾	\$342.48	\$681.50	

(1) Total Levy Amount is rounded up to the nearest dollar.

(2) Rates above are per Equivalent Benefit Unit.

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1982 Act.

 City Engineer

2. EXECUTIVE SUMMARY

Pursuant to the provisions of the *Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703* (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the *California State Constitution Article XIII D* (hereafter referred to as the “California Constitution”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), proposed to form and levy special benefit assessments for the district designated as:

Street and Storm Drain Maintenance District No. 03 (De Anza Estates)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as De Anza Estates, Tract 2498 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23.

The City Council formed the District and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the street and storm drain improvements and facilities associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1982 Act and the substantive and procedural provisions of the California Constitution.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements and facilities. The annual assessments described herein will provide a funding source for the continued operation and maintenance of streets, storm drain system and appurtenant facilities installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the streets and storm drain system that provides special benefits to properties within the District. The structure of the District (organization), the improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2498; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of this District’s formation, the City conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the *California Constitution, Article XIII D Section 4*. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing to consider public testimonies, comments and written protests regarding the formation of the District and

levy of assessments. Upon conclusion of the public hearing, property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. The tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein; therefore, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, a Report shall be prepared and presented to the City Council describing any changes to the improvements, proposed services, the annual budget or assessments for that fiscal year and the City Council may hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Benefiting Properties within the District

The territory within the District consists of the lots, parcels and subdivisions of land within the proposed residential subdivision known as the De Anza Estates, Tract 2498, which encompasses an area of land totaling approximately seventy-six acres (75.84 acres).

This subdivision includes twenty-six (26) Single-Family Residential Units and sixty (60) Modified Housing/Senior Housing Units. The subdivision is situated in the northern portion of the City of Atascadero northeast of Highway 101 and is generally located:

- At the North end of El Camino Real;
- North and East of U.S. HWY 101; and,
- South and West of the Salinas River.

3.2 Funding Authorized by the 1982 Act

As generally defined by the Benefit Assessment Act of 1982 and applicable to this District, the City may impose a benefit assessment to finance the maintenance and operation costs of the following services:

- Drainage and Flood Control;
- Streets and Roads.

In addition to imposing a benefit assessment for the annual maintenance and operation of the District improvements, the City may also authorize an assessment or utilize existing assessment revenues to finance the installation, construction or replacement of drainage and flood control facilities as well as the street and road improvements (with some limitations). While such activities are permitted under the 1982 Act, the budget and assessments for this District only provide for normal maintenance and operation of the improvements. Since most major rehabilitation/construction projects result from unforeseen damages, the extent and cost of such projects are not easily predicted and to accumulate funds as part of the normal annual assessments would not be reasonable. If such funding becomes necessary, the City may present a new or increased assessment to the property owners to support the projects.

3.3 Description of Improvements and Services

The purpose of this District is to fund the activities necessary to maintain and service the local streets and the drainage and flood control systems constructed and installed in connection with development of properties within the residential subdivision known as (De Anza Estates), Tract 2498 pursuant to approved development plans and agreements. The improvements may consist of all or a portion of the public streets, drainage and flood control facilities associated with Tract 2498 and the maintenance of these improvements may include but are not limited to the materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition. The maintenance of the improvements and related activities shall be funded entirely or partially through the District assessments. The District improvements and services are generally described as:

- Street maintenance that may include but is not limited to the repair and servicing of street surfaces, curbs, gutters, bridges, driveway approaches, sidewalks, barricades, delineation, signage

or other facilities within the public street rights-of-way installed in connection with the development of properties in Tract 2498 and that have been dedicated to the City;

- Storm drain and flood control maintenance that may include but is not limited to inspection, repair and servicing of drainage basins, inlets, catch basins, manholes, outlets, drywells, pumps, filters and storm drain pipes installed in connection with the development of properties of Tract 2498 as well as any off-site improvements and facilities directly associated with the aforementioned infrastructure that is deemed necessary to service or protect the properties including waste water treatment;
- The appurtenant, equipment, materials and service contracts related to the aforementioned improvements and facilities;
- Specifically excluded are those improvements or facilities: located on private property or common areas; that may be provided or maintained by an agency other than the City; that may be provided by another assessment or tax levied by the City; or that may be provided and maintained by a Homeowner's Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 STREET MAINTENANCE

The street maintenance program may include, but is not limited to: the repair of potholes, cracks or other failures in the asphalt surface; repair or replacement of curbs, gutters, driveway approaches and sidewalks as required as part of maintaining the streets; repair or installation of street signs, barricades, fencing or other delineation; mechanized sweeping and cleaning of the streets and gutters; slurry sealing, overlays and re-striping of the street surfaces. The specific activities and timing of various street and road maintenance services shall be determined by the City's Public Works Department as necessary to extend the life of the streets or to improve traffic circulation and safety as available funding permits. Specifically, the street improvements for this District are identified as:

- Approximately 66,000 square feet of asphalt street surface located on the interior streets of the development identified as El Camino Real north of the Upper Bridge Crossing; Ferrocarril Road from the Graves Creek Bridge northeast to the end of Tract 2498; and De Anza Court.
- Approximately 5,700 linear feet of curb and gutter along El Camino Real, Ferrocarril Road, and De Anza Court, 26 driveway approaches and various street signs within the District;
- Two bridges identified as the Upper Bridge Crossing (located on El Camino Real at the entryway to the tract) and the Graves Creek Bridge (located on Ferrocarril Road located at the entryway to the senior housing development);
- Specifically not included as part of the street maintenance program are the costs associated with major replacements or reconstruction. Although the District assessments will provide funding for regular maintenance and servicing of the improvements that will extend the useful life of the

street improvements, the assessments are not intended to fund major replacements or reconstruction of the street surfaces or adjacent improvements such as curbs, gutters or driveway approaches. The costs of extensive replacement or reconstruction activities such as grinding and resurfacing of the asphalt; and replacement of curbs, gutters driveway approaches and sidewalks is significantly more than the amount that can reasonably be collected annually under the provisions of the 1982 Act. When such repairs or activities are deemed necessary, the City will consider various financing options including new or increased assessments for property owner approval. Also not included as part of the street maintenance program are the street improvements within the senior housing development (street improvements southwest of the Graves Creek Bridge). The street improvements and facilities within the senior housing development shall be maintained and funded through a Homeowner's Association or similar entity.

The Public Works Department shall authorize the operational activities and maintenance of the public street and right-of-way improvements, facilities and services that may include, but are not limited to:

- Regular street sweeping services necessary to control dirt and debris on street surfaces and gutters;
- Annual inspection of street surface and repair of potholes and surface cracks as needed;
- Periodic slurry or overly of street surfaces and driveway approaches (typically one or the other once every five years);
- Periodic re-stripping of traffic lanes, bike lanes, street parking areas, crosswalks and intersections (typically in conjunction with slurry or overly activities);
- Graffiti abatement of public improvements within the street rights-of-way that are maintained by the District including but not limited to sandblasting, repainting and repair of fences, walls, barricades, sidewalks and signage as needed;
- Annual inspection and periodic repair or replacement of decorative street- pavers as needed;
- Annual inspection and minor repairs of curbs, gutters, driveway approaches and sidewalks including partial segment replacements as needed to ensure pedestrian and vehicle safety or the integrity of the street;
- Annual inspection and periodic repair or rehabilitation of street signs and traffic control devices;
- Annual inspection and repair of barricades, street-fencing, delineation or retaining walls within the street rights-of-way as needed.

A portion of the services described above are not performed on an annual basis but rather on a periodic basis, such as slurry sealing or overlaying the asphalt streets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent when sufficient funds have been accumulated to perform the services deemed necessary by the City (approximately every five years). This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

The storm drain and flood control system associated with the District may include but is not limited to: drainage basins and bio-filters; channel ways; storm drain inlets, catch basins, manholes, outlets; drywells, pumps, filters and pipes. The storm drain system to be maintained primarily involves on-site facilities (within the District boundaries) but may also include off-site improvements such as water treatment equipment, facilities or services mandated or required by Federal, State or County regulations for water pollution control. The annual assessments for this District are intended to support a storm drain and flood control maintenance program that will adequately regulate and control storm water runoff resulting from the development of properties within the District. This maintenance program may include but is not limited to: inspection and documentation of the system; cleaning, servicing or repair of the facilities and equipment; and the partial replacement or rehabilitation of equipment and facilities. The storm drain and flood control system includes but is not limited to:

- A single drainage basin of approximately 9,000 square feet;
- A total of approximately three (3) inlets, catch basins, manholes or outlets located within the single-family residential portion of Tract 2498;
- Approximately 200 linear feet of 24 inch storm drain pipe.

The Public Works Department shall authorize and schedule the operational activities and maintenance of the storm drain and storm water pollution treatment infrastructure, facilities and services that may include, but are not limited to:

- Cleaning of storm drain inlets, catch basins, manholes and pipes as needed;
- Stencil maintenance and documentation of facilities as required by Federal, State or County regulations;
- Cleaning and landscape maintenance of the drainage basins, bio-filter areas or channel ways as needed;
- Debris removal and pest control in and around the storm drain facilities as needed;
- Minor repairs and maintenance of the storm drain inlets, catch basins and outlets as needed;
- Street sweeping services necessary to control debris and water flow for the storm drain system; and,
- The operational costs related to NPDES compliance requirements.

A portion of the services described above are not performed on an annual basis but rather on a periodic basis such as minor repairs to the storm drain inlets, catch basins and outlets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent as needed to perform the services deemed necessary by the City. This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

4. ESTIMATE OF COSTS

Budget	Zone A (Senior Housing)	Zone B (SF-Residential)	2022/2023 Assessment
DIRECT COSTS			
Streets, Roads & Storm Drain Improvements			
Drainage Maintenance Services	\$0	\$3,610	\$3,610
Street Sweeping Services	660	990	1,650
Inspection & Operational Services - Roads, Drainage	1,664	2,496	4,160
Street Maintenance	2,992	4,488	7,480
Total Annual Direct Costs	\$5,316	\$11,584	\$16,900
ADMINISTRATION EXPENSES			
City Annual Administration	\$800	\$800	\$1,600
Engineer's Report & Services	1,785	1,785	3,570
Public Noticing	160	160	320
Total Administration Costs	\$2,745	\$2,745	\$5,490
TOTAL DIRECT & ADMINISTRATION COSTS	\$8,061	\$14,329	\$22,390
CAPITAL RESERVE COLLECTIONS/(USES)			
Collection for Street Surface Activities	\$6,445	\$9,667	\$16,112
Collection for Street Re-striping	34	52	86
Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks	116	174	290
Collection for Debris Removal	0	307	307
Collection for Bridges	8,344	5,562	13,906
Collection for Storm Drain Infrastructure	0	111	111
Total Capital Reserve Collections/(Uses)	\$14,939	\$15,873	\$30,812
LEVY ADJUSTMENTS			
Interest Income - Improvement Fund	(\$4,153)	(\$5,731)	(\$9,884)
Interest Income - Operating Reserve Fund	(120)	(166)	(286)
Reserve Fund Collection (Use)	(5,884)	(6,586)	(12,470)
Total Levy Adjustments	(\$10,157)	(\$12,483)	(\$22,640)
BALANCE TO LEVY	\$12,843	\$17,719	\$30,562
DISTRICT STATISTICS			
Total Parcels	61	28	89
Parcels Levied	60	26	86
Total EBU ⁽¹⁾	37.5	26	63.5
Proposed Levy per EBU	\$342.48	\$681.50	
Maximum Levy per EBU	\$848.36	\$1,048.84	
FUND BALANCE INFORMATION			
Beginning Operating Reserve Balance	\$5,935	\$8,190	\$14,125
Operational Reserve Interest	120	166	286
Surplus Transfer from Improvement Fund	9,574	13,211	22,785
Operational Reserve Collection (Use)	(9,511)	(13,131)	(\$22,642)
Ending Operating Reserve Balance	\$6,118	\$8,436	\$14,554
Beginning Improvement Fund Balance	\$203,738	\$281,353	\$485,091
Improvement Fund Interest	4,153	5,731	9,884
Surplus Transfer to Operations Fund	(9,574)	(13,211)	(22,785)
Improvement Fund Collection/(Use)	12,948	17,864	30,812
Estimated Ending Improvement Fund Balance	\$211,265	\$291,737	\$503,002

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel

5. METHOD OF ASSESSMENT

5.1 General

The 1982 Act permits the establishment of assessment districts by agencies for the purpose of providing for the maintenance, operation and servicing of drainage and flood control improvements as well as streets, roads and appurtenant facilities. The 1982 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service”.

Furthermore:

“The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service, except that the legislative body may, by resolution, determine that the estimated cost of work authorized ... is greater than can be conveniently raised from a single annual assessment and order that the estimated cost shall be raised by an assessment levied and collected in installments.... The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices in compliance with the provisions of the 1982 Act and the California Constitution. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements and services, and the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1982 Act and the California Constitution. The street and storm drain improvements associated with this District were necessary and essential requirements for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City General Plan. As such the ongoing operation, servicing and maintenance of those improvements would otherwise be the direct financial obligation of each individual property owner. Since each parcel to be assessed within the District could not have been developed in the absence of these improvements and facilities, each parcel has a direct investment in the proper maintenance of the improvements that is over and above any general benefits that may be conferred by such improvements and services.

The ongoing maintenance and servicing of the District improvements is an integral part of the appearance, use and preservation of the properties within the District and such services to be funded by annual assessments confer a particular and distinct special benefit to those parcels. The proper maintenance of streets and appurtenant facilities allows individual parcels to be used to their fullest extent by ensuring the safe and

efficient movement of people and goods to and from the benefiting properties. Likewise, the maintenance and servicing of the storm drain system ensures proper water flow and control of excess water during periods of rain, which is essential to preservation and protection of private property. Together the maintenance and servicing of the streets and storm drain system contributes to a specific enhancement of each of the parcels within the District and the absence of adequate maintenance and servicing of the District improvements could eventually have a negative impact on properties within the District.

Although the improvements may include public streets and storm drain facilities that connect to similar facilities outside the District boundaries, it is clear that the construction and installation of these improvements were only necessary for the development of properties within the District. As such, these improvements were not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the ongoing maintenance, servicing and operation of the District improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District. Any improvement or portion thereof (particularly off-site storm drain facilities) that may be considered general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within this District. However, the costs associated with installation or improvement of any off-site facilities that benefit the parcels within this District as well as other properties (shared benefit) may be allocated to the parcels within the District based on their proportional special benefit from such improvements.

5.3 Assessment Methodology

The costs associated with the improvements and services shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the California Constitution Article XIII D Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

The method of apportionment established for this District and described herein, reflects the proportional special benefit each property receives from the improvements and services based on the actual or proposed land use of that parcel as compared to other properties within the District based on similarities and differences in parcel land use.

5.3.1 ZONES OF BENEFIT:

While it has been determined that the improvements to be maintained by the District are entirely a special benefit to properties within the District (No measurable general benefit), upon review of the various improvements, the location and need for such improvements and the proposed development of properties within the District it has been determined that the improvements and services that will benefit the single-family residential properties are not identical to the improvements and services that will benefit the senior housing development, although they do share in the benefit of some of the improvements. Therefore, it has been determined that two separate zones of benefit are required to appropriately allocate the costs of

maintaining the improvements and establish proportional special benefit assessments. The properties associated with the senior housing development have been identified and designated as “Zone A”, and the single-family residential properties within Tract 2498 have been identified and designated as “Zone B” based on the improvements associated with those properties.

- (1) Zone A (Senior Housing Portion of Tract 2489)** — It has been determined that these properties benefit and shall proportionately share in the costs associated with maintaining and servicing the Upper Bridge Crossing, El Camino Real and the western portion of Ferrocarril Road leading into these properties. It has also been determined that the construction of the Graves Creek Bridge was only necessary for the development of these properties and therefore the cost to service and maintain this facility shall be entirely allocated to these properties. Conversely, the storm drain improvements that will be maintained by the City within Tract 2498 have been constructed as part of developing the twenty-six single-family residential properties and it has been determined that the senior housing properties do not receive direct and special benefit from those particular improvements. While these properties will not be assessed for the storm drain improvements, it should be noted that some storm drain facilities will be constructed as part of the senior housing development; however these improvements are not included in this District and will be provided and maintained by a Homeowner’s Association or similar entity.
- (2) Zone B (Single-Family Residential Portion of Tract 2498)** — Along with the properties in Zone A, the single-family residential properties within Tract 2498 benefit and shall proportionately share in the costs associated with maintaining and servicing the Upper Bridge Crossing and El Camino Real. In addition, the overall development of these particular properties required the construction and installation of the street improvements on Ferrocarril Road and De Anza Court as well as the entire storm drain system to be maintained by the District. Therefore, the cost of maintaining and servicing these particular improvements shall be budgeted and allocated proportionately to only those properties in Zone B. Conversely, the construction of the Graves Creek Bridge was only necessary for the development of the senior housing and the properties within Zone B will not share in the cost of maintaining this particular facility.

5.3.2 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property’s proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1982 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property’s specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.3 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit “EBU”).
- (2) **Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel’s total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.
- (3) **Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).
- (4) **Modified Housing/Senior Housing Units** — Modified Housing or Senior Housing is generally defined as residential units that would typically be classified as Condominiums or Town-homes, but have specific deed restrictions that may limit the size or use of all units within the development. This classification is not applicable to individual single-family residential parcels unless all single-family residential parcels within that particular development or subdivision have the same restrictions.

(For example: One or more single-family units within a subdivision that are deed restricted as “Affordable Housing” or “Senior Housing” does not qualify for this land use classification, unless all the units within that development have the same or similar deed restrictions.) Since this classification generally involves Condominium or Town-home type properties, that are generally assigned 0.75 EBU, it has been determined that an appropriate allocation of special benefit for modified housing units or senior housing units is best represented by an assignment of 0.625 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to a single APN.

- (5) Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).
- (6) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property’s special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.0 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.0 EBU (parcels in excess of 25 acres are assigned 25.0 EBU). Parcels less than one acre, shall be assigned a minimum of 1.0 EBU (similar to a vacant lot within a residential tract).
- (7) Exempt Parcels** — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include but is not limited to:
- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
 - Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District.;

- Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels current development status. Government owned properties or public properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.

(8) Special Cases — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel’s total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel.

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Modified Housing/Senior Housing Units	0.625	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
Vacant Residential Land	1.00	Per Acre
	0.00	Per Parcel
Exempt Parcels	0.00	Per Parcel

The following formula is used to calculate each parcel’s EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU’s) is the sum of the individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU’s of the parcels benefiting from the improvements. This Rate is then applied back to each parcel’s individual EBU to determine the parcel’s proportionate benefit and assessment obligation for the improvements.

Total Balance to Levy / Total EBU = Levy per EBU

Levy per EBU x Parcel EBU = Parcel Levy Amount

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIIC and XIID), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to the future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate is calculated independent of the District's annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo Counties in the State of California. This CPI will be used going forward.

Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of

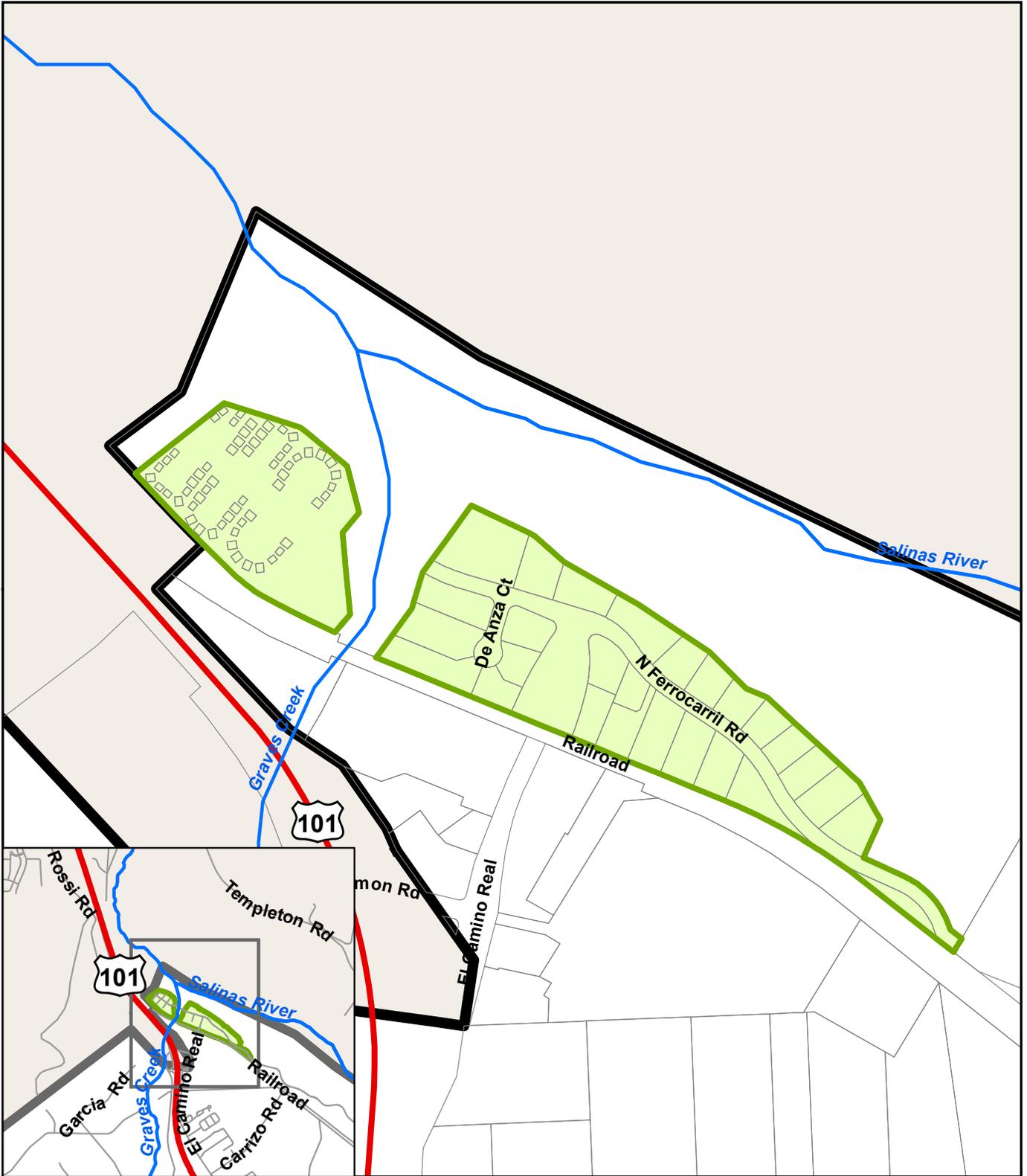
apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional special benefit assigned to a land use classifications is permitted. Changes in land use or size of an individual property resulting in an assessment increase, is not considered an increased assessment.

To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

6. ASSESSMENT DIAGRAM

The parcels within the Street and Storm Drain Maintenance District No. 03 (De Anza Estates) consist of the lots, parcels and subdivisions of land located in the residential development known as De Anza Estates, Tract 2498. The District covers approximately seventy-six acres (75.84 acres) in the northern portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.



CITY OF ATASCADERO

DE ANZA ESTATES

Street and Storm Drain Maintenance District No. 3

Landscaping and Lighting District No. 3



Print Date: 5/13/2015
Printed by: City of Atascadero
GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the proposed lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include, but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, right-of-ways, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Street & Storm Drain Maintenance No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Zone	Land Use	Levy Amount
049-044-002	755 N FERROCARRIL RD	B	Single Family Residential	\$681.50
049-044-003	765 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-004	805 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-005	905 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-006	955 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-007	1025 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-008	1055 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-009	1155 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-010	1255 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-011	1305 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-012	1355 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-013	1200 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-014	1100 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-015	1000 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-016	950 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-017	860 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-018	850 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-019	870 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-020	880 N FERROCARRIL RD	B	Single Family Residential	681.50
049-044-021	705 DE ANZA CT	B	Single Family Residential	681.50
049-044-022	725 DE ANZA CT	B	Single Family Residential	681.50
049-044-023	750 DE ANZA CT	B	Single Family Residential	681.50
049-044-024	740 DE ANZA CT	B	Single Family Residential	681.50
049-044-025	720 DE ANZA CT	B	Single Family Residential	681.50
049-044-026	700 DE ANZA CT	B	Single Family Residential	681.50
049-044-033	655 N FERROCARRIL RD	B	Single Family Residential	681.50
049-046-002	503 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-003	505 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-004	507 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-005	509 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-006	511 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-007	513 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-008	515 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-009	517 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-010	519 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-011	521 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-012	524 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-013	526 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-014	528 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-015	530 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-016	532 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-017	534 N FERROCARRIL RD	A	Senior Housing Units	214.04

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Zone	Land Use	Levy Amount
049-046-018	536 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-019	538 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-020	540 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-021	542 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-022	572 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-023	574 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-024	576 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-025	578 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-026	580 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-027	582 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-028	584 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-029	586 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-030	588 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-031	590 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-032	592 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-033	551 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-034	553 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-035	555 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-036	557 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-037	559 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-038	561 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-039	563 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-040	565 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-041	567 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-042	595 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-043	597 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-044	599 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-045	603 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-046	605 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-047	601 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-048	609 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-049	607 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-050	610 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-051	612 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-052	614 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-053	616 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-054	618 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-055	620 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-056	622 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-057	624 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-058	626 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-059	628 N FERROCARRIL RD	A	Senior Housing Units	214.04

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Zone	Land Use	Levy Amount
049-046-060	630 N FERROCARRIL RD	A	Senior Housing Units	214.04
049-046-061	501 N FERROCARRIL RD	A	Senior Housing Units	214.04
86 Accounts				\$30,561.40
86 Total Accounts				\$30,561.40

DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3 (DE ANZA ESTATES) FOR FISCAL YEAR 2022/2023 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolutions, formed the Atascadero Landscaping and Lighting Maintenance District No. 3 (hereafter referred to as “District”) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the “Act”) that provides for levy and collection of assessments by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of lighting facilities, landscaping, and appurtenant facilities and operations related thereto; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the Annual Levy of the District and to prepare and file a report with the City Clerk in accordance with the Act.

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

SECTION 1. Engineer’s Annual Levy Report: The City Council hereby orders NBS to prepare the Engineer’s Annual Levy Report concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22622* of the Act.

SECTION 2. Proposed Improvements and Any Substantial Changes in Existing Improvements: The improvements within the District include the ongoing operation, administration, maintenance, servicing and incidental expenses related to the dedicated landscape areas, public street lighting and appurtenant facilities authorized pursuant to the Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved

for the development of each lot and parcel within the District. The Engineer's Annual Levy Report describes any new improvements or substantial changes in existing improvements.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION E

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF
THE ENGINEER’S ANNUAL LEVY REPORT FOR THE ATASCADERO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3
(DE ANZA ESTATES) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer’s Annual Levy Report (hereafter referred to as the “Report”) for the district known and designated as the Atascadero Landscaping and Lighting Maintenance District No. 3 (hereafter referred to as the “District”) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the “Act”); and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has now been presented with the Report as required by *Chapter 1, Article 4, Section 22566* of said Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied on a preliminary basis that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed within each benefit zone as set forth in said Report.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION F

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY
AND COLLECT ASSESSMENTS FOR THE ATASCADERO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 03
(DE ANZA ESTATES) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2022/2023 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 3 (hereafter referred to as the “District”). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the “Act”), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

WHEREAS, the proposed District assessments for fiscal year 2022/2023 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and

WHEREAS, there has now been presented to this City Council an Engineer’s Annual Levy Report (hereafter referred to as the “Engineer’s Report”), and said Engineer’s Report has been filed with the City Clerk in accordance with the Act; and

WHEREAS, the City Council has examined and reviewed the Engineer’s Report as presented and is satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2022/2023.

SECTION 3. The boundaries of the District are described in the Engineer’s Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the

City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as De Anza Estates and referred to as the “Atascadero Landscaping and Lighting District No. 03”.

SECTION 4. The improvements within the District include the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District.

SECTION 5. The proposed assessments for fiscal year 2022/2023, as outlined in the Engineer’s Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIID.

SECTION 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with Chapter 3, Section 22626 of the Act.

SECTION 7. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer’s Report on file in the City Clerk’s Office.

SECTION 8. The City Clerk shall give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code by publishing this Resolution of Intention in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

ITEM NUMBER: A-4
DATE: 05/10/22
ATTACHMENT: 7

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:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk
APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report For:

Landscaping and Lighting District

No. 03 (De Anza Estates)

May 2022

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF ATASCADERO
Landscaping & Lighting District No. 03
(De Anza Estates)

6500 Palma Avenue
Atascadero, CA 93422
Phone – (805) 461-5000
Fax – (805) 461-7612

CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

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1. ENGINEER’S LETTER

WHEREAS, on August 9, 2005 by Resolution No. 2005-074, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500 (the “1972 Act”) established the City of Atascadero Landscaping and Lighting District No. 03 De Anza Estates (the “District”); and

WHEREAS, on May 10, 2022, the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Budget Summary

Description	Total Costs	Costs Not Assessed	Proposed Assessment	Total Benefit Units	Maximum Rate	Proposed Rate Per BU
Annual Maintenance	\$16,250	\$708	\$15,542			
Special Projects	2,500	0	2,500			
Administration	7,250	0	7,250			
Capital Reserve	4,114	500	3,614			
Collections/(Use)						
Levy Adjustments	(14,239)	(1,208)	(13,031)			
Total	\$15,875	\$0	\$15,875	63.5	\$1,503.92	\$250.00

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1972 Act.

