



CITY OF ATASCADERO CITY COUNCIL AGENDA

MEETING INFORMATION:

The City Council meeting will be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

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

https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

HOW TO SUBMIT PUBLIC COMMENT:

Public comment may be provided in-person.

Written public comments are accepted at cityclerk@atascadero.org. **Comments should identify the Agenda Item Number in the subject line of the email.** Such comments will be forwarded to the City Council and made a part of the administrative record. **To ensure distribution to the City Council before consideration of an item, please submit comments not later than 12:00 p.m. the day of the meeting.** All correspondence will be distributed to the City Council, posted on the City's website, and be made part of the official public record of the meeting. **Please note, comments will not be read into the record.** Please be aware that communications sent to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under applicable law. Communications will not be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT ACCOMMODATIONS:

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

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

Pursuant to Government Code § 84308, City Council Members are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the City Council Member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the City's decision on the agenda item since January 1, 2023. Members of the City Council who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a City Council Member since January 1, 2023, are required to disclose that fact for the official record of the subject proceedings. Disclosures must include the amount of the campaign contribution and identify the recipient City Council Member and may be made either in writing to the City Clerk before the agenda item or by verbal disclosure during consideration.

City Council agendas and minutes may be viewed on the City's website:

www.atascadero.org/agendas

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



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, July 9, 2024

City Hall Council Chambers, Fourth Floor
6500 Palma Avenue, Atascadero, California

| | |
|---|------------------|
| <u>City Council Regular Session:</u> | 6:00 P.M. |
|---|------------------|

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

PLEDGE OF ALLEGIANCE: Mayor Moreno

ROLL CALL:
Mayor Moreno
Mayor Pro Tem Funk
Council Member Bourbeau
Council Member Dariz
Council Member Newsom

PRESENTATIONS:

1. Proclamation Declaring July as Parks Make Life Better Month

A. CONSENT CALENDAR: (All items on the consent calendar are considered routine and non-controversial by City staff and will be acted upon by a single action of the City Council unless otherwise requested by an individual Council Member for separate consideration. Public comment on Consent Calendar items will be invited prior to action on the Calendar.)

1. City Council Draft Minutes – June 25, 2024, Regular Meeting

- **Recommendation:** Council approve the June 25, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

2. Dove Creek Mixed-use Project

- **Fiscal Impact:** The proposed project is expected to generate revenue through Transient Occupancy Tax (TOT) from the hotel units and sales tax from the retail commercial uses. Based on City policy, this project is required to annex automatically into the established Community Facilities District (CFD) to offset the cost of City services for the new residential units.
- **Recommendation:** Council adopt on second reading, by title only, Draft Ordinance amending Title 9 of the Atascadero Municipal Code by approving text amendments to the Planned Development #12 Overlay Zone, based on findings, and subject to conditions of approval. [Community Development]

3. Reject Bids for 2024 Measure F-14 Pavement Rehabilitation Project

- Fiscal Impact: Estimated expenditures of \$2,500 of design consultant fees, public advertisement, and staff time toward the project budget.
- Recommendation: Council:
 1. Reject all three received bids for the 2024 Measure F-14 Pavement Rehabilitation Project (Project No. C2023R01).
 2. Direct the City Engineer to evaluate and implement measures to reduce project costs and resolicit construction bids for the 2024 Measure F-14 Pavement Rehabilitation Project. [Public Works]

4. Design Award for 2025 Measure F-14 Pavement Rehabilitation Project

- Fiscal Impact: Estimated expenditures of \$208,950 from Sales Tax Measure F-14 Funds for the design phase of the 2025 F-14 Project. The adopted Budget includes \$50,000 in FY23/24 for the 2025 F-14 Project and \$100,000 in FY24/25, with a total project budget of \$2,800,000.
- Recommendation: Council award a professional services agreement with Rick Engineering Company for \$208,950 to provide design engineering and prepare bidding documents for the 2025 Measure F-14 Pavement Rehabilitation Project (Project No. C2024R01). [Public Works]

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 (805) 470-3400, or cityclerk@atascadero.org.)

B. PUBLIC HEARINGS:

1. Amendment to Grand Oaks Paseo Master Plan of Development

- Fiscal Impact: As the project is already within the boundaries of the Citywide Community Facilities District, the added units above the community center are required to be automatically included within the special tax district, providing fiscal neutrality for the amended project site. Other requested changes will have no affect.
- Recommendation: Planning Commission recommends Council:
 1. Introduce for first reading, by title only, Draft Ordinance amending Planned Development Overlay Zone #27 for the Grand Oaks Paseo project.
 2. Adopt Draft Resolution approving amendments to the Grand Oaks Paseo Master Plan of Development (AMND24-0045) to modify the common open space and amenity plan, delete unit 14, and add 2 residential units above the community building, based on findings and subject to conditions of approval. [Community Development]

C. MANAGEMENT REPORTS: None.

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

Mayor Moreno

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

Mayor Pro Tem Funk

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

Council Member Bourbeau

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

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. Community Action Partnership of San Luis Obispo (CAPSLO)
4. Design Review Committee
5. Visit SLO CAL Advisory Committee

Council Member Newsom

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

- E. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

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

ADJOURNMENT



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, June 25, 2024

City Hall Council Chambers, Fourth Floor
6500 Palma Avenue, Atascadero, California

City Council Regular Session:

6:00 P.M.

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

Mayor Moreno called the meeting to order at 6:01 P.M. and Mayor Moreno led the Pledge of Allegiance.

ROLL CALL:

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

Absent: Council Member Newsom

Others Present: City Treasurer Sibbach (by teleconference)

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, City Attorney Dave Fleishman, Deputy City Manager – IT Luke Knight, Police Commander Jeffrey Wilshusen, Battalion Chief David Van Son, Planning Manager Kelly Gleason, Senior Planner Xzandrea Fowler, and Public Works Analyst Ryan Betz.

A. CONSENT CALENDAR:

1. **City Council Draft Minutes – June 11, 2024, Regular Meeting**

- **Recommendation:** Council approve the June 11, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

2. **May 2024 Accounts Payable & Payroll**

- **Fiscal Impact:** \$4,611,545.51.
- **Recommendation:** Council approve certified accounts payable, payroll and payroll vendor checks for May 2024. [Administrative Services]

3. **Atascadero Transit Driver Services Contract Award**

- **Fiscal Impact:** Awarding a contract with MV Transportation would result in an estimated contract amount of \$229,635 for FY24/25. Atascadero DAR is funded through fare box revenue and state and federal transit funds.

- Recommendation: Council award a contract with MV Transportation, Inc. to provide Atascadero Dial-A-Ride transit driver services for \$229,635 for FY24/25 contract term with four optional one-year extensions. [Public Works]

4. Ballot Measures – Ordinances Second Reading

- Fiscal Impact: The proposed sales tax measure, extending Measure F-14, would generate an estimated \$3 million in annual revenue. The total cost of placing the measures on the ballot is estimated to be approximately \$12,000 of budgeted General Funds.
- Recommendation: Council:
 1. Adopt on second reading, by title only, Draft Ordinance A amending Title 3, Chapter 17 of the Atascadero Municipal Code, extending a transactions and use tax to be administered by the California Department of Tax and Fee Administration.
 2. Adopt on second reading, by title only, Draft Ordinance B amending Title 2, Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code, stating that the City Treasurer is appointive and authorizing the City Manager to appoint the City Treasurer, subject to adoption by the electorate.
 3. Adopt Draft Resolution amending Resolution Nos. 2024-036, 2024-037, 2024-038, and 2024-039 to add a ballot measure title and further clarify the ballot question for added transparency. [City Clerk]

5. Objective Design Standards – Ordinance Second Reading

- Fiscal Impact: None.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance entitled “An ordinance of the City Council of the City of Atascadero, California, amending Title 9: Planning and Zoning, to adopt objective design standards and other related amendments for consistency.” [Community Development]

6. Labor Agreements and Salary Schedules

- Fiscal Impact: For Fiscal Year 2024-2025, it is estimated that salary adjustments will cost approximately \$430,000, about \$90,000 of which is already budgeted. Fiscal Years 2025-2026 and 2026-2027 are expected to cost an additional \$1.7 million combined. Additional costs for the workers’ compensation coverage will be about \$76,500.
- Recommendation: Council:
 1. Approve the Memorandum of Understanding for Service Employees International Union Local 620.
 2. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
 3. Approve the Side Letter of Agreement for Atascadero Police Association
 4. Approve the Salary Schedule for Fiscal Years 2024-2025, 2025-2026, and 2026-2027.
 5. Authorize the Director of Administrative Services to appropriate \$225,000 in General Fund Reserves, \$15,000 in Gas Tax Funds, \$60,000 in Wastewater Funds, \$10,000 in Building Maintenance and Replacement Funds and \$30,000 in Technology Funds for the salary adjustments for Fiscal Year 2024-2025.
 6. Authorize the Director of Administrative Services to appropriate \$76,500 in General Fund Reserves for the workers’ compensation insurance for Fiscal Year 2024-2025. [City Manager]

7. Design Engineer Contract Amendment for the ECR Project (El Camino Real Downtown Infrastructure Enhancement Project)

- **Fiscal Impact:** Approving staff's recommendation will result in estimated expenditures of \$80,280 from the El Camino Real Downtown Infrastructure Enhancement Project budgeted funds. At the May 28, 2024, Council meeting when the construction contract was awarded, the estimated expenditures for Design Engineering Construction Support was \$50,000, or a net difference of \$30,280 from the construction contingency of \$528,186.
- **Recommendation:** Council authorize a contract amendment with Wallace Group for \$80,280 to perform additional work associated with construction phase engineering support, survey monument perpetuation, and preparation of final construction as-builts for the El Camino Real Downtown Infrastructure Enhancement Project (Project No. C2017T01). [Public Works]

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Devon Haggie and Geoff Auslen.

Mayor Moreno closed the Public Comment period.

MOTION BY: Funk

SECOND BY: Dariz

- 1. Approve Consent Calendar (#A-3: Contract No. 2024-009) (#A-4: Ordinance Nos. 672 through 673; Resolution No. 2024-040) (#A-5: Ordinance No. 671) (#A-6: Contract Nos. 2024-010 through 011; Resolution No. 2024-041) (#A-7: Contract No. 2021-032[A4]).**

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following persons spoke on this item: Thom Waldman, Tori Keen, Randy Carminati, Devon Haggie, Geoff Auslen, and David Ledger.

B. PUBLIC HEARINGS:

1. Dove Creek Mixed-use Project

- **Fiscal Impact:** The proposed project is expected to generate revenue through Transient Occupancy Tax (TOT) from the hotel units and sales tax from the retail commercial uses. Based on City policy, this project is required to annex into the established Community Facilities District (CFD) to offset the cost of City services for the new residential units.
- **Recommendation:** Planning Commission recommends Council:
 1. Introduce for first reading, by title only, a Draft Ordinance amending Title 9 of the Atascadero Municipal Code by approving text amendments to the Planned Development #12 Overlay Zone, based on findings.

