



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, April 10, 2018

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

<u>City Council Closed Session:</u>	5:00 P.M.
<u>City Council Regular Session:</u>	6:00 P.M.

CITY COUNCIL CLOSED SESSION:

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
 - a. Conference with Labor Negotiators (Govt. Code Sec. 54957.6)**
Agency designated representatives: Rachele Rickard, City Manager
Employee Organizations: Atascadero Professional Firefighters, Local 3600; Atascadero Police Association; Service Employees International Union, Local 620; Mid-Management/Professional Employees; Non-Represented Professional and Management Workers and Confidential Employees
- 4. CLOSED SESSION -- ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION -- REPORT**

ADJOURNMENT

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

PLEDGE OF ALLEGIANCE: Council Member Bourbeau

ROLL CALL: Mayor O'Malley
Mayor Pro Tem Fonzi
Council Member Bourbeau
Council Member Moreno
Council Member Sturtevant

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.

PRESENTATIONS:

1. Proclamation Recognizing April 2018 as Sexual Assault 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 – March 27, 2018

- Recommendation: Council approve the City Council Draft Action Minutes of the March 27, 2018, City Council meeting. [City Clerk]

2. Weed/Refuse Abatement Program

- Fiscal Impact: The City recovers costs for administering this program through the 150% administrative fee, which is placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2018-2019 Tax Roll.
- Recommendation: Council adopt Draft Resolution, declaring vegetative growth (noxious weeds) and/or refuse a public nuisance, commencing proceedings for the abatement of said nuisances, and placing all abatement fees on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2018-2019 Tax Roll. [Fire Department]

3. Subdivision Improvement Bond Release (Tract 2445)

- Fiscal Impact: None.
- Recommendation: Council approve the release of Performance Bond No.390500S in the amount of \$280,400, Payment Bond (Labor and Materials) No.390500S in the amount of \$140,200 and Monument Bond No. 380501S in the amount of \$1,500 posted by Indemnity Company of California, for Tract 2445 public improvements constructed by Scott K. Cursey and Sochetta N. Cursey. [Public Works]

4. Purchasing Policy Amendments

- Fiscal Impact: Implementation of the proposed policy is expected to save an estimated 250-400 hours of staff time annually. Using fully allocated costs, the value of this savings is \$25,000 - \$45,000 annually.
- Recommendation: Council adopt Draft Resolution amending the City of Atascadero Purchasing Policy. [Administrative Services]

5. Title 9 Tree Ordinance Update (PLN 2017-1679)

- Fiscal Impact: None.
- Recommendations: Council adopt on second reading, by title only, the Draft Ordinance, amending the Atascadero Native Tree Ordinance: Title 9, Chapter 11 of the Atascadero Municipal Code. [Community Development]

UPDATES FROM THE CITY MANAGER: (The City Manager will give an oral report on any current issues of concern to the City Council.)

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

B. PUBLIC HEARINGS:

1. La Plaza Project Amendments (PLN 2017-1649)

- Fiscal Impact: The commercial portion of the project will have a slightly positive impact on City revenues and is expected to spur other commercial growth in the area.
- Recommendations: Council:
 1. Adopt Draft Resolution A, approving the La Plaza development project.
 2. Adopt Draft Resolution B, approving the Tentative Parcel Map, Road Abandonment [Community Development]

C. MANAGEMENT REPORTS:

1. Participation in a Regional Economic Impact Study and Strategy

- Fiscal Impact: One-time appropriation of \$40,000 in General Fund Reserves in fiscal year 2018/2019 and staff costs associated with Atascadero's participation in the regional economic impact study and strategy.
- Recommendation: Council authorize the Director of Administrative Services to appropriate \$40,000 of General Fund reserves in fiscal year 2018-2019 for the City's participation in a regional economic impact study and strategy on the impending closure of the Diablo Canyon Power Plant. [City Manager]

COUNCIL ANNOUNCEMENTS AND REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

D. COMMITTEE REPORTS: (The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor O'Malley

1. City / Schools Committee
2. County Mayors Round Table
3. SLO Council of Governments (SLOCOG)
4. SLO Regional Transit Authority (RTA)
5. Integrated Waste Management Authority (IWMA)
6. Ad Hoc Animal Shelter Committee

Mayor Pro Tem Fonzi

1. Air Pollution Control District
2. Oversight Board for Successor Agency to the Community Redevelopment Agency of Atascadero
3. SLO Local Agency Formation Commission (LAFCo)
4. City of Atascadero Design Review Committee
5. Atascadero Basin Ground Water Sustainability Agency (GSA)
6. Ad Hoc Animal Shelter Committee

Council Member Bourbeau

1. City of Atascadero Design Review Committee
2. Homeless Services Oversight Council
3. City of Atascadero Finance Committee
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Moreno

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

Council Member Sturtevant

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

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

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

F. ADJOURN

Please note: Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.

I, Amanda Muther, Deputy City Clerk of the City of Atascadero, declare under penalty of perjury that the foregoing agenda for the April 10, 2018 Regular Session of the Atascadero City Council was posted on April 4, 2018, at the Atascadero City Hall, 6500 Palma Avenue, Atascadero, CA 93422 and was available for public review at that location.

Signed this 4th day of April 2018, at Atascadero, California.

Amanda Muther, Deputy City Clerk
City of Atascadero

City of Atascadero

WELCOME TO THE ATASCADERO CITY COUNCIL MEETING

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

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

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

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

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

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

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

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

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

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

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



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, March 27, 2018

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

City Council Regular Session:

6:00 P.M.

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

Mayor O'Malley called the meeting to order at 6:01 p.m. and Mayor Pro Tem Fonzi led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Bourbeau, Moreno, Sturtevant, Mayor Pro Tem Fonzi and Mayor O'Malley

Absent: None

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Police Chief Jerel Haley, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen and Senior Planner Kelly Gleason

APPROVAL OF AGENDA:

MOTION: By Council Member Sturtevant and seconded by Council Member Bourbeau 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. Recognition of Barbie Butz – Champion of the Community Statewide Award recipient

Mayor O'Malley, on behalf of the City Council, recognized Barbie Butz as a Champion of the Community Statewide Award recipient.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – March 13, 2018

- Recommendation: Council approve the City Council Draft Action Minutes of the March 13, 2018, City Council meeting. [City Clerk]

2. February 2018 Accounts Payable and Payroll

- Fiscal Impact: \$1,906,109.14
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for February 2018. [Administrative Services]

3. Temporary Road Closures – Hot El Camino Cruise Nite and Colony Days Parade Route

- Fiscal Impact:
 - Hot El Camino Cruise Nite: No net fiscal impact.
 - Colony Days Parade Route: The Colony Days closure of the parade route is expected to take over 100 hours of budgeted staff time for road closure applications, set-up and manning the road closure.
- Recommendations: Council:
 1. Adopt Draft Resolution A authorizing a temporary road closure on Friday, August 17, 2018, for Hot El Camino Cruise Nite 2018 and establishing associated tow-away and “No Parking” zones, on the dates, times and locations as specified in the Draft Resolution.
 2. Adopt Draft Resolution B creating a temporary Colony Days Parade Route on Saturday, October 6, 2018, and establishing associated tow-away and “No Parking” zones and road closures from October 5 – 7, 2018, on the dates, times and locations as specified in the Draft Resolution.
[Public Works]

4. Parcel Map AT 17-0009 - 8390 Curbaril Avenue (FMP-2017-0189)(Winslow)

- Fiscal Impact: None.
- Recommendations: Council:
 1. Accept Parcel Map 2017-0189 (Map AT 17-0009).
 2. Accept, on behalf of the public, by the Council of the City of Atascadero, the offer of dedication for a Public Utility Easement.
 3. Authorize and direct the City Clerk to endorse the Council’s approval on the Map. [Public Works]

**MOTION: By Mayor Pro Tem Fonzi and seconded by Council Member Sturtevant to approve the Consent Calendar. (#A-3: Resolution Nos. 2018-004 and 2018-005)
*Motion passed 5:0 by a roll-call vote.***

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following citizens spoke during Community Forum: Jamie, Geoff Condon and James Brescia.

Mayor O'Malley continued the COMMUNITY FORUM period to a time following his report on Integrated Waste Management Authority.

B. PUBLIC HEARINGS:

1. Title 9 Tree Ordinance Update (PLN 2017-1679)

- Fiscal Impact: None.
- Recommendations: Council:
 1. Introduce for first reading, by title only, Draft Ordinance A, amending the Atascadero Native Tree Ordinance: Title 9, Chapter 11 of the Atascadero Municipal Code, based on findings.
 2. Adopt Draft Resolution, amending sections of the Atascadero Native Tree Guidelines and Standards consistent with the proposed code text amendments.[Community Development]

Ex Parte Communications

Council Members Bourbeau and Sturtevant had no communications on this item. Council Member Moreno reported speaking to an ALPS member, on a past occasion, prior to any efforts made by staff to revise the ordinance. Mayor Pro Tem Fonzi reported speaking to Jerry Clay regarding the historical purpose of the ordinance. Mayor O'Malley reported speaking with ALPS member Cory Meyer regarding the proposed changes to the ordinance.

Community Development Director Dunsmore and Senior Planner Gleason gave the staff report and answered questions from the Council. City Manager Rickard also answered questions from the Council.

Mayor O'Malley opened the Public Hearing and asked if anyone would like to address the City Council on this matter.

The following individuals spoke on the matter: Cory Meyer, Mike Orvis and Ellen Beraud.

Hearing no further requests to speak, Mayor O'Malley closed the Public Hearing.

Mayor O'Malley requested that staff report back to the City Council at a future meeting regarding the automation of public notice for tree removal permit applications.

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

1. Introduce for first reading, by title only, Draft Ordinance A, amending the Atascadero Native Tree Ordinance: Title 9, Chapter 11 of the Atascadero Municipal Code, based on findings.
2. Adopt Resolution No. 2018-006, amending sections of the Atascadero Native Tree Guidelines and Standards consistent with the proposed code text amendments with the following staff recommended changes to the Heritage Tree List:

	Location	Species	# trees	Date Listed	Notes
1	Sunken Gardens Park	Deodar Cedar	3	3/27/18	
2	Sunken Gardens Park	Magnolia	2	3/27/18	
3	East Mall/West Mall Parkway	Live Oak		3/27/18	
4	Atascadero Avenue	Sycamore	39	3/27/18	Street trees between the high school and just south of San Andres Ave
5	Atascadero Lake Park	Live and Valley Oaks	6	3/27/18	
6	North El Camino Real	Live and Valley Oaks	5	3/27/18	Street adjacent trees north of Del Rio to Santa Cruz
7	Paloma Park	Live and Valley Oaks	3	3/27/18	
8	7095 El Camino Real	Palm Tree	1	3/27/18	Located at site of original Founder's House
9	<u>Traffic Way</u>	<u>Live Oak</u>	<u>25</u>	<u>3/27/18</u>	<u>Between Chico Rd and San Benito</u>

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
 THE ATASCADERO MUNICIPAL CODE, TITLE 9, CHAPTER 11,
 ATASCADERO NATIVE TREE ORDINANCE**

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

C. MANAGEMENT REPORTS: None.

Mayor O'Malley recessed the meeting at 7:48 p.m.

Mayor O'Malley reconvened the meeting at 7:56 p.m. with all present.

COUNCIL ANNOUNCEMENTS AND REPORTS:

The City Council Members made brief announcements.

Mayor Pro Tem Fonzi requested that a discussion regarding the overnight parking of recreational vehicles in residential zones be agendized for a future meeting for discussion.

Council Member Moreno requested that a presentation and/or update regarding efforts with regards to school safety in the community be brought to a future Council Meeting.

D. COMMITTEE REPORTS:

The following Council Members gave brief update reports on their committees since their last Council meeting:

Mayor O'Malley

1. Integrated Waste Management Authority (IWMA)

Mayor O'Malley reconvened the COMMUNITY FORUM period.

The following citizens spoke during Community Forum: Gavin Hughes, Mason Seden-Hansen, Robert Skinner, Lee Perkins, Marty Brown, Dr. Cynthia Lewis, Janine Rans, Susan Funk, Ellen Beraud, Cory Jones, Debra Skinner and Luke Dunn.

Mayor O'Malley closed the COMMUNITY FORUM period.

2. Ad Hoc Animal Shelter Committee

Council Member Bourbeau

1. City of Atascadero Design Review Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

F. ADJOURN

Mayor O'Malley adjourned the meeting at 9:05 p.m.

MINUTES PREPARED BY:

Lara K. Christensen
Deputy City Manager / City Clerk

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

- Exhibit A –Handout regarding farm animal zoning.

APPROVED:

Atascadero City Council
March 27, 2018
Page 5 of 5



Atascadero City Council

Staff Report – Atascadero Fire & Emergency Services Department

Weed/Refuse Abatement Program

RECOMMENDATION:

Council adopt Draft Resolution, declaring vegetative growth (noxious weeds) and/or refuse a public nuisance, commencing proceedings for the abatement of said nuisances, and placing all abatement fees on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2018-2019 Tax Roll.

DISCUSSION:

The Municipal Code, Section 6-13.03, addresses the abatement of vegetative growth and/or refuse, which constitute a hazard. Adoption of the proposed Draft Resolution is the first step in this annual program, which requires City Council action. The Atascadero Fire & Emergency Services Department (AFD) conducted its initial inspection the last week of March and the first week of April. There are approximately 11,188 parcels within the City. Notices are mailed to the recorded property owner of each parcel listed declaring that their parcel is an existing, future or “potential” hazard. AFD advises that it considers a parcel a future or “potential” hazard if the parcel is not completely landscaped or irrigated and/or there is a potential for weed growth (6-13.01). The list of parcels identified to have vegetative growth and/or refuse, which are or may become a public nuisance, is available for review in the Office of the City Clerk and at Atascadero Fire & Emergency Services.

FISCAL IMPACT:

The City recovers costs for administering this program through the 150% administrative fee, which is placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2018-2019 Tax Roll.

ATTACHMENTS:

1. Draft Resolution declaring vegetative growth and/or refuse a public nuisance
2. Vegetative Growth/Refuse Notice

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, DECLARING VEGETATIVE GROWTH
(NOXIOUS WEEDS) AND/OR REFUSE A PUBLIC NUISANCE**

WHEREAS, Atascadero Fire & Emergency Services conducted parcel inspections throughout the City during the last week of March 2018 and the first week of April 2018; and

WHEREAS, Atascadero Fire & Emergency Services considers a property, land or lot a future or “potential” hazard if the property, land or lot is not completely landscaped or irrigated and/or there is a potential for weed growth; and

WHEREAS, property, lands or lots in the City were identified as having existing, future or “potential” hazards that are considered to be a public nuisance; and

WHEREAS, Atascadero Fire & Emergency Services is commencing proceedings for the abatement of said nuisances; and

WHEREAS, abatement fees will be placed on the San Luis Obispo County Special Tax Assessment for the Fiscal Year 2018-2019 Tax Roll.

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

SECTION 1. That vegetative growth (noxious weeds) and/or refuse are, or may become, a hazard and are hereby declared to be a public nuisance which should be abated for the reasons that vegetative growth may attain such a large growth as to become a fire menace and/or drainage restriction when mature and said refuse may become a public nuisance, thereby creating a hazard to public health and safety.

The City Council of the City of Atascadero finds and declares that vegetative growth (noxious weeds) and/or refuse on specified parcels of property are seasonal and recurrent nuisances. Such seasonal and recurrent nuisances shall be abated in accordance with the provisions of City and State laws. No further hearings need to be held, and it shall be sufficient to mail a notice to the owner of the property as their address appears upon the current assessment roll.

SECTION 2. A description of the parcel of lots of private property upon which, or in front of which, said nuisances are or may become a hazard, according to the official Assessment Map of said City of Atascadero, shall be posted annually in the office of the City Clerk and referred to as Exhibit A, on file in the City Clerk’s Office and incorporated herein by this reference.

SECTION 3. The City Clerk or designee is hereby ordered and directed to mail written notices of the proposed abatement to all persons owning property described in accordance with Section 6-13.08 of the Atascadero Municipal Code.

SECTION 4. Pursuant to Section 6-13.10 of the Atascadero Municipal Code, the City Council shall hear and consider all objections or protests to the required removal of said vegetative growth and/or refuse. The City Clerk shall post a copy of the public hearing notice in accordance with the Ralph M. Brown Act.

SECTION 5. Pursuant to Section 6-13.17 of the Atascadero Municipal Code, if the owner does not abate the hazard, it will be abated by the City contractor. The cost of the abatement plus a 150% administrative fee and County fee will be assessed upon the County property tax bill, and constitute a lien upon such land until paid.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of ____, 2018.

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

Tom O'Malley, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

EXHIBIT "A" ON FILE IN THE OFFICE OF THE CITY CLERK



City of Atascadero

Atascadero Fire & Emergency Services

NOTICE

Dear Atascadero Property Owner:

Weed abatement season has arrived and parcel inspections were recently performed throughout the City. The Atascadero Municipal Code, Section 6-13.08, requires this notification, which enables the Fire Department to abate dry noxious weeds and/or refuse in an effort to make our neighborhoods safer in the event of a fire. Please be advised your property has been identified as an existing, future or “potential” hazard. The Fire Department advises that it considers a parcel a future or “potential” hazard if the parcel is not completely landscaped or irrigated and/or there is a potential for vegetative growth.

NOTICE TO REMOVE VEGETATIVE GROWTH (NOXIOUS WEEDS) AND /OR REFUSE

Notice is hereby given that on the 10th day of April 2018, the City Council passed a resolution declaring that vegetative growth (noxious weeds) and refuse constitute a fire hazard, and health and safety hazard, which must be abated by the cutting of said vegetative growth (noxious weeds), and/or removal of refuse which constitutes said health and safety hazard. If the property owner does not abate the noxious weeds and/or refuse by **June 1, 2018**, it will be abated by the City, and the cost of the abatement will be assessed upon the County property tax bill, and will constitute a lien upon such land until paid. The City recovers costs for administering this program through a 150% administrative fee. Reference is hereby made to the Resolution for further particulars and Municipal Code Sections 6-13.01 through 6-13.17. A copy of said Resolution is on file in the Office of the City Clerk.

All property owners having any objections to the proposed removal of the hazard are hereby notified to attend a meeting of the City Council of the City of Atascadero to be held on **May 8, 2018 at 6:00 p.m.** when their objections will be heard and given due consideration.

Dated this 11th day of April, 2018

/s/ Casey D. Bryson
Fire Chief
City of Atascadero

**THANK YOU FOR YOUR ASSISTANCE IN MAINTAINING YOUR
VEGETATIVE GROWTH TO A MAXIMUM HEIGHT OF 4 INCHES**

6005 LEWIS AVENUE – ATASCADERO, CA 93422 – (805) 461-5070 – FAX (805) 466-2907

**THE DEADLINE FOR WEED/REFUSE ABATEMENT
COMPLIANCE IS JUNE 1, 2018**

On June 1, 2018, the City’s contractor begins the abatement process for parcels that are not in compliance. The contractor’s fees, as well as applicable City and County fees/fines are assessed on the County’s tax roll.

The Fire Chief has established the following requirements:

**CLEARANCE REQUIREMENTS
OF VEGETATIVE GROWTH (NOXIOUS WEEDS)**

Maximum height of 4 inches

- a) Located within 100 feet of any building or structure, or to the property line, whichever is nearer;
- b) Located within 50 feet from the edge of any improved roadway;
- c) Located within 50 feet from each property line;
- d) Located within 10 feet on each side of driveways.

EXEMPTIONS:

- a) Animal pastures and agricultural fields growing hay or grains. The interior portion of fenced pastures where the quantity of livestock significantly reduces the vegetative growth, therefore bringing the parcel into compliance. Agricultural fields must be cut at harvest time. Uncut hay and grain is subject to abatement.
- b) Habitat for endangered or threatened species or any species that is a candidate for listing as an endangered or threatened species by the State of California or Federal Government.
- c) Land kept in a predominantly natural state as habitat for wildlife, plant, or animal communities.
- d) Open space lands that are environmentally sensitive parklands.
- e) Other lands having scenic values.

Abatement requirements shall remain in effect in waterways where flood preparation measures and emergency flood control mitigation is necessary.

- 1) This exemption applies whether the land or water are held in fee title or any lesser interest. This exemption applies to any public agency, and private entity that has dedicated the land or water areas to one or more of those purposes or uses, or any combination of public agencies and private entities making that decision.
- 2) This section shall not be construed to prohibit the use of properly authorized prescribed burning to improve the biological function of land or to assist in the restoration of desired vegetation.
- 3) In the event that any lands adjacent to land or water areas, as described above, are improved such that they are subject to this chapter, the obligation to comply with Section 6-13.04 shall be with the person owning, leasing, controlling, operating, or maintaining the occupied dwelling or occupied structure on the improved lands. All maintenance, activities, and other fire prevention measures required by Section 6-13.04 shall be required only for the improved land, and water areas as described above.

Questions regarding weed abatement may be directed to (805) 470-3300 or by writing to: City of Atascadero, Fire & Emergency Services, Fire Marshal, 6005 Lewis Ave., Atascadero, CA 93422.

PLEASE RETAIN THIS NOTICE FOR ANY RELATED COMMUNICATIONS



Atascadero City Council

Staff Report – Public Works Department

Subdivision Improvement Bond Release (Tract 2445)

RECOMMENDATION:

Council approve the release of Performance Bond No.390500S in the amount of \$280,400, Payment Bond (Labor and Materials) No.390500S in the amount of \$140,200, and Monument Bond No. 380501S in the amount of \$1,500, posted by Indemnity Company of California, for Tract 2445 public improvements constructed by Scott K. Cursey and Sochetta N. Cursey.

DISCUSSION:

On March 8, 2016, Scott K. Cursey and Sochetta N. Cursey entered into a Subdivision Improvement Agreement with the City of Atascadero for the construction of public improvements for Tract 2445.

Indemnity Company of California, as surety for Scott K. Cursey and Sochetta N. Cursey, issued the bonds to secure certain performance and payment obligations of Scott K. Cursey and Sochetta N. Cursey: Performance Bond No.390500S \$280,400, Payment Bond (Labor and Materials) No.390500S \$140,200; and Monument Bond No. 380501S \$1,500.

The City has inspected the public improvements and found the public improvements have been satisfactorily completed.

It is therefore recommended that the City Council final the subdivision improvements, deem Tract 2445 complete and release the public improvement bonds with the exception of the Maintenance Bond which will remain in place for one year following the date of the project final.

FISCAL IMPACT:

None

ALTERNATIVE:

The City Council may decide not to release the bonds for the public improvements as completed upon a reasonable finding that the construction is unsatisfactory. However, staff does not recommend this action as staff has inspected said improvements and finds the work was completed in accordance with City requirements and in compliance with the approved Tract 2445 subdivision improvement plans.

ATTACHMENT:

Tract 2445 Final Map

TRACT 2445

OWNERS' STATEMENT

THE UNDERSIGNED HEREBY STATE THAT THEY ARE ALL THE OWNERS OF, AND ALL RECORDHOLDERS OF, SEVERITY INTEREST IN, AND ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION AND PROJECT SHOWN ON THIS MAP, AND THAT THEY DO HEREBY CONSENT TO THE FILING AND/OR RECORDATION OF THIS MAP.

THE UNDERSIGNED HEREBY RESERVE TO THEMSELVES, THEIR HEIRS, AND ASSIGNS FOR THE USE AND BENEFIT OF THE GENERAL PUBLIC UTILITY COMPANIES WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, AN EASEMENT FOR PUBLIC UTILITY PURPOSES, DELINEATED ON SAID MAP AS "PUBLIC UTILITY EASEMENT" OR "P.U.E."; AND HEREBY RESERVE TO THEMSELVES, THEIR HEIRS, AND ASSIGNS FOR THE USE AND BENEFIT OF THE ATASCADERO METEAL WATER COMPANY WHICH IS AUTHORIZED TO SERVE IN SAID SUBDIVISION, AN EASEMENT FOR WATER LINES AND INCIDENTAL PURPOSES, DELINEATED ON SAID MAP AS "L.W.C.".

THE UNDERSIGNED ALSO RESERVE TO THEMSELVES, THEIR HEIRS, AND ASSIGNS CERTAIN PRIVATE EASEMENTS FOR ACCESS, UTILITIES, AND INCIDENTAL PURPOSES, FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED AND DESCRIBED ON SAID MAP AS "POTENTIAL CREEK LANE"; AND ALSO RESERVE TO THEMSELVES, THEIR HEIRS, AND ASSIGNS A PRIVATE CREEK EASEMENT FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SUCH EASEMENTS AS DELINEATED AND DESCRIBED ON SAID MAP.

THE UNDERSIGNED HEREBY STATE THAT THE FOLLOWING DESCRIBED REAL PROPERTY IS DELEGATED AS AN EASEMENT FOR PUBLIC PURPOSES: A 6 FOOT WIDE STRIP OF LAND ADJOINING AND EASTERLY OF THE EASTERLY RIGHT OF WAY LINE OF TROYA AVENUE AS SHOWN AND DELINEATED ON SAID MAP FOR ROAD WIDENING PURPOSES.

SCOTT K. CURSEY
 COCHETTA K. CURSEY

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
 COUNTY OF SAN LUIS OBISPO
 ON 04/10/18 2018, BEFORE ME N. DePentica, PERSONALLY APPEARED SCOTT K. CURSEY & COCHETTA K. CURSEY WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITY, AND THAT BY THEIR SIGNATURE ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
 SIGNATURE: N. DePentica NAME PRINTED
 COUNTY OF COMMISSION: San Luis Obispo
 COMMISSION NO: 8001506 EXP. DATE: 12/30/16

SIGNATURE OMISSIONS

THE SIGNATURES FOR THE FOLLOWING HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 64548 SUBSECTION (1)(A)(1)(A) OF THE SUBDIVISION MAP ACT AS THEIR INTEREST CANNOT BE OPEN INTO THE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY.

ATASCADERO METEAL WATER COMPANY, A CORPORATION, AS EASEMENT HOLDER PER DOCUMENT RECORDED NOVEMBER 18, 1918 IN BOOK 105, PAGE 56 OF DEEDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA.

COLONY HOLDING CORPORATION, A CORPORATION, AS MULTIPLE EASEMENT HOLDER PER:

- 1) DOCUMENT RECORDED MARCH 02, 1916 IN BOOK 106, PAGE 47 OF DEEDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA;
- 2) DOCUMENT RECORDED OCTOBER 17, 1919 IN BOOK 127, PAGE 170 OF DEEDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA;
- 3) DOCUMENT RECORDED NOVEMBER 21, 1923 IN BOOK 151, PAGE 139 OF DEEDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA.

OSCAR L. WILLETT & GEORGETTE P. WILLET, AS EASEMENT HOLDERS PER DOCUMENT RECORDED APRIL 15, 1926 AS INSTRUMENT NO 1671, BOOK 14, PAGE 43 OF OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY, CALIFORNIA.

BEING A SIX LOT SUBDIVISION OF LOTS 28 AND 27,
 A PORTION OF LOTS 43 & 44 IN BLOCK U-A,
 OF THE AMENDED MAP OF ATASCADERO (4 MB 29A),
 IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA,
 SAID LAND BEING DESCRIBED BY LOT LINE ADJUSTMENT RECORDED
 IN DOC # 1955-042268 AND DOC # 1955-042269 OF OFFICIAL
 RECORDS OF SAID COUNTY.

BENEFICIARY STATEMENT

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. AS NOMINEE FOR SIERRA PACIFIC MORTGAGE COMPANY, INC. AS BENEFICIARY UNDER A DEED OF TRUST DATED SEPTEMBER 2, 2004 AND RECORDED SEPTEMBER 4, 2004 AS INSTRUMENT NO. 2004-02024 OF OFFICIAL RECORDS OF SAN LUIS OBISPO COUNTY.

Maui E. Kueji Vice President
 BY: TITLE:

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF NEW JERSEY
 COUNTY OF MIDDLESEX
 ON 04/10/18 2018, BEFORE ME Robert J. Castiglia, PERSONALLY APPEARED Maui E. Kueji WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/IT/THAT SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND
 SIGNATURE: Robert J. Castiglia PRINTED NAME
 COUNTY OF COMMISSION: Middlesex
 COMMISSION NO: 2453249 EXP. DATE: 8/10/20

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF SCOTT AND NICOLE CURSEY IN JUNE OF 2015.

I HEREBY STATE THAT THIS FINAL MAP CONFORMS TO THE CONVENTIONALLY APPROVED TENTATIVE MAP AND THAT ALL THE MONUMENTS SHOWN HEREON WILL BE SET IN SUCH POSITIONS WITHIN ONE YEAR OF THE APPROVAL OF THIS FINAL MAP, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RESTRICED.

Wm. E. Touchron 02-02-2016
 WM. E. TOUCHRON DATE
 18 4645
 CIVIL ENGINEER LICENSE NO. 5812
 STATE OF CALIFORNIA

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED TRACT 2445, THAT THIS SUBDIVISION SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY PROPOSED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND THE CITY OF ATASCADERO SUBDIVISION ORDINANCE HAVE BEEN COMPLIED WITH AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

John Sanders
 JOHN SANDERS, CITY SURVEYOR
 CITY OF ATASCADERO, CALIFORNIA
 C.S. 5815

CITY PLANNING COMMISSION'S STATEMENT

THIS IS TO STATE THAT I HAVE EXAMINED THIS MAP AND HAVE DETERMINED THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AS APPROVED BY THE CITY OF ATASCADERO ON MARCH 11, 2005 AND THE CONDITIONS AS IMPOSED THEREON.

Robert Lewis
 ROBERT LEWIS
 INTERIM COMMUNITY DEVELOPMENT DIRECTOR
 CITY OF ATASCADERO, CALIFORNIA

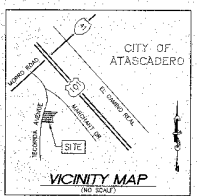
CITY COUNCIL'S STATEMENT

I HEREBY STATE THAT THIS SUBDIVISION WAS FULLY ADOPTED AND APPROVED AND THE OFFER OF OBEDIENCE FOR STREET WIDENING WAS REJECTED WITHOUT PREJUDICE TO FUTURE ACCEPTANCE IN WHOLE OF THE PERMITS BY THE COUNCIL OF THE CITY OF ATASCADERO ON MARCH 29, 2016 AND THAT THE CITY CLERK HAS FULLY AUTHORIZED AND DIRECTED TO ENDORSE/HEREON ITS APPROVAL OF THE SAME.

Marcia M. Ferguson
 MARCIA M. FERGUSON - CITY CLERK
 CITY OF ATASCADERO, CALIFORNIA

RECORDER'S STATEMENT

FILED THIS 5th DAY OF April, 2018, at 2:04 PM
 IN BOOK 35 OF MAPS AT PAGES 87-88 AT THE
 REQUEST OF WM. E. TOUCHRON
 BY: Travis A. Harris
 COUNTY CLERK
 COUNTY RECORDER
 * 2016-014729
 * 2016-014730



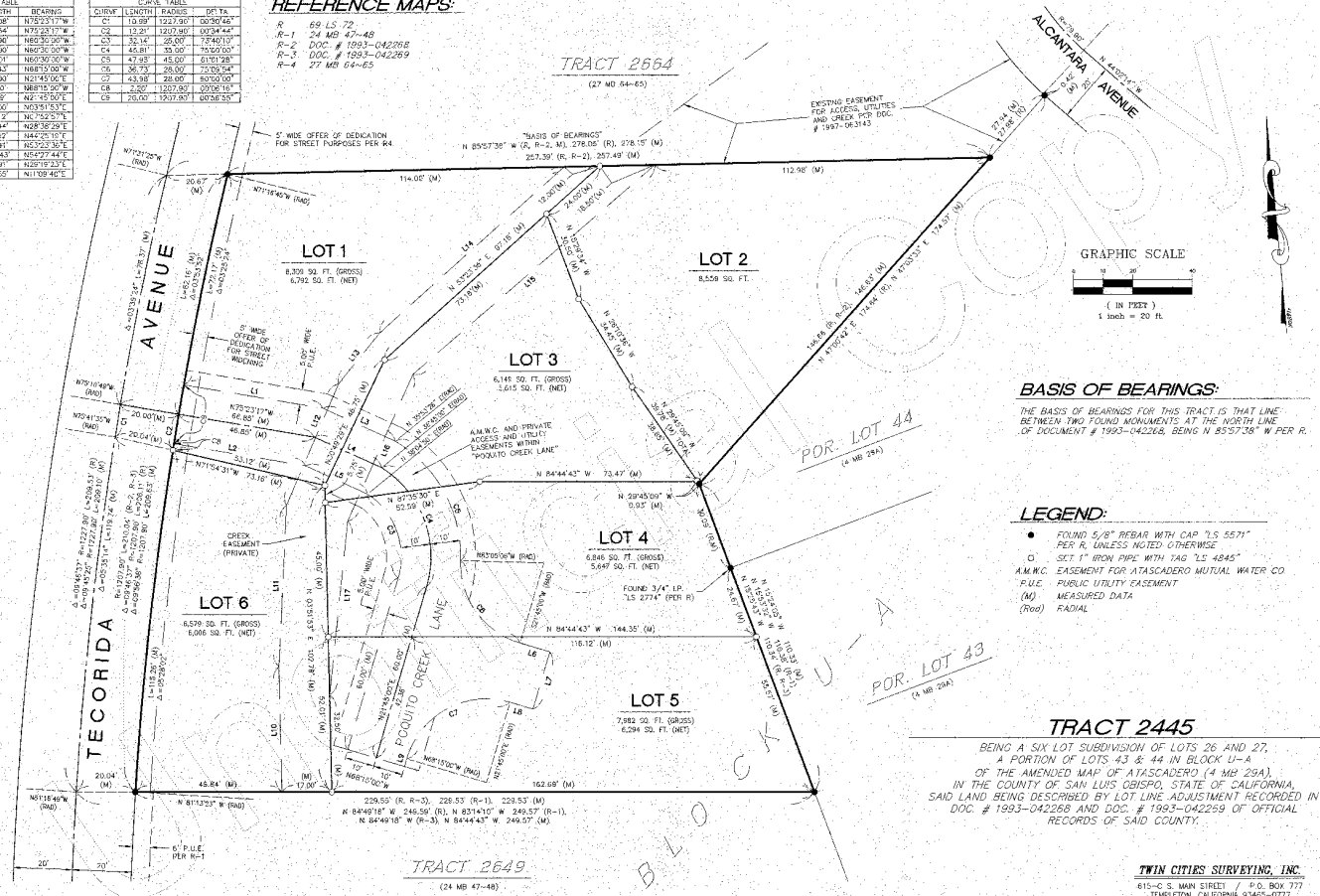
LINE	LENGTH	BEARING
L1	48.06	R75°23'17"W
L2	45.54	R75°23'17"W
L3	25.96	R85°35'00"W
L4	25.00	R85°35'00"W
L5	23.00	R85°35'00"W
L6	16.44	R85°35'00"W
L7	20.00	N21°49'00"E
L8	15.00	R85°35'00"W
L9	3.69	NZ 45°00"E
L10	22.50	N63°51'53"E
L11	24.12	NZ 52°30"E
L12	44.44	N28°38'59"E
L13	23.59	R44°03'00"E
L14	93.41	R53°22'30"E
L15	107.43	N65°27'44"E
L16	53.91	N25°19'33"E
L17	58.50	N11°09'40"E

CURVE	LENGTH	BEARING	OFF TA
C1	19.29	S23°13'00"W	00°30'40"
C2	13.21	S20°00'00"W	00°34'42"
C3	33.14	S50°00'00"W	7°36°17"
C4	45.81	S50°00'00"W	7°32°00"
C5	47.95	S45°00'00"W	01°10'28"
C6	36.73	S28°00'00"W	23°05'24"
C7	43.38	S28°00'00"W	30°00'00"
C8	2.67	S00°00'00"W	00°00'00"
C9	20.00	S23°13'00"W	00°30'40"

REFERENCE MAPS:

- R 69 LS 72
- R-1 24 MB 47-48
- R-2 DOC # 1993-042268
- R-3 DOC # 1993-042269
- R-4 27 MB 64-65

TRACT 2654
(27 MB 64-65)



BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THIS TRACT IS THAT LINE BETWEEN TWO TOWN MONUMENTS AT THE NORTH LINE OF DOCUMENT # 1993-042268, BEING N 85°57'38" W PER R.

- LEGEND:**
- FOUND 5/8" REBAR WITH CAP "S 5571" PER R, UNLESS NOTED OTHERWISE
 - SET 1" IRON PIPE WITH TAG "LS 4845"
 - A.M.N.C. EASEMENT FOR ATASCADERO MUTUAL WATER CO
 - P.U.E. PUBLIC UTILITY EASEMENT
 - (M) MEASURED DATA
 - (Rad) RADIAL

TRACT 2445

BEING A SIX LOT SUBDIVISION OF LOTS 26 AND 27, A PORTION OF LOTS 43 & 44 IN BLOCK U-A OF THE AMENDED MAP OF ATASCADERO (4 MB 29A), IN THE COUNTY OF SAN LUIS CRISPO, STATE OF CALIFORNIA, SAID LAND BEING DESCRIBED BY LOT LINE ADJUSTMENT RECORDED IN DOC. # 1993-042268 AND DOC. # 1993-042269 OF OFFICIAL RECORDS OF SAID COUNTY.



Atascadero City Council

Staff Report – Administrative Services Department

Purchasing Policy Amendments

RECOMMENDATION:

Finance Committee recommends Council:

Adopt Draft Resolution amending the City of Atascadero Purchasing Policy.

REPORT-IN-BRIEF:

The City's Purchasing Policy is reviewed periodically to ensure it is providing maximum value on purchases and fair and open competition. This policy was last updated September 8, 2009.

DISCUSSION:

The City's Purchasing Policy provides guidelines to obtain quality supplies, services, vehicles, and equipment at the lowest possible overall cost. The Policy also ensures maximum use of fair and open competition and receipt of the best value for funds available, consistent with applicable laws and regulations.

The proposed Policy update will reduce staff time in accordance with Council's Strategic Plan to streamline the staff work flow. Staff analyzed the number of purchase orders processed each year for the last three years. The proposed Policy is estimated to cut in half the average number of Purchase Orders that are processed each year. It is also estimated to reduce the number of staff reports to Council. Controls continue to be in place to manage City purchases and staff will maintain good stewardship of the community's funds as a high priority.

The Draft Purchasing Policy (Attachment 2) was reviewed and approved by the Finance Committee at its March 20, 2018 meeting.

FISCAL IMPACT:

Implementation of the proposed policy is expected to save an estimated 250-400 hours of staff time annually. Using fully allocated costs, the value of this savings is \$25,000 - \$45,000 annually.

ATTACHMENTS:

1. Draft Resolution – Approving the City of Atascadero Purchasing Policy
2. Exhibit A - Draft City of Atascadero Purchasing Policy dated April 10, 2018

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
AMENDING THE PURCHASING POLICY**

WHEREAS, the basic purchasing policy of the City of Atascadero is to obtain quality supplies, services, vehicles and equipment needed for the proper operation of its various divisions at the lowest possible overall cost; and

WHEREAS, this includes maintaining a purchasing system that ensures maximum use of fair and open competition and receipt of the best value for funds available, consistent with applicable laws and regulations.

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

SECTION 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. Purchasing Policy. The Purchasing Policy (Exhibit A) on file in the City Clerk's Office and incorporated herein by this reference shall become part of this resolution.

SECTION 3. Effective Date. This resolution shall take effect upon its adoption and shall remain in effect until revised by the City Council.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2018.

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

Tom O'Malley, Mayor

ATTEST:

Lara K. Christensen, City Clerk

ITEM NUMBER: A-4
DATE: 04/10/18
ATTACHMENT: 1

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

City of Atascadero



Purchasing Policy

[September 8, 2009](#)[April 10, 2018](#)

Table of Contents

Section I – GENERAL POLICIES..... 1

Purpose and Scope 1

General Provisions 1

Federal, State and Other Grant Programs 3

Signature Authorization 3

Department Responsibilities 4

Payment Authorization 4

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT 5

Purpose..... 5

Policies..... 5

 1. Under \$~~10,000.01~~30,000.01 – Department/Division Award 5

 2. \$~~10,000.01~~30,000.01-~~\$40,000~~100,000.00 – City Manager Award..... 5

 2.1 Informal Quotes..... 5

 2.2 Purchase Order 7

 2.3 Purchasing Item..... 7

 2.4 Change Orders..... 7

 3. Over \$~~40,000~~100,000.00 – City Council Award..... 8

 3.1 Formal Bidding..... 8

 3.2 Awarding the Bid 11

 3.3 Purchasing Order..... 11

 3.4 Change Orders..... 11

Section III – PROPRIETARY EQUIPMENT AND GOODS 12

Purpose..... 12

Policies..... 12

 1. Under \$~~10,000.01~~30,000.01 – Department/Division Award 12

 2. \$~~10,000.01~~30,000.01-~~\$40,000~~100,000.00 – City Manager Award..... 12

 2.1 Informal Product Review 13

 2.2 Contract and Purchase Order..... 14

 2.3 Executing the Contract 14

 2.4 Change Orders..... 14

 3. Over \$~~40,000~~100,000.00 – City Council Award..... 14

 3.1 Formal Evaluation of Products/Goods 15

 3.2 Awarding the Contract 16

 3.3 Contract and Purchase Order..... 16

 3.4 Change Orders..... 17

Section IV – GENERAL TRADE SERVICES18

Purpose.....18

Policies.....18

- 1. Under \$~~10,000.01~~30,000.01 – Department/Division Award18
- 2. \$~~10,000.01~~30,000.01-~~40,000~~100,000.00 – City Manager Award.....19
 - 2.1 Informal Quotes.....19
 - 2.2 Contract and Purchase Order.....20
 - 2.3 Executing the Contract20
 - 2.4 Renewals21
 - 2.5 Change Orders.....21
- 3. Over \$~~40,000~~100,000.00 – City Council Award.....21
 - 3.1 Formal Bidding.....21
 - 3.2 Awarding the Bid25
 - 3.3 Contract and Purchase Order.....25
 - 3.4 Renewals26
 - 3.5 Change Orders.....26
- 4. Utilities and Other Service Agreements26

Section V – PROFESSIONAL SERVICES27

Purpose.....27

Policies.....27

- 1. Under \$~~10,000.01~~30,000.01 – Department/Division Award27
- 2. \$~~10,000.01~~30,000.01-~~40,000~~100,000.00 – City Manager Award.....27
 - 2.1 Informal Solicitation of Qualifications.....28
 - 2.2 Purchase Order30
 - 2.3 Executing the Contract31
 - 2.4 Renewals31
 - 2.5 Change Orders.....31
- 3. Over \$~~40,000~~100,000.00 – City Council Award.....31
 - 3.1 Formal Requests for Proposals or Request for Qualifications31
 - 3.2 Awarding the Contract37
 - 3.3 Contract and Purchase Order.....38
 - 3.4 Renewals38
 - 3.5 Change Orders.....38

Section VI – PUBLIC PROJECTS.....39

Purpose.....39

Policies.....39

- 1. Under \$~~10,000.01~~30,000.01 – Department/Division Award39
- 2. \$~~10,000.01~~30,000.01-~~\$30,000~~45,000.00 – City Manager Award Level I40
 - 2.1 Contract and Purchase Order.....40
 - 2.2 Executing the Contract40
 - 2.3 Change Orders41
- 3. \$~~30,000~~45,000.01-\$~~125,000~~175,000.00– City Manager Award Level II.....41
 - 3.1 Informal Bids.....41
 - 3.2 Contract and Purchase Order.....41
 - 3.3 Executing the Contract42
 - 3.4 Change Orders42
- 4. Over \$~~125,000~~175,000.00 – City Council Award.....42
 - 4.1 Formal Bidding.....42
 - 4.2 Awarding the Bid45
 - 4.3 Contract and Purchase Order.....45
 - 4.4 Change Orders46

Section VII – TRAVEL AND EXPENSE REIMBURSEMENTS47

Purpose and Scope47

Definitions.....47

Policies.....47

- 1. General Provisions47
- 2. Authorization for Travel at City Expense49
 - 2.1 Authorization Levels49
 - 2.2 Exceptions49
 - 2.3 Format for the Request.....49
- 3. Lodging50
 - 3.1 Stay Reasonably Required.....50
 - 3.2 Lodging Rates.....50
 - 3.3 Special Lodging.....51
 - 3.4 Use of Lodging as a Guest of Friends or Relatives51
 - 3.5 Credit Card Use51
- 4. Meals51
 - 4.1 Rate of Reimbursement51
 - 4.2 Meals Purchased Within the City of Atascadero.....52
 - 4.3 Meals Purchased for Non-City Personnel52

Section VII – TRAVEL AND EXPENSE REIMBURSEMENTS (continued)

- 5. Transportation53
 - 5.1 Mode of Transportation.....53
 - 5.2 Rate of Reimbursement53
 - 5.3 Commercial Auto Rental.....54
 - 5.4 Air Travel54
 - 5.5 Taxis and Other Local Transportation.....54
- 6. Business Expense55
 - 6.1 General55
- 7. Reimbursement Claims55
 - 7.1 General55
 - 7.2 Claim Forms56
- 8. Registration/Expense Advances56
 - 8.1 Minimum56
 - 8.2 Reservations and Registration56
- 9. Reports to Governing Boards56
- 10. Responsibility and Accountability57
 - 10.1 Administration57
 - 10.2 Compliance with Laws57
 - 10.3 Violation of This Policy.....57
- 11. Audits of Expense Reports57

Section VIII – PETTY CASH58

- Purpose.....58
- Policies58
 - 1. Purchases58
 - 2. Petty Cash Boxes.....58

Section IX – DISPOSAL OF ASSETS59

- Purpose.....59
- Policy59
 - 1. Minor Property- Original Cost < 500.0159
 - 2. Other Property- Original Cost > 500.00.....59

Section X - APPENDICES

- A. California Public Contract Code Sections 22030 - 2204560

SECTION I **GENERAL**

PURPOSE AND SCOPE

This document defines the procurement policies and procedures for the City of Atascadero.

