# * COVID-19 NOTICE *

**Consistent with the SLO County Region 1 – Southern California Regional Stay at Home Order, the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.**

**HOW TO OBSERVE THE MEETING:**
To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and 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 or by visiting https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

**HOW TO SUBMIT PUBLIC COMMENT:**
Members of the public are highly encouraged to call **805-538-2888** to listen and provide public comment via phone, or submit written public comments to cityclerk@atascadero.org by 5:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

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

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

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into 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 during City Hall business hours once City Hall is open to the public following the termination of the Shelter at Home Order.

# *CITY OF ATASCADERO*
# *CITY COUNCIL*

# AGENDA

**Tuesday, May 11, 2021**

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

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

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

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

   a. **Conference with Labor Negotiators** (Govt. Code Sec. 54957.6)
   Agency designated representatives: Rachelle Rickard, City Manager
   Employee Organizations: Atascadero Professional Firefighters, Local 3600; Atascadero Police Association; Service Employees International Union, Local 620; Mid-Management/Professional Employees; Non-Represented Professional and Management Workers and Confidential Employees

4. **CLOSED SESSION – ADJOURNMENT**
5. **COUNCIL RETURNS**
6. **CLOSED SESSION – REPORT**

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

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Newsom

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

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

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

**PRESENTATIONS:**

1. **Presentation – Bike There! May 20-30, 2021 (SLOCOG)**

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

1. **City Council Draft Action Minutes – April 27, 2021**
   - Recommendation: Council approve the April 27, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

2. **Apple Valley Assessment Districts**
   - Fiscal Impact: Annual assessments for 2021/2022 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.
   - Recommendations: Council:
     1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.
     2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
     3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
     4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
     5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.
     6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022. [Administrative Services]

3. **De Anza Estates Assessment Districts**
   - Fiscal Impact: Annual assessments for 2021/2022 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 2021/2022 for half of the maintenance costs of the trails and open space.
   - Recommendations: Council:
     1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.
     2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
     3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
     4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
     5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.
     6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022. [Administrative Services]

4. **Las Lomas (Woodridge) Assessment Districts**
   - Fiscal Impact: Annual assessments for 2020/2021 will total $94,322 for road/drainage system maintenance and $66,976 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 2021/2022 for 25% of the maintenance costs of the trails and open space.
   - Recommendations: Council:
     1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.
     2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
     3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
     4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022. [Administrative Services]

**5. Authorizing Temporary Road Closures for 2021 Hot El Camino Cruise Nite and Colony Days Parade Route**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Adopt Draft Resolution A authorizing temporary road closures and restrictions on August 20, 2021 for the Hot El Camino Cruise Nite.
  2. Adopt Draft Resolution B authorizing temporary road closures and restrictions on October 2, 2021 for the Colony Days Parade Route. [Public Works]

**6. Annexation of the 10850 El Camino Real Subdivision into Community Facilities District 2005-1, Annexation No. 23 (10850 El Camino Real: Tract 3099)**

- Fiscal Impact: Assessments for this annexation are estimated to be $42,400 annually, adjusted each year for inflation. Deed restricted affordable units are exempt from the special tax.
- Recommendation: Council adopt Draft Resolution, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 23 and to authorize the levy of special taxes therein (10850 El Camino Real: Tract 3099). [Community Development]

**7. Approve Parcel Map AT 18-0116 (8559 and 8565 Santa Rosa Road)**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Approve Parcel Map AT 18-0116.
  2. Reject, without prejudice to future acceptance, a twenty-foot and a thirty-foot wide offer of dedication for public road purposes on Santa Rosa Court.
  3. Accept, on behalf of the public, the offer of dedication for a six-foot Public Utility Easement, a thirty-foot Public Sewer Easement and Offer of Dedication for Vehicular Access Rights. [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. **Title 9 Chapter 17 (Cannabis Activities & Regulations) Municipal Code Amendments to add non-storefront Cannabis delivery services and security provisions (CPP20-0011)**
   - Fiscal Impact: None.
   - Recommendation: Council continue the public hearing to the May 25, 2021 City Council Meeting to allow additional time for drafting and review of proposed amendments to Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations). [Community Development]

2. **Weed Abatement – Hearing of Objections**
   - Fiscal Impact: None. Costs of the weed abatement program are recovered through the assessments charged to non-compliant parcels that must be abated by the City Contractor. Those property owners who comply with the Municipal Code are not assessed or charged.
   - Recommendations: Council:
     1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections.
     2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire Department]

## C. MANAGEMENT REPORTS:

1. **Downtown Street Tree Renewal Program – Phase 2**
   - Fiscal Impact: None at this time. Staff estimates that it would cost an additional $10,000 to $15,000 to subsidize FPP costs for commissioned trees for existing tree wells, however, no appropriation is currently being requested and staff will evaluate available funding as we move forward and look for potential funding opportunities.
   - Recommendations: Council:
     1. Receive an update on Phase 1 of the Downtown Street Tree Renewal Program.
     2. Direct staff to initiate Phase 2 of the Downtown Street Tree Renewal Program and approve the Downtown Street Tree Guidelines.[Public Works]

## D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

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

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

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

Council Member Dariz
1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee

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

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

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager
    a. Deputy City Manager Christensen will discuss and request Council direction whether or not to submit position letters to the Legislature on the following Bills:
        1. SB 6 (Caballero) Local Planning. Housing in Commercial Zones. – Oppose
        2. SB 9 (Atkins) Housing Development Approvals. – Oppose
        3. SB 619 (Laird) Organic Waste. Reduction Regulations. – Support in Concept

## ADJOURN

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

# CITY OF ATASCADERO
# CITY COUNCIL

# DRAFT MINUTES

**Tuesday, April 27, 2021**

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

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

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

Mayor Moreno called Closed Session to order at 5:03 p.m.

1. **CLOSED SESSION -- PUBLIC COMMENT – None.**
2. **COUNCIL LEAVES TO BEGIN CLOSED SESSION**
3. **CLOSED SESSION -- CALL TO ORDER**
    a. **Conference with Labor Negotiators** (Govt. Code Sec. 54957.6)
    Agency designated representatives: Rachelle Rickard, City Manager
    Employee Organizations: Atascadero Professional Firefighters, Local 3600; Atascadero Police Association; Service Employees International Union, Local 620; Mid-Management/Professional Employees; Non-Represented Professional and Management Workers and Confidential Employees
4. **CLOSED SESSION – ADJOURNMENT**
5. **COUNCIL RETURNS**
6. **CLOSED SESSION – REPORT**

The City Attorney reported that there was no reportable action.

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

Mayor Moreno called the meeting to order at 6:00 p.m. and Council Member Bourbeau led the Pledge of Allegiance.

**ROLL CALL:**

Present: **By Teleconference** - Council Members Bourbeau, Dariz and Funk, and Mayor Moreno

Absent: Mayor Pro Tem Newsom

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

**APPROVAL OF AGENDA:**

**MOTION: By Council Member Funk seconded by Council Member Dariz to:**
1. **Approve this agenda; and,**
2. **Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.**

***Motion passed 4:0 by a roll-call vote. Newsom absent.***

**PRESENTATIONS: None.**

**A. CONSENT CALENDAR:**

1. **City Council Draft Action Minutes – April 13, 2021**
   - Recommendation: Council approve the April 13, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

2. **March 2021 Accounts Payable and Payroll**
   - Fiscal Impact: $2,214,528.19
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for March 2021. [Administrative Services]

Mayor Moreno noted that Item #A-3 was being removed at the request of staff for separate discussion and vote.

**MOTION: By Council Member Bourbeau and seconded by Council Member Funk to approve Consent Calendar Items #A-1 and #A-2.**
***Motion passed 4:0 by a roll-call vote. Newsom absent.***

3. **Budget Adjustment for the Atascadero Mall Sewer Condition Improvements Project**
   - Fiscal Impact: $781,000.00
   - Recommendation: Council authorize the Director of Administrative Services to allocate an additional $250,000 in Wastewater Enterprise Fund balance toward the Atascadero Mall Sewer Condition Improvements Project budget (Project No. C2019W02). [Public Works]

City Manager Rickard noted that the allocation listed in the recommendation was in error and the request is for $325,000 as indicated in the staff report under Fiscal Impact.

**MOTION: By Council Member Dariz and seconded by Council Member Bourbeau to authorize the Director of Administrative Services to allocate an additional $325,000 in Wastewater Enterprise Fund balance toward the Atascadero Mall Sewer Condition Improvements Project budget (Project No. C2019W02).**
***Motion passed 4:0 by a roll-call vote. Newsom absent.***

## UPDATES FROM THE CITY MANAGER:

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

## COMMUNITY FORUM:

The following citizens spoke by telephone or through the webinar during Community Forum: Geoff Auslen

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Kate Montegomery

***Mayor Moreno closed the COMMUNITY FORUM period.***

## B. PUBLIC HEARINGS: None.

## C. MANAGEMENT REPORTS:

1. **Draft Strategic Plan and Draft Action Plan Study Session**
   - Fiscal Impact: None.
   - Recommendation: Council review and provide staff direction on the Strategic Plan Draft and the Draft Action Plan. [Administrative Services]

City Manager Rickard gave the staff report and answered questions from the Council.

## PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: Marty Brown, Heather Branton, Jean Miller, Ellen Beraud, Tasia Trevino, Lee Perkins, Lisa Kania, Vy Pierce, Brenda May, Brenda Mack, Danielle Johnston, Geoff Auslen, and Wendy Lewis

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Zachariah Jackson, Daniel Rich, Monica Schechter, Kathleen Goble, Christina Asdel Cisneros, Dan Cook, Jean Pedigo, and Alson Paff

***Mayor Moreno closed the Public Comment period.***

**The City Council reviewed, discussed, and provided direction to staff on the Draft Strategic Plan and Draft Action Plan.**

**D. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

City Manager Rickard provided updates on Coronavirus (COVID-19) and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: Brenda Mack

***Mayor Moreno closed the Public Comment period.***

**E. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

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

Mayor Moreno
1. Regional Economic Action Coalition (REACH)

Council Member Bourbeau
1. City of Atascadero Finance Committee
2. Integrated Waste Management Authority (IWMA)

Council Member Dariz
1. City of Atascadero Finance Committee

Council Member Funk
1. Design Review Committee
2. Homeless Services Oversight Council

**F. INDIVIDUAL DETERMINATION AND / OR ACTION: None.**

## G. ADJOURN

Mayor Moreno adjourned the meeting at 9:05 p.m.

**MINUTES PREPARED BY:**

_____
Lara K. Christensen
Deputy City Manager / City Clerk

**APPROVED:**

# Atascadero City Council

## Staff Report – Administrative Services Department

### Apple Valley Assessment Districts

## RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.

2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).

3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.

6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.

## REPORT-IN-BRIEF:

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

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

NBS, an independent financial consultant, was hired to prepare the engineer's report for the two districts. The engineer's report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 8, 2021 at 6:00 p.m., at which time the final resolutions will be presented to the Council for consideration.

The proposed assessments for fiscal year 2021/2022 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the Maximum Assessment Rate may be increased for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased 3.0% (CPI) this year for both districts.

The City has historically held an annual informational meeting with District residents, to review and gather input regarding the upcoming year's assessment. Due to a combination of factors including the new social distancing requirements due to the COVID-19, City Council's stated direction for essentialism in order to better prioritize and streamline staff's time and efforts, keeping down administration costs in the Districts, and dwindling community attendance at these meetings, the annual meeting was not held. An Assessment Information Notice was mailed to all property owners on April 23, 2021. The notice provided the date of the upcoming June 8, 2021, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts, and pages related to the districts from the City's June 30, 2020, audited financial statements.

Staff has reviewed the short and long-term costs to maintain the districts and recommends the total cost of both districts of $1,450 remains flat when compared to the prior year. The Landscaping and Lighting District levy is about 51% of the allowable maximum annual assessment and the Street and Strom Drain District is about 68% of the allowable maximum annual assessment.

| District | **Amount Per EBU Assessment Fiscal Year 20-21** | **Amount Per EBU Proposed Assessment Fiscal Year 2021-22** |
|---|---|---|
| Atascadero Street and Storm Drain Maintenance District No. 01 Apple Valley | $ 550.00 | $ 550.00 |
| Atascadero Landscaping and Lighting Maintenance District No. 01 Apple Valley | $ 900.00 | $ 900.00 |

While the levies for fiscal year 2021-22 are proposed with no increases, staff predicts that the Landscape and Lighting District will likely see increased costs due to the aging landscape, increases in utilities (water and electricity), and increases in labor costs for the landscape maintenance contractor. City staff works to maximize efficiencies and minimize levy increases, However, modest levy increases are expected in future years in order to continue providing the existing service levels.

## FISCAL IMPACT:

Annual assessments for 2021/2022 will total $38,500 for road/drainage system maintenance and $63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of $11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.

## ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
3. **Draft Resolution C** - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters
4. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2021/2022 assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code
6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022
8. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2021/2022 assessments for Atascadero Landscaping and Lighting District No. 01 (Apple Valley)

# DRAFT RESOLUTION A

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION B

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

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

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

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

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

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

**SECTION 1.** The preceding recitals are true and correct.

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

a. A Description of Improvements.

b. A Boundary Diagram of the District.

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.

e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2021/2022.

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION C

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) IN FISCAL YEAR 2021/2022, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

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

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

**WHEREAS,** the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2021/2022 (July 1, 2021 and ending June 30, 2022) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIIC and XIIID*, and the City Council did by previous Resolution preliminarily approve such Report.

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

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

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

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

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

**SECTION 5.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2021/2022 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report*

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

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

# CITY OF ATASCADERO
# Street and Storm Drain Maintenance District No. 01
# (Apple Valley)

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

---

**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

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

**WHEREAS**, on May 11, 2021, the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Summary of Assessment**

| Description | Amount |
|---|---|
| Estimated Annual Costs | $20,690 |
| Capital Reserve Collection/(Uses) | 24,090 |
| Levy Adjustments | (6,280) |
| **Balance to Levy** | **$38,500** |
| Fiscal Year 2021/22 Maximum Rate | $812.22 |
| Fiscal Year 2021/22 Proposed Applied Rate | $550.00 |

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

_____

City Engineer

# 2. EXECUTIVE SUMMARY

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

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

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as Apple Valley, Tract 2495 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22.

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

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

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

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Benefiting Properties within the District

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

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

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

## 3.2 Funding Authorized by the 1982 Act

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

- Drainage and Flood Control;
- Streets and Roads.

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

## 3.3 Description of Improvements and Services

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

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

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

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

### 3.3.1 STREET MAINTENANCE

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

- Approximately 106,460 square feet of asphalt street surface located on the perimeter of the development (south half of Del Rio Road); and the various interior streets identified as Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, and San Ramon Road.
- Approximately 5,320 linear feet of curb and gutter along Del Rio Road, Via Colonia Court, San Ramon Road, Via Huerto Court, Avenida Manzana, San Ramon Road, and Conejo Road;
- Approximately 3,545 square feet of decorative street pavers and 1,254 linear feet of curb and

gutter in and around the two median islands on San Ramon Road (entryways to the development at Del Rio Road and Conejo Road);

- Approximately 70 driveway approaches, 25,394 square feet of sidewalks and various street signs within the District;
- Specifically not included as part of the street maintenance program are the costs associated with major replacements or reconstruction. Although the District assessments will provide funding for regular maintenance and servicing of the improvements that will extend the useful life of the street improvements, the assessments are not intended to fund major replacements or reconstruction of the street surfaces or adjacent improvements such as curbs, gutters, or driveway approaches. The costs of extensive replacement or reconstruction activities such as grinding and resurfacing of the asphalt; and replacement of curbs, gutters, driveway approaches, and sidewalks is significantly more than the amount that can reasonably be collected annually under the provisions of the 1982 Act. When such repairs or activities are deemed necessary, the City will consider various financing options including new or increased assessments for property owner approval.

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

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

A portion of the services described above are not performed on an annual basis but rather on a periodic basis, such as slurry sealing or overlaying the asphalt streets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund). The monies accumulated for these activities shall be spent when sufficient funds have been accumulated to perform the

services deemed necessary by the City (approximately every five years). This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

### 3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

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

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

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

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

A portion of the services described above are not performed on an annual basis but rather on a periodic basis such as minor repairs to the storm drain inlets, catch basins, and outlets, and the funds necessary for these activities are collected in installments as part of the annual assessments. The monies collected each year for these services will be accumulated in a special fund of the District (Reserve Fund or Capital Improvement Fund).

The monies accumulated for these activities shall be spent as needed to perform the services deemed necessary by the City. This process of accumulating funds (installments) shall continue until such time the District is dissolved; or the City determines that such funding procedures require modification. Changes in the process of accumulating funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

# 4. ESTIMATE OF COSTS

| Budget | 2021/2022 Assessment |
|---|---|
| **DIRECT COSTS** | |
| **Streets, Roads & Storm Drain Improvements** | |
| Street Maintenance | $7,850 |
| Inspection & Operational Services - Roads, Drainage | 7,540 |
| Slurry Seal | 0 |
| **Total Annual Direct Costs** | **$15,390** |
| | |
| **ADMINISTRATION EXPENSES** | |
| City Annual Administration | $1,800 |
| Engineer's Report & Services | 3,300 |
| Public Noticing | 200 |
| **Total Annual Administration Costs** | **$5,300** |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$20,690** |
| | |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | |
| Collection for Street Surface Activities | $21,800 |
| Collection Street Re-striping | 80 |
| Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks | 850 |
| Collection for Debris Removal | 380 |
| Collection for Storm Drain Fencing | 380 |
| Collection for Storm Drain Infrastructure | 600 |
| **Total Annual Capital Reserve Collections/(Uses)** | **$24,090** |
| | |
| **LEVY ADJUSTMENTS** | |
| Interest Income - Improvement Fund | ($9,808) |
| Interest Income - Operating Reserve Fund | (262) |
| Reserve Fund Collection/(Use) | 3,790 |
| **Total Levy Adjustments** | **($6,280)** |
| | |
| **BALANCE TO LEVY** | **$38,500** |
| | |
| **DISTRICT STATISTICS** | |
| Total Parcels | 74 |
| Parcels Levied | 70 |
| Total EBU [(1)] | 70 |
| **Levy per EBU** | **$550.00** |
| Maximum Levy per EBU | $812.22 |
| | |
| **FUND BALANCE INFORMATION** | |
| Beginning Operating Reserve Balance | $8,689 |
| Operational Reserve Interest | 262 |
| Surplus Transfer from Improvement Fund | 10,778 |
| Operational Reserve Collection (Use) | (6,280) |
| Estimated Ending Operating Reserve Balance | **$13,449** |
| | |
| Beginning Improvement Fund Balance | $481,107 |
| Improvement Fund Interest | 9,808 |
| Surplus Transfer to Operations Fund | (10,778) |
| Improvement Fund Collection/(Use) | 24,084 |
| Estimated Ending Improvement Fund Balance | **$504,221** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

Furthermore:

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

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

## 5.2 Benefit Analysis

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

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

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

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

## 5.3 Assessment Methodology

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

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

### 5.3.1 EQUIVALENT BENEFIT UNITS:

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

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

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

### 5.3.2 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit "EBU").

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile-home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases; the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single- family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes, and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

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

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

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

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

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

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

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**

**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

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

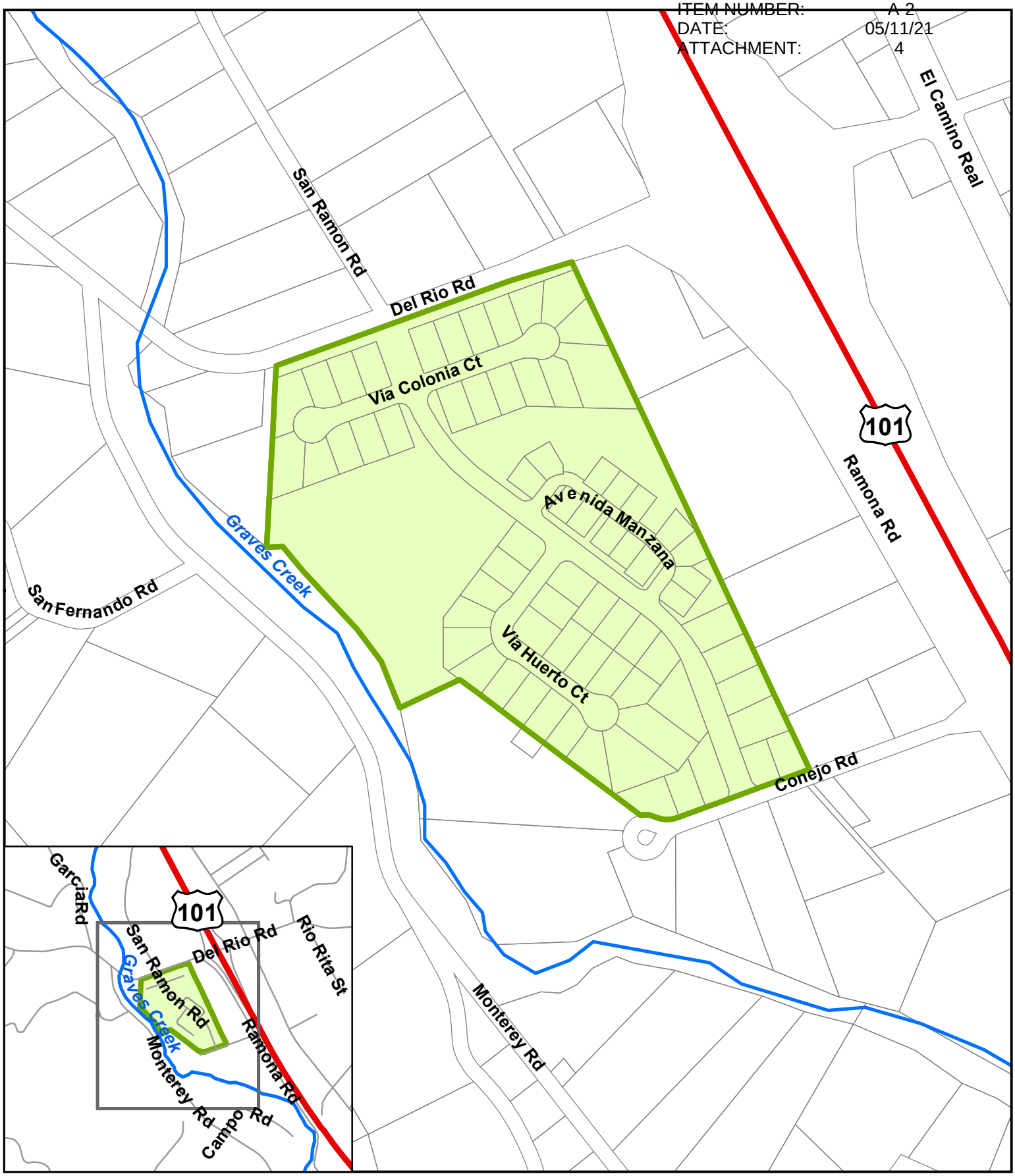
To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIIID Section 4c, that requires a public hearing and certain protest procedures including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

# 6. ASSESSMENT DIAGRAM

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

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

ITEM NUMBER: A 2
DATE: 05/11/21
ATTACHMENT: 4




# CITY OF ATASCADERO

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

N W E S

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

# 7. ASSESSMENT ROLL

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

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

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

# City of Atascadero

## Street & Storm Drain Maintenance No. 1

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-192-001 | $550.00 | $812.22 |
| 049-192-002 | 550.00 | 812.22 |
| 049-192-003 | 550.00 | 812.22 |
| 049-192-004 | 550.00 | 812.22 |
| 049-192-005 | 550.00 | 812.22 |
| 049-192-006 | 550.00 | 812.22 |
| 049-192-007 | 550.00 | 812.22 |
| 049-192-008 | 550.00 | 812.22 |
| 049-192-009 | 550.00 | 812.22 |
| 049-192-010 | 550.00 | 812.22 |
| 049-192-011 | 550.00 | 812.22 |
| 049-192-012 | 550.00 | 812.22 |
| 049-192-013 | 550.00 | 812.22 |
| 049-192-014 | 550.00 | 812.22 |
| 049-192-015 | 550.00 | 812.22 |
| 049-192-016 | 550.00 | 812.22 |
| 049-192-017 | 550.00 | 812.22 |
| 049-192-018 | 550.00 | 812.22 |
| 049-192-019 | 550.00 | 812.22 |
| 049-192-020 | 550.00 | 812.22 |
| 049-192-021 | 550.00 | 812.22 |
| 049-192-022 | 550.00 | 812.22 |
| 049-193-001 | 550.00 | 812.22 |
| 049-193-002 | 550.00 | 812.22 |
| 049-193-003 | 550.00 | 812.22 |
| 049-193-004 | 550.00 | 812.22 |
| 049-193-005 | 550.00 | 812.22 |
| 049-193-006 | 550.00 | 812.22 |
| 049-193-007 | 550.00 | 812.22 |
| 049-193-008 | 550.00 | 812.22 |
| 049-193-010 | 550.00 | 812.22 |
| 049-193-011 | 550.00 | 812.22 |
| 049-193-012 | 550.00 | 812.22 |
| 049-193-013 | 550.00 | 812.22 |
| 049-193-014 | 550.00 | 812.22 |
| 049-193-015 | 550.00 | 812.22 |
| 049-193-016 | 550.00 | 812.22 |
| 049-193-017 | 550.00 | 812.22 |
| 049-193-018 | 550.00 | 812.22 |
| 049-193-019 | 550.00 | 812.22 |
| 049-193-020 | 550.00 | 812.22 |
| 049-193-021 | 550.00 | 812.22 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 1

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-193-022 | 550.00 | 812.22 |
| 049-193-023 | 550.00 | 812.22 |
| 049-193-024 | 550.00 | 812.22 |
| 049-193-025 | 550.00 | 812.22 |
| 049-193-026 | 550.00 | 812.22 |
| 049-193-027 | 550.00 | 812.22 |
| 049-193-028 | 550.00 | 812.22 |
| 049-193-029 | 550.00 | 812.22 |
| 049-193-030 | 550.00 | 812.22 |
| 049-193-031 | 550.00 | 812.22 |
| 049-193-032 | 550.00 | 812.22 |
| 049-193-033 | 550.00 | 812.22 |
| 049-193-034 | 550.00 | 812.22 |
| 049-193-035 | 550.00 | 812.22 |
| 049-193-036 | 550.00 | 812.22 |
| 049-193-037 | 550.00 | 812.22 |
| 049-193-038 | 550.00 | 812.22 |
| 049-193-039 | 550.00 | 812.22 |
| 049-193-040 | 550.00 | 812.22 |
| 049-193-041 | 550.00 | 812.22 |
| 049-193-042 | 550.00 | 812.22 |
| 049-193-043 | 550.00 | 812.22 |
| 049-193-044 | 550.00 | 812.22 |
| 049-193-045 | 550.00 | 812.22 |
| 049-193-046 | 550.00 | 812.22 |
| 049-193-047 | 550.00 | 812.22 |
| 049-193-048 | 550.00 | 812.22 |
| 049-193-051 | 550.00 | 812.22 |
| **70 Accounts** | **$38,500.00** | **$56,855.48** |

Slight variances may occur due to rounding

# DRAFT RESOLUTION D

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2021/2022 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION E

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

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

a. A Description of the Improvements

b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2021/2022.