2. Adopt a Draft Resolution approving a Conditional Use Permit (DEV23-0079) to amend the Dove Creek Master Plan of Development (CUP 2003-0099) for the Dove Creek commercial parcel, modify the parking requirement and hotel development standards, and approve Vesting Tentative Tract Map (TR 3229) for a lot and condominium airspace subdivision and find that the project is consistent with the previously certified Mitigated Negative Declaration (EDN 2004-0026) prepared for the Dove Creek Development Project, based on findings and subject to conditions of approval. [Community Development]

Ex-Parte: All Council Members reported receiving emails from Dove Creek residents regarding the project. Mayor Pro Tem Funk reported conversations with Dove Creek homeowners and the developers of the proposed project.

Community Development Planning Manager Gleason and Senior Planner Fowler gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Thom Jess, Steve Ross, Susan Harvey, Bob Gold, Tim LaSalle, Devon Haggie, Jack Phelan, Ted Lawton, Randy Carminati, David Singer, and Geoff Auslen.

Mayor Moreno recessed the meeting at 8:01 P.M.

Mayor Moreno reconvened the meeting at 8:17 P.M.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. Introduce for first reading, by title only, Ordinance No. 674 amending Title 9 of the Atascadero Municipal Code by approving text amendments to the Planned Development #12 Overlay Zone, based on findings, with the following changes:

Section 9-3.657 Establishment of Planned Development Overlay Zone No. 12 (PD12):

- 1) Artisan Food and Products;
- 2) Bar/Tavern;
- 3) Farmer's Market;
- 4) Food and beverage retail sales;
- 5) General Retail;
- 6) Indoor Recreation Services;
- 7) Microbrewery/Brewpub;
- 8) Tasting Room;
- 9) Winery – Boutique;
- 10) Temporary or seasonal sales;
- 11) Financial services;
- 12) Offices;
- 13) Temporary offices;
- 14) Personal services;
- 15) Eating and drinking places;
- 16) Membership organizations;
- ~~17) Schools—business and vocational;~~

- 18) Hotels and motels;
- 19) Bed and breakfast;
- ~~20) Libraries and museums;~~
- 21) Temporary events.

2. Adopt Resolution No. 2024-042 approving Conditional Use Permit to amend the Dove Creek Master Plan of Development for the Dove Creek commercial parcel, modify the parking requirement and hotel development standards, and approve Vesting Tentative Tract Map for a lot and condominium airspace subdivision and find that the project is consistent with the previously certified Mitigated Negative Declaration prepared for the Dove Creek Development Project, based on findings and subject to conditions of approval, and directed staff to update the conditions to include language covering the following changes:

- **Remove Condition #15**
- **Add requirement that hotel maintain a 24 hour local contact**
- **Add requirement that a separate deed covenant be recorded prior to, or concurrently with recordation of the final map that includes:**
 - **Vehicles required to be parked in garages**
 - **Residential until cannot be used for short-term rental with the exception of owner or long-term tenant occupied homes**
- **Add requirement for traffic signs and pavement markings on Bliss and Cashin as approved by the City Engineer.**

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

2. Apple Valley Assessment District

- Fiscal Impact: Annual assessments for 2024/2025 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.
- Recommendation: Council:
 1. Adopt Draft Resolution A, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 (Apple Valley), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.
 2. Adopt Draft Resolution B, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 01 (Apple Valley).
 3. Adopt Draft Resolution C, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 (Apple Valley), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.
 4. Adopt Draft Resolution D, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 01 (Apple Valley). [Administrative Services]

Ex-Parte: None.

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

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. **Adopt Resolution No. 2024-043, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 (Apple Valley), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.**
2. **Adopt Resolution No. 2024-044, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 01 (Apple Valley).**
3. **Adopt Resolution No. 2024-045, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 (Apple Valley), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.**
4. **Adopt Resolution No. 2024-046, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 01 (Apple Valley).**

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

3. De Anza Assessment District

- **Fiscal Impact:** Annual assessments for 2024/2025 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$1,400 for the Fiscal Year 2024/2025 for half of the maintenance costs of the trails and open space.
- **Recommendation:** Council:
 1. Adopt Draft Resolution A, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 (De Anza Estates), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.
 2. Adopt Draft Resolution B, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
 3. Adopt Draft Resolution C, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 03 (De Anza Estates), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.
 4. Adopt Draft Resolution D, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 03 (De Anza Estates). [Administrative Services]

Ex-Parte: None.

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

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. **Adopt Resolution No. 2024-047, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 (De Anza Estates), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.**
2. **Adopt Resolution No. 2024-048, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 03 (De Anza Estates).**
3. **Adopt Resolution No. 2024-049, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 03 (De Anza Estates), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.**
4. **Adopt Resolution No. 2024-050, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 03 (De Anza Estates).**

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

4. Las Lomas (Woodridge) Assessment District

- **Fiscal Impact:** Annual assessments for 2024/2025 will total \$101,506 for road/drainage system maintenance and \$76,014 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the Fiscal Year 2024/2025 for 25% of the maintenance costs of the trails and open space.
- **Recommendation:** Council:
 1. Adopt Draft Resolution A, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.
 2. Adopt Draft Resolution B, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]).
 3. Adopt Draft Resolution C, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 02 (Las Lomas [Woodridge]), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.
 4. Adopt Draft Resolution D, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 02 (Las Lomas [Woodridge]). [Administrative Services]

Ex-Parte: None.

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

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. **Adopt Resolution No. 2024-051, approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]), and the levy and collection of annual assessments related thereto for Fiscal Year 2024/2025.**
2. **Adopt Resolution No. 2024-052, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Street and Storm Drain Maintenance District No. 02 (Las Lomas [Woodridge]).**
3. **Adopt Resolution No. 2024-053, approving the final Engineer's Report regarding the Landscaping and Lighting District No. 02 (Las Lomas [Woodridge]), and the levy and collection of annual assessments related thereto in Fiscal Year 2024/2025.**
4. **Adopt Resolution No. 2024-054, ordering the levy and collection of assessments for Fiscal Year 2024/2025 for Landscaping and Lighting District No. 02 (Las Lomas [Woodridge]).**

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

5. Adopting Sewer Service Charges to be Added to the 2024-2025 Property Tax Rolls

- **Fiscal Impact:** The City estimates it will collect approximately \$4,783,551 in sewer service charges for Fiscal Year 2024-25. Revenue from sewer service charges is paid to the City twice each year. An additional two dollars are added to each property on the tax roll to cover the County fee to administer the levy process.
- **Recommendation:** Council:
 1. Conduct a public hearing to receive verbal testimony regarding the proposed sewer service charges to be levied onto property tax rolls.
 2. Adopt Draft Resolution approving sewer service charges to be added to the 2024-2025 property tax rolls. [Public Works]

Ex-Parte: None.

Public Works Director DeBar and Public Works Analyst Betz gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau
SECOND BY: Funk

1. Adopt Resolution No. 2024-055 approving sewer service charges to be added to the 2024-2025 property tax rolls.

AYES (4): Bourbeau, Dariz, Funk, and Moreno
ABSENT (1): Newsom

Passed 4-0

C. MANAGEMENT REPORTS: None.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

2. County Mayors Round Table

Council Member Bourbeau

3. Integrated Waste Management Authority (IWMA)

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

ADJOURNMENT:

Mayor Moreno adjourned the meeting at 9:40 P.M.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



CITY OF ATASCADERO

CITY COUNCIL STAFF REPORT

Item A2

Department: Community Development
Date: 7/9/24
Placement: Consent

TO: JAMES R. LEWIS, CITY MANAGER
FROM: PHIL DUNSMORE, COMMUNITY DEVELOPMENT DIRECTOR
PREPARED BY: XZANDREA FOWLER, SENIOR PLANNER

SUBJECT: Dove Creek Mixed-use Project

RECOMMENDATION:

Council adopt on second reading, by title only, Draft Ordinance amending Title 9 of the Atascadero Municipal Code by approving text amendments to the Planned Development #12 Overlay Zone, based on findings, and subject to conditions of approval.

DISCUSSION:

On June 25, 2024, the City Council reviewed a proposed mixed-use development project for the Dove Creek commercial site. At that meeting, the City Council approved a Conditional Use Permit (DEV23-0079) to amend the Dove Creek Master Plan of Development (CUP 2003-0099) for the Dove Creek commercial parcel, modify the parking requirements and hotel development standards, and approve Vesting Tentative Tract Map (TR 3229) for a 7-lot and condominium airspace subdivision.

The proposed project consists of:

- 71 residential condominium units with 24 one-bedroom and 47 two-bedroom units divided among 4 separate residential buildings.
- A 20-room hotel with a full kitchen in each unit with a mix of one- and two-bedroom units.
- 14,840 square feet of commercial tenant space divided among 4 separate buildings that are clustered around a communal courtyard.
- A Vesting Tentative Tract Map to create a 7-lot and condominium airspace subdivision.

A review and update to the Planned Development #12 (PD-12) Overlay Zone was also necessary to accommodate the uses envisioned in the proposed project. The City Council introduced the ordinance for first reading at the June 25, 2024, meeting, consistent with the amended Master Plan of Development, and made the following changes to the PD-12 language:

- Typographical correction to retain *Microbrewery/Brewpub* as an allowable use on the PD-12 use list.
- Removed *Libraries and Museums* and *Schools – Business and Vocational* from the allowable PD-12 use list.
- Changed *Financial Services, Membership Organizations, and Offices* to be conditionally allowable uses on the PD-12 use list.

The action also included the following modifications to the conditions of approval for the Master Plan of Development.

- Added conditions of approval to address the following:
 - Requirements for a local hotel manager
 - Reservation of residential garages for vehicle parking
 - Limitation on short-term rental of the 71 residential units
 - Removal of the inclusionary housing deed restriction requirement in favor of affordability by design allowances
 - Additional traffic control measures on Cashin Street at El Camino Real

ENVIRONMENTAL DETERMINATION:

A Mitigated Negative Declaration (EDN 2004-0026) was certified by the City Council on September 14, 2004, for the Dove Creek development. The Mitigated Negative Declaration (MND) evaluated the entire Dove Creek Master Plan and specifically analyzed the potential impacts of the commercial development on the project site with 60,000 sq. ft. of future commercial retail space, including a 26,500 sq. ft. anchor tenant.

To support a determination of consistency with the previously certified MND, the applicant prepared a series of comparative analysis to evaluate whether the project would result in a greater impact on resources than previously identified. The applicant team provided analysis related to traffic and sewer capacity. The traffic analysis showed a reduction in anticipated peak-hour trips based on the proposed mix of land uses. The sewer capacity analysis showed that, while there will likely be an increase in peak flows, the sewer lines as designed are sized appropriately to accommodate the proposed development.

FISCAL IMPACT:

The proposed project is expected to generate revenue through Transient Occupancy Tax (TOT) from the hotel units and sales tax from the retail commercial uses. Based on City policy, this project is required to annex automatically into the established Community Facilities District (CFD) to offset the cost of City services for the new residential units.

REVIEWED BY OTHERS:

This item has been reviewed by the Community Development Director and Administrative Services Director.