1.0 GENERAL PROVISIONS

The basic purchasing policy of the City of Atascadero is to obtain quality supplies, services, vehicles and equipment needed for the proper operation of its various divisions at the lowest possible overall cost. This includes maintaining a purchasing system that ensures maximum use of fair and open competition and receipt of the best value for funds available, consistent with applicable laws and regulations.

The purchasing functions are decentralized, with each Department/Division responsible for compliance with City policies and procedures. Purchasing responsibility and authority shall be delegated to the lowest possible level consistent with good business practice and sound financial management policy to the extent practical.

The following apply to all purchases made by the City of Atascadero:

1. No purchase will be approved or undertaken unless an appropriation has been established, through either the adopted annual budget or City Council approval of additional appropriations. It is the responsibility of the Department/Division to maintain budget control of their individual budgets. Ultimate responsibility for the individual budget rests with the Department Director.
2. All purchases shall be of the quality deemed necessary to suit the intended purpose, suitable and beneficial to the City, and in the City's best interest.
3. Competitive quotations will be sought based on established dollar limits. Established dollar limits and procedures for specific purchase types are set out in this policy as follows:

General Supplies and Equipment- Section II

Proprietary Equipment and Goods- Section III

General Trade Services- Section IV

Professional Services- Section V

Public Works Contracts- Section VI

Section I – GENERAL

1.0 GENERAL PROVISIONS (continued)

Travel- Section VII

Petty Cash- Section VIII

Disposal of Assets- Section IX

4. Certain purchases are unique in nature and do not lend themselves to the process of competitive bidding. Therefore, these items are excluded from the competitive bidding and purchase order requirements in Sections II through VI. These items include, but are not limited to, County Services, debt service payments, and ongoing expenses for utilities or services (such as telephones, services agreements, etc.). The bill or invoice should be forwarded to the Administrative Services Director for authorization.
5. The dollar limits for purchases and bids are established by ordinance or resolution. Purchases shall not be split to avoid the required procedures or certain dollar limits.
6. Receipt of goods or services will be verified and approved by the appropriate official prior to payment of invoices.
7. The emergency purchase of goods is authorized under certain conditions.
8. The City Council may waive by majority vote any provision within this policy.
9. No purchase of supplies, services, or equipment over \$~~130~~30,000.00 shall be made without an authorized purchase order unless exempted in these guidelines. Otherwise:
 - 89.1 Such purchases are void and not considered an obligation of the city.
 - 89.2 Invoices without an authorized purchase order may be returned to the vendor unpaid.
10. No City employee shall have a direct or indirect financial interest in any contract or purchase of goods or services entered into by the City, or shall derive any personal benefit from the City's purchase of goods or services.
11. No City employee shall use the City's purchasing procedures to obtain property for personal use, by misrepresenting to vendors for the purpose of obtaining price discounts that the personal purchases are for the City.
12. No City employee shall draft or cause to be drafted any specifications for bids in such a way as to intentionally limit the bidding directly or indirectly to any one bidder, except for the sole source procurement.

Section I – GENERAL

1.0 GENERAL PROVISIONS (continued)

13. Local Vendor Preferences

- 13.1 Although no preferences are available to Public Works projects, a five percent (5%) variance will be allowed for the purchase of operating equipment, supplies, and trade services from vendors located within City limits.
- 13.2 When soliciting informal quotes, local vendors should be used whenever practical. Use of non-local vendors should be limited to those vendors with a clearly demonstrated advantage in terms of expertise, product, service and/or price.
- 13.3 Local Vendor is defined in a relative sense: a vendor located in Atascadero is more “local” than one from the North County. A North County vendor is more “local” than one from San Luis Obispo City. But a vendor from San Luis Obispo County is still more “local” than other counties or states.
- 13.4 For purposes of the five percent variance, only businesses with an Atascadero address and a business license (if required) are eligible.

2.0 FEDERAL, STATE AND OTHER GRANT PROGRAMS

Federal, State, or grant programs may require special conditions that are more stringent than City procedures. It is the responsibility of the department accepting the grant to ensure that all grant provisions are complied with.

3.0 SIGNATURE AUTHORIZATION

1. Each Department Head shall complete and forward to Administrative Services a Signature Authorization form, identifying those employees approved by the Department Head to sign off on various financial and other administrative documents and the amount of such signature authorizations. The form shall be developed by the Administrative Services Director and revised from time to time as needed.
2. The form shall identify specific Departments, Divisions or Programs, the employee’s name and signature and list specific documents each employee is authorized to sign and the amount authorized to sign. It is the Department Head’s responsibility to keep the information current. The Administrative Services Director shall approve all forms.
3. Any documents missing the appropriate signature(s) will be returned to the originating department.

Section I – GENERAL

3.0 SIGNATURE AUTHORIZATION (continued)

4. Only Regular or Probationary City employees are authorized to sign off on documents obligating the City to expend public monies. Temporary or Volunteer employees, or individuals under contract with the City, may be able to acquire items but any receipts must be countersigned by an authorized employee.
5. The number of authorized signatures should be kept to a minimum, to assure better control over departmental appropriations.

4.0 DEPARTMENT RESPONSIBILITIES

It is the responsibility of the acquiring Department/Division to:

1. Make purchases in accordance with established policies and procedures.
2. Verify that an appropriation is available for the purchase.
3. Anticipate the Department/Divisions' needs well in advance in order to minimize the need for emergency purchases.
4. Review goods and services received to ensure conformity with purchase order or contract.
5. When a cost discrepancy for goods or services dissatisfaction arises, notify the Administrative Services Department. No bill should be processed for payment when the goods or services are unsatisfactory, or there is a price discrepancy between the originally quoted price and the bill received.

5.0 PAYMENT AUTHORIZATION

1. An authorized signature on the invoice, receipt or other backup shall be considered authorization for payment. The signature shall indicate that the signer has:
 - Verified that the City has received the goods or services in good working condition.
 - Verified that the purchase complies with this purchasing policy and that funds are available for the purchase.
2. In certain instances it may be in the City's best interest to issue payment prior to receipt of the authorizing signature on the invoice. The City Manager or the Director of Administrative Services may authorize payment in those instances.
3. Checks shall be processed and issued by an employee other than check signer.
4. All payments in excess of \$25,000 shall require two live signatures on the checks.

Section II
GENERAL SUPPLIES, MATERIALS
AND EQUIPMENT

PURPOSE

Provide guidelines for the purchase of general supplies, materials and equipment. Supplies, materials and equipment shall consist of any and all articles or things which shall be furnished to or used by any department, excluding proprietary equipment and goods (Section III) and any goods purchased as part of a Public Works Project (Section VI).

In instances where goods and services are purchased together from one vendor, this section shall only apply if the predominant portion of the purchase is goods. (i.e. A purchase of equipment for \$1,000 with a \$300 installation fee would be covered under this section of the policy. A repair of equipment with \$1,000 in labor and \$300 in parts would be covered under Section IV- General Trade Services)

POLICIES

There are three levels of authority for normal purchases: Department/Division Award, City Manager Award, and City Council Award. Generally, authority is established by the dollar amount of the purchase.

1.0 DEPARTMENT/DIVISION AWARD < \$130,000.01

The Department/Division manager may authorize the purchase of supplies, equipment, or services as needed up to \$130,000.

These purchases do not require competitive bidding and departments are given considerable discretion in these purchases.

2.0 CITY MANAGER AWARD \$130,000.01 to \$40100,000.00

Material/supply purchases over \$1030,000 and under \$40100,000.01 must be awarded by the City Manager or the Director of Administrative Services. Informal bidding should be used to assure the most competitive price is received for an item, while avoiding the additional time and expense involved in formal bidding.

2.1 Informal Quotes:

The Department/~~Division~~ shall make every attempt to receive at least three bids in writing or over the phone.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

2.0 CITY MANAGER AWARD \$310,000.01 to \$40100,000.00 (continued)

- a) Phone Bids: Phone bids must be documented to the satisfaction of the Director of Administrative Services. Ideally, documentation should include the name of the company bidding, the person giving the quote, the date and time of the phone call, the amount quoted and any other relevant information.
- b) Three Quotes: The Department/~~Division~~ should make every reasonable attempt to obtain at least three bids, however it is understood that at times it is neither practical nor cost effective to continue soliciting quotes until three bids are received. In the event that three viable quotes are not received, the ~~division~~ Department shall document what steps were taken to obtain quotes, any vendors contacted that declined to bid, and if applicable, why it is not practical to receive three quotes.
- c) Exceptions: The informal bid process may be bypassed with Department Head and City Manager or the Director of Administrative Services approval in the following four instances:
 1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining three informal quotes to obtain materials necessary in dealing with the emergency. Immediately following the emergency, the Department Head shall forward a copy of the purchase order along with an explanation to the City Manager or the Director of Administrative Services.
 2. When one known supplier is available, the Department Head/~~Division Head~~ shall document that it is a “sole source” purchase. Most sole source purchases shall be the result of the City deciding that it is in its best interest to use a specific proprietary brand item. (i.e. For ease of maintenance, the City may choose to only purchase one brand of computers).
 3. When there exists other governmental contracts that were competitively bid (such as State Contracts, DGS, etc.) that the City is eligible to use.
 4. When an item has been bid within the last 36 months and the price has not changed.
- d) Evaluating Bids: The Department/~~Division~~ shall evaluate the three informal quotes received and determine the lowest most ~~responsible~~ responsive bid. The City reserves the right to accept that bid which is in the best interest of the City. When selecting the recommended bidder the Department/~~Division~~ Head will take into consideration:
 1. Price.
 2. Ability, capacity, and skill.
 3. Ability to meet time requirements.
 4. Character, integrity, and reputation.
 5. Previous vendor experience.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

2.0 CITY MANAGER AWARD \$310,000.01 to \$40100,000.00 (continued)

d) Evaluating Bids (continued):

6. Financial resources available for contract performance.
7. Ability to provide future maintenance and service, if necessary.

2.2 Purchase Order

A purchase order shall be prepared detailing the vendor name, address, item being purchased, total price including tax and shipping, and budget account to be charged. The purchase order shall be signed and dated by the authorized Department/Division employee. ~~(If an exception was used to bypass informal bidding procedures, the P.O. must be signed by the~~ Department Head.)

The purchase order packet shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the informal bid summary. He/she will review the purchase order packet for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order.

2.3 Purchasing Item

Once the Department/Division has received the approved Purchase Order from the City Manager or the Director of Administrative Services, they may contact the vendor and purchase the item. Items must generally be shipped to a City address or worksite. If the product will be shipped to an alternate location, this should be cleared through the Administrative Services Department in advance.

2.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original material/supply purchase that result in less than a \$40100,000 overall contract amount. Change orders in excess of the \$40100,000 total contract amount shall be brought to the City Council for approval.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

3.0 CITY COUNCIL AWARD > \$40100,000.00

Material/supply purchases over \$40100,000 must be awarded by the City Council. Formal bidding should be used to assure all possible vendors are given the opportunity to bid on major City purchases, thereby assuring the City that it has received the most competitive price. The formal process generally takes more time and expense than informal bidding and in some instances may actually not be the most cost-effective approach.

3.1 Formal Bidding

The initiating Department/~~Division~~ shall be responsible for completion of the formal bid process, however the process shall be coordinated with the City Clerk's Office and the Administrative Services Department.

- a) Bid Forms: The initiating department shall prepare a bid form including detailed specifications for the item to be purchased. The following format is suggested for competitive bids
 1. Submission of bids (or proposals) – Include date, time, location and bid number as assigned by the City Clerk. Include a detailed list of the information the bid or proposal should contain.
 2. Questions List the name, address, and telephone number of the person to be contacted concerning questions about the project.
 3. Background – Provide as much background as necessary to give the bidder an understanding of the environment in which the job will be performed and to which the job relates.
 4. Scope of work Describe in detail the requirement for the job and detail specification.
 5. Desired project schedule – Be as specific as possible.
 6. Minimum and desirable qualifications Be as specific as possible.
 7. Performance Bond – Whether a performance bond is required and if so, the amount and form of bidders security.
- b) Notice Inviting Bids: The initiating department shall also prepare a notice inviting bids that includes the following:
 1. A general description of the item to be purchased.
 2. A statement indicating where bid forms, specifications and bonding requirements can be obtained.
 3. A statement specifying the time and place for the opening of the bid.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

- b) Notice Inviting Bids (continued)
4. Per California Public Contract Code Section 20164, the first publication of the notice shall be at least ten days before the date of opening the bids. The notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the City. The notice may also be sent to all applicable vendors.
- c) Bid Opening
1. Sealed bids shall be submitted to the City Clerk's office and shall be clearly identified with the Bid number on the envelope. Faxed or other electronic bids are not acceptable.
 2. Bids shall be opened in public at the time and place stated in the public notice.
 3. The City Clerk or his/her designee shall open the bids and shall record all bids received.
 4. Any bid received after the time specified in the notice shall be rejected.
 5. When a bidder's security is required, it will be announced in the public notice inviting bids. The amount shall be determined at the time of preparation of the bid. It shall be in the form of cash, certified or cashier's check, certificate of deposit in City of Atascadero's name, or bid bond made payable to the City of Atascadero. When a bidder's security is required, a bid shall not be considered unless one of the aforementioned forms of security accompanies the bid. Bidders shall be entitled to return of the bid security with the following exception:
 - The successful bidder must execute the contract and file acceptable documents within thirty (30) calendar days from the date of award unless extended by the City Manager. Failure to execute the contract shall be just cause for annulment of the award and forfeiture of the bidder's security, not as a penalty, but as liquidated damages. The City Council may, upon refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest responsible bidder.
 6. All bids received shall be available for inspection during regular business hours in the City Clerk's office for a period of not less than thirty (30) calendar days after the bid opening.
- d) Rejection of Bids: The City reserves the right to reject any and all bids, to accept or reject any one or more items of a bid, or to waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interests of the City.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

- e) Determining Lowest Responsible Bidder: Award of bid shall be to the lowest responsible bidder. All valid ~~responsible~~ responsive bids shall be considered in determining the lowest bid. The City reserves the right to accept that bid which is in the best interest of the City. When selecting the recommended bidder the Department/~~Division~~ Head will take into consideration:
1. Price.
 2. Ability, capacity, and skill.
 3. Ability to meet time requirements.
 4. Character, integrity, and reputation.
 5. Previous vendor experience.
 6. Financial resources available for contract performance.
 7. Ability to provide future maintenance and service, if necessary.
- f) Local Vendor Preference: The City has established a policy that provides for a five percent (5%) preference to local bidders and vendors. (See Section I – General Policies). This is accomplished by reducing the local vendor^{2s?} bids by 5% when comparing such bids to those of other bidders.
- g) Tie Bids: If tie bids are received, quality and service being equal, the contract shall be awarded to a local bidder.
- ~~1.~~ If the above condition is not applicable, the City may, at its discretion:
1. Reject any and all bids presented and re-advertise; or
 2. If the public interest will not permit the delay of re-advertising for bids, the City may accept either one or accept the lowest bid made by negotiation with the tie bidders; or
 3. Award the bid to any one of the low tie bidders by public drawing.
- h) Exceptions to Formal Bidding: The formal bid process may be bypassed in the following four instances:
1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining formal quotes to obtain materials necessary in dealing with the emergency. Immediately following the emergency, the appropriate Department Head shall prepare a report to Council explaining the emergency and the items purchased.
 2. When one known supplier is available, the Department Head shall prepare a report for Council approval requesting an exemption from the formal bidding procedures and if applicable awarding the bid to the “sole source.”
 3. When there exists other governmental contracts that were competitively bid (such as State Contracts, DGS, etc.) that the City is eligible to use in lieu of a formal bid.

Section II – GENERAL SUPPLIES, MATERIALS AND EQUIPMENT

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

h) Exceptions to Formal Bidding (continued)

4. When there are extenuating circumstances that would make formal bidding not the most cost effective approach. This often relates to qualitative, artistic or proprietary software/technological issues. The appropriate Department Head shall prepare a report to Council requesting an exemption from the formal bidding procedures.

3.2 Awarding the Bid

Once the bids have been evaluated, the Department Head/~~Division Head~~ shall prepare a report to Council recommending the most ~~responsive~~ responsible bidder. The Council shall then award the bid in a public meeting.

Except for urgencies all contracts exceeding \$40100,000.00 must be awarded by the City Council. Otherwise:

- Such purchases are void and not considered an obligation of the City.
- Invoices may be returned to the contractor/service provider unpaid.
- ~~_____~~ The person ordering the unauthorized purchase may be held personally liable for the costs of the contract.

3.3 Purchase Order

- a) A purchase order shall also be prepared detailing the vendor's name, address, the item being purchased, and the estimated total price including tax and shipping of the item being purchased and budget account to be charged. The purchase order shall be signed and dated by the ~~authorized~~ Department Head/Division employee. ~~(If an exception was used to bypass informal bidding procedures, the P.O. must be signed by the Department Head)~~
- b) The entire purchase order shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the Staff Report. He/she will review the purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. shall then be forwarded to the originating Department/Division.

3.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original material/supply purchase that result in less than a 2025% aggregate change in contract price. Change orders in excess of 2025% shall be brought to the City Council for approval.

Section III

PROPRIETARY EQUIPMENT AND GOODS

PURPOSE

Provide guidelines for the purchase of equipment/software and other artistic goods that may only be purchased through a proprietary vendor. There is no bidding requirement for this type of purchase, since the item is being purchased based on qualification, rather than price.

Proprietary vendors are those vendors that directly sell their products and do not use distributors or other outlets. (i.e. Inforum software may only be purchased through Eden Systems, therefore it would be a “proprietary purchase” and covered under this section. Microsoft Word may be purchased at many different stores and therefore not a “proprietary purchase”)

POLICIES

There are three levels of authority for normal purchases: Department/Division Award, City Manager Award, and City Council Award. Generally, authority is established by the dollar amount of the purchase.

1.0 DEPARTMENT/DIVISION AWARD < \$130,000.01

The Department/Division manager may authorize the purchase of proprietary goods as needed up to \$130,000.

These purchases do not require competitive bidding and departments are given considerable discretion in these purchases.

2.0 CITY MANAGER AWARD \$130,000.01 to \$40100,000.00

Proprietary purchases over \$130,000 and under \$40100,000.01 must be awarded by the City Manager or the Director of Administrative Services. These purchases shall have sufficient documentation of background analysis to support the purchase. Informal solicitation of qualifications should be used to assure quality goods are received for a reasonable price.

SECTION III – PROPRIETARY EQUIPMENT AND GOODS

2.0 CITY MANAGER AWARD \$130,000.01 to \$40100,000.00 (continued)

2.1 Informal Product Review

The Department/~~Division~~ shall make every attempt to review at least three products/qualifications in writing, over the phone, or in person.

- a) Documentation- Informal product review must be documented to the satisfaction of the City Manager or the Director of Administrative Services. Ideally, documentation should include:
 1. The name of the company
 2. Pros/Cons of the product
 3. Estimated Price
 4. The person giving the quote
 5. The date and time of the phone call
 6. Brief justification for the selection of the goods
- b) Review of Three Products: The Department/~~Division~~ should make every reasonable attempt to review at least three products; however it is understood that at times it is not practical or possible to review the products. In the event that three products are not reviewed, the Department/~~Division~~ shall document why it is not practical to review alternate products.
- c) Exceptions: The informal product review process may be bypassed with Department Head and City Manager or the Director of Administrative Services approval in the following instances:
 1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with informal product review process to obtain items necessary in dealing with the emergency. Immediately following the emergency, the Department Head shall forward a copy of the purchase order and contract along with an explanation to the City Manager or the Director of Administrative Services.
- d) Evaluating Products: The Department Head or designee(s) shall select the product which, in their evaluation process, is the best solution for the City.
- e) Negotiation: The Department Head or designee(s) shall discuss with the highest ranked vendor the requirements of the City and negotiate a reasonable fee for the product/items being purchased.

SECTION III – PROPRIETARY EQUIPMENT AND GOODS

2.0 CITY MANAGER AWARD \$130,000.01 to \$40100,000.00 (continued)

2.2 Contract and Purchase Order

- a) A contract shall be prepared and two original copies shall be signed by the consultant and the Department Head.
- b) A purchase order shall also be prepared detailing the vendor's name, address, the item being purchased, and the estimated total price including tax and shipping of the item being purchased and budget account to be charged. The purchase order shall be signed and dated by the authorized Department/Division employee. ~~(If an exception was used to bypass informal bidding procedures, the P.O. must be signed by the Department~~ Head.)
- c) The entire purchase order and both original copies of the contract ~~(if applicable)~~ shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the informal bid summary. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. and one original copy of the executed contract shall then be forwarded to the originating Department/Division.

2.3 Executing the Contract

Once the Department/Division has received the approved Purchase Order and an original copy of the contract from the City Manager or the Director of Administrative Services, they may make arrangements with the vendor for purchase of the product.

2.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original purchase of proprietary equipment and goods that result in less than a \$40100,000 overall contract amount. Change orders in excess of the \$40100,000 total contract amount shall be brought to the City Council for approval.

3.0 CITY COUNCIL AWARD > \$40100,000.00

Proprietary purchases exceeding \$40100,000 must be awarded by the City Council. A more formal evaluation should be used, thereby assuring the City that it has purchased the best product fit for the City. The formal process generally takes more time and expense than informal solicitations and in some instances may actually not be the most cost-effective approach.

SECTION III – PROPRIETARY EQUIPMENT AND GOODS

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Evaluation of Products/Goods:

- a) To ensure maximum exposure and competition, the responsible department shall prepare a list of potential firms from which to solicit quotes. City staff shall make reasonable efforts to ensure that small business firms, located in San Luis Obispo County, are aware of the purchase.
- b) A Selection Committee shall be formed to evaluate the submitted data and determine the products that should receive further consideration. The Committee shall be appointed by the Department Head, subject to the approval of the City Manager or the Director of Administrative Services, and may consist of more than one department.
 1. The Selection Committee may choose to interview all of the responding vendors, only the top few ranking vendors or to not perform interviews.
 2. The Selection Committee may also choose to view demonstrations of all of the products (either at a working site or at the City), only the top few ranking products or to not view demonstrations.
 3. After the interviews, demonstrations and site visits (as applicable), the Selection Committee shall rank the products.

Negotiation: The Department Head or designee(s) shall discuss with the highest ranked vendor the requirements of the City and negotiate a reasonable fee/contract.

Exceptions to Formal Bidding: The formal bid process may be bypassed in the following four instances:

1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining formal quotes to obtain materials necessary in dealing with the emergency. Immediately following the emergency, the appropriate Department Head shall prepare a report to Council explaining the emergency and the items purchased.
2. When there are extenuating circumstances that would make formal bidding not the most cost effective approach. This often relates to qualitative, artistic or proprietary software/technological issues. The appropriate Department Head shall prepare a report to Council requesting an exemption from the formal bidding procedures.

SECTION III – PROPRIETARY EQUIPMENT AND GOODS

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.2 Awarding the Contract:

The Department Head/~~Division—Head~~ shall prepare a report to Council recommending the top ranked product. The Council shall then award the purchase in a public meeting.

Except for urgencies all contracts exceeding \$40100,000.00 must be awarded by the City Council. Otherwise:

- Such purchases are void and not considered an obligation of the City.
- Invoices may be returned to the contractor/service provider unpaid.
- The person ordering the unauthorized purchase may be held personally liable for the costs of the contract.

3.3 Contract and Purchase Order

- a) A contract may be prepared as applicable and two original copies shall be signed by the vendor.
- b) A purchase order shall also be prepared detailing the vendor's name, address, item being purchased, estimated total price including tax and shipping (if applicable) of the item being purchased and budget account to be charged. The purchase order shall be signed and dated by the Department Head.
- c) The City Attorney shall sign the two original copies of the contract, approving it as to form.
- d) The City Manager or his/her Council designee shall sign the two original copies of the contract, approving it as to form.
- e) The entire purchase order, and both copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the Staff Report. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order.
- f) One copy of the executed contract shall be returned to the contractor/service provider and the other original shall remain in the City Clerk's Office. A copy of the executed contract shall be sent to the initiating department and a copy to the Administrative Services Department.

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SECTION III PROPRIETARY EQUIPMENT AND GOODS

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original purchase of proprietary equipment and goods that result in less than a ^{shall} 2025% aggregate change in contract price. Change orders in excess of 2025% be brought to the City Council for approval.

Section IV

GENERAL TRADE SERVICES

PURPOSE

Provide guidelines for the purchase of trade contractual services. Trade services shall mean the repair, rental or maintenance of equipment, machinery and other City-owned or operated property. Included within this term are services necessary for the routine operation, repair or maintenance of existing buildings or improvements. **The term does not include services rendered by professionals and other services which are unique in nature and not subject to competition.**

In instances where goods and trade services are purchased together from one contractor/service provider, this section shall only apply if the predominant portion of the purchase is services (i.e. repair of equipment with \$1,000 in labor and \$300 in parts would be covered under this section of the policy. A purchase of equipment for \$1,000 with a \$300 installation fee would be covered under Section II- General Supplies, Materials and Equipment).

POLICIES

There are three levels of authority for normal purchases: Department/Division Award, City Manager Award, and City Council Award. Generally, authority is established by the dollar amount of the purchase.

1.0 DEPARTMENT/DIVISION AWARD < \$1030,000.01

The Department/Division manager may authorize the purchase of services as needed up to \$130,000 per project or annually (for ongoing maintenance contracts) as applicable. Projects that would typically be performed by one contractor/service provider may not be split into components in order to avoid purchasing limits.

These purchases do not require competitive bidding and departments are given considerable discretion in these purchases.

The Department/Division will obtain a completed IRS form W-9 from the contractor/service provider prior to awarding the contract. The W-9, shall immediately be forwarded to the Administrative Services department in order to comply with State Reporting Requirements.

SECTION IV – GENERAL TRADE SERVICES

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00

Trade service awards over \$1030,000 and under \$40100,000.01 must be awarded by the City Manager or the Director of Administrative Services. Informal bidding should be used to assure the most competitive price is received for an item, while avoiding the additional time and expense involved in formal bidding.

2.1 Informal Quotes:

The Department/~~Division~~ shall strive to receive three bids in writing or over the phone, whenever possible.

- a) Documentation: Bids received over the phone or in writing must be documented to the satisfaction of the City Manager or the Director of Administrative Services. Ideally, documentation should include the name of the company bidding, the person giving the quote, the date and time of the contact, the amount quoted and any other relevant information.
- b) Exceptions: The informal bid process may be bypassed with Department Head and City Manager or the Director of Administrative Services approval in the following five instances:
 1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining three informal quotes to obtain services necessary in dealing with the emergency. Immediately following the emergency, the Department Head shall forward a copy of the purchase order along with an explanation to the City Manager or the Director of Administrative Services.
 2. When one known service provider is available, the Department Head/~~Division~~ shall document that it is a “sole source” purchase.
 3. When there exists other governmental contracts that were competitively bid (such as State Contracts, DGS, etc.) that the City is eligible to use.
 4. When an item has been bid within the last 36 months and the price has not changed.
 5. When it is not practical nor cost effective to continue soliciting quotes until three bids are received, the Department Head at his/her discretion may choose the vendor best suited for the needs of the particular project.
- c) Evaluating Bids: The Department/~~Division~~ shall evaluate the three informal quotes received and determine the lowest most ~~responsible-responsive~~ bid. The City reserves the right to accept that bid which is in the best interest of the City.

SECTION IV – GENERAL TRADE SERVICES

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00 (Continued)

c) Evaluating Bids (continued):

When selecting the recommended bidder the Department/~~Division~~ Head will take into consideration:

1. Price.
2. Ability, capacity, and skill.
3. Ability to meet time requirements.
4. Character, integrity, and reputation.
5. Previous contractor/service provider experience.
6. Financial resources available for contract performance.
7. Ability to provide future maintenance and service, if necessary.

2.2 Contract and Purchase Order

- a) A contract shall be prepared and two original copies shall be signed by the contractor/service provider and Department Head.
- b) A purchase order shall also be prepared detailing the contractor/service provider name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the ~~authorized Department/Division employee. (If an exception was used to bypass informal bidding procedures, the P.O. must be signed by the~~ Department Head.)
- c) The Department/~~Division~~ will obtain a completed IRS form W-9 from the contractor/ service provider.
- d) The entire purchase order, the W-9 and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the informal bid summary. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. and one original copy of the executed contract shall then be forwarded to the originating Department/~~Division~~.

2.3 Executing the Contract

Once the Department/~~Division~~ has received the approved Purchase Order and an original copy of the contract from the City Manager or the Director of Administrative Services, they may make arrangements with the contractor/service provider for services.

SECTION IV – GENERAL TRADE SERVICES

2.0 CITY MANAGER AWARD \$1930,000.01 to \$40100,000.00 (Continued)

2.4 Renewals

Contracts for ongoing services may include annual renewal provisions for up to five years, however in no instance may the contract exceed \$40100,000.00 in any one year. Cost increases related to such renewals shall not exceed the Consumer Price Index (CPI) adjustments unless approved in advance by the City Manager.

2.5 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a \$40100,000 ~~overall-annual~~ contract amount. Change orders in excess of the \$40100,000 ~~total~~ contract amount shall be brought to the City Council for approval.

3.0 CITY COUNCIL AWARD > \$40100,000.00

Trade service contracts exceeding \$40100,000 must be awarded by the City Council. Formal bidding should be used to assure all possible contractor/service providers are given the opportunity to bid on major City contracts, thereby assuring the City that it has received the most competitive price. The formal process generally takes more time and expense than informal bidding and in some instances may actually not be the most cost-effective approach.

3.1 Formal Bidding

The initiating Department/~~Division~~ shall be responsible for completion of the formal bid process, however the process shall be coordinated with the City Clerk's Office and the Administrative Services Department.

- a) Bid Forms: The initiating department shall prepare a bid form including detail specifications for the services to be purchased. The following format is suggested for competitive bids:
 1. Submission of bids (or proposals) – Include date, time, location and bid number as assigned by the City Clerk. Include a detail list of the information the bid or proposal should contain.
 2. Questions List the name, address, and telephone number of the person to be contacted concerning questions about the project.
 3. Background - Provide as much background as necessary to give the bidder an understanding of the environment in which the job will be performed and to which the job relates.
 4. Scope of work Describe in detail the requirement for the job and detail specification

SECTION IV GENERAL TRADE SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (Continued)

- a) Bid Forms (continued)
 5. Desired project schedule Be as specific as possible.
 6. Minimum and desirable qualifications – Be as specific as possible.
 7. Performance Bond- Whether a performance bond is required and if so, the amount and form of bidders security.
 8. Sample Contract- A sample of the contract that is expected to be used should be included in the bid package.
- b) Notice Inviting Bids: The initiating department shall also prepare a notice inviting bids that includes the following:
 1. A general description of the services to be purchased.
 2. A statement indicating where bid forms, specifications and bonding requirements can be obtained.
 3. A statement specifying the time and place for the opening of the bids.
 4. Per California Public Contract Code Section 20164, the first publication of the notice shall be at least ten days before the date of opening the bids. The notice shall be published at least twice, not less than five days apart, in a newspaper of general circulation, printed and published in the City. The notice may also be sent to all applicable contractor/service providers.
- c) Bid Opening
 1. Sealed bids shall be submitted to the City Clerk's office and shall be clearly identified with the Bid number on the envelope. Faxed or other electronic bids are not acceptable.
 2. Bids shall be opened in public at the time and place stated in the public notice.
 3. The City Clerk or his/her designee shall open the bids and shall record all bids received.
 4. Any bid received after the time specified in the notice shall be rejected.
 5. When a bidder's security is required, it will be announced in the public notice inviting bids. The amount shall be determined at the time of preparation of the bid. It shall be in the form of cash, certified or cashier's check, certificate of deposit in the City of Atascadero's name or bid bond made payable to the City of Atascadero. When a bidder's security is required, a bid shall not be considered unless one of the aforementioned forms of security accompanies the bid. Bidders shall be entitled to return of the bid security with the following exception:
 - The successful bidder must execute the contract and file acceptable documents within thirty (30) calendar days from the date of award unless

SECTION IV – GENERAL TRADE SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (Continued)

extended by the City Manager. Failure to execute the contract shall be just cause for annulment of the award and forfeiture of the bidder's security, not as a penalty, but as liquidated damages. The City Council may, upon refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest responsible bidder.

6. All bids received shall be available for inspection during regular business hours in the City Clerk's office for a period of not less than thirty (30) calendar days after the bid opening.
- d) Rejection of Bids: The City reserves the right to reject any and all bids, to accept or reject any one or more items of a bid, or to waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interests of the City.
- e) Determining Lowest Responsible Bidder: Award of bid shall be to the lowest responsible bidder. All valid ~~responsible~~ responsive bids shall be considered in determining the lowest bid. The City reserves the right to accept that bid which is in the best interest of the City. When selecting the recommended bidder the City staff will take into consideration:
 1. Price.
 2. Ability, capacity, and skill.
 3. Ability to meet time requirements.
 4. Character, integrity, and reputation.
 5. Previous contractor/service provider experience.
 6. Financial resources available for contract performance.
 7. Ability to provide future maintenance and service, if necessary
- f) Local Contractor/Service Provider Preference: The City has established a policy that provides for a five percent (5%) preference to local bidders and contractor/service providers. (See Section I General Policies). This is accomplished by reducing the local contractor/service provider's bids by 5% when comparing such bids to those of other bidders.
- g) Tie Bids: If tie bids are received, quality and service being equal, the contract shall be awarded to a local bidder.

If the above condition is not applicable, the City may, at its discretion:

1. Reject any and all bids presented and re-advertise; or
2. City may accept either one or accept the lowest bid made by negotiation with the tie bidders; or
3. Award the bid to any one of the low tie bidders by public drawing.

SECTION IV – GENERAL TRADE SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (Continued)

- h) Exceptions to Formal Bidding: The formal bid process may be bypassed in the following four instances:
1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining formal quotes to obtain services necessary in dealing with the emergency. Immediately following the emergency, the appropriate Department Head shall prepare a report to Council explaining the emergency and the items purchased.
 2. When one known service provider is available, the Department Head shall prepare a report for Council approval requesting an exemption from the formal bidding procedures and if applicable awarding the bid to the “sole source.”
 3. When there exists other governmental contracts that were competitively bid that the City is eligible to use in lieu of a formal bid.
 4. When there are extenuating circumstances that would make formal bidding not the most cost effective approach. This often relates to qualitative, artistic or proprietary software/technological issues. The appropriate Department Head shall prepare a report to Council requesting an exemption from the formal bidding procedures.
- i) Ongoing Professional Services
1. In some instances it is in the best interest of the City to have current ongoing contracts with multiple consultants for the same or very similar services. (i.e. services that can be defined as to scope of work but not as to required events such as contract planning services, public safety investigations, soils testing, contract building inspections services, etc.) These services would best be handled by establishing an eligibility list and by entering into annual ongoing professional service contracts.
 2. The process for selecting firms for annual ongoing professional service contracts shall be generally the same as for other professional services contracts, however multiple firms may be awarded an ongoing contract based on the RFP/RFQ process and may be placed on the eligibility list. Additional firms/individuals may also be awarded contracts and placed on the eligibility list at a later date, using the RFP/RFQ process without impacting contracts currently in place.
 3. Council shall award each ongoing contract that is expected to exceed \$40100,000.00 at a public meeting.
 4. As events occur and need arises, work will be assigned to the consultants on the eligibility list at the sole discretion of the Department Head. The Department Head, however, shall make a reasonable attempt to rotate work between consultants subject to availability and special needs.

SECTION IV – GENERAL TRADE SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (Continued)

- j) Negotiation: The Department Head or designee(s) shall discuss with the highest ranked firm(s) the requirements of the project, the scope of services needed to meet the requirements, and negotiate a reasonable fee/contract for the established work assignment.

3.2 Awarding the Bid

Once the bids have been evaluated, the Department Head/~~Division Head~~ shall prepare a report to Council recommending the most responsive bidder. The Council may then award the bid in a public meeting.

Except for urgencies all contracts exceeding \$40100,000.00 must be awarded by the City Council. Otherwise:

1. Such purchases are void and not considered an obligation of the city.
2. Invoices may be returned to the contractor/service provider unpaid.
3. The person ordering the unauthorized purchase may be held personally liable for the costs of the contract.

3.3 Contract and Purchase Order

- a) A contract shall be prepared and the contractor/service provider shall sign the two original copies.
- b) A purchase order shall also be prepared detailing the contractor/service provider name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the Department Head.
- c) The Department/~~Division~~ will obtain a completed IRS form W-9 from the contractor/ service provider.
- d) Proof of insurance in accordance with the contract shall be obtained.
- e) The City Attorney shall sign the two original copies of the contract approving it as to form.
- f) The City Manager or his/her Council designee shall sign the two original copies of the contract approving it as to form.
- g) The entire purchase order, the W-9, proof of insurance and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and signature and should include a copy of the Staff Report.
- h) One original copy of the executed contract shall be returned to the contractor/service provider and the other original shall remain in the City Clerk's Office. A copy of the executed contract shall be sent to the initiating department and a copy to the Administrative Services Department.

SECTION IV – GENERAL TRADE SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (Continued)

3.4 Renewals

Contracts for ongoing services may include annual renewal provisions for up to five years.

3.5 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a ~~2025%~~ ~~aggregate~~ change in ~~annual~~ contract price. Change orders in excess of ~~2025%~~ shall be brought to the City Council for approval.

4.0 UTILITIES AND OTHER SERVICE AGREEMENTS

Items that cannot be purchased under the procedures above or ongoing expenses for utilities or services (such as telephones, services agreements, etc.) do not require a Purchase Order. The bill or invoice should be forwarded to Administrative Services with an authorized signature and account number to be charged.

SECTION V **PROFESSIONAL SERVICES**

PURPOSE

Provide guidelines for the purchase of professional services. Professional services are those activities performed by a consultant who possesses a high degree or expertise in a particular profession. This would generally include (but not be limited to) architectural services, accounting/auditing services, environmental services, design services, engineering services, technical services, financial services, legal services, economic services and other administrative services. There is no bidding requirement for this type of service, since the agent is being hired based on his/her qualifications, not the lowest bid. Since local vendors are important to the City's overall economic health, special consideration should be given to local vendors whenever possible. Local vendors should be included when sending out bid packages. When vendor selection is between two qualified firms, the local vendor should have preference.

POLICIES

There are three levels of authority for normal purchases: Department/Division Award, City Manager Award, and City Council Award. Generally, authority is established by the dollar amount of the purchase.

1.0 DEPARTMENT/DIVISION AWARD < \$1030,000.01

The Department/Division Head may authorize the purchase of professional services as needed up to \$1030,000 per project or annually (for ongoing/recurring contracts) as applicable. Projects which would typically be performed by one consultant may not be split into components in order to avoid purchasing limits.

These purchases do not require competitive bidding and departments are given considerable discretion in these purchases.

The Department/Division will obtain a completed IRS form W-9 from the contractor/service provider prior to awarding the contract. The W-9, shall immediately be forwarded to the Administrative Services Department in order to comply with State Reporting Requirements.

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00

Professional service contracts over \$1030,000 and under \$40100,000.01 must be awarded by the City Manager or the Director of Administrative Services. These professional service agreements shall have sufficient documentation of background analysis to support the

SECTION V – PROFESSIONAL SERVICES

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00 (continued)

contract. Informal solicitation of qualifications should be used to assure quality services are received for a reasonable price.

2.1 Informal Solicitation of Qualifications:

The Department/~~Division~~ shall strive to, whenever possible, solicit at least three qualifications/proposals in writing or over the phone. When it is not practical, nor cost effective to receive three qualifications/proposals in writing or over the phone, the Department Head at his/her discretion, may choose the vendor best suited for the needs of the particular project. It is important that the specifications are accurate and comprehensive, thus it may be beneficial to transmit the specifications and responses ~~by fax or mail~~ in written format even when the proposal is received verbally.

- a) Documentation- Informal quotations must be documented to the satisfaction of the City Manager or the Director of Administrative Services. Ideally, documentation should include
1. The name of the company
 2. The person giving the quote
 3. The date and time of the phone call/communication
 4. Understanding of the required scope of services.
 5. Specialized experience of the firm and its personnel relative to the required services.
 6. References who can be contacted to verify past record of performance, i.e., completion of a quality product, in a timely manner, and within budget constraints.
 7. The capacity of the firm to perform the subject project within a required timeframe.
 8. Estimated Price
- b) Exceptions: The informal bid process may be bypassed with Department Head and City Manager or the Director of Administrative Services approval in the following instances:
1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with obtaining three informal quotes to obtain services necessary in dealing with the emergency. Immediately following the emergency, the Department Head shall forward a copy of the purchase order and contract along with an explanation to the City Manager or the Director of Administrative Services.

SECTION V – PROFESSIONAL SERVICES

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00- (continued)

2.1 Informal Solicitation of Qualifications: (continued)

2. When one known service provider is available, the Department Head/~~Division~~ shall document that it is a “sole source” purchase.
 3. When an item has been bid within the last 36 months and the price has not changed.
 4. When there exists other governmental contracts that were competitively bid (such as State Contracts, DGS, etc.) that the City is eligible to use.
 5. When it is not practical nor cost effective to continue soliciting quotes until three bids are received, the Department Head at his/her discretion may choose the vendor best suited for the needs of the particular project.
- c) Evaluating Bids: The Department/~~Division~~ Head or designee(s) shall select the consultant which, in their evaluation process, is the most qualified to perform the work. The evaluation and selection process shall be based upon the following considerations:
1. General quality and responsiveness to the request, including but not limited to:
 - Responsiveness to the terms, conditions, and items of performance;
 - Grasp of the problem, work to be performed, and approach to be used.
 2. Organization and personnel making the proposal;
 - Evidence of good organizational and management practices.
 - Qualification of the personnel.
 - Specialized experience of the firm and its personnel relative to the required services.
 - References who can be contacted to verify past record of performance (i.e., completion of a quality product in a timely manner and within budget constraints).
 - Previous consultant experience.
 - The financial condition of the firm.
 - Capacity of the firm to perform the subject project within a required timeframe.
 3. If appropriate, the price, in any of the following formats, may be considered.
 - Total price and price breakdown.
 - Price range.
 - Cost schedule.

SECTION V – PROFESSIONAL SERVICES

2.0 CITY MANAGER AWARD \$1030,000.01 to \$40100,000.00 (continued)

2.1 Informal Solicitation of Qualifications: (continued)

- d) Ongoing Professional Services: In some instances it is in the best interest of the City to have current ongoing contracts with multiple consultants for the same or very similar services. (i.e. services that can be defined as to scope of work but not as to required events such as contract planning services, public safety investigations, design engineering, soils testing, contract building inspections services, etc.) These services would best be handled by establishing an eligibility list and by entering into ~~annual~~—ongoing professional service contracts.

The process for selecting firms for ~~annual~~—ongoing professional service contracts shall be generally the same as for other professional services contracts, however multiple consultants may be awarded an ongoing contract based on the informal process and may be placed on the eligibility list. Additional consultants may also be awarded contracts and placed on the eligibility list at a later date, using the informal process without impacting contracts currently in place.

As events occur and need arises, work will be assigned to the firms/individuals on the eligibility list at the sole discretion of the Department Head.

- e) Negotiation: The Department Head or designee(s) shall discuss with the highest ranked firm(s) the requirements of the project, the scope of services needed to meet the requirements, and negotiate a reasonable fee for the established work assignment.

2.2 Contract and Purchase Order

- a) A contract shall be prepared and two original copies shall be signed by the consultant and the Department Head.
- b) A purchase order shall also be prepared detailing the consultant's name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the authorized Department Head/Division employee. ~~(If an exception was used to bypass informal bidding procedures, the P.O. must be signed by the Department Head).~~
- c) The Department/Division will obtain a completed IRS form W-9 from the consultant.
- d) The entire purchase order, the W-9 and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the informal bid summary. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. and

SECTION V – PROFESSIONAL SERVICES

one original copy of the executed contract shall then be forwarded to the originating Department/~~Division~~.

2.0 CITY MANAGER AWARD \$~~1030,000.01~~ TO \$~~40100,000.00~~ (continued)

2.3 Executing the Contract

Once the Department/~~Division~~ has received the approved Purchase Order and an original copy of the contract from the City Manager or the Director of Administrative Services, they may make arrangements with the consultant for services.