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION F

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 01 (APPLE VALLEY) FOR FISCAL YEAR 2021/2022

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

**WHEREAS,** The City Council has by previous Resolution initiated proceedings for fiscal year 2021/2022 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 01 (Apple Valley) (hereafter referred to as the "District"). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

**WHEREAS,** the proposed District assessments for fiscal year 2021/2022 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIIID; and

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

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

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

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

**SECTION 2.** The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2021/2022.

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

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

**SECTION 5.** The proposed assessments for fiscal year 2021/2022, as outlined in the Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIIID.

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

**SECTION 7.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2021/2022 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report For:*

## Landscaping and Lighting District

## District No. 01 (Apple Valley)

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

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

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

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**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

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

**WHEREAS**, on May 11, 2021, the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Budget Summary**

| Description | Total Costs | Costs Not Assessed | Proposed Assessment | Total Benefit Units | Maximum Rate | Proposed Rate Per BU |
|---|---|---|---|---|---|---|
| Annual Maintenance | $84,280 | ($10,090) | $74,190 | | | |
| Special Annual Projects | 24,000 | 0 | 24,000 | | | |
| Administration | 6,920 | 0 | 6,920 | | | |
| Capital Reserve Collections/(Uses) | 5,491 | (650) | 4,841 | | | |
| Levy Adjustments | (57,691) | (10,740) | (46,951) | | | |
| **Total** | **$63,000** | **$0** | **$63,000** | **70** | **$1,774.95** | **$900.00** |

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

_____

City Engineer

# 2. EXECUTIVE SUMMARY

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

***Landscaping and Lighting District No. 01 (Apple Valley)***

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as Apple Valley, Tract 2495 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

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

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

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

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Description of the District

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

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

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

## 3.2 Improvements and Services Authorized by the 1972 Act

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

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

c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;

d) The removal of trimmings, rubbish, debris, and other solid waste;

e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;

f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;

g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

8) Incidental expenses associated with the improvements including, but not limited to:

a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;

b) The costs of printing, advertising, and the publishing, posting and mailing of notices;

c) Compensation payable to the County for collection of assessments;

d) Compensation of any engineer or attorney employed to render services;

e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;

f) Costs associated with any elections held for the approval of a new or increased assessment.

## 3.3 Description of Improvements and Services

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

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2495 that are within the public right-of-ways or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2495;
- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as

part of the residential development or landscaped improvement areas;

- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner's Association or similar entity.

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

### 3.3.1 LANDSCAPE IMPROVEMENTS

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

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

### 3.3.2 PUBLIC LIGHTING IMPROVEMENTS

The lighting improvements may include but are not limited to the cost of providing electrical energy and

servicing of lighting fixtures, poles, meters, conduits, electrical cable and associated appurtenant facilities associated with:

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

# 4. ESTIMATE OF COSTS

| BUDGET | Total Budget | Costs Not Assessed | 2021/2022 Assessment |
|---|---|---|---|
| **DIRECT COSTS** | | | |
| **Annual Costs** | | | |
| Landscape Services | $47,500 | ($6,550) | $40,950 |
| Landscape Supplies | 2,500 | 0 | 2,500 |
| Landscape Utilities | 14,160 | (3,540) | 10,620 |
| City Landscape Services | 10,120 | 0 | 10,120 |
| Tree Trimming and Replacement | 10,000 | 0 | 10,000 |
| **Total Annual Direct Costs** | **$84,280** | **0** | **$74,190** |
| **CAPITAL EXPENDITURES** | | | |
| Special Projects | $24,000 | $0 | $24,000 |
| **Total Annual Special Projects** | **$24,000** | **$0** | **$24,000** |
| **ADMINISTRATION EXPENSES** | | | |
| **Annual Administration Expenses** | | | |
| City Annual Administration | $2,100 | $0 | $2,100 |
| Engineer's Report & Services | 4,240 | 0 | 4,240 |
| Public Noticing | 580 | 0 | 580 |
| **Total Administration** | **$6,920** | **$0** | **$6,920** |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$115,200** | **($10,090)** | **$105,110** |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | | | |
| Landscape Rehabilitation/Replacement | $1,300 | ($650) | $650 |
| Median Rehabilitation/Replacement | 238 | 0 | 238 |
| Open Space Rehabilitation/Replacement | 1,120 | 0 | 1,120 |
| Tree Rehabilitation/Replacement | 2,033 | 0 | 2,033 |
| Other Rehabilitation/Replacement | 800 | 0 | 800 |
| **Total Annual Capital Reserve Collections/(Uses)** | **$5,491** | **($650)** | **$4,841** |
| **LEVY ADJUSTMENTS** | | | |
| Interest Income - Improvement Fund | ($2,375) | $0 | ($2,375) |
| Interest Income - Operating Reserve Fund | (1,178) | 0 | (1,178) |
| Contributions from other Sources | (10,740) | (10,740) | 0 |
| Reserve Collection/(Use) | (43,398) | 0 | (43,398) |
| **Total Levy Adjustments** | **($57,691)** | **($10,740)** | **($46,951)** |
| **BALANCE TO LEVY** | **$63,000** | **$0** | **$63,000** |
| | | | |
| **DISTRICT STATISTICS** | | | |
| Total Parcels | | | 74 |
| Parcels Levied | | | 70 |
| Total EBU [(1)] | | | 70 |
| **Levy per EBU** | | | **$900.00** |
| Maximum Levy per EBU | | | $1,774.95 |
| | | | |
| **FUND BALANCE INFORMATION** | | | |
| Beginning Operating Reserve Balance | | | $39,817 |
| Operational Reserve Interest | | | $1,178 |
| Surplus Transfer from Improvement Fund | | | 58,736 |
| Operational Reserve Collection (Use) | | | ($46,951) |
| Estimated Ending Operating Reserve Balance | | | **$52,780** |
| | | | |
| Beginning Improvement Fund Balance | | | $157,259 |
| Improvement Fund Interest | | | $2,375 |
| Surplus Transfer to Operations Fund | | | ($58,736) |
| Improvement Fund Collection/(Use) | | | $5,490 |
| Estimated Ending Improvement Fund Balance | | | **$106,388** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

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

## 5.2 Benefit Analysis

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

### 5.2.1 SPECIAL BENEFIT

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

The special benefits associated with landscape improvements are specifically:

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

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

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

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

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

### 5.2.2 GENERAL BENEFIT

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

## 5.3 Assessment Methodology

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

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

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

### 5.3.1 EQUIVALENT BENEFIT UNITS:

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

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

### 5.3.2 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against regarding special benefit (i.e. Equivalent Benefit Unit "EBU").

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or

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

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

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

**(5) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based

upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).

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

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

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

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

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**

**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

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

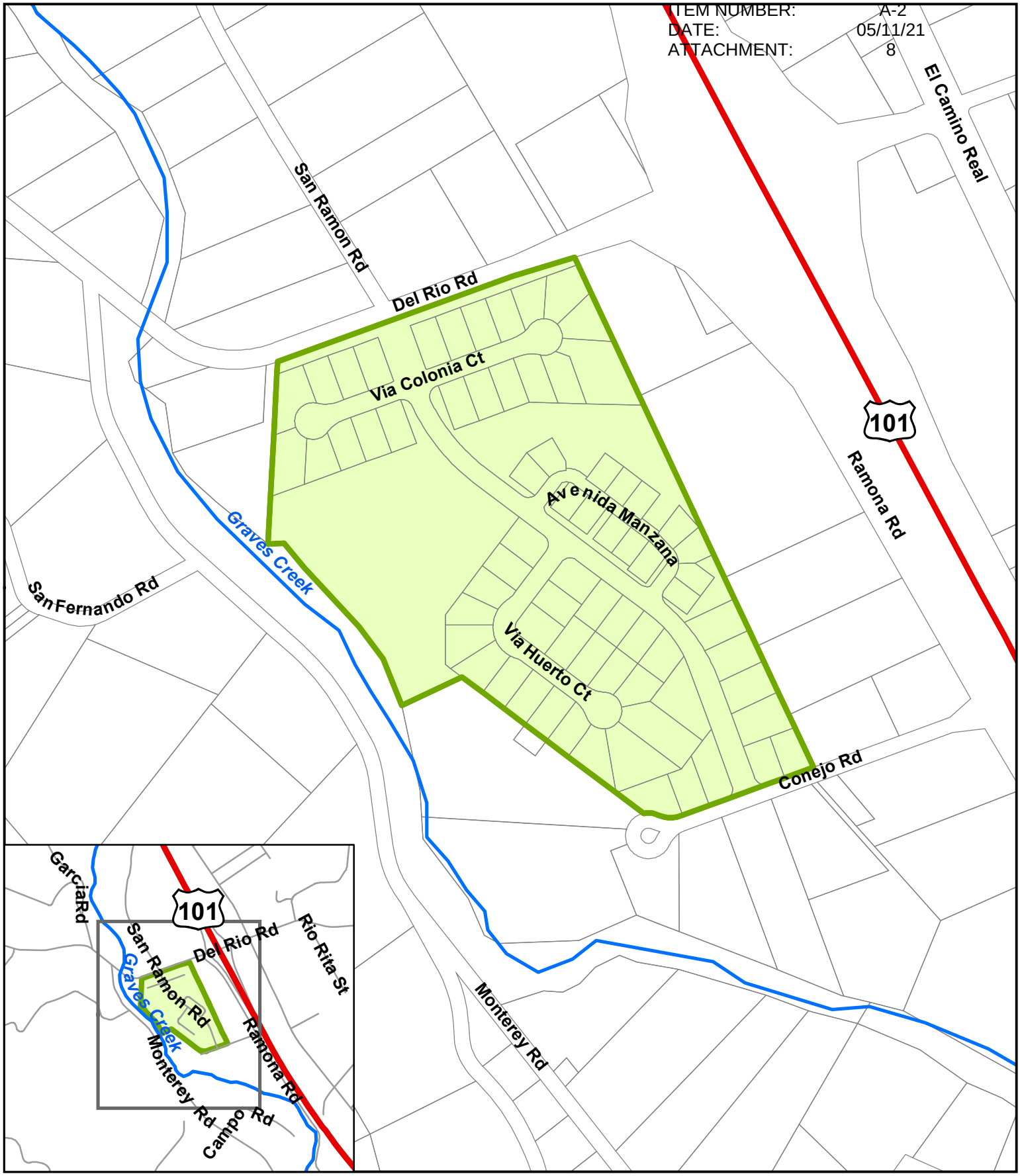
To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of Article XIIID Section 4c, that requires a public hearing and certain protest procedures including mailed notice of the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

# 6. ASSESSMENT DIAGRAM

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

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

ITEM NUMBER: A-2
DATE: 05/11/21
ATTACHMENT: 8




# CITY OF ATASCADERO

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

N
W E
S

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

# 7. ASSESSMENT ROLL

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

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

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

The following is a list of the parcels and assessment amounts for each of the parcels within the District as determined by the assessment rates and method of apportionment described herein.

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 1

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-192-001 | $900.00 | $1,774.95 |
| 049-192-002 | 900.00 | 1,774.95 |
| 049-192-003 | 900.00 | 1,774.95 |
| 049-192-004 | 900.00 | 1,774.95 |
| 049-192-005 | 900.00 | 1,774.95 |
| 049-192-006 | 900.00 | 1,774.95 |
| 049-192-007 | 900.00 | 1,774.95 |
| 049-192-008 | 900.00 | 1,774.95 |
| 049-192-009 | 900.00 | 1,774.95 |
| 049-192-010 | 900.00 | 1,774.95 |
| 049-192-011 | 900.00 | 1,774.95 |
| 049-192-012 | 900.00 | 1,774.95 |
| 049-192-013 | 900.00 | 1,774.95 |
| 049-192-014 | 900.00 | 1,774.95 |
| 049-192-015 | 900.00 | 1,774.95 |
| 049-192-016 | 900.00 | 1,774.95 |
| 049-192-017 | 900.00 | 1,774.95 |
| 049-192-018 | 900.00 | 1,774.95 |
| 049-192-019 | 900.00 | 1,774.95 |
| 049-192-020 | 900.00 | 1,774.95 |
| 049-192-021 | 900.00 | 1,774.95 |
| 049-192-022 | 900.00 | 1,774.95 |
| 049-193-001 | 900.00 | 1,774.95 |
| 049-193-002 | 900.00 | 1,774.95 |
| 049-193-003 | 900.00 | 1,774.95 |
| 049-193-004 | 900.00 | 1,774.95 |
| 049-193-005 | 900.00 | 1,774.95 |
| 049-193-006 | 900.00 | 1,774.95 |
| 049-193-007 | 900.00 | 1,774.95 |
| 049-193-008 | 900.00 | 1,774.95 |
| 049-193-010 | 900.00 | 1,774.95 |
| 049-193-011 | 900.00 | 1,774.95 |
| 049-193-012 | 900.00 | 1,774.95 |
| 049-193-013 | 900.00 | 1,774.95 |
| 049-193-014 | 900.00 | 1,774.95 |
| 049-193-015 | 900.00 | 1,774.95 |
| 049-193-016 | 900.00 | 1,774.95 |
| 049-193-017 | 900.00 | 1,774.95 |
| 049-193-018 | 900.00 | 1,774.95 |
| 049-193-019 | 900.00 | 1,774.95 |
| 049-193-020 | 900.00 | 1,774.95 |
| 049-193-021 | 900.00 | 1,774.95 |
| 049-193-022 | 900.00 | 1,774.95 |
| 049-193-023 | 900.00 | 1,774.95 |
| 049-193-024 | 900.00 | 1,774.95 |
| 049-193-025 | 900.00 | 1,774.95 |
| 049-193-026 | 900.00 | 1,774.95 |
| 049-193-027 | 900.00 | 1,774.95 |
| 049-193-028 | 900.00 | 1,774.95 |
| 049-193-029 | 900.00 | 1,774.95 |

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 1

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-193-030 | 900.00 | 1,774.95 |
| 049-193-031 | 900.00 | 1,774.95 |
| 049-193-032 | 900.00 | 1,774.95 |
| 049-193-033 | 900.00 | 1,774.95 |
| 049-193-034 | 900.00 | 1,774.95 |
| 049-193-035 | 900.00 | 1,774.95 |
| 049-193-036 | 900.00 | 1,774.95 |
| 049-193-037 | 900.00 | 1,774.95 |
| 049-193-038 | 900.00 | 1,774.95 |
| 049-193-039 | 900.00 | 1,774.95 |
| 049-193-040 | 900.00 | 1,774.95 |
| 049-193-041 | 900.00 | 1,774.95 |
| 049-193-042 | 900.00 | 1,774.95 |
| 049-193-043 | 900.00 | 1,774.95 |
| 049-193-044 | 900.00 | 1,774.95 |
| 049-193-045 | 900.00 | 1,774.95 |
| 049-193-046 | 900.00 | 1,774.95 |
| 049-193-047 | 900.00 | 1,774.95 |
| 049-193-048 | 900.00 | 1,774.95 |
| 049-193-051 | 900.00 | 1,774.95 |
| **70 Accounts** | **$63,000.00** | **$124,246.85** |

Slight variances may occur due to rounding

# Atascadero City Council

## Staff Report – Administrative Services Department

### De Anza Estates Assessment Districts

## RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.

2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).

3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.

6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.

## REPORT-IN-BRIEF:

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

The City Council also formed and began assessing Atascadero Landscape and Lighting Maintenance District No. 03 (De Anza Estates) in 2005. This district was formed to

provide for funding and maintenance of street trees, open space, park area, medians, walkways, paths and other landscape and lighting improvements within the De Anza Estates subdivision.

NBS, an independent financial consultant, was hired to prepare the engineer's report for the two districts. The engineer's report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 8, 2021, at 6:00 p.m., at which time the final resolutions will be presented to the Council for consideration.

The proposed assessments for fiscal year 2021/2022 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the City may increase the Maximum Assessment Rate for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased by 3.0% (CPI) this year for both districts.

The City has historically held an annual informational meeting with District residents, to review and gather input regarding the upcoming year's assessment. Due to a combination of factors including the new social distancing requirements due to the COVID-19, City Council's stated direction for essentialism in order to better prioritize and streamline staff's time and efforts, keeping down administration costs in the Districts, and dwindling community attendance at these meetings, the annual meeting was not held. An Assessment Information Notice was mailed to all property owners on April 23, 2021. The notice provided the date of the upcoming June 8, 2021, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts, and pages related to the districts from the City's June 30, 2020, audited financial statements.

Staff has reviewed the short and long-term costs to maintain the districts and recommends the total cost of both districts of $1,274 remains flat when compared to the prior year. The Landscaping and Lighting District levy is about 17% of the allowable maximum annual assessment and the Street and Strom Drain District is about 68% of the allowable maximum annual assessment.

| District | **Amount Per EBU Assessment Fiscal Year 2020-21** | **Amount Per EBU Proposed Assessment Fiscal Year 2021-22** |
|---|---|---|
| Atascadero Street and Storm Drain Maintenance District No. 03 De Anza Estates - Senior Housing | $ 342.48 | $ 342.48 |
| Atascadero Street and Storm Drain Maintenance District No. 03 De Anza Estates - Single Family Residential | $ 681.50 | $ 681.50 |
| Atascadero Landscaping and Lighting Maintenance District No. 03 De Anza Estates | $ 250.00 | $ 250.00 |

While the levies for fiscal year 2021-22 are proposed with no increases, staff predicts that the Landscape and Lighting District will likely see increased costs due to the aging landscape, increases in utilities (water and electricity), and increases in labor costs for the landscape maintenance contractor. City staff works to maximize efficiencies and minimize levy increases, However, modest levy increases are expected in future years in order to continue providing the existing service levels.

## FISCAL IMPACT:

Annual assessments for 2021/2022 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 2021/2022 for half of the maintenance costs of the trails and open space.

## ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates)
3. **Draft Resolution C** - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters
4. **Engineer's Annual Levy Report**- for the levy and collection of fiscal year 2021/2022 assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code
6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022
8. **Engineer's Report**- for the levy and collection of fiscal year 2021/2022 assessments for Landscaping and Lighting District No. 03 (De Anza Estates)

# DRAFT RESOLUTION A

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 03 (DE ANZA ESTATES) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION B

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ACCEPTING AND PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 03 (DE ANZA ESTATES)

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

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

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

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

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

**SECTION 1.** The preceding recitals are true and correct.

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

a. A Description of Improvements.

b. A Boundary Diagram of the District.

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.

e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2021/2022.

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION C

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 03 (DE ANZA ESTATES) IN FISCAL YEAR 2021/2022, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

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

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

**WHEREAS,** the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2021/2022 (July 1, 2021 and ending June 30, 2022) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIIC and XIIID,* and the City Council did by previous Resolution preliminarily approve such Report.

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

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

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

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

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

**SECTION 5.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2021/2022 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report For:*

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

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

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

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

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**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

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

**WHEREAS**, on May 11, 2021, the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Summary of Assessment**

| Description | Zone A - Amount | Zone B - Amount | Total Amount |
|---|---|---|---|
| Estimated Annual Costs | $7,761 | $13,839 | $21,600 |
| Capital Reserve Collection/(Uses) | 14,939 | 15,873 | 30,812 |
| Levy Adjustments | (9,857) | (11,993) | (21,850) |
| **Balance to Levy** | **$12,843** | **$17,719** | **$30,562** |
| Fiscal Year 2021/22 Maximum Rate (1) | $806.47 | $997.06 | |
| Fiscal Year 2021/22 Proposed Applied Rate (1) | $342.48 | $681.50 | |

(1) Rates above are per Equivalent Benefit Unit.

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

_____

City Engineer

# 2. EXECUTIVE SUMMARY

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

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

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as De Anza Estates, Tract 2498 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22.

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

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

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

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Benefiting Properties within the District

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

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

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

## 3.2 Funding Authorized by the 1982 Act

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

- Drainage and Flood Control;
- Streets and Roads.

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

## 3.3 Description of Improvements and Services

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

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

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

### 3.3.1 STREET MAINTENANCE

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

- Approximately 66,000 square feet of asphalt street surface located on the interior streets of the development identified as El Camino Real north of the Upper Bridge Crossing; Ferrocarril Road from the Graves Creek Bridge northeast to the end of Tract 2498; and De Anza Court.
- Approximately 5,700 linear feet of curb and gutter along El Camino Real, Ferrocarril Road, and De Anza Court, 26 driveway approaches and various street signs within the District;
- Two bridges identified as the Upper Bridge Crossing (located on El Camino Real at the entryway to the tract) and the Graves Creek Bridge (located on Ferrocarril Road located at the entryway to the senior housing development);

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

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

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

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

funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

### 3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

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

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

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

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

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

annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

# 4. ESTIMATE OF COSTS

| Budget | Zone A (Senior Housing) | Zone B (SF-Residential) | 2021/2022 Assessment |
|---|---|---|---|
| **DIRECT COSTS** | | | |
| **Streets, Roads & Storm Drain Improvements** | | | |
| Drainage Maintenance Services | $0 | $3,500 | $3,500 |
| Street Sweeping Services | 640 | 960 | 1,600 |
| Inspection & Operational Services - Roads, Drainage | 1,616 | 2,424 | 4,040 |
| Street Maintenance | 2,900 | 4,350 | 7,250 |
| **Total Annual Direct Costs** | **$5,156** | **$11,234** | **$16,390** |
| | | | |
| **ADMINISTRATION EXPENSES** | | | |
| City Annual Administration | $800 | $800 | $1,600 |
| Engineer's Report & Services | 1,650 | 1,650 | 3,300 |
| Public Noticing | 155 | 155 | 310 |
| **Total Administration Costs** | **$2,605** | **$2,605** | **$5,210** |
| | | | |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$7,761** | **$13,839** | **$21,600** |
| | | | |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | | | |
| Collection for Street Surface Activities | $6,445 | $9,667 | $16,111 |
| Collection for Street Re-striping | 34 | 52 | 86 |
| Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks | 116 | 174 | 290 |
| Collection for Debris Removal | 0 | 307 | 307 |
| Collection for Bridges | 8,344 | 5,562 | 13,906 |
| Collection for Storm Drain Infrastructure | 0 | 111 | 111 |
| **Total Capital Reserve Collections/(Uses)** | **$14,939** | **$15,873** | **$30,812** |
| | | | |
| **LEVY ADJUSTMENTS** | | | |
| Interest Income - Improvement Fund | ($3,998) | ($5,516) | ($9,514) |
| Interest Income - Operating Reserve Fund | (116) | (160) | (276) |
| Reserve Fund Collection (Use) | (5,743) | (6,317) | (12,060) |
| **Total Levy Adjustments** | **($9,857)** | **($11,993)** | **($21,850)** |
| | | | |
| **BALANCE TO LEVY** | **$12,843** | **$17,719** | **$30,562** |
| | | | |
| **DISTRICT STATISTICS** | | | |
| Total Parcels | 61 | 28 | 89 |
| Parcels Levied | 60 | 26 | 86 |
| Total EBU [(1)] | 37.5 | 26 | 63.5 |
| **Proposed Levy per EBU** | **$342.48** | **$681.50** | |
| Maximum Levy per EBU | $806.47 | $997.06 | |
| | | | |
| **FUND BALANCE INFORMATION** | | | |
| Beginning Operating Reserve Balance | $3,660 | $5,050 | $8,710 |
| Operational Reserve Interest | 116 | 160 | $276 |
| Surplus Transfer from Improvement Fund | 11,306 | 15,598 | 26,904 |
| Operational Reserve Collection (Use) | (9,857) | (11,993) | ($21,850) |
| Ending Operating Reserve Balance | **$5,225** | **$8,815** | **$14,040** |
| | | | |
| Beginning Improvement Fund Balance | $198,179 | $273,419 | $471,598 |
| Improvement Fund Interest | 3,998 | 5,516 | 9,514 |
| Surplus Transfer to Operations Fund | (11,306) | (15,598) | (26,904) |
| Improvement Fund Collection/(Use) | 12,948 | 17,864 | 30,812 |
| Estimated Ending Improvement Fund Balance | **$203,819** | **$281,201** | **$485,020** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

Furthermore:

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

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

## 5.2 Benefit Analysis

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

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

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

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

## 5.3 Assessment Methodology

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

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

### 5.3.1 ZONES OF BENEFIT:

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

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

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

**(2) Zone B (Single-Family Residential Portion of Tract 2498)** — Along with the properties in Zone A, the single-family residential properties within Tract 2498 benefit and shall proportionately share in the costs associated with maintaining and servicing the Upper Bridge Crossing and El Camino Real. In addition, the overall development of these particular properties required the construction and installation of the street improvements on Ferrocarril Road and De Anza Court as well as the entire storm drain system to be maintained by the District. Therefore, the cost of maintaining and servicing these particular improvements shall be budgeted and allocated proportionately to only those properties in Zone B. Conversely, the construction of the Graves Creek Bridge was only necessary for the development of the senior housing and the properties within Zone B will not share in the cost of maintaining this particular facility.