REVIEWED AND APPROVED FOR COUNCIL AGENDA



Lara K. Christensen, Deputy City Manager

ATTACHMENTS:

1. Draft Ordinance

DRAFT ORDINANCE

**ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO
MUNICIPAL CODE, TITLE 9: PLANNING AND ZONING, APPROVING
TEXT AMENDMENTS TO THE PLANNED DEVELOPMENT #12
OVERLAY ZONE**

**DOVE CREEK MIXED-USE
MONTAGE DEVELOPMENT, INC.
(DEV23-0079)**

WHEREAS, an application has been received from Montage Development, Inc. (23945 Calabasas Road, Suite 116, Calabasas, CA 91302), Applicant and Seung M. Yoon (6130 Via Huerto Court, Atascadero, CA 93422), Owner, to consider a project consisting of a Zoning Text Change to Planned Development Overlay Zone No.12, a Vesting Tentative Tract Map, an Amendment to the Master Plan of Development (Conditional Use Permit), and Modification of the Parking Requirement and the Hotel Development Standards; and

WHEREAS, the site's current General Plan Land Use Designation is Mixed-Use Planned Development (MU-PD); and

WHEREAS, the site's current Zoning Designation is Commercial Retail (CR) with a Planned Development No. 12 (PD 12) overlay; and

WHEREAS, PD12 was established in 2004 with the approval of the Dove Creek Development and modifications to the zoning overlay district are necessary for consistency with the revised Master Plan of Development; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Planned Development Overlay #12 for consistency with the revised Master Plan of Development, including incorporation of land use definitions updated between overlay zone adoption in 2004 and today; and

WHEREAS, the site has previously been identified by the City Council as a key development opportunity site for future mixed-use/residential development (in commercial zoning districts) with a maximum allowable density of 24 units per acre; and

WHEREAS, the minimum lot size in the CR zoning district is 2 acres; and

WHEREAS, smaller lot sizes are allowed for commercial projects that provide shared access and parking and are designed as an integrated commercial center; and

WHEREAS, the proposed subdivision will result in seven parcels ranging from 0.33 to 2.74 acres with allowances for residential and/or commercial condominium airspace units on each parcel to accommodate individual sale of residential units and commercial tenant spaces; and

WHEREAS, the Atascadero Municipal Code allows for the establishment of custom Planned Development Overlay Zones to create custom zoning for unique projects and allow for a mix of commercial and residential uses that would otherwise not be permitted by underlying zoning; and

WHEREAS, shared parking and access easements are required to be recorded to ensure that all parcels have legal access from the adjacent rights-of-way; and

WHEREAS, the project was reviewed by the Design Review Committee at their regularly scheduled meeting on September 14, 2023; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject 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 application; 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.

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

SECTION 1. Planning Commission Recommendation. The Planning Commission of the City of Atascadero, on May 21, 2024, held a timely and properly noticed Public Hearing upon the subject Title 9 Atascadero Municipal Code amendments in association with the Amendment to the Master Plan of Development (CUP 2003-0099), Vesting Tentative Tract Map (TR 3229), at which hearing evidence, oral and documentary, was admitted on behalf of said amendments and the Planning Commission recommended that City Council approve the proposed text amendments.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on June 25, 2024, considered testimony and reports from staff and the public and introduced for first reading, by title only, an Ordinance amending Title 9 of the Atascadero Municipal Code.

SECTION 3. Facts and Findings. The City Council makes the following findings and determinations for approval of the proposed text amendments:

A. Findings for Zone Text Amendment:

1. **FINDING:** The proposed project or use is consistent with the General Plan, and all other applicable ordinances and policies of the City.

FACT: The General Plan has designated the project site as Mixed-Use Planned Development which allows a mixture of commercial, office, and residential uses with a focus on pedestrian orientation and connections between different uses throughout the project area. The General plan allows for a horizontal or vertical mixture of uses with the approval of a Planned Development Overlay Zone and an accompanying Master Plan of Development. Planned Development #12 and a Master Plan of Development were previously approved for the project site.

The proposed text amendment establishes a maximum residential density of 71 residential units for the project site, which is consistent with the 24 du/ac maximum residential density that is allowed for mixed-use developments in commercial zoning districts.

2. 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; and

FACT: The proposed development will be located at the intersection of Santa Barbara Road and El Camino Real. As proposed, the commercial uses will be adjacent to El Camino Real and the residential uses will front Santa Barbara Road, Bliss Street, and Cashin Street. Adequate access to the site is provided off Cashin Street and Bliss Street per the originally approved Dove Creek master plan. The site design has been reviewed by all City departments for consistency with code requirements. Impacts have been analyzed through the previously certified Initial Study/Mitigated Negative Declaration (MND) No. 2004-0026. As conditioned, the project will not be detrimental or unsafe to those working, visiting, or living on the project site or those within the surrounding neighborhoods.

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

FACT: The proposed project is within the existing Dove Creek neighborhood, comprised of small-lot single-family residences fronting Bliss Street and Cashin Street. The project has been designed to focus residential uses adjacent to existing residential units with the proposed 2-story residential buildings fronting Bliss and Cashin Streets, and the 3-story residential building fronting Santa Barbara Road. The development pattern of the proposed project is similar to the conceptual site plan that was originally approved to be the commercial component of the Dove Creek Master Plan. Commercial uses have been internal to the project site or adjacent to El Camino Real to provide a visual buffer between existing residences and the higher-intensity commercial and multi-family uses.

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

FACT: A Mitigated Negative Declaration (MND) No.2004-0026 was certified by the City Council on September 14, 2004. The MND evaluated the entire Dove Creek Master Plan and specifically analyzed the potential impacts of a commercial development on the project site that included 60,000 SF of future commercial retail space, including a 26,500 SF anchor tenant. While the residential villages identified in the analyzed project have been built and occupied as planned, the commercial center never developed and is now the location of the proposed mixed-use project.

To supplement the analysis of the previously certified MND for the project site, the applicant prepared a series of comparative analyses to evaluate whether the project would result in a greater impact to resources that previously identified. The applicant team provided analyses related to traffic and sewer capacity. The traffic analysis showed a reduction in anticipated peak hour trips based on the proposed mix of land-uses. The sewer capacity analysis showed that, while there will likely be an increase in peak flows, the sewer lines as designed are sized appropriately to accommodate the proposed development.

5. **FINDING:** The proposed zone change is consistent with the CEQA Findings.

FACT: The proposed text amendment is minor and will not result in an environmental impact. A mix of commercial and residential uses is allowable in the Commercial Retail zoning district and PD 12.

B. Findings for Planned Development Overlay Zone

1. **FINDING:** The modification of development standards or processing requirements is warranted to promote orderly and harmonious development

FACT: The proposed project includes commercial uses that are distinctive, attractive, and can contribute to the long-term economic viability of the community. The mix of residential and commercial uses on the project site will contribute to the viability of the commercial tenants. The proposed site plan and conceptual landscape plan include pedestrian walkways that connect to existing pedestrian walkways within the broader neighborhood. All proposed uses will utilize a singular looped driveway access and parking will be shared. The project site was previously identified and approved for commercial development within the existing Planned Development zoning designation and the Master Plan for The Villages of Dove Creek. The project will maintain and enhance the existing street trees and landscaping that pedestrians in this neighborhood are accustomed to.

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

FACT: The proposed project includes a mix of commercial uses that generate sales and transient occupancy tax revenue that the city can use to further support public services. The proposed short-term rental hotel units will provide a service that doesn't exist near the City's south gateway and is in growing demand.

3. FINDING: The benefits derived from the overlay zone cannot be reasonably achieved through existing development standards for processing requirements

FACT: The Commercial Retail zone allows for mixed-use development with up to 24 units per acre. Generally, residential units must be located above ground-floor commercial space. Residential uses may only be located on the ground floor with the approval of a planned development overlay zone. As the project site is located within PD12, an amendment to the Master Plan of development and overlay zone allows for the proposed configuration.

The addition of ground floor residential uses within the proposed mixed-use development will serve as a transition between the existing residential use along Bliss and Cashin Streets and the commercial uses within the project site core and along El Camino Real. The addition of residential uses on the ground floor of the proposed mixed-use development will also help the city achieve its Regional Housing Needs Allocation (RHNA) objectives.

4. FINDING: The proposed plans, if any, offer certain redeeming features to compensate for requested modifications

FACT: The City Council has adopted a policy listing potential benefits for consideration when approving a Planned Development overlay zone. The Dove Creek Project was found to provide community benefit during the original approval of the project in 2004. Per City Council policy, benefits include high-quality architectural and landscape design, buffering between uses, higher density to meet Housing Element goals, pocket parks, and walkways for pedestrian connectivity. Modification of the Master Plan of Development for the 5-acre commercial site will not significantly change the nature and community benefit of the project, however, the added community-based commercial uses and increased housing opportunities will enhance the community benefit provided in the Dove Creek development. As designed and conditioned, the proposed amended project meets the findings for approval.

SECTION 4. CEQA. Because of the facts set forth in Section 3, the proposed zone text amendment is exempt from further environmental review under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA Guidelines (14 California Code of Regulations §§ 15000, *et seq.*) because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(5), 15061(b)(3).

SECTION 5. Approval. The City Council of the City of Atascadero adopts the proposed text amendments to the Atascadero Municipal Code, as shown in the following exhibit:

1. Exhibit A: Planned Development #12 Overlay Zone Amendment

SECTION 6. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 9. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero’s book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on June 25, 2024, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on July 9, 2024.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Dave Fleishman, City Attorney

EXHIBIT A: PROPOSED MUNICIPAL CODE TEXT AMENDMENT – TITLE 9

§ 9-3.657 Establishment of Planned Development Overlay Zone No. 12 (PD12).

Planned Development Overlay Zone No. 12 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 12 is established on all parcels within Tract 2626 including any future subdivision thereof with a total gross acreage of 63.3 acres. The maximum residential density within the planned development shall not exceed 350 residential units, including a maximum base residential density for the vacant commercial site at 71 residential units, consistent with the previous environmental analysis for the project site. A minimum 5.19-acre commercial retail property and 27.7 acres of common and natural open space on the 63.3-acre project site shall be provided. The development standards contained within the master plan of development document (CUP 2003-0099) and DEV23-0079, as conditioned shall be applied to all future development within the project area, and as follows:

- (a) The Vesting Tentative Tract Map (TTM 2003-0033) and Vesting Tentative Tract Map (TR 3229) and any subsequent amendments for the site shall be consistent with CUP 2003-0099 and DEV23-0079. All construction and development shall conform to the approved master plan of development, as conditioned.
- (b) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.
- (c) The commercial area, residential dwelling units, landscaping, walls, and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.
- (d) Building setbacks lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.
- (e) Alterations or additions to established dwelling units shall be subject to the density and development standards of the master plan of development.
- (f) Subsequent amendments to the master plan of development shall be approved by Planning Commission Resolution.
- (g) The commercial center will retain the Commercial Retail zoning district designation. The following allowable uses are proposed for this district within the PD12 overlay zone:

- 1) Artisan Food and Products;
- 2) Bar / Tavern;
- 3) Farmer's Market;
- 4) Food and beverage retail sales;
- 5) General Retail;
- 6) Indoor Recreation Services;
- 7) Microbrewery / Brewpub;
- 8) Tasting Room;
- 9) Winery – Boutique;
- 10) Temporary or seasonal sales;
- 11) Temporary offices;
- 12) Personal services;

- 13) Eating and drinking places;
- 14) Hotels and motels;
- 15) Bed and breakfast; and
- 16) Temporary events-

(h) The conditionally allowed uses within the Commercial Retail zone shall be limited to the following:

- 1) Amusement Services;
- 2) Financial Services;
- 3) Indoor Recreation Services;
- 4) Membership Organizations;
- 5) Multi-Family Dwelling; and
- 6) Offices.