 City Engineer



2. EXECUTIVE SUMMARY

Pursuant to the provisions of the Landscaping and *Lighting Act of 1972*, being *Part 2 of Division 15* of the *California Streets and Highways Code*, commencing with *Section 22500* (hereafter referred to as the “1972 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIIIID (hereafter referred to as “Article XIIIID”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), executed the proceedings required for the establishment of the special benefit assessment district designated as:

Landscaping and Lighting District No. 03 (De Anza Estates)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as De Anza Estates, Tract 2498 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

The City Council formed the District, and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the landscaping and lighting improvements associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1972 Act and the substantive and procedural provisions of Article XIIIID.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements. The annual assessments will provide a funding source for the continued operation and maintenance of public landscaping and lighting improvements installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the planned development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements. The boundaries of the District, the proposed improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2498; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of the District formation, the City of Atascadero conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the California Constitution, Article XIIIID Section 4. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing on August 9, 2005 to consider public testimonies, comments and written protests

regarding the formation of the District and levy of assessments. Upon conclusion of the public hearing, property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. Tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, an Engineer's Report shall be prepared and presented to the City Council describing the District any changes to the District or improvements and the proposed budget and assessments for that fiscal year and the City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Description of the District

The territory within the District consists of the lots, parcels and subdivisions of land within the proposed residential subdivision known as the De Anza Estates, Tract 2498, which encompasses an area of land totaling approximately seventy-six acres (75.84 acres).

This subdivision is planned to include twenty-six (26) Single-Family Residential Units and sixty (60) Modified Housing/Senior Housing Units at build-out. The planned subdivision is situated in the northern portion of the City of Atascadero northeast of Highway 101 and is generally located:

- At the North end of El Camino Real;
- North and East of U.S. HWY 101; and,
- South and West of the Salinas River.

3.2 Improvements and Services Authorized by the 1972 Act

As generally defined by the 1972 Act and applicable to this District, the improvements and associated assessments may include one or more of the following:

- 1) The installation or planting of landscaping;
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- 3) The installation or construction of public lighting facilities including, but not limited to street lights and traffic signals;
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- 5) The installation of park or recreational improvements, including, but not limited to, all of the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts, and public restrooms.
- 6) The acquisition of land for park, recreational, or open-space purposes or any existing improvement otherwise authorized pursuant to this section.
- 7) The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements;
 - b) Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;
 - c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - d) The removal of trimmings, rubbish, debris, and other solid waste;

- e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
 - f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
 - c) Compensation payable to the County for collection of assessments;
 - d) Compensation of any engineer or attorney employed to render services;
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
 - f) Costs associated with any elections held for the approval of a new or increase assessment.

3.3 Description of Improvements and Services

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. The improvements may consist of all or a portion of the public landscaped areas, street lighting and appurtenant facilities within and adjacent to the District (Tract 2498). These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or rights-of-way constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The improvements to be maintained and funded entirely or partially through the District assessments are generally described as:

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2498 that are within the public rights-of-way or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2498;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner’s Association or similar entity.
- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as part of the residential development or landscaped improvement areas;
- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City;

improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner’s Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 LANDSCAPE IMPROVEMENTS

The landscape improvements for the District may include, but are not limited to turf, ground cover, shrubs and plants, trees, irrigation and drainage systems, ornamental lighting, masonry walls or other fencing, hardscape improvements, monuments, and associated appurtenant facilities located within the landscape easements or public rights-of-way. Specifically the landscape improvement areas for this District are identified as:

- Approximately 43,560 square feet of streetscape (parkway embankment) landscaping within the public rights-of-way located on El Camino Real within the boundaries of Tract 2498;
- An estimated 150 trees, including trees within the landscaped area on El Camino Real, various trees within the open space area and the street trees within the street right-of-way on Ferrocarril Road;
- Approximately 175,550 square feet (4.03 acres) of landscaped area in and around the two (2) drainage basins within Tract 2498;
- Approximately fifty-one (51) acres of non-irrigated open space area;
- Approximately 48,000 square feet of paved and unpaved trails; and 2,600 linear feet of steel rail fencing along the trail system and landscaped areas.

3.3.2 PUBLIC LIGHTING IMPROVEMENTS

The approved development plans for Tract 2498 do not include any proposed streetlight facilities.

4. ESTIMATE OF COSTS

BUDGET	Total Budget	Costs Not Assessed	2022/23 Assessment
DIRECT COSTS			
Annual Costs			
Landscape Services	\$8,000	(\$708)	\$7,292
Landscape Supplies	500	0	500
Landscape Utilities	1,000	0	1,000
City Landscape Services	6,250	0	6,250
Other Maintenance Services	500	0	500
Total Annual Direct Costs	\$16,250	(\$708)	\$15,542
CAPITAL EXPENDITURES			
Special Projects	\$2,500	\$0	\$2,500
Total Annual Special Projects	\$2,500	\$0	\$2,500
ADMINISTRATION EXPENSES			
Annual Administration Expenses			
City Annual Administration	\$2,220	\$0	\$2,220
Engineer's Report & Services	4,530	0	4,530
Public Noticing	500	0	500
Total Administration	\$7,250	\$0	\$7,250
TOTAL DIRECT & ADMINISTRATION COSTS	\$26,000	(\$708)	\$25,292
CAPITAL RESERVE COLLECTIONS/(USES)			
Landscape Rehabilitation/Replacement	\$438	\$0	\$438
Trail and Pathway Rehabilitation/Replacement	1,000	(500)	500
Park and Open Space Rehabilitation/Replacement	762	0	762
Tree Rehabilitation/Replacement	1,207	0	1,207
Park Rehabilitation/Replacement	707	0	707
Total Annual Capital Reserve Collections/(Uses)	\$4,114	(\$500)	\$3,614
LEVY ADJUSTMENTS			
Interest Income - Improvement Fund	(\$2,036)	\$0	(\$2,036)
Interest Income - Operating Reserve Fund	(324)	0	(324)
Contribution from Other Sources	(1,208)	(1,208)	0
Reserve Collection/(Use)	(10,671)	0	(10,671)
Total Levy Adjustments	(14,239)	(\$1,208)	(\$13,031)
BALANCE TO LEVY	\$15,875	\$0	\$15,875
DISTRICT STATISTICS			
Total Parcels			89
Parcels Levied			86
Total EBU ⁽¹⁾			63.50
Levy per EBU			\$250.00
Maximum Levy per EBU			\$1,503.92
FUND BALANCE INFORMATION			
Beginning Operating Reserve Balance			\$16,507
Operational Reserve Interest			324
Surplus Transfer from Improvement Fund			11,759
Operational Reserve Collection/(Use)			(13,031)
Estimated Ending Operating Reserve Balance			\$ 15,559
Beginning Improvement Fund Balance			\$104,562
Improvement Fund Interest			2,036
Surplus Transfer to Operations Fund			(11,759)
Improvement Fund Collection/(Use)			\$4,114
Estimated Ending Improvement Fund Balance			\$98,953

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel.

5. METHOD OF ASSESSMENT

5.1 General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and have been established pursuant to the 1972 Act and the provisions of Article XIIIID. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1972 Act and Article XIIIID. The improvements provided by this District and for which properties will be assessed have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City General Plan. As such, these improvements would be necessary and required of individual property owners for the development of such properties and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are a distinct and special benefit to the properties within the District. Any improvement or portion thereof that is considered to be of general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within the District.

5.2.1 SPECIAL BENEFIT

The method of apportionment (method of assessment) established herein is based on the premise that each assessed parcel within the District receives special benefits from the improvements and the desirability and security of those properties is enhanced by the presence of public lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with landscape improvements are specifically:

- Enhanced desirability of properties through association with the improvements.
- Improved aesthetic appeal of properties providing a positive representation of the area and properties.
- Enhanced adaptation of the urban environment within the natural environment from adequate green

space and landscaping.

- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Enhanced quality of life through well-maintained green space and landscaped areas.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting and other public lighting facilities are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads, streets and public areas.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal act and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.

The preceding special benefits contribute to the esthetic value and desirability of each of the assessed parcels within the District and thereby provide a special enhancement of the properties. Furthermore, it has been determined that the lack of funding to properly service and maintain the District improvements would have a negative impact on the properties within the District.

5.2.2 GENERAL BENEFIT

Upon reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District as well as the reasons for installing, constructing and maintaining such improvements, it is evident that the properties within the District receive special benefit from those improvements. While the District improvements clearly include public areas, easements, rights-of-way and other amenities available or visible to the public at large, the landscaped areas, trails, detention basin as well as the need to increase maintenance activities within the open space areas resulted solely from the development of properties within the District and would otherwise not have been required nor necessarily desired by any properties or developments outside the District and any public access or use of the improvements by others is incidental. Therefore, it has been determined that these improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District or to the public at large. However, while this development has facilitated a need for increased maintenance of the open space area associated with Tract 2498, it is also recognized that land conservation and ensuring adequate open space areas within the City does have some indirect, but not quantifiable, benefit to the community at large. Therefore, while the entire cost to maintain the open space area as well as the Horse Arena facility have been incorporated into the District budget, the annual cost to maintain the arena and a portion of the

open space area are not included in the proposed special benefit assessments. Should the City require maintenance of these areas, the associated costs will be funded by other revenue sources available to the City.

5.3 Assessment Methodology

The method of apportionment for the District calculates the receipt of special benefit from the respective improvements based on the actual or proposed land use of the parcels within the District. The special benefit received by each lot or parcel is equated to the overall land use of parcels within the District based on the parcel's actual land use or proposed development.

The costs associated with the improvements shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the Article XIID Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

To identify and determine the special benefit to be received by each parcel and their proportionate share of the improvement costs it is necessary to consider the entire scope of the planned improvements as well as individual property development within the District. Upon review of the proposed improvements it has been determined that each of the residential parcels within the District receives special benefits from the improvements to be funded by annual assessments and based on the planned property development a single zone of benefit is appropriate for the allocation of the assessments and proportional benefit.

5.3.1 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1972 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.2 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value

that the other properties are compared and weighted against regarding special benefit.

- (2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel’s total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for remaining units.
- (3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).
- (4) Modified Housing/Senior Housing Units** — Modified Housing or Senior Housing is generally defined as residential units that would typically be classified as Condominiums or Town-homes, but have specific deed restrictions that may limit the size or use of all units within the development. This classification is not applicable to individual single-family residential parcels unless all single-family residential parcels within that particular development or subdivision have the same restrictions. (For example: One or more single-family units within a subdivision that are deed restricted as “Affordable Housing” or “Senior Housing” does not qualify for this land use classification, unless all the units within that development have the same or similar deed restrictions.) Since this classification generally involves Condominium or Town-home type properties, that are generally

assigned 0.75 EBU, it has been determined that an appropriate allocation of special benefit for modified housing units or senior housing units is best represented by an assignment of 0.625 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to a single APN.

- (5) Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).
- (6) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).
- (7) Exempt Parcels** — This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:
- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
 - Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District;
 - Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels' current development status. Government owned properties or public properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.

- (8) Special Cases** — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel.

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Modified Housing/Senior Housing Units	0.625	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
Vacant Residential Land	1.00	Per Acre
	0.00	Per Parcel

The following formula is used to calculate each parcel's EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU's) is the sum of the individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU's of the parcels benefiting from the improvements. This Rate is then applied back to each parcel's individual EBU to determine the parcel's proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIII C and XIII D), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate is recalculated and a new Maximum Assessment Rate is established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate has been calculated independent of the District's annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo Counties in the State of California. This CPI will be used going forward.

Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional

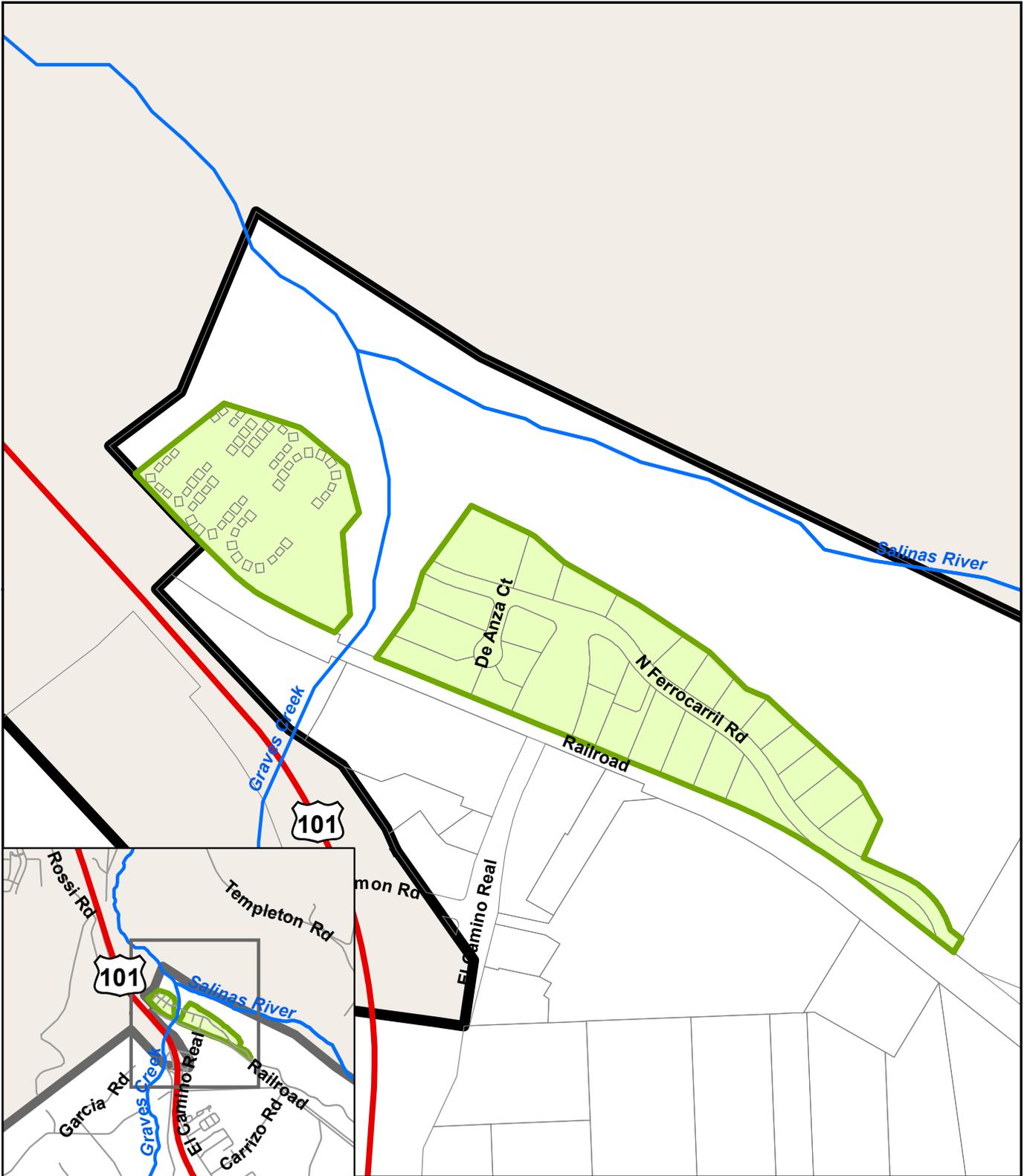
special benefit assigned to a land use classifications are permitted. Changes in land use or size of an individual property resulting in an assessment increase, is not considered an increased assessment.

To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

6. ASSESSMENT DIAGRAM

The parcels within the Landscaping and Lighting District No. 03 De Anza Estates consist of the lots, parcels and subdivisions of land located in the planned residential development known as De Anza Estates, Tract 2498. The District covers approximately seventy-six acres (75.84 acres) in the northern portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.



CITY OF ATASCADERO

DE ANZA ESTATES
Street and Storm Drain Maintenance District No. 3
Landscaping and Lighting District No. 3



Print Date: 5/13/2015
Printed by: City of Atascadero
GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include, but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, rights-of-way, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Landscaping & Lighting Maint Dist No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-044-002	755 N FERROCARRIL RD	Single Family Residential	\$250.00
049-044-003	765 N FERROCARRIL RD	Single Family Residential	250.00
049-044-004	805 N FERROCARRIL RD	Single Family Residential	250.00
049-044-005	905 N FERROCARRIL RD	Single Family Residential	250.00
049-044-006	955 N FERROCARRIL RD	Single Family Residential	250.00
049-044-007	1025 N FERROCARRIL RD	Single Family Residential	250.00
049-044-008	1055 N FERROCARRIL RD	Single Family Residential	250.00
049-044-009	1155 N FERROCARRIL RD	Single Family Residential	250.00
049-044-010	1255 N FERROCARRIL RD	Single Family Residential	250.00
049-044-011	1305 N FERROCARRIL RD	Single Family Residential	250.00
049-044-012	1355 N FERROCARRIL RD	Single Family Residential	250.00
049-044-013	1200 N FERROCARRIL RD	Single Family Residential	250.00
049-044-014	1100 N FERROCARRIL RD	Single Family Residential	250.00
049-044-015	1000 N FERROCARRIL RD	Single Family Residential	250.00
049-044-016	950 N FERROCARRIL RD	Single Family Residential	250.00
049-044-017	860 N FERROCARRIL RD	Single Family Residential	250.00
049-044-018	850 N FERROCARRIL RD	Single Family Residential	250.00
049-044-019	870 N FERROCARRIL RD	Single Family Residential	250.00
049-044-020	880 N FERROCARRIL RD	Single Family Residential	250.00
049-044-021	705 DE ANZA CT	Single Family Residential	250.00
049-044-022	725 DE ANZA CT	Single Family Residential	250.00
049-044-023	750 DE ANZA CT	Single Family Residential	250.00
049-044-024	740 DE ANZA CT	Single Family Residential	250.00
049-044-025	720 DE ANZA CT	Single Family Residential	250.00
049-044-026	700 DE ANZA CT	Single Family Residential	250.00
049-044-033	655 N FERROCARRIL RD	Single Family Residential	250.00
049-046-002	503 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-003	505 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-004	507 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-005	509 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-006	511 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-007	513 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-008	515 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-009	517 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-010	519 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-011	521 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-012	524 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-013	526 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-014	528 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-015	530 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-016	532 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-017	534 N FERROCARRIL RD	Senior Housing Units	156.24

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-046-018	536 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-019	538 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-020	540 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-021	542 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-022	572 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-023	574 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-024	576 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-025	578 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-026	580 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-027	582 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-028	584 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-029	586 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-030	588 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-031	590 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-032	592 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-033	551 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-034	553 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-035	555 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-036	557 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-037	559 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-038	561 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-039	563 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-040	565 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-041	567 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-042	595 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-043	597 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-044	599 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-045	603 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-046	605 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-047	601 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-048	609 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-049	607 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-050	610 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-051	612 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-052	614 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-053	616 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-054	618 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-055	620 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-056	622 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-057	624 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-058	626 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-059	628 N FERROCARRIL RD	Senior Housing Units	156.24

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 3
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
049-046-060	630 N FERROCARRIL RD	Senior Housing Units	156.24
049-046-061	501 N FERROCARRIL RD	Senior Housing Units	156.24
86 Accounts			\$15,874.40
86 Total Accounts			\$15,874.40



Atascadero City Council

Staff Report – Administrative Services Department

Las Lomas (Woodridge) Assessment Districts

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.

REPORT-IN-BRIEF:

The City Council formed and began assessing Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in 2005. This district was formed to provide funding for future routine maintenance of the streets, storm drains and sidewalks in the Woodridge subdivision.

The City Council also formed and began assessing Atascadero Landscape and Lighting Maintenance District No. 02 (Woodridge) in 2005. This district was formed to provide for funding and maintenance of street trees, open space, park area, medians, walkways, paths and other landscape and lighting improvements within the Woodridge subdivision.

The Woodridge subdivision is now known as Las Lomas. The Assessment Districts were formed and named when the area was known as the Woodridge development. All references to Woodridge are now understood to mean the development known as Las Lomas.

NBS, an independent financial consultant, was hired to prepare the engineer's report for the two districts. The engineer's report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 14, 2022, at 6:00 p.m. or soon thereafter, at which time the final resolutions will be presented to the Council for passage.

The proposed assessments for fiscal year 2022/2023 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the City may increase the Maximum Assessment Rate for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased by 5.2% (CPI) this year for both districts.

An Assessment Information Notice was mailed to all property owners on April 12, 2022. The notice provided the date of the upcoming June 14, 2022, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts, and pages related to the districts from the City's June 30, 2021, audited financial statements.

The Landscaping and Lighting District levy is about 14% of the allowable maximum annual assessment and the Street and Storm Drain District is about 50% of the allowable maximum annual assessment.

The Landscape and Lighting District is experiencing increased costs due to the aging landscape and increases in costs of labor and utilities. City staff works to maximize efficiencies and minimize levy increases. City staff expect modest levy increases in future years in order to continue providing the existing service levels.

At the direction of the homeowners in attendance at meetings held December 14, 2017, and April 11, 2018, the City staff set the levy for the Street and Storm Drain (SSD) Benefit Assessment District at an amount that will cover short-term maintenance, but will not be sufficient for long-term maintenance and repair.

This Assessment District levy amount is sufficient only for the annual operating costs and a periodic surface treatment (slurry seal) of the roads. As discussed at the aforementioned meetings and the Public Hearings, Neighborhood meetings, and Annual Notices since, these funds will only be enough to cover road maintenance costs through

fiscal year 2032/33. Beyond that time, the roads will require more in-depth road rehabilitation projects that will require significant funding. The estimated cost of that work is just under \$1,000,000 using current dollars, and is the financial obligation of the residents of the Benefit Assessment District. As 2034 approaches, a bond issue or other financing mechanism will need to be approved and paid for by the residents to fund the longer-term improvements needed to maintain the District. This information was included in the Assessment Information Notice that was mailed to the property owners.

District	Amount Per EBU Assessment Fiscal Year 2021-22	Amount Per EBU Proposed Assessment Fiscal Year 2022-23
Atascadero Street and Storm Drain Maintenance District No. 02 Las Lomas	\$ 407.00	\$ 428.00
Atascadero Landscaping and Lighting Maintenance District No. 02 Las Lomas	\$ 289.00	\$ 304.00

FISCAL IMPACT:

Annual assessments for 2022/2023 will total \$99,189 for road/drainage system maintenance and \$70,452 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the fiscal year 2022/2023 for 25% of the maintenance costs of the trails and open space.

ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer’s Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge)
3. **Draft Resolution C** - declaring the City’s intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters
4. **Engineer’s Annual Levy Report** - for the levy and collection of fiscal year 2022/2023 assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code

6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023
8. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2022/2023 assessments for Atascadero Landscaping and Lighting District No. 02 (Woodridge)

DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2022/2023

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) formed an assessment district to be designated as Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) (hereafter referred to as the “District”), for the purpose of funding the ongoing operation, maintenance and servicing of public streets, sidewalks, storm drain and flood control facilities installed in conjunction with the development of properties known as Tract 2525-1; and to levy and collect annual assessments related thereto. The 1982 Act provides for the formation of such an assessment district pursuant to *Article 3 Section 54710*, and provides for the levy and collection of assessments by the County on behalf of the City pursuant to *Article 4 Section 54718*; and

WHEREAS, the City Council has retained NBS as the Engineer of Work, for the purpose of assisting with the administration of the District, the establishment of annual assessments, and to prepare and file an Engineer’s Report with the City Clerk in accordance with the 1982 Act; and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*.

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

SECTION 1. The City Council hereby orders the Engineer to prepare and file an Engineer’s Annual Levy Report concerning the levy of assessments for properties within the District as specified by *Article 4 Section 54716* of the 1982 Act.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District.

SECTION 3. The territory within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) consists of lots, parcels and subdivisions of land located in the development known as Tract 2525-1.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION B

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, ACCEPTING AND PRELIMINARILY
APPROVING THE ENGINEER’S ANNUAL LEVY REPORT REGARDING
THE ATASCADERO STREET AND STORM DRAIN MAINTENANCE
DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolution, ordered the preparation of an Engineer’s Annual Levy Report (hereafter referred to as the “Report”) regarding the assessment district to be designated as the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) (hereafter referred to as the “District”), and the levy and collection of assessments related thereto, pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”); and

WHEREAS, there has now been presented to this City Council the Report as specified by *Article 4 Section 54716* of said 1982 Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented, and is preliminarily satisfied with the District and the budget items and documents as set forth therein, and is satisfied that the proposed assessments have been spread in accordance with the special benefits received from the improvements, operation, administration, maintenance and services to be performed within the District, as set forth in said Report.

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

SECTION 1. The preceding recitals are true and correct.

SECTION 2. That the Report as presented, consists of the following:

- a. A Description of Improvements.
- b. A Boundary Diagram of the District.
- c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
- d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.
- e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis, and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. The Maximum Assessment described in the Report is hereby approved on a preliminary basis.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution, and the Minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION C

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) IN FISCAL YEAR 2022/2023, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council pursuant to the provisions of the *Benefit Assessment Act of 1982, Chapter 6.4 of the California Government Code, beginning with Section 54703* (hereafter referred to as the “1982 Act”) did by previous Resolution approve the levy and collection of annual assessments to pay for the operation, maintenance and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto for the assessment district designated as Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) (hereafter referred to as the “District”); and

WHEREAS, the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2022/2023 (July 1, 2022 and ending June 30, 2023) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIC and XIID*, and the City Council did by previous Resolution preliminarily approve such Report.

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

SECTION 1. The City Council hereby declares its intention to seek the annual levy of the District pursuant to the 1982 Act, over and including the land within the District boundary, and to levy and collect special benefit assessments on parcels of land within the District to pay for the costs and expenses associated with the operation, maintenance, repair and servicing of public streets, drainage and flood control systems and appurtenant facilities related thereto.

SECTION 2. The District improvements include the ongoing operation, administration, maintenance and servicing of the public streets, drainage and flood control systems and appurtenant facilities authorized pursuant to the 1982 Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to pavement, curbs, sidewalks, hardscape, bridges, fencing, signage, drains, pipes, inlets, outlets, catch basins, drainage basins, manholes, and associated appurtenant facilities located within the public street right-of-ways and other public easements within the District. The Engineer’s Report, as ordered by previous Resolution, provides a full and complete description of the improvements within the District.

SECTION 3. The proposed territory within Street and Storm Drain Maintenance District No. 02 (Woodridge) consists of lots, parcels and subdivisions of land located in the development known as Tract 2525-1.

SECTION 4. The proposed assessments for the District are outlined in the Engineer’s Report. The Report details the proposed assessments necessary to provide for the annual operation, administration, services and maintenance of the improvements described in Section 2 of this Resolution.

SECTION 5. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer’s Report on file in the City Clerk’s Office.

SECTION 6. The City Clerk shall give notice of the filing of the report and the time and place of the Public Hearing by publishing in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report For:

Street and Storm Drain Maintenance District No. 02 Las Lomas (Woodridge)

May 2022

Prepared by:



Corporate Headquarters
32605 Temecula Parkway, Suite 100
Temecula, CA 92592
Toll free: 800.676.7516

CITY OF ATASCADERO
Street and Storm Drain Maintenance District No. 02
Las Lomas (Woodridge)

6500 Palma Avenue
Atascadero, CA 93422
Phone – (805) 461-5000
Fax – (805) 461-7612

CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

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1. ENGINEER’S LETTER

WHEREAS, on March 24, 2005 by Resolution No. 2005-048, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the provisions of the Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703 (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIID (hereafter referred to as the “California Constitution”), established the City of Atascadero Street and Storm Drain Maintenance District No. 02 Las Lomas (Woodridge) (the “District”); and

WHEREAS, on May 10, 2022 the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Summary of Assessment

Description	Amount
Estimated Annual Costs	\$21,420
Capital Reserve Collection/(Uses)	114,270
Levy Adjustments	(36,501)
Balance to Levy	99,189
Fiscal Year 2022/23 Maximum Rate	\$854.78
Fiscal Year 2022/23 Proposed Applied Rate	\$428.00

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1982 Act.

 City Engineer



2. EXECUTIVE SUMMARY

Pursuant to the provisions of the *Benefit Assessment Act of 1982, being Chapter 6.4 of the California Government Code, commencing with Section 54703* (hereafter referred to as the “1982 Act”), and in compliance with the substantive and procedural requirements of the *California State Constitution Article XIII D* (hereafter referred to as the “California Constitution”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), proposed to form and levy special benefit assessments for the district designated as:

Street and Storm Drain Maintenance District No. 02 Las Lomas (Woodridge)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as Las Lomas (Woodridge), Tract 2525-1 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23.