### 5.3.2 EQUIVALENT BENEFIT UNITS:

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

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

### 5.3.3 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit "EBU").

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single- family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

**(4) Modified Housing/Senior Housing Units —** Modified Housing or Senior Housing is generally defined as residential units that would typically be classified as Condominiums or Town-homes, but have specific deed restrictions that may limit the size or use of all units within the development. This classification is not applicable to individual single-family residential parcels unless all single-family residential parcels within that particular development or subdivision have the same restrictions.

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

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

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

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

- Lots or parcels identified as public streets and other roadways (typically not assigned an APN by the County);
- Dedicated public easements including open space areas, utility rights-of- way, greenbelts, parkways, parks or other publicly owned properties that are part of the District improvements or may provide other benefits to private properties within the District.;

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

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

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

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**

**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of “All Urban Consumers” for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

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

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

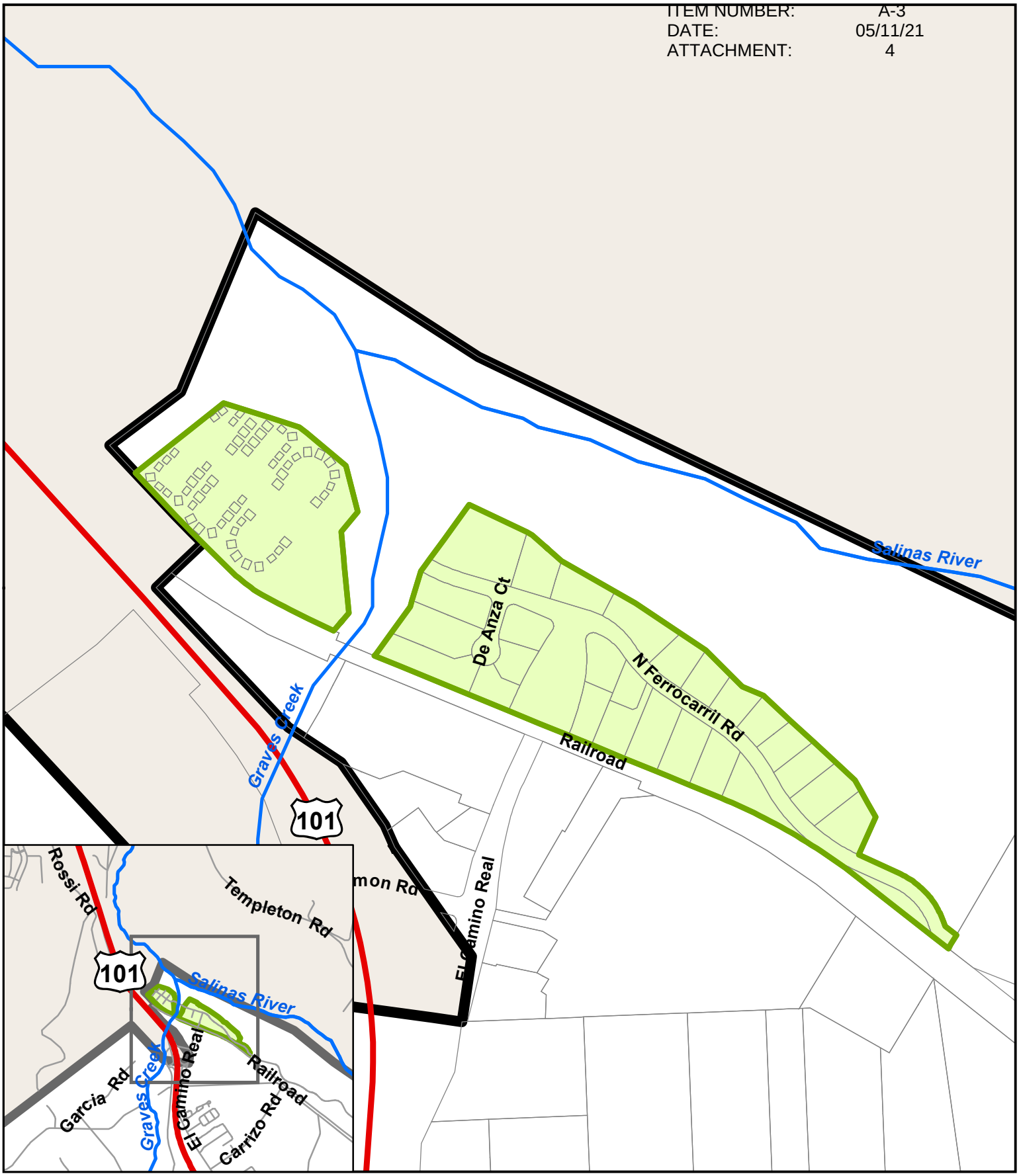
To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIIID Section 4c, that requires a public hearing and certain protest procedures including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

# 6. ASSESSMENT DIAGRAM

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

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

ITEM NUMBER: A-3
DATE: 05/11/21
ATTACHMENT: 4




# CITY OF ATASCADERO

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

N
W E
S



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

# 7. ASSESSMENT ROLL

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

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

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

# City of Atascadero

## Street & Storm Drain Maintenance No. 3

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-044-002 | $681.50 | $997.06 |
| 049-044-003 | 681.50 | 997.06 |
| 049-044-004 | 681.50 | 997.06 |
| 049-044-005 | 681.50 | 997.06 |
| 049-044-006 | 681.50 | 997.06 |
| 049-044-007 | 681.50 | 997.06 |
| 049-044-008 | 681.50 | 997.06 |
| 049-044-009 | 681.50 | 997.06 |
| 049-044-010 | 681.50 | 997.06 |
| 049-044-011 | 681.50 | 997.06 |
| 049-044-012 | 681.50 | 997.06 |
| 049-044-013 | 681.50 | 997.06 |
| 049-044-014 | 681.50 | 997.06 |
| 049-044-015 | 681.50 | 997.06 |
| 049-044-016 | 681.50 | 997.06 |
| 049-044-017 | 681.50 | 997.06 |
| 049-044-018 | 681.50 | 997.06 |
| 049-044-019 | 681.50 | 997.06 |
| 049-044-020 | 681.50 | 997.06 |
| 049-044-021 | 681.50 | 997.06 |
| 049-044-022 | 681.50 | 997.06 |
| 049-044-023 | 681.50 | 997.06 |
| 049-044-024 | 681.50 | 997.06 |
| 049-044-025 | 681.50 | 997.06 |
| 049-044-026 | 681.50 | 997.06 |
| 049-044-033 | 681.50 | 997.06 |
| 049-046-002 | 214.04 | 806.47 |
| 049-046-003 | 214.04 | 806.47 |
| 049-046-004 | 214.04 | 806.47 |
| 049-046-005 | 214.04 | 806.47 |
| 049-046-006 | 214.04 | 806.47 |
| 049-046-007 | 214.04 | 806.47 |
| 049-046-008 | 214.04 | 806.47 |
| 049-046-009 | 214.04 | 806.47 |
| 049-046-010 | 214.04 | 806.47 |
| 049-046-011 | 214.04 | 806.47 |
| 049-046-012 | 214.04 | 806.47 |
| 049-046-013 | 214.04 | 806.47 |
| 049-046-014 | 214.04 | 806.47 |
| 049-046-015 | 214.04 | 806.47 |
| 049-046-016 | 214.04 | 806.47 |
| 049-046-017 | 214.04 | 806.47 |
| 049-046-018 | 214.04 | 806.47 |
| 049-046-019 | 214.04 | 806.47 |
| 049-046-020 | 214.04 | 806.47 |
| 049-046-021 | 214.04 | 806.47 |
| 049-046-022 | 214.04 | 806.47 |
| 049-046-023 | 214.04 | 806.47 |
| 049-046-024 | 214.04 | 806.47 |
| 049-046-025 | 214.04 | 806.47 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 3

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-046-026 | 214.04 | 806.47 |
| 049-046-027 | 214.04 | 806.47 |
| 049-046-028 | 214.04 | 806.47 |
| 049-046-029 | 214.04 | 806.47 |
| 049-046-030 | 214.04 | 806.47 |
| 049-046-031 | 214.04 | 806.47 |
| 049-046-032 | 214.04 | 806.47 |
| 049-046-033 | 214.04 | 806.47 |
| 049-046-034 | 214.04 | 806.47 |
| 049-046-035 | 214.04 | 806.47 |
| 049-046-036 | 214.04 | 806.47 |
| 049-046-037 | 214.04 | 806.47 |
| 049-046-038 | 214.04 | 806.47 |
| 049-046-039 | 214.04 | 806.47 |
| 049-046-040 | 214.04 | 806.47 |
| 049-046-041 | 214.04 | 806.47 |
| 049-046-042 | 214.04 | 806.47 |
| 049-046-043 | 214.04 | 806.47 |
| 049-046-044 | 214.04 | 806.47 |
| 049-046-045 | 214.04 | 806.47 |
| 049-046-046 | 214.04 | 806.47 |
| 049-046-047 | 214.04 | 806.47 |
| 049-046-048 | 214.04 | 806.47 |
| 049-046-049 | 214.04 | 806.47 |
| 049-046-050 | 214.04 | 806.47 |
| 049-046-051 | 214.04 | 806.47 |
| 049-046-052 | 214.04 | 806.47 |
| 049-046-053 | 214.04 | 806.47 |
| 049-046-054 | 214.04 | 806.47 |
| 049-046-055 | 214.04 | 806.47 |
| 049-046-056 | 214.04 | 806.47 |
| 049-046-057 | 214.04 | 806.47 |
| 049-046-058 | 214.04 | 806.47 |
| 049-046-059 | 214.04 | 806.47 |
| 049-046-060 | 214.04 | 806.47 |
| 049-046-061 | 214.04 | 806.47 |
| **86 Accounts** | **$30,561.40** | **$74,312.35** |

Slight variances may occur due to rounding

# DRAFT RESOLUTION D

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3 (DE ANZA ESTATES) FOR FISCAL YEAR 2021/2022 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION E

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 3 (DE ANZA ESTATES) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

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

a. A Description of the Improvements

b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2021/2022.

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION F

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 03 (DE ANZA ESTATES) FOR FISCAL YEAR 2021/2022

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

**WHEREAS,** The City Council has by previous Resolution initiated proceedings for fiscal year 2021/2022 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 3 (hereafter referred to as the "District"). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

**WHEREAS,** the proposed District assessments for fiscal year 2021/2022 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIIID; and

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

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

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

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

**SECTION 2.** The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2021/2022.

**SECTION 3.** The boundaries of the District are described in the Engineer's Report and are consistent with the boundary established and described in the original formation documents, on file with the City Clerk, and incorporated herein by reference. The District is within the boundaries of the City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as De Anza Estates and referred to as the "Atascadero Landscaping and Lighting District No. 03".

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

**SECTION 5.** The proposed assessments for fiscal year 2021/2022, as outlined in the Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIIID.

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

**SECTION 7.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2021/2022 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of ____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian A. Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report For:*

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

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

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

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

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**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

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

**WHEREAS**, on May 11, 2021, the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Budget Summary**

| Description | Total Costs | Costs Not Assessed | Proposed Assessment | Total Benefit Units | Maximum Rate | Proposed Rate Per BU |
|---|---|---|---|---|---|---|
| Annual Maintenance | $14,750 | $708 | $14,042 | | | |
| Special Projects | 2,500 | 0 | 2,500 | | | |
| Administration | 7,210 | 0 | 7,210 | | | |
| Capital Reserve Collections/(Use) | 6,614 | 500 | 6,114 | | | |
| Levy Adjustments | (15,199) | (1,208) | (13,991) | | | |
| **Total** | **$15,875** | **$0** | **$15,875** | **63.5** | **$1,429.67** | **$250.00** |

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

City Engineer

# 2. EXECUTIVE SUMMARY

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

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

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as De Anza Estates, Tract 2498 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

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

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

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

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Description of the District

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

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

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

## 3.2 Improvements and Services Authorized by the 1972 Act

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

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

c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;

d) The removal of trimmings, rubbish, debris, and other solid waste;

e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;

f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;

g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

8) Incidental expenses associated with the improvements including, but not limited to:

a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;

b) The costs of printing, advertising, and the publishing, posting and mailing of notices;

c) Compensation payable to the County for collection of assessments;

d) Compensation of any engineer or attorney employed to render services;

e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;

f) Costs associated with any elections held for the approval of a new or increase assessment.

## 3.3 Description of Improvements and Services

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

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2498 that are within the public right-of-ways or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2498;

- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner's Association or similar entity.
- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as part of the residential development or landscaped improvement areas;
- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner's Association or similar entity.

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

### 3.3.1 LANDSCAPE IMPROVEMENTS

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

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

### 3.3.2 PUBLIC LIGHTING IMPROVEMENTS

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

# 4. ESTIMATE OF COSTS

| BUDGET | Total Budget | Costs Not Assessed | 2021/2022 Assessment |
|---|---|---|---|
| **DIRECT COSTS** | | | |
| **Annual Costs** | | | |
| Landscape Services | $6,500 | ($708) | $5,792 |
| Landscape Supplies | 500 | 0 | 500 |
| Landscape Utilities | 1,000 | 0 | 1,000 |
| City Landscape Services | 6,250 | 0 | 6,250 |
| Other Maintenance Services | 500 | 0 | 500 |
| **Total Annual Direct Costs** | **$14,750** | **($708)** | **$14,042** |
| **CAPITAL EXPENDITURES** | | | |
| Special Projects | $2,500 | $0 | $2,500 |
| **Total Annual Special Projects** | **$2,500** | **$0** | **$2,500** |
| **ADMINISTRATION EXPENSES** | | | |
| **Annual Administration Expenses** | | | |
| City Annual Administration | $2,220 | $0 | $2,220 |
| Engineer's Report & Services | 4,490 | 0 | 4,490 |
| Public Noticing | 500 | 0 | 500 |
| **Total Administration** | **$7,210** | **$0** | **$7,210** |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$24,460** | **($708)** | **$23,752** |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | | | |
| Landscape Rehabilitation/Replacement | $2,938 | $0 | $2,938 |
| Trail and Pathway Rehabilitation/Replacement | 1,000 | (500) | 500 |
| Park and Open Space Rehabilitation/Replacement | 762 | 0 | 762 |
| Tree Rehabilitation/Replacement | 1,207 | 0 | 1,207 |
| Park Rehabilitation/Replacement | 707 | 0 | 707 |
| **Total Annual Capital Reserve Collections/(Uses)** | **$6,614** | **($500)** | **$6,114** |
| **LEVY ADJUSTMENTS** | | | |
| Interest Income - Improvement Fund | ($2,089) | $0 | ($2,089) |
| Interest Income - Operating Reserve Fund | (301) | 0 | (301) |
| Contribution from Other Sources | (1,208) | (1,208) | 0 |
| Reserve Collection/(Use) | (11,601) | 0 | (11,601) |
| **Total Levy Adjustments** | **($15,199)** | **($1,208)** | **($13,991)** |
| **BALANCE TO LEVY** | **$15,875** | **$0** | **$15,875** |
| | | | |
| **DISTRICT STATISTICS** | | | |
| Total Parcels | | | 89 |
| Parcels Levied | | | 86 |
| Total EBU [(1)] | | | 63.50 |
| **Levy per EBU** | | | **$250.00** |
| Maximum Levy per EBU | | | $1,429.67 |
| | | | |
| **FUND BALANCE INFORMATION** | | | |
| Beginning Operating Reserve Balance | | | $13,748 |
| Operational Reserve Interest | | | 301 |
| Surplus Transfer from Improvement Fund | | | 14,216 |
| Operational Reserve Collection/(Use) | | | (13,991) |
| Estimated Ending Operating Reserve Balance | | | **$14,274** |
| | | | |
| Beginning Improvement Fund Balance | | | $108,146 |
| Improvement Fund Interest | | | 2,089 |
| Surplus Transfer to Operations Fund | | | (14,216) |
| Improvement Fund Collection/(Use) | | | 6,424 |
| Estimated Ending Improvement Fund Balance | | | **$102,443** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

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

## 5.2 Benefit Analysis

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

### 5.2.1 SPECIAL BENEFIT

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

The special benefits associated with landscape improvements are specifically:

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

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

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

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

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

### 5.2.2 GENERAL BENEFIT

Upon reviewing each of the District improvements, the proximity of those improvements to both properties within the District and those outside the District as well as the reasons for installing, constructing and maintaining such improvements, it is evident that the properties within the District receive special benefit from those improvements. While the District improvements clearly include public areas, easements, right-of-ways and other amenities available or visible to the public at large, the landscaped areas, trails, detention basin as well as the need to increase maintenance activities within the open space areas resulted solely from the development of properties within the District and would otherwise not have been required nor necessarily desired by any properties or developments outside the District and any public access or use of the improvements by others is incidental. Therefore, it has been determined that these improvements and the ongoing maintenance, servicing and operation of those improvements provide no measurable general benefit to properties outside the District or to the public at large. However, while this development has facilitated a need for increased maintenance of the open space area associated with Tract 2498, it is also

recognized that land conservation and ensuring adequate open space areas within the City does have some indirect, but not quantifiable, benefit to the community at large. Therefore, while the entire cost to maintain the open space area as well as the Horse Arena facility have been incorporated into the District budget, the annual cost to maintain the arena and a portion of the open space area are not included in the proposed special benefit assessments. Should the City require maintenance of these areas, the associated costs will be funded by other revenue sources available to the City.

## 5.3 Assessment Methodology

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

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

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

### 5.3.1 EQUIVALENT BENEFIT UNITS:

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

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

### 5.3.2 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against regarding special benefit.

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or

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

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

**(4) Modified Housing/Senior Housing Units —** Modified Housing or Senior Housing is generally defined as residential units that would typically be classified as Condominiums or Town-homes, but have specific deed restrictions that may limit the size or use of all units within the development. This classification is not applicable to individual single-family residential parcels unless all single-family residential parcels within that particular development or subdivision have the same restrictions. (For example: One or more single-family units within a subdivision that are deed restricted as "Affordable Housing" or "Senior Housing" does not qualify for this land use classification, unless all the units within that development have the same or similar deed restrictions.) Since this classification generally involves Condominium or Town-home type properties, that are generally assigned 0.75 EBU, it has been determined that an appropriate allocation of special benefit for modified housing units or senior housing units is best represented by an assignment of 0.625 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to a single APN.

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

**(6) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).

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

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

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

unless it qualifies for an exempt status.

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

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**

**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

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

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

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

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

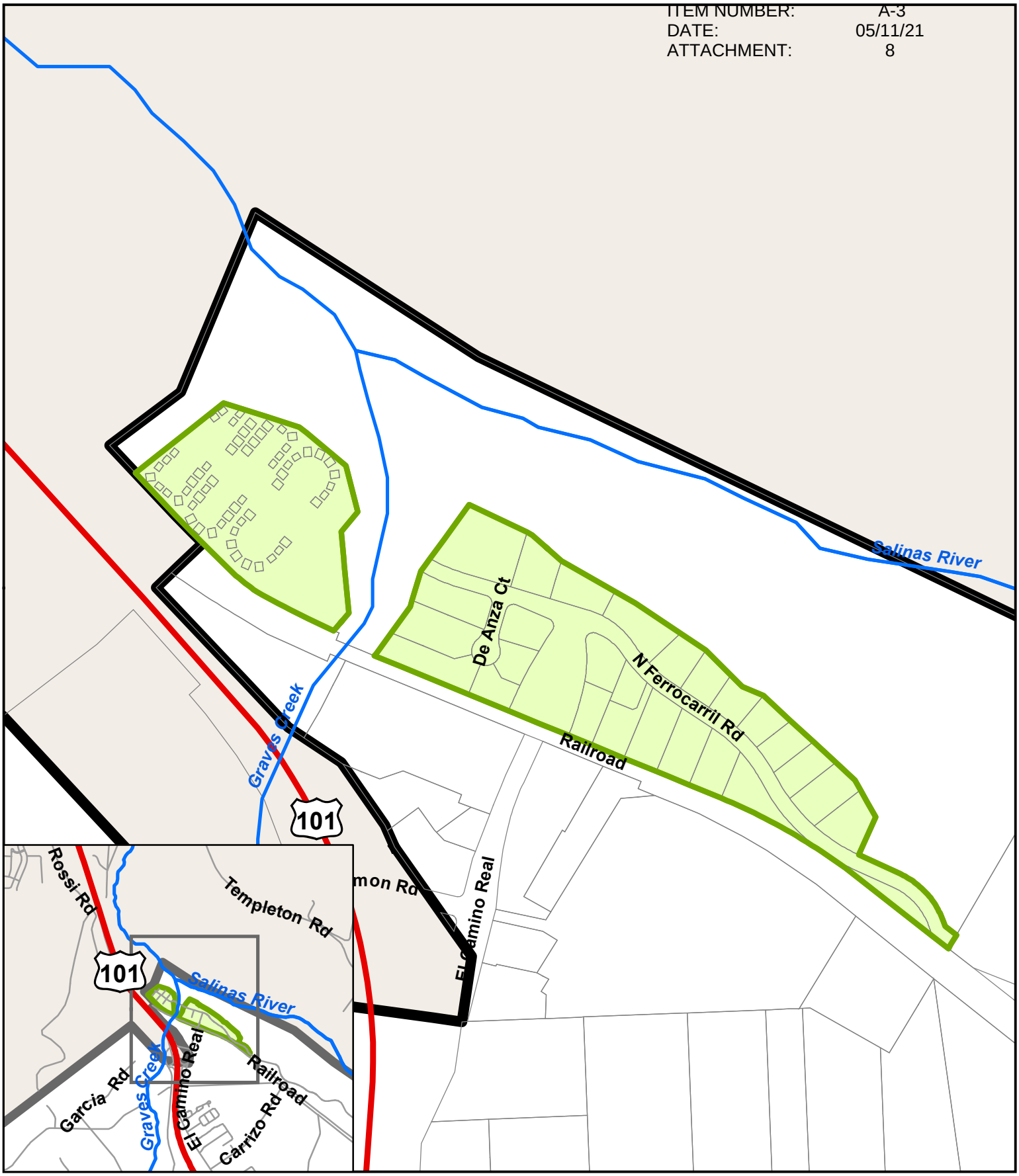
and property owner protest balloting. Property owners through the balloting process must approve a proposed new or increased assessment before such an assessment may be imposed.

# 6. ASSESSMENT DIAGRAM

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

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

ITEM NUMBER: A-3
DATE: 05/11/21
ATTACHMENT: 8




# CITY OF ATASCADERO

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

N
W E
S



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

# 7. ASSESSMENT ROLL

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

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

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

The following is a list of the parcels and assessment amounts for each of the parcels within the District as determined by the assessment rates and method of apportionment described herein.