(i) All residential and open space use shall be consistent with the requirements of the underlying zoning district except as allowed by the master plan of development.

(Ord. 462 § 2, 2004; Ord. 538 § 2, 2009)



CITY OF ATASCADERO

CITY COUNCIL STAFF REPORT

Item A3

Department: Public Works
Date: 7/9/24
Placement: Consent

TO: JAMES R. LEWIS, CITY MANAGER

FROM: NICK DEBAR, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

PREPARED BY: JOE MURPHY, ASSOCIATE CIVIL ENGINEER

SUBJECT: Reject Bids for 2024 Measure F-14 Pavement Rehabilitation Project

RECOMMENDATIONS:

Council:

1. Reject all three received bids for the 2024 Measure F-14 Pavement Rehabilitation Project (Project No. C2023R01).
2. Direct the City Engineer to evaluate and implement measures to reduce project costs and resolicit construction bids for the 2024 Measure F-14 Pavement Rehabilitation Project.

DISCUSSION:

Background:

Sales Tax Measure F-14 was approved by voters in November 2014 to fund the repair, maintenance, and rehabilitation of City-maintained local roadways with a one-half cent sales tax over twelve years. A list of projects to be funded with Measure F-14 revenue is developed each budget cycle by employing the Critical Point Management technique with the City's Pavement Management Program. The roadway segments in the chart below are part of the 2024 Measure F-14 Pavement Rehabilitation Project and included in the current Budget and 5-Year Capital Improvement Program (CIP). This project has a total of 3.65 centerline road miles, or 7.30 lane miles. A map showing these segments is also attached for reference (Attachment 1).

Earth Systems Pacific (ESP) performed pavement testing services and preliminary design recommendations, which were then coordinated with Rick Engineering in final design work and preparing construction plans and specifications for the project. Ash Street, portions of Bella Vista Road, Birch Street, portions of Carmelita Avenue, Catalpa Street, Cuesta Court, Flores Road, Hermosa Avenue, portions of Las Lomas Avenue, Maple Street, portions of Montecito Avenue, Pinewood Court, portions of San Diego Way, San Gabriel Road, and Willow Court are proposed to be reconstructed using a traditional base/asphalt section, while portions of Carmelita Avenue, Monita Road, portions of San Diego Way, San Rafael Court, and Sierra Vista Road will be treated using a mill and overlay process, which is a more cost-effective reconstruction method that was selected for use on these roadways after evaluation of subgrade soil stabilities and traffic volumes. Portions of Las Lomas Avenue and Montecito Road will be rehabilitated with a

combination of digouts and deep lift paving in specific locations, crack sealing, and cape sealing. All treatment options were based on an assessment of subgrade quality, current roadway conditions, and traffic volumes.

Bid Analysis

The project was publicly bid starting May 20, 2024, for a minimum of 30 days in accordance with State Contracting Laws and Atascadero Purchasing Policies. A public bid opening occurred on June 20, 2024, and three bids were received, ranging from \$4,250,000 to \$6,651,651. The bids were reviewed for accuracy and compliance with project bidding requirements, and the City Engineer has determined that Cen-Cal Construction of Bakersfield is the lowest responsive bidder at \$4,250,000. The engineer's estimate of probable construction costs is \$3,900,000.

While the total project budget of \$3,900,000 is the same as the engineer's estimate and close to the low bid amount, construction project budgets include other "soft" or non-construction costs such as engineering, surveying, inspection, materials testing, administration, etc. that typically range from 15% to 25% of construction costs. Construction project budgets also include construction contingencies for unknowns and unexpected costs during construction that typically range from 10% to 20% of construction costs. This leaves roughly 70% to 80% of the total project budget for a target construction contract amount. For the 2024 F-14 Rehabilitation Project, the target construction contract amount is between \$2,800,000 to \$3,000,000 with a 15% and 10% construction contingency, respectively. This leaves a funding shortfall of \$1,250,000 to \$1,450,000 to award the low bid of \$4,250,000.

The project funding shortfall is primarily related to increased construction costs (inflation) since the project budget amount was developed for the current adopted budget. Budget amounts for pavement projects are based upon assumed general condition and PCI of the roadway, whereas engineers' estimates at time of bidding are based upon topographic surveys, geotechnical investigations performed with the design phase. In addition, the 2024 F-14 Rehabilitation Project is a large project and includes a higher number of roadway segments (19) and length (3.53 miles) than previous rehabilitation projects.

The City also received a bid protest from the second low bidder, Souza Construction, on June 21, 2024, alleging that Cen-Cal's bid proposal had irregularities and is non-responsive. The bid protest alleged: 1) that one of Cen-Cal's subcontractors had a suspended contractor license; 2) that Cen-Cal did not provide copies of valid Certificates of Reported Compliance (CRC) issued by California Air Resources Board (CARB); and 3) Cen-Cal's Designated Subcontractor Information Sheet had inaccurate values related to percentile of work.

CONCLUSION

While staff believes that the low bid proposal from Cen-Cal Construction is favorable and fair, the available fund reserves in Measure F-14 to cover the \$1.25 to \$1.45 million funding shortfall would reduce the fund reserve significantly. Staff recommends that Council reject all bids and resolicit bid proposals for the project. Staff will evaluate and investigate ways to reduce the

project costs or repackage the project to include a base bid schedule and additive alternative bid schedules to allow options for meeting the current project budget. This will likely result in delaying construction of several road segments and adding to next year's 2025 F-14 Rehabilitation Project. This could also have a reverberative effect on delaying road segments on the 2025 F-14 Project and subsequent F-14 projects. Staff will update all project costs and restructure programmed roadway segments in the Five-Year Capital Improvement Plan (CIP) in early 2025 as part of the upcoming Fiscal Years 2025-2027 budget cycle.

Pursuant to California Public Contracting Code 20166, the City Council "may reject any bids presented and readvertise." Staff recommends that Council reject all project bidders and direct the City Engineer to evaluate and implement measures to reduce project costs for the 2024 Measure F-14 Pavement Rehabilitation Project, and to resolicit construction bids. In light of the recommendation to reject all bids, the bid protest from Souza Construction is moot.

FISCAL IMPACT:

Approving staff recommendations and rebidding the project will result in estimated expenditures \$2,500 of design consultant fees, public advertisement, and staff time toward the project budget.

ALTERNATIVES TO THE STAFF RECOMMENDATION:

Council may elect to award the project to Cen-Cal Construction for \$4,250,000, or with a slight reduction in work scope, and allocate additional project funding up to \$1,450,000 in Measure F-14 Fund reserves. However, this may result in a significant drop in Measure F-14 Fund reserves that could delay future projects.

REVIEWED BY OTHERS:

This item has been reviewed by the Administrative Services Director.

REVIEWED AND APPROVED FOR COUNCIL AGENDA



Lara K. Christensen, Deputy City Manager

ATTACHMENTS:

1. Project Location Map
2. Bid Summary

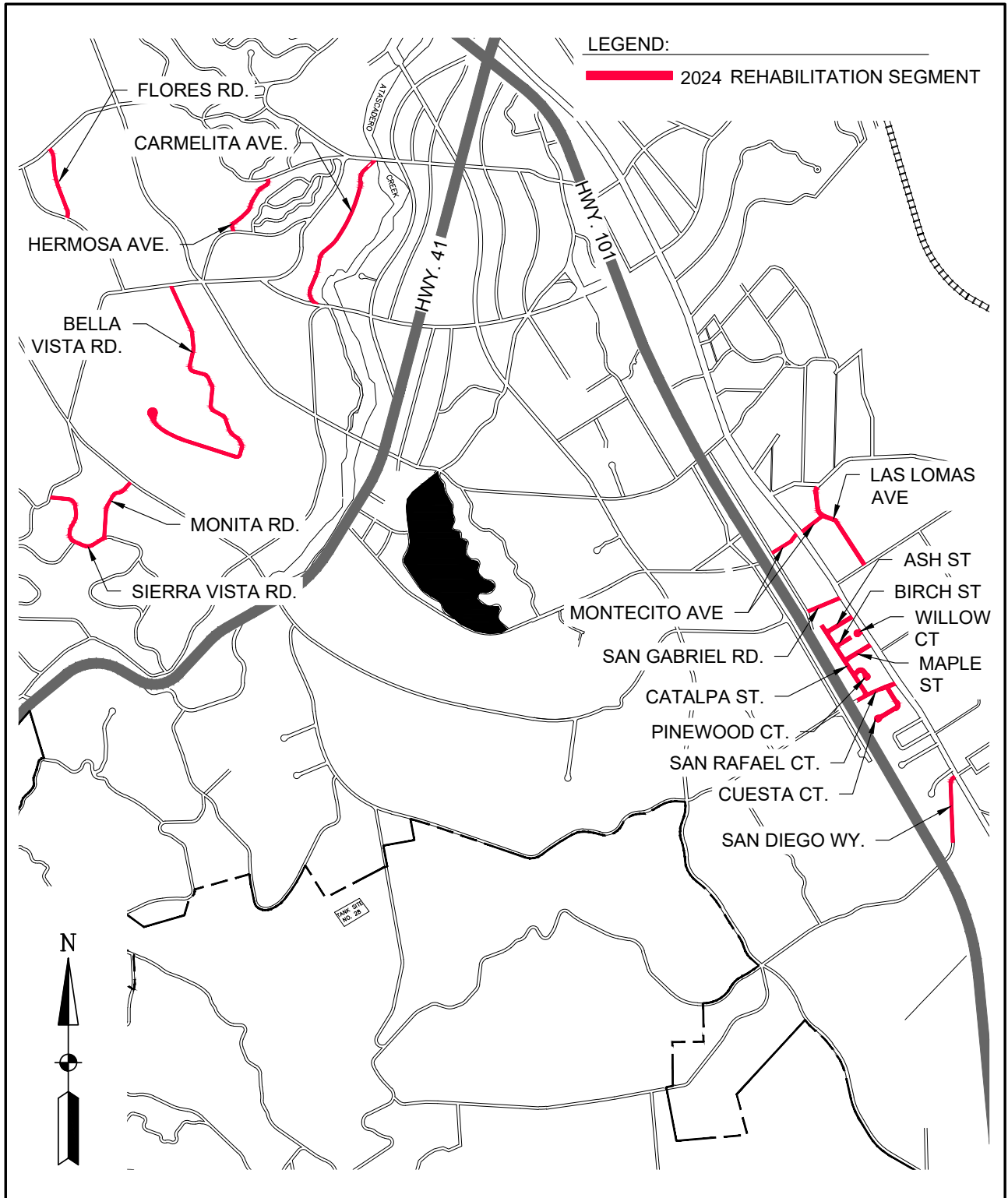



EXHIBIT
**2024 F-14 PMP PROJECT
 STREET LOCATIONS**

| | |
|-----------|----------|
| DRAWN BY: | R. HAYES |
| DATE: | 5/5/2023 |
| SCALE: | 1"=2000' |
| PAGE NO: | 1 OF 1 |

City of Atascadero

Office of the City Clerk

Bid Summary

TO: Public Works
FROM: Dillon James, Deputy City Clerk 
BID NO.: 2024-002
OPENED: 6/20/2024
PROJECT: 2024 Measure F-14 Pavement Rehabilitation Project