2.4 Renewals

Contracts for ongoing professional services may include annual renewal provisions for up to five years; however, in no instance may the contract exceed \$~~40100,000.00~~ in any one year. Cost increases related to such renewals shall not exceed the Consumer Price Index (CPI) adjustments unless approved in advance by the City Manager.

2.5 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a less than \$~~40100,000~~ annual contract amount. Change orders in excess of the \$~~40100,000~~ contract amount shall be brought to the City Council for approval.

3.0 CITY COUNCIL AWARD > \$~~40100,000.00~~

Professional service contracts exceeding \$~~40100,000~~ must be awarded by the City Council. A Formal Request for Proposal (RFP) or a Request for Qualifications (RFQ) process should be used, thereby assuring the City that it has engaged the most qualified consultant available for the engagement. The formal process generally takes more time and expense than informal solicitations of qualifications and in some instances may actually not be the most cost-effective approach.

3.1 Formal Request for Proposal or Request for Qualifications:

- a) Developing the RFP or RFQ: Because RFP's and RFQ's ask for a subjective product, they should contain the greatest detail possible, and may include the following:
 1. A precise description of the problem or objective
 2. The services to be performed
 3. The product to be provided

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SECTION V PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

a) Developing the RFP or RFQ (continued)

4. The anticipated time schedule for:
 - Submittal of RFP/RFQ (date and time)
 - Any pre-proposal conference (date, time and location)
 - Review and evaluation of the proposals
 - Award of the contract
 - Commencement of work on the project
 - Completion date
5. Evaluation factors and the relative importance of each.
6. Expectations or limitations on the part of the City, i.e.
 - The format, form and quantity of any expected reports
 - The extent/nature of assistance/cooperation available from the City
7. Expected content of the RFP/RFQ, including:
 - The overall description of techniques to be used
 - Listing of similar services provided to other clients
 - Listing of available references to contact
 - Description and qualifications of assigned lead and supporting personnel
 - Time and staff expected to be expended
 - Facilities and equipment to be used
 - Portion of contract to be performed by sub-contractors
 - Subcontractors/Subconsultants qualifications
 - Cost, in summary and total, and desired method of payment. The RFP/RFQ for services may, but is not required to, state the amount budgeted for the service.
8. Contractual requirements including, but not limited to:
 - Prohibition against assignment
 - Indemnification
 - Insurance requirements

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

a) Developing the RFP or RFQ (continued)

8. Contract Requirements (continued)

- Bonding requirements
- Warranties
- Compliance with federal, state and City laws, rules and regulations
- Compliance with any grant related regulations
- Sample contract

9. Construction project management service RFP's may require evidence be provided of experience in construction project design review and evaluation, construction mobilization and supervision, bid evaluation, project scheduling, cost-benefit analysis, claims review and negotiation, and general management and administration of a construction project.

b) Issuing the RFP/RFQ

1. To ensure maximum exposure and competition, the responsible department shall prepare a list of potential firms to receive the RFP/RFQ. City staff shall make reasonable efforts to ensure that small business firms, located in San Luis Obispo County, are aware of the RFP/RFQ's issued.
2. If required or desired, the responsible department will submit the RFP/RFQ notice to be advertised in a local newspaper of general circulation. The notice will be published one or more times beginning at least fourteen calendar days prior to the designated closing. Additional advertisements may be placed in a regional newspaper of general circulation; appropriate professional or trade journals; and state or governmental publications designed for public notice.
3. A reasonable length of time between solicitation and closing dates must be allowed to provide potential respondents time for preparation in accordance with the complexity, the size of the project, and the scope of advertising.
4. City staff may conduct conferences to explain the requirements of the project. A sufficient amount of time should be allowed after the RFP/RFQ has been issued to allow potential respondents to become familiar with the project. Any clarification or changes required to the RFP/RFQ, as a result of the conference, shall be added as a written [amendment/addendum](#). A summary of the conference shall be provided to all prospective respondents receiving the request.

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

b) Issuing the RFP/RFQ (continued)

5. ~~The requesting department shall prepare sufficient copies of the RFP/RFQ to allow distribution to potential respondents of record and responses to the published advertisements. In addition, the~~The department shall maintain a list of ~~questions regarding the RFP/RFQ's issued~~received and responses.
6. ~~Amendments-Addenda~~ should be used to make any changes in quantities, descriptions, schedules, or to correct defects or ambiguities in the original RFP/RFQ. ~~Amendments-Addenda~~ are provided to ensure that all potential respondents are furnished with the same information with which to prepare proposals.

~~Amendments-Addenda~~ to the RFP/RFQ shall be identified as such and shall require acknowledgment as such by firms receiving the RFP/RFQ. ~~Amendments-Addenda~~ shall be sent to all known recipients of the RFP/RFQ within a reasonable time period before the closing date. If the time and date established for the receipt of proposals does not allow sufficient time for consideration and changes, the time and date will be modified by ~~amendment~~addendum.

c) Proposal Opening:

1. Proposals shall be submitted to the City Clerk's office and shall be clearly identified with the Proposal number on the envelope. Faxed or other electronic proposals are not acceptable.
2. Proposals received by 5:00 p.m. of the designated closing day will be opened on the following workday for preliminary review.
3. Any proposal received after the time specified in the RFP/RFQ shall be returned unopened.
4. To avoid disclosure of the contents of competing RFPs/RFQs, proposals will be opened in the presence of City Clerk or his/her designee and the Department Head or the Director of Administrative Services, requesting the proposals.
5. Respondents may modify or withdraw their proposals prior to the established closing date and time, without penalty. However, any modifications submitted after the established closing date and time will not be accepted. Such modifications will be returned to the respondent, unopened.

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$49100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

c) Issuing the RFP/RFQ (continued)

6. The City Clerk's office shall maintain a list of proposals received, including name and address of respondent, the number of modifications received, if any, and any additional information requested. The register will be open to inspection after the award of the contract or the rejection of all proposals.
7. Proposals and modifications shall be shown only to the evaluation committee personnel, the City Clerk or his/her designee, and the Department Head (or the Director of Administrative Services) until a recommendation is made to Council or all proposals have been rejected.

d) Rejection of Proposals: The City reserves the right to reject any and all proposals, to accept or reject any one or more items of a proposal, or to waive any irregularities or informalities in the proposal or the RFP/RFQ process if to do so is deemed to best serve the interests of the City.

e) Evaluation Factors and Method: Because unique services are requested, cost is not considered the primary selection criteria.

1. Evaluation factors may include:

- General quality and responsiveness of the proposal, including but not limited to:

- Responsiveness to the terms, conditions, and items of performance;

- Completeness and thoroughness of the proposal;

- Grasp of the problem, work to be performed, and approach to be used.

- Organization and personnel making the proposal:

- Evidence of good organizational and management practices.

- Qualification of the personnel.

- Specialized experience of the firm and its personnel relative to the required services.

- References who can be contacted to verify past record of performance, i.e., completion of a quality product, in a timely manner, and within budget constraints.

- The financial condition of the firm.

- Capacity of the firm to perform the subject project within a required time frame.

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

e) Evaluation Factors and Method (continued)

1. Evaluation factors may include: (continued)

- If appropriate, the price, in any of the following formats, may be considered.

Total price and price breakdown.

- Price range.

Cost schedule.

2. A Selection Committee shall be formed to evaluate the submitted data and determine the products that should receive further consideration. The Committee shall be appointed by the Department Head, subject to the approval of the City Manager or the Director of Administrative Services, and may consist of more than one department.
3. The Selection Committee may choose to interview all of the responding consultants, only the top few ranking consultants or to not perform interviews.
4. After the interviews (if applicable), the Selection Committee shall rank the consultants based on their proposals, interviews, and references.

f) Exceptions to Formal RFP/RFQ: The formal RFP/RFQ process may be bypassed in the following three instances:

1. In emergency situations where time is of the essence, the appropriate Department Head may dispense with the formal RFP/RFQ process to obtain services necessary in dealing with the emergency. Immediately following the emergency, the appropriate Department Head shall prepare a report to Council explaining the emergency and the items purchased.
2. When one known service provider is available, the Department Head shall prepare a report for Council approval requesting an exemption from the formal RFP/RFQ procedures and if applicable awarding the bid to the “sole source”.
3. When there are extenuating circumstances that would make the formal RFP/RFQ process not the most cost effective approach. This often relates to qualitative, artistic or proprietary software/technological issues. The appropriate Department Head shall prepare a report to Council requesting an exemption from the formal bidding procedures.

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.1 Formal Request for Proposal or Request for Qualifications: (continued)

g) Ongoing Professional Services

1. In some instances it is in the best interest of the City to have current ongoing contracts with multiple consultants for the same or very similar services. (i.e. services that can be defined as to scope of work but not as to required events such as contract planning services, public safety investigations, soils testing, contract building inspections services, etc.) These services would best be handled by establishing an eligibility list and by entering into annual ongoing professional service contracts.
2. The process for selecting firms for annual ongoing professional service contracts shall be generally the same as for other professional services contracts, however multiple firms may be awarded an ongoing contract based on the RFP/RFQ process and may be placed on the eligibility list. Additional firms/individuals may also be awarded contracts and placed on the eligibility list at a later date, using the RFP/RFQ process without impacting contracts currently in place.
3. Council shall award each ongoing contract that is expected to exceed \$40100,000.00 at a public meeting.
4. As events occur and need arises, work will be assigned to the consultants on the eligibility list at the sole discretion of the Department Head. The Department Head, however, shall make a reasonable attempt to rotate work between consultants subject to availability and special needs.

h) Negotiation: The Department Head or designee(s) shall discuss with the highest ranked firm(s) the requirements of the project, the scope of services needed to meet the requirements, and negotiate a reasonable fee/contract for the established work assignment.

~~i) Change Orders: Change orders in excess of 20% aggregate change in original purchase order amount, require extended documentation of the reasons for the change order, Director of Administrative Services approval AND City Manager approval.~~

3.2 Awarding the Contract:

The Department Head/~~Division Head~~ shall prepare a report to Council recommending the most responsive/responsible consultant. The Council shall then award the contract in a public meeting.

SECTION V – PROFESSIONAL SERVICES

3.0 CITY COUNCIL AWARD > \$40100,000.00 (continued)

3.2 Awarding the contract (continued)

Except for urgencies all contracts exceeding \$40100,000.00 must be awarded by the City Council. Otherwise:

- Such purchases are void and not considered an obligation of the city.
- Invoices may be returned to the contractor/service provider unpaid.
- The person ordering the unauthorized purchase may be held personally liable for the costs of the contract.

3.3 Contract and Purchase Order

- a) A contract shall be prepared and the consultant shall sign the two original copies.
- b) A purchase order shall also be prepared detailing the consultant's name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the Department Head.
- c) The Department/Division will obtain a completed IRS form W-9 from the consultant.
- d) Proof of insurance in accordance with the contract shall be obtained.
- e) The City Attorney shall sign the two original copies of the contract approving it as to form.
- f) The City Manager or his/her Council designee shall sign the two original copies of the contract approving it as to form.
- g) The entire purchase order, the W-9, proof of insurance and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and signature and should include a copy of the Staff Report.
- h) One original copy of the executed contract shall be returned to the contractor/service provider and the other original shall remain in the City Clerk's Office. A copy of the executed contract shall be sent to the initiating department and a copy to the Administrative Services Department.

3.4 Renewals

Contracts for ongoing services may include annual renewal provisions for up to five years.

3.5 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a 2025% ~~aggregate~~ change in annual contract price. Change orders in excess of 2025% shall be brought to the City Council for approval.

SECTION VI **PUBLIC PROJECTS**

PURPOSE

Provide guidelines for “Public Project” procurement. **Public Project** means construction, reconstruction, erection, alteration, restoration, improvement, demolition, and repair work involving any facility owned, leased, or operated by the City. The definition also includes painting or repainting any facility owned, leased or operated by the City. Construction, erection, improvement, or repair of dams, reservoirs, and electrical transmission lines of 230,000 volts and higher that are owned by the City, are considered a public project.

A public project does not include maintenance work, consisting of routine, recurring, and usual work for the preservation or protection of facilities owned or operated by the City, including minor repainting. Street and highways resurfacing at less than one inch (1”) deep, landscape maintenance (mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems) are not a public project.

POLICIES

It is the City of Atascadero’s policy to follow the uniform Construction Cost Accounting Procedures for all Public Projects, as set forth in the Public Contract Code (Article 2, commencing with Section 22010).

It is also the City of Atascadero’s policy to adopt the purchasing limits and policies as set forth in Public Contract Code Sections 22030 to 22045. (Appendix A)

1.0 DEPARTMENT/DIVISION AWARD < \$1030,000.01

The Department/Division manager may contract public projects as needed up to \$1030,000 per project or may be performed by the employees of the City by force account. Projects which would typically be performed by one contractor may not be split into components in order to avoid purchasing limits.

These purchases do not require competitive bidding and departments are given considerable discretion in these purchases.

The Department/Division will obtain a completed IRS form W-9 from the contractor prior to awarding the contract. The W-9, shall immediately be forwarded to the Administrative Services Department in order to comply with State Reporting Requirements.

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SECTION VI PUBLIC PROJECTS

2.0 CITY MANAGER AWARD LEVEL I \$1030,000.01 TO \$3045,000.00¹

Public Projects contracts over \$1030,000 and under \$30,00045,000.01¹ must be awarded by the City Manager or the Director of Administrative Services. The Department Head may recommend a contractor without using the informal bid process, however —a purchase order and approval by the City Manager or— the Director of Administrative Services is required for these purchases.

The Department Head may also elect to perform the project using employee²s of the City by force account.

2.1 Contract and Purchase Order

- a) If applicable, a contract shall be prepared and two original copies shall be signed by the contractor and the Department Head.
- b) A purchase order shall also be prepared detailing the contractor/service provider name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the ~~authorized—Department/~~Division Head employee.
- c) The Department/Division will obtain a completed IRS form W-9 from the contractor/ service provider.
- d) The entire purchase order, the W 9 and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and should include a copy of the informal bid summary. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. and one original copy of the executed contract shall then be forwarded to the originating Department/Division.

2.2 Executing the Contract

Once the Department/Division has received the approved Purchase Order and an original copy of the contract from the City Manager or the Director of Administrative Services, they may make arrangements with the contractor for services.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI- PUBLIC PROJECTS

2.0 CITY MANAGER AWARD LEVEL I \$1030,000.01 to \$30,000.0045,000¹ **(continued)**

2.3 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a less than \$30,00045,000 annual contract amount. Change orders may not exceed the \$30,00045,000 contract amount.

3.0 CITY MANAGER AWARD LEVEL II \$30,00045,000.01¹ to \$125,000175,000.00¹

Public Projects contracts over \$30,00045,000.00¹ and under \$125,000175,000.01¹ may be let to contract by the informal bid process set forth in this policy.

3.1 Informal Bids:

The City shall solicit informal bids in accordance with Public Contract Code Sections 22034-22036. (See Appendix A)

3.2 Contract and Purchase Order

- a) A contract shall be prepared and two original copies shall be signed by the contractor and Department Head.
- b) A purchase order shall also be prepared detailing the contractor/service provider name, address, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the authorized Department Head/Division employee.
- c) The Department/Division will obtain a completed IRS form W-9 from the contractor/ service provider.
- d) The entire purchase order, the W-9 and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval. He/she will review the contract and purchase order package for conformity to the purchasing policy, for compliance with other established procedures and for availability of funds. The City Manager or the Director of Administrative Services shall then approve and sign the purchase order. The original P.O. and one original copy of the executed contract shall then be forwarded to the originating Department/Division.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI– PUBLIC PROJECTS

3.0 CITY MANAGER AWARD LEVEL II \$30,00045,000.01¹ to \$125,000175,000.00¹ (continued)

3.3 Executing the Contract

Once the Department/~~Division~~ has received the approved Purchase Order and an original copy of the contract from the City Manager or the Director of Administrative Services, they may make arrangements with the contractor for services.

3.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a less than a 205% aggregate change in the contract price, not to exceed the \$125,000175,000 contract limit. Change orders in excess of the 2025% aggregate or the \$125,000175,000 contract limit shall be brought to the City Council for approval.

4.0 CITY COUNCIL AWARD > \$125,000175,000.00¹

Public Projects exceeding \$125,000175,000¹ must be formally bid and awarded by the City Council in accordance with Public Contract Code Sections 22037 to 22044.

4.1 Formal Bidding

The City shall solicit formal bids in accordance with Public Contract Code Sections 22037-22044. (See Appendix A)

The initiating Department/~~Division~~ shall be responsible for completion of the formal bid process, however the process shall be coordinated with the City Clerk's Office and the Administrative Services Department.

- a) Bid Forms: The initiating department shall prepare a bid form including detail specifications for the services to be purchased. The following format is suggested for competitive bids:
 1. Submission of bids (or proposals) Include date, time, location and bid number as assigned by the City Clerk. Include a detail list of the information the bid or proposal should contain
 2. Questions – List the name, address, and telephone number of the person to be contacted concerning questions about the project.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI- PUBLIC PROJECTS

4.0 CITY COUNCIL AWARD > \$~~125,000~~175,000.00¹ (continued)

4.1 Formal Bidding (continued)

a) Bid Forms: (continued)

3. Background - Provide as much background as necessary to give the bidder an understanding of the environment in which the job will be performed and to which the job relates.
4. Scope of work – Describe in detail the requirement for the job and detail specification.
5. Desired project schedule – Be as specific as possible.
6. Minimum and desirable qualifications – Be as specific as possible.
7. Performance Bond- Whether a performance bond is required and if so, the amount and form of bidders security.
8. Sample Contract- A sample of the contract that is expected to be used should be included in the bid package.

b) Notice Inviting Bids: The initiating department shall also prepare a notice inviting bids that includes the following:

1. A general description of the services to be purchased.
2. A statement indicating where bid forms, specifications and bonding requirements can be obtained.
3. A statement specifying the time and place for the opening of the bids.
4. The notice shall be published at least fourteen calendar days before the date of the opening of bids in a newspaper of general circulation, printed and published in the City. (It is recommended that it be published twice, not less than five days apart.)
5. The notice shall also be mailed to all construction trade journals specified in Section 22036 of the Public Contract Code. The notices shall be mailed at least thirty (30) calendar days before the date of opening the bids.

c) Bid Opening

1. Sealed bids shall be submitted to the City Clerk's office and shall be clearly identified with the Bid number on the envelope. Faxed or other electronic bids are not acceptable.
2. Bids shall be opened in public at the time and place stated in the public notice.
3. The City Clerk or his/her designee shall open the bids and shall record all bids received.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI– PUBLIC PROJECTS

4.0 CITY COUNCIL AWARD > \$125,000175,000.00¹ (continued)

4.1 Formal Bidding (continued)

c) Bid Opening (continued)

4. Any bid received after the time specified in the notice shall be rejected.
 5. When a bidder's security is required, it will be announced in the public notice inviting bids. The amount shall be determined at the time of preparation of the bid. It shall be in the form of cash, certified or cashier's check, certificate of deposit in the City of Atascadero's name or bid bond made payable to the City of Atascadero. When a bidder's security is required, a bid shall not be considered unless one of the aforementioned forms of security accompanies the bid. Bidders shall be entitled to return of the bid security with the following exception:
 - The successful bidder must execute the contract and file acceptable documents within thirty (30) calendar days from the date of award unless extended by the City Manager. Failure to execute the contract shall be just cause for annulment of the award and forfeiture of the bidder's security, not as a penalty, but as liquidated damages. The City Council may, upon refusal or failure of the successful bidder to execute the contract, award the contract to the next lowest bidder.
 6. All bids received shall be available for inspection during regular business hours in the City Clerk's office for a period of not less than thirty (30) calendar days after the bid opening.
- d) Rejection of Bids: The City reserves the right to reject any and all bids, to accept or reject any one or more items of a bid, or to waive any irregularities or informalities in the bids or the bidding process if to do so is deemed to best serve the interests of the City. If after the first invitation of bids all bids are rejected, the City may elect to re-advertise for bids or have the project done by force account. (See Section 22038 of the Public Contract Code for Procedures and limitations)
- e) Determining Lowest Responsible Bidder: Award of bid shall be to the lowest responsible bidder who has submitted a responsive bid. All valid responsibleresponsive bids shall be considered in determining the lowest bid. Before the award, the bidder may be required to furnish evidence of capability, equipment and financial resources to adequately perform the work. Bidders not found to be qualified may have their bid rejected.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI- PUBLIC PROJECTS

4.0 CITY COUNCIL AWARD > \$~~125,000~~175,000.00¹ (continued)

4.1 Formal Bidding (continued)

- f) Tie Bids: If tie bids are received, quality and service being equal, the contract shall be awarded to a local bidder.

If the above condition is not applicable, the City may, at its discretion:

1. Reject any and all bids presented and re-advertise; or
2. City may accept either one or accept the lowest bid made by negotiation with the tie bidders; or
3. Award the bid to any one of the low tie bidders by public drawing.

4.2 Awarding the Bid

Once the bids have been evaluated, the Department Head/~~Division Head~~ shall prepare a report to Council recommending the ~~most responsive bidder~~lowest responsive bid by a responsible bidder. The Council shall then award the bid in a public meeting.

All public project contracts exceeding \$~~125,000~~175,000.00¹ must be awarded by the City Council. Otherwise:

1. Such purchases are void and not considered an obligation of the City.
2. Invoices may be returned to the contractor/service provider unpaid.
3. The person ordering the unauthorized purchase may be held personally liable for the costs of the contract.

4.3 Contract and Purchase Order

- a) A contract shall be prepared and two original copies shall be signed by the contractor.
- b) A purchase order shall also be prepared detailing the contractor name, service being purchased, estimated total price of the service being purchased and budget account to be charged. The purchase order shall be signed and dated by the Department Head.
- c) The Department/~~Division~~ will obtain a completed IRS form W-9 from the contractor/ service provider.
- d) Proof of insurance in accordance with the contract shall be obtained
- e) Performance and payment bonds shall be obtained. (Bonds must be in a form accepted by the City and must meet all City requirements.)

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VI- PUBLIC PROJECTS

4.0 CITY COUNCIL AWARD > \$~~125,000~~175,000.00¹ (continued)

4.3 Contract and Purchase Order (continued)

- f) The City Attorney shall sign the two original copies of the contract approving it as to form.
- g) The City Manager or his/her Council designee shall sign the ~~two~~ two original copies.
- h) The entire purchase order, the W-9, proof of insurance, copies of the bonds, and both original copies of the contract shall be submitted to the City Manager or the Director of Administrative Services for approval and signature and should include a copy of the Staff Report.
- i) One original copy of the executed contract shall be returned to the contractor and the other original shall remain in the City Clerk's Office. A copy of the executed contract shall be sent to the initiating department and a copy to the Administrative Services Department.

4.4 Change Orders

The City Manager is authorized to issue change orders for changes or additions to the original scope of work that result in less than a ~~250~~ 25% aggregate change in contract price. Change orders in excess of ~~250~~ 25% shall be brought to the City Council for approval.

¹ This limit is tied to Public Contract Code Section 22032. Any changes to limits set in Public Contract Code Section hereby are adopted as part of this policy.

SECTION VII

TRAVEL AND EXPENSE REIMBURSEMENTS

PURPOSE AND SCOPE

The City of Atascadero's ("City") travel policy prescribes procedures for Officials and Employees to report and be reimbursed for official travel and business expenses. The following guidelines and procedures are set forth to minimize costs, improve accountability and ease management review of reimbursement claims.

This policy applies to elected and appointed Officials of the City and all Employees of the City. Department Heads may adopt more restrictive policies due to budget limitations or requirements of other government agencies. Compensation to Employees for travel time shall be consistent with the requirements of the Fair Labor Standards Act.

This policy assumes a mutual trust between the City and its Officials and Employees. The City shall reimburse Officials and Employees for all reasonable costs incurred on behalf of the City. Officials and Employees are expected to use good judgment in spending public funds which have been entrusted to them. Misuse or misappropriation of City funds and equipment not in conformance with this policy may result in disciplinary action, which for Employees may include termination of employment.

DEFINITIONS

OFFICIAL: When used in Section VII, an Official shall refer to any individual elected to a City office (e.g., a City Council member, ~~Mayor, City Clerk,~~ or City Treasurer) or any individual appointed to an office by the City Council (e.g., a member of the Planning Commission). For purposes of Section VII, an Official is never considered to be an Employee.

EMPLOYEE: When used in Section VII, an Employee shall refer to anyone who volunteers on behalf of the City or anyone who holds a paid position with the City. For purposes of Section VII, an independent contractor shall not be considered an Employee.

POLICIES

1.0 GENERAL PROVISIONS

1.1 Travel shall be authorized only when necessary and in the best interest of the City. The City shall reimburse actual, reasonable and necessary expenses incurred while on City business, not to exceed established guidelines. Expenses incurred in connection with the following types of activities are hereby deemed authorized expenses, as long as the other requirements of this policy are met:

- a. Communicating with representatives of regional, state and national

**SECTION VII
TRAVEL AND EXPENSE REIMBURSEMENT**

1.0 GENERAL PROVISIONS (continued)

- government on the City's adopted policy positions; and
- b. Attending educational seminars designed to improve an Official's or Employee's skill and/or knowledge; and
- c. Participating in regional, state and national organizations whose activities affect the City's interests; and
- d. Implementing a City-approved strategy for attracting or retaining businesses to the City, which shall typically involve at least one staff member; and
- e. For any Employee, any other general City business authorized by that Employee's Department Head.

Expenditures for any other type of activity require prior approval by the City Council for Officials and City Manager for Employees.

1.2 The City shall NOT reimburse personal expenses, including but not limited to:

- a. The personal portion of any trip;
- b. Political or charitable contributions or events;
- c. Family expenses, including a partner's expenses when accompanying an Official or Employee on agency-related business, as well as children- or pet-related expenses;
- d. Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf-related expenses), or other cultural events;
- e. Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- f. Personal losses incurred while on City business.

1.3 City Officials and Employees should neither enrich themselves nor be required to use their own funds while traveling on City business.

1.4 The City Manager or his/her designee must approve all proposed travel out of the San Luis Obispo/ Santa Barbara County area for City Employees. References in this policy to out-of-area travel shall mean travel outside the San Luis Obispo/Santa Barbara County area.

**SECTION VII
TRAVEL AND EXPENSE REIMBURSEMENT**

1.0 GENERAL PROVISIONS (continued)

1.5 Travel and expense funded by the Commission of Peace Officer Standards and Training (POST) ~~Commission~~ shall be subject to restrictions currently in effect from POST. POST shall govern expenditure limitations for meals and lodging, ~~supereeding~~~~superseding~~ this policy. When preparing reimbursements for POST, a copy of the reimbursement request shall be forwarded to the Administrative Services Department to track the receivable.

2.0 AUTHORIZATION FOR TRAVEL AT CITY EXPENSE

2.1 Authorization Levels

- a. Within the San Luis Obispo/Santa Barbara County Area: Employees must obtain department head approval prior to official travel within San Luis Obispo County/Santa Barbara area or same day travel outside the area.
- b. Outside the San Luis Obispo County/Santa Barbara County Area (Within California): Employees must obtain Department Head and City Manager or the Director of Administrative Services approval prior to travel and overnight stay outside the San Luis Obispo/Santa Barbara County area on City business.
- c. Out of State: Employees must obtain the City Manager's prior written approval for any Official out-of-state travel.

2.2 Exceptions

Mutual/Auto Aid travel shall be reported to the City Manager as time permits. Prior approval may not be possible.

2.3 Format for Request

The information to be submitted with all requests for out-of-area travel is as follows:

- a. Requests must be submitted in advance of the actual travel.
- b. Department Head or his/her designee shall confirm by means of their authorization that the appropriate budget is available for the travel.
- c. Total cost of the proposed travel shall be itemized, including all costs for registration fees, lodging, meals, transportation, etc.

SECTION VII TRAVEL AND EXPENSE REIMBURSEMENT

3.0 LODGING

Lodging expenses consist of charges for out-of-area overnight accommodations as required for conduct of official City business. Lodging expenses shall be reimbursed or paid for when travel on official City business reasonably requires an overnight stay.

3.1 Stay Reasonably Required

An overnight stay is reasonably required when the traveler would otherwise have to leave his or her residence before 6:00 a.m. on the day of the event to arrive at the destination at the designated time. Lodging expense is allowable for the evening after an out-of-town meeting or business event when the traveler would otherwise arrive at his/her residence after 9:00 p.m.

3.2 Lodging Rates

If possible, Employees and Officials should make hotel/motel reservations well in advance and take other actions to incur the lowest possible lodging expenses (e.g. compare rates, request occupancy tax exemptions, etc.)

- a. **Government Rates** Employees and Officials must request government rates when making reservations or registering at hotels/motels. If possible, Employees and Officials should make hotel/motel reservations well in advance and take other actions to incur the lowest possible lodging expenses (e.g. compare rates, request occupancy tax exemptions). Lodging rates that are equal to or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy.
- b. **Group Rates** -If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If the group rate is not available, see next section.
- c. **Alternatives**- In the event that government rates or group rates are not available at a given time or in a given area, there are three options available to Employees and Officials.
 - i. *Option #1 (Median Hotel Cost):* Lodging rates that do not exceed the median retail price for moderate lodging for that area listed on websites like www.priceline.com or an equivalent service shall be considered reasonable and hence reimbursable.
 - ii. *Option #2 (Flat Cap).* Lodging rates that do not exceed one hundred eighty dollars (\$180) per night are presumed reasonable and hence reimbursable.

**SECTION VII
TRAVEL AND EXPENSE REIMBURSEMENT**

3.0 LODGING (continued)

- iii. *Option #3 (IRS Rates).* Lodging rates that do not exceed the Internal Revenue Service per diem rates for a given area are presumed reasonable and hence reimbursable.

3.3 Special Lodging

With prior City Manager approval, the City may reimburse Employees for special lodging accommodations, i.e., other than hotels or motels. Special accommodations include, but are not limited to, apartments, RV parks, and other semi-permanent dwellings.

3.4 Use of Lodging as a Guest of Friends or Relatives

Employees and Officials may stay with friends or relatives while on out-of-town business; however, the City shall not reimburse Employees and Officials for payment to friends or relatives for lodging, meals, or transportation.

3.5 Credit Card Use

Employees and Officials may charge all lodging costs on City credit cards but must reimburse the City for unauthorized expenses upon return.

4.0 MEALS

Allowable meal expenses include food and beverages purchased and consumed while on official City business, provided these items are not covered by other expenses, i.e., conference fees, airline fares, lodging, etc. AB1234 prohibits per diem reimbursements for Officials, therefore the per diem method of reimbursements is for City Employees only.

4.1 Rate of Reimbursement

Officials may be reimbursed for eligible meal expenses, while Employees may either receive a per diem or be reimbursed for eligible meal expenses.

- a. Per Diem Method: A per diem of \$51.00 shall be paid to Employees for meals associated with each day of travel as follows:

- 1. Breakfast \$10.00
- 2. Lunch \$15.00
- 3. Dinner \$26.00

- b. Reimbursement Method: Each meal, including gratuity, shall be reimbursed to Official or Employee up to the Domestic Per Diem Rates per US General Services Administration per-meal guideline and must be accounted for separately on a reimbursement claim. Under special

**SECTION VII
 TRAVEL AND EXPENSE REIMBURSEMENT**

4.0 MEALS (continued)

circumstances, the City Manager may approve individual meal expenses (for Employees only) above the guideline with written justification, copies of restaurant bills, and evidence of department head approval. If an individual claims meal expenses for more than one Employee, s/he must list all Employees on the expense reimbursement form.

c. Normally, meals are reimbursable under the following time criteria:

<u>MEAL</u>	<u>TRAVEL BEGINS BEFORE</u>	&	<u>TRAVEL ENDS AFTER</u>
Breakfast	7:00 a.m.		8:00 a.m.
Lunch	11:00 a.m.		1:00 p.m.
Dinner	5:00 p.m.		6:00 p.m.

4.2 Meals Purchased on Travels That Do Not Include an Overnight Stay

Normally, the City will NOT reimburse employees for meals purchased within the City of Atascadero or surrounding areas, while they are engaged in day-to-day job duties, or engaged in any one-day travel that does not include an overnight stay. However, Department Heads may authorize reimbursement under the following circumstances:

- Attendance at job-related conferences or meetings held in the City or surrounding regions extending over meal times, and the business of the conferences or meetings is pursued during the meals, or
- In special cases, the City Manager may authorize the purchase of meals for employees while within the City in conjunction with City business as appropriate.
- During emergencies declared by authorized government authorities in which City employees must work for more ~~than~~ two hours beyond the normal duty day.

4.3 Reimbursement of City Officials or Employees for Costs of Meals Purchased for Non-City Personnel

The City may reimburse Officials and Employees for purchasing meals for non-City personnel in any of the following circumstances:

- If authorized by the City Manager.
- For oral board members

SECTION VII TRAVEL AND EXPENSE REIMBURSEMENT

4.0 MEALS (continued)

- For emergency workers responding to City requests for mutual aid under mutual aid agreements or for emergency workers acting on behalf of the City under emergencies declared by authorized government entities.
- For special cases, the Department Head may authorize as appropriate the purchase of meals for non-city personnel in conjunction with City business or in cases where there is benefit to the City by purchasing such meal.

5.0 TRANSPORTATION

Transportation expenses are the direct costs of transporting Employees from authorized points of departure, to travel destinations and authorized points of return. These expenses normally include, but are not limited to, common carrier tickets, private vehicle mileage, and car rental charges.

Other transportation expenses include taxi, bus, and streetcar fares; road, bridge, and ferry tolls; parking fees; and other costs directly related to transporting Employees to and from temporary work locations.

Transportation expenses not covered include: personal travel, traffic and parking violations and emergency repairs on private vehicles.

NOTE: City gas cards and Cal Cards should not be used for fuel purchases on personal vehicles.

5.1 Mode of Transportation

When traveling on City business, Officials and Employees should use the least expensive modes of transportation consistent with time requirements and work schedules. The City shall reimburse travelers for the most cost-effective transportation means, considering both direct costs and Employee time management.

5.2 Rate of Reimbursement:

Officials and Employees who do not receive monthly auto allowances shall be reimbursed for travel mileage incident to the authorized use of privately-owned vehicles on City business. Reimbursement shall be at the rate currently prescribed and necessary expenses incident to the use of privately owned vehicles, including insurance, repairs, and other transportation-related costs. The City shall not reimburse individuals for gasoline purchases when they claim the per-mile

SECTION VII TRAVEL AND EXPENSE REIMBURSEMENT

5.0 TRANSPORTATION (continued)

reimbursement rate for private vehicles. This amount does not include bridge and road tolls which are also reimbursable.

5.3 Commercial Auto Rental

The City shall reimburse Officials and Employees for actual and necessary costs of rental when substantiated by invoice. Rental of an automobile should be limited to those situations where it is determined that it the most economical method of transportation or with Department Head approval, in those situations where it would create a hardship for the Employee to use a personal vehicle. The size of an auto rented shall be the least expensive size appropriate to the use required by the Employee. Rental rates that are equal or less than those available through the State of California's website (www.catravelsmart.com/default.htm) shall be considered the most economical and reasonable for the purpose of reimbursement under this policy. If possible, travelers should refuel rental vehicles before returning them to rental agencies. Employees may use City credit cards to pay for rental vehicles.

5.4 Air Travel.

When an Employee claims commercial airline expenses, the cost shall be limited to the least expensive class available, unless prior approval of City Manager for upgrade. Travelers shall attempt to use the lowest airline rates available. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (www.csac.counties.org/default.asp?id=635) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this policy. Reservations should be made as far in advance as possible to take advantage of available discounts. Frequent flier mileage and bonus points or premiums, such as discounts on future fares, received, as a result of travel on Official City business shall accrue to the City.

5.5 Taxis-Style and Other Local Transportation.

The City shall reimburse the cost of taxi style fare including a fifteen percent (15%) gratuity per fare to and from places of business, hotels, airports, or railroad stations in connection with official activities and meals. Taxis-style transportation is-are permitted only when suitable and more economical services are not reasonably available. Whenever available, Employees must attempt to use complimentary hotel/motel shuttle services.

SECTION VII TRAVEL AND EXPENSE REIMBURSEMENT

6.0 BUSINESS EXPENSES

Business expenses are those incidental to official travel other than transportation, lodging, and meals. Receipts shall be required for all business expenses, except as provided in paragraph 7.3.

6.1 General

The City shall reimburse Employees for business expenses, provided they do not include the costs of discretionary items intended for personal benefit or pleasure, such as entertainment, or barber and beauty shop charges. Business expenses normally include, but are not limited to, the following:

- Conference registration fees (if not paid by separate claims)
- Officials and Employees shall be reimbursed for actual telephone and fax expenses incurred doing City business. Telephone bills should identify which calls were made doing City business. For cellular telephone calls when the Official or Employee has a particular number of minutes included in his or her plan, the Official or Employee can identify the percentage of calls made doing public business. Employees shall be reimbursed for one personal telephone call per day. All other personal telephone calls are the Employee's responsibility. More calls per day may be authorized by the Department Head in special circumstances.
- Reasonable amounts paid to baggage handlers, porters, and other service personnel.

7.0 REIMBURSEMENT CLAIMS

7.1 General

- a. Officials and Employees must submit expense claims upon return. Officials and Employees should submit approved travel claims (along with supporting vouchers and receipts) within six weeks after completion of travel. All claims must have travelers' signatures and, for Employees, Department or Division Head approval.
- b. Receipts documenting each expense must be submitted with the appropriate paperwork to accounts payable. Inability to provide documentation in a timely fashion may result in the expense being borne by the Official or the Employee.
- c. There shall be no settlement of claims totaling less than \$1.00.
- d. All expenses are subject to verification that they comply with this policy.

**SECTION VII
TRAVEL AND EXPENSE REIMBURSEMENT**

7.0 REIMBURSEMENT CLAIMS (continued)

7.2 Claim Forms

Claim forms shall include:

- Consistent with this Policy, the City business involved.
- Dates of travel.
- Travelers' names.
- Travel destinations.
- Expense identification, i.e., seminars, meals, plane fare, etc.
- Dollar amounts of all expenses.
- Personal expenses only if part of City credit card charges. These must be subsequently subtracted from claim totals.
- Additional explanations as needed to substantiate claims.

8.0 REGISTRATION / EXPENSE ADVANCES

8.1 Minimum

City Employees may request advances for reimbursable travel expenses. The minimum advance shall be \$50. City Officials may not receive cash advances from the City. If advances exceed actual expenses, Employees must remit the difference when they file their claims. If a trip is canceled, the advance must be remitted within one week of the cancellation.

8.2 Reservation and Registration

Official and Employees may use City credit cards for reservations and registration. If a reservation shall result in an actual charge to the City, the traveler must request a receipt and submit a claim.

9.0 REPORTS TO GOVERNING BOARDS

At the City Council meeting following the conference or other business for which any reimbursable expenses were incurred by an Official, each Official shall briefly report on meetings or other business attended at the City's expense. If multiple Officials attend, a joint report may be made.

**SECTION VII
TRAVEL AND EXPENSE REIMBURSEMENT**

10.0 RESPONSIBILITY AND ACCOUNTABILITY

10.1 Administration

Each Department Head shall be held responsible and accountable for the administration of this policy within his/her department. Department heads should consult with the Director of Administrative Services ~~Director~~ and/or City Manager on questions related to this policy. The City Manager shall annually review the practices and reports of the various departments in regard to the administration of this policy.

Each City Official shall be held responsible and accountable for the administration of this policy for his/her own travel. City Officials should consult with the Director of Administrative Services ~~Director~~ and/or City Manager on questions related to this policy.

10.2 Compliance with Laws

Officials and Employees should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act and other laws.

10.3 Violation of This Policy

- a. Loss of reimbursement privileges;
- b. A demand for restitution to the City;
- c. The agency's reporting the expenses as income to the elected Official to state and federal tax authorities;
- d. Civil penalties of up to one thousand dollars (\$1,000) per day and three times the value of the resources used; and
- e. Prosecution for misuse of public resources.

11.0 AUDITS OF EXPENSE REPORTS

All expenses are subject to verification ~~that they comply for compliance~~ with this Policy.

Section VIII **PETTY CASH**

PURPOSE

To provide guidelines for the purchase of minor items using petty cash. Petty cash purchases are not designed to circumvent normal purchasing procedures, but are designed to expedite the acquisition of emergency needs and less significant items.

POLICIES

1.0 PURCHASES

- 1.1 Petty cash may be used for purchases up to \$50.00. Any petty cash purchases over \$50.00 shall be approved by the Director of Administrative Services in advance.
- 1.2 A Petty Cash Slip shall be completed and a receipt attached for all petty cash purchases. The Petty Cash Slip must be approved by the appropriate Department/Division manager. It should include the account to be charged and a brief description of the item to be purchased.
- 1.3 An employee may request a petty cash advance for purchases up to \$50.00 or the estimated amount, whichever is less. Prior to receiving the cash, the employee must submit an approved Petty Cash Slip. After the purchase, the receipt and remaining funds shall be returned to the petty cash box, and the Petty Cash Slip shall be adjusted to reflect actual expenditures.

2.0 PETTY CASH BOXES

- 2.1 The Director of Administrative Services is responsible for assigning petty cash boxes.
- 2.2 Proceeds from the petty cash box are for City purposes only. Petty cash is not to be used for cashing personal checks or to be loaned out for personal uses.
- 2.3 Any department with a petty cash box is responsible for reconciling cash to receipts ~~on at least a bi-weekly basis~~ regularly. Any irregularities shall be reported promptly to the Administrative Services Department.

Section IX **DISPOSAL OF ASSETS**

PURPOSE

Provide for the proper transfer, disposition, and accountability of surplus and obsolete City property (other than land and buildings).

POLICY

It is necessary to provide for the disposal of surplus and obsolete material or equipment.

1.0 MINOR PROPERTY- ORIGINAL COST < \$500.01

The Department/Division manager may authorize the disposal of surplus supplies, equipment, or tools with an original value of less than \$500.01 and an estimated current value of less than \$25.00. The Department/Division manager is given considerable discretion in disposing of this property.

2.0 OTHER PROPERTY- ORIGINAL COST > \$500.00

When an item with an original cost > \$500.00 is no longer needed, becomes worn out, or becomes obsolete, the Department/Division head will submit an Idle Equipment form to the Director of Administrative Services ~~Director~~ for authorization.

Once the Director of Administrative Services ~~Director~~ has given the authority to dispose of the assets, the items may be sold through surplus or other auctions, exchanged or transferred to another City function, traded in for new supplies and/or equipment, or disposed of in another reasonable manner. The Director of Administrative Services ~~Director~~ is also authorized to dispose of said property for the highest scrap value or cause its destruction or other disposition.

This policy will not apply to real property or unclaimed property held by the Police Department.

Appendix A

Appendix A Public Contract Code

PCC §22030

- (a) This article applies only to a public agency whose governing board has by resolution elected to become subject to the uniform construction cost accounting procedures set forth in Article 2 (commencing with Section 22010) and which has notified the Controller of that election. In the event of a conflict with any other provision of law relative to bidding procedures, this article shall apply to any public agency which has adopted a resolution and so notified the Controller.
- (b) A county, whether general law or charter, containing a population of less than 500,000 may award individual annual contracts as provided in Section 20128.5.

PCC §22031

- (a) Prior to January 1, 2013, Nothing in this article shall not prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.
- (b) On or after January 1, 2013, this article shall not prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1 for both of the following;
- (1) Maintenance and emergency work.
 - (2) New road construction and road reconstruction as long as the total value of the new road construction and the road reconstruction performed under the procedures set forth in subdivision © of Section 20395 during a fiscal year does not exceed 30 percent of the total value of all worked performed by force account other than maintenance as reported in the Controller's Streets and Roads Annual Report as of March 1 of each year prior to the fiscal year.
- (c) The value of force account work necessary to facilitate capital projects for the purpose of contacting to the private sector, including design, engineering, inspection, testing, and other force account work necessary to administer private contracts, shall be excluded from the 30-percent limit in subdivision (b).
- (d) The value of force account work necessary to facilitate projects performed by county employees, including design, engineering, inspection, testing, and other force account work necessary to administer work performed under subdivision (b), shall apply to the 30-percent limit in subdivision (b).
- (e) On or after January 1, 2013, for a county with a population of less than 50,000, this article shall not prohibit a board of supervisors or a county road commissioner from utilizing, as an alternative to the procedures set forth in this article, the procedures set forth in Article 25 (commencing with Section 20390) of Chapter 1.
- (f) The requirements set forth in Section 22038 shall apply to any county subject to this section.
- (g) Any county board of supervisors or county road commissioner acting pursuant to the authority granted in paragraph (2) of subdivision (b) shall publicly declare its

Appendix A Public Contract Code

intention to use this authority prior to commencing work. The public declaration may be on a project-by-project basis, via a list of anticipated projects for the fiscal year, or via list that may be included in the county's annual budget.

PCC §22032

(a) Public projects of ~~thirty-fourty-five~~ thousand dollars (~~\$3045~~,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of one hundred ~~twenty-five~~~~seventy-five~~ thousand dollars (~~\$125175~~,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than one hundred ~~twenty-five~~~~seventy-five~~ thousand dollars (~~\$125175~~,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

PCC §22033

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of this article requiring work to be done by contract after competitive bidding.