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 3

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-044-002 | $250.00 | $1,429.67 |
| 049-044-003 | 250.00 | 1,429.67 |
| 049-044-004 | 250.00 | 1,429.67 |
| 049-044-005 | 250.00 | 1,429.67 |
| 049-044-006 | 250.00 | 1,429.67 |
| 049-044-007 | 250.00 | 1,429.67 |
| 049-044-008 | 250.00 | 1,429.67 |
| 049-044-009 | 250.00 | 1,429.67 |
| 049-044-010 | 250.00 | 1,429.67 |
| 049-044-011 | 250.00 | 1,429.67 |
| 049-044-012 | 250.00 | 1,429.67 |
| 049-044-013 | 250.00 | 1,429.67 |
| 049-044-014 | 250.00 | 1,429.67 |
| 049-044-015 | 250.00 | 1,429.67 |
| 049-044-016 | 250.00 | 1,429.67 |
| 049-044-017 | 250.00 | 1,429.67 |
| 049-044-018 | 250.00 | 1,429.67 |
| 049-044-019 | 250.00 | 1,429.67 |
| 049-044-020 | 250.00 | 1,429.67 |
| 049-044-021 | 250.00 | 1,429.67 |
| 049-044-022 | 250.00 | 1,429.67 |
| 049-044-023 | 250.00 | 1,429.67 |
| 049-044-024 | 250.00 | 1,429.67 |
| 049-044-025 | 250.00 | 1,429.67 |
| 049-044-026 | 250.00 | 1,429.67 |
| 049-044-033 | 250.00 | 1,429.67 |
| 049-046-002 | 156.24 | 893.54 |
| 049-046-003 | 156.24 | 893.54 |
| 049-046-004 | 156.24 | 893.54 |
| 049-046-005 | 156.24 | 893.54 |
| 049-046-006 | 156.24 | 893.54 |
| 049-046-007 | 156.24 | 893.54 |
| 049-046-008 | 156.24 | 893.54 |
| 049-046-009 | 156.24 | 893.54 |
| 049-046-010 | 156.24 | 893.54 |
| 049-046-011 | 156.24 | 893.54 |
| 049-046-012 | 156.24 | 893.54 |
| 049-046-013 | 156.24 | 893.54 |
| 049-046-014 | 156.24 | 893.54 |
| 049-046-015 | 156.24 | 893.54 |
| 049-046-016 | 156.24 | 893.54 |
| 049-046-017 | 156.24 | 893.54 |
| 049-046-018 | 156.24 | 893.54 |
| 049-046-019 | 156.24 | 893.54 |
| 049-046-020 | 156.24 | 893.54 |
| 049-046-021 | 156.24 | 893.54 |
| 049-046-022 | 156.24 | 893.54 |
| 049-046-023 | 156.24 | 893.54 |
| 049-046-024 | 156.24 | 893.54 |
| 049-046-025 | 156.24 | 893.54 |

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 3

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 049-046-026 | 156.24 | 893.54 |
| 049-046-027 | 156.24 | 893.54 |
| 049-046-028 | 156.24 | 893.54 |
| 049-046-029 | 156.24 | 893.54 |
| 049-046-030 | 156.24 | 893.54 |
| 049-046-031 | 156.24 | 893.54 |
| 049-046-032 | 156.24 | 893.54 |
| 049-046-033 | 156.24 | 893.54 |
| 049-046-034 | 156.24 | 893.54 |
| 049-046-035 | 156.24 | 893.54 |
| 049-046-036 | 156.24 | 893.54 |
| 049-046-037 | 156.24 | 893.54 |
| 049-046-038 | 156.24 | 893.54 |
| 049-046-039 | 156.24 | 893.54 |
| 049-046-040 | 156.24 | 893.54 |
| 049-046-041 | 156.24 | 893.54 |
| 049-046-042 | 156.24 | 893.54 |
| 049-046-043 | 156.24 | 893.54 |
| 049-046-044 | 156.24 | 893.54 |
| 049-046-045 | 156.24 | 893.54 |
| 049-046-046 | 156.24 | 893.54 |
| 049-046-047 | 156.24 | 893.54 |
| 049-046-048 | 156.24 | 893.54 |
| 049-046-049 | 156.24 | 893.54 |
| 049-046-050 | 156.24 | 893.54 |
| 049-046-051 | 156.24 | 893.54 |
| 049-046-052 | 156.24 | 893.54 |
| 049-046-053 | 156.24 | 893.54 |
| 049-046-054 | 156.24 | 893.54 |
| 049-046-055 | 156.24 | 893.54 |
| 049-046-056 | 156.24 | 893.54 |
| 049-046-057 | 156.24 | 893.54 |
| 049-046-058 | 156.24 | 893.54 |
| 049-046-059 | 156.24 | 893.54 |
| 049-046-060 | 156.24 | 893.54 |
| 049-046-061 | 156.24 | 893.54 |
| **86 Accounts** | **$15,874.40** | **$90,784.44** |

Slight variances may occur due to rounding

**ITEM NUMBER:** **A-4**
**DATE:** **05/11/21**

# *Atascadero City Council*

## *Staff Report – Administrative Services Department*

### Las Lomas (Woodridge) Assessment Districts

## RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.

2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).

3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.

6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.

## REPORT-IN-BRIEF:

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

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

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

NBS, an independent financial consultant, was hired to prepare the engineer's report for the two districts. The engineer's report and the levies must be approved by Council annually. This is done in a two-step process. Tonight, there are three resolutions for each district (a total of 6 resolutions in all) that must be passed in order to continue the assessments within the districts. The resolutions passed tonight will also establish the date and time for the public hearing. The public hearing is tentatively scheduled for June 8, 2021, at 6:00 p.m. or soon thereafter, at which time the final resolutions will be presented to the Council for passage.

The proposed assessments for fiscal year 2021/2022 are less than the Maximum Assessment Rate. In accordance with the formula voters of the district adopted in 2005, the City may increase the Maximum Assessment Rate for inflation by the greater of the Consumer Price Index (CPI) or 3.0%. The Maximum Assessment Rate was increased by 3.0% (CPI) this year for both districts.

The City has historically held an annual informational meeting with District residents, to review and gather input regarding the upcoming year's assessment. Due to a combination of factors including the new social distancing requirements due to the COVID-19, City Council's stated direction for essentialism in order to better prioritize and streamline staff's time and efforts, keeping down administration costs in the Districts, and dwindling community attendance at these meetings, the annual meeting was not held. An Assessment Information Notice was mailed to all property owners on April 26, 2021. The notice provided the date of the upcoming June 8, 2021, Public Hearing, information on how to participate in the meeting, staff contact information, the proposed and current levies for both districts, and pages related to the districts from the City's June 30, 2020, audited financial statements.

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

The Districts are proposed to increase by Consumer Price Index (CPI). The Landscape and Lighting District is experiencing increased costs due to the aging landscape, increases in utilities (water and electricity), and increases in labor costs for the landscape maintenance contractor. City staff works to maximize efficiencies and minimize levy increases, however, modest levy increases are expected in future years in order to continue providing the existing service levels increased costs due to the aging landscape and increases in costs of labor and utilities.

At the direction of the residents in the District, the levy for the Street and Storm Drain District only includes costs to maintain the District Improvements through 2033. The residents were strongly opposed to including funding for any longer term maintenance in the current levy. As 2034 approaches, a bond issue or other financing mechanism will need to be approved and paid for by the residents to fund the longer term improvements needed to maintain the District. This information was included in the Assessment Information Notice that was mailed to the property owners.

| District | **Amount Per EBU Assessment Fiscal Year 2020-21** | **Amount Per EBU Proposed Assessment Fiscal Year 2021-22** |
|---|---|---|
| Atascadero Street and Storm Drain Maintenance District No. 02 Las Lomas | $ 401.00 | $ 407.00 |
| Atascadero Landscaping and Lighting Maintenance District No. 02 Las Lomas | $ 285.00 | $ 289.00 |

## FISCAL IMPACT:

Annual assessments for 2020/2021 will total $94,322 for road/drainage system maintenance and $66,976 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 2021/2022 for 25% of the maintenance costs of the trails and open space.

## ATTACHMENTS:

1. **Draft Resolution A** - initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022
2. **Draft Resolution B** - accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge)
3. **Draft Resolution C** - declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters
4. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2021/2022 assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge)
5. **Draft Resolution D** - initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code

6. **Draft Resolution E** - preliminary approval of the Annual Engineer's Levy Report for Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022
7. **Draft Resolution F** - declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022
8. **Engineer's Annual Levy Report** - for the levy and collection of fiscal year 2021/2022 assessments for Atascadero Landscaping and Lighting District No. 02 (Woodridge)

# DRAFT RESOLUTION A

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR THE LEVY AND COLLECTION OF ANNUAL ASSESSMENTS FOR ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION B

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ACCEPTING AND PRELIMINARILY APPROVING THE ENGINEER'S ANNUAL LEVY REPORT REGARDING THE ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 02 (WOODRIDGE)

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

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

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

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

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

**SECTION 1.** The preceding recitals are true and correct.

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

a. A Description of Improvements.

b. A Boundary Diagram of the District.

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The proposed Budget (Costs and Expenses) and the duration and collection of assessments.

e. The District Roll containing the Levy for each Assessor Parcel Number within the District for fiscal year 2021/2022.

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION C

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ANNUAL ASSESSMENTS WITHIN ATASCADERO STREET AND STORM DRAIN MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) IN FISCAL YEAR 2021/2022, AND TO APPOINT A TIME AND PLACE FOR THE PUBLIC HEARING ON THESE MATTERS

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

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

**WHEREAS,** the Engineer selected by the City Council has prepared and filed with the City Clerk a Report in connection with the proposed District, and the levy of assessments for Fiscal Year 2021/2022 (July 1, 2021 and ending June 30, 2022) in accordance with *Chapter 1, Article 4* of the 1982 Act and in accordance with the requirements of the *California Constitution, Articles XIIIC and XIIID*, and the City Council did by previous Resolution preliminarily approve such Report.

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

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

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

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

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

**SECTION 5.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m. or as soon thereafter as feasible in the regular meeting chambers of the City Council located at 6500 Palma Avenue, Atascadero, California. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2020/2021 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report For:*

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

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

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

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

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**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

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

**WHEREAS**, on May 11, 2021, the City Council, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Summary of Assessment**

| Description | Amount |
|---|---|
| Estimated Annual Costs | $40,940 |
| Capital Reserve Collection/(Uses) | 114,270 |
| Levy Adjustments | (60,888) |
| **Balance to Levy** | **$94,322** |
| Fiscal Year 2021/22 Maximum Rate | $812.58 |
| Fiscal Year 2021/22 Proposed Applied Rate | $407.00 |

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

_____

City Engineer

# 2. EXECUTIVE SUMMARY

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

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

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as Las Lomas (Woodridge), Tract 2525-1 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22.

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

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

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

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Benefiting Properties within the District

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

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

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

## 3.2 Funding Authorized by the 1982 Act

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

- Drainage and Flood Control;
- Streets and Roads.

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

## 3.3 Description of Improvements and Services

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

improvements and related activities shall be funded entirely or partially through the District assessments. Not all improvements have been fully accepted by the City. It is anticipated that will occur within the next fiscal year at which time the costs of maintenance for those improvements will be charged to the district. The District improvements and services are generally described as:

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

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

### 3.3.1 STREET MAINTENANCE

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

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

- Approximately 1,480 linear feet of curb and gutter in and around the median islands on Calle Milano and at Via Cielo;
- Approximately 145 driveway approaches, 45,264 square feet of sidewalks and various street signs within the District;
- Specifically not included as part of the street maintenance program are the costs associated with major replacements or reconstruction. Although the District assessments will provide funding for regular maintenance and servicing of the improvements that will extend the useful life of the street improvements, the assessments are not intended to fund major replacements or reconstruction of the street surfaces or adjacent improvements such as curbs, gutters or driveway approaches. The costs of extensive replacement or reconstruction activities such as grinding and resurfacing of the asphalt; and replacement of curbs, gutters driveway approaches and sidewalks is significantly more than the amount that can reasonably be collected annually under the provisions of the 1982 Act. When such repairs or activities are deemed necessary, the City will consider various financing options including new or increased assessments for property owner approval.

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

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

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

funds that would result in an increase to the annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

### 3.3.2 STORM DRAIN AND FLOOD CONTROL MAINTENANCE

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

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

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

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

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

annual assessment rate must be presented to the property owners for approval prior to imposing such an increase.

# 4. ESTIMATE OF COSTS

| Budget | 2021/2022 Assessment |
|---|---|
| **DIRECT COSTS** | |
| **Streets, Roads & Storm Drain Improvements** | |
| Street Maintenance | $7,850 |
| Drainage Maintenance Services | 3,500 |
| Inspection & Operational Services - Roads, Drainage | 0 |
| **Total Annual Direct Costs** | **$11,350** |
| | |
| **SPECIAL PROJECT** | **$20,000** |
| | |
| **ADMINISTRATION EXPENSES** | |
| City Annual Administration | $1,800 |
| City Operational Services | 4,040 |
| Engineer's Report & Services | 3,450 |
| Public Noticing | 300 |
| **Total Annual Administration Costs** | **$9,590** |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$40,940** |
| | |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | |
| Collection for Street Surface Activities | $97,500 |
| Collection for Repair Activities: Curbs, Gutters, Approaches & Sidewalks | 12,500 |
| Collection for Debris Removal | 1,250 |
| Collection for Storm Drain Infrastructure | 3,020 |
| **Total Annual Capital Reserve Collections/(Uses)** | **$114,270** |
| | |
| **LEVY ADJUSTMENTS** | |
| Interest Income - Improvement Fund | ($13,041) |
| Interest Income - Operating Reserve Fund | (259) |
| Reserve Fund Collection (Use) | (47,588) |
| **Total Levy Adjustments** | **($60,888)** |
| | |
| **BALANCE TO LEVY** | **$94,322** |
| | |
| **DISTRICT STATISTICS** | |
| Total Parcels | 191 |
| Parcels Levied | 181 |
| Total EBU [(1)] | 231.75 |
| **Levy per EBU** | **$407.00** |
| Maximum Levy per EBU | $812.58 |
| | |
| **FUND BALANCE INFORMATION** | |
| Beginning Operating Reserve Balance | $12,955 |
| Operational Reserve Interest | 259 |
| Surplus Transfer from Improvement Fund | 61,285 |
| Operational Reserve Collection (Use) | (60,888) |
| **Ending Operating Reserve Balance** | **$13,611** |
| | |
| Beginning Improvement Fund Balance | $618,815 |
| Improvement Fund Interest | 13,041 |
| Surplus Transfer to Operations Fund | (61,285) |
| Improvement Fund Collection | 114,270 |
| Ending Improvement Fund Balance | **$684,841** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

Furthermore:

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

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

## 5.2 Benefit Analysis

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

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

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

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

## 5.3 Assessment Methodology

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

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

### 5.3.1 EQUIVALENT BENEFIT UNITS:

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

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

### 5.3.2 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.0 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against (i.e. Equivalent Benefit Unit "EBU").

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile-home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases, the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single- family residential property is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for the remaining units.

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU

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

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

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

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

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

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

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

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

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**
**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

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

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

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

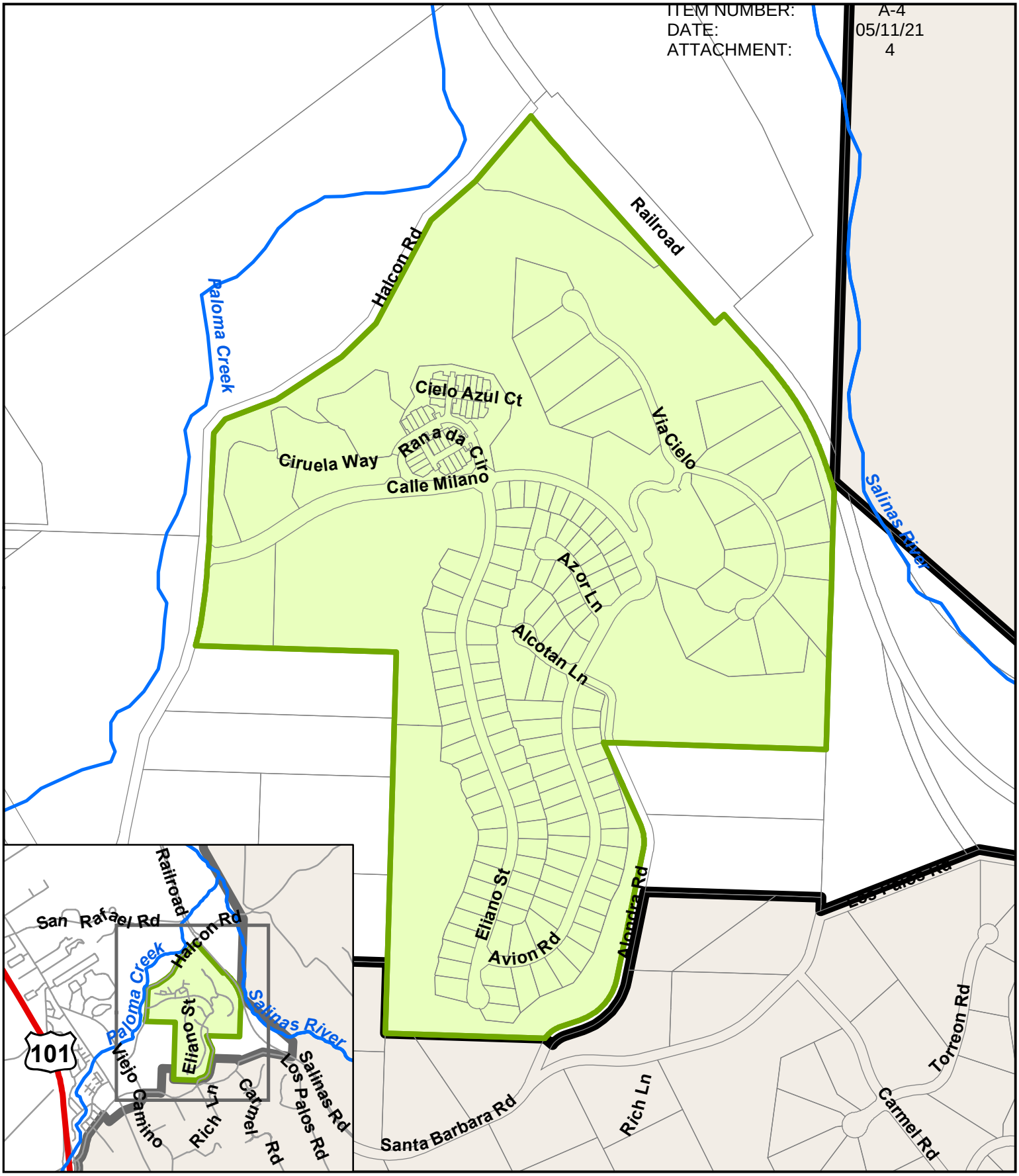
To impose a new or increased assessment other than the annual inflationary adjustment provided by the preceding Assessment Range Formula, the City must comply with the provisions of the California Constitution Article XIIID Section 4c, that requires a public hearing and certain protest procedures including

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

# 6. ASSESSMENT DIAGRAM

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

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




# CITY OF ATASCADERO

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

N
W E
S



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

# 7. ASSESSMENT ROLL

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

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

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

# City of Atascadero

## Street & Storm Drain Maintenance No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-311-014 | $7,232.38 | $14,439.55 |
| 045-311-015 | 10,105.80 | 20,176.36 |
| 045-311-016 | 8,099.30 | 16,170.34 |
| 045-312-001 | 407.00 | 812.58 |
| 045-312-002 | 407.00 | 812.58 |
| 045-312-003 | 407.00 | 812.58 |
| 045-312-004 | 407.00 | 812.58 |
| 045-312-005 | 407.00 | 812.58 |
| 045-312-006 | 407.00 | 812.58 |
| 045-312-007 | 407.00 | 812.58 |
| 045-312-008 | 407.00 | 812.58 |
| 045-312-009 | 407.00 | 812.58 |
| 045-312-010 | 407.00 | 812.58 |
| 045-312-011 | 407.00 | 812.58 |
| 045-312-012 | 407.00 | 812.58 |
| 045-312-013 | 407.00 | 812.58 |
| 045-312-014 | 407.00 | 812.58 |
| 045-312-015 | 407.00 | 812.58 |
| 045-312-016 | 407.00 | 812.58 |
| 045-312-017 | 407.00 | 812.58 |
| 045-312-018 | 407.00 | 812.58 |
| 045-312-019 | 407.00 | 812.58 |
| 045-312-020 | 407.00 | 812.58 |
| 045-312-021 | 407.00 | 812.58 |
| 045-312-022 | 407.00 | 812.58 |
| 045-312-023 | 407.00 | 812.58 |
| 045-312-024 | 407.00 | 812.58 |
| 045-312-025 | 407.00 | 812.58 |
| 045-312-026 | 407.00 | 812.58 |
| 045-312-027 | 407.00 | 812.58 |
| 045-312-028 | 407.00 | 812.58 |
| 045-312-029 | 407.00 | 812.58 |
| 045-312-030 | 407.00 | 812.58 |
| 045-312-031 | 407.00 | 812.58 |
| 045-312-032 | 407.00 | 812.58 |
| 045-312-033 | 407.00 | 812.58 |
| 045-312-034 | 407.00 | 812.58 |
| 045-312-035 | 407.00 | 812.58 |
| 045-312-036 | 407.00 | 812.58 |
| 045-312-037 | 407.00 | 812.58 |
| 045-312-038 | 407.00 | 812.58 |
| 045-312-039 | 407.00 | 812.58 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-312-040 | 407.00 | 812.58 |
| 045-312-041 | 407.00 | 812.58 |
| 045-312-042 | 407.00 | 812.58 |
| 045-312-043 | 407.00 | 812.58 |
| 045-312-044 | 407.00 | 812.58 |
| 045-312-045 | 407.00 | 812.58 |
| 045-312-046 | 407.00 | 812.58 |
| 045-312-047 | 407.00 | 812.58 |
| 045-312-048 | 407.00 | 812.58 |
| 045-312-049 | 407.00 | 812.58 |
| 045-312-050 | 407.00 | 812.58 |
| 045-312-051 | 407.00 | 812.58 |
| 045-312-052 | 407.00 | 812.58 |
| 045-312-053 | 407.00 | 812.58 |
| 045-312-054 | 407.00 | 812.58 |
| 045-312-055 | 407.00 | 812.58 |
| 045-312-056 | 407.00 | 812.58 |
| 045-313-001 | 407.00 | 812.58 |
| 045-313-002 | 407.00 | 812.58 |
| 045-313-003 | 407.00 | 812.58 |
| 045-313-004 | 407.00 | 812.58 |
| 045-313-005 | 407.00 | 812.58 |
| 045-313-006 | 407.00 | 812.58 |
| 045-313-007 | 407.00 | 812.58 |
| 045-313-008 | 407.00 | 812.58 |
| 045-313-009 | 407.00 | 812.58 |
| 045-313-010 | 407.00 | 812.58 |
| 045-313-011 | 407.00 | 812.58 |
| 045-313-012 | 407.00 | 812.58 |
| 045-313-013 | 407.00 | 812.58 |
| 045-313-014 | 407.00 | 812.58 |
| 045-313-015 | 407.00 | 812.58 |
| 045-313-018 | 407.00 | 812.58 |
| 045-313-019 | 407.00 | 812.58 |
| 045-313-020 | 407.00 | 812.58 |
| 045-313-021 | 407.00 | 812.58 |
| 045-313-026 | 407.00 | 812.58 |
| 045-313-027 | 407.00 | 812.58 |
| 045-314-001 | 407.00 | 812.58 |
| 045-314-002 | 407.00 | 812.58 |
| 045-314-003 | 407.00 | 812.58 |
| 045-314-004 | 407.00 | 812.58 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-314-005 | 407.00 | 812.58 |
| 045-314-006 | 407.00 | 812.58 |
| 045-314-007 | 407.00 | 812.58 |
| 045-314-008 | 407.00 | 812.58 |
| 045-314-009 | 407.00 | 812.58 |
| 045-314-010 | 407.00 | 812.58 |
| 045-314-011 | 407.00 | 812.58 |
| 045-314-012 | 407.00 | 812.58 |
| 045-314-013 | 407.00 | 812.58 |
| 045-314-014 | 407.00 | 812.58 |
| 045-314-015 | 407.00 | 812.58 |
| 045-314-016 | 407.00 | 812.58 |
| 045-314-017 | 407.00 | 812.58 |
| 045-314-018 | 407.00 | 812.58 |
| 045-314-019 | 407.00 | 812.58 |
| 045-314-020 | 407.00 | 812.58 |
| 045-314-021 | 407.00 | 812.58 |
| 045-314-022 | 407.00 | 812.58 |
| 045-314-023 | 407.00 | 812.58 |
| 045-314-024 | 407.00 | 812.58 |
| 045-314-025 | 407.00 | 812.58 |
| 045-314-026 | 407.00 | 812.58 |
| 045-314-027 | 407.00 | 812.58 |
| 045-314-028 | 407.00 | 812.58 |
| 045-314-029 | 407.00 | 812.58 |
| 045-314-030 | 407.00 | 812.58 |
| 045-314-031 | 407.00 | 812.58 |
| 045-314-032 | 407.00 | 812.58 |
| 045-314-033 | 407.00 | 812.58 |
| 045-315-001 | 407.00 | 812.58 |
| 045-315-002 | 407.00 | 812.58 |
| 045-315-003 | 407.00 | 812.58 |
| 045-315-004 | 407.00 | 812.58 |
| 045-315-005 | 407.00 | 812.58 |
| 045-315-006 | 407.00 | 812.58 |
| 045-315-007 | 407.00 | 812.58 |
| 045-315-008 | 407.00 | 812.58 |
| 045-315-009 | 407.00 | 812.58 |
| 045-315-010 | 407.00 | 812.58 |
| 045-315-011 | 407.00 | 812.58 |
| 045-315-012 | 407.00 | 812.58 |
| 045-315-013 | 407.00 | 812.58 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-315-014 | 407.00 | 812.58 |
| 045-315-015 | 407.00 | 812.58 |
| 045-315-016 | 407.00 | 812.58 |
| 045-315-017 | 407.00 | 812.58 |
| 045-315-018 | 407.00 | 812.58 |
| 045-315-019 | 407.00 | 812.58 |
| 045-315-020 | 407.00 | 812.58 |
| 045-315-021 | 407.00 | 812.58 |
| 045-315-022 | 407.00 | 812.58 |
| 045-315-023 | 407.00 | 812.58 |
| 045-315-024 | 407.00 | 812.58 |
| 045-315-025 | 407.00 | 812.58 |
| 045-315-026 | 407.00 | 812.58 |
| 045-315-027 | 407.00 | 812.58 |
| 045-315-028 | 407.00 | 812.58 |
| 045-315-029 | 407.00 | 812.58 |
| 045-315-030 | 407.00 | 812.58 |
| 045-315-031 | 407.00 | 812.58 |
| 045-315-032 | 407.00 | 812.58 |
| 045-315-033 | 407.00 | 812.58 |
| 045-316-041 | 305.24 | 609.44 |
| 045-316-042 | 305.24 | 609.44 |
| 045-316-043 | 305.24 | 609.44 |
| 045-316-044 | 305.24 | 609.44 |
| 045-316-045 | 305.24 | 609.44 |
| 045-316-046 | 305.24 | 609.44 |
| 045-316-047 | 305.24 | 609.44 |
| 045-316-048 | 305.24 | 609.44 |
| 045-316-049 | 305.24 | 609.44 |
| 045-316-050 | 305.24 | 609.44 |
| 045-316-051 | 305.24 | 609.44 |
| 045-316-052 | 305.24 | 609.44 |
| 045-316-053 | 305.24 | 609.44 |
| 045-316-054 | 305.24 | 609.44 |
| 045-316-055 | 305.24 | 609.44 |
| 045-316-056 | 305.24 | 609.44 |
| 045-316-057 | 305.24 | 609.44 |
| 045-316-058 | 305.24 | 609.44 |
| 045-316-059 | 305.24 | 609.44 |
| 045-316-060 | 305.24 | 609.44 |
| 045-316-061 | 305.24 | 609.44 |
| 045-316-062 | 305.24 | 609.44 |

# City of Atascadero

## Street & Storm Drain Maintenance No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-316-063 | 305.24 | 609.44 |
| 045-316-064 | 305.24 | 609.44 |
| 045-316-065 | 305.24 | 609.44 |
| 045-316-066 | 305.24 | 609.44 |
| 045-316-067 | 305.24 | 609.44 |
| 045-316-068 | 305.24 | 609.44 |
| 045-316-069 | 305.24 | 609.44 |
| 045-316-070 | 305.24 | 609.44 |
| 045-316-071 | 305.24 | 609.44 |
| 045-316-072 | 305.24 | 609.44 |
| 045-316-073 | 305.24 | 609.44 |
| 045-316-074 | 305.24 | 609.44 |
| 045-316-075 | 305.24 | 609.44 |
| **181 Accounts** | **$94,321.88** | **$188,315.43** |

Slight variances may occur due to rounding

# DRAFT RESOLUTION D

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, INITIATING PROCEEDINGS FOR ANNUAL LEVY OF ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2021/2022 PURSUANT TO THE PROVISIONS OF PART 2 OF DIVISION 15 OF THE CALIFORNIA STREETS AND HIGHWAYS CODE

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

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

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

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

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

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION E

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, FOR PRELIMINARY APPROVAL OF THE ENGINEER'S ANNUAL LEVY REPORT FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2021/2022

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

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

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

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

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

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

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

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

a. A Description of the Improvements

b. The Annual Budget (Costs and Expenses of Services, Operation, and Maintenance)

c. The Method of Apportionment that details the method of calculating each parcel's proportional special benefits and annual assessment.

d. The District Roll containing the proposed assessment for each parcel within the District for Fiscal Year 2021/2022.