3

Bids were received and opened today, as follows:

| <u>Name of Bidder</u> | <u>Base Bid Total</u> | <u>Add Alternate</u> |
|-----------------------|-----------------------|----------------------|
| Cen-Cal Construction | \$4,250,000.00 | |
| Souza Construction | \$4,787,879.00 | |
| Papich Construction | \$6,651,651.00 | |
| | | |
| | | |
| | | |



CITY OF ATASCADERO

CITY COUNCIL STAFF REPORT

Item A4

Department: Public Works
Date: 7/9/24
Placement: Consent

TO: JAMES R. LEWIS, CITY MANAGER
FROM: NICK DEBAR, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER
PREPARED BY: JOE MURPHY, ASSOCIATE CIVIL ENGINEER

SUBJECT: Design Award for 2025 Measure F-14 Pavement Rehabilitation Project

RECOMMENDATION:

Council award a professional services agreement with Rick Engineering Company for \$208,950 to provide design engineering and prepare bidding documents for the 2025 Measure F-14 Pavement Rehabilitation Project (Project. No. C2024R01).

DISCUSSION:

Background:

Sales Tax Measure F-14 was approved by voters in November 2014 to fund the repair, maintenance, and rehabilitation of City-maintained local roadways with a one-half cent sales tax over twelve years. A list of projects to be funded with Measure F-14 revenue is developed each budget cycle by employing the Critical Point Management technique with the City’s Pavement Management Program. The below list of roadway segments was selected by this process and included with the 2025 Measure F-14 Pavement Rehabilitation Project (2025 F-14 Project). A project map is also attached for reference.

Road Segments in 2025 Measure F-14 Pavement Rehabilitation Project

| Road Name | Beginning Location | Ending Location | Length (ft) | Area (sq ft) | 2024 PCI |
|----------------|--------------------|-----------------|-------------|--------------|----------|
| Los Osos Rd | Old Morro Road E | San Rafael Rd | 6,005 | 126,105 | 24 |
| San Andres Ave | Atascadero Ave | Marchant Ave | 1,470 | 35,280 | 32 |
| San Dimas Rd | Los Osos Rd | Toloso Rd | 940 | 20,680 | 32 |

In addition to the segments identified for the 2025 F-14 Project, funding shortfalls during the 2024 F-14 Project may result in delaying some road segments and constructing with the 2025 F-14 Project. The 2024 F-14 Project road segments are fully designed and plans are ready to be incorporated into the 2025 F-14 Project. At the time of this report, the 2024 F-14 Project is under consideration for re-bidding, so it is not known which road segments may be delayed. A list of possible candidates for delay and incorporation into the 2025 F-14 Project are listed below for reference.

Road Segments in the 2024 F-14 Project for Potential Inclusion in the 2025 F-14 Project

| Road Name | Beginning Location | Ending Location | Length (ft) | Area (sq ft) | 2019 PCI |
|-----------------|--------------------|------------------|-------------|--------------|----------|
| Bella Vista Rd | San Marcos Rd | End | 3,080 | 61,600 | 16 |
| Carmelita Ave | San Andres Ave | Curbaril Ave | 2,550 | 53,550 | 38 |
| Flores Rd | Santa Lucia Rd | Los Gatos Rd | 1,102 | 20,040 | 20 |
| Hermosa Ave | Navarette Ave | San Clemente Ave | 1,010 | 19,190 | 29 |
| Monita Rd | San Gabriel Rd | Sierra Vista Rd | 1,019 | 29,551 | 42 |
| Sierra Vista Rd | San Marcos Rd | Monita Rd | 1,510 | 49,830 | 45 |

All segments in both of the above lists (with the exception of San Andres Ave) are rural roads in the western portion of the City—part in the central-west and part in the southern-west. These roads are typically long segments that are narrow, hilly, and have little or no edge improvements or ADA features. San Andres Ave is more urban and shorter in length, and any adjacent pedestrian curb ramps will most likely need to be brought into compliance with current ADA requirements if substantial pavement repairs are completed.

Analysis

A Request for Proposals (RFP) was issued for the design phase of the 2025 F-14 Project in May 2024 with a work scope that includes pavement testing, topographic surveying, survey monument research, pavement engineering analysis, preparation of construction plans, specifications, cost estimates (PS&E), and providing engineering assistance during the bid process. Five proposals were received from Rick Engineering Company (Rick), AKA Engineering (AKA), BKF Engineers, Pavement Engineering Inc. (PERI), and Diversified Project Services International (DPSI), all with local offices in San Luis Obispo County. All five are qualified consultants with experience on similar projects.

A technical selection committee independently reviewed and scored each proposal considering experience with similar projects, responsiveness to City needs, experience of key personnel, and other factors. All proposals demonstrated the ability to complete the work, but Rick Engineering provided the best overall proposal for this project and is being recommended by the Public Works Director/City Engineer. Rick has a successful track record with the City, including completing design work for roughly half of the previous F-14 projects, including the 2024 F-14 Project. A detailed fee estimate worksheet was submitted with Rick’s proposal, and staff believes Rick’s fee is reasonable considering the extensive pavement testing, topographic surveying and intersection design that is needed. If awarded, Rick’s compensation will be based upon actual labor hours worked plus reimbursable expenses and subconsultant fees.

Design work is anticipated to take approximately six months to complete. Staff anticipates a public bid around May 2025 with construction occurring in the June through November 2025 timeframe.

FISCAL IMPACT:

Approving staff's recommendations in this report will result in estimated expenditures of \$208,950 from Sales Tax Measure F-14 Funds for the design phase of the 2025 F-14 Project. The adopted Budget includes \$50,000 in FY23/24 for the 2025 F-14 Project and \$100,000 in FY24/25, with a total project budget of \$2,800,000.

| ESTIMATED EXPENDITURES | |
|---|--------------------|
| Final Design Work (Rick Engineering & staff time) | \$250,000 |
| Construction Contract | \$1,950,000 |
| Coordination, Inspection, and Support @ 10% | \$200,000 |
| Construction Contingency @20% | \$400,000 |
| Total: | \$2,800,000 |

| PROPOSED FUNDING | |
|---|--------------------|
| Sales Tax Measure F-14 Fund: 2024 Pavement Rehab. Project | \$2,800,000 |
| Total: | \$2,800,000 |

ALTERNATIVES TO THE STAFF RECOMMENDATION:

Council can direct staff to resolicit for design engineering services for the project, but staff does not recommend this alternative since the top proposals received were highly qualified and were very competitive.

REVIEWED BY OTHERS:

This item has been reviewed by the Administrative Services Director.

REVIEWED AND APPROVED FOR COUNCIL AGENDA


Lara K. Christensen, Deputy City Manager

ATTACHMENT(S):

1. 2025 F-14 Project Location Map

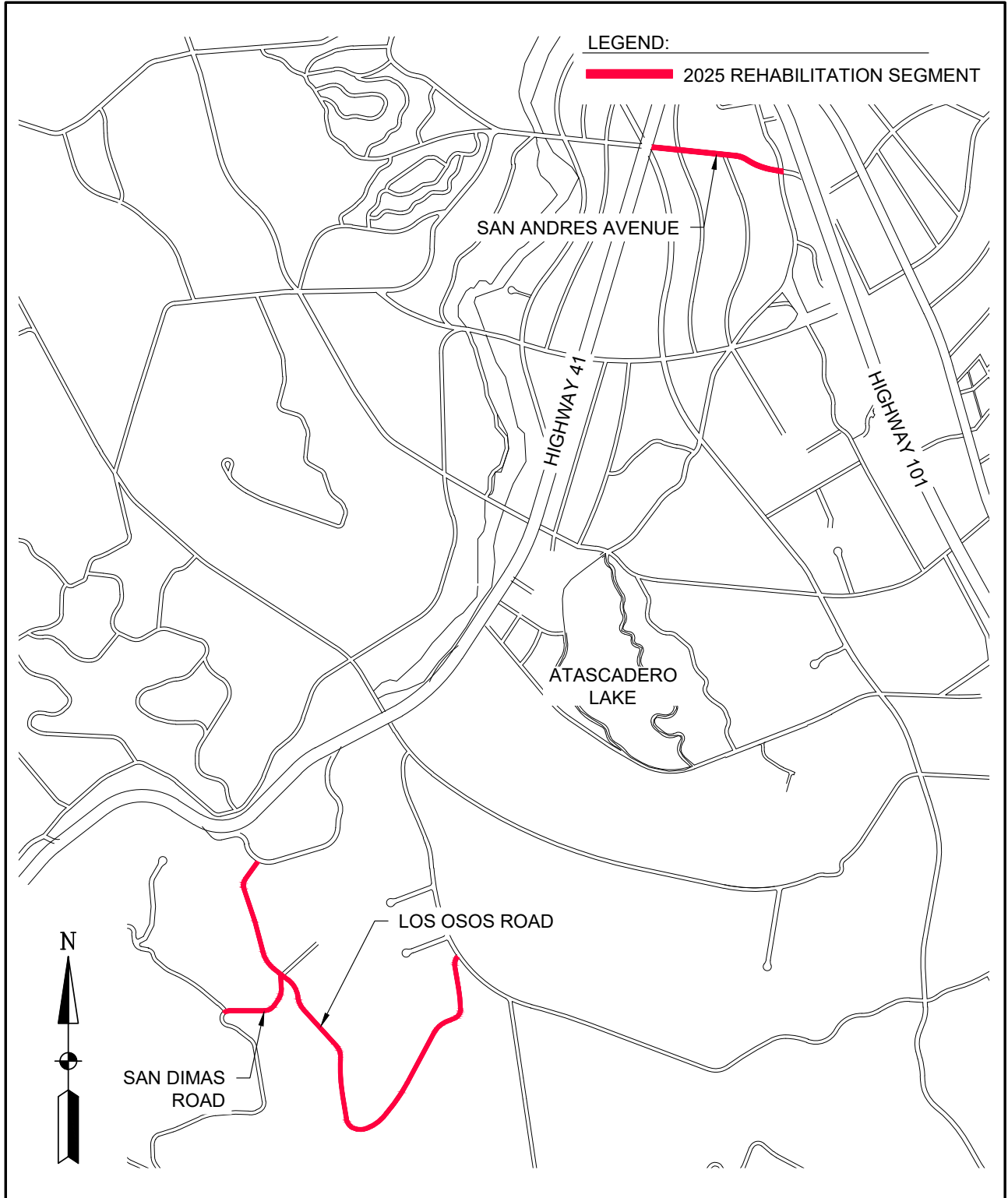


EXHIBIT
2025 F-14 PMP PROJECT
ROADWAY REPAIR LOCATIONS

| | |
|-----------|-----------|
| DRAWN BY: | R. HAYES |
| DATE: | 2/19/2023 |
| SCALE: | 1"=1500' |
| PAGE NO: | 1 OF 1 |



CITY OF ATASCADERO

CITY COUNCIL STAFF REPORT

Item B1

Department: Community Development
Date: 7/9/24
Placement: Public Hearing

TO: JAMES R. LEWIS, CITY MANAGER

FROM: PHIL DUNSMORE, COMMUNITY DEVELOPMENT DIRECTOR

PREPARED BY: KELLY GLEASON, PLANNING MANAGER

SUBJECT: Amendment to Grand Oaks Paseo Master Plan of Development

RECOMMENDATION:

Planning Commission recommends Council:

1. Introduce for first reading, by title only, Draft Ordinance amending Planned Development Overlay Zone #27 for the Grand Oaks Paseo project, and
2. Adopt Draft Resolution approving amendments to the Grand Oaks Paseo Master Plan of Development (AMND24-0045) to modify the common open space and amenity plan, delete unit 14, and add 2 residential units above the community building, based on findings and subject to conditions of approval.