PCC §22034

Each public agency that elects to become subject to the uniform construction accounting procedures set forth in Article 2 (commencing with Section 22010) shall enact an informal bidding ordinance to govern the selection of contractors to perform public projects pursuant to subdivision (b) of Section 22032. The ordinance shall include all of the following:

(a) Notice to contractors shall be provided in accordance with either paragraph (1) or (2), or both.

(1) The public agency shall maintain a list of qualified contractors, identified according to categories of work. Minimum criteria for development and maintenance of the contractors list shall be determined by the commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this subdivision shall be completed not less than 10 calendar days before bids are due.

(2) The public agency may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specific in Section 22036.

~~(b) All contractors on the list for the category of work being bid or all construction trade journals specified in Section 22036, or both all contractors on the list for the category of work being bid and all construction trade journals~~

~~**PCC §22034 (continued)**
specified in Section 22036, shall be mailed a notice inviting informal bids unless the product or service is proprietary. The notice inviting informal bids shall~~

Appendix A Public Contract Code

describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids.

~~(c) All mailing of notices to contractors and construction trade journals pursuant to subdivision (b) shall be completed not less than 10 calendar days before bids are due. The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.~~

~~(d) The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time and place for the submission of bids. If all bids received are in excess of one hundred seventy-five thousand dollars (\$175,000), the governing body of the public agency may, by adoption of a resolution by a four-fifths vote, award the contract, at one hundred eighty-seven thousand five hundred dollars (\$187,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.~~

~~(e) The governing body of the public agency may delegate the authority to award informal contracts to the public works director, general manager, purchasing agent, or other appropriate person.~~

~~(f) If all bids received are in excess of one hundred twenty five thousand dollars (\$125,000), the governing body of the public agency may, by adoption of a resolution by a four fifths vote, award the contract, at one hundred thirty seven thousand five hundred dollars (\$137,500) or less, to the lowest responsible bidder, if it determines the cost estimate of the public agency was reasonable.~~

PCC §22035

(a) In cases of emergency when repair or replacements are necessary, the governing body may proceed at once to replace or repair any public facility without adopting plans, specifications, strain sheets, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of the governing body, by contractor, or by a combination of the two.

(b) In case of an emergency, if notice for bids to let contracts will not be given, the public agency shall comply with Chapter 2.5 (commencing with Section 22050).

PCC §22035.5

In counties that are under court order to relieve justice facility overcrowding, the procedures and restrictions specified in Section 20134 shall apply to all contracts issued under this chapter.

PCC §22036

The commission shall determine, on a county-by-county basis, the appropriate construction trade journals which shall receive mailed, faxed, or emailed notice of all

Appendix A Public Contract Code

informal and formal construction contracts being bid for work within the specified county.

PCC §22037

Notice inviting formal bids shall state the time and place for the receiving and opening of sealed bids and distinctly describe the project. The notice shall be published at least 14

PCC §22037 (continued)

calendar days before the date of opening the bids in a newspaper of general circulation, printed and published in the jurisdiction of the public agency; or, if there is no newspaper printed and published within the jurisdiction of the public agency, in a newspaper of general circulation which is circulated within the jurisdiction of the public agency, or, if there is no newspaper which is circulated within the jurisdiction of the public agency, publication shall be by posting the notice in at least three places within the jurisdiction of the public agency as have been designated by ordinance or regulation of the public agency as places for the posting of its notices. The notice inviting formal bids shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in Section 22036. The notice shall be sent at least 15 calendar days mailed at least 30 calendar days before the date of opening the bids. In addition to notice required by this section, the public agency may give such other notice as it deems proper.

PCC §22038

(a) In its discretion, the public agency may reject any bids presented, if the agency, prior to rejecting all bids and declaring that the project can be more economically performed by employees of the agency, furnishes a written notice to an apparent low bidder. The notice shall inform the bidder of the agency's intention to reject the bid and shall be mailed at least two business days prior to the hearing at which the agency intends to reject the bid. If after the first invitation of bids all bids are rejected, after reevaluating its cost estimates of the project, the public agency shall have the option of either of the following:

(1) Abandoning the project or re-advertising for bids in the manner described by this article.

(2) By passage of a resolution by a four-fifths vote of its governing body declaring that the project can be performed more economically by the employees of the public agency, may have the project done by force account without further complying with this article.

(b) If a contract is awarded, it shall be awarded to the lowest responsible bidder. If two or more bids are the same and the lowest, the public agency may accept the one it chooses.

(c) If no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account, or negotiated contract without further complying with this article.

Appendix A Public Contract Code

PCC §22039

The governing body of the participating public agency or its designated representative shall adopt plans, specifications, and working details for all public projects exceeding the amount specified in subdivision (c) of Section 22032.

PCC §22040

Any person may examine the plans, specifications, or working details, or all of these, adopted by the public agency for any project.

PCC §22041

This article does not apply to the construction of any public building used for facilities of juvenile forestry camps or juvenile homes, ranches, or camps established under Article 15 (commencing with Section 880) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, if a major portion of the construction work is to be performed by wards of the juvenile court assigned to those camps, ranches, or homes.

PCC §22042

The commission shall review the accounting procedures of any participating public agency where an interested party presents evidence that the work undertaken by the public agency falls within any of the following categories:

- (a) Is to be performed by a public agency after rejection of all bids, claiming work can be done less expensively by the public agency.
- (b) Exceeded the force account limits.
- (c) Has been improperly classified as maintenance.

PCC §22042.5

The commission shall review practices of any participating public agency where an interested party presents evidence that the public agency is not in compliance with Section 22034.

PCC §22043

- (a) In those circumstances as set forth in subdivision (a) of Section 22042, a request for commission review shall be in writing, sent by certified or registered mail received by the commission postmarked not later than five-eight business days from the date the public agency has rejected all bids.
- (b) ~~In those circumstances set forth in subdivision (b) or (c) of Section 22042, a request for commission review shall be by letter received by the commission not later than five-eight days from the date an interested party formally complains to the public agency.~~
- (c) The commission review shall commence immediately and conclude within 30-the following number of days from the receipt of the request for commission review:

Appendix A Public Contract Code

- (1) Forty-five days for a review that falls within subdivision (a) of Section 22042.
(2) Ninety days for a review that falls within subdivision (b) or (c) of Section 22042.
- (d) - During the review of a project that falls within subdivision (a) of Section 22042, the agency shall not proceed on the project until a final decision is received by the commission.
- (e) A request for commission review pursuant to Section 22042.5 shall be in writing, sent by certified or registered mail, and received by the commission no later than eight days from the day an interested party formally complains to the public agency. The commission review shall commence immediately and conclude within 90 days from the receipt of the request for commission review.

PCC §22044

The commission shall prepare written findings, which shall be presented to the public agency within 30 calendar days of formal commission review. Should the commission find that the provisions of this chapter or of the uniform cost accounting procedures provided for in this chapter were not complied with by the public agency, the following steps shall be implemented by that agency:

- (a) On those projects set forth in subdivision (a) of Section 22042, the public agency has the option of either:
- (1) abandoning the project, or
 - (2) awarding the project to the lowest responsible bidder.
- (b) On those projects set forth in subdivision (b) or (c) of Section 22042, the public agency shall present the commission's findings to its governing body within 30 calendar days of receipt of written notice of the findings and that governing body shall conduct a public hearing with regard to the commission's findings within 30-60 calendar days of receipt of the findings.
- (c) (1) On findings of noncompliance pursuant to Section 22042.5, the public agency shall notify its governing body of the commission's findings within 60 calendar days of receipt of written notice of the findings from the commission.
(2) The public agency shall notify the commission in writing, within 90 days of receipt of written notice of the findings, of the public agency's best efforts to comply.

PCC §22044.5

If the commission makes a finding, in accordance with Section 22043, on three separate occasions within a 10-year period, that the work undertaken by a public agency falls within any of the categories described in Section 22042, the commission shall notify the public agency of that finding in writing by certified mail and the public agency shall not use the bidding procedures provided by this article for five years from the date of the commission's findings.

Appendix A
Public Contract Code

PCC §22045

(a) No later than January 1, 1985, the commission shall recommend, for adoption by the Controller, written procedures implementing the accounting procedures review provided for in this article.

(b) The Controller shall, upon receipt of the commission's recommendation, review and evaluate the recommended procedures and either formally adopt or reject the recommended procedures within 90 days of submission of the commission.



Atascadero City Council

Staff Report – Community Development Department

Title 9 Tree Ordinance Update (PLN 2017-1679)

RECOMMENDATION:

Council adopt on second reading, by title only, the Draft Ordinance, amending the Atascadero Native Tree Ordinance: Title 9, Chapter 11 of the Atascadero Municipal Code.

DISCUSSION:

The Draft Ordinance amends Title 9, Chapter 11 of the Atascadero Municipal Code known as the Atascadero Native Tree Ordinance. Amendments will result in a streamlined process for tree removal permits by shifting review authority to staff for all but heritage tree removals. Amendments also include clarification of permit documentation and on-site posting requirements. Proposed changes will also eliminate fee language from the Ordinance, so that tree removal related fees may be included in the City's Fee Schedule to be adopted by resolution during the City Council annual review.

On March 27, 2018, at a public hearing, the City Council voted 5-0 to adopt the Draft Ordinance for first reading.

FISCAL IMPACT:

The proposed changes are expected to result in a cost and time savings for staff.

ATTACHMENT:

Draft Ordinance

DRAFT ORDINANCE

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE, TITLE 9, CHAPTER 11,
ATASCADERO NATIVE TREE ORDINANCE**

(PLN 2017-1679)

WHEREAS, an application has been received from the City of Atascadero (6500 Palma Ave., Atascadero, CA 93422), to consider Zone Change Text Amendments to Title 9, Chapter 11 Atascadero Native Tree Ordinance and Atascadero Native Tree Guidelines (PLN 2017-1679); and

WHEREAS, a Notice of Exemption was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Title 9 Planning and Zoning of the Atascadero Municipal Code for consistency with the General Plan and to maintain a clear and legible set of Zoning Regulations 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 February 20, 2018, studied and considered PLN 2017-1679; and

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of proposed amendments to Title 9, Chapter 11 of the Atascadero Municipal Code as presented to them on February 20, 2018 and encouraged staff to work with the Atascadero Land Preservation Society (ALPS) to incorporate recommendations by ALPS in the code update prior to bringing the item to Council; 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 March 27, 2018, studied the Planning Commission's recommendation in addition to recommendations from the Atascadero Land Preservation Society (ALPS) and considered the proposed zoning text amendments.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. Findings for Approval of a Zone Text Change. The City Council finds as follows:

1. The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.
2. This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.
3. The Text Change will not, in itself, result in significant environmental impacts.

SECTION 3. Environmental Review. A categorical exemption for the Zoning Ordinance Text Amendments has been prepared and adopted as shown in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 4. Introduction. The City Council of the City of Atascadero, in a regular session assembled on March 27, 2018, resolved to introduce for first reading, by title only, an Ordinance that would amend the City Zoning Code Text as shown Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 5. Approval. Atascadero Municipal Code Title 9 Zoning Regulations is amended as detailed in Exhibit B, attached hereto and incorporated herein by this reference.

SECTION 6. A summary of this Ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this Ordinance shall be on file in the City Clerk's office on and after the date following introduction and passage and shall be available to any interested member of the public.

SECTION 7. This Ordinance shall take effect 30 days from the date of final passage.

INTRODUCED at a regular meeting of the City Council held on March 27, 2018, and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on April 10, 2018.

CITY OF ATASCADERO, CA

Tom O'Malley, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

**EXHIBIT A: CEQA Exemption
Title 9 Zoning Ordinance Text Amendments**



CITY OF ATASCADERO NOTICE OF EXEMPTION

6500 Palma Avenue Atascadero, CA 93422 805.461.5000

TO: File

FROM: Kelly Gleason, Senior Planner
City of Atascadero, 6500 Palma Avenue
Atascadero, CA 93422

SUBJECT: Filing of Notice of Determination in Compliance with Section 21152 of the Public Resources Code.

Project Title: PLN 2017-1679

Project Applicant: City of Atascadero, 6500 Palma Ave, Atascadero, CA 93422

Project Location: Citywide

Project Description: This action consists of proposed Zoning Ordinance Text Amendments to The Atascadero Native Tree Ordinance Title 9, Chapter 11 to streamline the review process for native tree removals and establish a heritage tree list. The Atascadero Native Tree Guidelines is proposed to be amended for consistency with the Ordinance changes.

Name of Public Agency Approving Project: City of Atascadero

Name of Person or Agency Carrying Out Project: City of Atascadero

Exempt Status:

- | | |
|--|---|
| <input type="checkbox"/> Ministerial (Sec. 15073) | <input type="checkbox"/> Emergency Project (Sec. 1507 (b) and (c)) |
| <input type="checkbox"/> Declared Emergency (Sec. 15061 (a)) | <input checked="" type="checkbox"/> General Rule Exemption (Sec. 15061(b)(3)) |
| <input type="checkbox"/> Categorically Exempt (Sec. 15303) | |

Reasons why project is exempt: The Guidelines of the California Environmental Quality Act (CEQA) (Section 15061.(3), (b)) exempts activities that are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment will not have any significant adverse environmental impacts associated with this project application.

Contact Person: Kelly Gleason (805) 470-3446

Date: February 20, 2018

Kelly Gleason
Senior Planner

EXHIBIT B: Zone Text Change – Title 9 Zoning Ordinance

9-11.104 Definitions.

“Arborist” means a person certified by the International Society of Arboriculture or other recognized professional organization of arborists that provides professional advice and licensed professionals to do physical work on trees in the City.

“Damage” means any intentional action or gross negligence, which causes injury, death or disfigurement of a tree. Actions include, but are not limited to, cutting, girdling, poisoning, overwatering, soil compaction, unauthorized relocation or transportation of a tree or trenching, excavating, altering the grade or paving within the dripline of a tree.

“Dbh” means “diameter at breast height,” specifically four (4) feet six (6) inches above natural grade.

“Dripline” means the outermost line of the tree’s canopy projected straight down to the ground surface.

“Hazardous” means presenting an immediate danger to people or existing structures.

“Removal” means the physical destruction, displacement or removal of a tree, or portions of a tree caused by poisoning, cutting, burning, relocation for transplanting, bulldozing or other mechanical, chemical or physical means.

“Native tree” means a tree species as listed below:

Arbutus menziesii Pursh.	Madrone
Heteromeles arbutifolia Lindl.	Toyon, California Holly
Juglans hindsii Jeps.	California Black Walnut
Platanus racemosa Nutt.	California Sycamore
Quercus agrifolia Eastw.	Coast Live Oak
Quercus alvordiana Nee	Blue Oak/Desert Oak
Quercus dumosa Jeps.	Scrub Oak
Quercus durata Jeps.	Leather Oak
Quercus douglasii H&A	Blue Oak
Quercus lobata Nee	Valley
Quercus turbinella	Desert Oak
Umbellularia californica Nutt.	California Bay Laurel

“Native Tree Association” refers to the Atascadero Land Preservation Society or other successor organization recognized by the City Council to cooperate with the City in educational programs and provide advice to the City on matters related to native trees.

“Site planner” means licensed professionals, such as architects, engineers, who are hired by applicants to prepare site plans including tree protection plans.

“Tree protection plan” means a plan prepared to the specification of a certified arborist that shows how specific trees shall be protected during development and related work, including any

required mitigation measures to ensure viability of tree after construction, and includes a tree status and impact chart for all applicable trees. The project arborist shall certify that the tree protection plan is accurate if prepared by a civil engineer or other design professional.

“Tree pruning” means the cutting, detachment or separation of any limb branch or roots from a native tree.

9-11.105 Tree removal.

(a) Permit Required. Except as set forth in subsection (b), a tree removal permit shall be required for the removal of any deciduous native tree two (2) inches dbh or greater and four (4) inches dbh or greater for all other protected native trees, and for pruning of more than twenty-five percent (25%) of the live canopy in native trees. Any private or public entity doing regular maintenance in the City may seek a blanket pruning permit that may be renewed on a yearly basis.

(b) Exemptions. The following are exempt from the permit requirements of this chapter:

(1) Emergency situations which cause hazardous or dangerous conditions that have serious potential to cause immediate damage to persons or improvements on real property. Such situations must be reported to the City within forty-eight (48) hours;

(2) Trees planted, grown and maintained as part of a licensed nursery or tree farm business;

(3) Tree pruning that affects less than twenty-five percent (25%) of a tree’s live canopy within one (1) years’ time. The pruning shall be done according to current tree pruning standards as adopted by the International Society of Arboriculture;

(4) Trees removed as part of an approved “tree management plan”;

(5) Single-family residences in single-family zoning districts where a permanent dwelling exists and building or grading permits are not being sought;

(6) Emergency septic system repair and/or replacement in a single-family zoning district, where a septic system has failed as determined by the City Engineer and is considered a hazard to the health, safety, and welfare of the homeowner and adjacent property owners.

(c) Application for Tree Removal.

(1) Early Consultation. All applicants are encouraged to consult with the Community Development Department before site development that may involve any tree removal. Early consultation shall be a factor used in determining whether proposed improvements can be reasonably designed to avoid the need for tree removal.

(2) Content. The content of the tree removal application and permit shall be in a form as established by the Community Development Director. The applicant must provide the factual data to make the required finding(s) as required in this chapter.

(3) Fees. Application fees shall be established by resolution of the City Council.

(4) Arborist Report. An arborist report shall be provided when determined necessary by the Community Development Director or his designee.

(5) Posting. All native trees proposed for removal shall be identified by the applicant for field inspection as set forth in the Guidelines. When a tree removal permit is sought, the lot shall also be posted at a visible location along the project frontage for a minimum of 15 calendar days prior to approval. The notice shall be in a form approved by the City.

(d) Review and Approval.

(1) Authority. The City Council shall make decisions regarding all tree removal application requests involving designated heritage trees. All other tree removal application decisions will be made by the Community Development Department. Any Community Development Department decision may be appealed to the Planning Commission in accordance with AMC section 9-1.111.

(2) Required Findings. At least one (1) of the following findings must be made in order to approve a tree removal application:

(i) The tree is dead, diseased or injured beyond reclamation, as certified by a tree condition report from an arborist;

(ii) The tree is crowded by other healthier native trees; thinning (removal) would promote healthier growth in the trees to remain, as certified by a tree condition report from an arborist;

(iii) The tree is interfering with existing utilities and/or structures, as certified by a report from the site planner;

(iv) The tree is inhibiting sunlight needed for existing and/or proposed active or passive solar heating or cooling, as certified by a report from the site planner;

(v) The tree is obstructing proposed improvements that cannot be reasonably designed to avoid the need for tree removal, as certified by a report from the site planner and determined by the Community Development Department based on the following factors:

- a. Early consultation with the City,
- b. Consideration of practical design alternatives,
- c. Provision of cost comparisons (from applicant) for practical design alternatives,
- d. If saving tree eliminates all reasonable use of the property, or
- e. If saving the tree requires the removal of more desirable trees.

(3) Evaluative Criteria for Tree Removal. The following criteria will be considered when evaluating each tree removal application:

(i) The potential effect that tree removal could have on topography, knowing that hilltops, ravines, streambeds and other natural watercourses are more environmentally sensitive than flat or gentle sloping lands;

(ii) The potential effect that tree removal could have on soil retention and erosion from increased flow of surface waters;

(iii) The potential effect that tree removal could have on the ambient and future noise level;

(iv) The potential effect that tree removal could have on the ability of existing vegetation to reduce air movement and wind velocity;

(v) The potential effect that tree removal could have on significantly reducing available wildlife habitat or result in the displacement of desirable species;

(vi) Aesthetics;

(vii) The number, size, species, condition and location of trees to be removed;

(viii) The special need to protect existing blue and valley oaks because of regeneration problems;

(ix) The cumulative environmental effects of tree removal.

(4) Conditions of Approval. Tree removal permits shall be conditioned by one (1) or more of the following methods:

(i) Depending on the characteristics of the site the applicant may plant replacement trees on site. This method shall include payment in advance for three (3) site inspections during a four (4) year establishment period;

(ii) Payment of fee to the Tree Replacement Fund;

(iii) Establishment of conservation easements, which will restrict removal of any tree within a designated area of the property.

9-11.106 Tree protection plans.

(a) Plan Required. Tree protection plans shall be required if any listed activity occurs within twenty (20) feet of the dripline of any native tree. Activities include but are not limited to the following: remodeling or new construction, grading, road building, utility trenching, etc. A tree protection plan shall be included as part of the submittal for a road plan, plot plan, precise plan, building permit and/or conditional use permit.

(b) A Tree Protection Plan shall be prepared to the specification of a certified arborist. The project arborist shall certify that the tree protection plan is accurate if prepared by a civil engineer or other design professional.

(c) Consultation. Early consultation with the Community Development staff is strongly encouraged prior to the submittal of plans.

(d) Review and Approval. The protection plan shall be in place and verified before an applicant receives any City permits to begin work, with the exception of tree protection measures proposed during construction. Plans shall be reviewed and approved by the Community Development Department concurrent with the review of any construction or building permit.

(e) Surety Requirements. In large projects involving valuable trees, the City may require a surety prior to issuance of entitlement. Determination for use of the surety will be based on the complexity of the project and number of trees being impacted. The type of surety must be approved in writing by the City Attorney.

(f) Tree Protection Plans for Private/Public Utilities. Utility companies doing regular maintenance and construction are not required to submit tree protection plans for each individual project, but shall meet the tree protection requirements set forth in this chapter and the Guidelines through conditions placed in a revocable pruning, trenching and encroachment permit that may be issued on a yearly basis.

9-11.107 Tree replacement and regeneration.

For each residential building permit issued, the planting of one (1) five (5) gallon native tree shall be required, based on the rate of one (1) native tree per residential dwelling unit in a single-family or medium density residential zoning district; or one (1) native tree for every five (5) residential dwelling units in the high density residential zoning district. Mixed Use Residential developments in the Downtown Commercial zoning district shall be exempt from tree replacement requirements.

9-11.111 Heritage trees.

(a) Defined. Heritage tree means any native or non-native tree recognized by City Council resolution for its age, size, location, historical, and/or cultural significance.

(b) Heritage Tree Protection. Any tree (native or non-native) may receive protection by City Council resolution for its age, size, location, historical, and/or cultural significance. Heritage trees receive the same protection and are subject to all conditions set forth in this chapter regarding native trees. They may not be removed without *City Council* approval. Removal applications and approvals shall be consistent with the procedures and findings set forth in section 9.11-105(c) and (d). The Heritage Tree list shall be established by resolution and shall be published in the City's Tree Guidelines.



Atascadero City Council

Staff Report – Community Development Department

La Plaza Project Amendments (PLN 2017-1649)

RECOMMENDATIONS:

The Planning Commission and City Staff recommend Council:

1. Adopt Draft Resolution A, approving the La Plaza development project.
2. Adopt Draft Resolution B, approving the Tentative Parcel Map, Road Abandonment and road closure.

DISCUSSION:

Background:

On November 21, 2017, the Planning Commission reviewed the La Plaza Mixed-Use project and recommended approval of the development project and the related road abandonment, road closure and plaza project to the City Council. Following review by the Commission, the applicant amended the project to replace proposed office space with residential units on the upper floors of Building A, thereby triggering additional review by the Planning Commission. The Planning Commission reviewed the project a second time on March 6, 2018 and recommended the project approval to the City Council. The project currently includes the following:

- Building A: One three-story building with approximately 14,000 square feet (sf) of commercial space on the first floor and 38 air space residential condominium units on the second and third floors
- Building B: One three story building with 3,749 sf of commercial uses on the first floor and two residential units on each of the second and third floors
- Tentative Parcel map to allow separate ownership of commercial and residential spaces and adjustment to the right-of-way to include abandonment and closure
- Public improvements that include a pedestrian plaza and a driveway access on Atascadero Mall

The project includes 86 new parking spaces between the building and Hwy 101. In order to accommodate the development and implement City plans for a plaza, a proposed right-of-way abandonment of portions of El Camino Real, Atascadero Avenue, and partial vehicular closure of Atascadero Avenue (Atascadero Mall) are proposed. A height exception is requested to allow buildings to be 45 feet in height where 18 feet is allowed, with an additional 20-feet for unoccupied architectural features such as tower features.

A component of the project will further the goals of the Downtown Revitalization plan by facilitating the development of a public plaza in the location of Atascadero Mall, directly across from Sunken Gardens Park. This requires the vehicular closure of Atascadero Avenue (Atascadero Mall) to accommodate the plaza improvements. A 20-foot wide vehicular access road would be preserved in order to provide access from El Camino Real to the existing auto repair business at 6700 El Camino Real. The plaza space would remain a publicly owned space. Action by the City Council includes the tentative subdivision map, which includes the action to vacate (Abandon) and close roadways. The completion of the road closure and abandonment of the roadway would occur with recordation of the map following completion of necessary improvements.

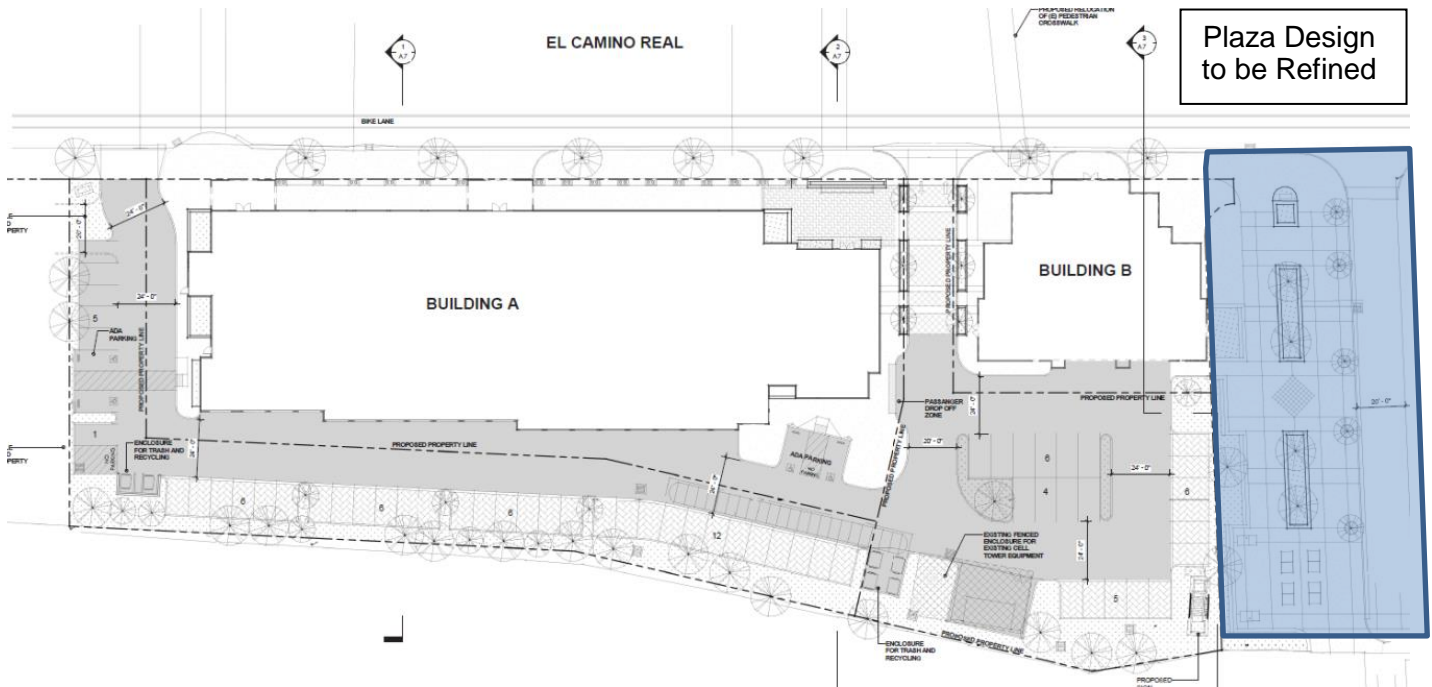
Building Design

The design of the building originated from a design charrette that utilized input from a variety of local design professionals. RRM Design group, perfected the design scheme, which is a modern interpretation of historic Atascadero. Buildings will utilize a color palette that complements City Hall, with a brick veneer exterior, tile roofs, columns and other detailing. The project incorporates ample areas for sidewalk dining with a 10 foot wide sidewalk and an approximately 10 foot wide covered patio area that extends across the front of the building, resulting in nearly 20 feet of space between building entries and the curb at El Camino Real.

The retail spaces on the ground floor are designed with the intent of incorporating restaurant tenants and will be built to accommodate kitchens, hoods and other features necessary to support restaurants.



BUILDING A



Project Evolution

The project was introduced to the City as a Mixed-Use project with ground floor retail spaces, 40 residential units on the upper floors, and 9,700 sf of office space on the upper floors. Following the initial Planning Commission review of the project, the applicant team felt that eliminating the upstairs office spaces, and replacing them with residential units, would reduce the parking demand of the project and allow increased marketability. The project now includes a total of 42 residential units on the second and third floors. Two residential units were added and other units were relocated to absorb office space.

Residential uses above the ground floor are an allowed use within the Downtown Zoning District and “mixed-use” in the downtown is encouraged by the General Plan. However, some concerns do exist when placing residential above what is assumed to be the City’s prime restaurant and retail environment:

1. Residential uses can be a barrier to nearby restaurants, particularly restaurants that wish to remain open late and serve alcohol. Alcohol Beverage Control (ABC) has historically severely restricted the licenses of businesses that are within 100 feet of a residence, potentially reducing the viability of restaurants and bars.
2. Residential tenants above an active business may be a barrier to land uses such as restaurants, night clubs and other entertainment uses because of the noise conflicts and potential for complaints.
3. The proposed residential units that would be directly above the restaurant/retail space would be 3-bedroom units, which are typically marketed to families. Such an environment may not be compatible with family living.

4. Larger units may have some tendency to increase parking demand that would overlap the parking demand of restaurants while offices would likely have an offset demand.

Mixed-use can add a vibrant “24-hour presence” to a downtown.

The previously proposed office use would have generated the need for approximately 30 parking spaces while the addition of 2 residential units will not result in more than 6 parking spaces. Therefore, the overall parking demand will be reduced. The 2 additional residential units will maximize the number of residential units that are allowed on this site.

Modifying the project from office to residential is not likely to alter the exterior appearance of the building and is not inconsistent with the General Plan; however, specific project conditions need to be incorporated to ensure that the residential land use will not result in detrimental impacts to the desired economic development of the downtown. Suggested conditions include:

1. A disclosure shall be required for all residential tenants to inform them that the property is within a commercial zoning district and will be exposed to noise levels that will exceed levels found within a residential neighborhood.
2. Occupancy of commercial spaces are prioritized over the residential uses and residential occupancy shall not preclude the operation, permitting, hours of operation or land use allowed within the first floor commercial spaces.

Height Exception, View Corridor

The Zoning Ordinance establishes specific height standards for new development on certain properties between EL Camino Real and Highway 101 in order to retain a view corridor from the highway to City Hall. The La Plaza project is proposed to be constructed within this restricted zone. The DRC and Planning Commission reviewed the height restriction and felt that the benefits of the project outweighed the need to retain all of the view corridor. Due to the proposed plaza, a small section of the view corridor would be retained between the park and the highway. The Planning Commission recommended approval of the height exception to allow the buildings to exceed the 18-foot height limit. The Planning Commission spent time discussing the request for a height exception, and the Commission adopted findings to allow the exception. However, what was not clearly discussed is the location of Building B, within the Atascadero Mall right of way, and how it will narrow the field of vision from Highway 101. The location of Building B will be directly across from Sunken Gardens Park and will alter the historical symmetry of Atascadero Mall.

In exchange for economic development, and towards the implementation of the Downtown Revitalization plan, the addition of the new building within Atascadero Mall may be appropriate since it will complete the pedestrian plaza, be visually attractive, and help align pedestrian traffic coming through the Highway 101 undercrossing to a safe crossing at El Camino Real. However, the design of the building within this critical location should be carefully considered, as it will be within this prominent view corridor. Previous design iterations for this location proposed a two-story building in the road abandonment area with an upstairs patio facing the park. The current designs propose a larger three story building with two first floor spaces that would be conducive to restaurants with patio dining. Staff

has continued to work with the applicant to ensure that the design of the plaza and the design of Building B are appropriately located to ensure the best design for this location. The applicant has expressed a willingness to move Building B slightly to the north by narrowing the sidewalks and driveway proposed between Building A and Building B.

Photo-simulation of building design “B” within the Atascadero Mall right of way



Proposed Plaza

The applicant is working with the City to refine the design of the plaza area that will be developed on the existing street right-of-way of Atascadero Mall, to ensure adequate flexibility of the space. The pedestrian plaza would connect the existing pedestrian undercrossing at the dead-end of Atascadero Avenue and US Highway 101. This would also ensure a safe pedestrian flow from the undercrossing to a relocated pedestrian crossing at El Camino Real and West Mall. Proposed improvements include passive recreational activities, container gardens, and a plaza area that could be used for events or vendors.

An important part of the plaza is the inclusion of a vehicle access road that will continue to provide access to the service station (Klems) and auto mechanic (La Rosa’s). The 20-foot wide street would be developed as part of the plaza improvements and would allow for vehicular access to the automotive business separate from the plaza. Conditions require a pedestrian barrier to prevent pedestrians from utilizing the road for access between EL Camino Real and the tunnel. The project includes the elimination of the current pedestrian crosswalk at East Mall and relocation of a new crosswalk at West Mall at the south end of the signalized intersection. This condition is included in Draft Resolution B.

The applicant team is currently working on engineered drawings for both the plaza and the public improvements (curb, gutter, sidewalk and street furniture) that will be built along with the project. The applicant would like to incorporate angled parking, facing Building A at El Camino Real and would like to help the City incorporate traffic calming features that may emerge from the traffic calming study that is now underway. However, the results from that study will not be ready for review by staff or the public until late summer of this year. It is anticipated that the La Plaza project may be ready for construction by fall of this year, close to the same time that any traffic calming plans for El Camino Real are ready for review. Therefore, it may be possible for the La Plaza project to incorporate/implement plans that result from a traffic calming plan for the corridor.

Ultimately, the proposed improvements are consistent with the City's Downtown Revitalization Plan. The plan envisioned a future plaza connecting the existing tunnel to the Downtown, along with improved pedestrian crossings at El Camino Real. Through this private / public partnership, the plan is being implemented with the proposed project.

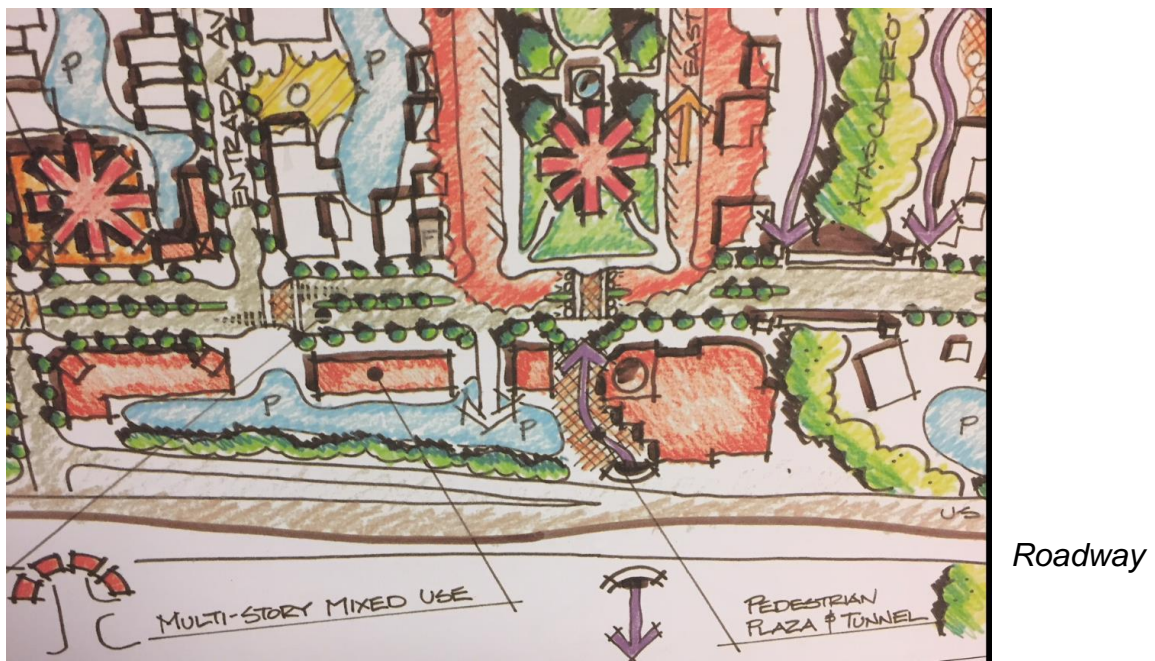


Image of a portion of the Downtown Revitalization Plan Vision. Note the proposed plaza and configuration of Multi-Story Mixed-Use buildings with parking adjacent to Hwy 101 in a very similar layout to the La Plaza project.

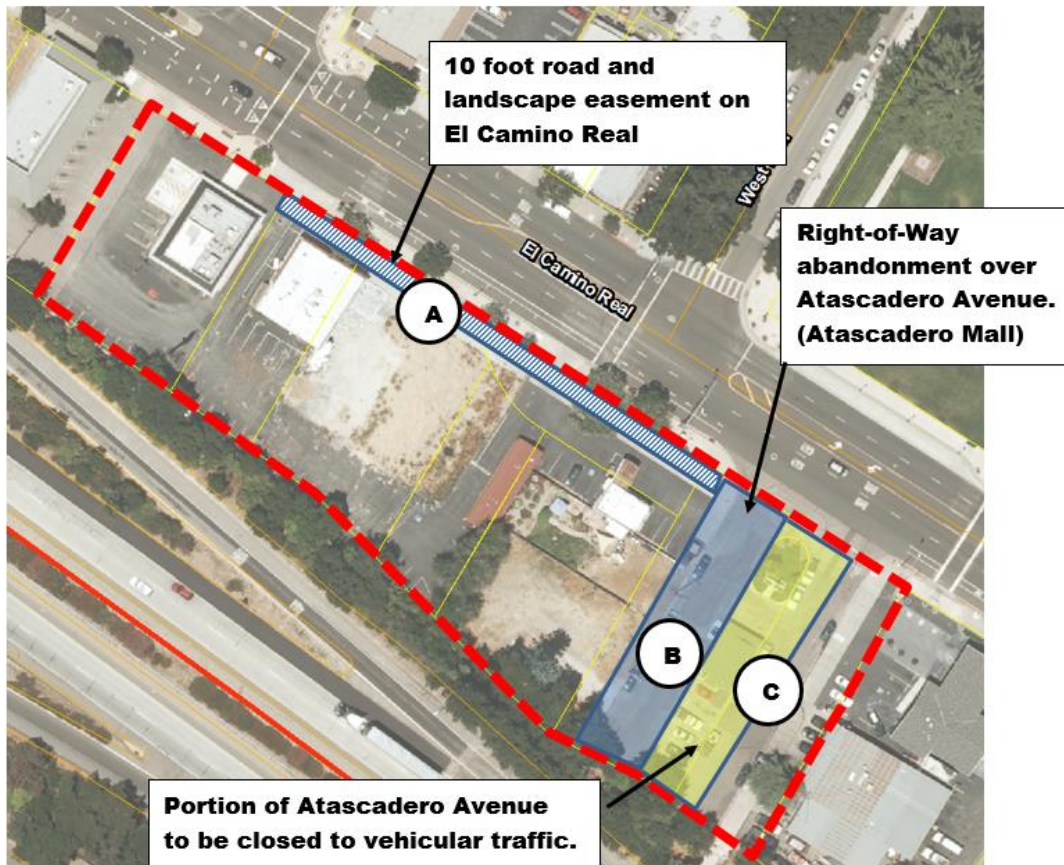
Abandonment / Road Closure

The road abandonment requires final action by the City Council and would be completed through recordation of the Tentative Parcel Map. There are three pieces of land that are associated with the Road Abandonment and Road Closure as identified on the graphic on the following page:

- A. There is a 10-foot landscape easement along El Camino Real that is no longer needed for public purposes and would facilitate the development of the new buildings. This land is owned by the applicant but has an easement on it that would be abandoned. This portion of right-of-way is currently utilized for a second sidewalk

that is parallel to the sidewalk along EL Camino Real. This land is needed to allow for development of the building and a colonnade close to El Camino Real. Without the easement, there is still adequate space for angled parking, outdoor dining, and ample sidewalk width.

- B. There is a portion of road right-of-way that is no longer needed for public purposes on Atascadero Mall. This land is already owned by the applicant but has a road easement on it that would be abandoned. Building B, project parking and other project amenities would be built on the area that is currently existing roadway and sidewalk. The applicant has expressed a willingness to investigate moving Building B slightly to the north and is exploring this option with his design professionals. Moving Building B slightly to the north could preserve a small portion of parcel B for outside dining and a plaza area. This could also slightly widen the view shed of the Administration Building. If the Project is approved tonight, staff will continue to work with the applicant on the placement of Building B to maximize plaza area while maintaining the integrity and feel of other portions of the Project.
- C. This section contains both a City owned property (former Main Street building) and a portion of road right-of-way. Both of these would be retained by the City and utilized for the development of a public plaza and access road. This would be a road closure but not an abandonment. Twenty feet of public accessway would remain to allow access to Klemm’s fuel station and La Rosa’s automotive.



Proposed Atascadero Avenue Vehicular Closure Schematic



The Image above illustrates how building B utilizes existing road right of way

Tentative Parcel Map

The applicant is proposing a Tentative Parcel Map that combines the underlying seven (7) lots and proposes to combine them into four (4) parcels, with the ability for two (2) of the four (4) parcels to be further subdivided into air space condominiums through the final map process. The tentative map has been reviewed for consistency with the Atascadero Municipal Code, the California Subdivision Map Act, and the California Street and Highways Code because of the proposed vacancies of right-of-way. Resolution B (Attachment 2) recommends the City Council approve the map in conjunction with the project.

Conditions of Approval

The attached draft resolutions include conditions of approval recommended by Planning Commission. Minor changes to these conditions are recommended by City Staff to ensure clarification of condition timing and responsibility. The staff recommended edits to the conditions are shown as redlined track changes in the attached resolutions of approval.

Conclusion:

The La Plaza Redevelopment Project represents a significant step forward in implementing the City's Downtown Revitalization Plan, crafted over 10 years ago. This project sets the future layout for the downtown, therefore, community input on the design, the plaza and overall development is critical. The applicant and property owner have made a significant commitment to Atascadero and are ready to proceed with development of the site. The proposed project is expected to be a catalyst for future development within the Downtown and includes a mix of uses that will contribute to a "24-hour" feel with residences and retail/services. Although staff would prefer that the project retain some upstairs office or commercial use, there may be refinements that could occur to the plaza as the project continues to retain elements that will implement the City's vision for downtown.

The La Plaza project is an identified City Council priority project that was included in the City Council's 2017-2018 Action Plan.

ENVIRONMENTAL DETERMINATION:

The City of Atascadero prepared an Initial Study to determine if the proposed project would have a significant adverse effect on the environment. A Mitigated Negative Declaration was prepared for the project and was certified by the Planning Commission (Attachment 3).

ALTERNATIVES:

1. The City Council may suggest modifications to the project and/or Conditions of Approval for the project. Any proposed modifications, including Conditions of Approval, should be clearly re-stated in any vote.
2. The City Council may determine that more information is needed on some aspect of the project and may refer the item back to the applicant and staff to develop the additional information. The Council should clearly state the type of information that is required. A motion, and approval of that motion, is required to continue the item to a future date.
3. The City Council may deny the project. The Council must specify what findings cannot be made, and provide a brief oral statement, based on the staff report, oral testimony, site visit, correspondence, or any other rationale introduced and deliberated by the City Council.

FISCAL IMPACT:

Based on findings from the 2003 Taussig Study, revenue from new residential development, including property tax revenues, vehicle licensing fees, sales taxes, and other revenues is insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a Community Facilities District (CFD) annexation. Based on City policy, this development is required to annex into the established CFD. The commercial portion of the project will have a slightly positive impact on City revenues and is expected to spur other commercial growth in the area.

ATTACHMENTS:

1. Applicant's conceptual design package; 1A Project Amendments
2. Applicant's Project Description
3. Draft Resolution A (includes Complete Development Plans)
4. Draft Resolution B, Tentative Map and Road Abandonment



LA PLAZA MIXED-USE

PROJECT DESCRIPTION

THE PROJECT CONSISTS OF A 3 STORY MIXED USE BUILDING, INCLUDING RETAIL ON THE GROUND FLOOR AND OFFICES/RESIDENTIAL UNITS ABOVE. EL CAMINO STREET LINED WITH PEDESTRIAN FRIENDLY INVITING STOREFRONT DESIGN.