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

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# DRAFT RESOLUTION F

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR THE ATASCADERO LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 02 (WOODRIDGE) FOR FISCAL YEAR 2021/2022

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

**WHEREAS,** The City Council has by previous Resolution initiated proceedings for fiscal year 2021/2022 regarding the levy and collection of assessments for the Atascadero Landscaping and Lighting District No. 02 (Woodridge) (hereafter referred to as the "District"). Pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with section 22500)* (hereafter referred to as the "Act"), assessments for the District shall be levied and collected by the County of San Luis Obispo for the City of Atascadero to pay the maintenance and services of the improvements and facilities related thereto; and

**WHEREAS,** the proposed District assessments for fiscal year 2021/2022 are less than or equal to the maximum assessments previously approved in accordance with the requirements of the California Constitution, Article XIIID; and

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

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

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

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

**SECTION 2.** The City Council hereby declares its intention to seek the annual levy and collection of assessments within the District pursuant to the Act, over and including the lands, lots and parcels within the District boundary. The City Council further declares its intention to levy and collect assessments on such land to pay the annual costs and expenses of the improvements and services described in Section 4 of this Resolution, for fiscal year 2021/2022.

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

City of Atascadero, within the County of San Luis Obispo, State of California and includes the territory known as Woodridge and referred to as the "Atascadero Landscaping and Lighting District No. 02".

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

**SECTION 5.** The proposed assessments for fiscal year 2021/2022, as outlined in the Engineer's Report, do not exceed the maximum assessment approved by the property owners through a property owner balloting proceeding conducted in 2005. As such, the proposed assessments do not constitute an increased assessment and do not require additional property owner approval in accordance with the requirements of the California Constitution, Article XIIID.

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

**SECTION 7.** Notice is hereby given that a Public Hearing on these matters will be held by the City Council on Tuesday, June 8, 2021, at 6:00 p.m., at the City Council Chambers, 6500 Palma Avenue, Atascadero, California or as soon thereafter as feasible. At the Public Hearing, all interested persons shall be given an opportunity to hear and be heard on the proposed assessment to be levied for fiscal year 2021/2022 as contained in the Engineer's Report on file in the City Clerk's Office.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of _____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian Pierik, City Attorney

# CITY OF ATASCADERO

*Fiscal Year 2021/22 Engineer's Report For:*

## Landscaping and Lighting District

## District No. 02 Las Lomas (Woodridge)

**May 2021**

Prepared by:

NBS
helping communities fund tomorrow
nbsgov.com

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

# CITY OF ATASCADERO
# Landscaping & Lighting District No. 02
# Las Lomas (Woodridge)

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

---

**CITY COUNCIL**

Heather Moreno, Mayor

Heather Newsom, Mayor Pro Tem

Charles Bourbeau, Council Member

Mark Dariz, Council Member

Susan Funk, Council Member

**AGENCY STAFF**

Rachelle Rickard, City Manager

Jeri Rangel, Administrative Services Director

Cindy Chavez, Deputy Director of Administrative Services

**NBS**

Danielle Wood, Client Services Director

Adina McCargo, Project Manager

Miranda Ray, Administrator

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# 1. ENGINEER'S LETTER

**WHEREAS**, on March 24, 2005 by Resolution No. 2005-051, the City Council of the City of Atascadero (the "City"), State of California, in accordance with and pursuant to the Landscape and Lighting Act of 1972, Part 2, Division 15 of the California Streets and Highways Code (commencing with Section 22500 (the "1972 Act") established the City of Atascadero Landscaping and Lighting District No. 02 Las Lomas (Woodridge) (the "District"); and

**WHEREAS**, on May 11, 2021 the City Council, under the 1972 Act, adopted its Resolution Initiating Proceedings for the Annual Levy of Assessments and Ordering the Preparation of an Engineer's Report for the District; and

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

**NOW THEREFORE**, the assessments as detailed in this Engineer's Report and as summarized in the table below are made to cover the portion of the estimated costs of maintenance, operation and servicing of the improvements to be paid by the assessable real property within the District in proportion to the special benefit received. The following table summarizes the proposed assessment for Fiscal Year 2021/22:

**FY 2021/22 Budget Summary**

| Description | Total Costs | Costs Not Assessed | Proposed Assessment | Total Benefit Units | Maximum Rate | Proposed Rate Per BU |
|---|---|---|---|---|---|---|
| Annual Maintenance | $91,750 | $2,250 | $89,500 | | | |
| Special Project | 5,000 | 0 | 5,000 | | | |
| Administration | 6,370 | 0 | 6,370 | | | |
| Capital Reserve Collections/(Use) | 14,567 | 250 | 14,317 | | | |
| Levy Adjustments | (50,6711) | (2,500) | (48,211) | | | |
| **Total** | **$66,976** | **$0** | **$66,976** | **231.75** | **$2,017.85** | **$289.00** |

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

_____

City Engineer

# 2. EXECUTIVE SUMMARY

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

***Landscaping and Lighting District No. 02 Las Lomas (Woodridge)***

(hereafter referred to as the "District"), which includes the lots and parcels of land within the residential subdivision known as Las Lomas (Woodridge), Tract 2525-1 within the City limits of the City. This Engineer's Report (hereafter referred to as the "Report") has been prepared in connection with the levy and collection of annual assessments related thereto for Fiscal Year 2021/22, as required pursuant to Chapter 1, Article 4 of the 1972 Act.

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

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

The improvements and assessments described in this Report are based on the planned development of properties within the District and represent an estimate of the direct expenditures, incidental expenses, and fund balances that will be necessary to maintain and service the improvements. The boundaries of the District, the proposed improvements, the method of apportionment, and assessments described herein are based on current development plans and specifications for Tract 2525-1; and by reference these plans and specifications are made part of this Report.

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

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

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

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

# 3. PLANS AND SPECIFICATIONS

## 3.1 Description of the District

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

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

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

## 3.2 Improvements and Services Authorized by the 1972 Act

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

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

sidewalks, or paving, or water, irrigation, drainage, or electrical facilities;

c) Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury;

d) The removal of trimmings, rubbish, debris, and other solid waste;

e) The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti;

f) Electric current or energy, gas, or other illuminating agent for any public lighting facilities or for the lighting or operation of any other improvements;

g) Water for the irrigation of any landscaping, the operation of any fountains, or the maintenance of any other improvements.

8) Incidental expenses associated with the improvements including, but not limited to:

a) The cost of preparation of the report, including plans, specifications, estimates, diagram, and assessment;

b) The costs of printing, advertising, and the publishing, posting and mailing of notices;

c) Compensation payable to the County for collection of assessments;

d) Compensation of any engineer or attorney employed to render services;

e) Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;

f) Costs associated with any elections held for the approval of a new or increased assessment.

## 3.3 Description of Improvements and Services

The purpose of this District is to ensure the ongoing maintenance, operation and servicing of local landscaping and street lighting improvements established or installed in connection with development of properties within the District. The improvements may consist of all or a portion of the public landscaped areas, street lighting and appurtenant facilities within and adjacent to the District (Tract 2525-1). These improvements generally include, but are not limited to the materials, equipment, utilities, labor, appurtenant facilities and expenses necessary for the ongoing maintenance and operation of public street lighting as well as landscaped parkways, medians, slopes, trails, park areas, drainage basins, open space areas and other designated easements or right-of-ways constructed and installed as part of the development plans and agreements approved for the development of each lot and parcel within the District. The improvements to be maintained and funded entirely or partially through the District assessments are generally described as:

- Streetscape landscaping including street trees located on the perimeter of the development and interior streets of Tract 2525-1 that are within the public right-of-ways or easements and dedicated to the City for maintenance;
- Open space areas and fuel modification areas within or adjacent to the District boundaries;
- Park areas, recreational equipment, trails and landscaped drainage facilities developed and constructed as part of developing properties within Tract 2525-1;

- Public lighting facilities including street lighting, safety lighting and ornamental lighting installed as part of the residential development or landscaped improvement areas
- Appurtenant facilities, equipment, materials and utilities related to the aforementioned improvements;
- Specifically not included as District improvements are those improvements located on private property, improvements and facilities that may be provided or maintained by an agency other than the City; improvements and facilities that may be provide by another assessment or tax levied by the City or any improvement provided and maintained by a Homeowner's Association or similar entity.

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

### 3.3.1 LANDSCAPE IMPROVEMENTS

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

- Approximately 34,420 square feet of streetscape landscaping and trees within the public right-of-ways along or adjacent to Halcon Road, Calle Milano, Via Cielo and Eliano Street including but not limited to approximately 27,200 square feet of parkway landscaping and 7,220 square feet of median landscaping;
- Approximately 220,850 square feet (5.07 acres) of landscaped slope areas within the District boundaries and adjacent to the residential properties, open space areas, drainage basins and streets of Tract 2525-1;
- Approximately 175,550 square feet (4.03 acres) of landscaped area in and around the two (2) drainage basins within Tract 2525-1;
- Approximately 106,460 square feet of non-irrigated open space area within the District;
- Approximately 1,981,980 square feet of non-irrigated open space area within the boundaries of the District associated with the development of the residential properties within Tract 2525-1;
- Approximately 225 street trees located within the public right-of-ways of the streets within Tract 2525-1 including but not limited to Calle Milano, Via Cielo, Eliano Street, Avion Road, Azor Lane and Alcotan Lane;
- Approximately 1,910 square feet of paths and trails, 45,265 square feet sidewalks and 6,100 linear feet of fencing within and adjacent to the various landscape improvement areas.

### 3.3.2 PUBLIC LIGHTING IMPROVEMENTS

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

associated with:

- There are five (5) public streetlights currently planned for Tract 2525-1. These streetlights are located on Calle Milano between Halcon Road and Eliano Street (The entryway to the residential properties within the District);
- Lighting facilities may also include but are not limited to safety lights, security lights or ornamental lights located within the various landscape improvement areas installed as part of the District's landscape improvements.

# 4. ESTIMATE OF COSTS

| BUDGET | Total Budget | Costs Not Assessed | 2021/2022 Assessment |
|---|---|---|---|
| **DIRECT COSTS** | | | |
| **Annual Costs** | | | |
| Landscape Services | $70,000 | (2,250) | $67,750 |
| Landscape Supplies | 2,000 | 0 | 2,000 |
| Landscape Utilities | 6,000 | 0 | 6,000 |
| City Landscape Services | 11,250 | 0 | 11,250 |
| Other Maintenance Services | 2,500 | 0 | 2,500 |
| **Total Annual Direct Costs** | **$91,750** | **($2,250)** | **$89,500** |
| **CAPITAL EXPENDITURES** | | | |
| Special Projects | $5,000 | $0 | $5,000 |
| **Total Annual Special Projects** | **$5,000** | **$0** | **$5,000** |
| **ADMINISTRATION EXPENSES** | | | |
| **Annual Administration Expenses** | | | |
| City Annual Administration | $1,380 | $0 | $1,380 |
| Engineer's Report & Services | 4,480 | 0 | 4,480 |
| Public Noticing | 510 | 0 | 510 |
| **Total Administration** | **$6,370** | **$0** | **$6,370** |
| **TOTAL DIRECT & ADMINISTRATION COSTS** | **$103,120** | **($2,250)** | **$100,870** |
| **CAPITAL RESERVE COLLECTIONS/(USES)** | | | |
| Landscape Rehabilitation/Replacement | $3,128 | $0 | $3,128 |
| Median Rehabilitation/Replacement | 138 | 0 | 138 |
| Open Space Rehabilitation/Replacement | 1,000 | (250) | 750 |
| Tree Rehabilitation/Replacement | 5,806 | 0 | 5,806 |
| Slope Rehabilitation/Replacement | 3,754 | 0 | 3,754 |
| Other Rehabilitation/Replacement | 741 | 0 | 741 |
| **Total Annual Capital Reserve Collections/(Uses)** | **$14,567** | **($250)** | **$14,317** |
| **LEVY ADJUSTMENTS** | | | |
| Interest Income - Improvement Fund | ($1,860) | $0 | ($1,860) |
| Interest Income - Operating Reserve Fund | (1,340) | 0 | (1,340) |
| Contribution from Other Sources | (2,500) | (2,500) | 0 |
| Reserve Collection/(Use) | (45,011) | 0 | (45,011) |
| **Total Levy Adjustments** | **($50,711)** | **($2,500)** | **($48,211)** |
| **BALANCE TO LEVY** | **$66,976** | **$0** | **$66,976** |
| | | | |
| **DISTRICT STATISTICS** | | | |
| Total Parcels | | | 191 |
| Parcels Levied | | | 181 |
| Total EBU [(1)] | | | 231.75 |
| **Levy per EBU** | | | **$289.00** |
| Maximum Levy per EBU | | | $2,017.85 |
| | | | |
| **FUND BALANCE INFORMATION** | | | |
| Beginning Operating Reserve Balance | | | $44,285 |
| Operational Reserve Interest | | | 1,340 |
| Surplus Transfer from Improvement Fund | | | 63,114 |
| Operational Reserve Collection (Use) | | | (48,211) |
| Estimated Ending Operating Reserve Balance | | | **$60,528** |
| | | | |
| Beginning Improvement Fund Balance | | | $130,842 |
| Improvement Fund Interest | | | 1,860 |
| Surplus Transfer to Operations Fund | | | (63,114) |
| Improvement Fund Collection/(Use) | | | 14,571 |
| Estimated Ending Improvement Fund Balance | | | **$84,159** |

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

# 5. METHOD OF ASSESSMENT

## 5.1 General

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

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

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

## 5.2 Benefit Analysis

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

### 5.2.1 SPECIAL BENEFIT

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

The special benefits associated with landscape improvements are specifically:

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

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

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

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

### 5.2.2 GENERAL BENEFIT

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

the District or to the public at large, but clearly provide distinct and special benefits to properties within the District. With respect to the open space areas, these areas are an integral part of property development within the District and clearly provide a direct and special benefit those properties. However, it is also recognized that the majority of this open space area is located on the perimeter of the District and is directly accessible from surrounding properties and the public at large. Therefore, it has been determined that up to twenty-five percent (25%) of the costs to maintain this area shall be allocated as general benefit and not assessed as part of the District's special benefit assessments

## 5.3 Assessment Methodology

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

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

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

### 5.3.1 EQUIVALENT BENEFIT UNITS:

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

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

### 5.3.2 EBU APPLICATION BY LAND USE:

**(1) Single-family Residential** — This land use is defined as a fully subdivided residential home site with or without a structure. This land use is assessed 1.00 EBU per lot or parcel. This is the base value that the other properties are compared and weighted against regarding special benefit (i.e. Equivalent Benefit Unit "EBU").

**(2) Multi-family Residential** — This land use is defined as a fully subdivided residential parcel that has more than one residential unit developed on the property. (This land use typically includes apartments, duplexes, triplex etc., but does not generally include condominiums, town-homes or mobile home parks). Based on average population densities and size of the structure as compared to a typical single-family residential unit, multi-family residential parcels shall be proportionately assessed for the parcel's total number of residential units utilizing a sliding benefit scale. Although multi-family properties typically receive similar benefits to that of a single-family residential, it would not be reasonable to conclude that on a per unit basis, the benefits are equal. Studies have consistently shown that the average multi-family unit impacts infrastructure approximately 75% as much as a single-family residence (Sample Sources: Institute of Transportation Engineers Informational Report Trip Generation, Fifth Edition; Metcalf and Eddy, Wastewater Engineering Treatment, Disposal, Reuse, Third Edition). These various studies indicate that most public improvements and infrastructure are utilized and impacted at reduced levels by multi-family residential units and a similar reduction in proportional benefit is appropriate. Furthermore, it is also reasonable to conclude that as the density (number of units) increases the proportional benefit per unit tends to decline because the unit size and people per unit usually decreases. Based on these considerations and the improvements provided by this District, an appropriate allocation of special benefit for multi-family residential properties as compared to a single- family residential is best represented by the following special benefit assignment: 0.75 EBU per unit for the first 50 units; 0.50 EBU per unit for units 51 through 100; and 0.25 EBU per unit for remaining units.

**(3) Condominium/Town-home Units** — Condominiums and town-homes tend to share attributes of both single-family residential and multi-family residential properties and for this reason are identified as a separate land use classification. Like most single-family residential properties, these properties are not usually considered rental property and generally, the County assigns each unit a separate APN or assessment number. However, condominiums and town-homes often have similarities to multi-family residential properties in that they are generally zoned medium to high density and in some cases may involve multiple units on a single APN. In consideration of these factors, it has been determined that an appropriate allocation of special benefit for condominiums, town-homes and similar residential properties is best represented by an assignment of 0.75 EBU per unit regardless of whether each unit is assigned an individual APN or there are multiple units assigned to an APN. (There is no adjustment for parcels with more than five units).

**(4) Planned-Residential Development** — This land use is defined as any property for which a tentative or final tract map has been filed and approved (a specific number of residential lots and units has been identified) and the property is expected to be subdivided within the fiscal year or is part of the overall improvement and development plan for the District. This land use classification often times involves more than a single parcel (e.g. the approved tract map encompasses more than a

single APN). Each parcel that is part of the approved tract map shall be assessed proportionately for the proposed or estimated residential type and units to be developed on that parcel as part of the approved tract map. Accordingly, each parcel is assigned an appropriate number of benefit units that reflects the development of that property at build-out. (The EBU assigned to each parcel shall represent the combination of single-family, condominium, multi-family units to be developed).

**(5) Vacant Residential** — This land use is defined as property currently zoned for residential development, but a tentative or final tract map for the property has not yet been approved. Based upon the opinions of professional appraisers who appraise market property values for real estate in California, the land value portion of a property typically ranges from 20 to 30 percent of the total value of a developed residential property (the average is about 25 percent). Although the assessed value of an individual property is not a direct reflection of the property's special benefit, this general correlation between land value and structure value does provide a reasonable basis for apportioning special benefit for vacant residential properties. Utilizing this twenty-five percent (25%) apportionment and the number of single-family residential units typically developed per acre of land (an average of 4 residential units per acre) an Equivalent Benefit Unit of 1.00 EBU per acre (4 units per acre x 25%) is derived and presents an appropriate apportionment of special benefit for vacant residential properties. Recognizing that the full and timely utilization of vacant property is reduced as the size of the property increases, it has been determined that the maximum EBU assigned to a vacant residential parcel shall not exceed 25.00 EBU (parcels in excess of 25 acres are assigned 25.00 EBU). Parcels less than one acre, shall be assigned a minimum of 1.00 EBU (similar to a vacant lot within a residential tract).

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

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

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

**(7) Special Cases** — In many districts where multiple land use classifications are involved, there are usually one or more properties for which the standard land use classifications do not accurately identify the special benefits received from the improvements. For example, a parcel

may be identified as a Vacant Residential property, however only a small percentage of the parcel's total acreage can actually be developed. In this case, an appropriate calculation would be based on the net acreage that can be utilized rather than the gross acreage of the parcel

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

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

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

**Parcel Type EBU x Acres or Units = Parcel EBU**

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

**Total Balance to Levy / Total EBU = Levy per EBU**

**Levy per EBU x Parcel EBU = Parcel Levy Amount**

## 5.4 Assessment Range Formula

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

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

assessment ballots presented to the property owners for approval included a maximum assessment amount for Fiscal Year 2005/2006 (initial maximum assessment), identification of the corresponding maximum assessment rate and a summary of the Assessment Range Formula described herein.

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

- If the proposed annual assessment (levy per EBU) for the upcoming fiscal year is less than or equal to the adjusted Maximum Assessment Rate, then the proposed annual assessment is not considered an increased assessment.
- The Maximum Assessment Rate is equal to the (Initial) Maximum Assessment Rate established for Fiscal Year 2005/2006 adjusted annually by the greater of, three percent (3%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-Hayward Area from February to February. The Maximum Assessment rate was increased by 3.00% for Fiscal Year 2021/22.

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

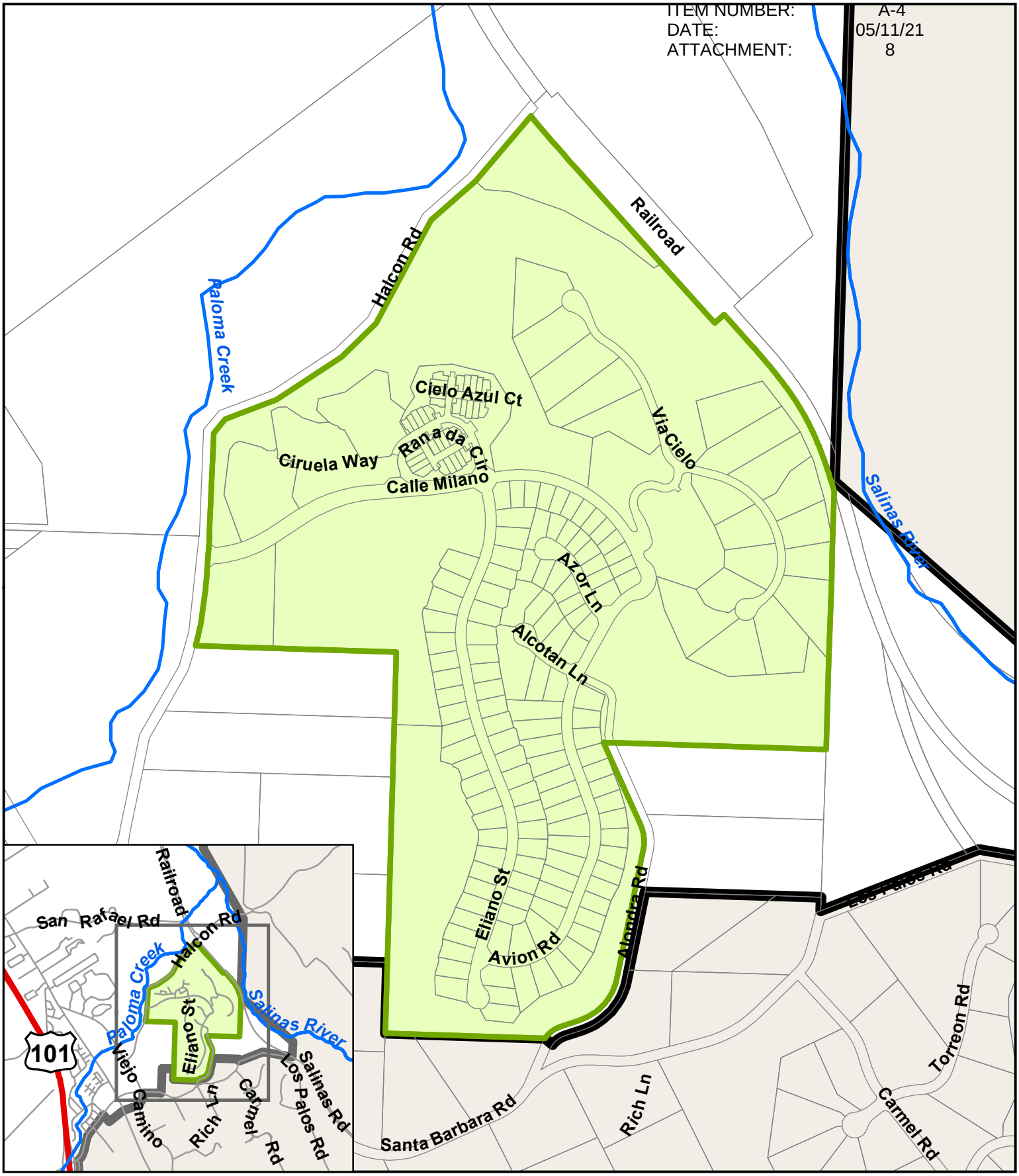
Any proposed annual assessment (rate per EBU) less than or equal to the calculated (adjusted) Maximum Assessment Rate is not considered an increased assessment, even if the proposed assessment is significantly greater than the assessment applied in the prior fiscal year. Likewise, modifications to the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

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

# 6. ASSESSMENT DIAGRAM

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

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




# CITY OF ATASCADERO

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

N
W E
S



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

# 7. ASSESSMENT ROLL

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

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

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

The following is a list of the parcels and assessment amounts for each of the parcels within the District as determined by the assessment rates and method of apportionment described herein.