REPORT IN BRIEF:

The project development team is requesting amendments to the Grand Oaks Paseo project to eliminate unit 14 and construct 2 units above the community building in exchange. The proposed amendment would also eliminate the carport structure but would retain the bike storage building. The HOA has expressed support for the proposed modifications. In addition to amendments to the Master Plan of Development and associated modifications to the Planned Development Overlay Zone, the developers are requesting changes to the construction phasing agreement.

DISCUSSION:

BACKGROUND

The Grand Oaks Development was approved by the City Council in November 2019. The project included a small-lot cottage subdivision with common area amenities and live-work townhomes along the El Camino Real frontage. The project included approval of a custom Planned Development Overlay Zone to allow for the small lot subdivision and subsequent sale of each unit.

In 2023, the applicant team requested a revision to the project amenity spaces due to financial feasibility of the project. Specifically, they requested elimination of a cottage on Lot 14 with a revised communal patio in its place, and elimination of the community building in favor of a

passive outdoor gathering space with a dog run. The amendments were approved by the Planning Commission but appealed to City Council. During the appeal hearing, the applicant team stated that they could retain and construct the community building if the cottage on lot 14 was constructed, thus maintaining the originally approved Master Plan of Development and increasing the financial viability of the project. The amendment was denied by City Council in favor of maintaining the original project scope and amenities. The City Council also authorized the City Manager to approve a project phasing plan to ensure construction of amenity spaces in a timely manner.

Since that time, the applicant team has worked with neighborhood residents and the Homeowner's Association on a plan to maintain the community building but eliminate the cottage on Lot 14. Early marketing efforts did not show construction on lot 14 and some residents requested collaboration on a plan that eliminated construction of a unit on this lot. Unit 14 blocks the views from surrounding units and interrupts the potential quality of the common open space. The applicant team is currently proposing a common area patio on Lot 14, the addition of 2 residential units over the community building, and elimination of the previously planned carport in response to this effort. This would increase the overall density of the project by one unit, which is still below the maximum number of units allowed by zoning but requires amendment to the Planned Development Overlay Zone language. With these changes, the phasing plan is proposed to be amended.

At this time, approximately 66% of the units are complete. The work-live portion of the project has begun, and the applicant team has been working on project revisions in coordination with the Homeowner's Association, which has expressed support for the proposed revisions.

The Planning Commission reviewed the item at the June 18, 2024, meeting and recommended approval of the proposed amendments as conditioned.

ANALYSIS

The proposed amendments include:

- Elimination of a cottage unit on Lot 14 and replacement with a communal outdoor patio
- Modification of the community building to include 2 second floor residential units. This necessitates an amendment to the PD overlay zone text for one additional residential unit.
- Elimination of the carport structure.

Existing Master Plan of Development

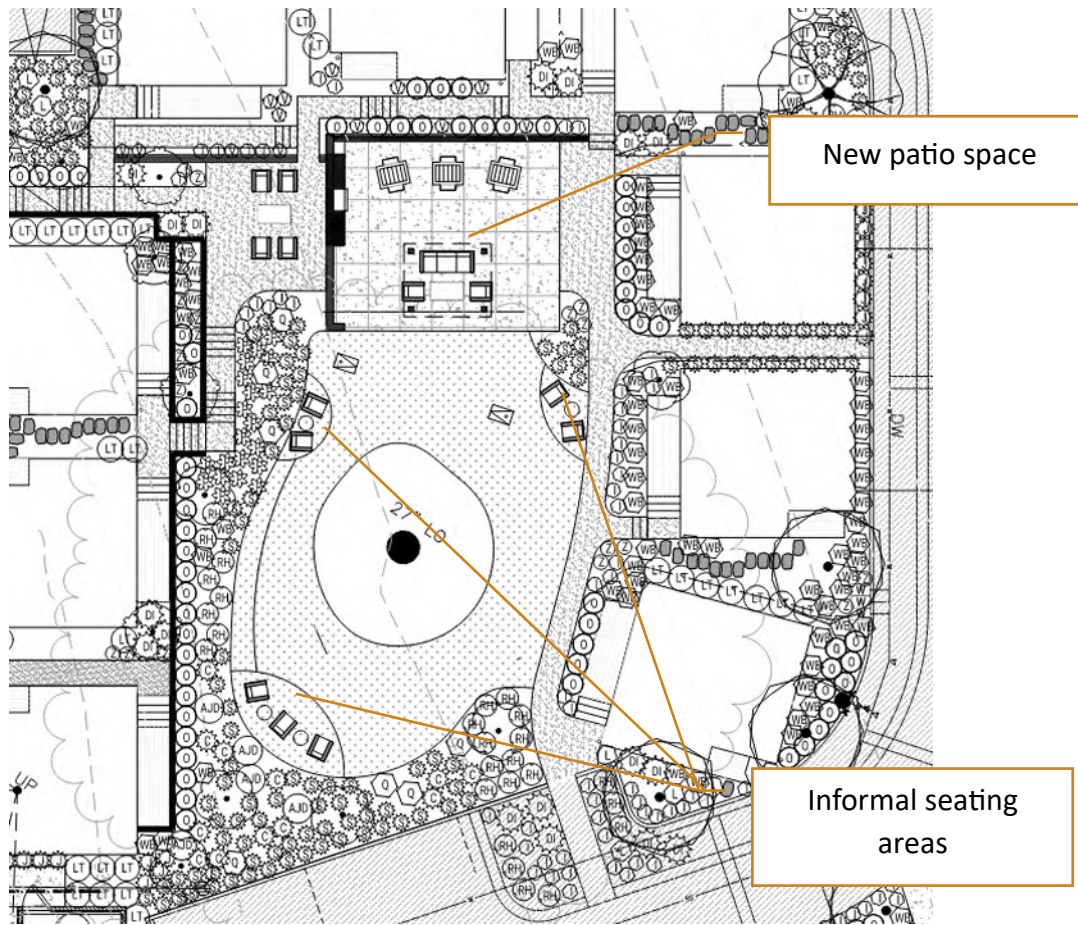
The existing Master Plan of Development was designed with two main resident amenity spaces: the central open space and a community building adjacent to the El Camino Real frontage.



The project, as approved, includes an additional residential unit adjacent to the interior open space area (Unit 14). Prior to construction, the developers decided not to construct this unit to allow more open space between the units. The construction plans also included an expanded deck surrounding two large live oak trees. Due to construction impacts and drought conditions in 2020, one of the significant large oak trees died and was removed for safety. There is one remaining oak tree. The approved project also included a community building along the El Camino Real frontage. This building was envisioned to have a community kitchen and dining area/flex space.

Proposed Amendments

The current proposal includes the elimination of Unit 14 in exchange for the addition of 2 residential units above the community building. Lot 14 has been revised to include a common patio space. Amenities include a propane BBQ, gathering space, propane firepits, and shade structure. This new area would be flat with a retaining wall along the western edge to accommodate access from the surrounding units and create a more usable space with an upper and lower patio area. Informal seating areas are proposed under the remaining oak tree with mulch to reduce impacts to the rootzone to the greatest extent possible. The developers had an arborist review the common area plans and it was recommended that improvements be minimized under the dripline of the tree to ensure post-construction survivability. The tree is currently in a state of decline.



The original community building was an approximately 1,900 square-foot single-story structure surrounded by shared patio spaces. The revised building has a slightly smaller footprint, proposed at approximately 1,600 square-feet, and includes a small kitchen with fridge and cooking facilities as well as a flexible assembly area to allow for gatherings. Two accessible compliant restrooms will also be provided. The building façade includes a contemporary dimensional horizontal siding, natural wood accents, and metal roofing. These materials are consistent with the project design theme. Staff has suggested a condition of approval that requires the storefronts and windows to utilize black trim for consistency with the adjacent live-work building.



Parking

The original project qualified for the State Density Bonus program which required a total of 64 parking spaces for the on-site project uses. The project provides 70 parking spaces, resulting in an overage in required parking. With the elimination of the cottage unit on Lot 14, the proposed amendment will result in one additional unit to the project site. That additional unit requires 2 parking spaces. The current plan meets parking requirements for the existing approved uses and proposed additional unit.

In order to maintain financial feasibility of the project, the applicants are proposing to eliminate the carport structure over the planned residential tandem spaces. The carport structure included a bike storage tower on one side. The bike tower is proposed to remain. Staff has conditioned that the height of the tower be reduced down to between 12 and 20 feet from the originally planned 30-feet to provide greater compatibility with the community now that the tower will stand on its own.

PD Text Amendment

The Planned Development Overlay Text is proposed to be amended concurrently with changes to the Master Plan of Development to accommodate the additional residential unit. Updates were also made to the use list to eliminate uses that are no longer defined in the code or to update the title of the use to align with the code definition section. A redlined version of the PD text is included in the attached Draft Ordinance.

Amended Phasing

The current phasing plan requires commencement and/or completion of certain community space milestones in order to release occupancy of additional residential units. The first phase allowed for release of 3 additional residential units once the community building foundation inspection was passed. As these proposed modifications will require resubmittal of the building permit for review and issuance, the applicant is requesting modifications to the phasing plan to tie release of the next 3 units to the live-work building instead. The live-work building could be considered a similar milestone to the community building in that it creates a semi-commercial space and a significant enclosure to the community from highway noise to the west, although it does not provide for a shared community amenity.

The applicants also provided a bond for the construction of the central deck per the original Master Plan of Development. With the elimination of Unit 14, the bond amount will need to be increased and the time extended to allow for permitting and construction. The Homeowner's Association has requested no greater than 2 months from the date of City Council action.