VICINITY MAP



PROJECT DIRECTORY

OWNER: MICHAEL ZAPPAS
 8189 SAN DIMAS LN
 ATASCADERO, CA 93422

ARCHITECT: RRM DESIGN GROUP
 3765 S.HIGUERA STREET, SUITE 102
 SAN LUIS OBISPO, CA 93401
 CONTACT: PAT BLOTE
 PHONE: (805)-543-1794
 EMAIL: PLBLOTE@RRMDESIGN.COM

PROJECT ADDRESS: 6500 EL CAMINO REAL
 ATASCADERO, CA 93422

APN NUMBERS: 030-193-001; 003; 017; 016; 031; 033

PROJECT STATISTICS

ZONING: DC (DOWNTOWN COMMERCIAL)

PARCEL SIZE: 1.83 ACRES (79,541 SF)

PROPOSED COVERAGE: 30,000 SF (38%)

PROPOSED OCCUPANCY: MIXED USE

PROPOSED RETAIL: 18,000 SF

PROPOSED OFFICE: 9,700 SF

PROPOSED RESIDENTIAL: (32) 1 BD UNIT
 (8) 2 BD UNITS

UNIT TYPE	SQ. FT.
1 BD (PLAN 1A)	650 SF
1 BD (PLAN 1B)	650 SF
1 BD (PLAN 1C)	750 SF
2 BD (PLAN 2B)	900 SF

MAX HEIGHT ALLOWED: 45 FT.
MAX. PROPOSED HEIGHT: 45 FT.

DENSITY CALCULATIONS

UNITS:
 (32) 1B UNITS
 (8) 2B UNITS

PER MUNICIPAL CODE SECTION 9.3.173 (F), A DENSITY BONUS MAY BE GRANTED, SUBJECT TO APPROVAL BY THE CITY COUNCIL THROUGH A MASTER PLAN OF DEVELOPMENT (CUP), CONSISTENT WITH SECTIONS 9.3.801 THROUGH 9.3.806. IN ADDITION, GENERAL PLAN POLICY 2.1 SUPPORTS APPROVAL OF A 15% DENSITY BONUS THROUGH THE CUP UPON A FINDING OF SUPERIOR DESIGN.

ALLOWED DENSITY: 20 UNITS/ACRE
CALCULATION: 20X1.83= 36.6
15% DENSITY BONUS: 36.6X0.15= 42.09
PROPOSED DENSITY: 40 UNITS

PARKING

PARKING REQUIREMENTS

USE TYPE	SQUARE FEET/# UNITS	PARKING REQ.	SPACES REQ.
COMMERCIAL	20,000 SF	N/A	N/A
1 BD	32 UNITS	1.5 SPACES/UNIT	48 SPACES
2 BD	8 UNITS	2 SPACES/UNIT	16 SPACES
GUEST PARKING	40 UNITS	1 SPACE/5 UNITS	8 SPACES
TOTAL			72 SPACES REQ.

PARKING PROVIDED

57 SURFACE
 19 GARAGES
 1 ADA GARAGE
 4 ADA SURFACE
 3 TUCK UNDER SPACES (1 ADA)

TOTAL SPACES PROVIDED: 84 SPACES PROVIDED

SHEET INDEX

- T1 TITLE SHEET
- A1 EXISTING SITE SURVEY
- A2 PROPOSED SITE PLAN
- A3 GROUND FLOOR PLAN
- A4 MID LEVEL AND SECOND FLOOR PLAN
- A5 THIRD FLOOR
- A6 ELEVATIONS AND PERSPECTIVE
- A7 ELEVATIONS AND PERSPECTIVE
- A8 SITE SECTIONS
- A9 SITE ACCESSIBILITY PLAN
- A10 COLORS AND MATERIAL BOARD
- C1 EXISTING CONDITIONS/SITE SEPARATION
- C2 SITE IMPROVEMENTS
- C3 CIVIL GRADING AND DRAINAGE PLAN
- C4 STORM WATER MANAGEMENT
- L1 CONCEPTUAL LANDSCAPE PLAN
- L2 TREE REMOVAL AND REPLACEMENT PLAN
- L3 LANDSCAPE MATERIALS
- TPM TENTATIVE PARCEL MAP

SEPT. 28, 2017
 0725-01-RS16

rrm design group T1

TOPOGRAPHIC SURVEY

BEING A TOPOGRAPHIC SURVEY OF A PORTION OF LOT 18 & 19 OF BLOCK 118 OF ATASCADERO ACCORDING TO THE MAP THEREOF RECORDED IN BOOK 4 OF MAPS PAGE 1 ET SEQ. IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.
 JANUARY 2017

SURVEYORS STATEMENT:

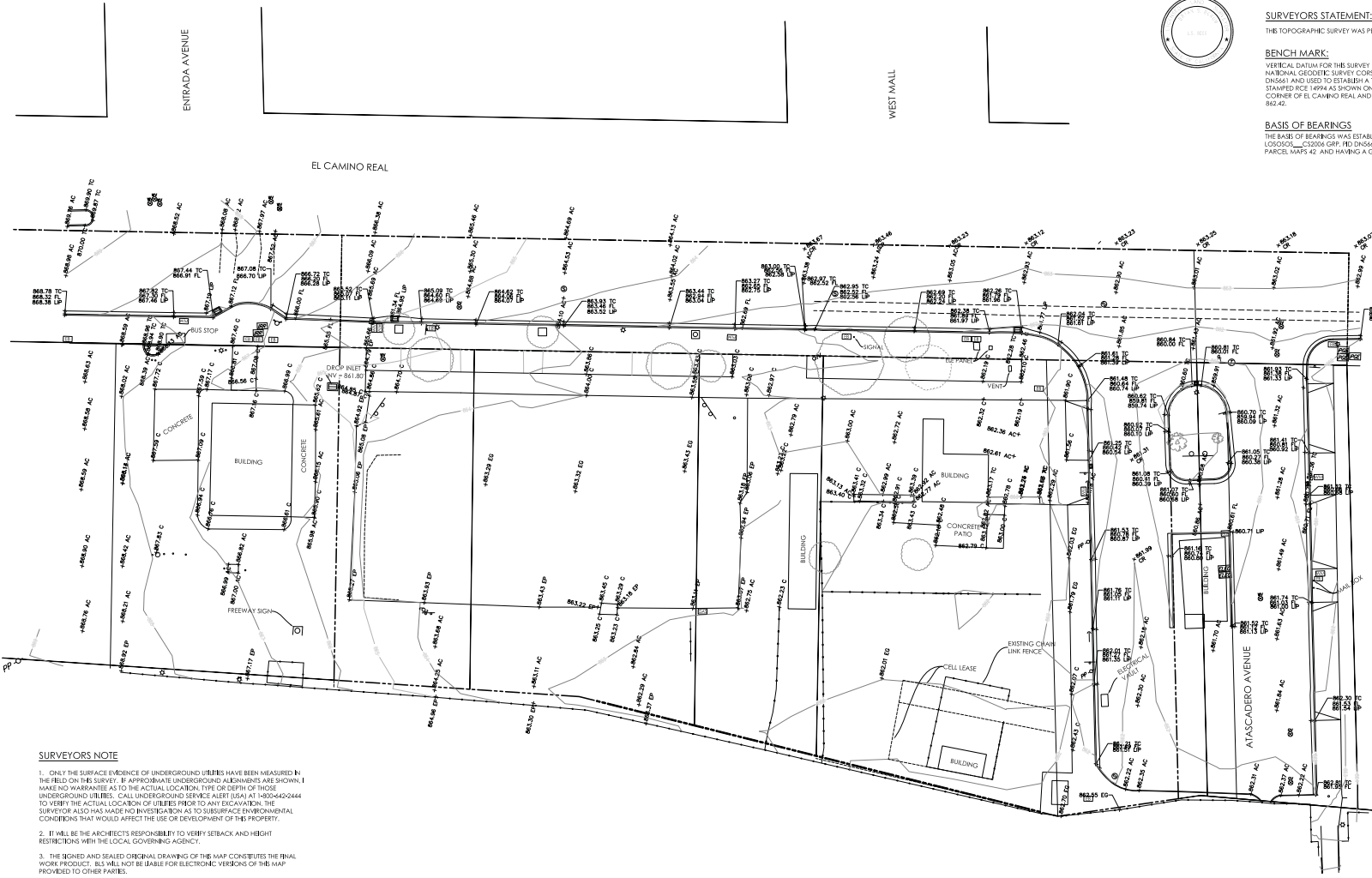
THIS TOPOGRAPHIC SURVEY WAS PERFORMED BY ME OR UNDER MY DIRECTION.

BENCH MARK:

VERTICAL DATUM FOR THIS SURVEY IS NAVD 88 AND WAS ESTABLISHED FROM THE NATIONAL GEODETIC SURVEY STATION DESIGNATION LOSO505_CS2004 GRP. PD (DMS61) AND USED TO ESTABLISH A TEMPORARY BENCHMARK ON A 1"X6" AND 1/4" STAMPED RCE 16994 AS SHOWN ON 37 PARCEL MAPS 42 AND FOUND ON THE SOUTHEAST CORNER OF EL CAMINO REAL AND ATASCADERO WAY HAVING AN ELEVATION OF 562.42.

BASIS OF BEARINGS

THE BASIS OF BEARINGS WAS ESTABLISHED BY GPS OBSERVATION BETWEEN CORS STATION LOSO505_CS2004 GRP. PD (DMS61) AND THE NORTHWEST CORNER OF PARCEL ONE OF 37 PARCEL MAPS 42 AND HAVING A GRID BEARING OF



LEGEND

	WATER METER
	PG&E BOX
	AT&T BOX
	FIRE HYDRANT
	TELEPHONE
	PULL BOX OR EVIDENCE THEREOF
	SIGN
	UTILITY POLE
	ELECTRICAL BOX
	WATER VALVE
	BOLLARD
	LIGHT
	GAS VALVE
	CULVERT
	FIRE HYDRANT
	TELEPHONE MANHOLE
	SEWER MANHOLE

SURVEYORS NOTE

1. ONLY THE SURFACE EVIDENCE OF UNDERGROUND UTILITIES HAVE BEEN MEASURED IN THE FIELD ON THE SURVEY. IF APPROPRIATE UNDERGROUND UTILITIES ARE SHOWN, I MAKE NO WARRANTY AS TO THE ACTUAL LOCATION, TYPE OR DEPTH OF THOSE UNDERGROUND UTILITIES. CALL UNDERGROUND SERVICE ALERT (USA) AT 1-800-4-A-SHIELD TO VERIFY THE ACTUAL LOCATION OF UTILITIES PRIOR TO ANY EXCAVATION. THE SURVEYOR ALSO HAS MADE NO INVESTIGATION AS TO SUBSURFACE ENVIRONMENTAL CONDITIONS THAT WOULD AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
2. IT WILL BE THE ARCHITECT'S RESPONSIBILITY TO VERIFY SETBACK AND HEIGHT RESTRICTIONS WITH THE LOCAL GOVERNING AGENCY.
3. THE SIGNED AND SEALED ORIGINAL DRAWING OF THIS MAP CONSTITUTES THE FINAL WORK PRODUCT. BSJ WILL NOT BE LIABLE FOR ELECTRONIC VERSIONS OF THIS MAP PROVIDED TO OTHER PARTIES.
4. THE BOUNDARY LINES SHOWN HEREON WERE COMPILED FROM RECORD INFORMATION.

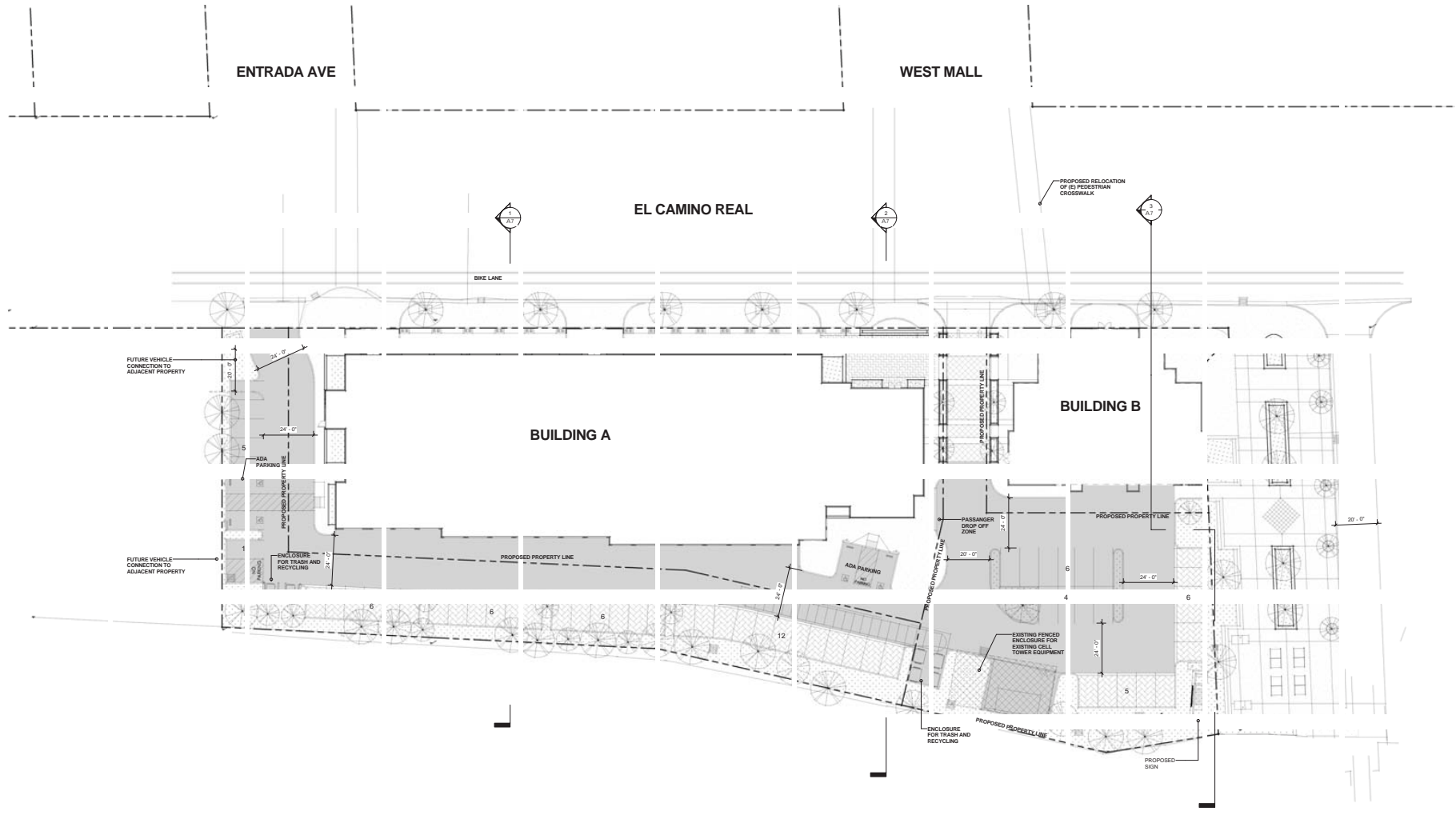
LA PLAZA MIXED-USE

EXISTING SITE SURVEY

SCALE: 1" = 20'-0" (24X36 sheet)

SEPT. 28, 2017
 0725-01-RS16





LA PLAZA MIXED-USE

PROPOSED SITE PLAN

SCALE: 1" = 20'-0" (24X36 sheet)

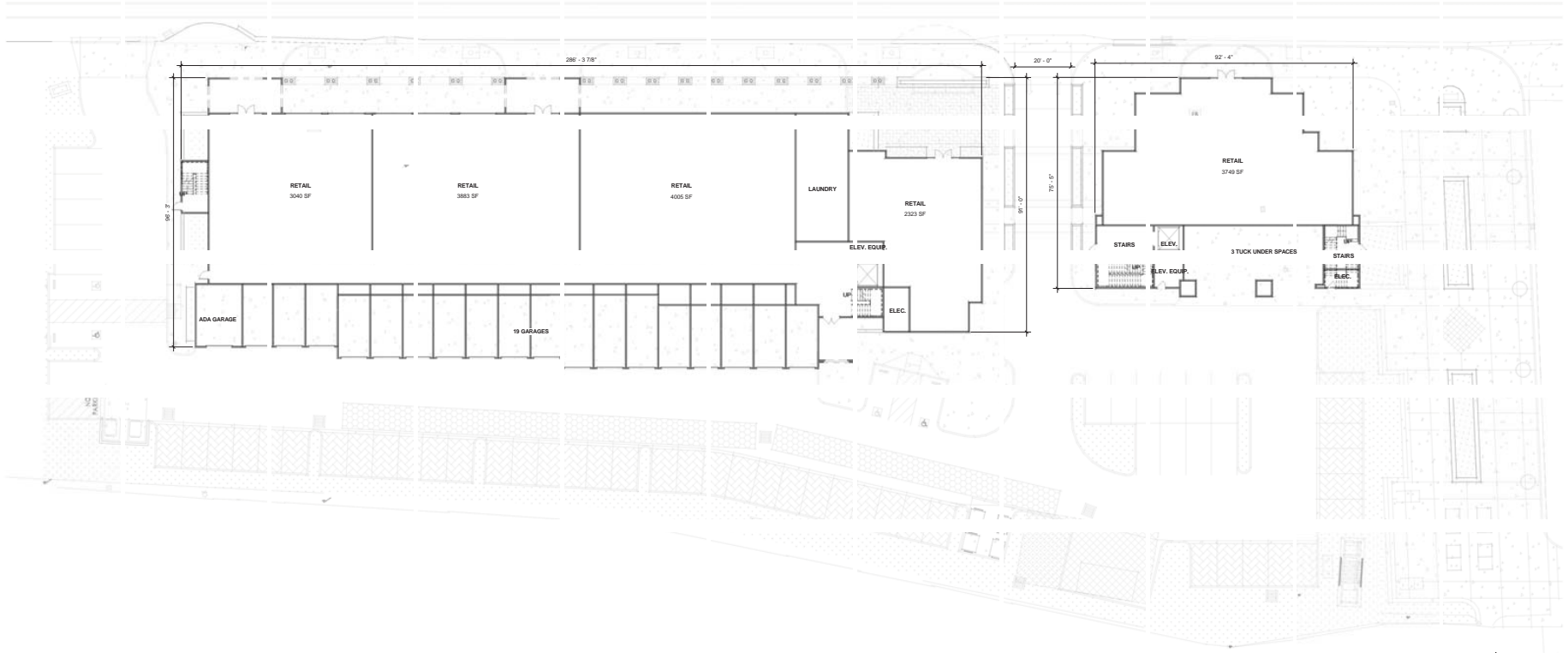


SEPT. 28, 2017
 0725-01-RS16



A2

EL CAMINO REAL



1 GROUND FLOOR PLAN
1/16" = 1'-0" (24 x 36 SHEET)

LA PLAZA MIXED-USE

GROUND FLOOR PLAN

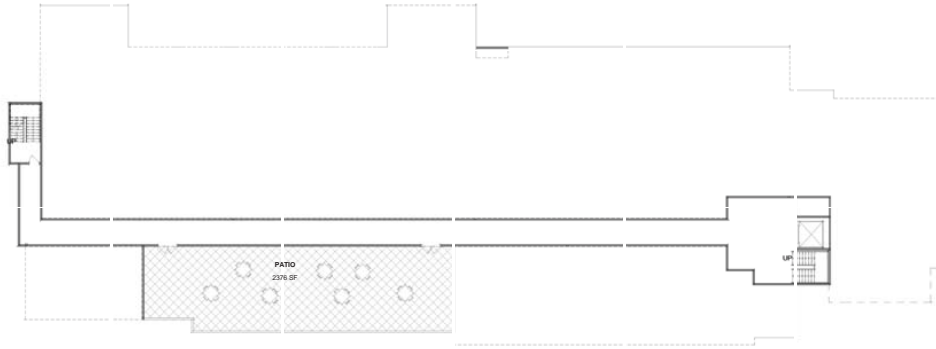
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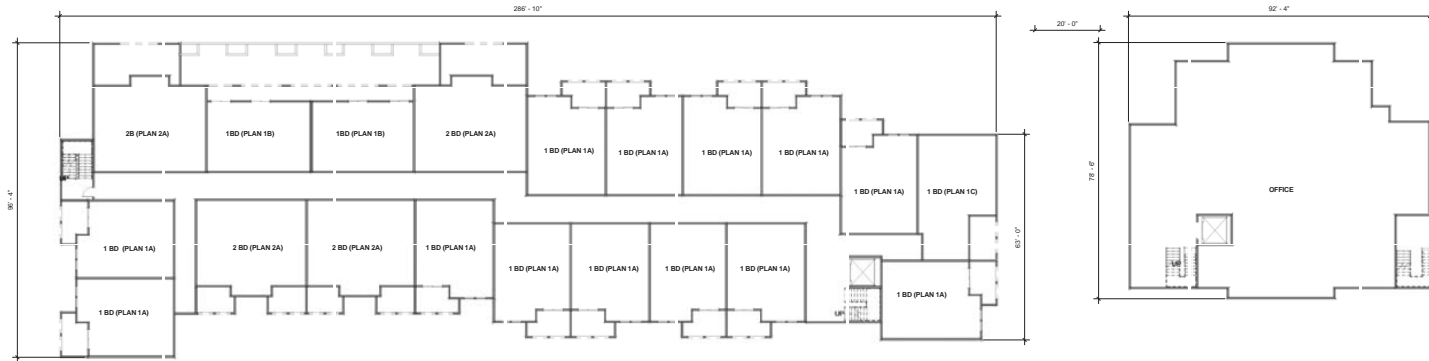
SEPT. 28, 2017
0725-01-RS16



A3



1 MID LEVEL AND EXTERIOR PATIO FLOOR PLAN
 1/16" = 1'-0" (24 x 36 SHEET)



2 SECOND FLOOR PLAN
 1/16" = 1'-0" (24 x 36 SHEET)





BUILDING B
1 EAST ELEVATION
 1/16" = 1'-0" (24 x 36 SHEET)

BUILDING A



2 BUILDING A PERSPECTIVE



3 NORTH ELEVATION BUILDING A
 1/16" = 1'-0" (24 x 36 SHEET)



4 SOUTH ELEVATION BUILDING A
 1/16" = 1'-0" (24 x 36 SHEET)

LA PLAZA MIXED-USE

ELEVATIONS AND PERSPECTIVE

SCALE: 1/16" = 1'-0" (24X36 sheet)



SEPT. 28, 2017
 0725-01-RS16





① WEST ELEVATION
 1/16" = 1'-0" (24 x 36 SHEET)



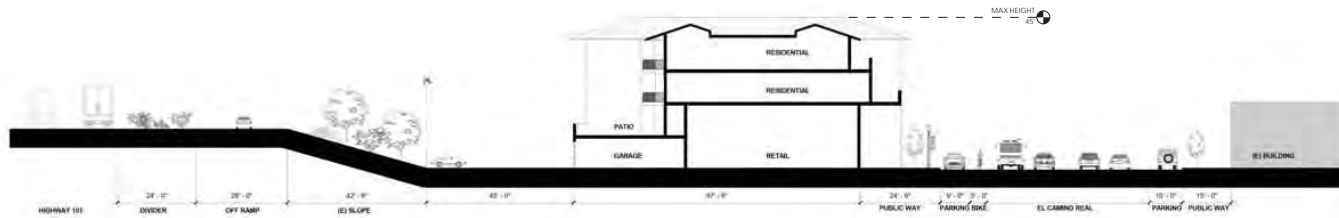
② BUILDING B PERSPECTIVE



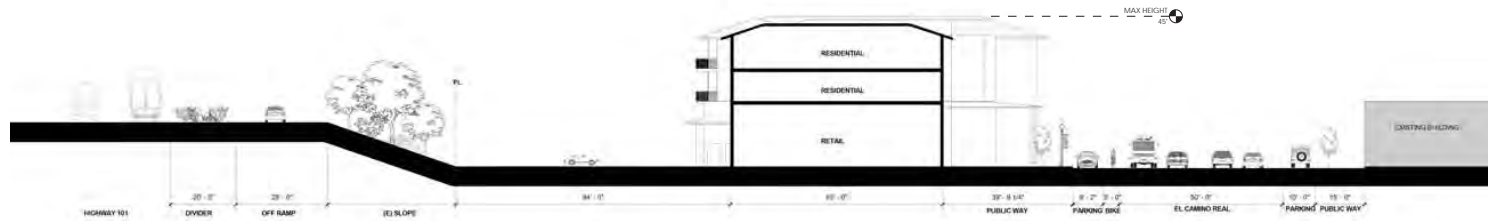
③ NORTH ELEVATION BUILDING B
 1/16" = 1'-0" (24 x 36 SHEET)



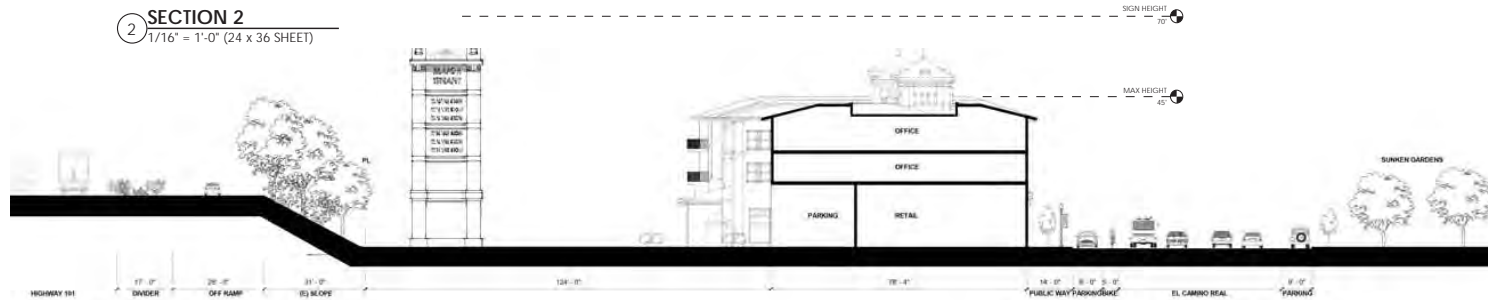
④ SOUTH ELEVATION BUILDING B
 1/16" = 1'-0" (24 x 36 SHEET)



1 SECTION 1
 1/16" = 1'-0" (24 x 36 SHEET)



2 SECTION 2
 1/16" = 1'-0" (24 x 36 SHEET)



3 SECTION 3
 1/16" = 1'-0" (24 x 36 SHEET)

LA PLAZA MIXED-USE

SECTIONS

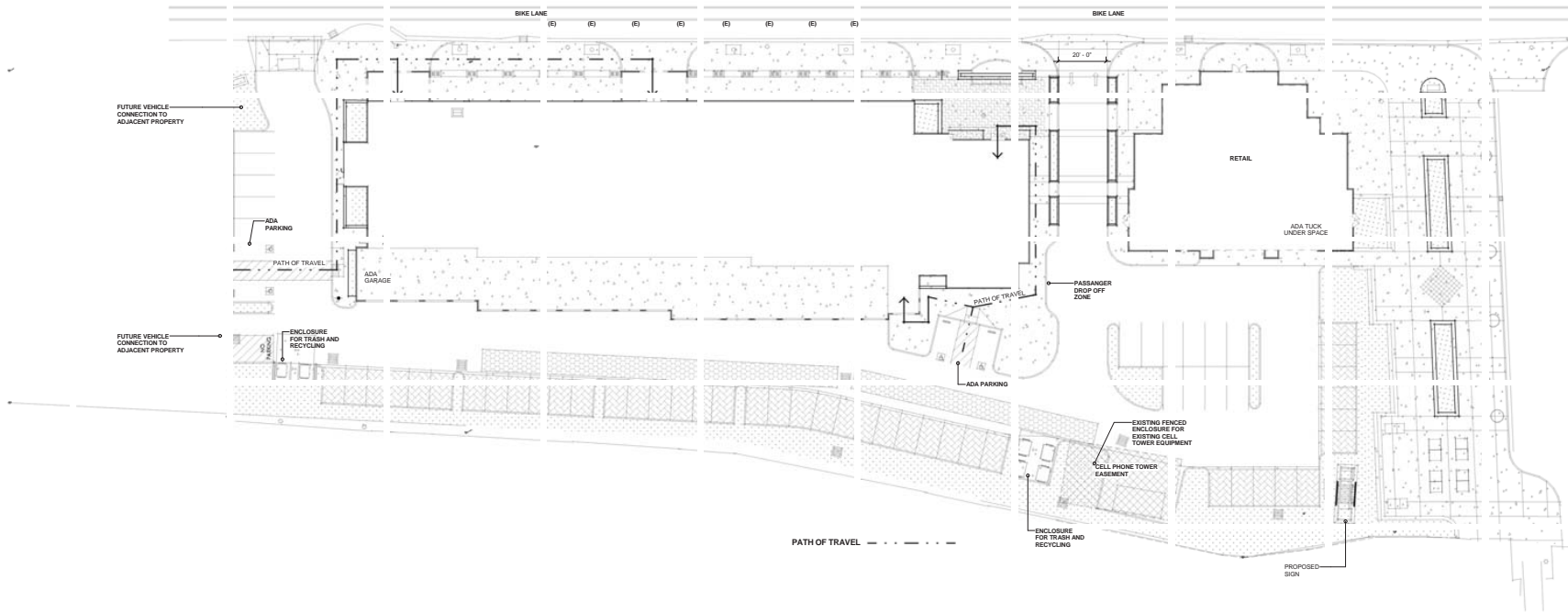
SCALE: 1/16" = 1'-0" (24x36 sheet)



SEPT. 28, 2017
 0725-01-RS16



A8



LA PLAZA MIXED-USE

SITE ACCESSIBILITY PLAN

SCALE: 1" = 20'-0" (24X36 sheet)



SEPT. 28, 2017
 0725-01-RS16



A9

Eagle Roof Tile
 Capistrano SMC 8820
 Santa Clara Blend



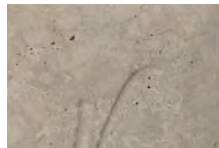
Pacific Clay Thin Brick
 Atascadero Dulce
 (same color as City Hall)



Precast GFRC Trim + Base
 Veristone-J. Ginger in Silverstone



Precast GFRC Concrete Panels
 Veristone-J. Ginger
 Sandalwood accents on Cornsilk base



Painted Stucco Accent Color
 Dunn Edwards DE6376
 Looking Glass



Porcelain Tile Base Accent
 American Olean - Method
 MT05 Khaki Approach, polished



Painted Stucco Field Color
 Dunn Edwards DE6206
 Desert Suede



Aluminum Doors and Windows
 Medium Bronze



Painted Fascia
 Dunn Edwards DE6105
 Weathered Leather



Painted Corbels & Rafter Tails
 Dunn Edwards DE5173
 Deep Coral



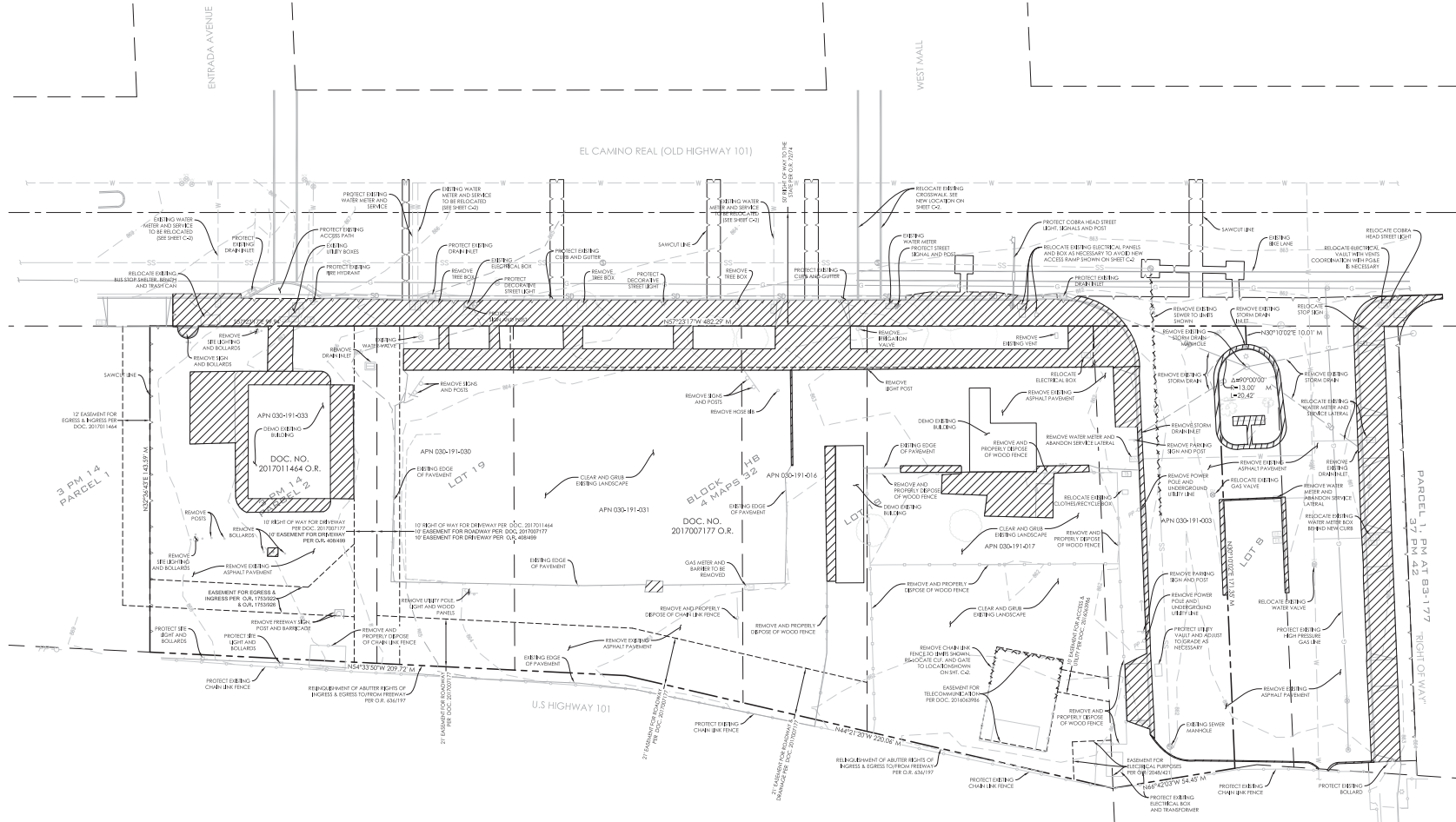
Pylon Sign

LA PLAZA MIXED-USE

COLOR MATERIALS BOARD

SEPT. 28, 2017
 0725-01-RS16





GENERAL NOTES:

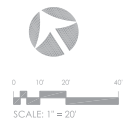
1. PROTECT ALL EXISTING INFRASTRUCTURE CORNER OF PROPERTY (IE 2. ALL UTILITY COMPANIES MUST BE NOTIFIED PRIOR TO THE START OF CONSTRUCTION BY THE CONTRACTOR.
2. ADJUST ALL UTILITY BOXES, VALVES AND MANHOLES TO GRADE UNLESS OTHERWISE NOTED ON DRAWING.
3. USE THE PROTECTION AND REPLACEMENT PLAN FOR IDENTIFICATION OF REMOVAL AND PROTECTION OF TREES.

CONTRACTOR'S NOTES:

CONTRACTOR SHALL PROTECT EXISTING PUBLIC INFRASTRUCTURE FROM DAMAGE BY HEAVY LOADING AND/OR EQUIPMENT DURING THE COURSE OF CONSTRUCTION. CONTRACTOR SHALL REPORT AT ONCE TO THE OWNER ANY DAMAGE TO PUBLIC INFRASTRUCTURE INCURRED DURING AND/OR DURING CONSTRUCTION, TO THE SATISFACTION OF THE RESPECTIVE OWNING AGENCY.

LEGEND

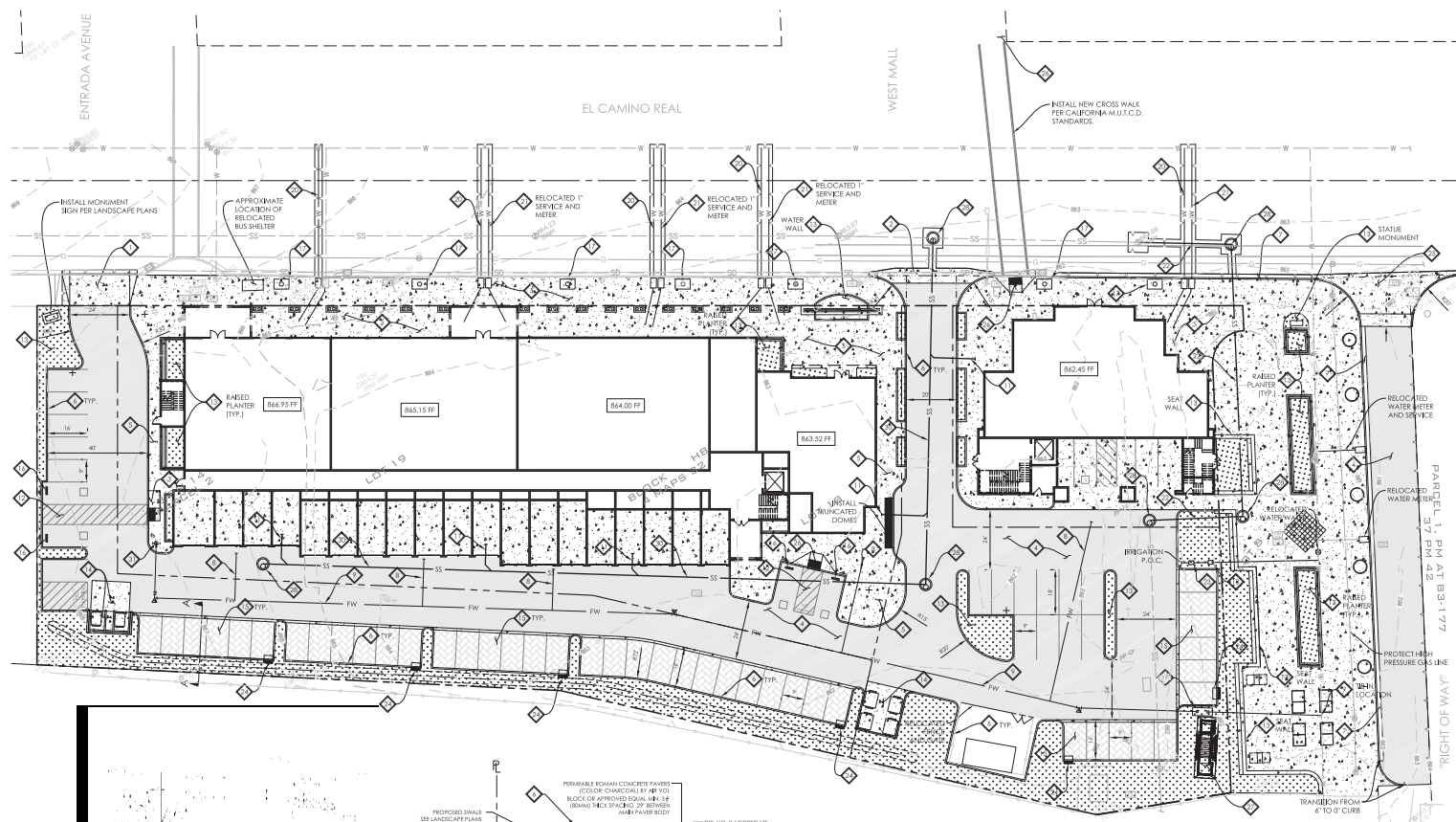
	DEMOLISH EXISTING CONCRETE LANDSCAPE (CONCRETE CURB, GUTTER, KERNS, ETC.)		PROPERTY LINE
	PROTECT EXISTING WATER LINE UNLESS OTHERWISE NOTED		APPROXIMATE LINES OF SAWCUT
	PROTECT EXISTING HIGH PRESSURE GAS		EXISTING CONTOUR MAJOR
	PROTECT EXISTING SUPER LINE UNLESS OTHERWISE NOTED		EXISTING CONTOUR MINOR
	PROTECT EXISTING STORM DRAIN LINE UNLESS OTHERWISE NOTED		EXISTING CONTOUR MINOR



LA PLAZA MIXED-USE

EXISTING CONDITIONS/SITE SEPARATION SEPT. 28, 2017
 0725-01-RS16

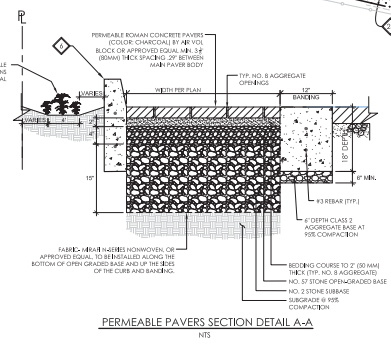




- IMPROVEMENT NOTES**
- ◆ CONSTRUCT CURB RAMP APPROACH WITH CONCRETE CURB & GUTTER PER CITY OF ATASCADERO STANDARD 402.
 - ◆ CONSTRUCT CROSS GUTTER PER CITY OF ATASCADERO STANDARD 401.
 - ◆ CONSTRUCT CASE C CURB RAMP WITH TRUNCATED DOME PER CALTRANS STANDARD AREA.
 - ◆ CONSTRUCT 1/4" AC PAVING WITH 1/4" 1.0" OF COMPACTED FILL OR BETTER CLASS II AGGREGATE. FINAL PAVEMENT TO BE DETERMINED BY APPROVED TRAFFIC ENGINEER AND SHALL TEST TO VALUE. AND PER THE RECOMMENDATIONS OF THE SOIL ENGINEER AND SURVEYOR.
 - ◆ CONSTRUCT F. REINFORCED P.C.C. CONCRETE PLANKING CURB. 4" OF COARSE AGGREGATE PER CITY OF ATASCADERO STANDARD 404 AND PER C.E. BERRY RECOMMENDATIONS. UNLESS OTHERWISE SPECIFIED REINFORCEMENT SHALL BE #3 BARS @ 18" O.C. ALSO SEE LANDSCAPE PLANS FOR FINISH, COLOR, AND TYPE.
 - ◆ CONSTRUCT F. CURB PER CITY OF ATASCADERO STANDARD 404.
 - ◆ CONSTRUCT F. CURB AND 18" GUTTER PER CITY OF ATASCADERO STANDARD 404.
 - ◆ INSTALL 6" BEE WATER PRESSURE LATERAL IN CONFORMANCE WITH THE CITY OF ATASCADERO MUTUAL WATER COMPANY.
 - ◆ INSTALL 4" BEE WATER MAIN PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 201. INSTALL TRUST BLOCKS AT ELBOWS PER A.M.W.C. DETAIL NO. 231. (5 @ 5.00' MIN)
 - ◆ INSTALL 2" DOMESTIC WATER SERVICE PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 300.
 - ◆ INSTALL 4" SDR 35 PVC SEWER LATERAL PER CITY OF ATASCADERO STANDARD DRAWING NO. 403 (5 @ 5.00' MIN.)
 - ◆ INSTALL VAN ACCESSIBLE DRAIN, MANHOLE AND STORAGE (RPPC AND R5B) PER CALTRANS STANDARD AREA.
 - ◆ INSTALL LANDSCAPE FEATURE PER LANDSCAPE PLANS.
 - ◆ CONSTRUCT TRASH ENCLOSURE PER DETAIL ARCHITECT PLANS AND IN CONFORMANCE WITH THE CITY OF ATASCADERO. CONCRETE BARRIER FRONT OF ENCLOSURE SHALL BE CONSTRUCTED WITH 4 REBARS 2" O.C.
 - ◆ INSTALL PERMEABLE PAVERS. SEE PERMEABLE SECTION DETAIL. THE SHEET.
 - ◆ INSTALL WHEEL STOPS PER CALTRANS STANDARD AREA.
 - ◆ INSTALL TREE WELL. SEE LANDSCAPE PLANS.
 - ◆ INSTALL 2" BIRCHBACH SERVICE METER PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 405.
 - ◆ INSTALL 4" DOUBLECHECK DETECTOR ASSEMBLY PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 405.
 - ◆ INSTALL 2" DOMESTIC SERVICE LATERAL AND METER PER CITY OF ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 300 AND 302.
 - ◆ INSTALL 1" DOMESTIC SERVICE LATERAL AND METER PER CITY OF ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 300 AND 310.
 - ◆ INSTALL 4" SDR 35 PVC SEWER PER CITY OF ATASCADERO STANDARD SPECIFICATIONS.
 - ◆ INSTALL 2" REDUCED PRESSURE BACKFLOW PREVENTER PER CITY OF ATASCADERO MUTUAL WATER COMPANY STANDARDS AND SPECIFICATIONS.
 - ◆ CONSTRUCT CURB CURB CURB WITH GRAVEL ENERGY DISSIPATION FOR LOW IMPACT DEVELOPMENT SODIUM WATER MANAGEMENT DETAIL 10.
 - ◆ CONSTRUCT ARCHITECTURAL COMMERCIAL - INDUSTRIAL DRIVEWAY PER COUNTY OF SAN JUAN. DETAIL STANDARD 108.
 - ◆ CONSTRUCT CASE A CURB RAMP WITH TRUNCATED DOME PER CALTRANS STANDARD AREA.
 - ◆ INSTALL FREEMAN TECH. SEE ARCHITECTURAL PLANS FOR DETAILS.
 - ◆ INSTALL 48" SEWER MANHOLE PER CITY OF ATASCADERO STANDARD DRAWING NO. 406 AND 408.
 - ◆ 18" TO 24" 12" WATER MAIN PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 241.
 - ◆ INSTALL 4" SDR 35 PVC SEWER PER CITY OF ATASCADERO STANDARD SPECIFICATIONS.
 - ◆ INSTALL BEE HYDRANT AND ASSEMBLY PER ATASCADERO MUTUAL WATER COMPANY DETAIL NO. 220.