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-311-014 | $5,135.52 | $35,857.33 |
| 045-311-015 | 7,175.86 | 50,103.40 |
| 045-311-016 | 5,751.10 | 40,155.36 |
| 045-312-001 | 289.00 | 2,017.85 |
| 045-312-002 | 289.00 | 2,017.85 |
| 045-312-003 | 289.00 | 2,017.85 |
| 045-312-004 | 289.00 | 2,017.85 |
| 045-312-005 | 289.00 | 2,017.85 |
| 045-312-006 | 289.00 | 2,017.85 |
| 045-312-007 | 289.00 | 2,017.85 |
| 045-312-008 | 289.00 | 2,017.85 |
| 045-312-009 | 289.00 | 2,017.85 |
| 045-312-010 | 289.00 | 2,017.85 |
| 045-312-011 | 289.00 | 2,017.85 |
| 045-312-012 | 289.00 | 2,017.85 |
| 045-312-013 | 289.00 | 2,017.85 |
| 045-312-014 | 289.00 | 2,017.85 |
| 045-312-015 | 289.00 | 2,017.85 |
| 045-312-016 | 289.00 | 2,017.85 |
| 045-312-017 | 289.00 | 2,017.85 |
| 045-312-018 | 289.00 | 2,017.85 |
| 045-312-019 | 289.00 | 2,017.85 |
| 045-312-020 | 289.00 | 2,017.85 |
| 045-312-021 | 289.00 | 2,017.85 |
| 045-312-022 | 289.00 | 2,017.85 |
| 045-312-023 | 289.00 | 2,017.85 |
| 045-312-024 | 289.00 | 2,017.85 |
| 045-312-025 | 289.00 | 2,017.85 |
| 045-312-026 | 289.00 | 2,017.85 |
| 045-312-027 | 289.00 | 2,017.85 |
| 045-312-028 | 289.00 | 2,017.85 |
| 045-312-029 | 289.00 | 2,017.85 |
| 045-312-030 | 289.00 | 2,017.85 |
| 045-312-031 | 289.00 | 2,017.85 |
| 045-312-032 | 289.00 | 2,017.85 |
| 045-312-033 | 289.00 | 2,017.85 |
| 045-312-034 | 289.00 | 2,017.85 |
| 045-312-035 | 289.00 | 2,017.85 |
| 045-312-036 | 289.00 | 2,017.85 |
| 045-312-037 | 289.00 | 2,017.85 |
| 045-312-038 | 289.00 | 2,017.85 |
| 045-312-039 | 289.00 | 2,017.85 |
| 045-312-040 | 289.00 | 2,017.85 |
| 045-312-041 | 289.00 | 2,017.85 |
| 045-312-042 | 289.00 | 2,017.85 |
| 045-312-043 | 289.00 | 2,017.85 |
| 045-312-044 | 289.00 | 2,017.85 |
| 045-312-045 | 289.00 | 2,017.85 |
| 045-312-046 | 289.00 | 2,017.85 |
| 045-312-047 | 289.00 | 2,017.85 |

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-312-048 | 289.00 | 2,017.85 |
| 045-312-049 | 289.00 | 2,017.85 |
| 045-312-050 | 289.00 | 2,017.85 |
| 045-312-051 | 289.00 | 2,017.85 |
| 045-312-052 | 289.00 | 2,017.85 |
| 045-312-053 | 289.00 | 2,017.85 |
| 045-312-054 | 289.00 | 2,017.85 |
| 045-312-055 | 289.00 | 2,017.85 |
| 045-312-056 | 289.00 | 2,017.85 |
| 045-313-001 | 289.00 | 2,017.85 |
| 045-313-002 | 289.00 | 2,017.85 |
| 045-313-003 | 289.00 | 2,017.85 |
| 045-313-004 | 289.00 | 2,017.85 |
| 045-313-005 | 289.00 | 2,017.85 |
| 045-313-006 | 289.00 | 2,017.85 |
| 045-313-007 | 289.00 | 2,017.85 |
| 045-313-008 | 289.00 | 2,017.85 |
| 045-313-009 | 289.00 | 2,017.85 |
| 045-313-010 | 289.00 | 2,017.85 |
| 045-313-011 | 289.00 | 2,017.85 |
| 045-313-012 | 289.00 | 2,017.85 |
| 045-313-013 | 289.00 | 2,017.85 |
| 045-313-014 | 289.00 | 2,017.85 |
| 045-313-015 | 289.00 | 2,017.85 |
| 045-313-018 | 289.00 | 2,017.85 |
| 045-313-019 | 289.00 | 2,017.85 |
| 045-313-020 | 289.00 | 2,017.85 |
| 045-313-021 | 289.00 | 2,017.85 |
| 045-313-026 | 289.00 | 2,017.85 |
| 045-313-027 | 289.00 | 2,017.85 |
| 045-314-001 | 289.00 | 2,017.85 |
| 045-314-002 | 289.00 | 2,017.85 |
| 045-314-003 | 289.00 | 2,017.85 |
| 045-314-004 | 289.00 | 2,017.85 |
| 045-314-005 | 289.00 | 2,017.85 |
| 045-314-006 | 289.00 | 2,017.85 |
| 045-314-007 | 289.00 | 2,017.85 |
| 045-314-008 | 289.00 | 2,017.85 |
| 045-314-009 | 289.00 | 2,017.85 |
| 045-314-010 | 289.00 | 2,017.85 |
| 045-314-011 | 289.00 | 2,017.85 |
| 045-314-012 | 289.00 | 2,017.85 |
| 045-314-013 | 289.00 | 2,017.85 |
| 045-314-014 | 289.00 | 2,017.85 |
| 045-314-015 | 289.00 | 2,017.85 |
| 045-314-016 | 289.00 | 2,017.85 |
| 045-314-017 | 289.00 | 2,017.85 |
| 045-314-018 | 289.00 | 2,017.85 |
| 045-314-019 | 289.00 | 2,017.85 |
| 045-314-020 | 289.00 | 2,017.85 |

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-314-021 | 289.00 | 2,017.85 |
| 045-314-022 | 289.00 | 2,017.85 |
| 045-314-023 | 289.00 | 2,017.85 |
| 045-314-024 | 289.00 | 2,017.85 |
| 045-314-025 | 289.00 | 2,017.85 |
| 045-314-026 | 289.00 | 2,017.85 |
| 045-314-027 | 289.00 | 2,017.85 |
| 045-314-028 | 289.00 | 2,017.85 |
| 045-314-029 | 289.00 | 2,017.85 |
| 045-314-030 | 289.00 | 2,017.85 |
| 045-314-031 | 289.00 | 2,017.85 |
| 045-314-032 | 289.00 | 2,017.85 |
| 045-314-033 | 289.00 | 2,017.85 |
| 045-315-001 | 289.00 | 2,017.85 |
| 045-315-002 | 289.00 | 2,017.85 |
| 045-315-003 | 289.00 | 2,017.85 |
| 045-315-004 | 289.00 | 2,017.85 |
| 045-315-005 | 289.00 | 2,017.85 |
| 045-315-006 | 289.00 | 2,017.85 |
| 045-315-007 | 289.00 | 2,017.85 |
| 045-315-008 | 289.00 | 2,017.85 |
| 045-315-009 | 289.00 | 2,017.85 |
| 045-315-010 | 289.00 | 2,017.85 |
| 045-315-011 | 289.00 | 2,017.85 |
| 045-315-012 | 289.00 | 2,017.85 |
| 045-315-013 | 289.00 | 2,017.85 |
| 045-315-014 | 289.00 | 2,017.85 |
| 045-315-015 | 289.00 | 2,017.85 |
| 045-315-016 | 289.00 | 2,017.85 |
| 045-315-017 | 289.00 | 2,017.85 |
| 045-315-018 | 289.00 | 2,017.85 |
| 045-315-019 | 289.00 | 2,017.85 |
| 045-315-020 | 289.00 | 2,017.85 |
| 045-315-021 | 289.00 | 2,017.85 |
| 045-315-022 | 289.00 | 2,017.85 |
| 045-315-023 | 289.00 | 2,017.85 |
| 045-315-024 | 289.00 | 2,017.85 |
| 045-315-025 | 289.00 | 2,017.85 |
| 045-315-026 | 289.00 | 2,017.85 |
| 045-315-027 | 289.00 | 2,017.85 |
| 045-315-028 | 289.00 | 2,017.85 |
| 045-315-029 | 289.00 | 2,017.85 |
| 045-315-030 | 289.00 | 2,017.85 |
| 045-315-031 | 289.00 | 2,017.85 |
| 045-315-032 | 289.00 | 2,017.85 |
| 045-315-033 | 289.00 | 2,017.85 |
| 045-316-041 | 216.74 | 1,513.39 |
| 045-316-042 | 216.74 | 1,513.39 |
| 045-316-043 | 216.74 | 1,513.39 |
| 045-316-044 | 216.74 | 1,513.39 |

# City of Atascadero

## Landscaping & Lighting Maint Dist No. 2

## Final Billing Detail Report for Fiscal Year 2021/22

| Assessor's Parcel Number | Fiscal Year 2021/2022 Assessment | Fiscal Year 2021/2022 Max Assessment |
|---|---|---|
| 045-316-045 | 216.74 | 1,513.39 |
| 045-316-046 | 216.74 | 1,513.39 |
| 045-316-047 | 216.74 | 1,513.39 |
| 045-316-048 | 216.74 | 1,513.39 |
| 045-316-049 | 216.74 | 1,513.39 |
| 045-316-050 | 216.74 | 1,513.39 |
| 045-316-051 | 216.74 | 1,513.39 |
| 045-316-052 | 216.74 | 1,513.39 |
| 045-316-053 | 216.74 | 1,513.39 |
| 045-316-054 | 216.74 | 1,513.39 |
| 045-316-055 | 216.74 | 1,513.39 |
| 045-316-056 | 216.74 | 1,513.39 |
| 045-316-057 | 216.74 | 1,513.39 |
| 045-316-058 | 216.74 | 1,513.39 |
| 045-316-059 | 216.74 | 1,513.39 |
| 045-316-060 | 216.74 | 1,513.39 |
| 045-316-061 | 216.74 | 1,513.39 |
| 045-316-062 | 216.74 | 1,513.39 |
| 045-316-063 | 216.74 | 1,513.39 |
| 045-316-064 | 216.74 | 1,513.39 |
| 045-316-065 | 216.74 | 1,513.39 |
| 045-316-066 | 216.74 | 1,513.39 |
| 045-316-067 | 216.74 | 1,513.39 |
| 045-316-068 | 216.74 | 1,513.39 |
| 045-316-069 | 216.74 | 1,513.39 |
| 045-316-070 | 216.74 | 1,513.39 |
| 045-316-071 | 216.74 | 1,513.39 |
| 045-316-072 | 216.74 | 1,513.39 |
| 045-316-073 | 216.74 | 1,513.39 |
| 045-316-074 | 216.74 | 1,513.39 |
| 045-316-075 | 216.74 | 1,513.39 |
| **181 Accounts** | **$66,975.38** | **$467,638.52** |

Slight variances may occur due to rounding

# *Atascadero City Council*

## *Staff Report – Public Works Department*

### Authorizing Temporary Road Closures for 2021
### Hot El Camino Cruise Nite and Colony Days Parade Route

## RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution A authorizing temporary road closures and restrictions on August 20, 2021 for the Hot El Camino Cruise Nite.

2. Adopt Draft Resolution B authorizing temporary road closures and restrictions on October 2, 2021 for the Colony Days Parade Route.

## DISCUSSION:

Historically, the City participates in two special events each year that require encroachment permits from Caltrans: Hot El Camino Cruise Nite and the Colony Days Parade. Both of these events require the closure of Highway 41 at El Camino Real and the closure of the US 101 northbound Highway 41 exit. In order to obtain a Caltrans encroachment permit, the City must provide Caltrans with a traffic control and detour plan for the Highway 41 closures. In addition, Caltrans requires a City Council resolution authorizing the temporary road closure of El Camino Real and the other streets affected along the routes.

These events were cancelled last year due to COVID-19 guidelines, but with the County moving into less restrictive tiers and more people being vaccinated, it is anticipated that these events will be allowed to take place in 2021. The ability to hold these events in a safe and compliant manner will be continually evaluated as new Federal, State and County mandates and guidelines are issued. Public safety is of primary concern and each event will be cancelled at a later date if it is determined that the event cannot be held without jeopardizing public safety or if it would be in violation of a Public Health Order.

**Hot El Camino Cruise Nite: Friday, August 20, 2021 (event 6:30 to 8:30 p.m.)**
This event begins at 6:30 p.m. but requires temporary road closures in advance of the start time to secure and clear the event route. The following road segments are proposed to be closed from 5:00 p.m. until 8:30 p.m. for the Hot El Camino Cruise Nite event:

- El Camino Real from Curbaril Avenue to Traffic Way
- San Luis Avenue from Curbaril Avenue to Pueblo Avenue
- Pueblo Avenue from San Luis Avenue to El Camino Real
- East Mall from El Camino Real to Palma Avenue

- West Mall from El Camino Real to Lewis Avenue
- Entrada Avenue from El Camino Real to Lewis Avenue
- Traffic Way from El Camino Real to Lewis Avenue
- Palma Avenue from Traffic Way to East Mall

The Hot El Camino Cruise Nite event attracts tourists and spectators who line El Camino Real to view the vehicles that participate in this growing event.

The following evening, "Dancing in the Streets," a popular event that debuted in 2016, will have street closures that will only impact the downtown area from West Mall to Traffic Way. "Dancing in the Streets" is tentatively planned for Saturday, August 21, 2021 from 5:00 p.m. to 10:00 p.m., but the scope and scale of this event will be evaluated in conjunction with changing COVID-19 mandates. A resolution is not needed for this event since Caltrans highway operations are unaffected by the event.

**Colony Days Parade: Saturday, October 2, 2021 (event 10:00 a.m. to 1:00 p.m.)**
The Colony Days Parade route will begin on El Camino Real near Pueblo Avenue and travel northbound on El Camino Real, then turn east on West Mall ending at Lewis Avenue near City Hall. Required road closures are very similar to Hot El Camino Cruise Nite except Lewis Avenue (between Entrada Avenue and East Mall) and West Mall (between Lewis Avenue and Olmeda Avenue) will also be closed, while Traffic Way, Entrada Avenue, and Palma Avenue (between Traffic Way and Entrada Avenue), will remain open.

Road closures for the Colony Days Parade occurs in two stages. The first stage occurs at 8:00 a.m. and is a "soft" closure that closes a portion of the parade route to allow floats and other participants to set up. The second stage occurs at 9:30 a.m. and is a "hard" closure that prohibits all unauthorized vehicles from driving through the parade route or any closed road.

A detail of each of the road closures is included in the Draft Resolutions (Attachments 1 & 2) and on the proposed route for Hot El Camino Cruise Nite and Colony Days (Attachment 3).

## FISCAL IMPACT:

Cruise Nite incurs no net fiscal impact. The City cost of conducting the event is approximately $15,000 and is included in the adopted budget. It is anticipated that these costs will be fully recovered through budgeted sponsorships and entry fees.

The Colony Days closure of the parade route is expected to take over 100 hours of budgeted staff time for road closure applications, set-up and oversight of the road closure. Colony Days is a non-profit event co-sponsored by the City.

## ATTACHMENTS:

1. Draft Resolution A - Cruise Nite
2. Draft Resolution B - Colony Days
3. Maps - Proposed Hot El Camino Cruise Nite and Colony Days Parade Routes

# DRAFT RESOLUTION A

## RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING TEMPORARY ROAD CLOSURES AND RESTRICTIONS FOR HOT EL CAMINO CRUISE NITE

**BE IT RESOLVED,** by the City Council of the City of Atascadero that the Hot El Camino Cruise Nite route is hereby established as: El Camino Real from Curbaril Avenue to Entrada Avenue to Palma Avenue to Traffic Way and returning to El Camino Real. Additionally, San Luis Avenue from Curbaril Avenue to Pueblo Avenue, and Pueblo Avenue from San Luis Avenue to El Camino Real, will be closed for participant registration and check-in activities.

**BE IT FURTHER RESOLVED** that in order to provide a closed route for the Cruise, the area described above is designated as a "No Parking" and tow-away zone from 5:00 p.m. until 8:30 p.m., on August 20, 2021.

**BE IT FURTHER RESOLVED** that the City Engineer is authorized to make modifications to the above road restrictions and associated traffic control plan as necessary to address conflicts, improve efficiencies, and for public health, welfare, and safety purposes.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the __th day of _____, 2021

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian A. Pierik, City Attorney

# DRAFT RESOLUTION B

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING TEMPORARY ROAD CLOSURES AND RESTRICTIONS FOR COLONY DAYS PARADE ROUTE

**BE IT RESOLVED** by the City Council of the City of Atascadero that the Colony Days Parade route is hereby established as El Camino Real from Curbaril Avenue to West Mall and ending at Lewis Avenue with the Colony Day Festivities centered at the Sunken Gardens. Additionally, San Luis Avenue from Curbaril Avenue to Pueblo Avenue and Pueblo Avenue from Luis Avenue to El Camino Real will be closed for Colony Days Parade staging area.

**BE IT FURTHER RESOLVED** that in order to provide a reserved route for the Parade, staging and associated activities, the following actions are required:

**Friday, October 1, 2021 through Saturday, October 2, 2021 – 24 hours**
**Establish "No Parking" and tow-away zone**

- East Mall – South side only, from El Camino Real to Palma Avenue

**Saturday, October 2, 2021 – 6:00 a.m. until 5:00 p.m.**
**Establish road closure and tow-away zone**

- East Mall, from El Camino Real to Palma Avenue
- West Mall, from El Camino Real to Lewis Avenue
- Palma Avenue, from East Mall to West Mall

**Saturday, October 2, 2021 – 8:00 a.m. until 1:00 p.m. (Hard closure at 9:30 a.m.)**
**Establish road closure and tow-away zone**

- El Camino Real, from Curbaril Avenue to Entrada Avenue
- San Luis Avenue, from Curbaril Avenue to Pueblo Avenue
- Pueblo Avenue, from San Luis Avenue to El Camino Real
- Lewis Avenue, from Entrada Avenue to East Mall (close at 10:00 a.m.)
- West Mall, from Lewis Avenue to Olmeda Avenue (close at 10:00 a.m.)

**BE IT FURTHER RESOLVED** that the City Engineer is authorized to make modifications to the above road restrictions and associated traffic control plan as necessary to address conflicts, improve efficiencies, and for public health, welfare, and safety purposes.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the __th day of _____, 2021

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

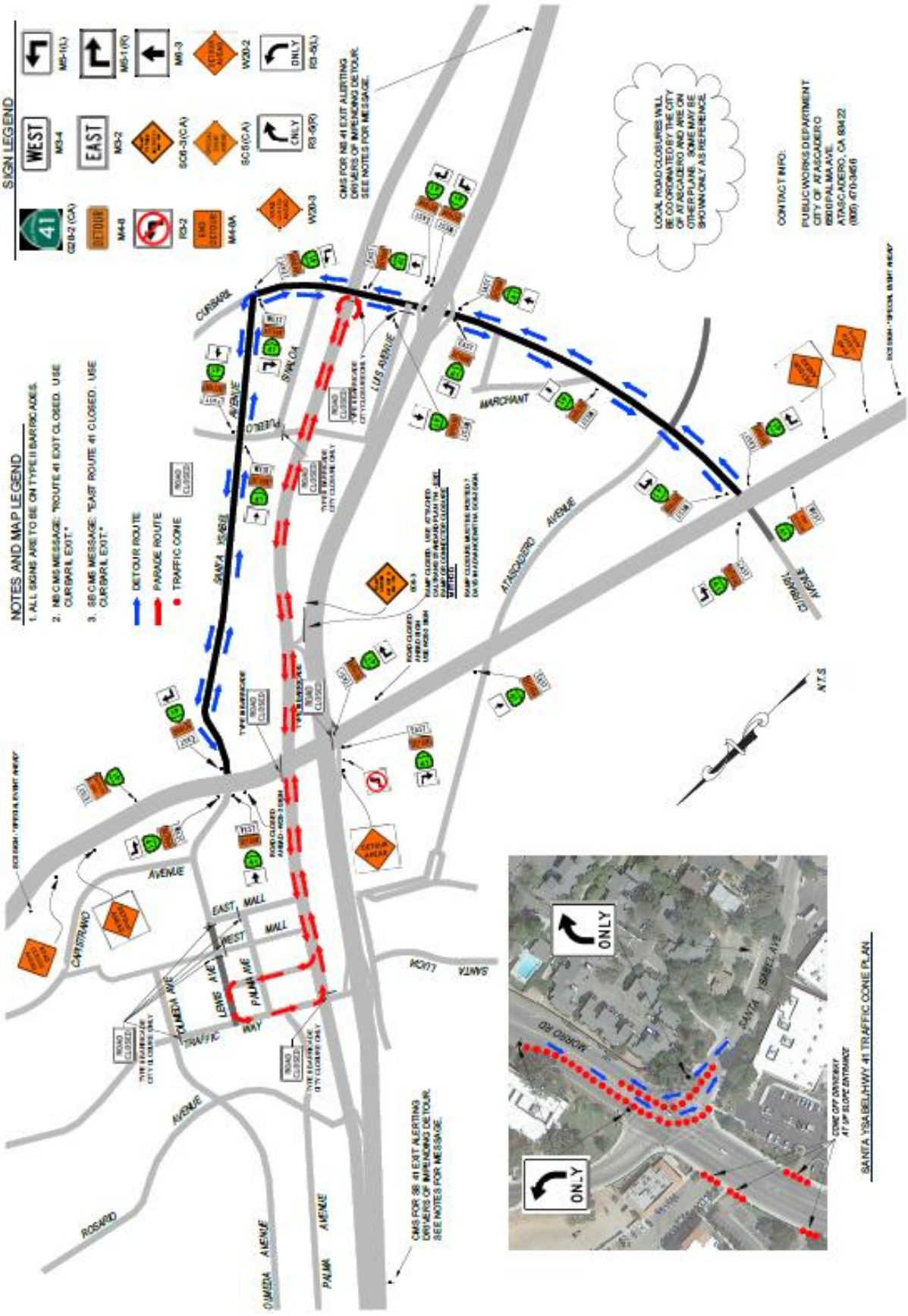
ATTEST:

_____
Lara K. Christensen, City Clerk

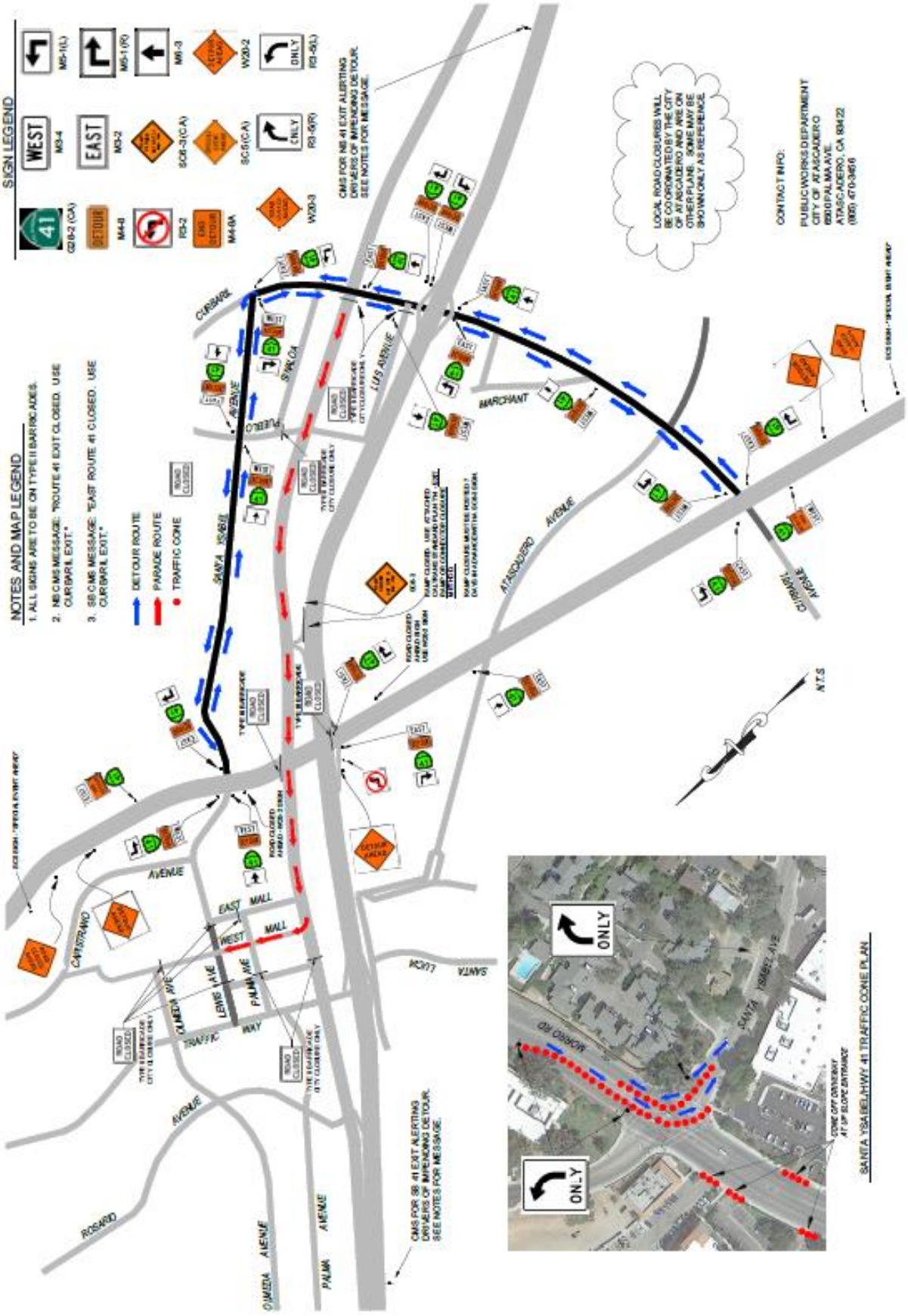
APPROVED AS TO FORM:

_____
Brian A. Pierik, City Attorney

## Hot El Camino Cruise Nite



## Colony Days Parade



# Atascadero City Council

## Staff Report – Community Development Department

### Annexation of the 10850 El Camino Real Subdivision into Community Facilities District 2005-1, Annexation No. 23 (10850 El Camino Real: Tract 3099)

## RECOMMENDATION:

Council adopt Draft Resolution, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 23 and to authorize the levy of special taxes therein (10850 El Camino Real: Tract 3099).