The City Council formed the District, and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the street and storm drain improvements and facilities associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1982 Act and the substantive and procedural provisions of the California Constitution.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements and facilities. The annual assessments described herein will provide a funding source for the continued operation and maintenance of streets, storm drain system and appurtenant facilities installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the streets and storm drain system that provides special benefits to properties within the District. The structure of the District (organization), the improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2525-1; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of this District’s formation, the City conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the *California Constitution, Article XIII D Section 4*. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing to consider public testimonies, comments and written protests regarding the formation of the District and

levy of assessments. Upon conclusion of the public hearing, property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. The tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein; therefore, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, a Report shall be prepared and presented to the City Council describing any changes to the improvements, proposed services, the annual budget or assessments for that fiscal year and the City Council may hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Benefiting Properties within the District

The territory within the District consists of the lots, parcels and subdivisions of land within the residential subdivision known as the Las Lomas (Woodridge), Tract 2525-1, which encompasses an area of land totaling approximately one hundred and eleven acres (111.20 acres).

This residential subdivision includes one hundred forty-three (143) single-family residential units; thirty-five (35) condominium/senior housing units; and a single, one hundred (100) unit multi-family residential project at build-out. Due to parcel splits the multi-family residential project is spread over three parcels. The planned subdivision is situated in the southeast portion of the City of Atascadero and is generally located:

- South and east of Halcon Road;
- East of Highway 101 and El Camino Real
- South and west of the Southern Pacific Railroad Tracks; and
- North of Salinas Road and Santa Cruz Road

3.2 Funding Authorized by the 1982 Act

As generally defined by the Benefit Assessment Act of 1982 and applicable to this District, the City may impose a benefit assessment to finance the maintenance and operation costs of the following services:

- Drainage and Flood Control;
- Streets and Roads.

In addition to imposing a benefit assessment for the annual maintenance and operation of the District improvements, the City may also authorize an assessment or utilize existing assessment revenues to finance the installation, construction or replacement of drainage and flood control facilities as well as the street and road improvements (with some limitations). While such activities are permitted under the 1982 Act, the budget and assessments for this District only provide for normal maintenance and operation of the improvements. Since most major rehabilitation/construction projects result from unforeseen damages, the extent and cost of such projects are not easily predicted and to accumulate funds as part of the normal annual assessments would not be reasonable. If such funding becomes necessary, the City may present a new or increased assessment to the property owners to support the projects.

3.3 Description of Improvements and Services

The purpose of this District is to fund the activities necessary to maintain and service the local streets and the drainage and flood control systems constructed and installed in connection with development of properties within the residential subdivision known as Las Lomas (Woodridge), Tract 2525-1 pursuant to approved development plans and agreements. The improvements may consist of all or a portion of the public streets, drainage and flood control facilities associated with Tract 2525-1 and the maintenance of these improvements may include but are not limited to the materials, equipment, labor, and incidental expenses deemed necessary to keep these improvements in satisfactory condition. The maintenance of the improvements and related activities shall be funded entirely or partially through the District assessments. Not

all improvements have been fully accepted by the City. It is anticipated that will occur within the next fiscal year at which time the costs of maintenance for those improvements will be charged to the district. The District improvements and services are generally described as:

- Street maintenance that may include but is not limited to the repair and servicing of street surfaces, curbs, gutters, bridges, driveway approaches, sidewalks, barricades, delineation, signage or other facilities within the public street rights-of-way installed in connection with the development of properties in Tract 2525-1 and that have been dedicated to the City;
- Storm drain and flood control maintenance that may include but is not limited to inspection, repair and servicing of drainage basins, inlets, catch basins, manholes, outlets, drywells, pumps, filters and storm drain pipes installed in connection with the development of properties of Tract 2525-1 as well as any off-site improvements and facilities directly associated with the aforementioned infrastructure that is deemed necessary to service or protect the properties including waste water treatment;
- The appurtenant, equipment, materials and service contracts related to the aforementioned improvements and facilities;
- Specifically excluded are those improvements or facilities: located on private property or common areas; that may be provided or maintained by an agency other than the City; that may be provided by another assessment or tax levied by the City; or that may be provided and maintained by a Homeowner's Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 STREET MAINTENANCE

The street maintenance program may include, but is not limited to: the repair of potholes, cracks or other failures in the asphalt surface; repair or replacement of curbs, gutters, driveway approaches and sidewalks as required as part of maintaining the streets; repair or installation of street signs, barricades, fencing or other delineation; mechanized sweeping and cleaning of the streets and gutters; slurry sealing, overlays and re-striping of the street surfaces. The specific activities and timing of various street and road maintenance services shall be determined by the City's Public Works Department as necessary to extend the life of the streets or to improve traffic circulation and safety as available funding permits. Specifically, the street improvements for this District are identified as:

- Approximately 290,610 square feet of asphalt street surface located on the various interior streets identified as Calle Milano, Eliano Street, Via Cielo, Avion Road, Alcotan Lane, and Azor Lane;
- Approximately 13,750 linear feet of curb and gutter along Calle Milano, Eliano Street, Via Cielo, Avion Road, Alcotan Lane, and Azor Lane;
- Approximately 1,480 linear feet of curb and gutter in and around the median islands on Calle Milano and at Via Cielo;

- Approximately 145 driveway approaches, 45,264 square feet of sidewalks and various street signs within the District;
- Specifically not included as part of the street maintenance program are the costs associated with major replacements or reconstruction. Although the District assessments will provide funding for regular maintenance and servicing of the improvements that will extend the useful life of the street improvements, the assessments are not intended to fund major replacements or reconstruction of the street surfaces or adjacent improvements such as curbs, gutters or driveway approaches. The costs of extensive replacement or reconstruction activities such as grinding and resurfacing of the asphalt; and replacement of curbs, gutters driveway approaches and sidewalks is significantly more than the amount that can reasonably be collected annually under the provisions of the 1982 Act. When such repairs or activities are deemed necessary, the City will consider various financing options including new or increased assessments for property owner approval.

The Public Works Department shall authorize the operational activities and maintenance of the public street and right-of-way improvements, facilities and services that may include, but are not limited to:

- Regular street sweeping services necessary to control dirt and debris on street surfaces and gutters;
- Annual inspection of street surface and repair of potholes and surface cracks as needed;
- Periodic slurry or overly of street surfaces and driveway approaches (typically one or the other once every five years);
- Periodic re-stripping of traffic lanes, bike lanes, street parking areas, crosswalks and intersections (typically in conjunction with slurry or overly activities);
- Graffiti abatement of public improvements within the street rights-of-way that are maintained by the District including but not limited to sandblasting, repainting and repair of fences, walls, barricades, sidewalks and signage as needed;
- Annual inspection and periodic repair or replacement of decorative street- pavers as needed;
- Annual inspection and minor repairs of curbs, gutters, driveway approaches and sidewalks including partial segment replacements as needed to ensure pedestrian and vehicle safety or the integrity of the street;
- Annual inspection and periodic repair or rehabilitation of street signs and traffic control devices;
- Annual inspection and repair of barricades, street-fencing, delineation or retaining walls within the street rights-of-way as needed.

A portion of the services described above are not performed on an annual basis but rather on a periodic basis, such as slurry sealing or overlaying the asphalt streets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent when sufficient funds have been accumulated to perform the services deemed necessary by the City (approximately every five years). This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

The storm drain and flood control system associated with the District may include but is not limited to: drainage basins and bio-filters; channel ways; storm drain inlets, catch basins, manholes, outlets; drywells, pumps, filters and pipes. The storm drain system to be maintained primarily involves on-site facilities (within the District boundaries) but may also include off-site improvements such as water treatment equipment, facilities or services mandated or required by Federal, State or County regulations for water pollution control. The annual assessments for this District are intended to support a storm drain and flood control maintenance program that will adequately regulate and control storm water runoff resulting from the development of properties within the District. This maintenance program may include but is not limited to: inspection and documentation of the system; cleaning, servicing or repair of the facilities and equipment; and the partial replacement or rehabilitation of equipment and facilities. The storm drain and flood control system includes but is not limited to:

- Approximately 175,550 square feet of drainage basin area;
- Twenty-four (24) inlets, outlets and manholes located throughout Tract 2525-1;
- Approximately 4,965 linear feet of storm drain pipe ranging from 18 inches to 36 inches in diameter.

The Public Works Department shall authorize and schedule the operational activities and maintenance of the storm drain and storm water pollution treatment infrastructure, facilities and services that may include, but are not limited to:

- Cleaning of storm drain inlets, catch basins, manholes and pipes as needed;
- Stencil maintenance and documentation of facilities as required by Federal, State or County regulations;
- Cleaning and landscape maintenance of the drainage basins, bio-filter areas or channel ways as needed;
- Debris removal and pest control in and around the storm drain facilities as needed;
- Minor repairs and maintenance of the storm drain inlets, catch basins and outlets as needed;
- Street sweeping services necessary to control debris and water flow for the storm drain system; and,
- The operational costs related to NPDES compliance requirements.

A portion of the services described above are not performed on an annual basis but rather on a periodic basis such as minor repairs to the storm drain inlets, catch basins and outlets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent as needed to perform the services deemed necessary by the City. This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

4. ESTIMATE OF COSTS

Budget	2022/2023 Assessment
DIRECT COSTS	
Streets, Roads & Storm Drain Improvements	
Street Maintenance	\$8,100
Drainage Maintenance Services	3,610
Inspection & Operational Services - Roads, Drainage	0
Total Annual Direct Costs	\$11,710
SPECIAL PROJECT	
	\$0
ADMINISTRATION EXPENSES	
City Annual Administration	\$1,800
City Operational Services	4,160
Engineer's Report & Services	3,450
Public Noticing	300
Total Annual Administration Costs	\$9,710
TOTAL DIRECT & ADMINISTRATION COSTS	\$21,420
CAPITAL RESERVE COLLECTIONS/(USES)	
Collection for Street Surface Activities	\$97,500
Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks	12,500
Collection for Debris Removal	1,250
Collection for Storm Drain Infrastructure	3,020
Total Annual Capital Reserve Collections/(Uses)	\$114,270
LEVY ADJUSTMENTS	
Interest Income - Improvement Fund	(\$10,915)
Interest Income - Operating Reserve Fund	(375)
Reserve Fund Collection (Use)	(25,211)
Total Levy Adjustments	(\$36,501)
BALANCE TO LEVY	\$99,189
DISTRICT STATISTICS	
Total Parcels	191
Parcels Levied	181
Total EBU ⁽¹⁾	231.75
Levy per EBU	\$428.00
Maximum Levy per EBU	\$854.78
FUND BALANCE INFORMATION	
Beginning Operating Reserve Balance	\$13,535
Operational Reserve Interest	375
Surplus Transfer from Improvement Fund	36,514
Operational Reserve Collection (Use)	(36,501)
Ending Operating Reserve Balance	\$13,923
Beginning Improvement Fund Balance	\$316,986
Improvement Fund Interest	10,915
Surplus Transfer to Operations Fund	(36,514)
Improvement Fund Collection	114,270
Ending Improvement Fund Balance	\$405,657

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel



5. METHOD OF ASSESSMENT

5.1 General

The 1982 Act permits the establishment of assessment districts by agencies for the purpose of providing for the maintenance, operation and servicing of drainage and flood control improvements as well as streets, roads and appurtenant facilities. The 1982 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The amount of the assessment imposed on any parcel of property shall be related to the benefit to the parcel which will be derived from the provision of the service”.

Furthermore:

“The annual aggregate amount of the assessment shall not exceed the estimated annual cost of providing the service, except that the legislative body may, by resolution, determine that the estimated cost of work authorized ... is greater than can be conveniently raised from a single annual assessment and order that the estimated cost shall be raised by an assessment levied and collected in installments.... The revenue derived from the assessment shall not be used to pay the cost of any service other than the service for which the assessment was levied.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices in compliance with the provisions of the 1982 Act and the California Constitution. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements and services, and the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1982 Act and the California Constitution. The street and storm drain improvements associated with this District were necessary and essential requirements for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City General Plan. As such the ongoing operation, servicing and maintenance of those improvements would otherwise be the direct financial obligation of each individual property owner. Since each parcel to be assessed within the District could not have been developed in the absence of these improvements and facilities, each parcel has a direct investment in the proper maintenance of the improvements that is over and above any general benefits that may be conferred by such improvements and services.

The ongoing maintenance and servicing of the District improvements is an integral part of the appearance, use and preservation of the properties within the District and such services to be funded by annual assessments confer a particular and distinct special benefit to those parcels. The proper maintenance of streets and appurtenant facilities allows individual parcels to be used to their fullest extent by ensuring the safe and efficient movement of people and goods to and from the benefiting properties Likewise, the maintenance and servicing of the storm drain system ensures proper water flow and control of excess

water during periods of rain, which is essential to preservation and protection of private property. Together the maintenance and servicing of the streets and storm drain system contributes to a specific enhancement of each of the parcels within the District and the absence of adequate maintenance and servicing of the District improvements could eventually have a negative impact on properties within the District.

Although the improvements may include public streets and storm drain facilities that connect to similar facilities outside the District boundaries, it is clear that the construction and installation of these improvements were only necessary for the development of properties within the District. As such, these improvements were not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the ongoing maintenance, servicing and operation of the District improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District. Any improvement or portion thereof (particularly off-site storm drain facilities) that may be considered general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within this District. However, the costs associated with installation or improvement of any off-site facilities that benefit the parcels within this District as well as other properties (shared benefit) may be allocated to the parcels within the District based on their proportional special benefit from such improvements.

5.3 Assessment Methodology

The costs associated with the improvements and services shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the California Constitution Article XIID Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

The method of apportionment established for this District and described herein, reflects the proportional special benefit each property receives from the improvements and services based on the actual or proposed land use of that parcel as compared to other properties within the District based on similarities and differences in parcel land use.

5.3.1 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1982 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit (EBU) methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.



Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.2 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit “EBU”).
- (2) **Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile-home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel’s total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.
- (3) **Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU



per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

- (4) Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).
- (5) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.0 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.0 EBU (parcels in excess of 25 acres are assigned 25.0 EBU). Parcels less than one acre, shall be assigned a minimum of 1.0 EBU (similar to a vacant lot within a residential tract).
- (6) Exempt Parcels** — This land use identifies properties that are not assessed and are assigned 0.0 EBU. This land use classification may include but is not limited to:
- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
 - Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District.;
 - Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use.

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels current development status. Government owned properties or public

properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.

(7) Special Cases — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel’s total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel.

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Vacant Residential Land	1.00	Per Acre
Exempt Parcels	0.00	Per Parcel

The following formula is used to calculate each parcel’s EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU’s) is the sum of the individual EBU’s applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU’s of the parcels benefiting from the improvements. This Rate is then applied back to each parcel’s individual EBU to determine the parcel’s proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIII C and XIII D), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any



assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment amount for fiscal year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to the future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate is calculated independent of the District's annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco, San Mateo Counties in the State of California. This CPI will be used going forward.

Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional special benefit assigned to a land use classifications is permitted. Changes in land use or size of an individual property resulting in an assessment increase, is not considered an increased assessment.

To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIID Section 4c, that requires a public hearing and certain protest procedures including

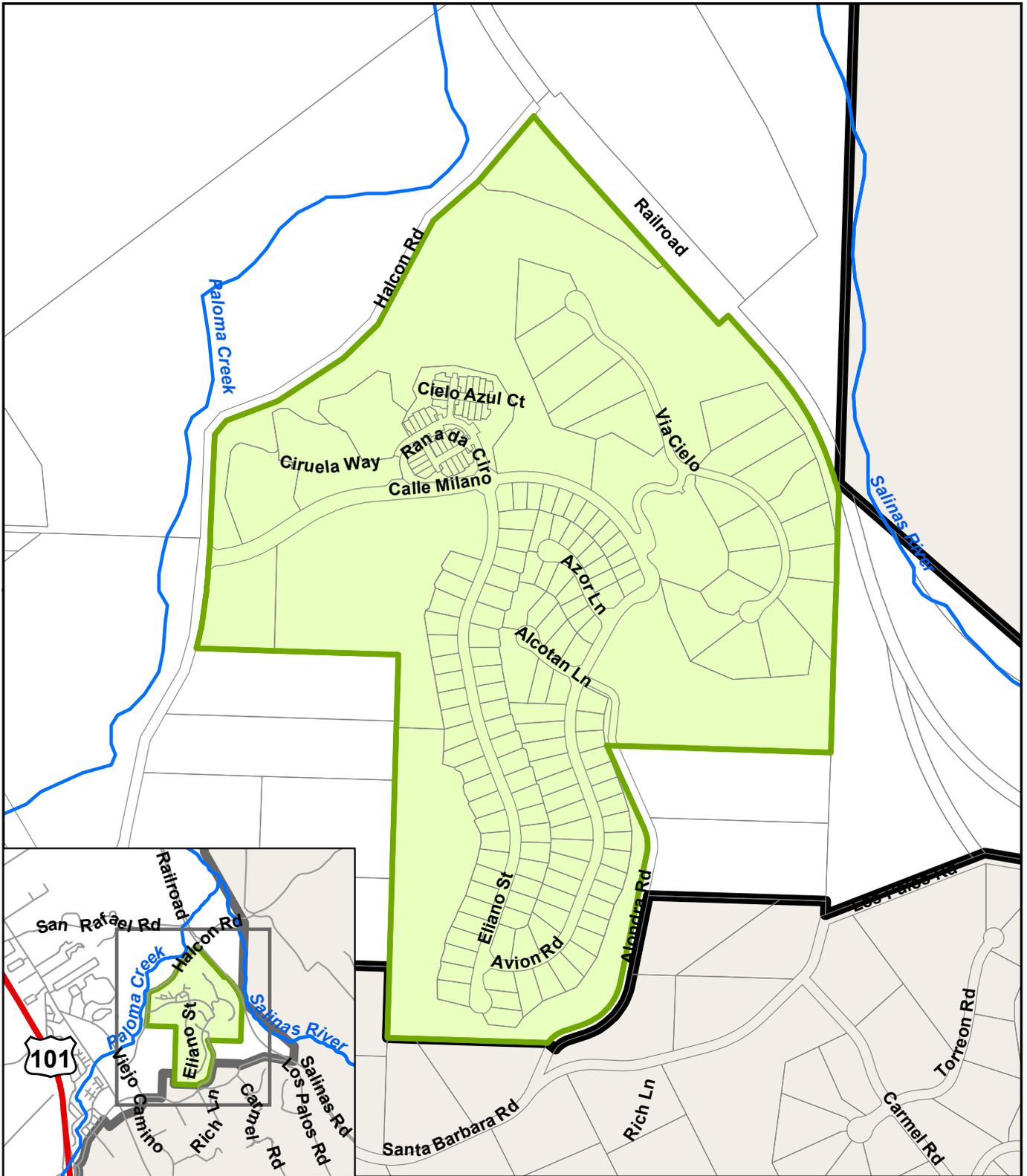
mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.



6. ASSESSMENT DIAGRAM

The parcels within the Street and Storm Drain Maintenance District No. 02 Las Lomas (Woodridge) consist of the lots, parcels and subdivisions of land located in the residential development known as Las Lomas (Woodridge), Tract 2525-1. The District covers approximately one hundred and eleven acres (111.20 acres) in the southeast portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.



CITY OF ATASCADERO

LAS LOMAS

Street and Storm Drain Maintenance District No. 2
Landscaping and Lighting District No. 2



Print Date: 5/13/2015
Printed by: City of Atascadero
GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the proposed lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, rights-of-way, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Street & Storm Drain Maintenance No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-311-014	9341 DECHADO WAY	MFR	\$7,605.56
045-311-015	9261 LOS OLIVOS CIR	MFR	10,627.24
045-311-016	9110 CIRUELA WAY	MFR	8,517.20
045-312-001	9510 ALCOTAN RD	SFR	428.00
045-312-002	9520 ALCOTAN RD	SFR	428.00
045-312-003	11400 ELIANO ST	SFR	428.00
045-312-004	11390 ELIANO ST	SFR	428.00
045-312-005	11380 ELIANO ST	SFR	428.00
045-312-006	11370 ELIANO ST	SFR	428.00
045-312-007	11360 ELIANO ST	SFR	428.00
045-312-008	11350 ELIANO ST	SFR	428.00
045-312-009	11340 ELIANO ST	SFR	428.00
045-312-010	11320 ELIANO ST	SFR	428.00
045-312-011	11310 ELIANO ST	SFR	428.00
045-312-012	11305 ELIANO ST	SFR	428.00
045-312-013	11325 ELIANO ST	SFR	428.00
045-312-014	11335 ELIANO ST	SFR	428.00
045-312-015	11355 ELIANO ST	SFR	428.00
045-312-016	11365 ELIANO ST	SFR	428.00
045-312-017	11385 ELIANO ST	SFR	428.00
045-312-018	11395 ELIANO ST	SFR	428.00
045-312-019	11405 ELIANO ST	SFR	428.00
045-312-020	11415 ELIANO ST	SFR	428.00
045-312-021	11425 ELIANO ST	SFR	428.00
045-312-022	11435 ELIANO ST	SFR	428.00
045-312-023	9400 CALLE MILANO	SFR	428.00
045-312-024	9410 CALLE MILANO	SFR	428.00
045-312-025	9420 CALLE MILANO	SFR	428.00
045-312-026	9430 CALLE MILANO	SFR	428.00
045-312-027	9440 CALLE MILANO ST	SFR	428.00
045-312-028	9450 CALLE MILANO	SFR	428.00
045-312-029	9460 CALLE MILANO	SFR	428.00
045-312-030	9470 CALLE MILANO	SFR	428.00
045-312-031	9480 CALLE MILANO	SFR	428.00
045-312-032	9490 CALLE MILANO	SFR	428.00
045-312-033	9500 CALLE MILANO	SFR	428.00
045-312-034	9510 CALLE MILANO RD	SFR	428.00
045-312-035	9520 CALLE MILANO RD	SFR	428.00
045-312-036	9535 AZOR LN	SFR	428.00
045-312-037	9525 AZOR LN	SFR	428.00
045-312-038	9515 AZOR LN	SFR	428.00
045-312-039	9505 AZOR LN	SFR	428.00

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-312-040	9495 AZOR LN	SFR	428.00
045-312-041	9485 AZOR LN	SFR	428.00
045-312-042	9475 AZOR LN	SFR	428.00
045-312-043	9465 AZOR LN	SFR	428.00
045-312-044	9470 AZOR LN	SFR	428.00
045-312-045	9480 AZOR RD	SFR	428.00
045-312-046	9500 AZOR LN	SFR	428.00
045-312-047	9520 AZOR LN	SFR	428.00
045-312-048	9530 AZOR LN	SFR	428.00
045-312-049	9540 AZOR LN	SFR	428.00
045-312-050	9550 AZOR LN	SFR	428.00
045-312-051	9515 ALCOTAN RD	SFR	428.00
045-312-052	9505 ALCOTAN RD	SFR	428.00
045-312-053	9495 ALCOTAN RD	SFR	428.00
045-312-054	9485 ALCOTAN RD	SFR	428.00
045-312-055	9475 ALCOTAN RD	SFR	428.00
045-312-056	9500 ALCOTAN RD	SFR	428.00
045-313-001	11455 MONTE VERDE DR	SFV	428.00
045-313-002	9500 VIA CIELO	SFR	428.00
045-313-003	9550 VIA CIELO	SFR	428.00
045-313-004	9600 VIA CIELO RD	SFR	428.00
045-313-005	9650 VIA CIELO RD	SFR	428.00
045-313-006	9700 VIA CIELO RD	SFR	428.00
045-313-007	9655 VIA CIELO RD	SFR	428.00
045-313-008	9625 VIA CIELO	SFR	428.00
045-313-009	9575 VIA CIELO	SFR	428.00
045-313-010	9565 VIA CIELO	SFR	428.00
045-313-011	9555 VIA CIELO	SFR	428.00
045-313-012	9505 VIA CIELO	SFR	428.00
045-313-013	9515 VIA CIELO	SFR	428.00
045-313-014	9525 VIA CIELO	SFR	428.00
045-313-015	9535 VIA CIELO	SFR	428.00
045-313-018	9350 VIA CIELO	SFR	428.00
045-313-019	9402 VIA CIELO LN	SFR	428.00
045-313-020	9450 VIA CIELO	SFR	428.00
045-313-021	11450 MONTE VERDE	SFR	428.00
045-313-026	9250 VIA CIELO	SFR	428.00
045-313-027	9300 VIA CIELO	SFR	428.00
045-314-001	11290 ELIANO ST	SFR	428.00
045-314-002	11280 ELIANO ST	SFR	428.00
045-314-003	11270 ELIANO ST	SFR	428.00
045-314-004	11260 ELIANO ST	SFR	428.00

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-314-005	11250 ELIANO ST	SFR	428.00
045-314-006	11240 ELIANO ST	SFR	428.00
045-314-007	11220 ELIANO ST	SFR	428.00
045-314-008	11215 ELIANO ST	SFR	428.00
045-314-009	11225 ELIANO ST	SFR	428.00
045-314-010	11235 ELIANO ST	SFR	428.00
045-314-011	11245 ELIANO ST	SFR	428.00
045-314-012	11255 ELIANO ST	SFR	428.00
045-314-013	11265 ELIANO ST	SFR	428.00
045-314-014	11275 ELIANO ST	SFR	428.00
045-314-015	11285 ELIANO ST	SFR	428.00
045-314-016	11290 AVION RD	SFR	428.00
045-314-017	11280 AVION RD	SFR	428.00
045-314-018	11270 AVION RD	SFR	428.00
045-314-019	11260 AVION RD	SFR	428.00
045-314-020	11250 AVION RD	SFR	428.00
045-314-021	11240 AVION RD	SFR	428.00
045-314-022	11230 AVION RD	SFR	428.00
045-314-023	11210 AVION RD	SFR	428.00
045-314-024	11200 AVION RD	SFR	428.00
045-314-025	11205 AVION RD	SFR	428.00
045-314-026	11215 AVION RD	SFR	428.00
045-314-027	11225 AVION RD	SFR	428.00
045-314-028	11235 AVION RD	SFR	428.00
045-314-029	11245 AVION RD	SFR	428.00
045-314-030	11255 AVION RD	SFR	428.00
045-314-031	11275 AVION RD	SFR	428.00
045-314-032	11285 AVION RD	SFR	428.00
045-314-033	11295 AVION RD	SFR	428.00
045-315-001	11210 ELIANO ST	SFR	428.00
045-315-002	11190 ELIANO ST	SFR	428.00
045-315-003	11180 ELIANO ST	SFR	428.00
045-315-004	11170 ELIANO ST	SFR	428.00
045-315-005	11160 ELIANO ST	SFR	428.00
045-315-006	11150 ELIANO ST	SFR	428.00
045-315-007	11140 ELIANO ST	SFR	428.00
045-315-008	11130 ELIANO ST	SFR	428.00
045-315-009	11120 ELIANO ST	SFR	428.00
045-315-010	11105 ELIANO ST	SFR	428.00
045-315-011	11115 ELIANO ST	SFR	428.00
045-315-012	11125 ELIANO ST	SFR	428.00
045-315-013	11100 AVION RD	SFR	428.00

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-315-014	11165 ELIANO ST	SFR	428.00
045-315-015	11185 ELIANO ST	SFR	428.00
045-315-016	11195 ELIANO ST	SFR	428.00
045-315-017	11205 ELIANO ST	SFR	428.00
045-315-018	11180 AVION RD	SFR	428.00
045-315-019	11170 AVION RD	SFR	428.00
045-315-020	11160 AVION RD	SFR	428.00
045-315-021	11150 AVION RD	SFR	428.00
045-315-022	11130 AVION RD	SFR	428.00
045-315-023	11110 AVION RD	SFR	428.00
045-315-024	11105 AVION RD	SFR	428.00
045-315-025	11115 AVION RD	SFR	428.00
045-315-026	11125 AVION RD	SFR	428.00
045-315-027	11135 AVION RD	SFR	428.00
045-315-028	11145 AVION RD	SFR	428.00
045-315-029	11155 AVION RD	SFR	428.00
045-315-030	11165 AVION RD	SFR	428.00
045-315-031	11175 AVION RD	SFR	428.00
045-315-032	11185 AVION RD	SFR	428.00
045-315-033	11195 AVION RD	SFR	428.00
045-316-041	9350 RIBERENA CIR	CON	321.00
045-316-042	9352 RIBERENA CIR	CON	321.00
045-316-043	9354 RIBERENA CIR	CON	321.00
045-316-044	9356 RIBERENA CIR	CON	321.00
045-316-045	9358 RIBERENA CIR	CON	321.00
045-316-046	9360 RIBERENA CIR	CON	321.00
045-316-047	9362 RIBERENA CIR	CON	321.00
045-316-048	9364 RIBERENA CIR	CON	321.00
045-316-049	9366 RIBERENA CIR	CON	321.00
045-316-050	9368 RIBERENA CIR	CON	321.00
045-316-051	9369 RIBERENA CIR	CON	321.00
045-316-052	9367 RIBERENA CIR	CON	321.00
045-316-053	9374 RIBERENA CIR	CON	321.00
045-316-054	9363 RIBERENA CIR	CON	321.00
045-316-055	9361 RIBERENA CIR	CON	321.00
045-316-056	9355 RANADA CIR	CON	321.00
045-316-057	9357 RANADA CIR	CON	321.00
045-316-058	9359 RANADA CIR	CON	321.00
045-316-059	9361 RANADA CIR	CON	321.00
045-316-060	9363 RANADA CIR	CON	321.00
045-316-061	9371 CADENCIA CT	CON	321.00
045-316-062	9373 CADENCIA CT	CON	321.00

Slight variances may occur due to rounding

City of Atascadero
Street & Storm Drain Maintenance No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-316-063	9375 CADENCIA CT	CON	321.00
045-316-064	9377 CADENCIA CT	CON	321.00
045-316-065	9379 CADENCIA CT	CON	321.00
045-316-066	9381 CIELO AZUL CT	CON	321.00
045-316-067	9383 CIELO AZUL CT	CON	321.00
045-316-068	9385 CIELO AZUL CT	CON	321.00
045-316-069	9387 CIELO AZUL CT	CON	321.00
045-316-070	9389 CIELO AZUL CT	CON	321.00
045-316-071	9388 CIELO AZUL CT	CON	321.00
045-316-072	9386 CIELO AZUL CT	CON	321.00
045-316-073	9384 CIELO AZUL CT	CON	321.00
045-316-074	9382 CIELO AZUL CT	CON	321.00
045-316-075	9380 CIELO AZUL CT	CON	321.00
181 Accounts			\$99,189.00
181 Total Accounts			\$99,189.00

Slight variances may occur due to rounding

DRAFT RESOLUTION D

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2022/2023 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

The City Council of the City of Atascadero (hereafter referred to as “City Council”) hereby finds, determines, resolves and orders as follows:

WHEREAS, the City Council has, by previous Resolutions, formed the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) (hereafter referred to as “District”) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division 15 of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the “Act”) that provides for levy and collection of assessments by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of lighting facilities, landscaping, and appurtenant facilities and operations related thereto; and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has retained NBS for the purpose of assisting with the Annual Levy of the District and to prepare and file a report with the City Clerk in accordance with the Act.