CONCLUSION

- The Grand Oaks Project is partially complete with approximately 2/3 of the cottage units sold and construction ongoing on 9 additional units.

- Many of the amenities that were intended to be completed at this time are not in place, and both the current residents and the City are concerned about the existing and future condition of the property.
- The developer is requesting modifications in response to community resident coordination efforts and challenging financial conditions.

ALTERNATIVES TO THE STAFF RECOMMENDATION:

1. Council may include modifications to the proposed change request and/or conditions of approval. Any proposed modifications including conditions of approval, should be clearly re-stated in any vote on any of the attached resolutions.
2. Council may determine that more information is needed on some aspect of the request 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. Council may deny the requested modification. 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 Council. It is important to note that the City cannot force construction of additional buildings but occupancy on future units can be held to ensure the completion of any common landscaped area adjacent to completed units. If the amendments are denied, the original Master plan of development will remain in effect including the construction of Unit 14.

FISCAL IMPACT:

As the project is already within the boundaries of the Citywide Community Facilities District, the added units above the community center are required to be automatically included within the special tax district, providing fiscal neutrality for the amended project site. Other requested changes will have no affect.

REVIEWED BY OTHERS:

This item has been reviewed by the Community Development Director, Administrative Services Director, and Planning Commission.

REVIEWED AND APPROVED FOR COUNCIL AGENDA



Lara K. Christensen, Deputy City Manager

ATTACHMENT(S):

1. Draft Ordinance
2. Draft Resolution
3. Current Phasing Agreement
4. Arborist letter

DRAFT ORDINANCE

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO,
CALIFORNIA, AMENDING THE ATASCADERO MUNICIPAL CODE,
TITLE 9: PLANNING AND ZONING, APPROVING TEXT AMENDMENTS
TO THE PLANNED DEVELOPMENT #27 OVERLAY ZONE**

APN 029-274-014, 029-274-031, 029-274-032

**GRAND OAKS PASEO
CAL COASTAL HOLDINGS
(AMND24-0045)**

WHEREAS, an application has been received from Cal Coastal Holdings, LLC, (Applicant/ Owner), 242 El Dorado Way, Pismo Beach, CA 93449, (AMND24-0045) to consider an Amendment to the Master Plan of Development (Resolution 2019-082) and PD overlay text to eliminate a cottage unit on Lot 14, eliminate the carport, and add two residential units to the second floor of the community building; and

WHEREAS, the site has a General Plan Designation of High Density Residential (HDR) and General Commercial (GC); and

WHEREAS, the site is in the Residential Multi-Family 24 (RMF-24) zoning district and Commercial Retail (CR) with a Planned Development Overlay Zone (PD27); and

WHEREAS, A Master Plan of Development was approved by the City Council consistent with the PD overlay standards on November 12, 2019 (Resolution 2019-082); and

WHEREAS, PD 27 was established in 2006 and amended in 2019 with the approval of the Grand Oaks Paseo Master Plan of Development and modifications to the zoning overlay district are necessary for consistency with the amended Master Plan of Development; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact amendments to Planned Development Overlay #27 for consistency with the revised Master Plan of Development, including incorporation of land use definitions updated between overlay zone adoption in 2004 and today; and

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

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

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

SECTION 1. Planning Commission Recommendation. The Planning Commission of the City of Atascadero, on June 18, 2024, held a timely and properly noticed Public Hearing upon the subject Title 9 Atascadero Municipal Code amendments in association with the Amendment to the Master Plan of Development (AMND24-0045), at which hearing evidence, oral and documentary, was admitted on behalf of said amendments and the Planning Commission recommended that City Council approve the proposed text amendments.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on July 9, 2024, considered testimony and reports from staff and the public and introduced for first reading, by title only, an Ordinance amending Title 9 of the Atascadero Municipal Code.

SECTION 3. Facts and Findings. The City Council makes the following findings and determinations for approval of the proposed text amendments:

A. Findings for Zone Text Amendment:

1. **FINDING:** The proposed project or use is consistent with the General Plan, and all other applicable ordinances and policies of the City.

FACT: The proposed amendments are consistent with the General Plan. The project site is designated General Commercial and High-Density Multi-Family and was approved as a custom-small lot subdivision with shared amenity space and a mixed-use component along the project frontage, consistent with the General Plan goals and policies. The proposed amendments do not change the overall use or character of the project.

2. **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; and

FACT: The amendment will not change the use or character of the project and will not be detrimental to the health, safety, or welfare of the general public or residents within the project.

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

FACT: The proposed amendments are consistent with the character of the neighborhood and are consistent with uses previously approved on the site.

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

FACT: The proposed amendments will not generate a substantial increase in traffic. The 2 additional proposed residential units will generate an insubstantial increase in the volume of traffic.

SECTION 4. CEQA. The proposed modifications are consistent with the previously certified Mitigated Negative Declaration (EDN2005-0063).

SECTION 5. Approval. The City Council of the City of Atascadero, in a regular session assembled on July 9, 2024, resolves to approve an Amendment to the Grand Oaks Paseo Master Plan of Development (AMND24-0045), subject to the following:

EXHIBIT A: Planned Development Overlay Zone #27 text amendments

SECTION 6. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 7. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 8. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 9. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero's book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15)

days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 11. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on July 9, 2024, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2024.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Dave Fleishman, City Attorney

§ 9-3.672 Establishment of Planned Development Overlay Zone No. 27: (PD27).

Planned Development Overlay Zone No. 27 is established as shown on the Official Zoning Maps (Section **9-1.102**). A Planned Development Overlay Zone No. 27 is established on parcel APN 029-271-001 with a combined gross acreage of 1.71 acres. The maximum residential density within the planned development shall not exceed ~~30~~ **31** residential units. The development standards contained within the master plan of development ~~document~~, as conditioned, shall be applied to all future development within the project area, and as follows:

(a) All site development shall require the approval of a master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(b) The Vesting Tentative Tract Map (TR 3141) and any subsequent amendments for the site shall be consistent with the approved master plan of development. All construction and development shall conform to the approved master plan of development, as conditioned.

(c) No subsequent tentative parcel or tract map shall be approved unless found to be consistent with the approved master plan of development.

(d) The commercial area, residential dwelling units, landscaping, walls and fencing shall be subject to review under the City's Appearance Review requirements consistent with the approved master plan of development.

(e) Building setbacks, lot sizes, landscape area, and lot coverage shall be as identified within the approved master plan of development.

(f) All landscaping shown on the approved landscape plan will be installed by the developer and shall be maintained as approved.

(g) All utilities, including electric, telephone and cable, along the frontage of, and within the PD and along the project frontages shall be installed and/or relocated underground.

(h) The property will retain the Commercial Retail zoning district designation. The following allowable uses are proposed for this district within the PD-27 overlay zone for the live/work spaces and community building:

- ~~(1) Food and beverage retail sales~~ **General Retail;**
- ~~(2) Furniture, home furnishings and equipment;~~
- ~~(3) General merchandise stores;~~
- ~~(4) Mail order and vending;~~
- ~~(25) Temporary or seasonal sales;~~
- ~~(36) Financial services;~~
- ~~(47) Offices;~~
- ~~(58) Temporary offices;~~
- ~~(69) Personal services;~~
- ~~(10) Light repair services;~~
- ~~(711) Membership organizations;~~

- ~~(812)~~ Business support services, where all areas of use are located within a building;
- ~~(913)~~ Libraries and museums;
- ~~(104)~~ Temporary events;
- ~~(115)~~ Tasting room;
- ~~(126)~~ Artisan foods and products;
- ~~(137)~~ Day Care - Small family day care [home](#);
- ~~(148)~~ Research and development;
- ~~(159)~~ Printing and publishing.

(i) The conditional uses will be as follows:

- (1)** Public assembly and entertainment;
- (2)** Microbrewery/ brewpub;
- (3)** Schools—business and vocational;
- (4)** Schools.

(j) No open parking spaces shall be reserved for any commercial or residential tenant with the exception of the tandem spaces.

(k) The common lot shall be maintained as a common use parcel for all residential tenants. No fencing or other barrier shall be constructed which hinders pedestrian access to each residential lot or which limits the ability for a residential owner to provide basic utility services to their property.

(l) All trees shown to be protected on the approved master plan of development shall be maintained. Any future tree removal shall require approval per the requirements set forth in the Atascadero Native Tree Ordinance.

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO,
CALIFORNIA, APPROVING AMENDMENTS TO THE GRAND OAKS
PASEO PROJECT MASTER PLAN OF DEVELOPMENT TO MODIFY THE
COMMON OPEN SPACE AND AMENITY PLAN, DELETE UNIT 14, AND
ADD 2 RESIDENTIAL UNITS ABOVE THE COMMUNITY BUILDING**

**APN 029-274-014, 029-274-031, 029-274-032
GRAND OAKS PASEO
CAL COASTAL HOLDINGS
(AMND24-0045)**

WHEREAS, an application has been received from Cal Coastal Holdings, LLC, (Applicant/ Owner), 242 El Dorado Way, Pismo Beach, CA 93449, (AMND24-0045) to consider an Amendment to the Master Plan of Development (Resolution 2019-082) and PD overlay text to eliminate a cottage unit on Lot 14, eliminate the carport, and add two residential units to the second floor of the community building; and

WHEREAS, the site has a General Plan Designation of High Density Residential (HDR) and General Commercial (GC); and

WHEREAS, the site is in the Residential Multi-Family 24 (RMF-24) zoning district and Commercial Retail (CR) with a Planned Development Overlay Zone (PD27); and

WHEREAS, A Master Plan of Development was approved by the City Council consistent with the PD overlay standards on November 12, 2019 (Resolution 2019-082); and

WHEREAS, PD 27 was established in 2006 and amended in 2019 with the approval of the Grand Oaks Paseo Master Plan of Development and modifications to the zoning overlay district are necessary for consistency with the amended Master Plan of Development; and

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

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

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

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

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

SECTION 2. Public Hearings. The City Council held a duly noticed public hearing to consider the amendment application on July 9, 2024, and considered testimony and reports from staff, the applicants, and the public.

SECTION 3. CEQA. The proposed modifications are consistent with the previously certified Mitigated Negative Declaration (EDN2005-0063).

SECTION 4. Facts and Findings. The City Council makes the following findings, determinations and approvals.

1. The proposed project is consistent with the General Plan; and

Fact: The proposed amendments are consistent with the General Plan. The project site is designated General Commercial and High-Density Multi-Family and was approved as a custom-small lot subdivision with shared amenity space and a mixed-use component along the project frontage, consistent with the General Plan goals and policies. The proposed amendments do not change the overall use or character of the project.

2. The proposed project or use satisfies all applicable provisions of the Zoning Ordinance; and

Fact: The project was approved as part of a master planned residential and live-work project and a custom Planned Development Overlay zoning district was approved for the project to allow for the small-lot subdivision and flexibility in zoning standards. Findings were made at the time of project approval that the project satisfied all additional findings to qualify for the Planned Development Overlay zone. The proposed amendments do not change the overall use or character of the project.