NOTES:

1. SEE SHEET C-2 FOR PRELIMINARY STORM WATER DETAIL STRUCTURES AND COVERAGE.



LEGEND

	AC PAVEMENT (SEE IMPROVEMENT NOTE 4)
	FCC CONCRETE
	LANDSCAPE (SEE LANDSCAPE PLANS)
	PERMEABLE PAVERS (SEE NOTE 10)
	PROPERTY LINE
	APPROXIMATE LINES OF SURVEY

LA PLAZA MIXED-USE
 Curb Cut Inlet with Gravel Energy Dissipation
 122

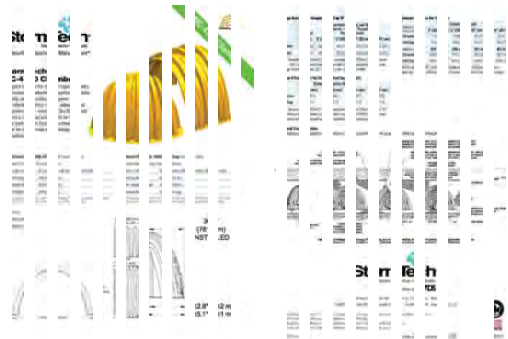
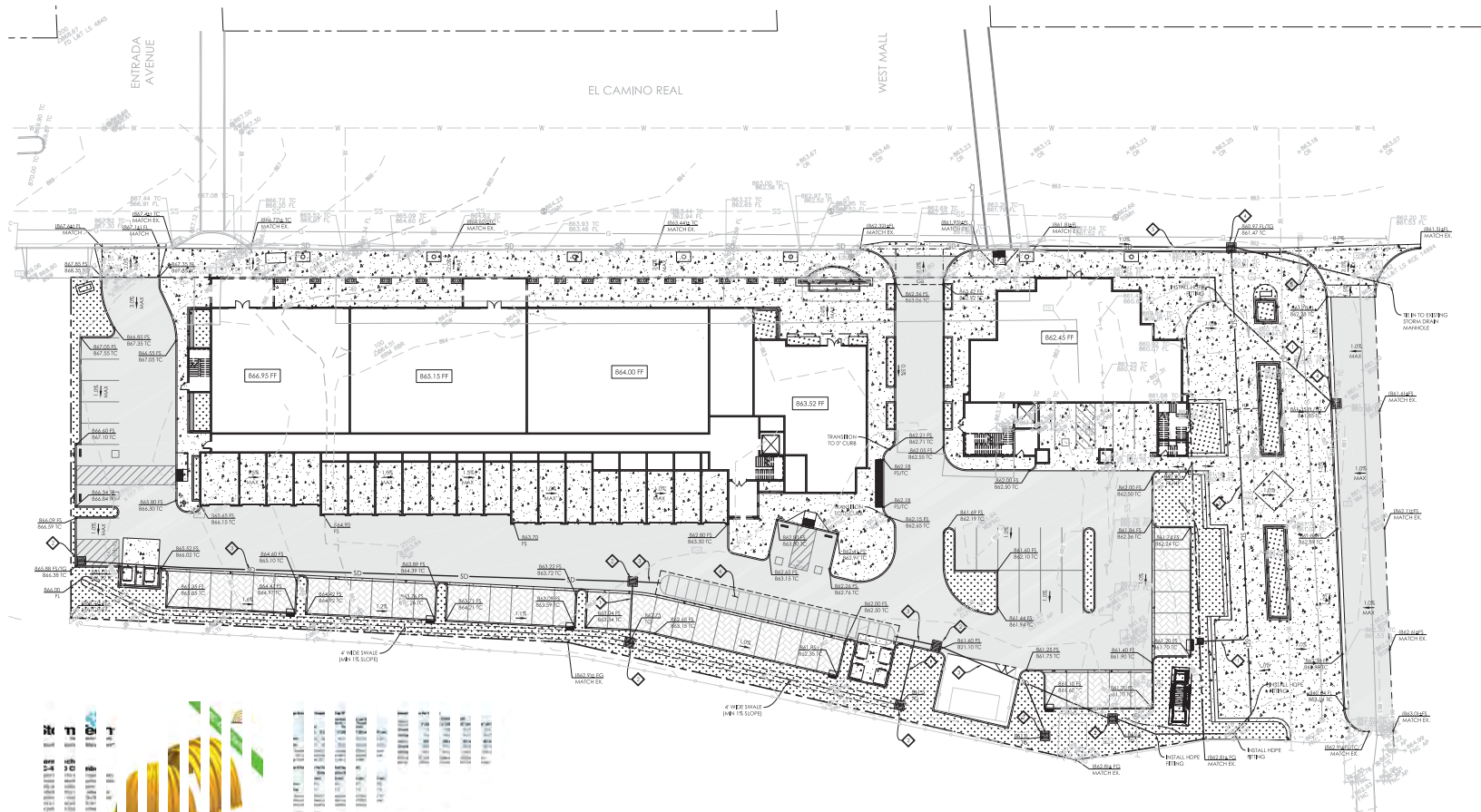
LA PLAZA MIXED-USE

PRELIMINARY SITE IMPROVEMENTS

SCALE: 1" = 20'-0" (24X36 sheet)

SEPT. 28, 2017
 0725-01-RS16





IMPROVEMENT NOTES

- ◆ INSTALL 6" HDPE STORM DRAIN (S = 0.005 M/F)
- ◆ INSTALL 36" x 36" HD STAIN CONCRETE DRAIN INLET OR APPROVED EQUAL.
- ◆ INSTALL 12" HDPE STORM DRAIN (S = 0.005 M/F)
- ◆ INSTALL STORM DRAIN INLET PER CITY OF ANASCAZERO STANDARD DRAINING (NO. 302).
- ◆ INSTALL 24" HDPE STORM DRAIN (S = 0.005 M/F)

NOTES:

1. SEE SHEET C-2 FOR THE UTILITIES AND IMPROVEMENTS

LEGEND

- AC PAVEMENT
- PCC CONCRETE
- LANDSCAPE (SEE LANDSCAPE PLANS)
- PERMEABLE PAVERS (SEE NOTE 10)



LA PLAZA MIXED-USE

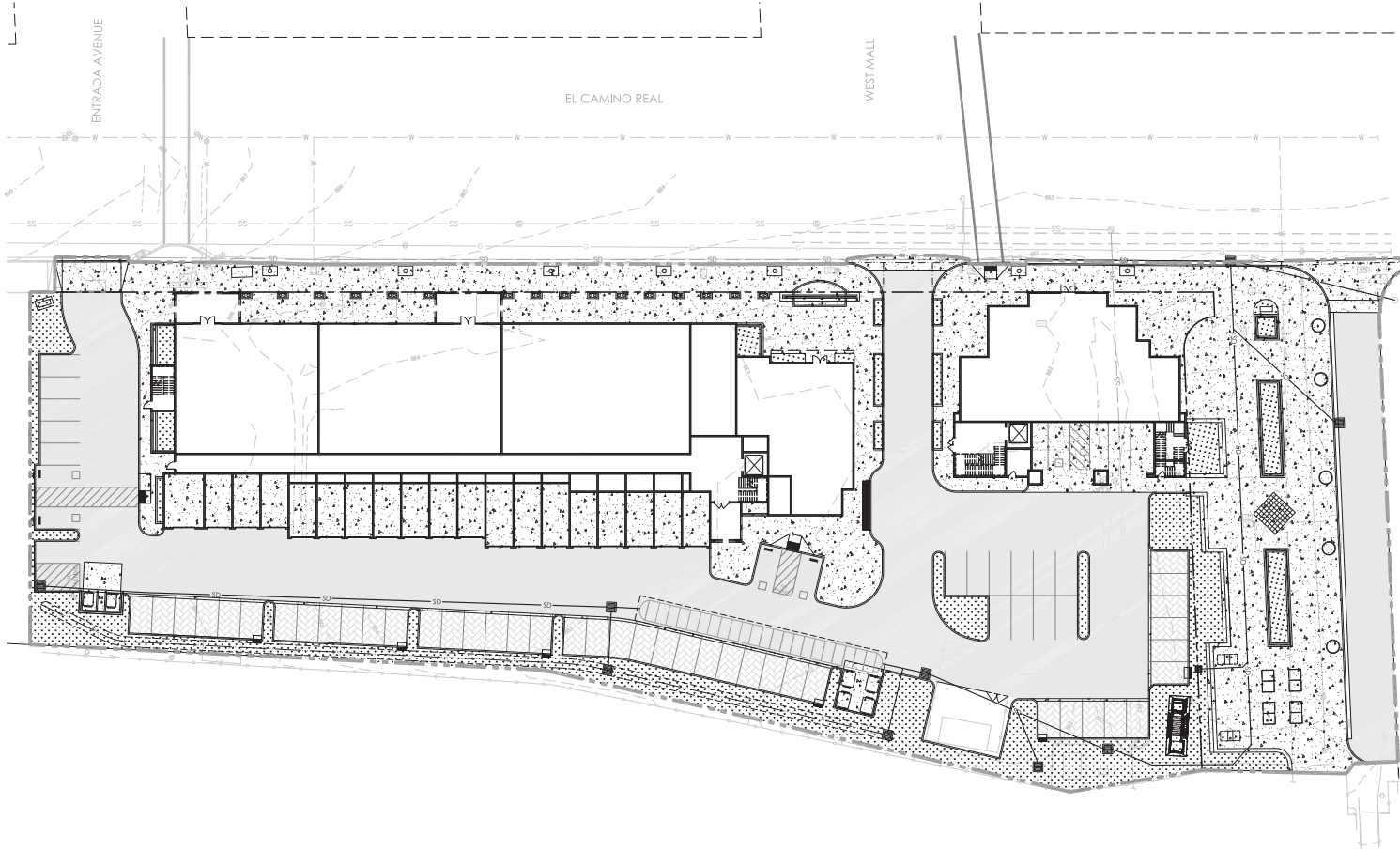
GRADING AND DRAINAGE

SCALE: 1'-0" = 20'-0" (24X36 sheet)
SCALE: 1'-0" = 40'-0" (12x18 sheet)



SEPT. 28, 2017
0725-01-RS16





EXISTING STATISTICS

EXISTING IMPERVIOUS AREA
 SITE AREA: 69,378 SF
 (EXISTING BUILDINGS, EXISTING PAVEMENT)

EXISTING PERVIOUS AREA
 SITE AREA: 32,312 SF

PROPOSED STATISTICS

--- LIMITS OF DISTURBANCE: 101,690 SF

(A) PROPOSED IMPERVIOUS AREA
 CONCRETE/PAVING AREA: 56,068 SF
 BUILDING AREA: 29,212 SF

(B) PROPOSED PERVIOUS AREA
 LANDSCAPE AREA: 10,850 SF
 PAVER AREA: 5,560 SF

PRELIMINARY HYDROLOGY

STORM WATER CONTROL
 TOTAL ONSITE REQUIRED
 CAPTURED AREA : 85,280 SF
 95TH PERCENTILE DEPTH: 1.75"

REQUIRED STORAGE: 12,437 CF

PROJECT IS A REDEVELOPMENT PROJECT OUTSIDE
 AN URBAN SUSTAINABILITY AREA THEREFORE:
 REQUIRED STORAGE: 12,437 CF X 0.5 = 6,218 CF

TOTAL ONSITE STORAGE: 6,500 CF
 (STORM TECH CHAMBERS AND PERMEABLE PAVERS)

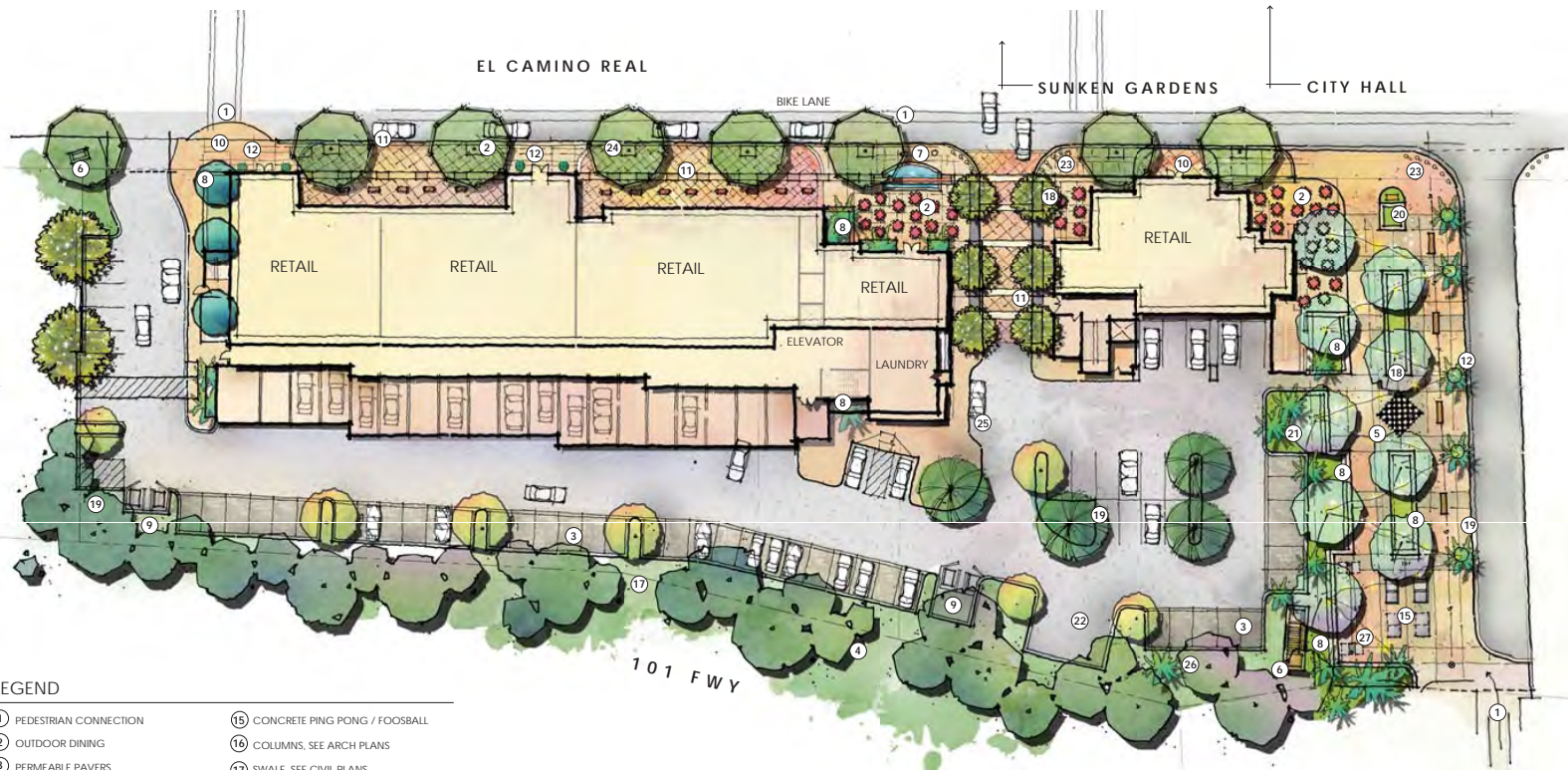
PROPOSED IMPERVIOUS

- PROPOSED AC
- PROPOSED BUILDING
- PROPOSED CONCRETE

PROPOSED PERVIOUS

- PROPOSED PERMEABLE PAVERS
- PROPOSED LANDSCAPE AREA





LEGEND

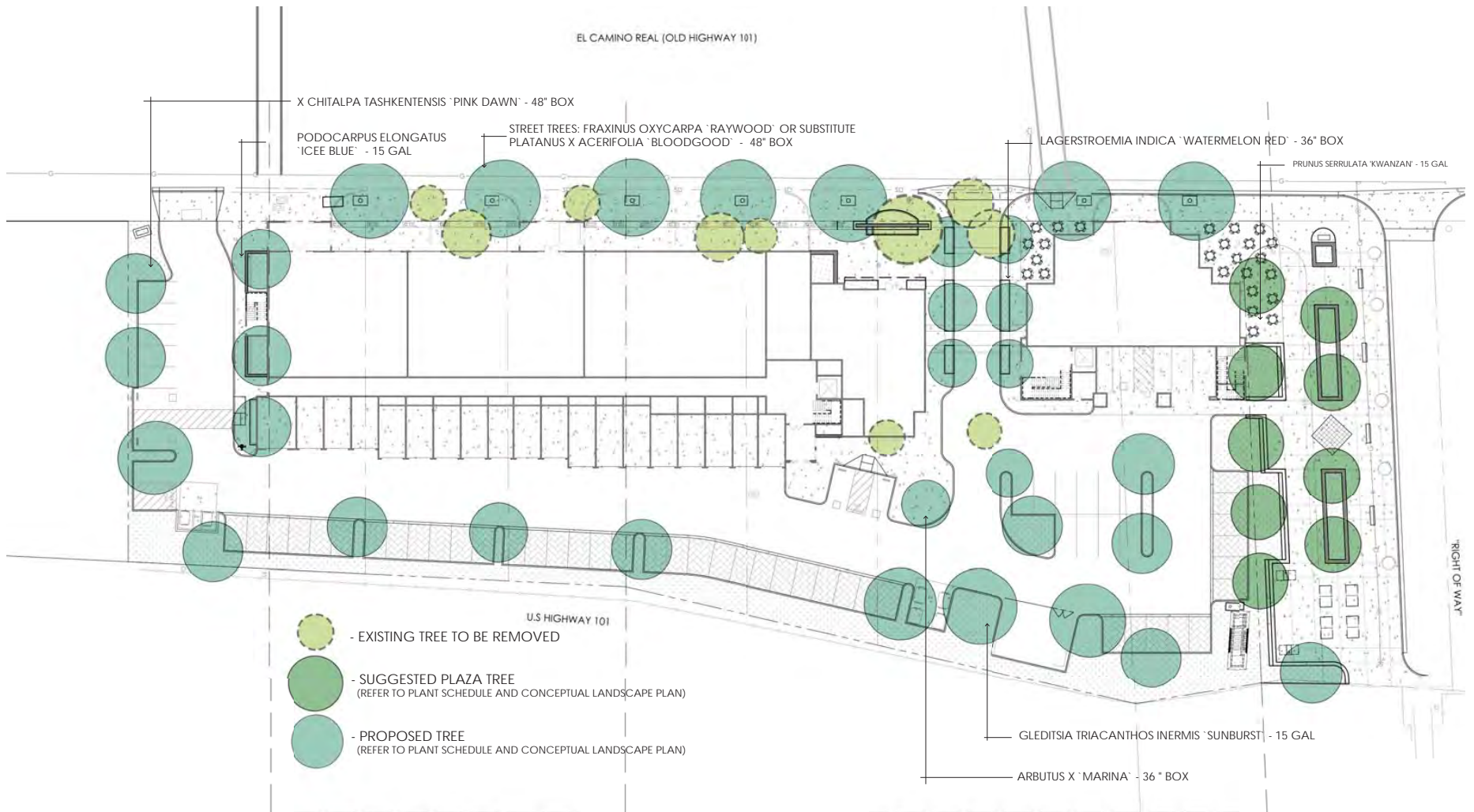
- | | |
|---|---|
| ① PEDESTRIAN CONNECTION | ⑮ CONCRETE PING PONG / FOOSBALL |
| ② OUTDOOR DINING | ⑯ COLUMNS, SEE ARCH PLANS |
| ③ PERMEABLE PAVERS | ⑰ SWALE, SEE CIVIL PLANS |
| ④ EXISTING VEGETATIVE BUFFER (CALTRANS) | ⑱ FLOWERING TREES WITH TWINKLE LIGHTING |
| ⑤ 12' X 12' INTERACTIVE CHESS BOARD | ⑲ RE-LOCATED CURB |
| ⑥ MONUMENT SIGN / ENTRY FEATURE | ⑳ E.G. LEWIS STATUE + HISTORICAL MONUMENT |
| ⑦ WATER WALL AND PLANTER | ㉑ MIXED PLANTING BUFFER AT PARKING AREAS |
| ⑧ RAISED PLANTER SEATWALLS | ㉒ CELL TOWER EASEMENT |
| ⑨ TRASH ENCLOSURES | ㉓ BOLLARDS |
| ⑩ DECORATIVE CONCRETE PAVING | ㉔ STEEL TREE GRATES |
| ⑪ PAVERS / ACCENT BANDS | ㉕ DROP-OFF |
| ⑫ CONTAINER GARDENS | ㉖ DROUGHT TOLERANT LANDSCAPING |
| ⑬ STREET TREES (SEE TREE EXHIBIT) | ㉗ CORNHOLE COURT |
| ⑭ FILTER STRIPS | |

METHOD OF IRRIGATION

THE IRRIGATION SYSTEM WILL UTILIZE THE FOLLOWING METHODS:
 DRIP AND BUBBLER IRRIGATION WILL BE USED TO APPLY WATER ACCURATELY TO THE PLANT ROOT ZONES AT A RATE THAT IT CAN INFILTRATE TO IMPROVE IRRIGATION EFFICIENCY.
 LOW SPRINKLER HEADS WILL BE USED WHERE NEEDED TO APPLY WATER UNIFORMLY AND SLOWLY.
 OVER-SPRAY AND EVAPORATION WILL BE MINIMIZED AND MATCHED PRECIPITATION RATE NOZZLES WILL BE USED WITHIN EACH CONTROL VALVE AND CIRCUIT.
 A WEATHER BASED, SELF-ADJUSTING IRRIGATION CONTROL WITH A RAIN SHUT OFF DEVICE WILL BE INSTALLED. THE IRRIGATION SYSTEM WILL BE CONTROLLED BY A TIME CLOCK WITH THE ABILITY TO ADJUST RUNTIMES BY DATA COLLECTED FROM RAIN AND ET SENSORS.
 THE WATERING SCHEDULE WILL BE BASED UPON PLANT NEEDS, SOIL TYPE, SLOPE, AND SEASON. IRRIGATION WILL BE SCHEDULED TO AVOID WATERING DURING RAIN AND FREEZE EVENTS.

MWELI WATER CALCULATIONS

MAXIMUM ANNUAL APPLIED WATER ALLOWANCE:
 (MAWA) 142,891.70 GALLONS, 191.03 UNITS
ESTIMATED TOTAL WATER USE:
 (ETWU) 108,631.99 GALLONS, 145.23 UNITS
 PROPOSED PROJECT IS USING 76.02% OF THE MAXIMUM WATER ALLOWANCE PER GOVERNOR'S ORDER NO. 8-29-15



LA PLAZA MIXED-USE

TREE REMOVAL AND REPLACEMENT

SCALE: 1" = 20'-0" (24X36 sheet)

SEPT. 28, 2017
 0725-01-RS16



L2

CONCEPTUAL PLANT SCHEDULE

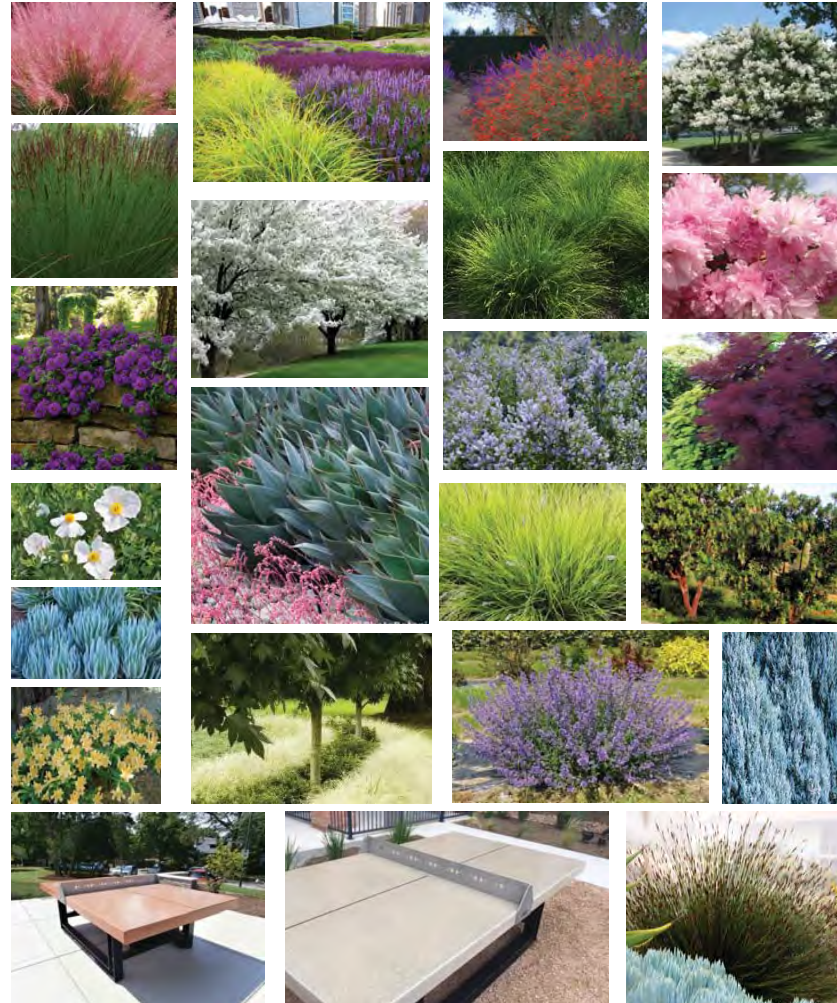
ACCENT TREES	COMMON NAME	CONT
CERCIS CANADENSIS 'HEARTS OF GOLD'	FOREST PANSY REDBUD	15 GAL
LAGERSTROEMIA INDICA 'WATERMELON RED'	VATERMELON RED CRAPE MYRTLE	15 GAL
LAGERSTROEMIA INDICA 'ZUNI'	LAVENDER CRAPE MYRTLE MULTI-TRUNK	15 GAL
'JAGNOLIA X 'STAR WARS'	'STAR WARS MAGNOLIA	15 GAL
X CHITALPA TASHKENTENSIS 'PINK DAWN'	'PINK DAWN CHITALPA	6'BOX
DECIDUOUS TREES	COMMON NAME	CONT
PRUNUS SERRULATA 'KWANZAN'	KWANZAN FLOWERING CHERRY	15 GAL
FRAXINUS OXYCARPA 'RAYWOOD' TM	RAYWOOD ASH	36'BOX
CLEDISIA TRIACANTHOS 'INERMIS' SUNBURST	SUNBURST COMMON HONEYLOCUST	24'BOX
PLATANUS X ACERIFOLIA 'BLOODGOOD'	LONDON PLANE TREE	4'BOX
VERGREEN TREES	COMMON NAME	CONT
ARBUTUS X 'MARINA'	ARBUTUS STANDARD	36'BOX
PODOCARPUS ELONGATUS 'ICEE BLUE' TM	ICEE BLUE YELLOW WOOD	24'BOX
QUERCUS AGRIFOLIA	COAST LIVE OAK MULTI-TRUNK	15 GAL
SHRUBS	COMMON NAME	CONT
ACANTHUS MOLLIS	BEAR'S BREECH	5 GAL
AEONIUM CANARIENSE	AEONIUM	3 GAL
AGAVE ATTENUATA 'NOVA'	BLUE CLONE	5 GAL
AGAVE DESMETTIANA 'VARIEGATA'	'VARIEGATED AGAVE	5 GAL
ALOE POLYPHYLLA	PIRAL ALOE	5 GAL
ANIGOZANTHOS X 'BUSH PEARL'	DWARF PINK KANGAROO PAW	5 GAL
ARCTOSTAPHYLOS X 'EMERALD CARPET'	EMERALD CARPET MANZANITA	5 GAL
CALAMAGROSIS X ACUTIFLORA 'KARL FOERSTER'	FEATHER REED GRASS	5 GAL
CARPENTERIA CALIFORNICA	BUSH ANEMONE	5 GAL
CEANOTHUS GRISEUS HORIZONTALIS	'CARMEL CREEPER	5 GAL
CHONDROPETALUM TECTORUM 'EL CAMPO'	'JAPE RUSH	5 GAL
CISTUS PULVERULENTUS 'SUNSET'	ROCKROSE	5 GAL
COTINUS COGGYGRIA 'PURPUREUS'	'MOKE TREE	5 GAL
DIANELLA CAERULEA 'CASSA BLUE'	CASSA BLUE FLAX LILY	1 GAL
'CHEVERIA X 'PERLE VON NURNBERG'	AFTERGLOW ECHEVERIA	1 GAL
HAKONECHLOA MACRA 'AUREOLA'	'GOLDEN VARIEGATED HAKONECHLOA	1 GAL
IRIS DOUGLASIANA 'PACIFIC COAST HYBRIDS'	'CH IRIS	1 GAL
LEONOTIS LEONURUS	LION'S TAIL	5 GAL
LOMANDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	5 GAL
'JEPETA X FAASSENII' SELECT BLUE	'AJMINT	5 GAL
PENSTEMON HETEROPHYLLUS	FOOTHILL PENSTEMON	5 GAL
PHORMIUM TENAX 'YELLOW WAVE'	'JEW ZEALAND FLAX	5 GAL
PINUS MUGO PUMILIO	DWARF MUGO PINE	5 GAL
ROSA X 'FLOWER CARPET WHITE'	ROSE	1 GAL
SALVIA CLEVELANDII 'WINIFRED GILLMAN'	'LEVELAND SAGE	5 GAL
SENECIO MANDRALISCAE 'BLUE CHALK STICKS'	ENECIO	1 GAL
'ENECIO SERPENS	BLUE CHALKSTICKS	5 GAL
THUJA OCCIDENTALIS 'SHERWOOD MOSS'	'HERWOOD MOSS ARBORVITAE	15 GAL
ZAUSCHNERIA CALIFORNICA	CALIFORNIA FUCHSIA	5 GAL

THE PLANT PALETTE IS DESIGNED TO UTILIZE A MAJORITY OF DROUGHT TOLERANT PLANTS (80%) WITH THE REMAINDER DESIGNATED FOR PLANTS REQUIRING MODERATE WATER (20%). THIS PLANT PALETTE COUPLED WITH THE EFFICIENT IRRIGATION SYSTEM (PROPOSED ON THIS SHEET) WILL MEET OR EXCEED THE STATE'S REQUIREMENTS SET FORTH IN THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE.

NOTE: INDICATES SPECIES IS SUITABLE FOR LID INFILTRATION AREAS.



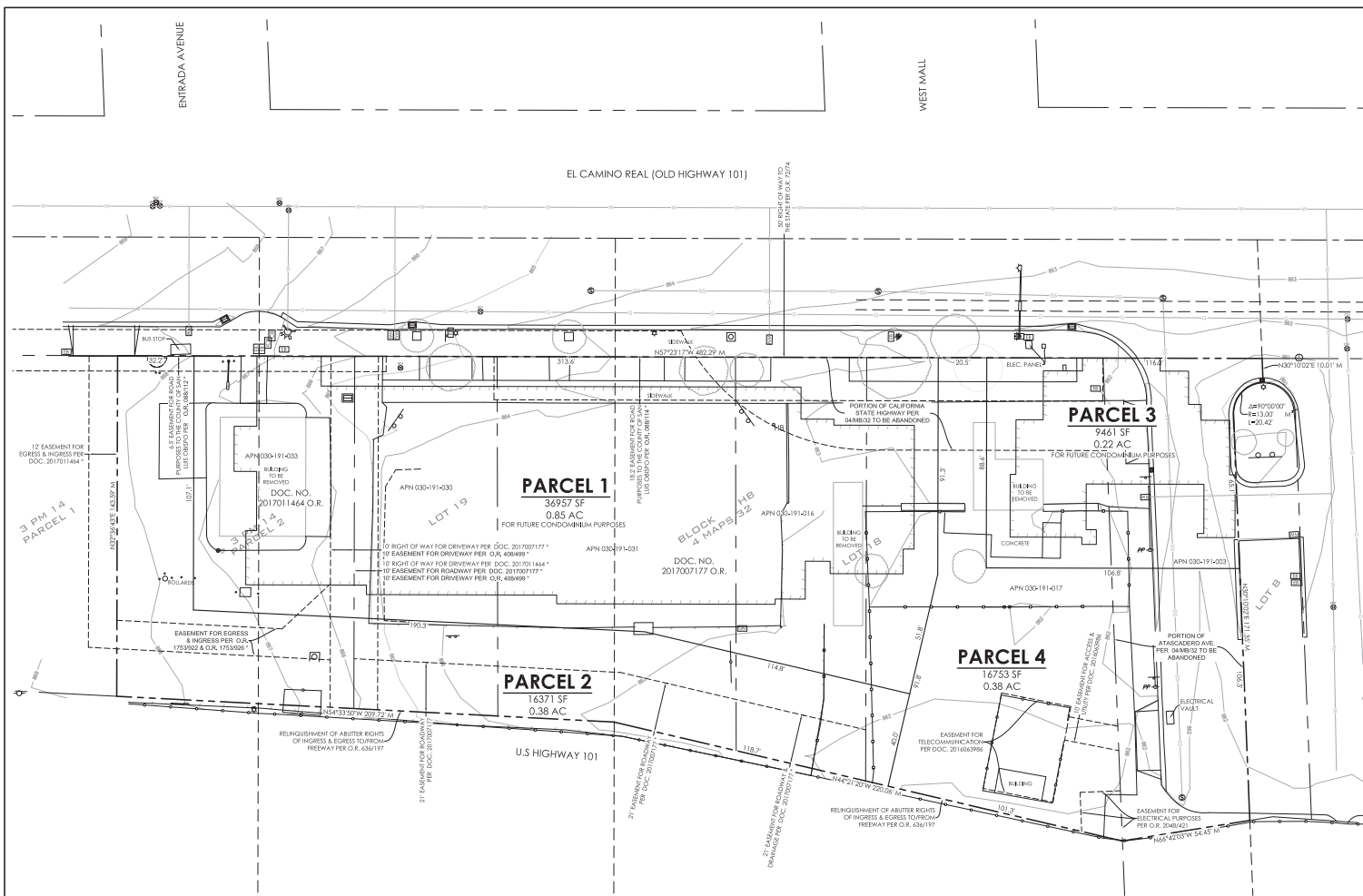
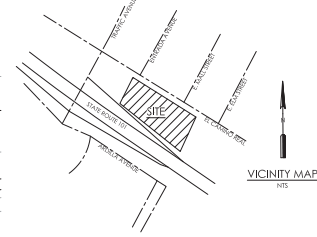
IMAGES FOR CONCEPTUAL PURPOSES ONLY. SEE LANDSCAPE PLAN FOR EDGE CONDITIONS AND LOCATION OF AMENITIES.



TENTATIVE PARCEL MAP
 PARCEL MAP AT 17-0088

IN THE CITY OF ATASCADERO
 BEING A SUBDIVISION OF A PORTION OF LOT 18 AND 19 OF BLOCK 18 OF MAP OF ATASCADERO
 AS RECORDED IN BOOK 4 OF MAPS AT PAGE 32 OF OFFICIAL RECORDS, IN THE CITY OF ATASCADERO,
 COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

SEPTEMBER 15, 2017



PROJECT DESCRIPTION:

A TENTATIVE PARCEL MAP TO COMPREHENSIVE 5 EXISTING LOTS INTO 4

PROPERTY INFORMATION:

APN: 030-191-033
 ADDRESS: 4320, 4420, 4450, 4470 & 4500 EL CAMINO REAL
 ATASCADERO, CA
 AREA: 19.83 SQ. FT. (0.45 ACRES)
 ZONE: DC-DOWNTOWN COMMERCIAL

OWNERS:

ZAPPAS FAMILY TRUST-WAKE ZAPPAS
 818 SAN JUAN LANE
 ATASCADERO, CA
 CONTACT: WAKE ZAPPAS
 EMAIL: WKEZAPPAS@GMAIL.COM

APPLICANT:

BRUNO DEER GROUP
 3745 S. INDIANA ST., STE. 102
 SAN LUIS OBISPO, CA 93401
 PH (805) 544-7794
 EMAIL: FLETC@BRUNODEER.COM

REPRESENTATIVE:

SAME AS APPLICANT

LEGEND

- EXISTING PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- ▭ PROPOSED BUILDING
- ⊠ WATER METER
- ⊞ FGS&E BOX
- ⊞ AT&T BOX
- ⊞ FIRE HYDRANT
- ⊞ GAS
- ⊞ ELECTRIC BOX
- ⊞ TELEPHONE
- ⊞ PULL BOX OR EVIDENCE THEREOF
- ⊞ SIGN
- ⊞ POWER POLE
- ⊞ GAS VALVE
- ⊞ SEWER MANHOLE
- ⊞ TELEPHONE MAN HOLE
- ⊞ LIGHT
- ⊞ WATER VALVE
- ⊞ GAS VALVE

MAP PREPARED BY:
 BRUNO S. DEER GROUP
 3745 S. INDIANA ST., STE. 102
 SAN LUIS OBISPO, CA 93401
 PH (805) 544-7794

MAP PREPARED ON:
 AUGUST 10, 2017



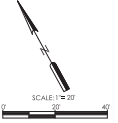
BASIS OF BEARINGS:
 THE BASIS OF BEARINGS FOR THE SURVEY IS THE CALIFORNIA COORDINATE SYSTEM 1983 (CCS83) ZONE 5, 2011.00 (SPICAL) AS ESTABLISHED BY GPS MEASUREMENTS TAKEN ON JANUARY 12, 2017 AND ESTABLISHED FROM COBS STATION P523 (PRO DMS61) DERIVED FROM GEODESIC VALUES PUBLISHED BY THE NATIONAL GEODESIC SURVEY.

BENCHMARK:
 VERTICAL DATUM FOR THE SURVEY IS NAVD 83 AND WAS ESTABLISHED FROM THE NATIONAL GEODESIC SURVEY COBS STATION COBSM (NON LOGICAL) 220564 GPV (PRO DMS61) AND USED TO ESTABLISH A TEMPORARY BENCHMARK ON A NAIL AND TAG STAMPED BCE 14994 AS SHOWN ON 29 PARCEL MAPS 42 AND FOUND ON THE SOUTHWEST CORNER OF EL CAMINO REAL AND ATASCADERO WAY HAVING AN ELEVATION OF 862.42.

PARCEL USE:
 PARCELS 1 & 2 COMMERCIAL CONDOMINIUMS AND 40 RESIDENTIAL CONDOMINIUMS
 PARCELS 3 & 4 ACCESS, PARKING AND UTILITY PURPOSES

PROPOSED EASEMENT NOTE:
 PRIVATE RECREATIONAL VEHICLE ACCESS, PEDESTRIAN ACCESS, PARKING & CHANGES EASEMENTS AND PER OVER ALL OF PARCELS 1 THROUGH 4, INCLUDING EXISTING BUILDING LOCATIONS FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE LOT OWNERS OF PARCELS 1 THROUGH 4.

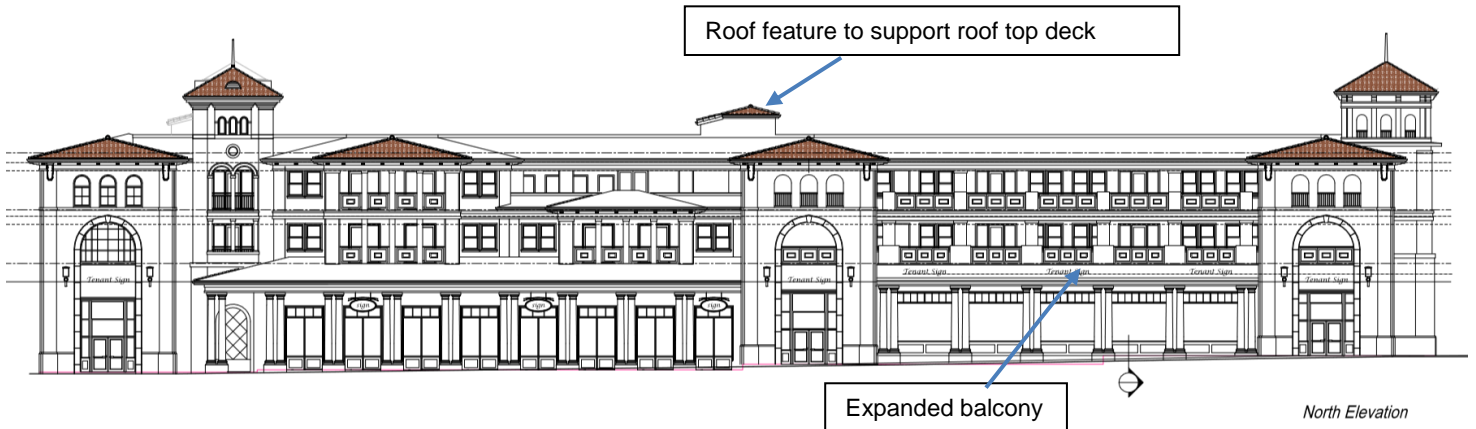
EXISTING EASEMENT NOTE:
 ALL EXISTING EASEMENTS WITH AN "X" ARE TO BE ABANDONED.
 THE PRELIMINARY TITLE REPORT NO. 400-255889 PREPARED BY WEST AMERICAN TITLE COMPANY DOES NOT LIST ANY DOCUMENTS STATING A QUITCLAIM ABANDONMENT OF THE CALIFORNIA STATE HIGHWAY AS SHOWN IN BOOK 32 OF MAPS AT PAGE 308 IN THE COUNTY RECORDER'S OFFICE. THE LEGAL DESCRIPTION DESCRIBED IN THE PRELIMINARY TITLE REPORT DOES NOT EXCEPT THAT PORTION LYING IN S40 CALIFORNIA STATE HIGHWAY.



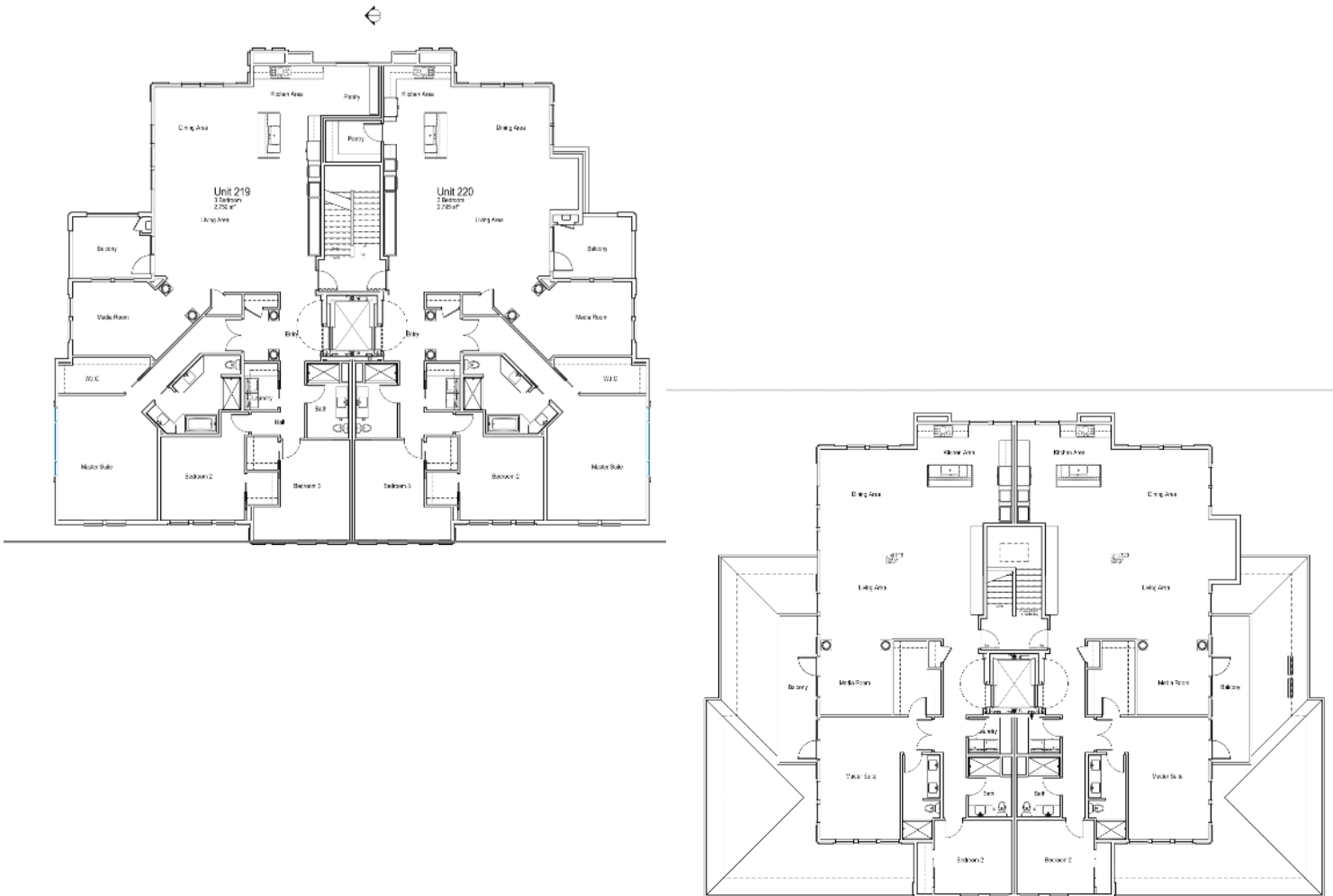
DATE 9/19/17 SCALE 1"=20'
 SURVEY PERFORMED JANUARY 2017
 SHEET 1 OF 1

ATTACHMENT 1A: PROJECT AMENDMENTS

Building A: Proposed West Elevation



Building B: Proposed Residential Floorplans



ATTACHMENT 2: APPLICANT'S PROJECT DESCRIPTION

Project Description

The Atascadero La Plaza development project is located in the heart of the Atascadero downtown across El Camino Real from The City Hall and The Sunken Garden. The project location has been the victim of a number of unfortunate circumstances and was originally the site of the Atascadero Hotel, which was burned down in 1965. A portion of the project site was rebuilt and most recently housed the North County Christian Thrift Store, which then burned down in 2009. Jack in the Box occupied the North East side of the project, but vacated this downtown location for a more freeway accessible location off of 101 freeway at the Santa Rosa exit. This vacated Jack in the Box was tied up in 30 years of lease 'options to extend' since (2009/2010). The years following the North County Christian Thrift Store fire, the property changed ownership 3 times and has had many proposed projects presented to the Atascadero City Planning Department and City Counsel. Many other circumstances such as adjacent property acquisition, cell tower easements, and bankruptcy have kept these dilapidated buildings and vacant land from being re-developed.