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

SECTION 1. Engineer’s Annual Levy Report: The City Council hereby orders NBS to prepare the Engineer’s Annual Levy Report concerning the levy of assessments for the District in accordance with *Chapter 3, Section 22622* of the Act.

SECTION 2. Proposed Improvements and Any Substantial Changes in Existing Improvements: The improvements within the District include the ongoing operation, administration, maintenance, servicing and incidental expenses related to the dedicated landscape areas, public street lighting and appurtenant facilities authorized pursuant to the Act that were installed as part of property development and associated with the District. Said improvements may include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The Engineer's Annual Levy Report describes any new improvements or substantial changes in existing improvements.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION E

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF
THE ENGINEER’S ANNUAL LEVY REPORT FOR THE ATASCADERO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02
(WOODRIDGE) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, the City Council has, by previous Resolutions, ordered the preparation of an Engineer's Annual Levy Report (hereafter referred to as the “Report”) for the district known and designated as the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) (hereafter referred to as the “District”) pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2 of Division of the Streets and Highways Code of California, beginning with Section 22500* (hereafter referred to as the “Act”); and

WHEREAS, the District and the associated assessments are in compliance with the provisions of California Constitution Article XIID; and

WHEREAS, the City Council has now been presented with the Report as required by *Chapter 1, Article 4, Section 22566* of said Act; and

WHEREAS, the City Council has carefully examined and reviewed the Report as presented and is preliminarily satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied on a preliminary basis that the proposed assessments have been spread in accordance with the benefits received from the improvements, operation, maintenance, and services to be performed within each benefit zone as set forth in said Report.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. That the presented Report consists of the following:

- a. A Description of the Improvements
- b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)
- c. The Method of Apportionment that details the method of calculating each parcel’s proportional special benefits and annual assessment.
- d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2022/2023.

SECTION 3. The Report is hereby approved on a preliminary basis and ordered to be filed in the Office of the City Clerk as a permanent record and to remain open to public inspection.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the presentation of the Report.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

DRAFT RESOLUTION F

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY
AND COLLECT ASSESSMENTS FOR THE ATASCADERO
LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02
(WOODRIDGE) FOR FISCAL YEAR 2022/2023**

The City Council of the City of Atascadero (hereafter referred to as “City Council”) does resolve as follows:

WHEREAS, The City Council has by previous Resolution initiated proceedings for fiscal year 2022/2023 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 02 (Woodridge) (hereafter referred to as the “District”). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the “Act”), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

WHEREAS, the proposed District assessments for fiscal year 2022/2023 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIID; and

WHEREAS, there has now been presented to this City Council an Engineer’s Annual Levy Report (hereafter referred to as the “Engineer’s Report”), and said Engineer’s Report has been filed with the City Clerk in accordance with the Act; and

WHEREAS, the City Council has examined and reviewed the Engineer’s Report as presented and is satisfied with the Report, each of the budget items and documents as set forth therein and is satisfied that the proposed assessments contained therein, have been spread in accordance with the benefits received from the improvements, operation, maintenance and services to be performed within the District, as set forth in said Report.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Atascadero pursuant to Chapter 3, Section 22624 of the Act, as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2022/2023.

SECTION 3. The boundaries of the District are described in the Engineer’s Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as Woodridge and referred to as the “Atascadero Landscaping and Lighting District No. 02”.

SECTION 4. The improvements within the District include the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District.

SECTION 5. The proposed assessments for fiscal year 2022/2023, as outlined in the Engineer’s Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIII D.

SECTION 6. The City Council hereby declares its intention to conduct a Public Hearing concerning the District and the levy of assessments in accordance with *Chapter 3, Section 22626* of the Act.

SECTION 7. Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 14, 2022, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2022/2023 as contained in the Engineer’s Report on file in the City Clerk’s Office.

SECTION 8. The City Clerk shall give notice of the time and place of the Public Hearing to all property owners within the District pursuant to Sections 22626, 22552 and 22553 of the Act and 6061 of the Government Code by publishing this Resolution of Intention in a local newspaper one time at least 10 days prior to the Public Hearing.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

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:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

CITY OF ATASCADERO

Fiscal Year 2022/23 Engineer's Report For:

Landscaping and Lighting District

District No. 02 Las Lomas (Woodridge)

May 2022

Prepared by:



Corporate Headquarters
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Toll free: 800.676.7516

CITY OF ATASCADERO
Landscaping & Lighting District No. 02
Las Lomas (Woodridge)

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Atascadero, CA 93422
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CITY COUNCIL

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

AGENCY STAFF

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

NBS

Tim Seufert, Client Services Director

Adina McCargo, Project Manager

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1. ENGINEER’S LETTER

WHEREAS, on March 24, 2005 by Resolution No. 2005-051, the City Council of the City of Atascadero (the “City”), State of California, in accordance with and pursuant to the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500 (the “1972 Act”) established the City of Atascadero Landscaping and Lighting District No. 02 Las Lomas (Woodridge) (the “District”); and

WHEREAS, on May 10, 2022 the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer’s Report for the District; and

WHEREAS, the Resolution Initiating Proceedings directed NBS to prepare and file a report describing the general nature, location, and extent of the improvements to be maintained; an estimate of the costs of the maintenance, operations, and servicing of the improvements for the District for the referenced fiscal year; a diagram for the District, showing the area and properties to be assessed; and an assessment of the estimated costs of the administration, maintenance, operations, and servicing the improvements, assessing the net amount upon all assessable lots and/or parcels within the District in proportion to the special benefit received.

NOW THEREFORE, the assessments as detailed in this Engineer’s Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2022/23:

FY 2022/23 Budget Summary

Description	Total Costs	Costs Not Assessed	Proposed Assessment	Total Benefit Units	Maximum Rate	Proposed Rate Per BU
Annual Maintenance	\$104,710	\$2,250	\$102,460			
Special Project	10,000	0	10,000			
Administration	6,440	0	6,440			
Capital Reserve Collections/(Use)	14,567	250	14,317			
Levy Adjustments	(48,825)	(2,500)	(46,325)			
Total	\$70,452	\$0	\$70,452	231.75	\$2,122.65	\$304.00

I, the undersigned, respectfully submit the enclosed Engineer’s Report and, to the best of my knowledge, information, and belief, the Engineer’s Report, Assessments, and the Assessment Diagram herein have been prepared, computed, and levied in accordance with the assessment methodology adopted, approved, and ordered by the City Council of the City of Atascadero and the 1972 Act.

 City Engineer



2. EXECUTIVE SUMMARY

Pursuant to the provisions of the Landscaping and *Lighting Act of 1972*, being *Part 2 of Division 15* of the *California Streets and Highways Code*, commencing with *Section 22500* (hereafter referred to as the “1972 Act”), and in compliance with the substantive and procedural requirements of the California State Constitution Article XIID (hereafter referred to as “Article XIID”), the City Council of the City of Atascadero, County of San Luis Obispo, State of California (hereafter referred to as “City”), executed the proceedings required for the establishment of the special benefit assessment district designated as:

Landscaping and Lighting District No. 02 Las Lomas (Woodridge)

(hereafter referred to as the “District”), which includes the lots and parcels of land within the residential subdivision known as Las Lomas (Woodridge), Tract 2525-1 within the City limits of the City. This Engineer’s Report (hereafter referred to as the “Report”) has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2022/23, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

The City Council formed the District, and provided for the levy and collection of annual assessments on the County tax rolls to provide ongoing funding for the costs and expenses required to service and maintain the landscaping and lighting improvements associated with and resulting from the development of properties within the District. The improvements to be provided by the District and the assessments described herein are made pursuant to the 1972 Act and the substantive and procedural provisions of Article XIID.

This Report describes the District, the improvements, and the proposed assessments to be levied against properties in connection with the special benefits the properties will receive from the maintenance and servicing of the District improvements. The annual assessments will provide a funding source for the continued operation and maintenance of public landscaping and lighting improvements installed in connection with the development of properties within the District.

The improvements and assessments described in this Report are based on the planned development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements. The boundaries of the District, the proposed improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2525-1; and by reference these plans and specifications are made part of this Report.

The word “parcel,” for the purposes of this Report, refers to an individual property assigned its own Assessor’s Parcel Number (APN) by the San Luis Obispo County Assessor’s Office. The San Luis Obispo County Auditor/Controller uses Assessor’s Parcel Numbers and specific Fund Numbers to identify properties to be assessed on the tax roll for the special benefit assessments.

As part of the District formation, the City of Atascadero conducted a Property Owner Protest Ballot proceeding for the proposed levy of a new assessment pursuant to the provisions of the California Constitution, Article XIID Section 4. In conjunction with this ballot proceeding, the City Council conducted a noticed public hearing on May 24, 2005 to consider public testimonies, comments and written protests regarding the formation of the District and levy of assessments. Upon conclusion of the public hearing,

property owner protest ballots received were opened and tabulated to determine whether majority protest existed (ballots were weighted based on assessment amounts), and by resolution the City Council confirmed the results of the ballot tabulation. Tabulation of the ballots indicated that majority protest did not exist for the proposed assessments and the assessment range formula presented and described herein, the City Council approved the Report (as submitted or amended), ordered the formation of the District, and approved the levy and collection of assessments. The assessments for Fiscal Year 2005/2006 were submitted to the San Luis Obispo County Auditor/Controller for inclusion on the property tax roll for each parcel.

Each subsequent fiscal year, an Engineer's Report shall be prepared and presented to the City Council describing the District any changes to the District or improvements and the proposed budget and assessments for that fiscal year and the City Council shall hold a noticed public hearing regarding these matters prior to approving and ordering the proposed levy of assessments. If the proposed assessments for the District exceed the maximum assessment described herein (as approved by the property owners), the new or increased assessment must be confirmed through another property owner protest ballot proceeding before such an assessment may be imposed. It should be noted that an increased assessment to an individual property resulting from changes in development or land use does not constitute an increased assessment.

3. PLANS AND SPECIFICATIONS

3.1 Description of the District

The territory within the District consists of the lots, parcels and subdivisions of land within the residential subdivision known as the Las Lomas (Woodridge), Tract 2525-1, which encompasses an area of land totaling approximately one hundred and eleven acres (111.20 acres).

This residential subdivision includes one hundred forty-three (143) single-family residential units; thirty-five (35) condominium/senior housing units; and a single one hundred (100) unit multi-family residential project at build-out. Due to parcel splits the multi-family residential project is spread over three parcels. The planned subdivision is situated in the southeast portion of the City of Atascadero and is generally located:

- South and east of Halcon Road;
- East of Highway 101 and El Camino Real
- South and west of the Southern Pacific Railroad Tracks; and
- North of Salinas Road and Santa Cruz Road

3.2 Improvements and Services Authorized by the 1972 Act

As generally defined by the 1972 Act and applicable to this District, the improvements and associated assessments may include one or more of the following:

- 1) The installation or planting of landscaping;
- 2) The installation or construction of statuary, fountains, and other ornamental structures and facilities;
- 3) The installation or construction of public lighting facilities including, but not limited to street lights and traffic signals;
- 4) The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof;
- 5) The installation of park or recreational improvements, including, but not limited to, all of the following:
 - a) Land preparation, such as grading, leveling, cutting and filling, sod, landscaping, irrigation systems, sidewalks, and drainage.
 - b) Lights, playground equipment, play courts, and public restrooms.
- 6) The acquisition of land for park, recreational, or open-space purposes or any existing improvement otherwise authorized pursuant to this section.
- 7) The maintenance or servicing, of any of the foregoing including the furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement including but not limited to:
 - a) Repair, removal, or replacement of all or any part of any improvements;
 - b) Grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;

- c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;
 - d) The removal of trimmings, rubbish, debris, and other solid waste;
 - e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;
 - f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;
 - g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.
- 8) Incidental expenses associated with the improvements including, but not limited to:
- a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;
 - b) The costs of printing, advertising, and the publishing, posting and mailing of notices;
 - c) Compensation payable to the County for collection of assessments;
 - d) Compensation of any engineer or attorney employed to render services;
 - e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
 - f) Costs associated with any elections held for the approval of a new or increased assessment.

3.3 Description of Improvements and Services

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. The improvements may consist of all or a portion of the public landscaped areas, street lighting and appurtenant facilities within and adjacent to the District (Tract 2525-1). These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or rights-of-way constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The improvements to be maintained and funded entirely or partially through the District assessments are generally described as:

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2525-1 that are within the public rights-of-way or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2525-1;
- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as part of the residential development or landscaped improvement areas
- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;

- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner’s Association or similar entity.

Detailed maps and descriptions of the location and extent of the specific improvements to be maintained by the District are on file in the Office of Public Works and by reference are made part of this Report. Those portions of the District improvements that may be identified as general benefit or will be funded in whole or in part by other revenue sources as part of the approved development agreements, will not be included as part of the District assessments. The net annual cost to provide and maintain the improvements determined to be of special benefit shall be allocated to each property in proportion to the special benefits received.

3.3.1 LANDSCAPE IMPROVEMENTS

The landscape improvements for the District may include, but are not limited to turf, ground cover, shrubs and plants, trees, irrigation and drainage systems, ornamental lighting, masonry walls or other fencing, hardscape improvements, monuments, and associated appurtenant facilities located within the landscape easements or public rights-of-way. Specifically, the landscape improvement areas for this District are identified as:

- Approximately 34,420 square feet of streetscape landscaping and trees within the public rights-of-way along or adjacent to Halcon Road, Calle Milano, Via Cielo and Eliano Street including but not limited to approximately 27,200 square feet of parkway landscaping and 7,220 square feet of median landscaping;
- Approximately 220,850 square feet (5.07 acres) of landscaped slope areas within the District boundaries and adjacent to the residential properties, open space areas, drainage basins and streets of Tract 2525-1;
- Approximately 175,550 square feet (4.03 acres) of landscaped area in and around the two (2) drainage basins within Tract 2525-1;
- Approximately 106,460 square feet of non-irrigated open space area within the District;
- Approximately 1,981,980 square feet of non-irrigated open space area within the boundaries of the District associated with the development of the residential properties within Tract 2525-1;
- Approximately 225 street trees located within the public rights-of-way of the streets within Tract 2525-1 including but not limited to Calle Milano, Via Cielo, Eliano Street, Avion Road, Azor Lane and Alcotan Lane;
- Approximately 1,910 square feet of paths and trails, 45,265 square feet sidewalks and 6,100 linear feet of fencing within and adjacent to the various landscape improvement areas.

3.3.2 PUBLIC LIGHTING IMPROVEMENTS

The lighting improvements may include but are not limited to the cost of providing electrical energy and servicing of lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities associated with:

- There are five (5) public streetlights currently planned for Tract 2525-1. These streetlights are located on Calle Milano between Halcon Road and Eliano Street (The entryway to the residential properties within the District);
- Lighting facilities may also include but are not limited to safety lights, security lights or ornamental lights located within the various landscape improvement areas installed as part of the District's landscape improvements.

4. ESTIMATE OF COSTS

BUDGET	Total Budget	Costs Not Assessed	2022/23 Assessment
DIRECT COSTS			
Annual Costs			
Landscape Services	\$65,000	(2,250)	\$62,750
Landscape Supplies	2,000	0	2,000
Landscape Utilities	7,520	0	7,520
City Landscape Services	11,250	0	11,250
Other Maintenance Services	2,500	0	2,500
Total Annual Direct Costs	\$88,270	(\$2,250)	\$86,020
CAPITAL EXPENDITURES			
Special Projects	\$10,000	\$0	\$10,000
Total Annual Special Projects	\$10,000	\$0	\$10,000
ADMINISTRATION EXPENSES			
Annual Administration Expenses			
City Annual Administration	\$1,400	\$0	\$1,400
Engineer's Report & Services	4,530	0	4,530
Public Noticing	510	0	510
Total Administration	\$6,440	\$0	\$6,440
TOTAL DIRECT & ADMINISTRATION COSTS	\$104,710	(\$2,250)	\$102,460
CAPITAL RESERVE COLLECTIONS/(USES)			
Landscape Rehabilitation/Replacement	\$3,128	\$0	\$3,128
Median Rehabilitation/Replacement	138	0	138
Open Space Rehabilitation/Replacement	1,000	(250)	750
Tree Rehabilitation/Replacement	5,806	0	5,806
Slope Rehabilitation/Replacement	3,754	0	3,754
Other Rehabilitation/Replacement	741	0	741
Total Annual Capital Reserve Collections/(Uses)	\$14,567	(\$250)	\$14,317
LEVY ADJUSTMENTS			
Interest Income - Improvement Fund	(\$1,801)	\$0	(\$1,801)
Interest Income - Operating Reserve Fund	(1,329)	0	(1,329)
Contribution from Other Sources	(2,500)	(2,500)	0
Reserve Collection/(Use)	(43,195)	0	(43,195)
Total Levy Adjustments	(\$48,825)	(\$2,500)	(\$46,325)
BALANCE TO LEVY	\$70,452	\$0	\$70,452
DISTRICT STATISTICS			
Total Parcels			191
Parcels Levied			181
Total EBU ⁽¹⁾			231.75
Levy per EBU			\$304.00
Maximum Levy per EBU			\$2,122.65
FUND BALANCE INFORMATION			
Beginning Operating Reserve Balance			\$45,405
Operational Reserve Interest			1,329
Surplus Transfer from Improvement Fund			60,330
Operational Reserve Collection (Use)			(46,325)
Estimated Ending Operating Reserve Balance			\$60,739
Beginning Improvement Fund Balance			\$126,380
Improvement Fund Interest			1,801
Surplus Transfer to Operations Fund			(60,330)
Improvement Fund Collection/(Use)			14,567
Estimated Ending Improvement Fund Balance			\$82,418

⁽¹⁾ Levy per EBU rate does not include the County of San Luis Obispo fee of \$2.00 per parcel



5. METHOD OF ASSESSMENT

5.1 General

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements, which include the construction, maintenance, and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

“The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.”

The method of apportionment described in this Report for allocation of special benefit assessments utilizes commonly accepted engineering practices and have been established pursuant to the 1972 Act and the provisions of Article XIIIID. The formulas used for calculating assessments reflects the composition of parcels within the District and the improvements and services provided, to fairly apportion the costs based on the special benefits to each parcel.

5.2 Benefit Analysis

Each of the proposed improvements, the associated costs and assessments have been carefully reviewed, identified and allocated based on special benefit pursuant to the provisions of the 1972 Act and Article XIIIID. The improvements provided by this District and for which properties will be assessed have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the development plans and applicable portions of the City General Plan. As such, these improvements would be necessary and required of individual property owners for the development of such properties and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of ensuring the maintenance and operation of the improvements are a distinct and special benefit to the properties within the District. Any improvement or portion thereof that is considered to be of general benefit shall be funded by other revenue sources and not included as part of the special benefit assessments allocated to properties within the District.

5.2.1 SPECIAL BENEFIT

The method of apportionment (method of assessment) established herein is based on the premise that each assessed parcel within the District receives special benefits from the improvements and the desirability and security of those properties is enhanced by the presence of public lighting and well-maintained landscaping in close proximity to those properties.

The special benefits associated with landscape improvements are specifically:

- Enhanced desirability of properties through association with the improvements.

- Improved aesthetic appeal of properties providing a positive representation of the area and properties.
- Enhanced adaptation of the urban environment within the natural environment from adequate green space and landscaping
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention.
- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties.
- Enhanced quality of life through well-maintained green space and landscaped areas.
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti.
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of street lighting and other public lighting facilities are the convenience, safety, and security of property, improvements, and goods. Specifically:

- Enhanced deterrence of crime and the aid to police protection.
- Increased nighttime safety on roads, streets and public areas.
- Improved ability of pedestrians and motorists to see.
- Improved ingress and egress to property.
- Reduced vandalism and other criminal act and damage to improvements or property.
- Improved traffic circulation and reduced nighttime accidents and personal property loss.

The preceding special benefits contribute to the esthetic value and desirability of each of the assessed parcels within the District and thereby provide a special enhancement of the properties. Furthermore, it has been determined that the lack of funding to properly service and maintain the District improvements would have a negative impact on the properties within the District.

5.2.2 GENERAL BENEFIT

In reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District as well as the reasons for installing and constructing such improvements, it is evident that the improvements are solely the result of developing properties within the District and the ongoing maintenance and operation of these improvements will directly affect the properties within the District. Although the improvements include public areas, easements, rights-of-way and other amenities available or visible to the public at large, the construction and installation of these improvements (except portions of the open space areas) were only necessary for the development of properties within the District and were not required nor necessarily desired by any properties or developments outside the District boundary and any public access or use of the improvements by others is incidental. Therefore, it has been determined that the improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District or to the public at large, but clearly provide distinct and special benefits to properties within the District. With respect to the open space areas, these areas are an integral part of property development within the District and clearly provide a direct and special benefit those properties. However, it is

also recognized that the majority of this open space area is located on the perimeter of the District and is directly accessible from surrounding properties and the public at large. Therefore, it has been determined that up to twenty-five percent (25%) of the costs to maintain this area shall be allocated as general benefit and not assessed as part of the District's special benefit assessments

5.3 Assessment Methodology

The method of apportionment for the District calculates the receipt of special benefit from the respective improvements based on the actual or proposed land use of the parcels within the District. The special benefit received by each lot or parcel is equated to the overall land use of parcels within the District based on the parcel's actual land use or proposed development.

The costs associated with the improvements shall be fairly distributed among the parcels based upon the special benefit received by each parcel. Additionally, in compliance with the Article XIID Section 4, each parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred to that parcel. The benefit formula used to determine the assessment obligation is therefore based upon both the improvements that benefit the parcels within the District as well as the proposed land use of each property as compared to other parcels that benefit from those specific improvements.

To identify and determine the special benefit to be received by each parcel and their proportionate share of the improvement costs it is necessary to consider the entire scope of the planned improvements as well as individual property development within the District. Upon review of the proposed improvements it has been determined that each of the residential parcels within the District receives special benefits from the improvements to be funded by annual assessments and based on the planned property development a single zone of benefit is appropriate for the allocation of the assessments and proportional benefit.

5.3.1 EQUIVALENT BENEFIT UNITS:

To assess benefits equitably it is necessary to relate each property's proportional special benefits to the special benefits of the other properties within the District. The method of apportionment established for most districts formed under the 1972 Act utilizes a weighted method of apportionment known as an Equivalent Benefit Unit methodology that uses the single-family home site as the basic unit of assessment. A single-family home site equals one Equivalent Benefit Unit (EBU) and the other land uses are converted to a weighted EBU based on an assessment formula that equates the property's specific development status, type of development (land use), and size of the property, as compared to a single-family home site.

Although the Equivalent Benefit Unit method of apportioning special benefit is most commonly used and applied to districts that have a wide range of land use classifications (residential and non-residential use), this District is comprised of only residential properties and the following apportionment analysis of special benefit addresses only residential land uses. Not all land use types described in the following are necessarily applicable to the development of properties within this District, but are presented for comparison purposes to support the proportional special benefit applied to those land use types within the District.

5.3.2 EBU APPLICATION BY LAND USE:

- (1) **Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against regarding special benefit (i.e. Equivalent Benefit Unit “EBU”).
- (2) **Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel’s total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single-family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for remaining units.
- (3) **Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).
- (4) **Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a

single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).

(5) Vacant Residential — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).

(6) Exempt Parcels — This land use identifies properties that are not assessed and are assigned 0.00 EBU. This land use classification may include but is not limited to:

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of-way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District;
- Private properties that cannot be developed independently from an adjacent property, such as common areas, sliver parcels or bifurcated lots or properties with very restrictive development use;

These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment, but shall be reviewed annually by the assessment engineer to confirm the parcels' current development status. Government owned properties or public properties are not necessarily exempt properties and shall be subject to special benefit assessment unless it qualifies for an exempt status.

(7) Special Cases — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel may be identified as a Vacant Residential property, however only a small percentage of the parcel's

total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel

The following table provides a summary of land use classifications and the Equivalent Benefit Unit calculations previously outlined.

Property Type	Equivalent Benefit Units	Multiplier
Single-family Residential	1.00	Per Unit/Lot/Parcel
Multi-family Residential	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Condominium/Townhome Units	0.75	Per Unit
Planned Residential Development	1.00	Per Planned SF Residential Lot
	0.75	Per Planned Condominium
	0.75	Per Unit for the First 50 Units
	0.50	Per Unit for Units 51-100
	0.25	Per Unit for all Remaining Units
Vacant Residential Land	1.00	Per Acre
Exempt Parcels	0.00	Per Parcel

The following formula is used to calculate each parcel’s EBU (proportional benefit).

$$\text{Parcel Type EBU} \times \text{Acres or Units} = \text{Parcel EBU}$$

The total number of Equivalent Benefit Units (EBU’s) is the sum of the individual EBU's applied to parcels that receive special benefit from the improvements. An assessment amount per EBU (Assessment Rate) for the improvements is established by taking the total cost of the improvements and dividing that amount by the total number of EBU’s of the parcels benefiting from the improvements. This Rate is then applied back to each parcel’s individual EBU to determine the parcel’s proportionate benefit and assessment obligation for the improvements.

$$\text{Total Balance to Levy} / \text{Total EBU} = \text{Levy per EBU}$$

$$\text{Levy per EBU} \times \text{Parcel EBU} = \text{Parcel Levy Amount}$$

5.4 Assessment Range Formula

Any new or increased assessment requires certain noticing and meeting requirements by law. Prior to the passage of Proposition 218 (California Constitution Articles XIIC and XIID), legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The purpose of establishing an Assessment Range Formula is to provide for reasonable increases and inflationary adjustment to annual assessments without requiring costly noticing and mailing procedures, which could add to the District costs and assessments. As part of the District formation, the notice and assessment ballots presented to the property owners for approval included a maximum assessment



amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

The Assessment Range Formula for this District shall be applied to future assessments and is generally defined:

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 5.1934% for Fiscal Year 2022/23.

Beginning with Fiscal Year 2006/2007 and each fiscal year thereafter, the Maximum Assessment Rate has been recalculated and a new Maximum Assessment Rate is established for the fiscal year utilizing the Assessment Range Formula described above. The Maximum Assessment Rate is calculated independent of the District’s annual budget and proposed assessment. The annual percentage change in CPI is based on available data provided by the U.S. Department of Labor; Bureau of Labor Statistics at the time the annual Report is prepared. Should the Bureau of Labor Statistics revise such index or discontinue the preparation of such index, the City shall use the revised index or comparable system as approved by the City Council for determining fluctuations in the cost of living. In January 2018, BLS introduced a new geographic area sample for the CPI. As part of the change the index for this area was renamed from San Francisco-Oakland-San Jose to San Francisco-Oakland-Hayward. The metropolitan area is comprised of Alameda, Contra Costa, Marin, San Francisco and San Mateo Counties in the State of California. This CPI has and will be used in all subsequent reports or until such time there is a revision per the BLS and approval from the City Council.