## DISCUSSION:

On April 13, 2021, the City Council initiated the process for this development by adopting a resolution of intent (Resolution No. 2021-007) to annex the subject project into the existing Citywide CFD and set the date of the public hearing. However, there was an error in the date written in the resolution. This is being brought back before the Council to correct the previous error.

The applicant, 10850, LLC, is required to annex into the City's Community Facilities District (CFD) as a condition to finalize their subdivision maps and fulfill the conditions of approval. To satisfy this requirement, the applicant has petitioned the City to annex into the CFD. The 10850 El Camino Real (formerly known as "Hartberg") Subdivision project was approved in 2017 as Tract 3099.

In July 2004, as a key part of the adoption of the City's Comprehensive Financial Strategy, the Council addressed the need to recover all costs associated with new residential development by directing the formation of a Community Facilities District (CFD). California law allows the formation of such districts for the purpose of recovering the cost of providing public safety services, including police and fire services, and park services for new developments. CFD homeowners pay special taxes in addition to standard taxes and fees to provide an amount equal to the cost of the City services they are expected to receive. Without such special taxes in place, new residential units have a negative impact on the General Fund.

The Citywide CFD was established in 2005 consistent with this policy and a number of projects have been annexed into the CFD as a requirement prior to recordation of a final map. With the resolution of intention, the City and the applicant are initiating the process of annexing the 10850 El Camino Real development into the City's existing CFD.

The 10850 El Camino Real project was originally submitted and approved in 2017 establishing a Planned Development Overlay Zone (#34) on the site. The project consists of seventy-five (75) residential units, including forty-eight (48) apartments at the rear portion of the property, twenty (20) attached townhomes containing 3-bedrooms each and seven (7) single-family residential cottages ranging in size from two to three bedrooms. Fifteen (15) of the apartment units will be deed restricted as affordable units consistent with project approvals and the Council inclusionary policy.

**Site Plan**

The Resolution establishes the date for the public hearing to complete the annexation. The date has been set for June 22, 2021. There are no registered voters in the area being annexed so the election will be a landowner vote. Following completion of the annexation, staff anticipates levying taxes on the parcels on which development has actually begun in the 2022-2023 tax year.

The residential planned development project was conditioned to be fiscally neutral through annexation into the existing Citywide CFD. Annexation into CFD 2005-1 will satisfy the project's conditions of approval and allow for the annexation vote to occur. A total of seventy-five (75) residential units will be annexed into the CFD upon recordation of the annexation documents with fifteen (15) affordable units exempt from the annual levy while the deed restrictions are in place. The CFD annual levy is currently $706.68 for the 2020-2021 tax year, and adjusts each year for inflation.

## ALTERNATIVE:

Council may refer the item back to staff for additional review and analysis.

## FISCAL IMPACT:

Assessments for this annexation are estimated to be $42,400 annually, adjusted each year for inflation. Deed restricted affordable units are exempt from the special tax.

## ATTACHMENTS:

1. Draft Resolution
2. Petition to Annex into CFD 2005-1 – No. 23 (TR 3099)

# DRAFT RESOLUTION

# RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING ITS INTENTION TO ANNEX TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) AS ANNEXATION NO. 23, AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

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

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

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

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

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

**SECTION2.** Public Convenience and Necessity. This City Council hereby determines that the public convenience and necessity requires that territory be annexed into CFD No. 2005-1 in order to pay the costs and expenses for the required and authorized public services.

**SECTION 3.** Boundaries. A general description of the territory included in the existing CFD No. 2005-1 is hereinafter described as follows: All that property and territory as originally included in the existing CFD No. 2005-1 heretofore recorded as Instrument No. 2005-037685 in the office of the County Recorder for the County of San Luis Obispo on May 9, 2005 in Book 5 at Page 11-13 of Maps of Assessments and Community Facilities Districts, to which map reference is hereby made, and as such map was amended as a result of prior annexations.

A description of the boundaries and territory proposed to be annexed is as follows: All that property and territory proposed to be annexed to CFD No. 2005-1, is shown on the Annexation Map for Annexation No. 23 to CFD No. 2005-1, on file in the Office of the City Clerk, the boundaries of which territory are hereby preliminarily approved and to which map reference is hereby made for further particulars. The area proposed to be annexed to CFD No. 2005-1 is as shown on the Annexation Map identified in Exhibit A. The City Clerk is hereby directed to cause to be recorded such Annexation Map, showing the territory to be annexed, in the office of the County Recorder of the County of San Luis Obispo within fifteen days of the date of adoption of this resolution.

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

POLICE AND FIRE SERVICES

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

PARK SERVICES

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

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

**SECTION 5.** Special Taxes. It is the intention of this City Council that, except where funds are otherwise available, a special tax sufficient to pay for said services to be provided in CFD No. 2005-1 and Annexation No. 23, secured by recordation of a continuing lien against all non-exempt real property in Annexation No. 23, will be levied annually within the boundaries of Annexation No. 23 from and after the annexation of such property to CFD No. 2005-1. The special taxes shall be those as authorized through the formation of CFD No. 2005-1, adopted by Ordinance of this legislative body, as amended by the adoption of Resolution 2018-001 and no changes or modifications are proposed in the special taxes from those as currently set forth and made applicable to CFD No. 2005-1 in accordance with Resolution 2018-001.

For particulars as to the rate and method of apportionment of the proposed special tax (the "RMA"), reference is made to the attached and incorporated Exhibit "B," which sets forth in sufficient detail the method of apportionment to allow each landowner or resident within Annexation No. 23 to clearly estimate the maximum annual amount that said person will have to pay on said special tax.

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

**SECTION 6.** Public Hearing. Notice is given that on Tuesday, June 22, 2021, at 6:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council at the City of Atascadero, City Hall Council Chambers, 6500 Palma Ave, Atascadero, California, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for CFD No. 2005-1, will conduct a public hearing on the annexation of territory to CFD No. 2005-1, and consider and finally determine whether the public interest, convenience and necessity require said annexation of territory to the CFD No. 2005-1 and the levy of said special tax therein.

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

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the ___th day of_____, 2021.

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

_____
Heather Moreno, Mayor

ATTEST:

_____
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

_____
Brian A. Pierik, City Attorney

# ANNEXATION NO. 23 BOUNDARY MAP

## COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
## CITY OF ATASCADERO
## COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK, CITY OF ATASCADERO, THIS ____ DAY OF _____, 20__.

_____
CITY CLERK
CITY OF ATASCADERO

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF ANNEXATION NO. 20 TO THE CITY OF ATASCADERO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES), CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF ATASCADERO, AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 20_____, BY RESOLUTION NO._____

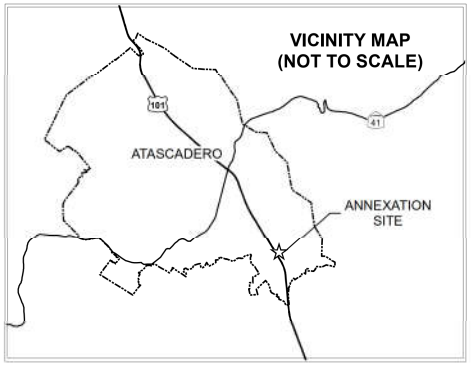
_____
CITY CLERK
CITY OF ATASCADERO

RECORDED THIS ____ DAY OF _____, 20___ AT THE HOUR OF ____ O'CLOCK __M IN BOOK ___ PAGE ___ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE OF THE COUNTY RECORDER, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.

FEE: _____ NO.: _____
TOMMY GONG, COUNTY CLERK, RECORDER

BY: _____
COUNTY CLERK, SAN LUIS OBISPO COUNTY

REFERENCE IS HEREBY MADE TO THAT BOUNDARY MAP OF THE CITY OF ATASCADERO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) RECORDED WITH THE SAN LUIS OBISPO COUNTY RECORDER'S OFFICE ON MAY 9, 2005, DOCUMENT NO. 2005-037685 IN BOOK 5 PAGES 11-13 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS.



0 100 200 400 600 Feet

LEGEND

PARCEL LINE

CFD BOUNDARY

XXX-XXX-XXX ASSESSOR PARCEL NUMBER

*THIS BOUNDARY MAP CORRECTLY SHOWS THE BOUNDARIES OF THE COMMUNITY FACILITIES DISTRICT. FOR DETAILS CONCERNING THE LINES AND DIMENSIONS OF LOTS OR PARCELS REFER TO THE COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2020-2021.*

Webb MUNICIPAL FINANCE

*M:\GIS-Assessment\Atascadero\Annex23.mxd*

# EXHIBIT B

# RATE AND METHOD OF APPORTIONMENT

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

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

### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

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

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

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

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

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

any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

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

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

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

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

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

**"City"** means the City of Atascadero.

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

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

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

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

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

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

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

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

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

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

**"Park Services"** means the estimated and reasonable costs for maintaining authorized parks within the City.

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

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

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

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

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

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

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

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

**"State"** means the State of California.

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

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

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

**B. ASSIGNMENT TO LAND USE CATEGORIES**

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

## C. MAXIMUM SPECIAL TAX RATE

### 1. Developed Property

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

| Land Use Class | Description | Maximum Special Tax Per Unit |
|---|---|---|
| 1 | Residential Units | $440 per Unit |
| 2 | Affordable Units | $0 per Unit |

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

### 2. Approved Property

**TABLE 2**
**Maximum Special Tax for Approved Property**
**Community Facilities District No. 2005-1 (Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Lot |
|---|---|---|
| 3 | Approved Property | $231 per Lot |

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

### 3. Non-residential Property

**TABLE 3**
**Maximum Special Tax for Non-Residential Property**
**Community Facilities District No. 2005-1 (Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Acre |
|---|---|---|
| 4 | Non-Residential Property | $1,848 per Acre |

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

### 4. Multiple Land Use Classes

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

### 5. Undeveloped Property

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

**TABLE 4**
**Maximum Special Tax for Undeveloped Property**
**Community Facilities District No. 2005-1**
**(Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Parcel/Acre |
|---|---|---|
| 5 | Undeveloped Property 1/4 Acre | $100 per Parcel |
| 6 | Undeveloped Property >1/4 Acre | $410 per Acre |

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

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

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

**E. APPEALS**

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

**F. MANNER OF COLLECTION**

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

**G. TERM OF SPECIAL TAX**

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

**PETITION**
**(With Waivers)**

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

To the Honorable City Council,
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

Members of the Council:

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

**1. Petitioner.** This Petition is submitted by the person (the "Petitioner") (whether one or more) identified below as or for the record owner(s) of the parcels of land identified below (the "Property"). The undersigned warrants to the City of Atascadero that the Petitioner is such owner, or is a legally authorized representative of such owner(s), and that such ownership constitutes ownership of more than 10% of the property to be annexed, described in Exhibit "A" attached hereto and more particularly described in Section 3 herein.

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

**3. Boundaries.** This Petition asks that the territory, to be included in the boundaries of the annexation, consist of that shown on a map of the proposed boundaries of Annexation No. 23 filed with the City Clerk of the City of Atascadero and which map is attached hereto as Exhibit "A" and hereby made a part this Petition and which map includes the Property.

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

**5. Election.** The Petitioner asks that the special election to be held under the Act, to authorize the special taxes and to establish any appropriations limits for Annexation No. 23, be conducted by the City of Atascadero and its officials, using a mailed or hand-delivered ballot and that such ballot be canvassed and the results certified at the same meeting of the City Council for the public hearing for Annexation No. 23 to CFD No. 2005-1 under the Act or as soon thereafter as possible.

**6. Waivers.** To expedite the completion of the proceedings for Annexation No. 23 to CFD No. 2005-1, the Petitioner waives all notices of hearing and all published notices regarding the annexation of territory of Annexation No. 23 to CFD No. 2005-1, notices of election, applicable waiting periods under the Act for the election and all ballot arguments and analysis for the election, it being acknowledged by the Petitioner that all such notices are for the benefit of the Petitioner and may be waived. The Petitioner agrees to timely complete and return a consent and waiver to be provided to Petitioner by the City of Atascadero in order to expedite such proceedings.

**7. Authority Warranted.** The Petitioner warrants to the City of Atascadero that presentation of Petition, any waivers contained herein, casting of ballots at the property owner election and other actions mandated by the City of Atascadero to annex Annexation No. 23 to CFD No. 2005-1 shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Petitioner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property. If requested by the City of Atascadero, the Petitioner agrees, at its expense, to supply to the City of Atascadero, current title evidence so that the City of Atascadero may supply any notice and ballot required under the Act to annex Annexation No. 23 to CFD No. 2005-1.

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

**9. Agreements.** The Petitioner further agrees to execute such additional or supplemental agreements as may be required by the City of Atascadero to provide for any of the actions and conditions under this Petition, including any amount of cash deposit required to pay for the City of Atascadero's costs to annex Annexation

No. 23 to CFD No. 2005-1. By executing this Petition, the Petitioner agrees to all of the above.

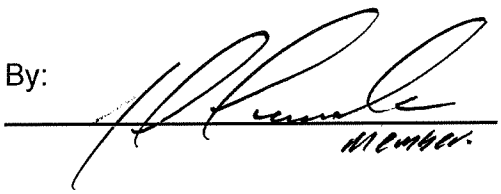
The Property is San Luis Obispo County Assessor Parcel No(s):

**045-351-008**

and the Property contains a total of **3.75** acres.

The Petitioner (record owner) is:

**10850, LLC**

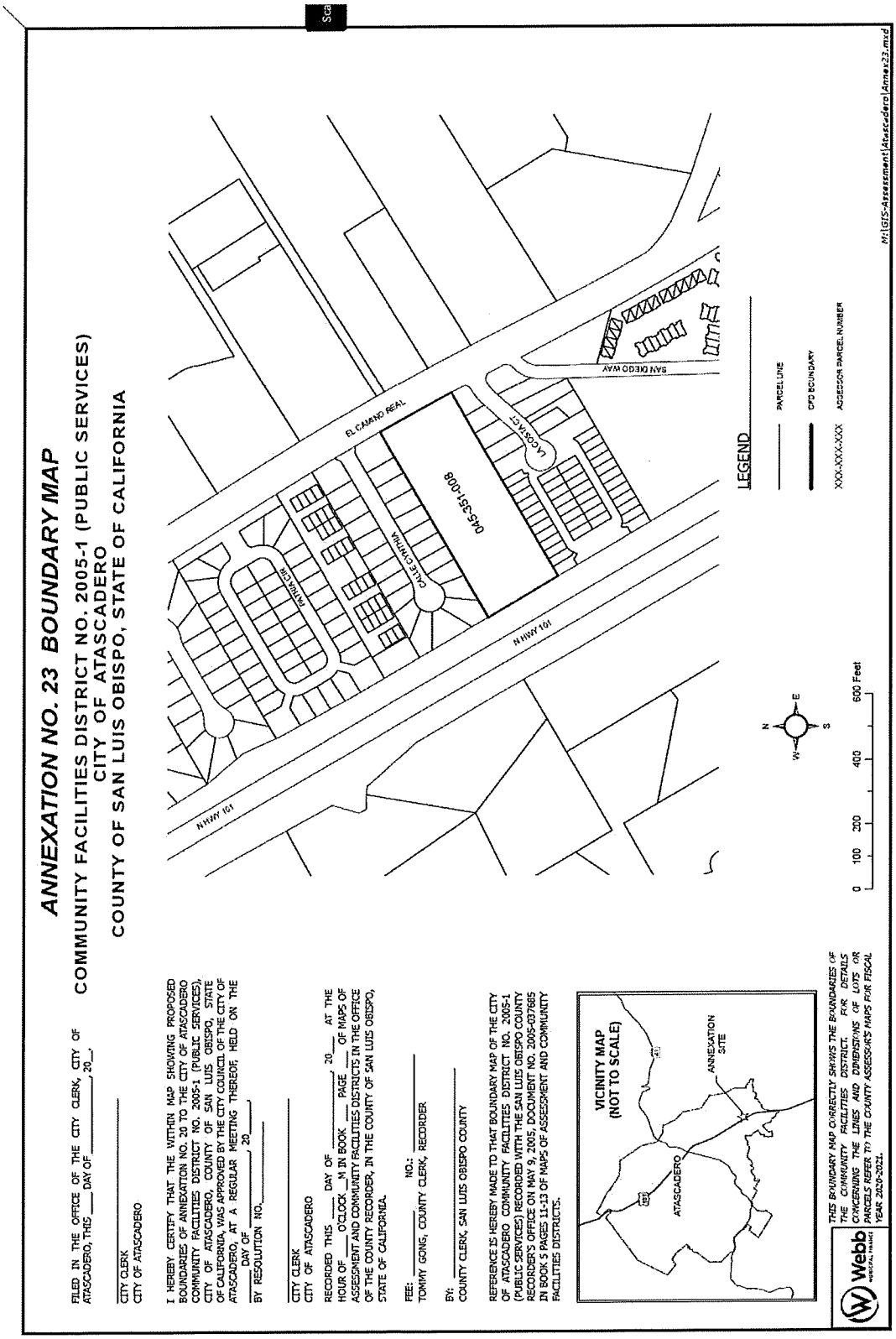
By: 

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

**Attn: Amanda Sherard**
**701 Shadow Lane, Suite 150**
**Las Vegas, NV 89106**

# EXHIBIT A

## ANNEXATION MAP



# EXHIBIT B

## DESCRIPTION OF SERVICES

### POLICE AND FIRE SERVICES

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

### PARK SERVICE

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

# EXHIBIT C

# RATE AND METHOD OF APPORTIONMENT

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

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

### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

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

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

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

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

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

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

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

any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

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

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

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

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

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

**"City"** means the City of Atascadero.

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

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

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

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

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

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

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

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

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

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

**"Park Services"** means the estimated and reasonable costs for maintaining authorized parks within the City.

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

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

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

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

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

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

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

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

**"State"** means the State of California.

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

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

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

## B. ASSIGNMENT TO LAND USE CATEGORIES

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

## C. MAXIMUM SPECIAL TAX RATE

### 1. Developed Property

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

| Land Use Class | Description | Maximum Special Tax Per Unit |
|---|---|---|
| 1 | Residential Units | $440 per Unit |
| 2 | Affordable Units | $0 per Unit |

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

### 2. Approved Property

**TABLE 2**
**Maximum Special Tax for Approved Property**
**Community Facilities District No. 2005-1 (Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Lot |
|---|---|---|
| 3 | Approved Property | $231 per Lot |

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

### 3. Non-residential Property

**TABLE 3**
**Maximum Special Tax for Non-Residential Property**
**Community Facilities District No. 2005-1 (Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Acre |
|---|---|---|
| 4 | Non-Residential Property | $1,848 per Acre |

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

### 4. Multiple Land Use Classes

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

### 5. Undeveloped Property

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

**TABLE 4**
**Maximum Special Tax for Undeveloped Property**
**Community Facilities District No. 2005-1**
**(Public Services)**

| Land Use Class | Description | Maximum Special Tax Per Parcel/Acre |
|---|---|---|
| 5 | Undeveloped Property 1/4 Acre | $100 per Parcel |
| 6 | Undeveloped Property >1/4 Acre | $410 per Acre |

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

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

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

**E. APPEALS**

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

**F. MANNER OF COLLECTION**

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

**G. TERM OF SPECIAL TAX**

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

# *Atascadero City Council*

## *Staff Report – Public Works Department*

### Approve Parcel Map AT 18-0116
### (8559 and 8565 Santa Rosa Road)

## RECOMMENDATIONS:

Council:

1. Approve Parcel Map AT 18-0116.

2. Reject, without prejudice to future acceptance, a twenty-foot and a thirty-foot wide offer of dedication for public road purposes on Santa Rosa Court.

3. Accept, on behalf of the public, the offer of dedication for a six-foot Public Utility Easement, a thirty-foot Public Sewer Easement and Offer of Dedication for Vehicular Access Rights.

## DISCUSSION:

Tentative Parcel Map AT 18-0116 (City File SUBV18-0150) was originally approved by the Planning Commission on May 7, 2019 (Planning Commission Resolution 2019-007) and went back on April 6, 2021 where the Conditions of Approval were amended (Planning Commission Resolution 2021-0003). The Tentative Parcel Map conditionally authorizes the subdivision of two parcels into four parcel at 8559 and 8565 Santa Rosa if conditions of approval are met prior to Council adoption. The total gross area of the original lots is 4.2 acres, minimum lot size for the site of at least 1-gross acre in size. Parcel 1 is 1.18 acres (gross)/ 0.98 acres (net) and fronts Santa Rosa Road and the future Santa Rosa Court, while Parcel 2 is 1.03 acres (gross)/ 0.83 acres (net) and fronts the future Santa Rosa Court, Parcel 3 is 1.00 acre (gross)/ 0.77 acres (net) and fronts the future Santa Rosa Court, Parcel 4 is 1.00 acre (gross)/ 0.80 acres (net) and will be accessed through a 25’ private driveway easement across Parcel 3. Staff has coordinated with the applicants (Aiello and Spencer) to ensure that conditions of approval have been satisfied. A copy of the parcel map is included as Attachment 1.

*Requirements for Off-site Improvements*
Off-site improvements are required for the future Santa Rosa Court and associated new utility services to the new Parcels 3 and 4, per the Conditions of Approval. A Covenant to Defer Public Improvements has been agreed upon by the Applicants and the City to record with the Map to ensure construction of these improvements are tied to the development of Parcels 3 and 4.

*Easements and Offers of Dedication*
A 6-foot wide offer of dedication for Public Utility Easement is included on the Parcel Map. One six (6) foot wide Public Utility Easement is located over the private frontages for placement of public utilities. *Staff recommends that this offer of a public utility easement be accepted.* Acceptance of this easement benefits all public utility companies and has no impact on or imparts any liability upon the City of Atascadero.

A 30-foot wide offer of dedication for Public Sewer Easement is included on the Parcel Map. One thirty (30) foot wide Public Sewer Easement is located over Parcels 2 and 3. *Staff recommends that this offer of a public sewer easement be accepted.* Acceptance of this easement benefits the City for sanitary sewer service purposes and has no impact on or imparts any liability upon the City of Atascadero.

A 20-foot and 30-foot offer of dedication for Public Road purposes along future Santa Rosa Court are also included on the Parcel Map. These offers would add to the existing 20-foot right-of-way per County of San Luis Obispo record document number 2018-040135, producing a minimum of 30-foot wide right-of-way for Santa Rosa Court adjacent and through the new parcels. *Staff recommends this offer of dedication for public road purposes be rejected without prejudice to future acceptance*.

*The City Engineer and Community Development Director have reviewed the Parcel Map and Conditions of Approval and find the Parcel Map to be in substantial conformance with the approved Tentative Parcel Map.* Pursuant to California Government Code Title 7, Division 2, the approving legislative body (City Council) shall not deny a Parcel Map provided it find the Parcel Map is in substantial conformance with the previously approved Tentative Parcel Map.

If adopted, the Parcel Map will be recorded at the County Recorder's Office within ten business days.

## FISCAL IMPACT:

None.

## ATTACHMENT:

Parcel Map AT 18-0116

## OWNER'S STATEMENT

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

WE HEREBY RESERVE TO OURSELVES, OUR HEIRS, AND ASSIGNS A CERTAIN PRIVATE DRIVEWAY EASEMENT FOR THE USE AND BENEFIT OF THE PRESENT OR FUTURE OWNERS OF THE LOTS AFFECTED BY SAID EASEMENT AS DELINEATED ON SAID MAP.

NOTE: THE REAL PROPERTIES DESCRIBED BELOW ARE DEDICATED AS EASEMENTS FOR PUBLIC PURPOSES:

WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC PURPOSES AND BENEFIT OF THE SEVERAL PUBLIC UTILITY COMPANIES AND ATASCADERO MUTUAL WATER COMPANY ("AMWC") WHICH ARE AUTHORIZED TO SERVE IN SAID SUBDIVISION, EASEMENTS FOR PUBLIC UTILITY PURPOSES, DELINEATED ON SAID MAP AS "PUBLIC UTILITY EASEMENT" OR "P.U.E."

WE ALSO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC PURPOSES AN OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES, DELINEATED ON SAID MAP AS "OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES."

WE ALSO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC PURPOSES EASEMENTS FOR PUBLIC SEWER PURPOSES, DELINEATED ON SAID MAP AS "PUBLIC SEWER EASEMENT."

WE ALSO HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC PURPOSES THE DEDICATION OF VEHICULAR ACCESS RIGHTS, DELINEATED ON SAID MAP AS "DEDICATION OF VEHICULAR ACCESS RIGHTS."