The proposed La Plaza development is an homage to Atascadero history and its founding years. The original La Plaza, which was also known as the Mercantile, was built in 1917 and then fell victim to a fire in 1934. The development team is heavily inspired by the founding days of Atascadero, which has spurred the desire to reference certain attributes of these first buildings of Atascadero. The architectural style of the proposed La Plaza development is in the same Palladian style as the City Hall building, The Printery building, and the former La Plaza building. E.G. Lewis, Atascadero's founder, envisioned all the main and dominant buildings within the Atascadero Estates to be built in this style and it is the goal of the La Plaza development team to continue in that vision.

Our project, like the original La Plaza, will consist of commercial/retail space and residential uses. The new La plaza will have two buildings with a combined total of 18,000SF of commercial/retail space and 42 residential units built to condominium specifications. There will be 5 different floor plans for the residential units and the retail/commercial space will be divided on an as needed basis. All commercial/retail space will be equipped with venting,

electrical, and plumbing that any restaurant would need. The La Plaza development team is focused on “class A” tenants and will be focused on a healthy tenant mix throughout the available leasing space.

The land is currently configured in 6 separate assessor’s parcels with a total gross area of 1.83 acres (79,541 SF). The parcels are going to be reconfigured with this project. There will be 4 ground parcels and 42 airspace condos to allow for condominium sale in the future (Parcel map on pg.**). The zoning for this project is Downtown Commercial and typically would only allow for 36 residential units, but The City of Atascadero granted the project a 15% bonus for architectural excellence. This allows the project to move forward with 42 units. Because this project is in a “Downtown Commercial Zone” where there is no requirement for parking for the commercial space. However, one space is required per residential unit so our requirement for parking is 42, 27 of which will be private garages. The proposed project recognizes the city and local businesses need for more parking and will be providing a total of 89 parking spaces on site, 4 of which will be designated for electric car charging stations.

The construction of the proposed La Plaza project is anticipated to be steel framed for the bottom floor of commercial/retail space because of the 20ft ceilings and minimal support beams. The residential levels will be wood framed.

ATTACHMENT 3: DRAFT RESOLUTION A – MASTER PLAN OF DEVELOPMENT

DRAFT RESOLUTION A

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, APPROVING THE LA PLAZA
DEVELOPMENT, INCLUDING AN EXCEPTION TO BUILDING HEIGHT
STANDARDS AND RESIDENTIAL DENSITY STANDARDS**

LA PLAZA DOWNTOWN REDEVELOPMENT

Z3 LLC

**6300 through 6500 El Camino Real
(PLN 2017-1649)**

WHEREAS, an application has been received from Z3 LLC, Owner / Applicant (8189 San Dimas Lane, Atascadero, CA 93422), to consider Planning Application, PLN 2017-1649, for a project consisting of a Master Plan of Development (CUP), Tentative Parcel Map, Roadway Abandonment, and certification of a Mitigated Negative Declaration ("MND") on a 1.83 acre site located on 6300 through 6500 El Camino Real (APN's 030-193-001, 003,017,016, 031,030,033); and

WHEREAS, the site's current General Plan Land Use Designation is Downtown (D); and

WHEREAS, the site's current Zoning District is Downtown Commercial (DC); and

WHEREAS, Atascadero Municipal Code § 9-2.110(a)(2) requires that multiple-family developments consisting of twelve (12) or more units, even if such development is listed as an allowed use in a particular zoning district, receive an approval of Master Plan of Development in the form of a Conditional Use Permit (CUP); and

WHEREAS, Atascadero Municipal Code Section 9-4.113(b)(1) allows the Planning Commission modification of height limitations, provided the Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties and that the modified height will not exceed the lifesaving equipment capabilities of the Fire Department; and

WHEREAS, Atascadero Municipal Code Section 9-15.1011 allows the Planning Commission the ability to modify signage standards, provided that the Planning Commission make the appropriate four (4) required findings; and

WHEREAS, the Atascadero General Plan Policy 2.1.2 allows the Planning Commission to grant up to a fifteen percent (15%) density bonus for "exceptionally high quality architecture" through required findings; and

WHEREAS, an Initial Study and proposed Mitigated Negative Declaration, Environmental Document No. 2017-0018 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on March 6, 2018, studied and considered PLN 2017-1649 to approve a Master Plan of Development, after first studying and considering the proposed Mitigated Negative Declaration prepared for the project, and

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on March 27, 2018, studied and considered PLN 2017-1649 to approve a Master Plan of Development, after first studying and considering the proposed Mitigated Negative Declaration prepared for the project.

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

SECTION 1. The City Council makes the following findings, determinations and approvals with respect to the proposed Master Plan of Development:

A. Findings for Approval of Height Waiver

1. **FINDING:** The proposed project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties.

FACT: The proposed project does not result in substantial detrimental effects to the enjoyment of the use of adjoining properties, as the building height is necessary to meet the proposed density, as required by the California Department of Housing and Community Development, and the proposed height will help to identify the downtown as the commercial core of the City. Additionally, all proposed structures are well articulated and consist of high quality architectural design, similar to the existing surrounding development.

2. **FINDING:** The modified height will not exceed the lifesaving equipment capabilities of the Fire Department.

FACT: The Atascadero Emergency Services Department (Atascadero Fire Department) has reviewed the proposed project and determined that, based on building placement including setbacks, location of turnouts and fire lanes, the proposed project will not exceed the lifesaving equipment capabilities of the Department.

B. Findings for Sign Ordinance Design Exception

1. **FINDING:** The sign is consistent with the purposes set forth in Section 9-15.002 of the Atascadero Municipal Code and will work to attract visitors to downtown Atascadero;

FACT: The proposed signage meets the intent established by the City’s Signage Ordinance. In particular, the proposed signage will reasonably allow for the identification of businesses within La Plaza.

2. **FINDING:** The opportunity to combine signs for more than one (1) use on a single sign structure has been considered.

FACT: The applicant is proposing the use of both a freeway oriented pylon sign and a monument sign. While it may be optimal to include just signage over a business, the applicant wishes to increase visibility and marketability of spaces for lease with additional signage oriented towards El Camino Real and Highway 101. Ensuring viability and marketability of these spaces is a priority for City Staff and the City Council.

3. **FINDING:** For freeway-oriented signs, the sign area and height are the minimum needed to achieve adequate visibility along the freeway due to highway ramp locations and grade differences.

FACT: The height of the freeway oriented sign is a similar height based on a balloon test completed for the existing 76 Gasoline Station on the other side of the freeway completed in 2013. The 7-foot clearance is tall enough that it will not be lost in the existing foliage that is adjacent to Highway 101.

4. **FINDING:** Conformance with all other applicable codes and ordinances of the City, including, but not limited to, the Zoning Ordinance, General Plan and its several elements, and the appearance review guidelines.

FACT: The proposed project is consistent with all applicable codes and ordinances, and meets the intent of the appearance review guidelines, and City Way Finding program.

C. Findings for Density Bonus

1. **FINDING:** The proposed project utilizes high quality materials and finishes on all sides of the building(s) located on-site.

FACT: The proposed project is inspired by City landmarks including Historic City Hall and the Printery. The proposed project is an Italianate design and a visual appealing project. The proposed project utilizes similar materials found in both historic structures and appropriately uses tower elements, pop-outs, and other architectural features to create a design that will become one of the center-pieces of Downtown Atascadero, complimenting Historic City Hall and the Sunken Gardens.

2. **FINDING:** The proposed project utilizes reduction of massing and other techniques to reduce appearance of bulk, and density.

FACT: The proposed project utilizes materials, pop-outs, decking, and other features to reduce bulk and density.

3. **FINDING:** The proposed project implements the use of varied rooflines, pop-outs, architectural appendages and other elements that create visually appealing projects.

FACT: The proposed project includes tower elements, varied rooflines, columns, and the use of colonnades to create a visually appealing project within Downtown Atascadero.

4. **FINDING:** The proposed project utilizes architectural materials appropriate with the vernacular of the architectural theme.

FACT: The proposed project utilizes Beaux Arts design similar to Historic City Hall and the Printery. The applicant has included the use of brick material, and Spanish tile in similar color schemes to that of City Hall to present a unified design theme for buildings near the Sunken Gardens.

5. **FINDING:** The proposed project incorporates significant contributions to the community such as a park, historic preservation, and road dedications.

FACT: The proposed project includes a significant contribution to the Community in the form of a new pedestrian plaza that will be constructed within the right-of-way of Atascadero Avenue (Mall). This key pedestrian linkage was envisioned by the City's Vision Plan for Downtown. The applicant may be afforded credits for parkland facilities fees in exchange for construction of the proposed project.

D. Findings for Approval of Master Plan of Development

1. **FINDING:** The proposed project or use is consistent with the General Plan.

FACT: The proposed project is consistent with the intention of vertical mixed-use in the Downtown. The proposed project meets the underlying zoning ordinance's prescribed density requirements for 20 units per acre and includes a mix of commercial, and residential uses.

2. **FINDING:** The proposed project or use satisfies all applicable provisions of Title 9 of the Atascadero Municipal Code.

FACT: With adoption of findings made for the height waiver exception, and Density Bonus, the proposed project satisfies all applicable provisions of the Atascadero Municipal Code.

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

FACT: The proposed project will not be detrimental to the health, safety or welfare of the general public or persons residing or working in the vicinity, as the proposed project includes a mix of uses including residential, non-residential uses such as retail, professional services, and tourist commercial uses that are consistent with the City's underlying zoning (DC), as well as consistent with the goals and policies of the City's General Plan and Housing Element. Residential uses will not involve hazardous waste handling.

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

FACT: The proposed project is consistent with the immediate neighborhood as the proposed project is consistent with the adopted Downtown Revitalization Plan, and the Downtown Vision Plan.

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

FACT: The proposed project will generate 1,304 average new daily trips on a new local roadway that intersects with El Camino Real, the City's primary north / south arterial. El Camino Real is a roadway facility that currently operates at an acceptable level of service, consistent with the City's adopted General Plan and will continue to operate at an acceptable level of service with the proposed project, as well as what is considered build-out for the General Plan. The proposed project has been conditioned to pay development impact fees for proposed increases in traffic and other transportation related impacts.

6. **FINDING:** The proposed project is in compliance with any pertinent City policy or criteria adopted by Ordinance or Resolution of the City Council.

FACT: The proposed project meets the City Council's Policy on vertical mixed-use processing and the project has been conditioned to annex into the City's Community Facilities District to make the proposed project fiscally neutral. The proposed project meets the thresholds for high quality architectural design, landscaping, and common open spaces. Therefore, the project, as proposed, is in compliance with pertinent City policies established by the City Council.

SECTION 2. Approval of Master Plan of Development. The City Council of the City of Atascadero, in a regular session assembled on April 10, 2018, resolved to approve to the Master Plan of Development subject to the following, on file in the City Clerk’s Office and incorporated herein by reference:

1. EXHIBIT A: Conditions of approval / Mitigation Monitoring Program
2. EXHIBIT B: Master Plan of Development / Site Plan
3. EXHIBIT C: Landscape Plan
4. EXHIBIT D: Elevations / Floor Plan / Sections
5. EXHIBIT E: Colors and Materials Board
6. EXHIBIT F: Signage
7. EXHIBIT G: Grading and Drainage Plan
8. EXHIBIT H: Utility Plan
9. EXHIBIT I: Conceptual Plaza Improvements

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2018.

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

Tom O’Malley, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

Conditions of Approval
City of Atascadero



PLN 2017-1649
LA PLAZA REDEVELOPMENT
6500 EL CAMINO REAL
PARENT APN 030-193-001,003,017,016, 031,030,033

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of the required compliance.

1. Conditions of Approval in PC Resolution for Tentative Parcel Map AT 17-0088 shall be incorporated herein. PLN
2. For the purposes of development impact fee collection, impact fees shall be based on the date of building permit submittal, consistent with the California Subdivision Map Act. PLN
3. A landscape and irrigation plan shall be approved prior to the issuance of building permits and included as part of site improvement plan consistent with EXHIBIT C, with the exception of the proposed public plaza located within the right-of-way of Atascadero Avenue (Mall), and must include the following: PLN
 - All exterior meters, trash storage areas, air conditioning units and mechanical equipment shall be screened with landscape material and/or architecturally compatible enclosures.
 - London Plane Sycamore or similar trees with a minimum size of 24 inch box shall be provided along El Camino Real at a maximum spacing of 30 feet on center (tree variety may be adjusted upon approval of Community Development Director). Groupings of additional accent trees may be allowed to accommodate sight-distance, topographical features, subject to the approval of the Community Development Director and City Engineer.
4. The public plaza is expected to be a versatile park-like space that can be used for events. The applicant shall work with the City on the final design of proposed public plaza within the Atascadero Avenue (Mall). The draft and final design shall be approved by the Community Development Director and shall include the following provisions: PLN
 - a. Design elements such as low decorative fencing to guide pedestrians towards the signalized intersection
 - b. Removable fencing to allow maximum use of the roadway and the plaza if the road is closed during events and happenings
 - c. Provisions to accommodate food trucks, electrical needs, lighting, emergency access and other elements necessary for events and happenings
 - d. Landscaping as approved by the Public Works Director/Community Development Director
 - e. The design shall not incorporate a curb, gutter or sharp grade change between the roadway and plaza
 - f. The applicant may revise items a. – e. with the advance written approval of the City Manager or designee thereof
5. Plaza improvements shall be completed prior to occupancy of Buildings A or B. PLN

6. Exterior finishes, including brick color shall be approved by the City Community Development Department.
7. The portion of Atascadero Avenue (Mall) extending southwesterly from El Camino Real that is to remain for vehicular access to the adjacent property (gas station and auto services) shall be at least 20-feet wide and shall terminate approximately 40 feet northeasterly of the entrance to the pedestrian tunnel under State Rte 101, to the satisfaction of the Public Works Director. The design and improvements of said vehicular access, including any sidewalk modifications, driveway modifications, transitions, and the Public Plaza area shall be to the approval of the Public Works Director and Community Development Director. Public improvement plans prepared by a licensed civil engineer are required to be approved by the Director of Public Works. The improvements shall be installed by the applicant prior to occupancy of Buildings A or B.
8. Fire hydrant locations shall be to the satisfaction of the City Fire Marshall and Public Works Director. FD
9. Properties and/or areas that are managed or owned by an Association, or other such private entity shall be metered separately, as required by the Public Works Director. PLN
10. Ground monument signage fronting El Camino Real shall be limited to a total of (2) monument signs and shall be consistent with Sign standards shown in Table 15-2 for ground monument signage with the following exceptions:
 - Maximum of six (6) feet in total height
 - Total of 60 square feet of signage allowed for each side
 - Ground monument signage may be permitted directly adjacent to the back of sidewalk
 - Ground monument signage shall be located no closer than 200-feet from each other
11. A total of four (4) Building Name signs shall be permitted within the development with the name "La Plaza". Size shall be proportional to wall façade or placement on tower element.
12. A freeway oriented pylon sign shall be permitted on-site with the maximum height of 75-feet. Additional height may be granted by the Design Review Committee. Signage shall include the City's Logo and "Downtown Atascadero" on the faces of the sign. The City's Logo and "Downtown Atascadero" shall not count against the maximum signage area. Maximum signage area shall be determined by the Community Development Director or their designee.
13. Maximum project density shall not exceed 42 dwelling units. Any additional dwelling units shall be approved by the Planning Commission as a minor conditional use permit or its equivalent.
14. Building heights shall not exceed the following:
 - 45-Feet maximum for occupied spaces;
 - 65-Feet maximum for un-occupied spaces.Additional height exception may be granted by the Design Review Committee.
15. The El Camino Real pedestrian entry/exit doors serving the proposed structures shall not swing into the public right-of-way more than one foot.

16. The proposed waterfall structure in front of Building A shall be located entirely within the subject property and shall not encroach into the public right-of-way.

17. A disclosure shall be required for all residential tenants to inform them that the property is within a commercial zoning district and will be exposed to noise levels that will exceed levels found within a residential neighborhood. The form and content of the disclosure shall be reviewed and included to the satisfaction of the City of Atascadero, and shall include deed notifications to be recorded on each residential property, and language to be included in all residential rental agreement documents.

18. Occupancy of commercial spaces are prioritized over the residential uses. If an HOA is formed, the HOA documents shall establish that~~and~~ residential occupancy shall not preclude the operation, permitting, hours of operation or land use allowed within the first floor commercial spaces.
Construction of the habitable residential spaces shall include noise reducing construction techniques to minimize the impact of commercial noise on the residential spaces. Wall construction, windows, and common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues, and other breaks in the integrity of the wall, ceiling or roof construction, shall be designed at time of building permits to minimize the impact of commercial noise sources on residential units.

~~18-19.~~ The following land uses shall be prohibited on the ground floor:

- a. Health Care Services
- b. Offices
- c. Government offices and facilities

~~19-20.~~ All site work, grading, and site improvements shall be in substantial conformance with the Master Plan of Development as shown in any of the enclosed exhibits. PLN

~~20-21.~~ Native tree protection shall be installed and up at all times during construction related activities per the tree protection plan. PLN

~~21-22.~~ Pedestrian ramps on El Camino Real shall be constructed on each side of the street type entrance between Buildings A and B.

~~22-23.~~ The applicant shall relocate the (E) sewer main that extends under proposed Building "B", to the satisfaction of the City Engineer. An easement over the re-routed sewer main shall be dedicated to the public, to the satisfaction of the City Engineer.

~~23-24.~~ Construction of the new driveway approach, northwesterly of Building A, requires removal of the existing driveway approach serving the adjacent northwesterly property. Vehicular access to this property shall be combined with the subject property.

~~24-25.~~ The applicant shall coordinate with the Regional Transit Authority regarding the relocation and modification to the existing bus shelter and bus stop. Final location and design shall be approved by the Regional Transit Authority and the City Engineer. The bus stop and shelter shall be relocated by the applicant prior to occupancy of Buildings A or B.

~~25-26.~~ Discharges to the public storm drain system are subject to review under the City's MS4 State Permit and the requirements established by the Regional Water Quality Control Board for discharges to waters of the United States. Illicit discharges shall not be approved and shall be eliminated where known to exist or are identified. Certain non-storm water discharges may not be considered illicit where it can be

shown that these waters are not contaminated. Uncontaminated spring water, pumped ground water, and water from crawl space pumps are not considered illicit discharges and are therefore not prohibited from discharging to the storm drain system. The applicant shall provide verification to the satisfaction of the City Engineer that the proposed discharge waters are not contaminated.

~~26-27.~~ All landscaping is to be installed prior to final inspection of development within Parcel Map AT 17-0088. PLN

~~27-28.~~ The entitlement of the conditional use permit described at the location per this resolution is determined to be vested with the property upon issuance of a building permit. PLN

~~28-29.~~ Approval of this entitlement shall be final and effective consistent with Atascadero Municipal Code (AMC) section 9-1.111 seq. et. al. PLN

~~29-30.~~ Project construction must be in accordance with provided Exhibit(s), adopted with this Resolution. Non-substantive cchanges to architecture, landscaping design, and non-substantive subdivision design may be approved by the Community Development Director or the Design Review Committee (DRC). PLN

~~30-31.~~ In accordance with the Atascadero Municipal Code section 9-8.105, any violation of any of the Conditions of Approval is unlawful and may be cause for revocation of this entitlement and subject the applicant and/or future property owners to the penalties set forth in the Atascadero Municipal Code, as well as any other available legal remedies. PLN

~~31-32.~~ The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of this approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve applicant of his/her obligations under this condition. CM

~~32-33.~~ Should the described use be abandoned or extinguished, the property may be used and / or developed with any use allowed by the underlying zoning district. PLN

PWD

A. The following are mitigation measures that mitigate adverse environmental effects identified in the prepared Environmental Document. Any change in these measures may affect the validity of the adopted Environmental Document, and a new or amended Environmental Document may be required.

MITIGATION MEASURE

TIMING

Aesthetics

MITIGATION MEASURE	TIMING
AES-1 At the time of building permit submittal of the proposed project, applicant must submit a photometric plan showing locations of proposed on-sight lighting. Prior to final occupancy, City Staff and the applicant shall meet on-site and review lights at dusk condition to ensure off-site light spillage and glare are limited.	Prior to Building Permit Issuance
AES-2 Any luminaire pole height shall not exceed 14-feet in height to minimize off-site light spillage for consistency with the Atascadero Municipal Code.	Prior to Building Permit Issuance
AES-3 Limit intensity to up to 3.0 foot candles at ingress/egress, and otherwise 0.6 foot candle minimum to 1.0 maximum in parking areas and/or for street lighting, bollards, etc to be reviewed at the time of building final.	Prior to Building Permit Final

Air Quality

AQ-1 Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, abatement, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing structures or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transit pipes or insulation on pipes). If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants. These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Engineering & Compliance Division at (805) 781-5912 for further information or go to slocleanair.org/rules-regulations/asbestos.php for further information. To obtain a Notification of Demolition and Renovation form go to the "Other Forms" section of slocleanair.org/library/download-forms.php .	Prior to Building Permit Issuance
AQ-2 Based on the information provided, San Luis Obispo APCD is unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.	During Construction

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or

MITIGATION MEASURE

TIMING

- crushers;
 - Portable generators and equipment with engines that are 50 hp or greater; and,
 - Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
 - Unconfined abrasive blasting operations;
 - Tub grinders;
 - Trommel screens; and,
 - Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

AQ-3 Effective February 25, 2000, the APCD prohibited developmental burning of vegetative material within San Luis Obispo County. If you have any questions regarding these requirements, contact the APCD Engineering & Compliance Division at (805) 781-5912

During Construction

AQ-4 Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):

During Construction

- a. Reduce the amount of the disturbed area where possible; and,
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook.
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion

MITIGATION MEASURE

TIMING

- of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Track-Out” is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent ‘track out’, designate access points and require all employees, subcontractors, and others to use them. Install and operate a ‘track-out prevention device’ where vehicles enter and exit unpaved roads onto paved streets. The ‘track-out prevention device’ can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below the APCD’s limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone

MITIGATION MEASURE

TIMING

number of such persons shall be provided to the APCD Engineering & Compliance Division prior to the start of any grading, earthwork or demolition.

AQ-5 This project is in close proximity to nearby sensitive receptors. Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

During Construction

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
 - a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. **Off-road diesel equipment** shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
 - d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

AND/OR

2. Diesel Idling Restrictions Near Sensitive Receptors

In addition to the state required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby

MITIGATION MEASURE

TIMING

sensitive receptors:

- a. Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- b. Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
- c. Use of alternative fueled equipment is recommended; and
- d. Signs that specify the no idling areas must be posted and enforced at the site.

AQ-6 Exterior architectural coating shall be limited to Volatile Organic Compound (VOC) of 50 grams per liter maximum to the extent feasible. During Construction

AQ-7 Interior architectural coating shall be limited to Volatile Organic Compound (VOC) of 0 grams per liter maximum to the extent feasible within residential and non-residential spaces. During Construction

AQ-8 Should hydrocarbon contaminated soil be encountered during construction activities, the APCD must be notified as soon as possible and no later than 48 hours after affected material is discovered to determine if an APCD Permit will be required. In addition, the following measures shall be implemented immediately after contaminated soil is discovered: During Construction

- Covers on storage piles shall be maintained in place at all times in areas not actively involved in soil addition or removal;
- Contaminated soil shall be covered with at least six inches of packed uncontaminated soil or other TPH –non-permeable barrier such as plastic tarp. No headspace shall be allowed where vapors could accumulate;
- Covered piles shall be designed in such a way to eliminate erosion due to wind or water. No openings in the covers are permitted;
- The air quality impacts from the excavation and haul trips associated with removing the contaminated soil must be evaluated and mitigated if total emissions exceed the APCD’s construction phase thresholds;
- During soil excavation, odors shall not be evident to such a degree as to cause a public nuisance; and,
- Clean soil must be segregated from contaminated soil.

The notification and permitting determination requirements shall be directed to the APCD Engineering & Compliance Division at (805) 781-5912.

Green House Gas Emissions

GHG-1 The proposed project shall include a minimum of four (4) electric vehicle (EV) chargers within the proposed parking lot. Vehicle chargers shall be counted as parking spaces for the purposes of parking calculations. Prior to Building Permit Final

MITIGATION MEASURE

TIMING

Cultural Resources

- | | | |
|------|---|--|
| CR-1 | <p>Recordation and documentation shall be produced according to the California Register of Historic Resources prior to issuance of demolition permits for both 6452 and 6490 El Camino Real. Documentation shall include the following:</p> <ul style="list-style-type: none"> • Completion of State of California Form DPR 523B; • Large scale color photographs of exterior and interior with scale and caption; • Large scale site plan and floor plan of existing building(s) with legend and callouts of location photographs taken; • Copies of selected historic photographs; • Written description of construction and use of the structures; and, • Digital copies of all materials submitted in PDF format. | <p>Prior to Demo
Permit Issuance</p> |
| CR-2 | <p>In the event that human remains are discovered on the property, all work on the project shall stop and the Atascadero Police Department and the County Coroner shall be contacted immediately. The Atascadero Community Development Director shall be notified. If the human remains are identified as being native American, the California Native American Heritage Commission (NAHC) shall be contacted at (916) 653-4082 within 24 hours. A representative from both the Chumash Tribe and the Salinan Tribe shall be notified during the excavation of any remains.</p> | <p>During
Construction</p> |

Noise

- | | | |
|------|---|--|
| NO-1 | <p>Soffit vents, eave vents, dormer vents and other wall and roof penetrations shall be on the walls and roofs facing away from the noise source wherever possible.</p> | <p>Prior to Building
Permit Issuance</p> |
| NO-2 | <p>The walls of habitable spaces and office space on second and third stories nearest the noise source shall have wall construction with an S.T.C. (Sound Transmission Class) rating of 30 or greater. For instance, stucco exterior or equivalent on 2" x 4" stud walls with minimum R-13 batt insulation and two layers of ½" gypsum board on the interior will provide an S.T.C. rating of 30 or greater along these walls.</p> | <p>Prior to Building
Permit Issuance</p> |
| NO-3 | <p>Common acoustic leaks, such as electrical outlets, pipes, vents, ducts, flues, and other breaks in the integrity of the wall, ceiling or roof construction on the side of the dwellings nearest transportation noise sources shall receive special attention during construction. All construction openings and joints on the walls on the noise facing side of the site shall be insulated, sealed and caulked with a resilient, non-hardening, acoustical caulking material. All such openings and joints shall be airtight to maintain sound isolation.</p> | <p>Prior to Building
Permit Issuance</p> |

MITIGATION MEASURE	TIMING
NO-4 To meet the interior LDN 45 dBA requirements, windows for habitable spaces on the second and third floors of affected units facing the noise source shall be of double-glazed construction with one light of laminated glass, and installed in accordance with the recommendations of the manufacturer. The windows shall have full gaskets, with an S.T.C. rating of 30 or better, as determined in testing by an accredited acoustical laboratory.	Prior to Building Permit Issuance

Transportation & Traffic

TP-1 The applicant or developer must relocate the existing pedestrian crossing at the midblock crossing at the intersection of East Mall and El Camino Real to the signalized intersection of West Mall and El Camino Real. The applicant shall re-stripe and provide conduit for a new pedestrian crossing signal adjacent to the project site. The proposed improvement may be eligible for TIF credits based on the adopted Capital Improvement Plans at the time of building permit issuance.	Prior to release final sign off of off-site improvements.
TP-2 The applicant shall work with City Staff and the Regional Transit Authority to relocate the adjacent southbound RTA stop that currently exists near the intersection of Entrada and El Camino Real. This includes relocation or re-construction of a bus shelter, as deemed appropriate by the City Engineer	Prior to release final sign off of off-site improvements.

Utilities Services

UT-1 The proposed project must pay all applicable sewer connection fees at the time of building permit issuance. A fee credit may be applicable for all existing fixtures and connections listed in demolition permits for buildings removed.	Prior to Building Permit Issuance
UT-2 The applicant shall be responsible for providing fair share impact fees for wastewater in effect at the time of building permit issuance.	Prior to Building Permit Issuance
UT-3 The developer must include trash and recycle receptacles near public entries and a minimum of (3) trash and recycle receptacles within the proposed plaza to be dispersed throughout the length of the plaza. Receptacle design shall be approved by Staff and included on landscaping plans at the time of building permit submittal.	Prior to release final sign off of on-site improvements.

****END CONDITIONS****

EXHIBIT C: LANDSCAPE PLAN



- LEGEND**
- 1 PEDESTRIAN CONNECTION
 - 2 OUTDOOR DINING
 - 3 PERMEABLE PAVES
 - 4 EXISTING VEGETATIVE BUFFER (CALTRANS)
 - 5 12' X 12' INTERACTIVE CHECK BOARD
 - 6 MONUMENT SIGN / BIRRY FEATURE
 - 7 WATER WALL AND PLANTER
 - 8 RAISED PLANTER SEATWALLS
 - 9 TRASH ENCLOSURES
 - 10 DECORATIVE CONCRETE PAVING
 - 11 PAVES / ACCENT BANDS
 - 12 CONTAINER GARDENS
 - 13 STREET TREES (SEE TREE EXHIBIT)
 - 14 FILTER STRIPS
 - 15 CONCRETE PING PONG / FOOSBALL
 - 16 COLUMNS, SEE ARCH PLANS
 - 17 SWALE, SEE CIVIL PLANS
 - 18 FLOWERING TREES WITH TWINKLE LIGHTING
 - 19 RE-LOCATED CURB
 - 20 E.G. LEWIS STATUE + HISTORICAL MONUMENT
 - 21 MIXED PLANTING BUFFER AT PARKING AREAS
 - 22 CELL TOWER BASEMENT
 - 23 BOLLARDS
 - 24 TREE TRUNK GRATES
 - 25 DROP-OFF
 - 26 DROUGHT TOLERANT LANDSCAPING
 - 27 CORNHOLE COURT

METHOD OF IRRIGATION

THE IRRIGATION SYSTEM WILL UTILIZE THE FOLLOWING METHODS:
 DRIP AND BUBBLER IRRIGATION WILL BE USED TO APPLY WATER ACCURATELY TO THE PLANT ROOT ZONES AT A RATE THAT IT CAN INFILTRATE TO IMPROVE IRRIGATION EFFICIENCY.
 LOW SPRINKLER HEADS WILL BE USED WHERE NEEDED TO APPLY WATER UNIFORMLY AND SLOWLY.
 OVER-SPRAY AND EVAPORATION WILL BE MINIMIZED AND MATCHED PRECIPITATION RATE NOZZLES WILL BE USED WITHIN EACH CONTROL VALVE AND CIRCUIT.
 A WEATHER BASED, SELF-ADJUSTING IRRIGATION CONTROL WITH A RAIN SHUT OFF DEVICE WILL BE INSTALLED. THE IRRIGATION SYSTEM WILL BE CONTROLLED BY A TIME CLOCK WITH THE ABILITY TO ADJUST RUNTIMES BY DATA COLLECTED FROM RAIN AND ET SENSORS.
 THE WATERING SCHEDULE WILL BE BASED UPON PLANT NEEDS, SOIL TYPE, SLOPE, AND SEASON. IRRIGATION WILL BE SCHEDULED TO AVOID WATERING DURING RAIN AND FREEZE EVENTS.

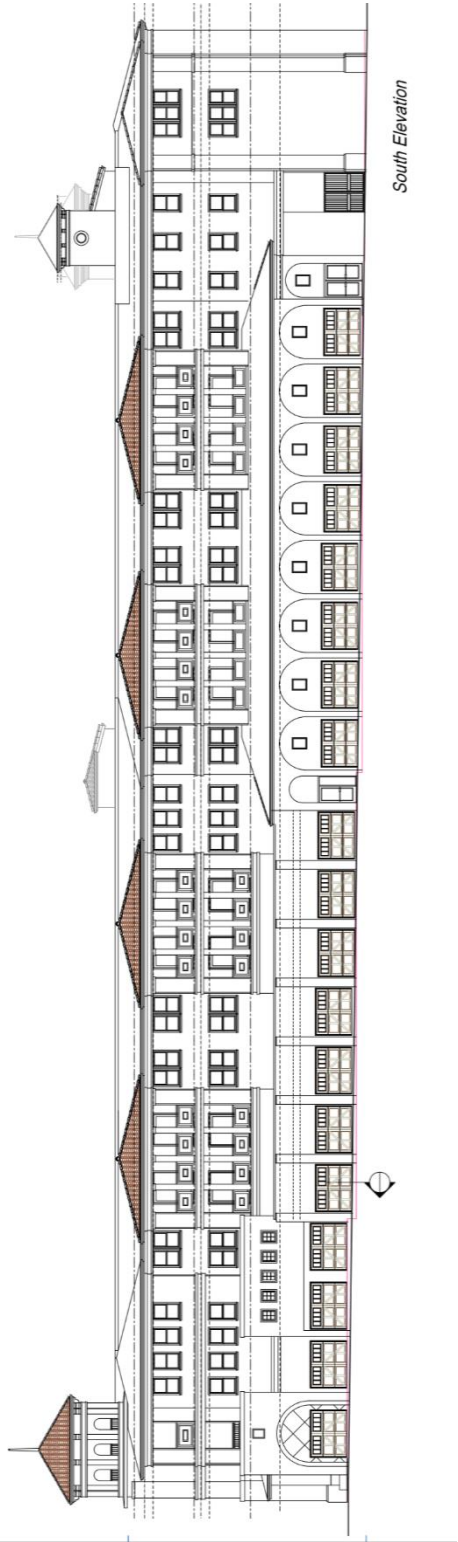
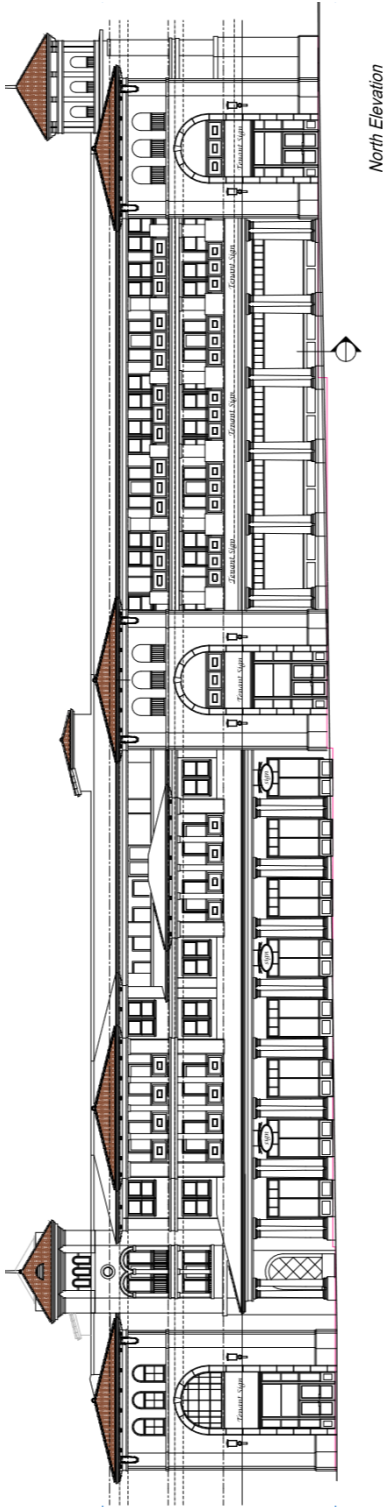
MWELO WATER CALCULATIONS

MAXIMUM ANNUAL APPLIED WATER ALLOWANCE
 (MANTA) 142,850 GALLONS; 171,625 UJETS
 ESTIMATED TOTAL WATER USE
 (ETWU) 106,651.99 GALLONS; 146,23 UJETS
 PROPOSED PROJECT IS USING 76.02% OF THE MAXIMUM WATER ALLOWANCE PER GOVERNORS ORDER NO. 8-20-15