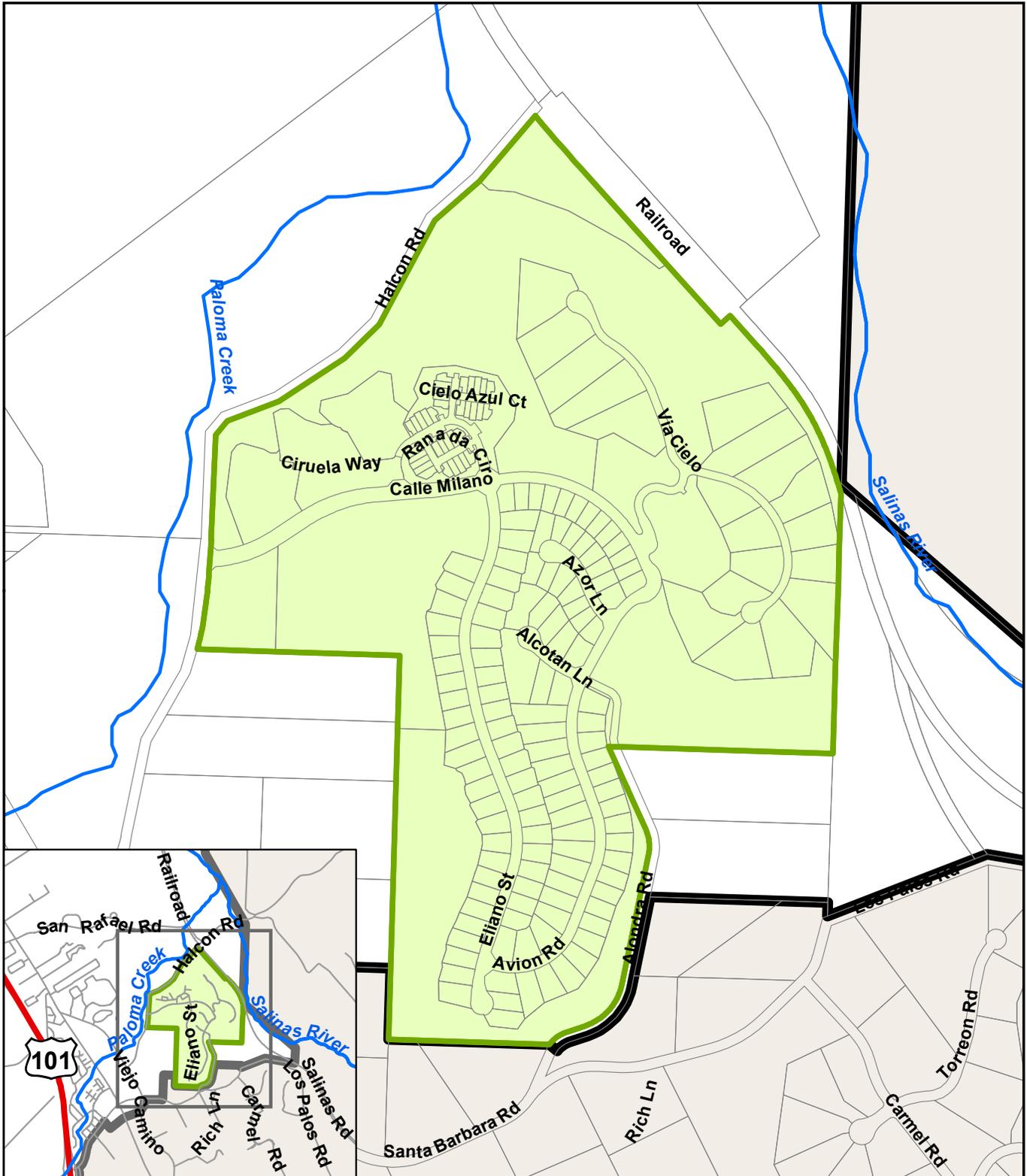
Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the method of apportionment that increase the proportional special benefit assigned to a particular land use classification would be considered an increased assessment. Conversely, reductions in the proportional special benefit assigned to a land use classifications are permitted. Changes in land use or size of an individual property resulting in an assessment increase, is not considered an increased assessment.

To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of Article XIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the public hearing and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

6. ASSESSMENT DIAGRAM

The parcels within the Landscaping and Lighting District No. 02 Las Lomas (Woodridge) consist of the lots, parcels and subdivisions of land located in the planned residential development known as Las Lomas (Woodridge), Tract 2525-1. The District covers approximately one hundred and eleven acres (111.20 acres) in the southeast portion of the City of Atascadero.

The following map is based on the District Diagram, the San Luis Obispo County Assessor's Maps and the San Luis Obispo County Assessor's information and identifies the parcels of land within the proposed District, as the same existed at the time the District was formed. The combination of the District Diagram on file with the City Clerk and the Assessment Roll contained in this Report constitute the District Assessment Diagram.



CITY OF ATASCADERO

LAS LOMAS

Street and Storm Drain Maintenance District No. 2
Landscaping and Lighting District No. 2



Print Date: 5/13/2015
Printed by: City of Atascadero
GIS Division

7. ASSESSMENT ROLL

Parcel identification for each lot or parcel within the District is based on the Assessment Diagram presented herein and is based on available parcel maps and property data from the San Luis Obispo County Assessor's Office at the time the Engineer's Report was prepared. A listing of the lots and parcels to be assessed within this District along with the assessment amounts is provided herein.

Non-assessable lots or parcels may include, but are not limited to public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, open space areas, rights-of-way, common areas; landlocked parcels, small parcels vacated by the County, bifurcated lots, and any other property that cannot be developed or has little or no value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from assessment.

If any parcel submitted for collection is identified by the County Auditor/Controller to be an invalid parcel number for the fiscal year, a corrected parcel number and/or new parcel numbers will be identified and resubmitted to the County Auditor/Controller. The assessment amount to be levied and collected for the resubmitted parcel or parcels shall be based on the method of apportionment and assessment rate described in this Report as approved by the City Council. Therefore, if a single assessor's parcel has a status change in development, other land use change, or subdivides into multiple assessor's parcels, the assessment amounts applied to each of the new assessor's parcels shall be recalculated and applied according to the approved method of apportionment and assessment rate rather than a proportionate share of the original assessment amount.

City of Atascadero
Landscaping & Lighting Maint Dist No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-311-014	9341 DECHADO WAY	MFR	\$5,402.08
045-311-015	9261 LOS OLIVOS CIR	MFR	7,548.32
045-311-016	9110 CIRUELA WAY	MFR	6,049.60
045-312-001	9510 ALCOTAN RD	SFR	304.00
045-312-002	9520 ALCOTAN RD	SFR	304.00
045-312-003	11400 ELIANO ST	SFR	304.00
045-312-004	11390 ELIANO ST	SFR	304.00
045-312-005	11380 ELIANO ST	SFR	304.00
045-312-006	11370 ELIANO ST	SFR	304.00
045-312-007	11360 ELIANO ST	SFR	304.00
045-312-008	11350 ELIANO ST	SFR	304.00
045-312-009	11340 ELIANO ST	SFR	304.00
045-312-010	11320 ELIANO ST	SFR	304.00
045-312-011	11310 ELIANO ST	SFR	304.00
045-312-012	11305 ELIANO ST	SFR	304.00
045-312-013	11325 ELIANO ST	SFR	304.00
045-312-014	11335 ELIANO ST	SFR	304.00
045-312-015	11355 ELIANO ST	SFR	304.00
045-312-016	11365 ELIANO ST	SFR	304.00
045-312-017	11385 ELIANO ST	SFR	304.00
045-312-018	11395 ELIANO ST	SFR	304.00
045-312-019	11405 ELIANO ST	SFR	304.00
045-312-020	11415 ELIANO ST	SFR	304.00
045-312-021	11425 ELIANO ST	SFR	304.00
045-312-022	11435 ELIANO ST	SFR	304.00
045-312-023	9400 CALLE MILANO	SFR	304.00
045-312-024	9410 CALLE MILANO	SFR	304.00
045-312-025	9420 CALLE MILANO	SFR	304.00
045-312-026	9430 CALLE MILANO	SFR	304.00
045-312-027	9440 CALLE MILANO ST	SFR	304.00
045-312-028	9450 CALLE MILANO	SFR	304.00
045-312-029	9460 CALLE MILANO	SFR	304.00
045-312-030	9470 CALLE MILANO	SFR	304.00
045-312-031	9480 CALLE MILANO	SFR	304.00
045-312-032	9490 CALLE MILANO	SFR	304.00
045-312-033	9500 CALLE MILANO	SFR	304.00
045-312-034	9510 CALLE MILANO RD	SFR	304.00
045-312-035	9520 CALLE MILANO RD	SFR	304.00
045-312-036	9535 AZOR LN	SFR	304.00
045-312-037	9525 AZOR LN	SFR	304.00
045-312-038	9515 AZOR LN	SFR	304.00
045-312-039	9505 AZOR LN	SFR	304.00

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-312-040	9495 AZOR LN	SFR	304.00
045-312-041	9485 AZOR LN	SFR	304.00
045-312-042	9475 AZOR LN	SFR	304.00
045-312-043	9465 AZOR LN	SFR	304.00
045-312-044	9470 AZOR LN	SFR	304.00
045-312-045	9480 AZOR RD	SFR	304.00
045-312-046	9500 AZOR LN	SFR	304.00
045-312-047	9520 AZOR LN	SFR	304.00
045-312-048	9530 AZOR LN	SFR	304.00
045-312-049	9540 AZOR LN	SFR	304.00
045-312-050	9550 AZOR LN	SFR	304.00
045-312-051	9515 ALCOTAN RD	SFR	304.00
045-312-052	9505 ALCOTAN RD	SFR	304.00
045-312-053	9495 ALCOTAN RD	SFR	304.00
045-312-054	9485 ALCOTAN RD	SFR	304.00
045-312-055	9475 ALCOTAN RD	SFR	304.00
045-312-056	9500 ALCOTAN RD	SFR	304.00
045-313-001	11455 MONTE VERDE DR	SFV	304.00
045-313-002	9500 VIA CIELO	SFR	304.00
045-313-003	9550 VIA CIELO	SFR	304.00
045-313-004	9600 VIA CIELO RD	SFR	304.00
045-313-005	9650 VIA CIELO RD	SFR	304.00
045-313-006	9700 VIA CIELO RD	SFR	304.00
045-313-007	9655 VIA CIELO RD	SFR	304.00
045-313-008	9625 VIA CIELO	SFR	304.00
045-313-009	9575 VIA CIELO	SFR	304.00
045-313-010	9565 VIA CIELO	SFR	304.00
045-313-011	9555 VIA CIELO	SFR	304.00
045-313-012	9505 VIA CIELO	SFR	304.00
045-313-013	9515 VIA CIELO	SFR	304.00
045-313-014	9525 VIA CIELO	SFR	304.00
045-313-015	9535 VIA CIELO	SFR	304.00
045-313-018	9350 VIA CIELO	SFR	304.00
045-313-019	9402 VIA CIELO LN	SFR	304.00
045-313-020	9450 VIA CIELO	SFR	304.00
045-313-021	11450 MONTE VERDE	SFR	304.00
045-313-026	9250 VIA CIELO	SFR	304.00
045-313-027	9300 VIA CIELO	SFR	304.00
045-314-001	11290 ELIANO ST	SFR	304.00
045-314-002	11280 ELIANO ST	SFR	304.00
045-314-003	11270 ELIANO ST	SFR	304.00
045-314-004	11260 ELIANO ST	SFR	304.00

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-314-005	11250 ELIANO ST	SFR	304.00
045-314-006	11240 ELIANO ST	SFR	304.00
045-314-007	11220 ELIANO ST	SFR	304.00
045-314-008	11215 ELIANO ST	SFR	304.00
045-314-009	11225 ELIANO ST	SFR	304.00
045-314-010	11235 ELIANO ST	SFR	304.00
045-314-011	11245 ELIANO ST	SFR	304.00
045-314-012	11255 ELIANO ST	SFR	304.00
045-314-013	11265 ELIANO ST	SFR	304.00
045-314-014	11275 ELIANO ST	SFR	304.00
045-314-015	11285 ELIANO ST	SFR	304.00
045-314-016	11290 AVION RD	SFR	304.00
045-314-017	11280 AVION RD	SFR	304.00
045-314-018	11270 AVION RD	SFR	304.00
045-314-019	11260 AVION RD	SFR	304.00
045-314-020	11250 AVION RD	SFR	304.00
045-314-021	11240 AVION RD	SFR	304.00
045-314-022	11230 AVION RD	SFR	304.00
045-314-023	11210 AVION RD	SFR	304.00
045-314-024	11200 AVION RD	SFR	304.00
045-314-025	11205 AVION RD	SFR	304.00
045-314-026	11215 AVION RD	SFR	304.00
045-314-027	11225 AVION RD	SFR	304.00
045-314-028	11235 AVION RD	SFR	304.00
045-314-029	11245 AVION RD	SFR	304.00
045-314-030	11255 AVION RD	SFR	304.00
045-314-031	11275 AVION RD	SFR	304.00
045-314-032	11285 AVION RD	SFR	304.00
045-314-033	11295 AVION RD	SFR	304.00
045-315-001	11210 ELIANO ST	SFR	304.00
045-315-002	11190 ELIANO ST	SFR	304.00
045-315-003	11180 ELIANO ST	SFR	304.00
045-315-004	11170 ELIANO ST	SFR	304.00
045-315-005	11160 ELIANO ST	SFR	304.00
045-315-006	11150 ELIANO ST	SFR	304.00
045-315-007	11140 ELIANO ST	SFR	304.00
045-315-008	11130 ELIANO ST	SFR	304.00
045-315-009	11120 ELIANO ST	SFR	304.00
045-315-010	11105 ELIANO ST	SFR	304.00
045-315-011	11115 ELIANO ST	SFR	304.00
045-315-012	11125 ELIANO ST	SFR	304.00
045-315-013	11100 AVION RD	SFR	304.00

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-315-014	11165 ELIANO ST	SFR	304.00
045-315-015	11185 ELIANO ST	SFR	304.00
045-315-016	11195 ELIANO ST	SFR	304.00
045-315-017	11205 ELIANO ST	SFR	304.00
045-315-018	11180 AVION RD	SFR	304.00
045-315-019	11170 AVION RD	SFR	304.00
045-315-020	11160 AVION RD	SFR	304.00
045-315-021	11150 AVION RD	SFR	304.00
045-315-022	11130 AVION RD	SFR	304.00
045-315-023	11110 AVION RD	SFR	304.00
045-315-024	11105 AVION RD	SFR	304.00
045-315-025	11115 AVION RD	SFR	304.00
045-315-026	11125 AVION RD	SFR	304.00
045-315-027	11135 AVION RD	SFR	304.00
045-315-028	11145 AVION RD	SFR	304.00
045-315-029	11155 AVION RD	SFR	304.00
045-315-030	11165 AVION RD	SFR	304.00
045-315-031	11175 AVION RD	SFR	304.00
045-315-032	11185 AVION RD	SFR	304.00
045-315-033	11195 AVION RD	SFR	304.00
045-316-041	9350 RIBERENA CIR	CON	228.00
045-316-042	9352 RIBERENA CIR	CON	228.00
045-316-043	9354 RIBERENA CIR	CON	228.00
045-316-044	9356 RIBERENA CIR	CON	228.00
045-316-045	9358 RIBERENA CIR	CON	228.00
045-316-046	9360 RIBERENA CIR	CON	228.00
045-316-047	9362 RIBERENA CIR	CON	228.00
045-316-048	9364 RIBERENA CIR	CON	228.00
045-316-049	9366 RIBERENA CIR	CON	228.00
045-316-050	9368 RIBERENA CIR	CON	228.00
045-316-051	9369 RIBERENA CIR	CON	228.00
045-316-052	9367 RIBERENA CIR	CON	228.00
045-316-053	9374 RIBERENA CIR	CON	228.00
045-316-054	9363 RIBERENA CIR	CON	228.00
045-316-055	9361 RIBERENA CIR	CON	228.00
045-316-056	9355 RANADA CIR	CON	228.00
045-316-057	9357 RANADA CIR	CON	228.00
045-316-058	9359 RANADA CIR	CON	228.00
045-316-059	9361 RANADA CIR	CON	228.00
045-316-060	9363 RANADA CIR	CON	228.00
045-316-061	9371 CADENCIA CT	CON	228.00
045-316-062	9373 CADENCIA CT	CON	228.00

Slight variances may occur due to rounding

City of Atascadero
Landscaping & Lighting Maint Dist No. 2
Final Billing Detail Report for Fiscal Year 2022/23

APN	Address	Land Use	Levy Amount
045-316-063	9375 CADENCIA CT	CON	228.00
045-316-064	9377 CADENCIA CT	CON	228.00
045-316-065	9379 CADENCIA CT	CON	228.00
045-316-066	9381 CIELO AZUL CT	CON	228.00
045-316-067	9383 CIELO AZUL CT	CON	228.00
045-316-068	9385 CIELO AZUL CT	CON	228.00
045-316-069	9387 CIELO AZUL CT	CON	228.00
045-316-070	9389 CIELO AZUL CT	CON	228.00
045-316-071	9388 CIELO AZUL CT	CON	228.00
045-316-072	9386 CIELO AZUL CT	CON	228.00
045-316-073	9384 CIELO AZUL CT	CON	228.00
045-316-074	9382 CIELO AZUL CT	CON	228.00
045-316-075	9380 CIELO AZUL CT	CON	228.00
181 Accounts			\$70,452.00
181 Total Accounts			\$70,452.00



Atascadero City Council

Staff Report – Public Works

Adoption of Atascadero Transit’s Updated Title VI Plan 2022-2025

RECOMMENDATION:

Council adopt Atascadero Transit’s updated Title VI Plan for 2022-2025.

DISCUSSION:

Title VI of the Federal Civil Rights Act prohibits discrimination by recipients of Federal financial assistance on the basis of race, color, and national origin, including the denial of meaningful access for limited English proficient (LEP) persons. The Federal Transit Administration (FTA) requires that all funding recipients document their compliance by submitting a Title VI Plan to the FTA regional civil rights officer once every three years.

Atascadero Transit’s Title VI Plan ensures that Atascadero Dial-A-Ride services are provided in a nondiscriminatory manner and the opportunity for full and fair participation is offered to riders and community members. Additionally, through this plan, Atascadero Transit examines the need for services and materials for persons for whom English is not their primary language and who have a limited ability to read, write, speak or understand English.

Atascadero Transit’s Title VI Policy was originally adopted by the City Council in May 2019. In order to maintain compliance with current Federal Transit Administration (FTA) regulations, updates are required every three years.

The required Title VI Plan updates for 2022-2025 are in Section I, Plan Statement and Section VII, Community Outreach as shown in the attached Plan.

ALTERNATIVE:

Provide modifications to the proposed plan as needed. Staff recommends caution in changes to the document in that Title VI policies are specific and need significant verification prior to adoption and submittal to the Federal government.

FISCAL IMPACT:

The City of Atascadero benefits from FTA capital and operating assistance funding. Federal funds could be withheld from Atascadero Transit should the City fail to submit a Title VI Plan. FTA funds are vital to ensure that Dial-A-Ride can continue to provide safe transportation to our residents.

ATTACHMENTS:

1. Draft Resolution
2. Title VI Plan / Limited English Proficiency Program

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING
THE UPDATED TITLE VI PLAN AND LIMITED ENGLISH
PROFICIENCY PLAN FOR ATASCADERO TRANSIT SERVICES**

WHEREAS, the City of Atascadero receives funds from the Federal Transit Administration (FTA) for capital and operating assistance funds; and

WHEREAS, the City of Atascadero provides demand response transit services within the Atascadero city limits; and

WHEREAS, the City of Atascadero assures that no person or group will, on the basis of race, color, national origin or limited English proficiency be subjected to discrimination in the level and quality of transportation services, programs, or activities provided by the City, whether Federally funded or not; and

WHEREAS, the City of Atascadero's Title VI Plan was adopted by the City Council in May 2019; and

WHEREAS, the Federal Transit Administration requires transit operators to submit a Title VI Plan update every three years as a condition of receipt of FTA funds; and

WHEREAS, the City of Atascadero has prepared the Updated Title VI Plan, attached hereto and incorporated herein as Exhibit "A", in accordance with FTA Circular 4702.1B.

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. Approval. The City of Atascadero's Title VI Plan and Limited English Proficiency Program for the Atascadero Transit Services, attached hereto and incorporated herein as Exhibit "A", is approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Atascadero held this __th day of May, 2022.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

CITY OF ATASCADERO



TITLE VI PLAN

Title VI of the Civil Rights Act of 1964

DRAFT May ~~15, 2019~~10, 2022

~~May 15, 2019 – May 14, 2022~~

May 1, 2022 – April 30, 2025

Contact Information:

~~Dawn Patterson~~Alicia King, Title VI Coordinator
6500 Palma Avenue
Atascadero, CA 93422

Office: 805-470-3180

Email: ~~DPatterson@atascadero.org~~

Email: AKing@atascadero.org

- To obtain services or copies in an alternate format or language, please contact ~~Dawn Patterson~~Alicia King at (805) 470-3180.

~~(Spanish) Para recibir servicios o copias en otro formato o idioma, contacte a Tess Ramirez at (805) 470-3486.~~



TITLE VI PLAN

I. PLAN STATEMENT

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance. Specifically, Title VI provides that "no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance" (42 U.S.C. Section 2000d).

The City of Atascadero's (City) transit services (Atascadero Transit) is committed to ensuring that no person is excluded from participation in, or denied the benefits of its services on the basis of race, color, or national origin, [age, disability, genetic information, pregnancy, ethnicity, family or marital status, religion, sexual orientation, gender identity or expression, language, physical or mental disability, political affiliation, socio-economic status, veteran status, or other discrimination types](#) as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B. [and prohibited by the laws enforced by FHWA, USDOT, USDOJ, or other federally funded programs.](#)

This plan was developed to guide the City of Atascadero in its administration and management of Title VI-related activities.

Title VI Coordinator Contact information:

[Dawn Patterson](#)
[Alicia King](#)
City of Atascadero / Atascadero Transit
6500 Palma Avenue
Atascadero, California 93422
DPatterson@atascadero.org
AKing@atascadero.org

As of July 1, 2014, the City of Atascadero contracts with MV Transportation, Inc. for the driver services of Atascadero Transit. The contractor(s), by extension, will also assist and comply with the adopted Title VI policy.

II. TITLE VI INFORMATION DISSEMINATION

Title VI information posters shall be publicly displayed in the City owned Atascadero Transit facility and on the revenue vehicles. The plan information, along the contact information for the Title VI coordinator is available on the City of Atascadero website, at www.atascadero.org. Additional information relating to nondiscrimination obligation can be obtained from the Atascadero Transit Title VI Coordinator.

Title VI information shall be provided to Atascadero Transit employees annually via the Employee Education form (see Appendix A) at the beginning of the calendar year. This form reminds employees



of the Atascadero Transit policy statement, and of their Title VI responsibilities in their daily work and duties. During new employee Orientation, new employees shall be informed of the provisions of Title VI, and the expectations to perform their duties accordingly.

All employees shall be provided with a copy of the Title VI Plan and are required to sign the Acknowledgement of Receipt (see Appendix B).

Title VI information shall also be made available in non-English languages, consistent with the City's Limited English Proficiency (LEP) plan.

III. SUBCONTRACTS AND VENDORS

All subcontractors and vendors who receive payments from Atascadero Transit where funding originates from any federal assistance are subject to the provisions of Title VI of the Civil Rights Act of 1964 as amended. Written contracts shall contain non-discrimination language, either directly or through the bid specification package which becomes an associated component of the contract.

IV. RECORD KEEPING:

The Title VI Coordinator will maintain permanent records, which include, but are not limited to, signed acknowledgements of receipt from the employees indicating the receipt of the Atascadero Transit Title VI Plan, copies of Title VI complaints or lawsuits and related documentation, and records of correspondence to and from complainants, and Title VI investigations.

V. TITLE VI COMPLAINT PROCEDURES

How to file a Title VI Complaint?

The complainant may file a signed, written complaint up to thirty (30) days from the date of the alleged discrimination. The complaint should include the following information:

- Your name, mailing address, and contact information (telephone number, email address, etc.).
- How, when, where and why you believe you were discriminated against. Include the location, names and contact information of any witnesses.
- Other information you deem significant.

The Title VI Complaint Form (see Appendix C) may be used to submit the complaint information. The complaint may be filed in writing with Atascadero Transit at the following address:

Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422
DPattersonAKing@atascadero.org

NOTE: Atascadero Transit encourages all complainants to certify all mail that is sent through the U.S. Postal Service and/or ensure that all written correspondence can be tracked easily. For complaints



originally submitted by facsimile, an original, signed copy of the complaint must be mailed to the Title VI Coordinator as soon as possible, but no later than 30 days from the alleged date of discrimination.

What happens to the complaint after it is submitted?

All complaints alleging discrimination based on race, color or national origin in a service provided by Atascadero Transit will be directly addressed by Atascadero Transit. The City shall also provide appropriate assistance to complainants, including those persons with disabilities, or who are limited in their ability to communicate in English. Additionally, the City shall make every effort to address all complaints in an expeditious and thorough manner.

A letter of acknowledging receipt of complaint will be mailed within thirty (30) days (Appendix D). Please note that in responding to any requests for additional information, a complainant's failure to provide the requested information may result in the administrative closure of the complaint.

How will the complainant be notified of the outcome of the complaint?

Atascadero Transit will send a final written response letter (see Appendix E or F) to the complainant. In the letter notifying complainant that the complaint is not substantiated (Appendix F), the complainant is also advised of his or her right to 1) appeal within seven calendar days of receipt of the final written decision from Atascadero Transit, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the FTA. Every effort will be made to respond to Title VI complaints within 30 working days of receipt of such complaints, if not sooner.

In addition to the complaint process described above, a complainant may file a Title VI complaint with the following offices:

**Federal Transit Administration Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor – TCR
1200 New Jersey Ave., SE
Washington, DC 20590**

VI. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Atascadero Transit has developed a Limited English Proficiency Plan (LEP) to help identify reasonable steps to provide language assistance for LEP persons seeking meaningful access to City services as required by Executive Order 13166. A Limited English Proficiency person is one who does not speak English as their primary language and who has a limited ability to read, speak, write, or understand English. This plan has detailed procedures on how to identify a person who may need language assistance, the ways in which assistance may be provided, training staff, how to notify LEP persons that assistance is available, and information for future plan updates.

In order to prepare this plan, the City utilized the U.S. Department of Transportation four factor LEP analysis which considers the following factors:

- 1) The number or proportion of LEP persons to be served or likely to be encountered in Atascadero Transit service.
- 2) The frequency with which LEP individuals come in contact with Atascadero Transit programs.
- 3) The nature and importance of programs, activities or service provided by Atascadero Transit to the LEP population.



4) The resources available to the City and overall costs to provide LEP assistance.

VII. COMMUNITY OUTREACH

As an agency receiving federal financial assistance, we have made the following community outreach efforts:

The City of Atascadero in collaboration with the San Luis Obispo Council of Governments (SLOCOG), informs the public of service changes and other important activities which pertain to transit service through a specific dissemination process. The following outlines the strategies and procedures that the City uses to encourage and include public participation in its decision-making process.

The City of Atascadero holds public meetings twice per month. At these meetings the public is welcome to attend and share in discussion with a variety of Community Outreach discussions. Additionally, Atascadero Transit works with other transit agencies in the service area and other stakeholder organizations to review and discuss the planning and has involvement is involved in the decision-making process. Atascadero Transit from time to time will provide on board survey handouts to customers for their feedback about a variety of issues.

Public Hearing and Comment Period for Fare Increase or Major Service Change

Atascadero Transit shall maintain an open and participative process including the consideration of public comment before any fare increase or major service change.

Public Noticing Requirements

Public notices shall inform the public of proposed actions which initiated the public comment process, how comments will be received, and, if applicable, the locations, dates, and times of scheduled public hearings or workshops. Prior to any public hearing or comment period, a public notice will be prepared and sent to the local media. At a minimum, this legal notice will be published in the local newspaper of general circulation. In addition, notices will be posted on all buses to further inform the public of an opportunity to participate in any fare increase or major service change decision making process.

Scheduling Public Hearing or Workshop Locations and Times

All facilities utilized for public workshops and hearings will be accessible to persons with disabilities. All major service changes and fare adjustments shall be adopted at a public hearing of the Atascadero City Council.

Procedure for Conducting Public Workshops

The City of Atascadero will offer an opportunity for public comment to all attendees at any public hearing or workshop, or an alternate method, the public may submit written comments. The purpose of the public hearing, proposed actions and any alternatives will be explained. All persons wishing to comment will have the opportunity to do so.

Documentation of Public Hearings

The Atascadero City Council minutes will provide record of all comments made at the public hearing on fare increases, major service changes, or any unmet transit needs. Records of all public comments will be maintained on file.