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

Fact: The amendment will not change the use or character of the project and will not be detrimental to the health, safety, or welfare of the general public or residents within the project.

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

Fact: The proposed amendments are consistent with the character of the neighborhood and are consistent with uses previously approved on the site.

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

Fact: The proposed amendments will not generate a substantial increase in traffic. The 2 additional proposed residential units, and the removal of another unit, will generate an insubstantial increase in the volume of traffic.

6. The proposed project is in compliance with any pertinent City policy or criteria adopted by ordinance or resolution of the City Council.

Fact: As conditioned, the project meets all City and State development standards. City Council policy requires special findings to be made to approve a Planned Development Overlay Zone, which includes high-quality landscape design. The proposed amendments enhance the community amenities and are consistent with the required findings.

SECTION 5. Approval. The City Council of the City of Atascadero, in a regular session assembled on July 9, 2024, resolves to approve an Amendment to the Grand Oaks Paseo Master Plan of Development (AMND24-0045), subject to the following:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Amended project plan components

PASSED AND ADOPTED at a regular meeting of the City Council held on the 9th day of July 2024.

CITY OF ATASCADERO:

Heather Moreno, Mayor

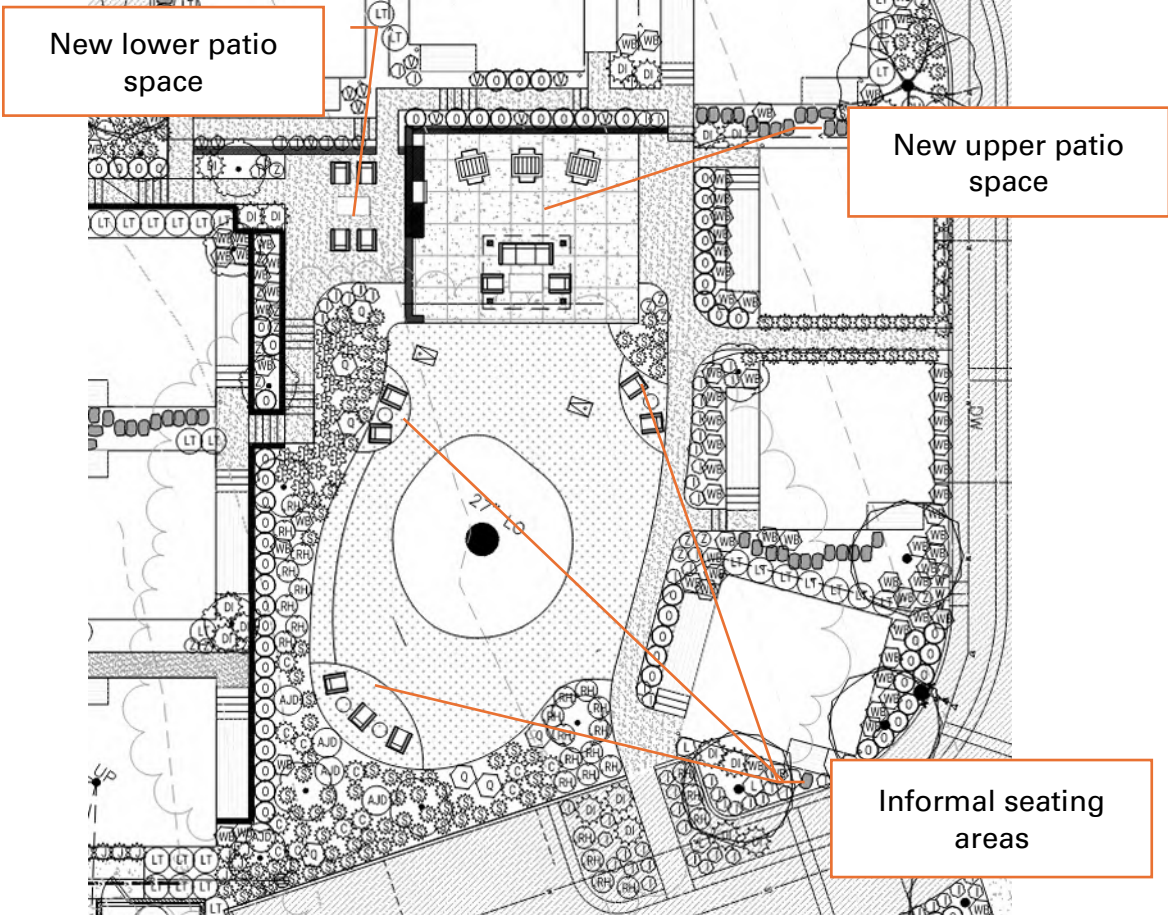
ATTEST:

Lara K. Christensen, City Clerk

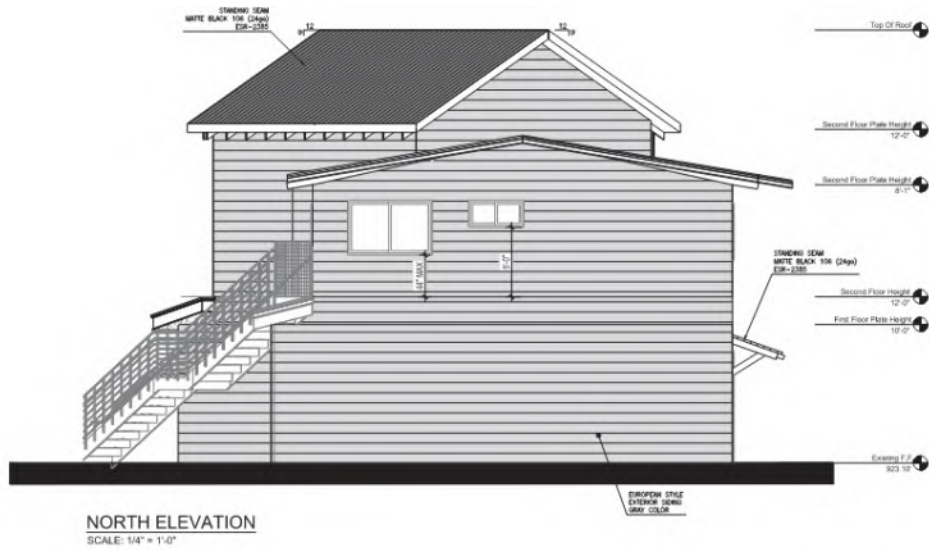
| <p>Conditions of Approval</p> <p>Grand Oaks Paseo Common Area Amendments AMND24-0045</p> | <p>Timing</p> <p>BL: Business License</p> <p>GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p> | <p>Responsibility /Monitoring</p> <p>PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney</p> |
|--|---|--|
| <p>Planning Services</p> | | |
| <p>1. City Council Resolution 2019-082 and all associated entitlements shall be amended to eliminate the cottage unit on Lot 14, eliminate the carport structure, and add two unit to the second floor of the community building, as depicted in the attached exhibits and as subject to the conditions listed herein. All previous conditions approved as part of DEV19-0049 shall remain in effect unless specifically amended this amendment. The project site is known as the Grand Oaks Paseo project and this approval shall be in effect regardless of owner.</p> | <p>Ongoing</p> | <p>PS</p> |
| <p>2. The approval of these entitlements shall become final and effective for the purposes of issuing building permits the day after the final hearing.</p> | <p>Ongoing</p> | <p>PS</p> |
| <p>3. The Community Development Department shall have the authority to approve minor changes to the project that (1) result in a superior site design or appearance, and/or (2) address a construction design issue that is not substantive to the entitlements.</p> | <p>Ongoing</p> | <p>PS</p> |
| <p>4. The applicant shall defend, indemnify, and hold harmless the City of Atascadero or its agents, officers, and employees against any claim or action brought to challenge an approval by the City, or any of its entities, concerning these entitlements.</p> | <p>Ongoing</p> | <p>PS</p> |
| <p>5. Prior to permit issuance of improvements to the central community area, Lot 14 shall be merged into the adjacent common are lot and shall be provided as a common amenity space owned by the Owner’s Association, consistent with EXHIBIT B, and as follows:</p> <p>Central Open Space area improvements shall include:</p> <ul style="list-style-type: none"> • A shade pergola above the fire pit and lounge seating area • A minimum of 2 natural gas or propane fire pit tables • A minimum of 3 outdoor dining tables • A BBQ and outdoor counter area • Lounge seating within the upper and lower patio space • Mulch and irrigation installed around the existing oak tree, under the supervision of a consulting arborist and a minimum of 3 informal seating areas. | <p>Ongoing</p> | <p>PS</p> |
| <p>6. Prior to issuance of permits for the common central amenity area, a bond shall be submitted and accepted by the city in an amount deemed necessary to construct all proposed improvements.</p> | <p>BP</p> | <p>BS / PS</p> |

| <p>Conditions of Approval</p> <p><i>Grand Oaks Paseo</i> Common Area Amendments AMND24-0045</p> | <p>Timing</p> <p>BL: Business License</p> <p>GP: Grading Permit BP: Building Permit FI: Final Inspection TO: Temporary Occupancy FO: Final Occupancy</p> | <p>Responsibility /Monitoring</p> <p>PS: Planning Services BS: Building Services FD: Fire Department PD: Police Department CE: City Engineer WW: Wastewater CA: City Attorney</p> |
|---|---|--|
| <p>Common central space amenities shall be permitted as needed, installed and finished within 3 months of final Council action.</p> | | |
| <p>7. An updated phasing plan shall be approved prior to any further permit application or issuance and prior to granting final occupancy for any residential unit.</p> | <p>FO</p> | <p>BS / PS</p> |
| <p>8. The bike storage building shall be reduced in height to a maximum of 20-feet high and a minimum of 12-feet high, and shall comply with the following parameters:</p> <ul style="list-style-type: none"> • Bicycle parking/storage must provide a minimum of one 110-volt electrical outlet and an additional outlet per ten bicycle parking spaces for charging electric bicycles. • Bicycle parking/storage racks must be designed to allow the user to lock the bicycle to the rack and keep at least one bicycle wheel on the ground or provide a means for the user to roll the bicycle onto a rack and lift it up to a second level. | <p>Ongoing</p> | <p>PS</p> |
| <p>9. Colors and materials for the community building shall be as depicted in EXHIBIT B. Modifications that are similar in nature and texture may be approved by the Community Development Director, and as follows:</p> <ul style="list-style-type: none"> • All storefronts and windows shall be black trim, consistent with the adjacent live-work building. | <p>Ongoing</p> | <p>PS</p> |

EXHIBIT B: Amended Project Plan Components
AMND24-0045



Shade structure on upper patio



- Maximum Absolute Elevation
103'-0"
- Top Of Roof
112'-0"
- Second Floor Plate Height
112'-0"
- Second Floor Plate Height
101'-11"
- Second Floor Height
112'-0"
- First Floor Plate Height
102'-0"
- Existing F.F.
103.12

HEIGHT IS BEING MEASURED FROM THE LOWEST GRADE WITHIN 5' OF THE BUILDING.