EXHIBIT D: ELEVATIONS / FLOOR PLAN / SECTIONS

Building A front elevation

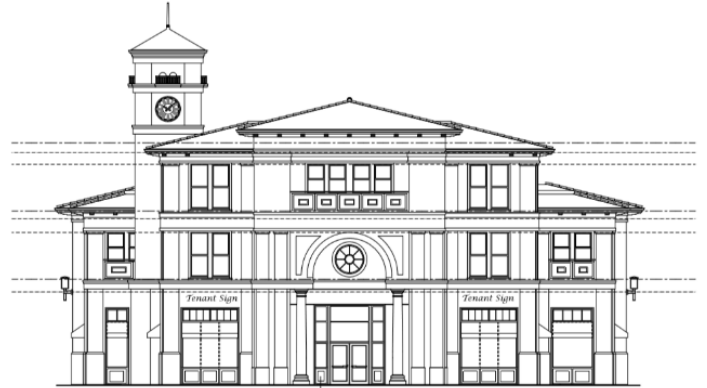
Building A Rear Elevation



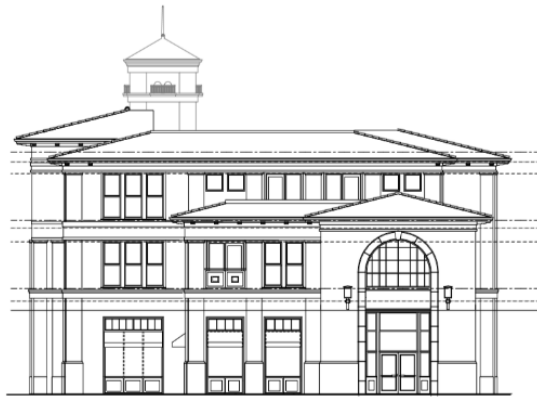
Building B Elevations



East Elevation



North Elevation

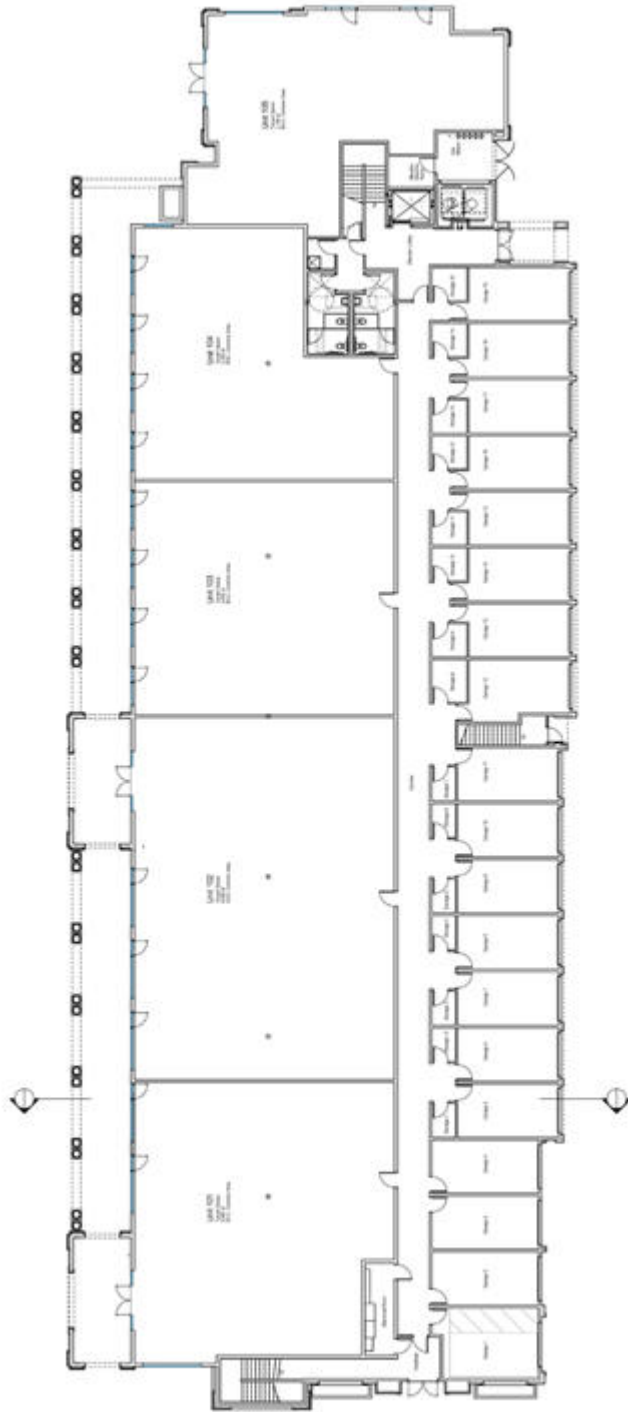


West Elevation

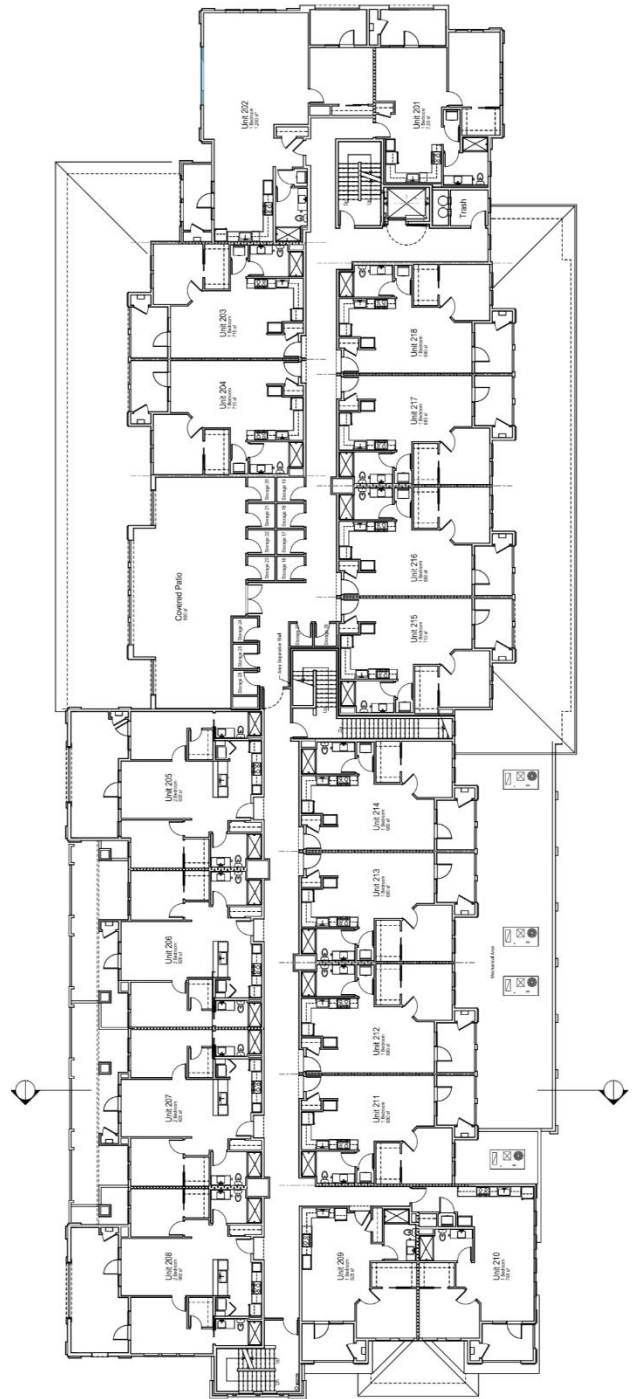


South Elevation

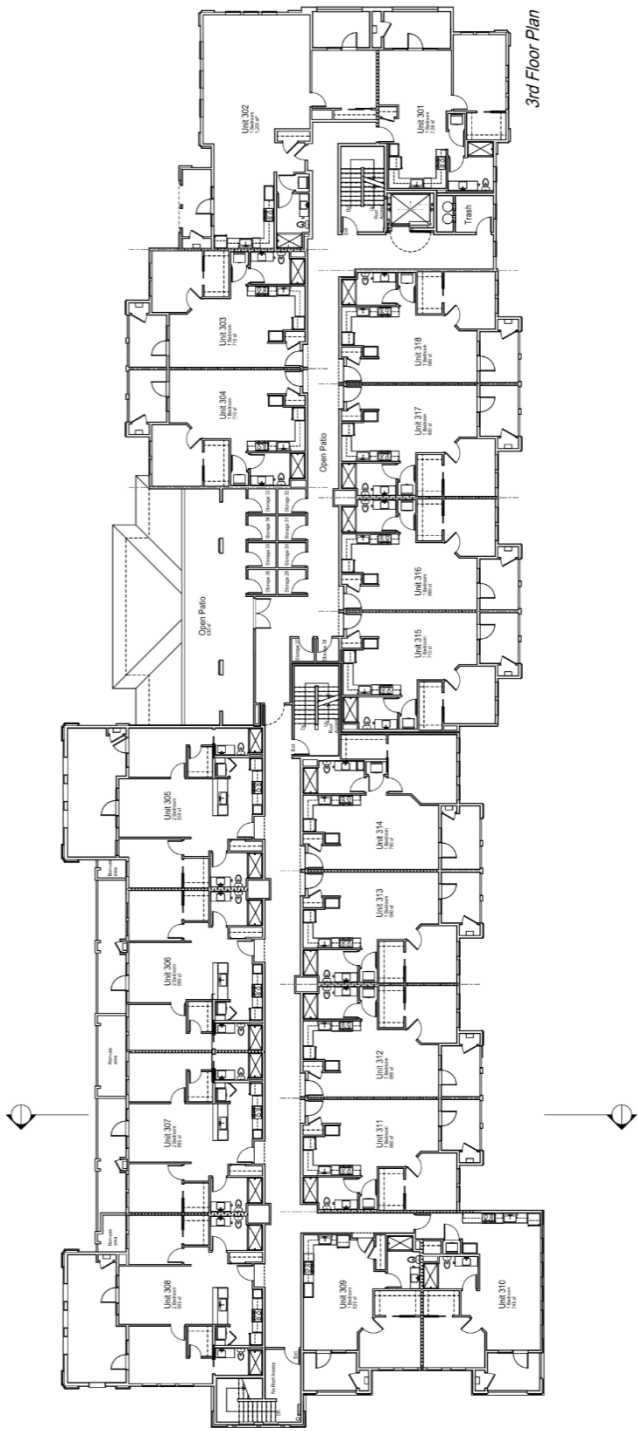
"A" First Floor Plan



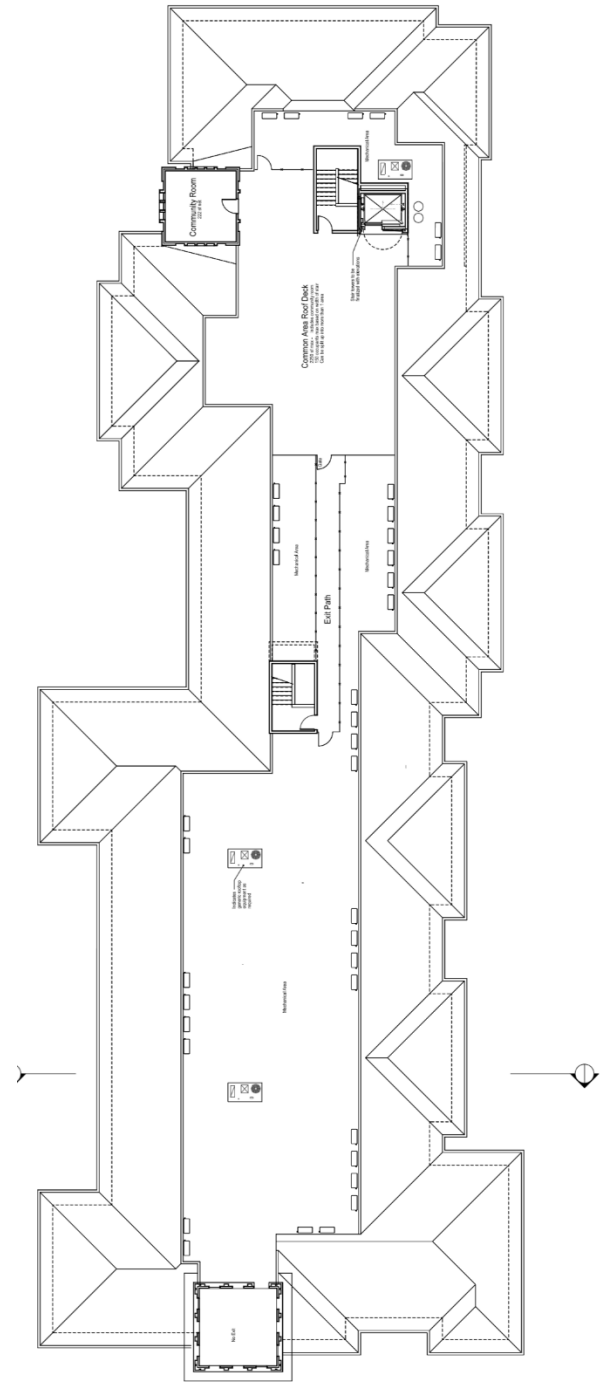
"A" Second floor plan



"A" Third Floor Plan

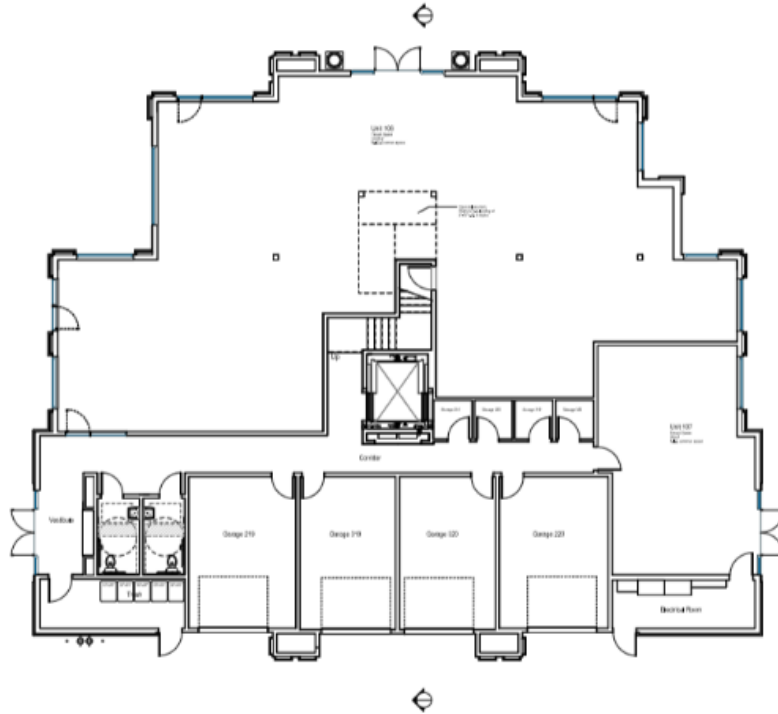


"A" Roof Plan

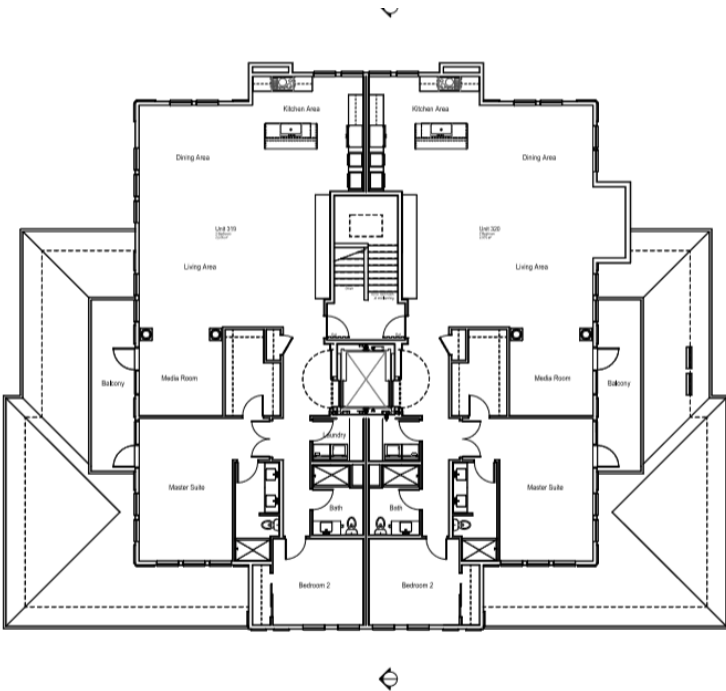


Building B

First Floor



Second Floor



Third Floor

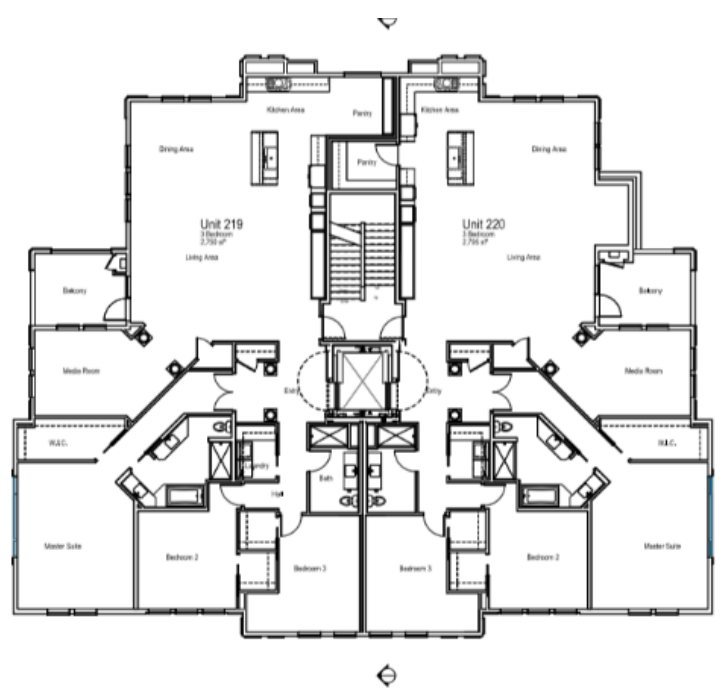


EXHIBIT E: COLORS AND MATERIALS BOARD

Painted Fascia
Dunn Edwards DE6105
Weathered Leather

Painted Corbels & Rafter Tails
Dunn Edwards DE5173
Deep Coral

Painted Stucco Field Color
Dunn Edwards DE6206
Desert Suede

Porcelain Tile Base Accent
American Clean - Method
MT05 Khaki Approach, polished

Painted Stucco Accent Color
Dunn Edwards DE6376
Looking Glass

Aluminum Doors and Windows
Medium Bronze

Precast GFRC Concrete Panels
Veristone-J, Ginger
Sandalwood accents on Cornsilk base

Aluminum Doors and Windows
Medium Bronze

Precast GFRC Trim + Base
Veristone-J, Ginger in Silverstone

Precast GFRC Concrete Panels
Veristone-J, Ginger
Sandalwood accents on Cornsilk base

Painted Stucco Field Color
Dunn Edwards DE6206
Desert Suede

Pyylon Sign

EXHIBIT F: SIGNAGE



Pylon Sign

EXHIBIT G: GRADING AND DRAINAGE PLAN

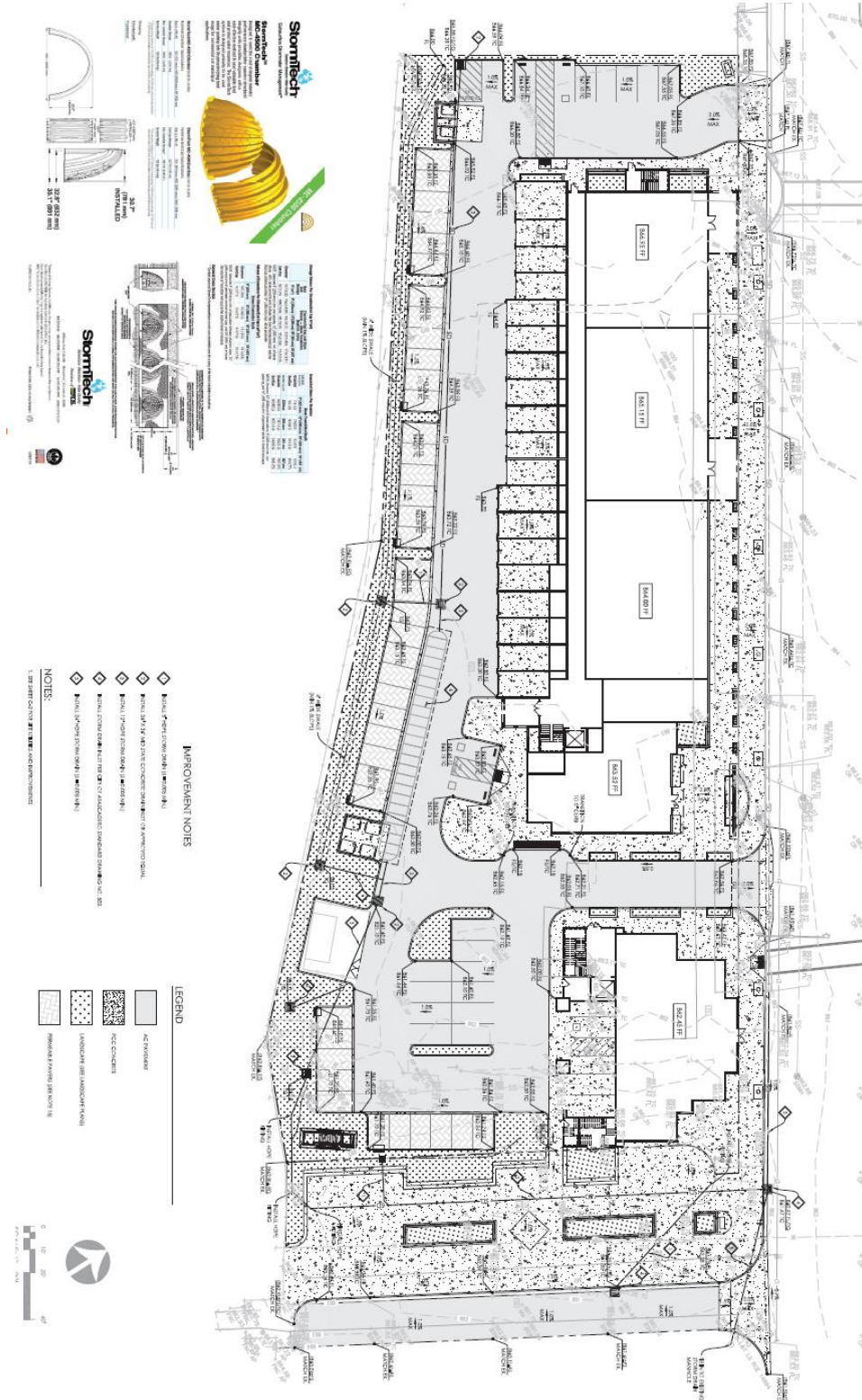


EXHIBIT I: CONCEPTUAL PLAZA IMPROVEMENTS



ATTACHMENT 4: DRAFT RESOLUTION - B, TENTATIVE MAP & ROAD ABANDONMENT

DRAFT RESOLUTION B

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, RECOMMENDING APPROVAL OF TENTATIVE PARCEL MAP AT 17-0088, INCLUDING A ROAD ABANDONMENT TO VACATE PORTIONS OF AN EASEMENT FOR PUBLIC USE ALONG EL CAMINO REAL, AND A PORTION OF RIGHT-OF-WAY ON ATASCADERO AVENUE PURSUANT TO SECTION 8332 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE AND A VEHICULAR CLOSURE OF ATASCADERO AVENUE FOR THE CONSTRUCTION OF A PUBLIC PEDESTRIAN PLAZA PURSUANT TO SECTION 12920 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

**LA PLAZA DOWNTOWN REDEVELOPMENT
Z3 LLC**

**6300 through 6500 El Camino Real
(PLN 2017-1649)**

WHEREAS, an application has been received from Z3 LLC, Owner / Applicant (8189 San Dimas Lane, Atascadero, CA 93422), to consider Planning Application, PLN 2017-1649, for a project consisting of a Master Plan of Development (CUP), Tentative Parcel Map (including condominiums), roadway abandonment, and certification of a Mitigated Negative Declaration ("MND") on a 1.83 acre site located on 6300 through 6500 El Camino Real (APN's 030-193-001,003,017,016, 031,030,033); and

WHEREAS, an application has been received from Z3 LLC, Owner / Applicant (8189 San Dimas Lane, Atascadero, CA 93422) to abandon an approximate 0.11 acre portion of a public access easement directly adjacent to the El Camino Real right-of-way; abandon a portion of right-of-way, which is approximately 0.24 acre of Atascadero Avenue (also referred to as "Atascadero Mall"), being portions of Lots 18 and 19, Block H-B, Atascadero Colony Subdivision, City of Atascadero, County of San Luis Obispo, State of California and filed for record on October 21, 1914 in Book 4 at Page 32 of Maps; and partially close, to vehicular traffic, in the remaining portion of right-of-way along Atascadero Avenue (Mall), with the exception of 20-feet for the construction of a pedestrian plaza; and

WHEREAS, the site's current General Plan Land Use Designation is Downtown (D); and

WHEREAS, the site's current Zoning District is Downtown Commercial (DC); and

WHEREAS, Atascadero Municipal Code § 9-2.110(a)(2) requires that multiple-family developments consisting of twelve (12) or more units, even if such development is listed as an allowed use in a particular zoning district, receive an approval of Master Plan of Development in the form of a Conditional Use Permit (CUP); and

WHEREAS, Atascadero Municipal Code Section 9-4.113(b)(1) allows the Planning Commission modification of height limitations, provided the Commission first finds the project will not result in substantial detrimental effects on the enjoyment and use of adjoining properties and that the modified height will not exceed the lifesaving equipment capabilities of the Fire Department; and

WHEREAS, Atascadero Municipal Code Section 9-15.1011 allows the Planning Commission the ability to modify signage standards, provided that the Planning Commission make the appropriate four (4) required findings; and

WHEREAS, the Atascadero General Plan Policy 2.1.2 allows the Planning Commission to grant up to a fifteen percent (15%) density bonus for “exceptionally high quality architecture” through required findings; and

WHEREAS, Official City of Atascadero Land Use and Zoning Maps reflect a portion of El Camino Real as right-of-way; however, this portion of right-of-way has been quitclaimed by the City of Atascadero through City Council Resolution 06-95; and

WHEREAS, the proposed abandoned portion of the right-of-way for Atascadero Avenue (Mall) is shown on portion of Lot 18, Block H-B, Atascadero Colony Subdivision, City of Atascadero, County of San Luis Obispo, State of California and filed for record on October 21, 1914, in Book 4 at Page 32 of Maps, approximately 0.24 acres, will become a part of the adjacent property currently zoned Downtown Commercial; and

WHEREAS, the proposed abandoned public use easement, approximately 0.11 acres, created by an offer of dedication per Official Record 88-O.R.-114 along El Camino Real will become a part of the adjacent property currently zoned Downtown Commercial; and

WHEREAS, the remaining right-of-way, approximately 74-feet, as shown in Lot 8 of Block H-B, and a portion of Lot 6 Block E-B, Atascadero Colony Subdivision, City of Atascadero, County of San Luis Obispo, State of California and filed for record on October 21, 1914, in Book 4 at Page 32 of Maps shall be closed to vehicular traffic, with the exception of a 20-foot paved section directly southeast of Lot 6, Block E-B; and

WHEREAS, an Initial Study and proposed Mitigated Negative Declaration, Environmental Document No. 2017-0018 was prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on November 21, 2017, and March 6, 2018 studied and considered Tentative Parcel Map (AT 17-0088) for PLN 2017-1649, after certifying Mitigated Negative Declaration Environmental Document No. 2017-0018, prepared for the project; and

WHEREAS, the City Council of the City of Atascadero, at a duly noticed Public Hearing held on March 27, 2018 studied and considered Tentative Parcel Map (AT 17-0088) for PLN 2017-1649, after certifying Mitigated Negative Declaration Environmental Document No. 2017-0018, prepared for the project.

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

SECTION 1. The City Council makes the following findings, determinations and approvals with respect to the Tentative Parcel Map, Road Abandonment and Road Closure:

A. Findings for Approval of Tentative Parcel Map

1. **FINDING:** The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan and the proposed Zone Text Change Amendment (Government Code §§ 66473.5 and 66474(a) and (b)).

FACT: The proposed subdivision has been designed and includes proposed improvements that are consistent with the City's adopted General Plan, in addition to the requirements that have been considered for the adoption of the Master Plan of Development.

2. **FINDING:** The site is physically suitable for the type of development (Government Code § 66474(c)).

FACT: The proposed site is suitable for this type of development as the grades are gently sloping. Based on the existing grades and proposed grading plan, the proposed subdivision contains a number of parcels and ultimately a number of residential air space condominiums and non-residential air space condominiums on Parcels 2 and 3 that are consistent with the density of the underlying Downtown Commercial (DC) zoning district.

3. **FINDING:** The site is physically suitable for the proposed density of development (Government Code § 66474(d)).

FACT: The site is a redevelopment of formerly developed commercial properties within the City's downtown core. The proposed development is consistent with the proposed density within the Downtown Commercial zoning district with an

appropriate mix of uses. Therefore, the project is consistent with the surrounding neighborhood and is suitable for the proposed density.

4. **FINDING:** The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat (Government Code § 66474(e)).

FACT: The proposed project has been analyzed, consistent with the California Environmental Quality Act (CEQA), through certified Mitigated Negative Declaration, Environmental Document No. 2017-0018. With the incorporation of mitigation measures, in addition to project conditions, the proposed project's impacts will be mitigated to a threshold of less than significant, therefore the proposed project will not create substantial environmental damage.

5. **FINDING:** The design of the subdivision or the type of improvements will not cause serious health problems (Government Code § 66474(f)).

FACT: The proposed project and the types of improvements includes the subdivision of seven (7) existing parcels into four (4) parcels with two (2) parcels for future condominium purposes which includes a total of 42 air space residential condominiums and eight (8) air-space non-residential condominiums. Because the proposed project is consistent with envisioned downtown redevelopment, and the improvements have been reviewed for consistency with the threshold established by the City, through adopted Ordinances, and City policies, the proposed project will not cause serious health problems.

6. **FINDING:** The design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision (Government Code § 66474(g)).

FACT: The installation of public improvements are necessary, prior to recordation of a Final Map, in order to ensure orderly development of the surrounding area (Government Code § 66411.1(b)(2)).

7. **FINDING:** The proposed project or use satisfies all applicable provisions of Title 9 of the Atascadero Municipal Code.

FACT: Public improvements that are included, as conditioned by the City Engineer, are required and consistent with the City's adopted General Plan, Master Facilities Plan, and Municipal Code. Therefore the proposed improvements are necessary to ensure orderly development of the surrounding area.

B. Findings for Roadway Abandonment SHC §8332

1. **FINDING.** The proposed road abandonment is consistent with the City's General Plan Land Use and Circulation Element. The Atascadero Mall right of way was

bisected by Highway 101 in the 1950's and no longer serves a necessary purpose for street access.

FACT. The Planning Commission received oral testimony by the project applicant, project representative, and interested persons prior to making a recommendation for vacation of public easements and roadway abandonment.

2. **FINDING.** The street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use

FACT. The Planning Commission, after hearing public testimony by persons interested in the vacation of a public easement along El Camino Real, and the abandonment of a portion of right-of-way in Atascadero Avenue directly adjacent to the proposed project, recommends to the City Council that these portions of right-of-way and public easements are unnecessary for the present or prospective use of the public and therefore should be vacated through recordation of Tentative Parcel Map AT 17-0088.

C. Findings for Partial Vehicular Closure SHC §1920

1. **FINDING.** The governing body of a city by resolution or ordinance removes a street from public use, or closes it to vehicular or pedestrian traffic, such resolution or ordinance may set forth such minimum maintenance requirements, including the maintenance of drainage, for the street as the governing body determines are necessary for the public safety.

FACT. The Planning Commission recommended, through approval of a resolution, to the City Council that a portion of Atascadero Avenue be closed to vehicular traffic; however, public right-of-way shall be retained for the use of pedestrians, and bicyclists, and shall continue to be maintained by the City necessary for public safety.

SECTION 2. The City Council takes the following actions with respect to roadway abandonment pursuant to §8332 and partial vehicular closure pursuant §1920 to of the California Streets and Highways Code:

A. Abandoning a portion of the right-of-way on Atascadero Avenue (Mall) shown as a portion of Lot 18, Block H-B, Atascadero Colony Subdivision, City of Atascadero, County of San Luis Obispo, State of California and filed for record on October 21, 1914, in Book 4 at Page 32 of Maps, approximately 0.24 acres, converting this portion of property to a General Plan Land Use Designation of Downtown (D), and a Zoning District of Downtown Commercial (DC);

B. Abandoning a public use easement, approximately 0.11 acres created by an offer of dedication per Official Record 88-O.R.-114 along El Camino Real and reverting this portion of property to a General Plan Land Use Designation of Downtown (D), and a Zoning District of Downtown Commercial (DC);

C. Approximately 74-feet of right-of-way, owned and maintained by the City of Atascadero, as shown in Lot 8 of Block H-B, and a portion of Lot 6 Block E-B, Atascadero

Colony Subdivision, City of Atascadero, County of San Luis Obispo, State of California and filed for record on October 21, 1914 in Book 4 at Page 32 of Maps shall be closed to vehicular traffic, with the exception of a 20-foot paved section directly southeast of Lot 6, Block E-B to construct a public pedestrian plaza.

SECTION 3. Approval of Tentative Parcel Map. The City Council, of the City of Atascadero, in a regular session assembled on April 10, 2018, resolved to approve Tentative Parcel Map (AT 17-0088) for PLN 2017-1649, and accompanying road abandonment, subject to the following, on file in the City Clerk’s Office and incorporated herein by reference:

1. EXHIBIT A: Tentative Parcel Map
2. EXHIBIT B: Road Abandonment Map
3. EXHIBIT C: Conditions of Approval
4. EXHIBIT D: Grading & Drainage Plan
5. EXHIBIT E: Utility Plan

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2018.

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

Tom O’Malley, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit B - ROAD ABANDONMENT MAP

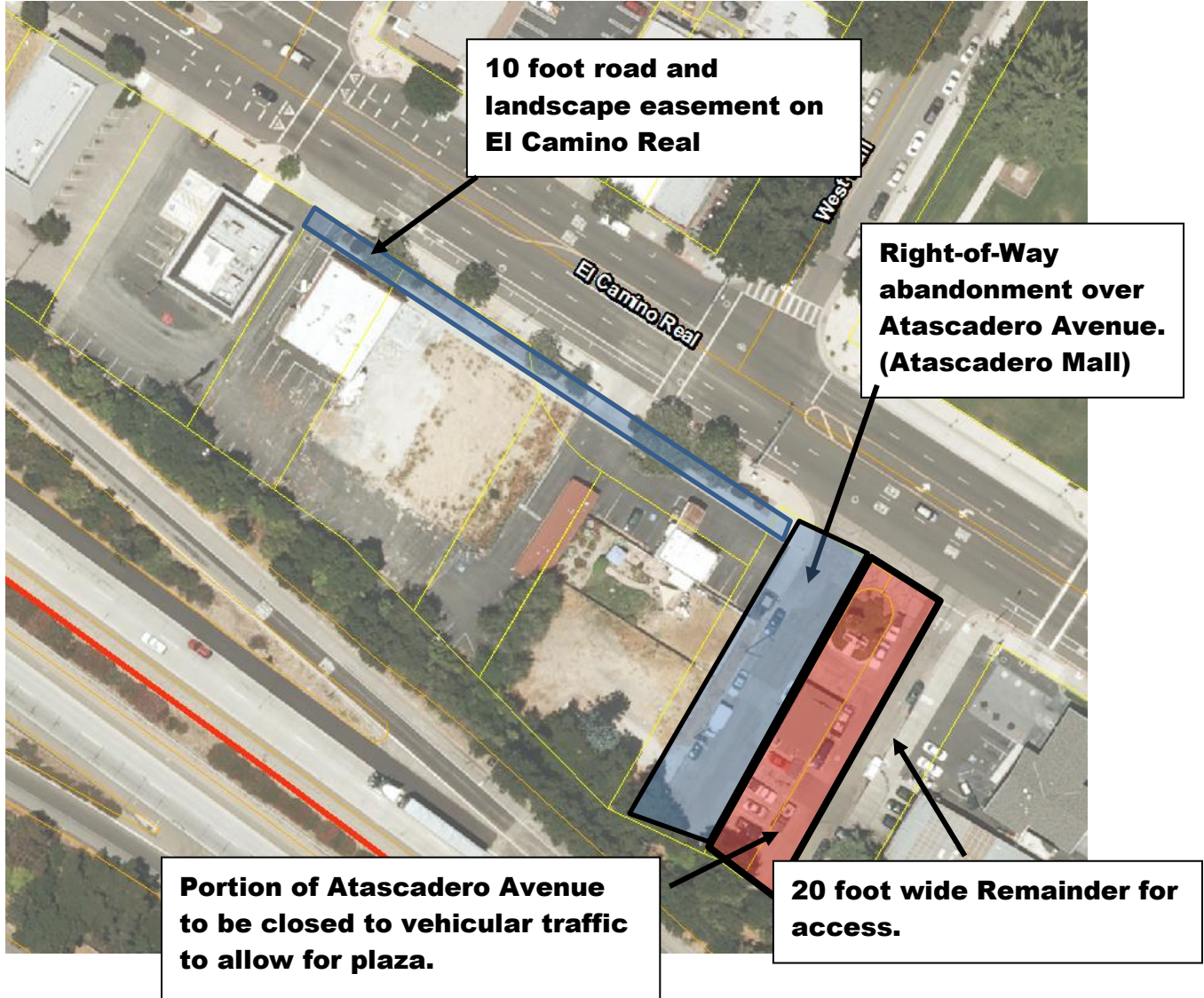


Exhibit C
Conditions of Approval
City of Atascadero

PLN 2017-1649
LA PLAZA DOWNTOWN REDEVELOPMENT
TENTATIVE PARCEL MAP AT 17-0088
Road Abandonment
6500 EL CAMINO REAL
PARENT APN 030-193-001,003,017,016, 031,030,033

The following conditions of approval apply to the project referenced above. The conditions of approval are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of the required compliance.

A. General Conditions.

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

2. Prior to recordation of the Parcel Map, the Applicant shall establish ~~a~~ Property Owners' Associations, or similar funding mechanism approved by the City, to provide sufficient funds on an annual basis to pay for the operation, maintenance and future replacement of privately owned-in-common subdivision improvements. The engineer of record shall prepare and submit an estimated operating budget and capital improvement replacement analysis for review and approval by the City Engineer, prior to recordation of the Parcel Map. Separate Owners' Associations may be required to be established for the commercial and residential portions of the project, to the satisfaction of the City of Atascadero. The HOA documents shall establish that residential occupancy shall not preclude the operation, permitting, hours of operation or land use allowed within the first floor commercial spaces. PLN

3. Prior to recording the Final Map, the Applicant shall have the map reviewed by the public utility providers for power, telephone, gas, cable TV, and the Atascadero Mutual Water Company. The Applicant shall obtain a letter from each utility company stating that the easements and rights-of-way shown on the map for public utility purposes are acceptable. PWD

4. Documents that the City of Atascadero requires to be recorded concurrently with the Final Map (e.g.: off-site rights-of-way dedications, easements not shown on the map, agreements, etc.) shall be listed on the certificate sheet of the map. PWD

5. The City of Atascadero may require an additional map sheet for information purposes in accordance with the Subdivision Map Act. PWD

6. The El Camino Real pedestrian entry/exit doors serving any building shall not swing into the public right-of-way more than one foot. PWD
7. The proposed waterfall structure in front of Building A shall be located entirely within the subject property and shall not encroach into the public right-of-way. PWD
8. The relocation of the existing public sewer main shall be completed prior to issuance of, or, in conjunction with the issuance of building permits for the southerly most building (Tentative Parcel 3). PWD
9. Atascadero Mall Plaza improvements shall be completed prior to occupancy of Buildings A or B.
10. Rights-of-way acquisitions and/or abandonments shall be completed in accordance with City regulations, the Streets and Highways Code, the Subdivision Map Act, and to the satisfaction of the City Engineer. Public rights-of-way abandonments completed through the Parcel Map process shall be adequately identified on the certificate sheet of the map as well as on subsequent map sheets. PWD
11. All plans shall contain the City of Atascadero "Standard Notes for Improvement Plans" on file in the City Engineer's office. PWD
12. Rights-of-way abandonments shall be completed through the Parcel Map process in accordance with City regulations, the Streets and Highways Code, the Subdivision Map Act, and to the satisfaction of the City Engineer.
13. Easements that are not intended to continue in perpetuity shall not be shown on the Parcel Map and shall be recorded by separate instrument.
14. Frontage improvements shall be designed and constructed in accordance with City adopted standards and specifications including but not limited to decorative paver bands, street furniture, tree wells, trash containers, raised planters, etc. Paver bands along the back of curb or within the pedestrian plaza shall be stamped concrete pavement that matches the City adopted standard paver pattern and color.

B. Roadway Improvements

15. Construction of the new driveway approach, northwesterly of Building A, requires removal of the existing driveway approach serving the adjacent northwesterly property. Vehicular access to this property shall be combined with the subject property. PWD
16. Pedestrian ramps on El Camino Real shall be constructed on each side of the street type entrance located between Buildings A and B. PWD
17. The southeasterly 20-feet of Atascadero Mall shall be extended southwesterly as a vehicular access drive to a point that provides adequate vehicular access to the adjacent southerly property, to the satisfaction of the Public Works Director and Community Development Director. PWD
18. Improvement of Atascadero Mall northwesterly of the access drive and adjacent to the subject property shall be improved as a public plaza and shall include pedestrian channelization (including physical barriers such as raised planters, decorative fencing or short walls, planter islands, etc.) necessary to direct pedestrians exiting the pedestrian tunnel through the open plaza area, to the PWD

satisfaction of the City Engineer and Community Development Director.

19. The applicant shall coordinate with the Regional Transit Authority regarding the relocation and modification to the existing bus shelter and bus stop. Final location shall be approved by the Regional Transit Authority and the City Engineer. PWD
20. Roadway signing, striping, and traffic signal modifications shall be in accordance with the California Manual on Uniform Traffic Control Devices (CA-MUTCD) and shall be designed and constructed to the satisfaction of the City Engineer. PWD

C. Wastewater Collection System

21. The public gravity sewer system within the subject property shall be modified in accordance with City Standards and to the satisfaction of the City Engineer. The new sewer main system shall be offered to the public and shall include a 20-foot wide public sewer easement. The wastewater collection system shall be designed and constructed in accordance with City standards and specifications, to the satisfaction of the City Engineer. PWD
22. Gravity sanitary sewer (SS) mains shall terminate in manholes. PWD
23. The on-site sewer laterals shall be privately owned and maintained by individual lot owners. PWD
24. Each lot served by the wastewater collection system shall pay all sewer fees prior to the issuance of a building permit. PWD

D. Stormwater

25. The project shall be designed and constructed in accordance with the post-construction storm water management regulations in accordance with City Standards and the State RWQCB Resolution R3-2013-0032. PWD
26. Common drainage basins (serving multiple lots) shall be designed to desilt, detain and meter storm flows in accordance with City regulations. PWD
27. Storm Sewer shall be of either cast-in-place or precast reinforced concrete pipe, polyvinyl chloride pipe, high density polyethylene pipe or an approved equal. PWD
- Minimum pipe diameter allowable on any storm drain within a roadway or road right-of-way shall be 18" diameter. A lesser size may be used for down drains on fill slopes if approved by the City Engineer.
 - Minimum design velocity in closed conduits shall be 2 f.p.s. when conduit is flowing to capacity and should not exceed 15 f.p.s.
 - Closed conduits shall be designed to convey the 10-year storm flow with gravity flow, the 25-year storm flow with head, and provide a safe overland route for the conveyance for the 100-year storm overflow.
 - Manholes or junction boxes, entry to which does not fall in the gutter line, must have standard 24" diameter manhole covers. Those falling in the gutter line may use the standard grated manhole cover and serve also as an inlet manhole.
28. Prior to approval of subdivision improvement plans, the project engineer shall provide calculations and a report confirming compliance with City regulations and the low-impact development requirements. PWD
29. When a Storm Water Operation - Maintenance Plan (OMP) is required for an individual lot or group of lots, the City Engineer can require the OMP to be recorded as an agreement against each property. When recordation of an OMP agreement is required, the agreement shall contain provisions allowing the City to enter the property, following reasonable notice to the property owner or tenant, to PWD

conduct an inspection of the storm water system and post-construction storm water management controls.

- 30. When an OMP is required, the OMP shall include a section addressing annual inspection and reporting to the City by a third party, to the satisfaction of the City Engineer. PWD

E. Easements

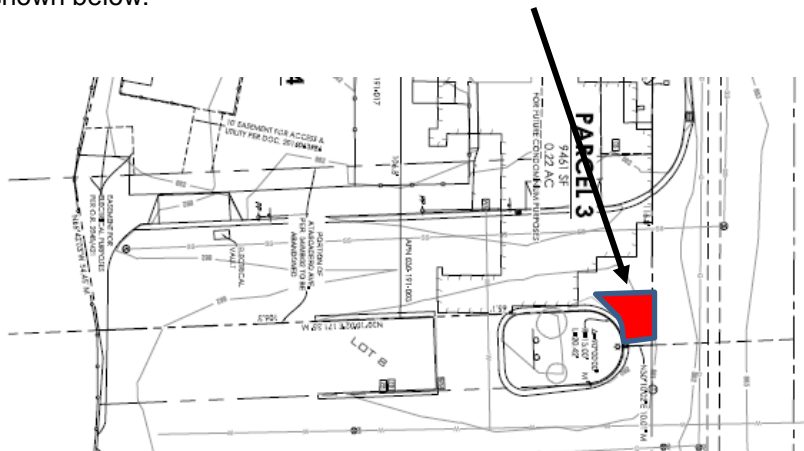
- 31. On-site easements for ingress, egress, pedestrian traffic, drainage, utilities, etc., shall be shown on the Parcel Map, or, created by separate documents to be approved by the City Engineer and City Attorney (as necessary) and recorded concurrently with the Parcel Map. PWD
- 32. Driveways serving more than one lot shall require an easement/maintenance agreement for ingress/egress, public & private utilities, and drainage, to the satisfaction of the City Engineer and Community Development Director. PWD
- 33. Drainage easements shall be dedicated over areas containing drainage improvements that benefit or serve more than one property. The determination as to whether the easement is private or offered to the public will be determined by the City Engineer prior to approval of the subdivision improvement plan and Parcel Map. PWD
- 34. Wherever an easement is created for commonly owned or operated improvements for the benefit of more than one lot, there shall also be created a maintenance and operations agreement, to the satisfaction of the City Engineer and City Attorney. PWD
- 35. Easements that are not intended to continue in perpetuity shall not be shown on the Parcel Map and shall be recorded by separate instrument. PWD

F. Utilities

- 36. New utility distribution systems and services shall be constructed underground, to the satisfaction of the City Engineer. PWD

Each parcel shall be served with separate services for water, sewer, gas, power, telephone and cable TV. Utility laterals shall be located and constructed to each lot in accordance with City Standards and Standard Specifications. PWD

- 37. The right of way abandonment shall exclude that portion of right of way between El Camino Real and the City's property at Atascadero Mall as shown below:



****END CONDITIONS****



Atascadero City Council

Staff Report – Public Works Department

Participation in a Regional Economic Impact Study and Strategy

RECOMMENDATION:

Council authorize the Director of Administrative Services to appropriate \$40,000 of General Fund reserves in fiscal year 2018-2019 for the City's participation in a regional economic impact study and strategy on the impending closure of the Diablo Canyon Power Plant.

DISCUSSION:

In June 2016, Pacific Gas and Electric Company (PG&E) announced that the Diablo Canyon Nuclear Power Plant will close by 2024-2025 after a decommissioning process with a corresponding loss of jobs and estimated loss of \$920 million in economic impacts to the region. An Economic impact study prepared by PG&E in 2013 (https://www.pge.com/includes/docs/pdfs/shared/edusafety/systemworks/dcpp/PGE_Economic_Impact_Report_Final.pdf) showed the following regional impacts from Diablo Canyon Power Plant (DCPP):

- In 2011 there were 2016 Diablo Canyon employees living in Atascadero with a total payroll of \$29,881,338.
- In 2011 there were an estimated 3,357.5 jobs created regionally by DCPP.
- The total economic impact of DCPP on the local economy in 2011 was \$919,823,060.
- \$222,300,000 was spent by employees of DCPP, their suppliers and their suppliers' suppliers.
- DCPP's economic impact "is spread across a wide spectrum of the local economy, including medical services, restaurants and bars, real estate firms, investment management firms, etc."
- DCPP paid over \$30.8 million in property and unitary taxes in 2011.
- In 2011 90 local non-profit organizations shared a total of \$1.1 million in PG&E charitable funds.
- PG&E collectively volunteered 32,585 hours in 2011

The closure of Diablo Canyon Power Plant will have a large impact on all sectors of the economy in the region. In 2011, it was estimated that DCPD either directly or indirectly generated about 8% of the local economy. In order to maintain the region's economic health during the closure, it is important to understand the impacts, devise a plan to mitigate the impacts and then to implement the plan.

In response to this announced closure, the County along with San Luis Obispo Coastal School District and other cities in the county formed a coalition that negotiated a settlement with PG&E to establish a Community Impact Mitigation Program (CIMP) providing \$85 million in direct funding to local agencies to proactively plan for and implement the plan to offset economic impacts. In January 2018, the California Public Utilities Commission (CPUC) rejected the proposed CIMP as part of the Diablo Canyon closure as the Commission determined it lacked the legislative authority to approve PG&E ratepayer funding for the mitigation funds. A legislative strategy is now being pursued by the coalition to provide such authority to the CPUC.

Because development and implementation of a region-wide strategy will take time, there is regional interest from both business/industry and government to begin undertaking the regional economic impact study and strategy. The CIMP included \$400,000 in funding towards the cost of such a study and thus the rejection of these funds has led to considering other methods of funding this study.

The Economic Vitality Corporation (EVC) issued a Request for Proposals in 2017 to identify potential firms to conduct this study and Vital Systems) to carry out this work. The Vital Systems Study/Strategy (also referred to as an Economic Impact Analysis/Financial Impact Analysis or EIA/FIA) would be a multi-phased study including detailed impacts for each city and development of a regional economic strategy.

The Vital Systems Study/Strategy would be conducted in conjunction with a broader study authorized by the State Legislature in 2015 (SB 968) to analyze the impacts of nuclear power plant closures. UC Berkeley has been selected to conduct this SB 968 study this spring which should provide some useful information that will assist the Vital Systems Study/Strategy. It is hoped that the Vital Study/Strategy will build upon the UC Berkeley study, therefore total costs of the Vital Study/Strategy are unknown at this time, however it is estimated that costs, including project management costs, will be under \$1,000,000 for the region. The Vital study/strategy would be conducted over the next 2-3 years.

City Managers within the county have worked with the County Administrative Officer to develop a County/Cities cost-sharing model to fund \$627,000 of the Vital Study/Strategy. The allocation is based on a methodology of population, General Fund budget, and number of Diablo Canyon employees residing within the respective jurisdiction. Atascadero's contribution based on this methodology is \$39,600 as shown below.

Agency	Amount
County of San Luis Obispo	\$ 325,000
City of San Luis Obispo	90,000
City of Paso Robles	57,600
City of Pismo Beach	39,600
City of Atascadero	39,600
City of Arroyo Grande	28,800
City of Morro Bay	25,200
City of Grover Beach	21,600
	<u>\$ 627,400</u>

All other San Luis Obispo City Councils and the Board of Supervisors have considered participation in the Vital Study/Strategy. Arroyo Grande did not authorize participation at this time, however all other cities and the county did agree to participate. After local agencies have made funding commitments for the study, the EVC will work with businesses and other regional partners such as Cal Poly and PG&E to make their own funding contributions for this study. Staff will keep the Council apprised of these upcoming developments in preparation for the start of this study.

Given the importance of working collaboratively to develop a regional economic vision, staff is recommending that the Council provide a policy commitment to authorize the City's participation in this study and provide direction for staff to appropriate funds for the project as part of the City's 2018-19 budget. EVC staff will be present at the Council meeting and can provide more information about the study.

FISCAL IMPACT:

One-time appropriation of \$40,000 in General Fund Reserves in fiscal year 2018/2019 and staff costs associated with Atascadero's participation in the regional economic impact study and strategy.

ALTERNATIVE:

The City of Atascadero could chose not to participate in the regional economic impact study and strategy. The City would not receive detailed information regarding the projected impact on Atascadero businesses, nor would it be able to participate in developing the strategy to mitigate economic impacts in Atascadero and the region.

ATTACHMENTS:

None