Addressing Public Comments Received



All comments received, whether in writing or verbally during a public hearing, will be entered into the public record of the comment process. Staff will evaluate and analyze all relevant comments received to see whether they are reasonable to meet.

Outreach to Engage Minority and Limited English Proficient Populations

Atascadero Transit will continue assessing the language needs of citizens in its service area. To the greatest extent possible, to elicit public participation from minority and Limited English Proficient (LEP) populations, Atascadero Transit will provide the following outreach opportunities:

- Schedule meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Coordinate with the community- and faith-based organizations, educational institutions, and other organizations to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Consider radio, or newspaper ads on stations and in publications that serve LEP populations.
- Provide opportunities for public participation through means other than written communication, such as personal interviews.

Summary of Outreach Efforts Made Since Last Title VI Program Submission

Below is a summary of specific outreach efforts made in the last three years (since the last Title VI Program submission):

- February 2020 – participate in SLOCOG Public Hearing: Unmet Transit Needs
- February 2021 – participate in SLOCOG Public Hearing: Unmet Transit Needs
- February 2022 – participate in SLOCOG Public Hearing: Unmet Transit Needs

Atascadero Transit relies upon the SLOCOG, the Metropolitan Planning Organization (MPO) to meet the public participation requirements for the Federal Transportation (FTA) Program of Projects (POP).

VIII. ACTIVE INVESTIGATION, LAWSUIT OR COMPLAINT

The City of Atascadero has had no active investigations, lawsuits or complaints alleging discrimination on the basis of race, color or national origin.

IX. BOARD DEMOGRAPHICS

Atascadero Transit board of directors (the City Council) consists entirely of elected members. Therefore, this does not apply.

X. EQUITY ANALYSIS FOR BUILDING SITE

No operational or maintenance facilities have been constructed. Therefore, this does not apply to Atascadero Transit.

XI. RESOLUTION APPROVING TITLE VI PLAN

A copy of this resolution can be found in Appendix H of this Plan. Adoption is anticipated on May ~~14,~~ 201910, 2022.



APPENDIX A

EMPLOYEE ANNUAL EDUCATION FORM

Title VI Policy

No person shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

All employees of Atascadero Transit (and MV Transportation Inc. as contracted for driver services) are expected to consider, respect, and observe this policy in their daily work and duties. If a citizen approaches you with a question or complaint, direct him or her to Dawn Patterson who is the Title VI Coordinator.

In all dealings with citizens, use courtesy titles (i.e. Mr., Mrs., Ms., or Miss) to address them without regard to race, color or national origin.



APPENDIX B ACKNOWLEDGEMENT OF RECEIPT OF TITLE VI PLAN

I hereby acknowledge the receipt of the Atascadero Transit Title VI Plan. I have read the plan and am committed to ensuring that no person is excluded from participation in, or denied the services on the basis of race, color, or national origin, as protected by Title VI in Federal Transit Administration (FTA) Circular 4702.1.B.

Your signature

Print your name

Date



APPENDIX C TITLE VI COMPLAINT FORM – ATASCADERO TRANSIT

Title VI of the 1964 Civil Rights Act requires that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” If you feel you have been discriminated against in the City of Atascadero services, please provide the following information in order to assist us in processing your complaint and send it to:

Please print clearly:

Name: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____(home) _____(cell) _____(work)

Email Address: _____

Person discriminated against: _____

Address of person discriminated against: _____

City, State, Zip Code: _____

Please indicate why you believe the discrimination occurred:

- _____ Race
- _____ Color
- _____ National Origin

What was the date of the alleged discrimination? _____

Where did the alleged discrimination take place? _____

Please explain as clearly as possible what happened and how you believe you were discriminated against. Indicate who was involved. : _____

Please list any and all witnesses’ names and phone numbers:



Have you previously filed a Title VI complaint with this agency?

Yes No

Have you filed this complaint with any other Federal, State, or local agency, or with any Federal or State court?

Yes No

If yes, check all that apply:

Federal Agency

Federal Court

State Court

State Agency

Local Agency

Please provide a contact person at the agency/court where the complaint was filed.

Name: _____

Title: _____

Agency: _____

Address: _____

Telephone: _____

Please attach any documents you have which support your complaint. Then date and sign this form and send to the Title VI Coordinator at:

~~Dawn Patterson~~[Alicia King](#), Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

Your signature

Date

Print your name



APPENDIX C TITLE VI COMPLAINT FORM – ATASCADERO TRANSIT

Título VI de la Ley de Derechos Civiles de 1964 requiere que “a ninguna persona en los Estados Unidos por motivos de raza, color u origen nacional, será excluido de la participación en, ni se le negarán los beneficios de, o ser objeto de discriminación en cualquier programa o actividad que reciba asistencia financiera federal.” Si usted siente que ha sido discriminado en los servicios de tránsito, por favor proporcione la siguiente información para poder ayudarle en el proceso de su queja y envíe la a:

Nombre: _____

Dirección: _____

Ciudad, Estado, Código postal: _____

Número de Teléfono: _____(casa) _____(celular) _____(trabajo)

Persona discriminada: _____

Dirección de la persona discriminada: _____

Ciudad, Estado, Código postal: _____

Favor de indicar por qué cree que la discriminación se ha producido:

- _____ Raza
- _____ Color
- _____ Origen Nacional

¿Cuál fue la fecha de la supuesta discriminación? _____

¿Dónde ocurrió la supuesta discriminación? _____

Por favor describe las circunstancias tal como fueron y incluye nombre(s) de persona(s) que fueron involucrados : _____

Por favor, haga lista de todos los testigos los nombres y números de teléfono:



City of Atascadero

Anteriormente ha presentado una denuncia de Titulo VI con esta agencia?

Sí No

¿Ha presentado esta queja con cualquier otro agencia local, estatal o federal, o ocon cualquier tribunal estatal Federal?

Sí No

Sí la respuesta es sí, marque todo lo que aplique:

Agencia Federal

Agencia Estatal

Corte Federal

Tribunal de Justicia Estatal

Agencia Local

Favor de proporcionar información acerca de una persona de contacto de la agencia/corte donde la denuncia fue presentada.

Nombre: _____

Titulo: _____

Organización: _____

Dirección de departamento: _____

Teléfono de departamento: _____

Por favor, juntar todos los documentos que tienen que apoyar la acusación. Firma y anote la fecha abajo y envíalo al Coordinador del Titulo VI en:

~~Dawn Patterson~~[Alicia King](#), Titulo VI Coordinador
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

Su firma

Fecha

Escriba su nombre



APPENDIX D SAMPLE LETTER ACKNOWLEDGING RECEIPT OF COMPLAINT

[Today's Date]

Ms. Jo Doe
1234 Main St.
Atascadero, CA 93422

Dear Ms. Doe:

This letter is to acknowledge receipt of your complaint against Atascadero Transit alleging

An investigation will begin shortly. If you have additional information you wish to convey or questions concerning this matter, please feel free to contact this office by telephoning ~~Dawn Patterson~~ [Alicia King](#) at 805-470-3180, or write to me at this address.

Sincerely,

~~Dawn Patterson~~
[Alicia King](#)
Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422



**APPENDIX E SAMPLE LETTER NOTIFYING COMPLAINANT THAT THE
COMPLAINT IS SUBSTANTIATED**

[Today's Date]

Ms. Jo Doe
1234 Main St.
Atascadero, CA 93422

Dear Ms. Doe:

The matter referenced in your letter of _____ (date) against Atascadero Transit alleging Title VI violation has been investigated.

(An/Several) apparent violation(s) of Title VI of the Civil Rights Act of 1964, including those mentioned in your letter (was/were) identified. Efforts are underway to correct these deficiencies.

Thank you for calling this important matter to our attention. You were extremely helpful during our review of the program. ***(If a hearing is requested, the following sentence may be appropriate.)*** You may be hearing from this office, or from federal authorities, if your services should be needed during the administrative hearing process.

Sincerely,

[Dawn Patterson](#)
[Alicia King](#)
Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422



APPENDIX F SAMPLE LETTER NOTIFYING COMPLAINANT THAT THE COMPLAINT IS NOT SUBSTANTIATED

[Today's Date]

Ms. Jo Doe
1234 Main St.
Atascadero, CA 93422

Dear Ms. Doe:

The matter referenced in your complaint of _____ (date) against Atascadero Transit alleging _____ has been investigated.

The results of the investigation did not indicate that the provisions of Title VI of the Civil Rights Act of 1964, had in fact been violated. As you know, Title VI prohibits discrimination based on race, color, or national origin in any program receiving federal financial assistance.

Atascadero Transit has analyzed the materials and facts pertaining to your case for evidence of the City's failure to comply with any of the civil rights laws. There was no evidence found that any of these laws have been violated.

I therefore advise you that your complaint has not been substantiated, and that I am closing this matter in our files.

You have the right to 1) appeal within seven calendar days of receipt of this final written decision from Atascadero Transit, and/or 2) file a complaint externally with the U.S. Department of Transportation and/or the Federal Transit Administration at

Federal Transit Administration
Office of Civil Rights
Attention: Title VI Program Coordinator
East Building, 5th Floor - TCR
1200 New Jersey Ave., SE
Washington, DC 20590

Thank you for taking the time to contact us. If I can be of assistance to you in the future, do not hesitate to call me.

Sincerely,

[Dawn Patterson](#)

[Alicia King](#)

Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422



APPENDIX G SAMPLES OF NARRATIVE TO BE DISPLAYED IN FACILITIES AND REVENUE VEHICLES



Title VI Policy

Title VI of the Civil Rights Act of 1964 states: “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”

The City of Atascadero respects civil rights and operates its programs and services without regard to race, color or national origin. The City is committed to complying with Title VI requirements in all of its programs and services. For more information on the Title VI transit obligations, contact the City as listed below.

Making a Title VI Complaint

Any person who believes he/she has been subjected to discrimination in the delivery of or access to public transportation services on the basis of race, color, or national origin, may file a complaint with Atascadero Transit. Such complaint must be filed in writing with Atascadero Transit no later than 30 days after the alleged discrimination. For information on how to file a complaint, use the form below or contact Atascadero Transit at:

[Dawn Patterson](#)[Alicia King](#), Title VI Coordinator
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422
(805) 470-3180
DPattersonAKing@atascadero.org



Póliza Del Titulo VI

Derechos Civiles del Acta del estados de 1964, ninguna persona en los Estados Unidos podrá ser excluida de participar en programas que reciben asistencia financier Federal, o negar beneficios o ser sujetos a descriminación por causa de raza, color, o orgien nacional.

El sistema de tránsito de City of Atascadero respeta los derechos civiles y administra sus programas y servicios sin consideración a raza, color o grgen nacional. El Sistema de tránsito de City of Atascadero está comprometido a cumplir en todos sus programas con los requicitos del Titulo VI.

Para más información de las obligaciones de tránsito del Titulo VI comuníquese con de tránsito de City of Atascadero acuerdo a la información siguiente.

Para Presentar Una Queja del Título VI

Qualquier persona que cree que ha sido descriminada en el servicio de o acceso a los servicios de transportación pública a base de raza, color o orgen nacional, puede presentar una queja con el sistema de tránsito do City of Atascadero. Dicha queja puede ser presentada por escrito con City a no más tardar de 30 días después de la supuesta descriminación. Para información como presentar una queja, usar la forma siguiente, o comuníquese con City a:

[Dawn Patterson](#)[Alicia King](#), Coordinador del Título VI

City of Atascadero

6500 Palma Avenue

Atascadero, CA 93422

(805) 470-3180

DPattersonAKing@atascadero.org



APPENDIX H

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING THE UPDATED TITLE VI PROGRAM PLAN AND LIMITED ENGLISH PROFICIENCY PLAN FOR ATASCADERO TRANSIT SERVICES

WHEREAS, the City of Atascadero receives funds from Federal Transit Administration (FTA) for capital and operating assistance funds; and

WHEREAS, the City of Atascadero provides demand response transit services within the Atascadero city limits; and

WHEREAS, the City of Atascadero assures that no person or group will, on the basis of race, color, national origin or limited English proficiency be subjected to discrimination in the level and quality of transportation services, programs, or activities provided by the City, whether Federally funded or not; and

~~WHEREAS, the City of Atascadero has prepared the Title VI program in accordance to FTA Circular 4702.1B.~~

WHEREAS, the City of Atascadero's Title VI Plan was adopted by the City Council in May 2019; and

WHEREAS, the Federal Transit Administration requires transit operators to submit a Title VI Program Plan Update every three years as a condition of receipt of FTA funds; and

WHEREAS, the City of Atascadero has prepared the Updated Title VI Plan, attached hereto and incorporated herein as Exhibit "A", in accordance with FTA Circular 4702.1B.

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

~~The City of Atascadero's Title VI Program and Limited English Proficiency Plan for the Atascadero Transit Services is approved.~~

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

SECTION 2. Approval. The City of Atascadero's Title VI Plan and Limited English Proficiency Program for the Atascadero Transit Services, attached hereto and incorporated herein as Exhibit "A", is approved.

~~PASSED AND ADOPTED~~ at a regular meeting of the City Council of the City of Atascadero held this 1044th day of May, 2022~~19~~.

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

- AYES:
- NOES:
- ABSENT:
- ADOPTED:

CITY OF ATASCADERO

ITEM NUMBER:
DATE:
ATTACHMENT:

A-6
05/10/2022
2



City of Atascadero

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney



City of Atascadero

Source: U.S. Census Bureau 2000

Subject	ZCTA5 93422	
	Number	Percent
LANGUAGE SPOKEN AT HOME		
Population 5 years and over	28,048	100.0
English only	26,117	93.1
Language other than English	1,929	6.9
Speak English less than "very well"	586	2.1
Spanish	1,346	4.8
Speak English less than "very well"	408	1.5
Other Indo-European languages	333	1.2
Speak English less than "very well"	64	0.2
Asian and Pacific Island languages	220	0.8
Speak English less than "very well"	114	0.4



-	<u>City of Atascadero, California</u>					
-	<u>Total</u>	<u>Percent</u>	<u>Percent of specified language speakers</u>			
-	-	-	<u>Speak English only or speak English "very well"</u>	<u>Percent speak English only or speak English "very well"</u>	<u>Speak English less than "very well"</u>	<u>Percent speak English less than "very well"</u>
<u>Population 5 years and over</u>	<u>28,700</u>	<u>(X)</u>	<u>27,834</u>	<u>97.0%</u>	<u>866</u>	<u>3.0%</u>
<u>Speak only English</u>	<u>25,426</u>	<u>88.6%</u>	<u>(X)</u>	<u>(X)</u>	<u>(X)</u>	<u>(X)</u>
<u>Speak a language other than English</u>	<u>3,274</u>	<u>11.4%</u>	<u>2,408</u>	<u>73.5%</u>	<u>866</u>	<u>26.5%</u>
<u>SPEAK A LANGUAGE OTHER THAN ENGLISH</u>						
<u>Spanish</u>	<u>2,261</u>	<u>7.9%</u>	<u>1,701</u>	<u>75.2%</u>	<u>560</u>	<u>24.8%</u>
<u>Other Indo-European languages</u>	<u>404</u>	<u>1.4%</u>	<u>286</u>	<u>70.8%</u>	<u>118</u>	<u>29.2%</u>
<u>Asian and Pacific Island languages</u>	<u>381</u>	<u>1.3%</u>	<u>242</u>	<u>63.5%</u>	<u>139</u>	<u>36.5%</u>
<u>Other languages</u>	<u>228</u>	<u>0.8%</u>	<u>179</u>	<u>78.5%</u>	<u>49</u>	<u>21.5%</u>



ATASCADERO TRANSIT LIMITED ENGLISH PROFICIENCY (LEP) PLAN

CITY OF ATASCADERO

Introduction

This Limited English Proficiency (LEP) Plan has been prepared to address the City of Atascadero's responsibilities as a recipient of federal financial assistance as they relate to the needs of individuals with limited English language skills. The plan has been prepared in accordance with Title VI of the Civil Rights Act of 1964, Federal Transit Administration Circular 4702.1B dated October 1, 2012, which states that no person shall be subjected to discrimination on the basis of race, color or national origin.

Executive Order 13166, titled "Improving Access to Services for Persons with Limited English Proficiency (LEP)", indicates that differing treatment based upon a person's inability to speak, read, write or understand English is a type of national origin's discrimination. It directs each federal agency to publish guidance for its respective recipients clarifying their obligation to ensure that such discrimination does not take place. This order applies to all state and local agencies which receive federal funds.

Plan Summary

The City of Atascadero has developed this LEP Plan to help identify reasonable steps for providing language assistance to persons with Limited English Proficiency who wish to access Atascadero Transit transportation services in Atascadero. As defined in Executive Order 13166, LEP persons are those who do not speak English as their primary language and have limited ability to read, speak, write or understand English.

This plan outlines how to identify a person who may need language assistance, the ways in which assistance may be provided, staff training that may be required, and how to notify LEP persons that assistance is available.

In order to prepare this plan, the City undertook the U.S. Department of Transportation (U.S. DOT) four-factor LEP analysis which considers the following:

1. The number or proportion of LEP persons in the City of Atascadero who may be served or likely to be encounter Atascadero Transit programs or service.
2. The frequency with which LEP persons come in contact with Atascadero Transit programs or services.
3. The nature and importance of programs or services provided by Atascadero Transit to the LEP population.
4. The resources available to Atascadero Transit Division and overall cost to provide LEP assistance.

A summary of the results of Atascadero Transit's four-factor analysis is in the following section.



Four-Factor Analysis

1. The number or proportion of LEP persons in the City of Atascadero who may be served or are likely to encounter an Atascadero Transit program, activity or service.

Atascadero Transit staff reviewed the 2010 U.S. Census and current population and determined that of Atascadero's total population of 28,310, 7.5% (2,132) of the City's population speak a language other than English. Of this number, 790 (2.8%) have Limited English Proficiency; that is, they speak English "not well" or "not at all."

In the City of Atascadero, of those persons with Limited English Proficiency, 571 speak Spanish, 180 speak Asian and Pacific Island languages, and 39 speak other Indo-European languages.

2. The frequency with which LEP persons come in contact with Atascadero Transit programs, activities or services.

Atascadero Transit assessed the frequency with which staff and drivers have, or could have contact with LEP persons. This includes documenting phone inquiries and surveying vehicle operators for requests for interpreters and translated documents. The most frequent contacts with LEP persons are with dispatchers, consisting of approximately 2% of the total call volume. Several City employees speak fluent Spanish and provide translation assistance for dispatchers as needed. Documents related to fares, service changes and rider rules are posted on the transit vehicles in both English and Spanish. Rider information guides are also written in both English and Spanish

3. The nature and importance of programs, activities or services provided by Atascadero Transit to the LEP population.

Atascadero Transit provides demand response transit services within the City limits to locations as requested by the riders. Trips vary in nature, but typically include transportation for shopping, school, and medical appointments. While Atascadero Transit serves the general public, the ridership is primarily made up of seniors and persons with disabilities.

The largest proportion of LEP individuals in the City of Atascadero speak Spanish. The City has 2.8% of speakers who speak English less than "very well." Of these, 571 speak Spanish, 72% of the LEP's represented. Other LEP persons constitute the remaining >1% of the total City population. Due to the very small representation of other foreign languages (less than 1% Asian and Pacific Islanders, other Indo-European languages and other languages), Atascadero Transit has not historically taken special language accommodation measures for those non-Spanish speaking groups.

4. The resources available to Atascadero Transit and overall cost to provide LEP assistance.

Atascadero Transit has committed resources to improving access to its services and programs for LEP persons. Today, bilingual information (English/Spanish) is distributed in the following means:

- Bilingual English /Spanish transit website
- Bilingual English/Spanish Rider's Guide to demand response services
- Bilingual English/Spanish rider alerts
- Bilingual English/Spanish customer service representatives

To date, the costs associated with these efforts have been primarily associated with material production and paid by the annual Atascadero Transit budget.



Based on the four factor analysis, Atascadero Transit will develop its LEP Plan as outlined in the following section.

Identification of LEP Population

Atascadero Transit has developed several possible ways to assist in identifying LEP populations within the City, including:

1. Review prior requests for language assistance to determine if language assistance might be needed at future events or meetings.
2. Have a staff person greet participants as they arrive to Atascadero Transit sponsored events. By informally engaging participants in conversation, staff will gauge each attendee's ability to speak and understand English.
3. Develop identification cards that indicate primary language spoken for use at Atascadero Transit meetings and events. This will assist the City in identifying language assistance needs for future meetings.
4. Survey bus drivers and dispatchers annually on their experience concerning any contacts with LEP persons during the previous year.

Language Assistance Measures

There are numerous language assistance measures available to LEP persons, including both oral and written services. There are also various ways in which City staff can respond to LEP persons, whether in person, by telephone or in writing.

- Placement of statements in notices and publications that interpreter services are available for Atascadero Transit meetings.
- Post Atascadero Transit's Title VI Policy and LEP plan on the City of Atascadero's website, www.atascadero.org
- Survey bus drivers and dispatchers annually on their experience concerning any contacts with LEP persons during the previous year.
- When an interpreter is needed for a language other than Spanish, in person or on the telephone, staff will attempt to access language assistance services from a professional translation service or qualified community volunteers.

Safe Harbor Provision

The Federal Transit Authority Circular 4702.1B states:

"DOT has adopted DOJ's Safe Harbor Provision, which outlines circumstances that can provide a "safe harbor" for recipients regarding translation of written materials for LEP populations. The Safe Harbor Provision stipulates that, if a recipient provides written translation of vital documents for each eligible LEP language group that constitutes five percent (5%) or 1,000 persons, whichever is less, of the total population of persons eligible to be served or likely to be affected or encountered, then such action will



be considered strong evidence of compliance with the recipient's written translation obligations. Translation of non-vital documents, if needed, can be provided orally. If there are fewer

than 50 persons in a language group that reaches the five percent (5%) trigger, the recipient is not required to translate vital written materials but should provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. A recipient may determine, based on the Four Factor Analysis, that even though a language group meets the threshold specified by the Safe Harbor Provision, written translation may not be an effective means to provide language assistance measures. For example, a recipient may determine that a large number of persons in that language group have low literacy skills in their native language and therefore require oral interpretation.

Staff Training

The following training will be provided to Atascadero Transit staff:

1. Information on Atascadero Transit's Title VI Procedures and LEP responsibilities
2. Description of language assistance services offered to the public
3. Documentation of language assistance requests
4. How to handle a potential Title VI/LEP complaint

Outreach Techniques

The City's website provides material in both English and Spanish. The City also provides easy access to bilingual (English and Spanish) administrative staff at Atascadero City Hall during operating hours to answer questions for those LEP passengers who use Atascadero Transit.

Monitoring and Updating the LEP Plan

Atascadero Transit will update the LEP as required by U.S. DOT. At minimum, the plan will be reviewed and updated every three years. The most current U.S. Census data available will be used. Updates will include the following:

- The number of documented LEP person contacts encountered annually.
- How the needs of LEP persons have been addressed.
- Determination of the current LEP population in the service area per the latest Census reports.
- Determination as to whether the need for translation services has changed.
- Determine whether local language assistance programs have been effective and sufficient to meet the needs of the LEP public.
- Determine if Atascadero Transit's financial resources are sufficient to fund needed language assistance.
- Determine if Atascadero Transit has fully complied with the goals of this LEP Plan.
- Determine whether complaints have been received concerning the failure of Atascadero Transit to meet the needs of LEP individuals.



Dissemination of Atascadero Transit's LEP Plan

A link to the Atascadero Transit LEP Plan and the Title VI Procedures is included on the City website at www.atascadero.org. This link includes access to a complaint form, both in English and Spanish. Any person or agency with internet access will be able to access and download the plan from the City website. Alternatively, any person or agency may request a copy of the plan via telephone, fax, mail, e-mail or in person and shall be provided a copy of the plan at no cost. LEP individuals may also request copies of the plan in translation to languages other than English and Spanish, which the City will provide as feasible.

Questions or comments regarding the LEP Plan may be submitted to the City of Atascadero, Title VI Coordinator:

[Dawn Patterson](#)

[Alicia King](#)

City of Atascadero

6500 Palma Avenue

Atascadero, CA 93422

Phone: 805-470-3180

Fax: 805-470-3181

Email: DPatterson@atascadero.org AKing@atascadero.org (Title VI Coordinator)



Atascadero City Council

Staff Report - Community Development Department

Centennial Plaza Planned Development (ZCH) 22-0022

RECOMMENDATION:

Council adopt on second reading, by title only, Draft Ordinance approving a Zoning Map Amendment adding a Planned Development overlay zone, based on findings.

DISCUSSION:

The City of Atascadero is adopting a PD zone over the vacant parcels at Centennial Plaza to guide future commercial development. The Planned Development (PD) zone focuses the list of allowed land uses while providing objective design standards for site planning and building architecture. The PD zone will apply to all of the vacant parcels between Dr. Pambrum's office and the City public parking lot, including the lot that is privately owned and Centennial Plaza itself.

At the April 26, 2022 City Council meeting, the attached Draft Ordinance was introduced, approving a zoning amendment to add PD 37 for the five vacant lots surrounding Centennial Plaza and including Centennial Plaza (lots 12-17), based on findings and subject to the future approval of a Master Plan of Development.

The proposed addition of the PD is one more step towards releasing these vacant sites for future commercial development to help provide economic development for the downtown zoning district in close proximity to City Hall and Sunken Gardens Park. As such, the sale and private development of the sites will contribute to the fiscal sustainability of the City and create a positive fiscal impact.

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Ordinance

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9 PLANNING & ZONING, SECTION 9-3, ARTICLE 26, ADDING SECTION 9-3.682 TO ADD A NEW PLANNED DEVELOPMENT OVERLAY ZONE NO. 37 FOR THE FIVE VACANT LOTS SURROUNDING CENTENNIAL PLAZA (LOTS 12-17), AND DETERMINING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(ZCH 22-0022)

WHEREAS, the City of Atascadero is the applicant pursuing a zone change text amendment to Title 9 Zoning Ordinance, (ZCH22-0022) to add a new Planned Development Overlay Zone 37 for the five vacant lots surrounding Centennial Plaza and including Centennial Plaza (lots 12-17), based on findings and subject to the future approval of a Master Plan of Development; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact the planned development zoning amendments to Title 9 Planning and Zoning of the Atascadero Municipal Code for consistency with the General Plan and to maintain a clear and reasonable guidance for future downtown development that is easily interpreted by the public and staff; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Planning and Zoning 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 Planning and Zoning Text amendments; and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on March 15, 2022, studied and considered said amendments; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of proposed amendments to Title 9 Zoning Ordinance, of the Atascadero Municipal Code as presented to them on March 1, 2022 and March 15, 2022; 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 Zoning Text Change application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said Zoning Text Amendments; and

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on April 26, 2022, studied the Planning Commission’s recommendation and considered the proposed zoning text amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on April 26, 2022, resolved to introduce for first reading, by title only, an Ordinance that would amend the City Zoning Code Text as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

A. Findings for Approval of a Zone Text Change

FINDING: (i) The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zone text amendments align the code requirements with the vision, intent, and policies of the adopted General Plan.

FINDING: (ii) This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed text amendment provides for orderly development within the Downtown Commercial zoning district on lots 12 through 17 (APN 029-347-020) in accordance with the adopted General Plan for the compatible use of the properties based on neighborhood characteristics.

FINDING: (iii) The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

SECTION 4. Approval. Atascadero Municipal Code Title 9 Planning & Zoning is amended, establishing Planned Development Overlay Zone No. 37, as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 6. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 9. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero’s book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on April 26, 2022 and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on May 10, 2022.

CITY OF ATASCADERO, CA

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

EXHIBIT A

Zone Text Change – Planned Development Overlay No.37 Text

ZCH22-0022

9-3.681 Establishment of Planned Development Overlay No. 37

Planned Development Overlay Zone No. 37 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 37 is established on parcels APN's 049-063-003, 004, 049-071-029, 030 (Parcels 1-4 of AT02-278).

(A) All development must be consistent with a City approved Master Plan of Development. A Master Plan of Development approved by the City shall be required prior to completion of conveyance of any site from the City to private ownership. All new development shall be consistent with a Master Plan of Development. The Master Plan of Development shall be reviewed by the DRC and shall consider the views and connectivity between City Hall, Sunken Gardens, the Centennial Plaza and bridge and Colony Square. Building and site designs shall preserve a view corridor to the pedestrian bridge as viewed from West Mall. Any significant building modifications following approval, including ADA or code required changes, to the site or exterior changes of any building, shall require Design Review Committee review.

(B) The following uses are allowed within the PD-37 overlay zone on the ground floor:

- | | |
|---|---|
| 1. Artisan Foods and Products | 6. Tasting Room |
| 2. Bar/Tavern | 7. Winery – Boutique |
| 3. Eating and Drinking Places | 8. Open space areas for passive outdoor use including walking, gathering, public entertainment, seating, and related, dedicated for use to the public |
| 4. General Retail* (with additional parameters - see below) | |
| 5. Microbrewery – Brewpub | |

* 1. *Minimum operating hours (open to the public) shall be 4 days per week, 6 hours per day, and open until at least 7PM.*

2. *The following retail uses shall not be allowed: Building materials and hardware, medical supplies, office supplies, or other items that do not contribute to the synergy, pedestrian orientation and general plan consistency for the downtown.*

(C) The following uses are allowed within the PD-37 overlay zone above the ground floor:

- | | |
|---|-------------------------|
| 1. All uses as allowed on ground floor list | 5. Multifamily Dwelling |
| 2. Business Support Services | 6. Personal Services |
| 3. Live/Work Unit | 7. Offices |
| 4. Lodging/hotel/motel/vacation rental | |

(D) Property Development Standards

1. Front yard setback at East Mall:
10-foot building setback shall be required for ground floor portions of the building, setback may be utilized for outdoor dining, awnings, second or third story building projections such as decks, patios or other floor area, signs, and other features designed to enhance the public space. No building setback shall be required at the rear side, facing Atascadero Creek.
2. Parking:
No on-site parking shall be allowed. Parking required for residential uses shall be required at the rate of one space per two bedrooms (minimum one space per unit), to be located off-site within 1,000 feet of the property boundary and provided in perpetuity through an off-site parking agreement. No parking shall be required for retail and restaurant uses on the ground floor consistent with this PD. No parking shall be required for office, or transient lodging uses.
3. Height:
45 Feet, maximum of three stories, with each successive story a minimum of 10% reduced floor area from story below. Use of roof area permitted for outdoor uses/occupancy. Non-habitable roof projections such as elevator enclosures, parapet walls, roof forms, and other architectural features may extend above the maximum height up to 8 feet.

(E) Site and Building Design

1. A single development project shall be completed on the north east side of the plaza, or as one cohesive project on all of the lots. North east side lots shall be merged prior to conveyance to private ownership.
2. Building designs may bridge the plaza space when a minimum vertical clearance of 16 feet is maintained and a minimum plaza width of 20 feet is maintained. When portions of buildings cover the plaza, provisions for natural light, ample visibility, and unrestricted public/pedestrian access, shall be maintained.

3. Building architecture shall complement, but not duplicate, City Hall. Designs that incorporate brick, extensive glazing, tile roofs, balconies, and opportunities to utilize outdoor spaces shall be strongly encouraged.
4. Recessed building entries with a depth of at least six feet, transom windows, and glazing along East Mall that allows 60% visibility into the ground floor space shall be required. Glazing shall not be blocked by interior walls or panels.
5. Encroachments that provide for outdoor dining shall be encouraged at Centennial Plaza and the public sidewalk while maintaining a minimum path of travel of 8 feet on the plaza and 6 feet on public sidewalks.
6. Fire Backflow Devices. Fire backflow devices are required to be integrated into the site or building design, are prohibited in any public right-of-way, and must be accessible to Fire Department and Water Company personnel at all times.
7. Building coverage: No limit. Each successive floor shall reduce interior floor space by 10% to enhance building articulation and reduce building massing.
8. Stormwater: No above ground stormwater retention may be allowed on-site in excess of 400 square feet over the entire Planned Development.
9. Native Trees: No Heritage trees shall be impacted or removed by proposed development. Native trees that contribute to the tree canopy of Centennial plaza, the parking lot, and the creek pathway should be preserved in place and protected during construction as feasible. Some native trees may need to be pruned or removed to accommodate appropriate site development. The existing off-site Deodar Cedar shall be preserved and protected. Any tree removals shall be subject to the City's Native Tree ordinance.
10. Public Restrooms: Public restrooms shall be provided in one or more of the ground floor buildings within the PD. Restrooms shall be open to the public ~~during open business~~ for hours to be determined by the City in a location that is accessible from the ground floor.



Atascadero City Council

Staff Report - City Manager

Virtual Meetings – AB 361 Requirements

RECOMMENDATION:

Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings.

DISCUSSION:

On March 4, 2020, Governor Newsom declared a state of emergency due to the novel coronavirus COVID-19. That declaration is still in effect. Since March 12, 2020, Executive Orders from the Governor relaxed various Brown Act meeting requirements relating to teleconferencing rules, temporarily suspending the Brown Act provisions requiring the physical presence of council, board and commission members at public meetings. The most recent extension of those Orders expired on September 30, 2021.

On Friday, September 17, 2021, the Governor signed AB 361. AB 361 amends Government Code section 54953 to provide more clarity on the Brown Act's rules and restrictions surrounding the use of teleconferencing to conduct meetings. The newly enacted Government Code Section 54953(e) creates alternate measures to protect the ability of the public to appear before local legislative bodies.

With the passage of AB 361, local agencies are allowed to continue to conduct virtual meetings during a declared state of emergency, provided local agencies comply with specified requirements. The City Council previously adopted Resolution No. 2021-066 on September 28, 2021, finding that the requisite conditions exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with AB 361. (Government Code Section 54953(e).) AB 361 requires the City Council to reconsider the circumstances of the state of emergency not later than 30 days after teleconferencing for the first time pursuant to AB 361 and every 30 days thereafter in order to continue to conduct remote teleconference meetings. The City Council previously adopted Resolution No. 2021-069 on October 26, 2021, Resolution No. 2021-073 on November 23, 2021, Resolution No. 2021-074 on December 14, 2021, Resolution No. 2022-001 on January 11, 2022, Resolution No. 2022-003 on February 8, 2022, Resolution No. 2022-010 on March 8, 2022, and Resolution No. 2022-010 on April 12, 2022, making the requisite findings to continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2022-006 and Resolution No. 2022-010.

In order to continue remote teleconferencing, the City Council must make the following findings (Gov. Code § 52953(e)(3)):

- The City Council has reconsidered the circumstances of the state of emergency.
- Any of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - State or local officials continue to impose or recommend measures to promote social distancing.

Social distancing is the term used for measures that reduce physical contact between infectious and susceptible people during a disease outbreak. While local and state mask mandates have been lifted, and the San Luis Obispo County local health emergency has been terminated, there are still some remaining social distancing measures in place to reduce the spread of COVID.

- The California Department of Public Health continues to strongly recommend masks for all persons, regardless of vaccine status, in indoor public settings and businesses.
- The City remains subject to the State Occupational Safety and Health Administration (CalOSHA) regulations which, among other requirements, continues to obligate an employer to provide training to employees on COVID-19 transmission and risk reduction, including “The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination.” (CCR Section 3205(c)5(D).)
- CDC continues to have quarantine and isolation recommendations for those that have tested positive for COVID, those that have symptoms of COVID and for those that have been exposed to COVID. These isolation and quarantine requirements continue to often prevent employees and community members from attending meetings in person.

Should the Draft Resolution not be adopted, and the City Council (or an individual Council Member) elects to attend virtually, the City must comply with the provisions of Government Code Section 54953(3)(b):

- Agendas shall be posted at all teleconferencing locations
- Each teleconference location shall be identified on the agenda
- Each teleconference location shall be accessible to the public
- At least a quorum of the Council shall participate from locations with the boundaries of the City
- The public shall be provided an opportunity to address the Council directly at each teleconference location

Adoption of the Draft Resolution does not prohibit the conduct of a traditional or hybrid meeting in accordance with state and local regulations. At Council’s direction on March 8, 2022, and because CDC measures are still in place that could prevent a member of the public from participating in the meeting in person, if the Draft Resolution were not adopted staff will continue to conduct hybrid City Council meetings that allow public participation both virtually and in-person. At this time, there is not staff available to

conduct all advisory body meetings (such as Planning Commission, Design Review Committee, ATBID, CSTOC) in a hybrid fashion and adoption of the Draft Resolution allows these meetings to continue to be conducted virtually. If the Draft Resolution was not adopted, these advisory bodies would need to return to the traditional in-person meeting model, effective immediately.

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
PROCLAIMING THE CONTINUING NEED TO MEET BY
TELECONFERENCE PURSUANT TO
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, all meetings of the City of Atascadero legislative bodies are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, Government Code section 54953(e) was added by AB 361, signed by Governor Newsom on September 17, 2021; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City of Atascadero declared a State of Emergency as a result of the COVID-19 pandemic; and

WHEREAS, such State of Emergency remains in effect; and

WHEREAS, COVID-19 continues to threaten the health and lives of City of Atascadero residents; and

WHEREAS, the Delta and Omicron variants are highly transmissible in indoor settings and breakthrough cases are more common; and

WHEREAS, state officials have imposed or recommended measures to promote social distancing to include the wearing of masks indoors, regardless of vaccination status; and

WHEREAS, the City Council previously adopted Resolution No. 2021-066 on September 28, 2021, Resolution No. 2021-069 on October 26, 2021, Resolution No. 2021-073 on November 23, 2021, Resolution No. 2021-074 on December 14, 2021, Resolution No. 2022-001 on January 11, 2022, Resolution No. 2022-003 on February 8, 2022, Resolution No. 2022-006 on March 8, 2022, and Resolution No. 2022-010 on April 12, 2022, finding that the requisite conditions exist and continue to exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with Government Code Section 54953(e); and

WHEREAS, Government Code Section 54953(e) requires that the City Council must reconsider the circumstances of the state of emergency every 30 days in order to continue to conduct remote teleconference meetings in compliance with AB 361.

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

SECTION 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Findings. The City Council does hereby find that:

- 1. The City Council has reconsidered the circumstances of the state of emergency declared as a result of the COVID-19 pandemic.
- 2. The state of emergency continues to directly impact the ability of the members to meet safely in person.
- 3. State or local officials continue to impose or recommend measures to promote social distancing.

SECTION 3. Compliance with Government Code Section 54953(e). The City Council and other legislative bodies will continue to meet by teleconference in accordance with Government Code section 54953(e).

SECTION 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Atascadero may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ____th day of _____, 2022.

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

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney



Atascadero City Council

Staff Report – Fire & Emergency Services

Weed Abatement – Hearing of Objections

RECOMMENDATIONS:

Council:

1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections, and,
2. Authorize the Fire Chief to proceed and perform the work of abatement.

DISCUSSION:

The Municipal Code, Section 6-13.03, addresses the abatement of vegetative growth and/or refuse, which constitute a hazard. The Fire Department conducted its initial inspection during the middle of March. There are approximately 11,164 parcels within the City.

Compliance with the Weed Abatement Section of our Municipal Code is a critical component of our Fuel Management Plan. The City of Atascadero does not want to be in the mowing business. The intent of this program is to encourage citizens to independently manage the weeds on their properties. An efficient Fuel Management Program helps the City keep wildland fires at a minimum and staffing down.

The City recovers costs for administering this program through recovery of the contractor cost of abatement, plus a flat fee of \$260 plus a percentage charge of 166% administrative fee, which is placed on the San Luis Obispo County Special Tax Assessment for the fiscal year 2022-2023 Tax Roll. This fee structure is intended to cover 100% of the cost of the weed abatement program, insuring that compliant property owners/tax payers do not subsidize the cost of the program.

As part of the abatement process, the City Council is required to hear objections to the proposed removal of vegetative growth and/or refuse. This hearing allows any affected property owner to object to the proposed abatement of hazards on their property.

FISCAL IMPACT:

None. Costs of the weed abatement program are recovered through the assessments charged to non-compliant parcels that must be abated by the City Contractor. Those property owners who comply with the Municipal Code are not assessed or charged.

ALTERNATIVES:

No alternative is recommended.

ATTACHMENTS:

None.



Atascadero City Council

Staff Report - Public Works Department

Proposition 218 Majority Protest Process Relative to Proposed Increase to Wastewater (Sewer) Rates

RECOMMENDATIONS:

Council:

1. Conduct a public hearing to receive all written and verbal testimony regarding the proposed wastewater (sewer) rates and consider the results of protest proceedings in accordance with Proposition 218.
2. Adopt one of the following resolutions certifying the protest results:
 - A. For a non-majority protest – Draft Resolution A certifying that the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate increase.

OR

- B. For a majority protest – Draft Resolution B certifying that the number of valid written protests were received from property owners representing a majority of the parcels subject to the proposed rate increase.
3. If no majority protest exists, adopt Draft Resolution C approving proposed wastewater rates effective July 1, 2022.

REPORT IN BRIEF:

The City is proposing to increase wastewater rates in order to accommodate the costs of providing wastewater services due to a number of key factors including but not limited to rising treatment and energy costs; impacts of regulation and legislation; and past and continued critical upgrades and/or replacement of wastewater facilities and infrastructure. A Wastewater Rate Study was completed in 2019 that proposed increases to sewer service charges and sewer connection fees (capacity charges). These significant rate increases were proposed to be phased in over a five year period. The rate increases proposed for 2022-2023 would be the fourth of the five proposed phased in rate increases.

The City Council reviewed the rate study and proposed wastewater rates at their March 8, 2022 meeting and directed staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system. The Council also set a Public Hearing for May 10, 2022 to consider proposed wastewater rate increases and receive any protests from parcel owners subject to the rate increases. If a majority of valid protests are received by the deadline established, the City cannot increase the proposed rates in accordance with Proposition 218. If a majority of protests are not received, the City may go ahead with the proposed rate increases.

DISCUSSION:

Background

The City of Atascadero owns and operates a wastewater collection and treatment system that provides service to a portion of the City. The over 5,000 parcels served by the wastewater collection and treatment system include residential, commercial, and light industrial customers. The remainder of the City's population is served by on-site wastewater treatment systems (septic systems).

The City assumed ownership and operation of the wastewater collection and treatment system from the Atascadero County Sanitation District in 1982 shortly after incorporation (1979). While there have been upgrades, modifications, and additions to the wastewater treatment facilities, the overall process has not changed significantly since 1982 and is considered a stabilization pond treatment system. The wastewater collection system (also referred to as the sanitary sewer system) is currently comprised of approximately 63 miles of four to 21-inch diameter gravity sewer pipe, 1,460 manholes, 12 lift stations, 7 miles of four to 16-inch diameter forcemain, and over 5,000 sewer service connections. This system has expanded since 1982 but still has original pipes in service from the 1930's.

Customers connected to the City's sanitary sewer system are billed a monthly fixed charge for the service the City provides to collect and treat the wastewater, which is called a sewer service charge or wastewater service charge. This fixed rate methodology is used since the City is not the water supplier and does not have access to individual customer water consumption data. The monthly fixed charge used by the City is based upon Equivalent Dwelling Units (EDUs), where one EDU is the basis for a single family residence (SFR) service charge, based upon an estimated average daily flow of 240 gallons of wastewater and wastewater strength provided by the residence. Other connection users are assigned a multiple or fraction of an EDU based upon expected average daily flow and strength of wastewater compared to that of SFR. For example, an apartment or condo is 0.75 EDUs and charged 0.75 times that of a SFR service charge, and a restaurant with less than 40 seats is 4 EDUs and charged 4 times that of a SFR service charge. The City currently has approximately 8,100 EDUs in the system.

Sewer service charges are collected by placing a levy each year on the property taxes of individual customers through San Luis Obispo County. The City provides data to the County, including the Assessor's Parcel Number (APN), and the associated sewer service charge being levied on the property. The charge is included as a line item on the

customer's property tax statements. Revenue from sewer service charges are paid to the City twice each year.

Council directed staff at its March 8, 2022 meeting to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system. Council also set a Public Hearing for May 10, 2022 for its consideration of the proposed wastewater rate increases. Staff prepared and sent out notices to property owners on March 24, 2022, which meets the 45-day noticing requirement for the Public Hearing. A copy of the notice (Attachment 1) is included as reference.

Wastewater Rate Analysis

The City is dedicated to keeping rates low by maintaining lean staffing levels, absorbing increasing operational and maintenance costs, and using reserves when necessary. However, much like other utilities and services delivered to homes and businesses, the costs involved to collect and treat wastewater have risen and continue to rise.

As part of the Wastewater Master Plan process, an independent engineering consultant, MKN, assessed and analyzed the capital needs of the wastewater collection and treatment systems. A Capital Improvement Program (CIP) was developed that identified numerous capital facility replacements and upgrades to provide a safe and reliable wastewater system. In addition to other projects, the most significant capital projects identified consist of the Water Reclamation Facility treatment process improvements totaling in excess of \$23 million, and the Lift Station No. 13 and Force Main project totaling about \$5.5 million. These projects are expected to be completed within the next five years. The CIP cost estimates exceed \$52 million over the next ten years.

Tuckfield & Associates, an independent financial consultant, completed a comprehensive wastewater rate study for the City's wastewater enterprise in May 2019. This study analyzed the City's wastewater services, wastewater enterprise revenue and revenue requirements, and current rate structure. At the time, the Study estimated the number of EDUs to be 8,400 in the sewer system, with an increase of 115 EDUs annually, however several developments have not yet connected to the system. The study also analyzed and determined the cost of providing wastewater services and their corresponding impacts to customer's bills. This analysis identified a number of key factors that result in the proposed rates. These key factors include, but are not limited to:

- Rising treatment and energy costs
- Impacts of regulation and legislation
- Past and continued critical upgrades and/or replacement of wastewater facilities and infrastructure

The wastewater rate study recommends increasing the current monthly sewer service charge of \$34.00 per SFR (or EDU) by \$6.46 for a total monthly rate of \$40.46. The report further recommends similar percentile increases for FY23/24. The table below shows the current and proposed FY22/23 sewer service charges for the various connection user categories.

CURRENT AND PROPOSED MONTHLY SEWER SERVICE CHARGES				
Classification Description	EDU Multiple	Unit of Measure	Monthly Rate	
			Current	Proposed¹
Residential Fixed Charges				
Single Family	1.00	Dwelling Unit	\$ 34.00	\$ 40.46
Apartment, Condo	0.75	Dwelling Unit	\$ 25.50	\$ 30.35
Mobile Home	0.60	Spaces	\$ 20.40	\$ 24.28
Senior Apartment Unit	0.35	Dwelling Unit	\$ 11.90	\$ 14.16
Non-Residential Fixed Charges				
Financial Institutions	2.00	Unit	\$ 68.00	\$ 80.92
Bars	1.50	Unit	\$ 51.00	\$ 60.69
Carwash	7.50	Unit	\$ 255.00	\$ 303.45
Churches/Meeting Halls				
< 150 seats	1.33	Seats	\$ 45.22	\$ 53.81
150 to 250 seats	2.66	Seats	\$ 90.44	\$ 107.62
> 250 seats	3.00	Seats	\$ 102.00	\$ 121.38
Commercial Unit	1.00	Unit	\$ 34.00	\$ 40.46
Funeral Home	9.00	Unit	\$ 306.00	\$ 364.14
Gas Station	2.00	Unit	\$ 68.00	\$ 80.92
Grocery Store > 10,000 sq. ft.	8.00	1,000 sq. ft.	\$ 272.00	\$ 323.68
Gymnasium	10.00	Unit	\$ 340.00	\$ 404.60
Laundry	9.00	Unit	\$ 306.00	\$ 364.14
Motel (per room)	0.33	Room	\$ 11.22	\$ 13.35
Office Unit	1.00	Unit	\$ 34.00	\$ 40.46
Rest Home (per bed)	0.35	Bed	\$ 11.90	\$ 14.16
Restaurants				
< 40 seats	4.00	Seats	\$ 136.00	\$ 161.84
40 to 60 seats	6.00	Seats	\$ 204.00	\$ 242.76
61 to 100 seats	8.00	Seats	\$ 272.00	\$ 323.68
> 100 seats	10.00	Seats	\$ 340.00	\$ 404.60
Schools (per student enrolled on 3/1)	0.05	Student	\$ 1.70	\$ 2.02
Theater	4.00	Unit	\$ 136.00	\$ 161.84
Veterinarians	3.00	Unit	\$ 102.00	\$ 121.38
Unlisted Uses ²	1.00	Unit	\$ 34.00	\$ 40.46

¹ Proposed Rates effective July 1, 2022

² Unlisted uses are determined by use of fixture units from the California Plumbing Code or as by means deemed appropriate by the City Engineer.

³ EDU = Equivalent Dwelling Unit is the average daily flow and strength of wastewater discharge from single family residence (240 gallons per day with BOD₅=250 ml/L and SS=250 ml/L).

Tuckfield & Associates conducted a wastewater rate survey for neighboring communities to the City of Atascadero. The following chart compares the City’s monthly sewer service charge for an SFR to those neighboring communities at the same use for rates in effect February 2022. As the chart depicts, the current and proposed monthly sewer service bills for Atascadero customers is among the lowest in San Luis Obispo County.

Comparison of Single-family Residential Monthly Wastewater Bills
For Rates in Effect February 2022



A new wastewater fee study is recommended in the future to incorporate updated capital improvement costs, which are expected to increase. A large portion of these costs are associated with the WRF Retrofit and Secondary Improvements to meet new Water Board effluent limitations. An alternative analysis is nearly completed that will identify which treatment methods are recommended to meet these new requirements, which can vary significantly in costs. Upon completion of the alternative analysis and some preliminary cost estimates, staff will bring this item back to Council for consideration.

Public Hearing Procedures/Next Steps:

The Council should open the Public Hearing and receive public comment and protests. Protests must be in writing and contain the required information below, as described in the mailed notice and Resolution 2019-033, which established procedures for the submission and tabulation of protests in connection with Proposition 218 rate hearings:

1. A statement it is a protest against the proposed rate that is the subject of the hearing.
2. Name of the property owner or record customer who is submitting the protest.
3. Identification of assessor's parcel number and/or street address of the parcel with respect to which the protest is made.

4. Original, wet signature and legibly printed name of the property owner or record customer who is submitting the protest.
5. Date the protest was signed.
6. A certification, by the named property owner affirming the contents of the protest are true and correct.

At the conclusion of the public hearing, the City Clerk shall tabulate all valid protests received, including those received prior to the conclusion of the public hearing, and shall report the result to the City Council. If the number of protests received is insufficient to constitute a majority protest, then the City Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, then the City Clerk may determine the absence of a majority protest without opening the envelopes which contain the protests.

If the City Clerk determines that additional time is needed to validate and tabulate the protests because the City Clerk has not made the determination described above, then the City Clerk shall so advise the City Council, which may continue the related portion of the meeting to allow the validation and tabulation to be completed on another day or days. If so, then the City Council shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the City Council shall declare the time at which the meeting shall be continued to receive and act on the tabulation report of the City Clerk.

There are 5,437 parcels connected to the sanitary sewer system and subject to the proposed rate increases. Therefore, there needs to be 2,719 or more valid protests for the majority protest to occur, whereby no proposed rate increase may be adopted. After the City Clerk determines the results of the protest process, the City Council will adopt one of two Draft Resolutions setting forth the results of the protest process. If the majority of property owners do not protest, the City Council may go forward with approving the proposed rate increases. In accordance with Title 7, Chapter 10 (7-10.001) of the Municipal Code, the sewer service rates are adopted by Resolution. To avoid confusion, the City Attorney's office recommends that the new rates are not effective for 30 days following adoption, or effective beginning July 1, 2022.

FISCAL IMPACT:

If the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate, the City Council may adopt Draft Resolution A and C. Doing so will result in an estimated \$630,000 in additional revenue from sewer service charges collected in FY22/23.

ALTERNATIVES:

1. If a majority protest is not received by property owners, Council has the option to reduce the proposed rate increases but may not increase the rate over that proposed.
2. Council could take no action.

ATTACHMENTS:

1. Notice Concerning Proposed Wastewater Rate Increases and Public Hearing
2. Draft Resolution A Setting Forth the Results of the Protest Process (Non-Majority Protest)
3. Draft Resolution B Setting Forth the Results of the Protest Process (Majority Protest)
4. Draft Resolution C Approving Proposed Wastewater Rates Effective July 1, 2022

DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, SETTING FORTH THE RESULTS OF PROTESTS IN CONNECTION WITH WASTEWATER (SEWER) RATE HEARING CONDUCTED PURSUANT TO THE REQUIREMENTS OF PROPOSITION 218

WHEREAS, Article XIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

WHEREAS, the City Council adopted Resolution No. 2019-033 establishing procedures for the submission and tabulation of protests in connection with rate hearings conducted pursuant to the requirements set forth in Article XIID of the California Constitution to help ensure that the rights of those persons that are authorized to protest service charges are preserved; and

WHEREAS, a Wastewater Rate Study was prepared for the City of Atascadero's Wastewater Enterprise and recommends increases to wastewater rates to meet the on-going operational needs of the enterprise and needed funding for capital infrastructure requirements; and

WHEREAS, the City Council reviewed the Wastewater Rate Study at their regular meeting on March 8, 2022 and directed staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all parcel owners subject to the increase and set a Public Hearing for May 10, 2022 to consider proposed wastewater rate increases; and

WHEREAS, notices of the proposed wastewater rates and Public Hearing were mailed to all parcel owners subject to the proposed increases at least 45 days prior to the Public Hearing; and

WHEREAS, the City Council conducted a Public Hearing for proposed wastewater rates on May 10, 2022 to receive public comment and consider the results of protest proceedings in accordance with Proposition 218; and

WHEREAS, the City Clerk has tabulated all valid protests received by the conclusion of the May 10, 2022 Public Hearing and has determined that the number of valid protests received is insufficient to constitute a majority protest (50% plus 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 and are hereby incorporated by reference.

SECTION 2: Protest Votes. The number of unique parcels eligible to file a protest was 5,437. The number of valid protests required to prevent adoption of the proposed rate increases is 2,719. The number of valid protests received by the City at the end of the May 10, 2022 Public Hearing was _____.

SECTION 3: Results of Protests. The tabulation by the City Clerk of the number of valid protests received on proposed wastewater rates is accepted and sets forth that the protest results conclude that there is a insufficient number of valid protests received to constitute a majority protest to the proposed wastewater rates, whereby allowing the consideration to adopt proposed wastewater rates.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2022.

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

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, SETTING FORTH THE RESULTS OF PROTESTS IN CONNECTION WITH WASTEWATER (SEWER) RATE HEARING CONDUCTED PURSUANT TO THE REQUIREMENTS OF PROPOSITION 218

WHEREAS, Article XIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

WHEREAS, the City Council adopted Resolution No. 2019-033 establishing procedures for the submission and tabulation of protests in connection with rate hearings conducted pursuant to the requirements set forth in Article XIID of the California Constitution to help ensure that the rights of those persons that are authorized to protest service charges are preserved; and

WHEREAS, a Wastewater Rate Study was prepared for the City of Atascadero's Wastewater Enterprise and recommends increases to wastewater rates to meet the on-going operational needs of the enterprise and needed funding for capital infrastructure requirements; and

WHEREAS, the City Council reviewed the Wastewater Rate Study at their regular meeting on March 8, 2022 and directed staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all parcel owners subject to the increase and set a Public Hearing for May 10, 2022 to consider proposed wastewater rate increases; and

WHEREAS, notices of the proposed wastewater rates and Public Hearing were mailed to all parcel owners subject to the proposed increases at least 45 days prior to the Public Hearing; and

WHEREAS, the City Council conducted a Public Hearing for proposed wastewater rates on May 10, 2022 to receive public comment and consider the results of protest proceedings in accordance with Proposition 218; and

WHEREAS, the City Clerk has tabulated all valid protests received by the conclusion of the May 10, 2022 Public Hearing and has determined that the number of valid protests received is sufficient to constitute a majority protest (50% plus 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 and are hereby incorporated by reference.

SECTION 2: Protest Votes. The number of unique parcels eligible to file a protest was 5,437. The number of valid protests required to prevent adoption of the proposed rate increases is 2,719. The number of valid protests received by the City at the end of the May 10, 2022 Public Hearing was _____.

SECTION 3: Results of Protests. The tabulation by the City Clerk of the number of valid protests received on proposed wastewater rates is accepted and sets forth that the protest results conclude that there is a sufficient number of valid protests received to constitute a majority protest to the proposed wastewater rates, whereby disallowing the consideration to adopt proposed wastewater rates.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___day of ____, 2022.

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

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

DRAFT RESOLUTION C

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, ESTABLISHING WASTEWATER RATES
(SEWER SERVICE CHARGES) FOR THE WASTEWATER DIVISION**

WHEREAS, the City of Atascadero owns and operates a municipal wastewater collection and treatment system for the safe and reliable disposal of wastewater in accordance with applicable regulations; and

WHEREAS, the City of Atascadero levies and imposes a monthly sewer service charge, as provided by resolution of the City Council, upon the property owners of any parcels or premises within the City that has any sewer connection or discharges wastewater to the municipal wastewater collection and treatment system; and

WHEREAS, a Wastewater Rate Study was prepared by Tuckfield & Associates for the City of Atascadero's Wastewater Division that recommends increases to wastewater rates (sewer service charges) to meet the on-going operational needs of the enterprise and needed funding for capital infrastructure requirements; and

WHEREAS, the City Council reviewed the Wastewater Rate Study at their regular meeting on March 8, 2022 and set a Public Hearing for May 10, 2022 to consider proposed wastewater rate increases; and

WHEREAS, the City Council conducted a Public Hearing for proposed wastewater rates on May 10, 2022 to receive public comment and consider the results of protest proceedings in accordance with Proposition 218; and

WHEREAS, Article XIID, Section 6 of the California Constitution requires the City Council to consider written protests to certain proposed increases to rates (fees or charges) for utility services; and

WHEREAS, the City Clerk tabulated all valid protests received by the conclusion of the May 10, 2022 Public Hearing and has determined that the number of valid protests received is insufficient to constitute a majority protest (50% plus 1); and

WHEREAS, the City Council accepted the City Clerk's tabulation by Resolution No. 2022-___ at the May 10, 2022 Public Hearing which sets forth that the protest results conclude that there was an insufficient number of valid protests received to constitute a majority protest to the proposed wastewater rates, whereby allowing the consideration to adopt proposed wastewater rates.

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

SECTION 1: Recitals. The above recitals are true and correct and are hereby incorporated by reference.

SECTION 2: Sewer Service Charges Established. The Proposed Sewer Service Charges as set forth in Exhibit A, attached hereto and incorporated herein by this reference, are hereby approved and shall become effective on July 14, 2022, which is at least thirty (30) days from adoption.

SECTION 3: Previous resolutions establishing Sewer Service Charges are superseded upon the effective date of the Sewer Service Charges as established in Section 2 above, and are hereby rescinded and rendered moot.

PASSED AND ADOPTED at a regular meeting of the City Council held on the __ day of ____, 2022.

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

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

EXHIBIT A

CURRENT AND PROPOSED MONTHLY SEWER SERVICE CHARGES				
Classification Description	EDU Multiple	Unit of Measure	Monthly Rate	
			Current	Proposed¹
Residential Fixed Charges				
Single Family	1.00	Dwelling Unit	\$ 34.00	\$ 40.46
Apartment, Condo	0.75	Dwelling Unit	\$ 25.50	\$ 30.35
Mobile Home	0.60	Spaces	\$ 20.40	\$ 24.28
Senior Apartment Unit	0.35	Dwelling Unit	\$ 11.90	\$ 14.16
Non-Residential Fixed Charges				
Financial Institutions	2.00	Unit	\$ 68.00	\$ 80.92
Bars	1.50	Unit	\$ 51.00	\$ 60.69
Carwash	7.50	Unit	\$ 255.00	\$ 303.45
Churches/Meeting Halls				
< 150 seats	1.33	Seats	\$ 45.22	\$ 53.81
150 to 250 seats	2.66	Seats	\$ 90.44	\$ 107.62
> 250 seats	3.00	Seats	\$ 102.00	\$ 121.38
Commercial Unit	1.00	Unit	\$ 34.00	\$ 40.46
Funeral Home	9.00	Unit	\$ 306.00	\$ 364.14
Gas Station	2.00	Unit	\$ 68.00	\$ 80.92
Grocery Store > 10,000 sq. ft.	8.00	1,000 sq. ft.	\$ 272.00	\$ 323.68
Gymnasium	10.00	Unit	\$ 340.00	\$ 404.60
Laundry	9.00	Unit	\$ 306.00	\$ 364.14
Motel (per room)	0.33	Room	\$ 11.22	\$ 13.35
Office Unit	1.00	Unit	\$ 34.00	\$ 40.46
Rest Home (per bed)	0.35	Bed	\$ 11.90	\$ 14.16
Restaurants				
< 40 seats	4.00	Seats	\$ 136.00	\$ 161.84
40 to 60 seats	6.00	Seats	\$ 204.00	\$ 242.76
61 to 100 seats	8.00	Seats	\$ 272.00	\$ 323.68
> 100 seats	10.00	Seats	\$ 340.00	\$ 404.60
Schools (per student enrolled on 3/	0.05	Student	\$ 1.70	\$ 2.02
Theater	4.00	Unit	\$ 136.00	\$ 161.84
Veterinarians	3.00	Unit	\$ 102.00	\$ 121.38
Unlisted Uses ²	1.00	Unit	\$ 34.00	\$ 40.46

¹ Proposed Rates effective July 1, 2022

² Unlisted uses are determined by use of fixture units from the California Plumbing Code or as by means deemed appropriate by the City Engineer.

³ EDU = Equivalent Dwelling Unit is the average daily flow and strength of wastewater discharge from single family residence (240 gallons per day with BOD₅=250 ml/L and SS=250 ml/L).

NOTICE CONCERNING PROPOSED WASTEWATER INCREASES AND PUBLIC HEARING



To Property Owner/Customer:

NOTICE IS HEREBY GIVEN that on **Tuesday, May 10, 2022, at 6:00 p.m.**, a Public Hearing will be held in-person and virtually* at the City of Atascadero Council Chambers located at 6500 Palma Avenue, Atascadero, California 93422 to consider proposed increases in wastewater rates. If approved by the City Council, the proposed rate increases will be effective for services provided on or after July 1, 2022.

WHY ARE THE RATE CHANGES BEING CONSIDERED?

The City is dedicated to keeping rates low by maintaining lean staffing levels, absorbing increasing operational and maintenance costs, and using reserves when necessary. However, much like other utilities and services delivered to homes, the costs involved to collect and treat wastewater have risen and continue to rise. An independent analysis determined annual rate increases would be needed over a five-year period. This year's rate increase represents the fourth of that period.

- Impacts of regulation and legislation
- Past and continued critical upgrades and/or replacement of wastewater facilities and infrastructure

PROPOSED WASTEWATER REVENUE INCREASES

The City proposes to increase its wastewater service charges. All wastewater customers would be charged a fixed monthly wastewater service charge in the same manner as they are currently charged. Customers of the wastewater system are charged proportionally to their wastewater flow and strength contributed to the wastewater collection and treatment facilities. Current and proposed wastewater service charges are provided on the following page.

INDEPENDENT ANALYSIS

The City engaged an independent consulting engineer to assess and analyze the capital needs of the wastewater collection and treatment systems. The independent engineer identified numerous capital facility replacements and upgrades required to continue to provide a safe and reliable wastewater system. In addition to other projects, the most significant capital projects identified consist of the Water Reclamation Facility treatment process improvements totaling in excess of \$23 million and Lift Station #13 and Force Main project totaling about \$5.5 million, both projects are expected to be completed within the next five years.

WASTEWATER MONTHLY BILL IMPACT FOR THE AVERAGE RESIDENTIAL CUSTOMER

The wastewater bill for a single-family residential customer will increase by \$6.46 per month under the proposed rates. Apartment and Condo bills will increase \$4.85 per month while Senior Apartment Units will increase by \$2.26 per month. Bills for Mobile Homes will increase \$3.88 per month. The table below provides the increase in monthly charges for residential customers.

Residential Classification	Monthly Rate		
	Current	Proposed ¹	Difference
Single Family	\$ 34.00	\$ 40.46	\$ 6.46
Apartment, Condo	\$ 25.50	\$ 30.35	\$ 4.85
Mobile Home	\$ 20.40	\$ 24.28	\$ 3.88
Senior Apartment Unit	\$ 11.90	\$ 14.16	\$ 2.26

¹ Proposed Rates effective July 1, 2022

Revenues derived from the proposed rate changes do not exceed the revenue requirements needed to provide the property-related services by the City nor will the

Additionally, the City engaged an independent financial consultant to analyze its wastewater services, revenues and rates and prepare a Wastewater Rate Study. The City commissioned this analysis to determine the cost of providing wastewater services and their corresponding impacts to customer's bills. This analysis identified a number of key factors that result in the proposed rates. These key factors include, but are not limited to:

- Rising treatment and energy costs

*At the time of printing, it is expected that this meeting will be held both in-person and virtually. Should circumstances change, requiring only virtual attendance at the meeting, the change will be noted on the City's website with the posting of the agenda.

revenues from the rates and charges referenced herein be used for any purpose other than that for which the corresponding rates are imposed. The amount of the proposed rates imposed upon any parcel or person as an incident of property ownership will not exceed the

proportional cost of the service(s) attributable to such parcel; and no rate will be imposed for a service unless that service is actually used by, or immediately available to, the property or customer in question.

CURRENT AND PROPOSED MONTHLY SEWER SERVICE CHARGES

Classification Description	EDU ³ Multiple	Unit of Measure	Monthly Rate	
			Current	Proposed ¹
Residential Fixed Charges				
Single Family	1.00	Dwelling Unit	\$ 34.00	\$ 40.46
Apartment, Condo	0.75	Dwelling Unit	\$ 25.50	\$ 30.35
Mobile Home	0.60	Spaces	\$ 20.40	\$ 24.28
Senior Apartment Unit	0.35	Dwelling Unit	\$ 11.90	\$ 14.16
Non-Residential Fixed Charges				
Financial Institutions	2.00	Unit	\$ 68.00	\$ 80.92
Bars	1.50	Unit	\$ 51.00	\$ 60.69
Carwash	7.50	Unit	\$ 255.00	\$ 303.45
Churches/Meeting Halls				
< 150 seats	1.33	Seats	\$ 45.22	\$ 53.81
150 to 250 seats	2.66	Seats	\$ 90.44	\$ 107.62
> 250 seats	3.00	Seats	\$ 102.00	\$ 121.38
Commercial Unit	1.00	Unit	\$ 34.00	\$ 40.46
Funeral Home	9.00	Unit	\$ 306.00	\$ 364.14
Gas Station	2.00	Unit	\$ 68.00	\$ 80.92
Grocery Store > 10,000 sq. ft.	8.00	1,000 sq. ft.	\$ 272.00	\$ 323.68
Gymnasium	10.00	Unit	\$ 340.00	\$ 404.60
Laundry	9.00	Unit	\$ 306.00	\$ 364.14
Motel (per room)	0.33	Room	\$ 11.22	\$ 13.35
Office Unit	1.00	Unit	\$ 34.00	\$ 40.46
Rest Home (per bed)	0.35	Bed	\$ 11.90	\$ 14.16
Restaurants				
< 40 seats	4.00	Seats	\$ 136.00	\$ 161.84
40 to 60 seats	6.00	Seats	\$ 204.00	\$ 242.76
61 to 100 seats	8.00	Seats	\$ 272.00	\$ 323.68
> 100 seats	10.00	Seats	\$ 340.00	\$ 404.60
Schools (per student enrolled on Marc.	0.05	Student	\$ 1.70	\$ 2.02
Theater	4.00	Unit	\$ 136.00	\$ 161.84
Veterinarians	3.00	Unit	\$ 102.00	\$ 121.38
Unlisted Uses ²	1.00	Unit	\$ 34.00	\$ 40.46

¹ Proposed Rates effective July 1, 2022

² Unlisted uses are determined by use of fixture units from the California Plumbing Code or as by means deemed appropriate by the City Engineer.

³ EDU = Equivalent Dwelling Unit is the average daily flow and strength of wastewater discharge from single family residence (240 gallons per day with BOD₅=250 ml/L and SS=250 ml/L).

PUBLIC HEARING AND PROTEST PROCEEDING

The City Council will hear and consider all written protests and oral comments to the proposed rate increases at the Public Hearing. All interested parties are invited to participate virtually in the public hearing and present written protests and/or oral comments on the proposed rate increases referenced herein. Direction and information for participating in the meeting will be available on the City Council Agenda COVID cover page. Agendas are available on the City's website: www.atascadero.org/agendas. Oral comments made at the public hearing will not qualify as formal protests of the proposed rate increases unless accompanied by a written protest setting forth the required information (as detailed below). Upon the conclusion of the Public Hearing, the City Council will consider adoption of a resolution authorizing the rate increases to the City's wastewater service charges as described in this Notice. If written protests against the proposed rate increases and adjustments to the wastewater rates as outlined are not presented by a majority of property owners of the identified parcels upon which the wastewater rates are proposed to be imposed, the City Council will be authorized to impose the respective rate increases and adjustment. If adopted, the proposed rate increases to the wastewater service charges will be in effect beginning July 1, 2022.

Pursuant to State Law, written protests may be submitted by any record property owner of a parcel, subject to the proposed City rate changes, against any or all of the proposed rate changes described in this Notice. However, only one written protest will be counted per identified parcel. Any written protest must: (1) state that the identified property owner is in opposition to the proposed increases to the wastewater rates; (2) provide the location of the identified parcel (by street address or assessor's parcel number (APN)); (3) include the printed name and original, wet signature of the property owner submitting the protest; (4) date the protest was signed; and (5) certification by the named property owner that the contents of the protest are true and correct. Written protests may be submitted by mail or in person to the City Clerk at 6500 Palma Avenue, Atascadero, CA 93422, or at the Public Hearing on May 10, 2022 (date, time, and location specified on the front of this Notice), provided they are received prior to the close of the Public Hearing, which will occur when the public testimony on the proposed increases and adjustments is concluded. Due to the inability to verify the authenticity of each individual protest, protests received by telephone, electronic mail (e-mail), or via social media sites, including, but not limited to, Facebook or Twitter shall **NOT** be accepted. Please identify on the front of the envelope for any written protest, whether mailed or submitted in person to the City Clerk, the following: "Attn: Protest Wastewater Rate Increases". Written protest in marked envelopes may be submitted in person by dropping them off in the locked box in the foyer at City Hall. For more information or

ITEM NUMBER: B-2
DATE: 05/10/22
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questions about the proposed wastewater rate increases, written protest submittal procedures, or public testimony options at the Public Hearing, you may contact the Department of Public Works at (805) 470-3456 or visit the City's website at www.atascadero.org/Prop218. The City's Wastewater Rate Study and protest procedures will be available on the City's website not later than March 25, 2022.

ESTA CARTA ESTÁ DISPONIBLE EN ESPAÑOL, LLAME A TESS RAMIREZ (805) 470-3486

**At the time of printing, it is expected that this meeting will be held both in-person and virtually. Should circumstances change, requiring only virtual attendance at the meeting, the change will be noted on the City's website with the posting of the agenda.*



Atascadero City Council

Staff Report – Police Department

AB 481 – Military Equipment Policy

RECOMMENDATION:

Council introduce for first reading, by title only, a Draft Ordinance adopting a Military Equipment Policy in accordance with Assembly Bill 481.

DISCUSSION:

On September 30, 2021, California Assembly Bill 481 (AB 481) was signed into law, which codified California Government Code Sections 7070 to 7075. AB 481 requires a law enforcement agency to obtain approval, by ordinance at a regular meeting, a military equipment policy related to any funding, acquisition, or use of military equipment. At the April 26, 2022 Council Meeting, a draft Military Equipment Policy was presented to the City Council for review and discussion.

Attached for the City Council's review and consideration is a Military Equipment Policy (Policy) that covers military equipment already in use by the City and satisfies the requirement of AB 481. Use of equipment identified in the Policy is very rare and the ability to use this equipment during rare and extreme circumstances provides the Police Department the necessary tools to protect the welfare of residents and police officers in this community. The Police Department has policies in place to deescalate situations and only uses this equipment as necessary to protect public safety.

The City Council may approve the Policy if it can make certain findings and determinations listed in Government Code Section 7071(d). The findings and staff's basis for recommending the findings are as follows:

- A. The military equipment is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.

There are no reasonable alternatives to the equipment currently owned by the City and only necessary military equipment, without a reasonable alternative that can achieve the same objective of officer and civilian safety, would be presented to the Council for future purchase and/or acquisition in any annual report.

Patrol Rifles are a precision weapon used to address a threat to the public or officers with more accuracy and at greater distances than a handgun.

40 mm launchers are used as a lawful application of kinetic force delivered with the intent to subdue or render a person as non-threatening at distances greater than 15 feet. The less lethal munitions may be used as an option to de-escalate a potentially dangerous/deadly situation, with a reduced potential for death or serious injury to all persons involved.

- B. The proposed military equipment use policy will safeguard the public's welfare, safety, civil rights, and civil liberties.

The proposed Military Equipment Policy ensures that there are safeguards such as transparency, oversight, and accountability measures in place. For example, the policy includes information for how members of the public may register complaints for suspected violations of the policy. The policy also requires an annual audit to be conducted of all military equipment in the City's possession.

- C. If purchasing the equipment, the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

The military equipment identified in the Atascadero Police Department Military Equipment Policy is identified as currently owned and is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

The purchase of future military equipment, as identified in any annual report, will follow the procurement policies and procedures for the City ensuring the equipment is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.

- D. Prior military equipment use complied with the military equipment use policy that was in effect at the time, or if prior uses did not comply with the accompanying military equipment use policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

The City did not previously have a military equipment use policy, however if any prior use did not comply with the Military Equipment Policy, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

If the City Council does not approve the continuing use of military equipment, and adopt the ordinance, the Police Department shall cease its use of the military equipment within 180 days (or no later than October 26, 2022) or until it receives the approval of the City Council in accordance with AB 481. Without an adopted policy, the Police Department cannot use certain equipment in its inventory necessary to face threats within the City, and this equipment is necessary for protection of the health and safety of not only members of the City, but also the police officers.

FISCAL IMPACT:

There is no direct fiscal impact from the approval of this policy or adoption of this ordinance.

ATTACHMENTS:

1. Draft Ordinance
2. Draft Military Equipment Policy

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY IN ACCORDANCE WITH AB 481

WHEREAS, on September 30, 2021, Governor Gavin Newsom signed into law Assembly Bill 481 (AB 481), which establishes several requirements related to the funding, acquisition, or use of military equipment. AB 481 is codified as Government Code sections 7070 to 7075; and

WHEREAS, certain approved military equipment, used by law enforcement in an authorized manner, can assist law enforcement to accomplish its fundamental mission to safeguard the public welfare, safety, civil rights, and civil liberties of the community it serves; and

WHEREAS, AB 481 requires the Atascadero Police Department to obtain approval of the City Council by an ordinance adopting a military equipment use policy, at a regular meeting held pursuant to California open meeting laws, prior to taking certain actions related to the funding, acquisition, deployment, or other use of military equipment. The term “military equipment” is defined in California Government Code section 7070(c); and

WHEREAS, AB 481 allows the City Council to approve the funding, acquisition, or continued use of military equipment within its jurisdiction as provided in the policy, only if it makes specified findings as provided in Government Code section 7071(d)(1); and

WHEREAS, the City posted a copy of the proposed Military Equipment Policy on the City’s website, to provide the public review period as required by Government Code section 7071(d)(2); and

WHEREAS, the Findings set forth in this ordinance are based on the information first presented to the City Council on April 26, 2022, in staff’s report, and the draft Military Equipment Policy attached thereto; and

WHEREAS, this Ordinance and the Atascadero Police Department’s Military Equipment Policy, which is hereby incorporated by reference as if set forth in full, meets the requirements of California Government Code sections 7070, subdivision (d) and 7071 subdivision (a)(1).

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

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

SECTION 2. Environmental Review. The City Council exercises its independent judgment and finds that the proposed ordinance is not subject to California Environmental Quality Act (CEQA), pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), and section 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the subject regulations have no potential for resulting in any significant physical change to the environment, either directly or indirectly.

SECTION 3. Findings and Determinations. The City Council finds and determines as follows:

- a. The military equipment identified in the Atascadero Police Department Military Equipment Policy is necessary because there is no reasonable alternative that can achieve the same objective of officer and civilian safety.
- b. The Atascadero Police Department Military Equipment Policy will safeguard the public's welfare, safety, civil rights, and civil liberties.
- c. The military equipment identified in the Atascadero Police Department Military Equipment Policy is identified as currently owned as of the date of adoption of this ordinance and is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- d. Military equipment to be purchased, as identified in any annual report, is reasonably cost effective compared to available alternatives that can achieve the same objective of officer and civilian safety.
- e. The City did not previously have a military equipment use policy, however if any prior use did not comply with the Military Equipment Policy, which is hereby incorporated by reference as if set forth in full, corrective action has been taken to remedy nonconforming uses and ensure future compliance.

SECTION 4. Adoption of Military Equipment Policy. Based on the above Findings and Determinations, the Military Equipment Policy, which is hereby incorporated by reference as if set forth in full, is approved and adopted as Atascadero Police Department Policy No. 708. The City Council further authorizes the City Manager, or their designee, without further Council action, to amend the Policy to the extent necessary to clarify the Policy or to comply with subsequent changes in law, to the extent such amendments do not require Council action.

SECTION 5. Annual Review. The City Council directs staff to establish an annual review procedure for the review of this ordinance, including the Military Equipment Policy, and approval of a military equipment report in accordance with Atascadero Police Department Policy No. 708 and Government Code sections 7071(e)(1) and 7072, to occur before May 1st of each subsequent year and the Findings and Determinations and approvals set forth in this ordinance shall be deemed to apply if the annual report is approved by the City Council.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero's book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on _____, 2022 and **PASSED APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2022.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

708 Military Equipment

708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

Governing body – The elected or appointed body that oversees the Department, in this case the Atascadero City Council.

Military equipment – Includes but is not limited to the following:

1. Unmanned, remotely piloted, powered aerial or ground vehicles.
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
3. High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
4. Tracked armored vehicles that provide ballistic protection to their occupants.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
8. Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
9. Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue handguns.
10. Any firearm or firearm accessory that is designed to launch explosive projectiles.
11. Noise-flash diversionary devices and explosive breaching tools.
12. Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
13. TASER® Shockwave, microwave weapons, water cannons, and long-range acoustic devices (LRADs).
14. Kinetic energy weapons and munitions.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.

708.2 POLICY

It is the policy of the Atascadero Police Department that its members comply with the provisions of Government Code § 7071 with respect to military equipment.

708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police will designate a member of the Department to act as the military equipment coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

- (a) Acting as liaison to the governing body for matters related to the requirements of this policy.

- (b) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.
- (c) Conducting an inventory of all military equipment at least annually.
- (d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Atascadero Police Department (Government Code § 7071).
- (e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:
 - 1. Publicizing the details of the meeting.
 - 2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.
- (f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the Department's website (Government Code § 7072).
- (g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

708.4 MILITARY EQUIPMENT INVENTORY

The attachment to this policy section constitutes a list of qualifying "military equipment" for the Department.

SEE ATTACHMENT: MILITARY EQUIPMENT INVENTORY.PDF

708.5 APPROVAL

The Chief of Police or his/her authorized designee shall obtain approval from the governing body, by way of an ordinance, adopting the military equipment policy. As part of the approval process, the Chief of Police or his/her authorized designee shall ensure the proposed military equipment policy is submitted to the governing body, and is available on the Department's website at least thirty (30) days prior to any public hearing concerning the military equipment at issue (Government Code § 7071).

The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

- (a) Requesting military equipment made available pursuant to 10 USC § 2576a.
- (b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.
- (c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.
- (d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.
- (e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.
- (f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

708.6 COORDINATION WITH OTHER JURISDICTIONS

This policy recognizes the need for agencies to provide assistance to each other, whether in ongoing combined or regional operations, occasional planned operations, or in exigent circumstances. Where applicable to the provisions of Government Code § 7070 through § 7075, such assisting agencies must comply with their respective military equipment use policies when rendering assistance.

708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or his/her authorized designee will submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The annual military equipment report shall, at a minimum, include the following information for the immediately preceding calendar year for each type of military equipment:

- a. A summary of how the military equipment was used and the purpose of its use.
- b. A summary of any complaints or concerns received concerning the military equipment.
- c. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
- d. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
- e. The quantity possessed for each type of military equipment.
- f. If the law enforcement agency intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment.

The Chief of Police or his/her authorized designee shall also make each annual military equipment report publicly available on the Department's website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

**ATASCADERO POLICE DEPARTMENT POLICY MANUAL
 ATTACHMENT TO POLICY MANUAL SECTION 708
 INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT**

Equipment Name: 5.56mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 7 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.		
Atascadero		
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:		
<ul style="list-style-type: none"> ● Situations where the officer reasonably anticipates an armed encounter. ● When an officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes that a suspect may be wearing body armor. ● When authorized or requested by a supervisor. 		
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.		
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.		
Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.		

Equipment Name: 5.56mm Semi-automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)		
Quantity Owned/Sought: 17 owned		Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifle capable of firing a 5.56mm projectile.		
Manufacturer Product Description: Bushmaster XM15-E2S Patrolman Rifle. Short barreled carbine for patrol operations		
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:		
<ul style="list-style-type: none"> ● Situations where the officer reasonably anticipates an armed encounter. ● When an officer is faced with a situation that may require accurate and effective fire at long range. 		

**ATASCADERO POLICE DEPARTMENT POLICY MANUAL
 ATTACHMENT TO POLICY MANUAL SECTION 708
 INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT**

<ul style="list-style-type: none"> ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes that a suspect may be wearing body armor. ● When authorized or requested by a supervisor.
<p>Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.</p>
<p>Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.</p>
<p>Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.</p>

<p>Equipment Name: 5.56mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)</p>		
<p>Quantity Owned/Sought: 3 owned</p>		<p>Lifespan: Approximately 15 years</p>
<p>Equipment Capabilities: Semi-automatic rifles that fire a 5.56mm projectile.</p>		
<p>Manufacturer Product Description: Heckler and Koch G36C is a compact deployable patrol rifle ideal for compact carry locations such as motor vehicles and motorcycles.</p>		
<p>Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:</p> <ul style="list-style-type: none"> ● Situations where the officer reasonably anticipates an armed encounter. ● When an officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes that a suspect may be wearing body armor. ● When authorized or requested by a supervisor. 		
<p>Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.</p>		
<p>Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.</p>		
<p>Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.</p>		

**ATASCADERO POLICE DEPARTMENT POLICY MANUAL
 ATTACHMENT TO POLICY MANUAL SECTION 708
 INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT**

Equipment Name: 40 caliber and 9mm Semi-Automatic Rifles and Ammunition - CA Govt. Code §7070(c)(10)	
Quantity Owned/Sought: 2 owned	Lifespan: Approximately 15 years
Equipment Capabilities: Semi-automatic rifles that fire a 40 caliber and 9mm projectile.	
Product Description: Heckler and Koch MP5 sub machine gun made to cover a wide variety of different tactical requirements for specialized teams.	
Purpose/Authorized Uses: Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to: <ul style="list-style-type: none"> ● Situations where the officer reasonably anticipates an armed encounter. ● When an officer is faced with a situation that may require accurate and effective fire at long range. ● Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower. ● When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage. ● When an officer reasonably believes that a suspect may be wearing body armor. ● When authorized or requested by a supervisor. 	
Fiscal Impacts: The initial cost of equipment is approximately \$1,100 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.	
Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force and Firearms including Atascadero Police Department Policy Manual sections: 300, 305, 310, 312, 314.7.3, 433.	
Training Required: Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as regular department firearms training and qualifications as required by law and policy.	

Equipment Name: .308 caliber bolt-action Rifle and Ammunition - CA Govt. Code §7070(c)(10)	
Quantity Owned/Sought: 1 owned	Lifespan: Approximately 15 years
Equipment Capabilities: The Remington 700 Sniper Rifle fires a .308 caliber projectile at extended distances.	
Manufacturer Product Description: The Remington 700 is the number one bolt-action of all time, proudly made in the U.S.A. For over 50 years, more Model 700s have been sold than any other bolt-action rifle before or since. The legendary strength of its 3-rings-of-steel receiver paired with a hammer-forged barrel, combine to yield the most popular bolt-action rifle in history.	
Purpose/Authorized Uses: This rifle is exclusively authorized for use by a sniper-trained SWAT officer, and may be deployed in circumstances where the officer can articulate a reasonable expectation that	

**ATASCADERO POLICE DEPARTMENT POLICY MANUAL
 ATTACHMENT TO POLICY MANUAL SECTION 708
 INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT**

the rifle may be necessary. Examples of some general guidelines for deploying the rifle may include but are not limited to:

- Situations where the officer reasonably anticipates an armed encounter.
- When the officer is faced with a situation that may require accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.

Fiscal Impacts: \$1,604.12 per rifle. The ongoing costs for ammunition vary, and maintenance is performed by Department staff.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force including Atascadero Police Department Policy Manual sections 300, 305, 310, 312, 314.7.3.

Training Required: In addition to patrol rifle and standard SWAT Operator training, SWAT Snipers must successfully complete a CA POST certified sniper course as well as regular SWAT Sniper training and qualifications as required by law and policy.

Equipment Name: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Govt. Code §7070(c)(14)

Quantity Owned/Sought: 9 owned | **Lifespan:** Approximately 15 years

Equipment Capabilities: The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions.

Manufacturer Product Description:

Purpose/Authorized Uses: To compel an individual to cease his/her actions when such munitions present a reasonable option. A verbal warning of the intended use of the device should precede its application. The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a "less lethal" use of force option, which serves as an additional option to mitigate the possibility of using lethal force.

Fiscal Impacts: \$3,400 initial purchase per launcher, \$2,500 initial purchase of 40mm projectiles. The ongoing cost for munitions will vary.

Legal/Procedural Rules Governing Use: All applicable State, Federal and Local laws governing police use of force. Various Atascadero Police Department Policies on Use of Force, primarily Atascadero Police Department Policy Manual sections 300 and 308.

ITEM NUMBER: C-1
DATE: 05/10/22
ATTACHMENT: 3

**ATASCADERO POLICE DEPARTMENT POLICY MANUAL
ATTACHMENT TO POLICY MANUAL SECTION 708
INVENTORY LIST OF AB 481 DEFINED MILITARY EQUIPMENT**

Training Required: Initial orientation course including qualifications are provided by Department members who have attended a POST-certified instructor's course; annual recertification, including qualifications by demonstrated use in a training environment are required of all operators.