GREG AIELLO AND LEAH ASHLEY AIELLO,
HUSBAND AND WIFE AS COMMUNITY PROPERTY

GREG AIELLO DATE

LEAH ASHLEY AIELLO DATE

BRETT K. SPENCER AND LINDA S. SPENCER, TRUSTEES
OF THE BRETT K. SPENCER AND LINDA S. SPENCER
REVOCABLE LIVING TRUST DATED APRIL 17, 2019

BRETT K. SPENCER, TRUSTEE DATE

LINDA S. SPENCER, TRUSTEE DATE

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF GREG AIELLO IN OCTOBER OF 2018. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I ALSO HEREBY STATE THAT ALL THE MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

LICENSED LAND SURVEYOR · MARC DOUGLAS DAKOS · NO. 8769 · STATE OF CALIFORNIA

MARC D. DAKOS
LS 8769

DATE

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED PARCEL MAP AT 18-0116, THAT THE SUBDIVISION AS SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, IF REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

NICHOLAS D. DeBAR, R.C.E. 89291
CITY ENGINEER
CITY OF ATASCADERO

DATE

I, JOHN R. SANDERS, ACTING ON BEHALF OF THE CITY ENGINEER OF THE CITY OF ATASCADERO, DO HEREBY STATE THAT I HAVE EXAMINED THE MAP SHOWN HEREON AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

JOHN R. SANDERS, L.S. 5812

DATE

## UNPLOTTABLE EASEMENTS

There are certain unplottable easements affecting this property:

1. Covenants, conditions, restrictions and easements in the document recorded November 10, 1916 in Book 111 of Deeds, Page 249

2. Such rights, rights of way and easements as were granted to the Atascadero Mutual Water Company by deed recorded November 18, 1916 in Book 113, Page 56 of Deeds

## ACKNOWLEDGMENT

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

STATE OF CALIFORNIA )
COUNTY OF _____ )

ON _____ BEFORE ME, _____ ,
PERSONALLY APPEARED _____
_____ ,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY SIGNATURE NAME PRINTED

COUNTY OF _____ COMMISSION EXPIRES _____

NOTARY COMMISSION NUMBER _____

## ACKNOWLEDGMENT

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

STATE OF CALIFORNIA )
COUNTY OF _____ )

ON _____ BEFORE ME, _____ ,
PERSONALLY APPEARED _____
_____ ,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY SIGNATURE NAME PRINTED

COUNTY OF _____ COMMISSION EXPIRES _____

NOTARY COMMISSION NUMBER _____

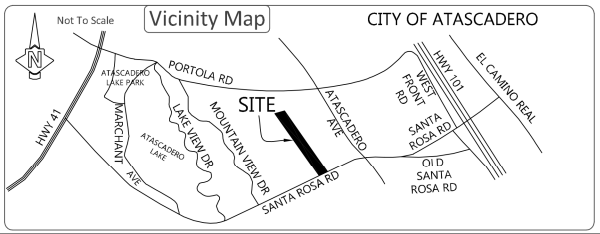
## SIGNATURE OMISSIONS

PURSUANT TO SECTION 66436, SUBSECTION (a-3-A-i) OF THE CALIFORNIA SUBDIVISION MAP ACT, THE SIGNATURES OF THE FOLLOWING EASEMENT HOLDERS HAVE BEEN OMITTED, AS THEIR INTEREST CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY:

ATASCADERO MUTUAL WATER COMPANY, EASEMENT HOLDER PER DEED RECORDED NOVEMBER 18, 1916 IN BOOK 113, PAGE 56 OF DEEDS

A. PERCIVAL BENNETT, EASEMENT HOLDER PER AGREEMENT RECORDED DECEMBER 21, 1949 IN BOOK 545, PAGE 348 OF OFFICIAL RECORDS

WILLIAM A. BLANK, EASEMENT HOLDER PER DEED RECORDED MAY 15, 1970 IN BOOK 1565, PAGE 350 OF OFFICIAL RECORDS




## CITY PLANNING COMMISSION STATEMENT

THIS IS TO STATE THAT I HAVE EXAMINED THIS MAP AND HAVE DETERMINED THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP AS APPROVED BY THE CITY OF ATASCADERO ON MAY 7, 2019, AND THE CONDITIONS IMPOSED THEREON.

PHIL DUNSMORE
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF ATASCADERO, CALIFORNIA

DATE

## CITY COUNCIL'S STATEMENT

I HEREBY STATE THAT THIS SUBDIVISION WAS DULY ADOPTED AND APPROVED AND THE OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES WAS REJECTED WITHOUT PREJUDICE TO FUTURE ACCEPTANCE ON BEHALF OF THE PUBLIC, AND THE OFFER FOR PUBLIC UTILITY EASEMENT WAS ACCEPTED ON BEHALF OF THE PUBLIC, AND THE OFFER FOR PUBLIC SEWER EASEMENT WAS ACCEPTED ON BEHALF OF THE PUBLIC, AND THE OFFER OF DEDICATION FOR VEHICULAR ACCESS RIGHTS WAS ACCEPTED ON BEHALF OF THE PUBLIC BY THE COUNCIL OF THE CITY OF ATASCADERO ON _____, 20____, AND THAT THE CITY CLERK WAS DULY AUTHORIZED AND DIRECTED TO ENDORSE HEREON ITS APPROVAL OF THE SAME.

LARA CHRISTENSEN, CITY CLERK
CITY OF ATASCADERO, CALIFORNIA

DATE

## COUNTY RECORDER'S STATEMENT

FILED THIS _____ DAY OF_____, 20 _____, AT _____M., IN BOOK_____

OF PARCEL MAPS, AT PAGES _____, AT THE REQUEST OF MARC D. DAKOS.

DOCUMENT NO: _____

FEE: _____

SIGNED: _____

BY: _____
DEPUTY

RECORDERS DISCLAIMER:
THE TABULATION, LISTING, AND NUMBERING OF ANY SEPARATE DOCUMENTS AUTHORIZED TO BE RECORDED CONCURRENTLY WITH THIS MAP HAVE BEEN PROVIDED BY THE SUBDIVIDER OR LOCAL AGENCY APPROVING THE MAP. THE COUNTY RECORDER MAKES NO REPRESENTATIONS REGARDING THE ACCURACY OF THE TABULATION, LISTING, AND NUMBERING OF ANY SEPARATE DOCUMENTS REFERRED TO ON THIS MAP.

THE FOLLOWING DOCUMENTS ARE RECORDED CONCURRENTLY WITH THIS MAP.

1) _____
DOC. NO. _____

2) _____
DOC. NO. _____

DAKOS LAND SURVEYS
7600 Morro Rd
Atascadero, CA 93422
ph (805)466-2445
info@dakoslandsurveys.com

# PARCEL MAP AT 18-0116
## GREG AIELLO

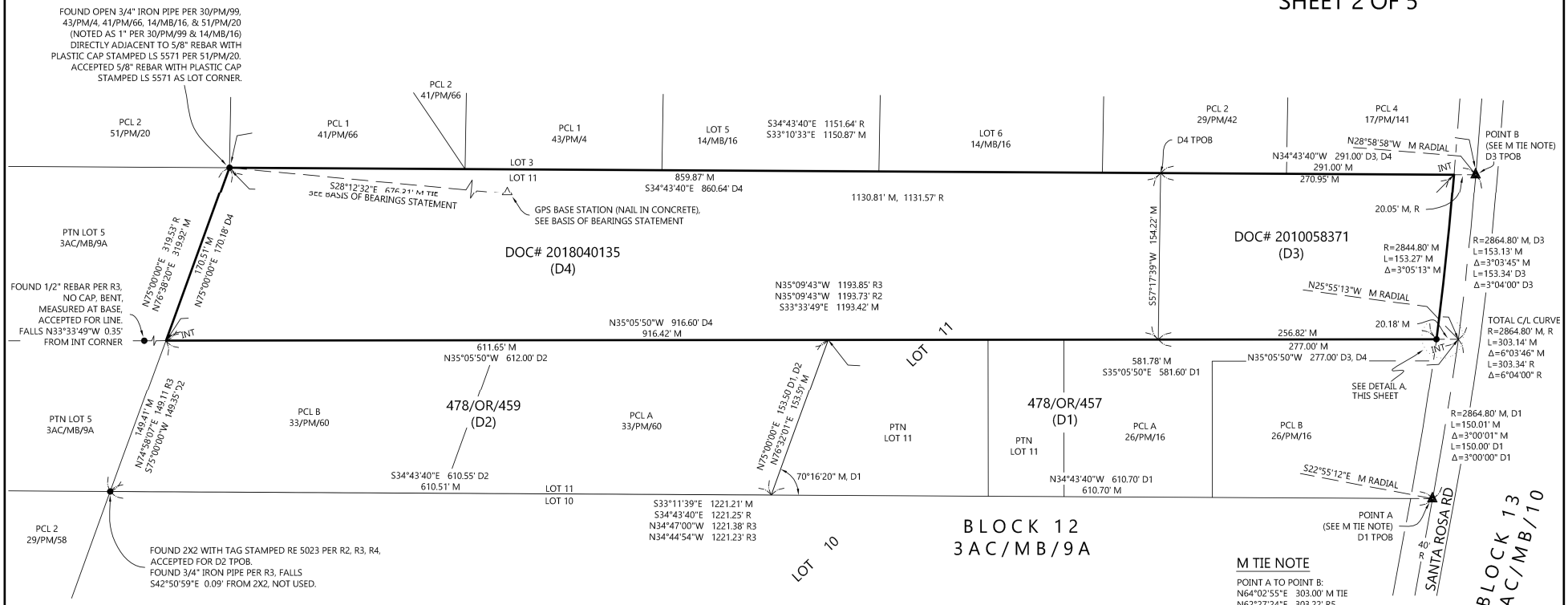
SUBDIVISION OF PORTIONS LOT 11, BLOCK 12 OF ATASCADERO COLONY, 3AC/MB/9A, CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER DOCUMENT NUMBERS 2010-058371 AND 2018-040135

APN(S): 056-301-008 & 009
DATE: JUNE 2018; 08-12-20
FILENAME: 18-153 AIELLO SANTA ROSA

| Drafter: | Scale: | Project: | Job: | Sheet: |
|---|---|---|---|---|
| CLM | N/A | 18-153 | 18-153 | 1 of 5 |

FIRST AMERICAN TITLE: 4001-5810910

# OVERALL BOUNDARY RETRACEMENT
SHEET 2 OF 5




## M TIE NOTE

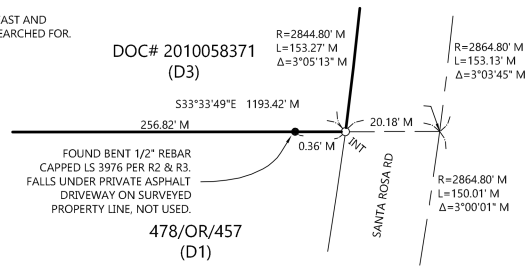
POINT A TO POINT B:
N64°02'55"E 303.00' M TIE
N62°27'24"E 303.22' R5

## NOTE:

MONUMENTS FOR ADJACENT PARCELS ALONG THE NORTHEAST AND SOUTHWEST LINES OF THE SUBJECT PROPERTY WERE NOT SEARCHED FOR.

## LEGEND

- ● FOUND MONUMENT AS NOTED
- ▲ FOUND 2-1/2" BRASS CAP IN MONUMENT WELL STAMPED LS 3231 PER R5
- ○ SET 5/8" REBAR LS 8769
- ⊙ SET NAIL & TAG LS 8769
- M MEASURED
- R 3AC/MB/9A
- R2 26/PM/16, HILLIARD
- R3 33/PM/60, CAMPBELL
- R4 26/PM/64, STEWART
- R5 19/LS/18 (SHEET 43), KELSO
- D1 478/OR/457
- D2 478/OR/459
- D3 DOC# 2010058371
- D4 DOC# 2018040135
- INT INTERSECTION
- TPOB TRUE POINT OF BEGINNING




DETAIL A
NOT TO SCALE

## BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH, CALIFORNIA STATE PLANE COORDINATE SYSTEM, ZONE 5, ACCORDING TO GPS OBSERVATION. GPS BASE STATION (NAIL IN CONCRETE) FALLS S28°12'32"E 676.31' FROM THE FOUND 3/4" IRON PIPE AT THE NORTHERLY CORNER OF D4 AS SHOWN HEREON.

GRAPHIC SCALE

60' 0 30' 60' 120' 240'
( IN FEET )
1 INCH = 60' FEET

DAKOS LAND SURVEYS
7600 Morro Rd
Atascadero, CA 93422
Phone (805)466-2445
info@dakoslandsurveys.com

# PARCEL MAP AT 18-0116
## GREG AIELLO

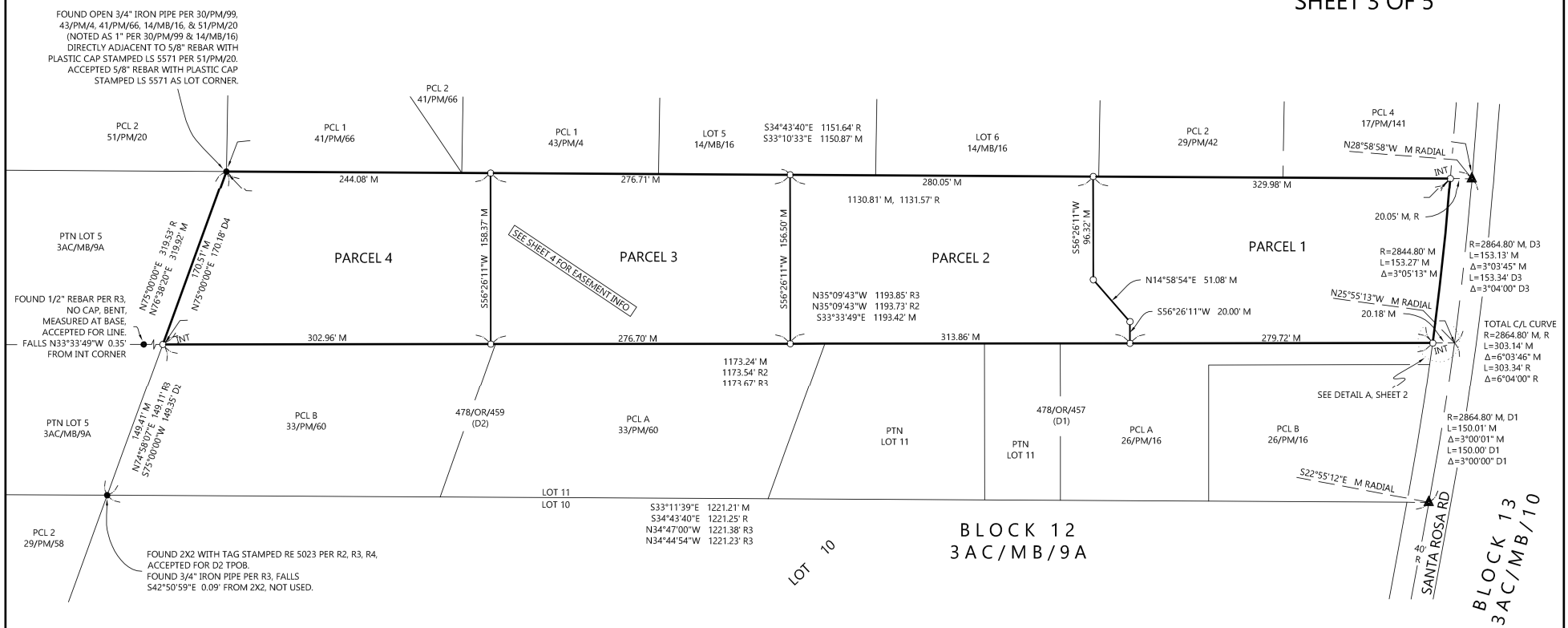
SUBDIVISION OF PORTIONS LOT 11, BLOCK 12 OF ATASCADERO COLONY, 3AC/MB/9A, CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER DOCUMENT NUMBERS 2010-058371 AND 2018-040135

APN(S): 056-301-008 & 009
DATE: JUNE 2018; 08-12-20
FILENAME: 18-153 AIELLO SANTA ROSA

| Drafter: | Scale: | Project: | Job: | Sheet: |
|---|---|---|---|---|
| CLM | N/A | 18-153 | 18-153 | 2 of 5 |

FIRST AMERICAN TITLE: 4001-5810910

# PARCEL MAP AT 18-0116 PARCELS
## SHEET 3 OF 5




## LEGEND

| | |
|---|---|
| ● | FOUND MONUMENT AS NOTED |
| ▲ | FOUND 2-1/2" BRASS CAP IN MONUMENT WELL STAMPED LS 3231 PER R5 |
| ○ | SET 5/8" REBAR LS 8769 |
| ⊙ | SET NAIL & TAG LS 8769 |
| M | MEASURED |
| R | 3AC/MB/9A |
| R2 | 26/PM/16, HILLIARD |
| R3 | 33/PM/60, CAMPBELL |
| R4 | 26/PM/64, STEWART |
| R5 | 19/LS/18 (SHEET 43), KELSO |
| D1 | 478/OR/457 |
| D2 | 478/OR/459 |
| D3 | DOC# 2010058371 |
| D4 | DOC# 2018040135 |
| INT | INTERSECTION |
| TPOB | TRUE POINT OF BEGINNING |

### AT 18-0116 PARCEL ACREAGE & SQUARE FOOTAGE

| | GROSS | NET |
|---|---|---|
| PARCEL 1 | 1.18 AC<br>51,241 SQ FT | 0.98 AC<br>42,556 SQ FT |
| PARCEL 2 | 1.03 AC<br>44,885 SQ FT | 0.83 AC<br>36,134 SQ FT |
| PARCEL 3 | 1.00 AC<br>43,563 SQ FT | 0.77 AC<br>33,620 SQ FT |
| PARCEL 4 | 1.00 AC<br>43,567 SQ FT | 0.80 AC<br>34,644 SQ FT |

GRAPHIC SCALE
60' 0 30' 60' 120' 240'
( IN FEET )
1 INCH = 60' FEET

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## PARCEL MAP AT 18-0116
## GREG AIELLO

SUBDIVISION OF PORTIONS LOT 11, BLOCK 12 OF ATASCADERO COLONY, 3AC/MB/9A, CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER DOCUMENT NUMBERS 2010-058371 AND 2018-040135

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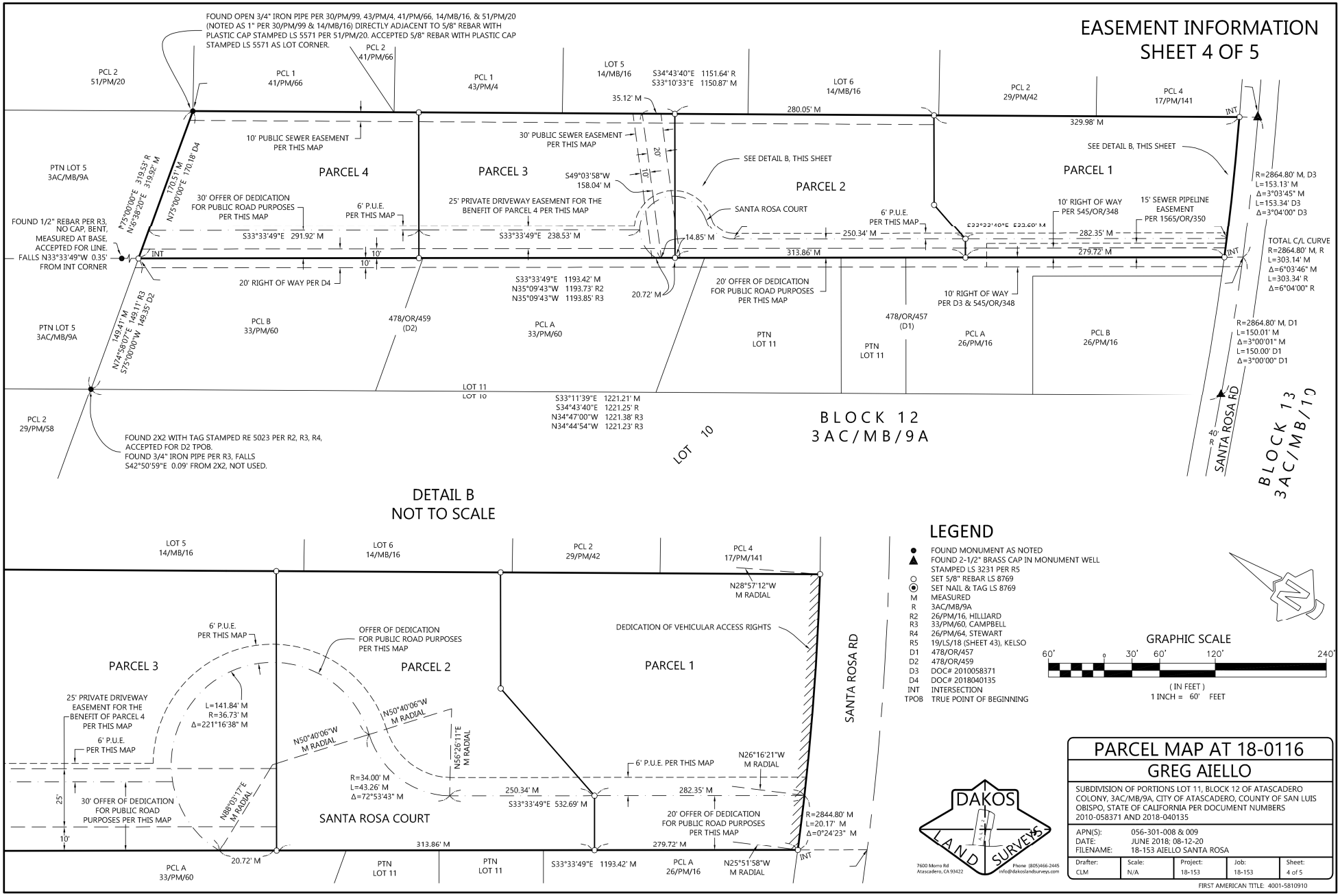
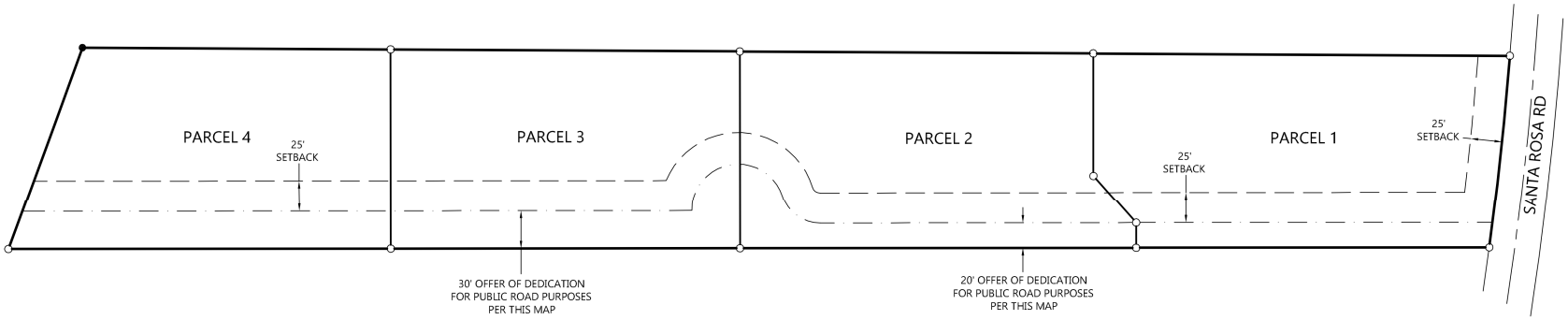
|---|---|---|---|---|
| CLM | N/A | 18-153 | 18-153 | 3 of 5 |

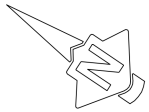
FIRST AMERICAN TITLE: 4001-5810910


EASEMENT INFORMATION
SHEET 4 OF 5
FOUND OPEN 3/4" IRON PIPE PER 30/PM/99, 43/PM/4, 41/PM/66, 14/MB/16, & 51/PM/20 (NOTED AS 1" PER 30/PM/99 & 14/MB/16) DIRECTLY ADJACENT TO 5/8" REBAR WITH PLASTIC CAP STAMPED LS 5571 PER 51/PM/20. ACCEPTED 5/8" REBAR WITH PLASTIC CAP STAMPED LS 5571 AS LOT CORNER.
PCL 2 51/PM/20
PCL 1 41/PM/66
PCL 2 41/PM/66
PCL 1 43/PM/4
LOT 5 14/MB/16
LOT 6 14/MB/16
PCL 2 29/PM/42
PCL 4 17/PM/141
S34°43'40"E 1151.64' R
S33°10'33"E 1150.87' M
35.12' M
280.05' M
329.98' M
10' PUBLIC SEWER EASEMENT PER THIS MAP
30' PUBLIC SEWER EASEMENT PER THIS MAP
SEE DETAIL B, THIS SHEET
PARCEL 4
PARCEL 3
PARCEL 2
PARCEL 1
PTN LOT 5 3AC/MB/9A
N75°00'00"E 319.53' R
N75°00'00"E 319.92' M
170.51' M
N75°00'00"E 170.18' D4
30' OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES PER THIS MAP
6' P.U.E. PER THIS MAP
25' PRIVATE DRIVEWAY EASEMENT FOR THE BENEFIT OF PARCEL 4 PER THIS MAP
SANTA ROSA COURT
S49°03'58"W 158.04' M
20'
10'
FOUND 1/2" REBAR PER R3, NO CAP, BENT, MEASURED AT BASE, ACCEPTED FOR LINE. FALLS N33°33'49"W 0.35' FROM INT CORNER
S33°33'49"E 291.92' M
S33°33'49"E 238.53' M
14.85' M
250.34' M
313.86' M
282.35' M
279.72' M
10' RIGHT OF WAY PER 545/OR/348
15' SEWER PIPELINE EASEMENT PER 1565/OR/350
INT
10'
20' RIGHT OF WAY PER D4
S33°33'49"E 1193.42' M
N35°09'43"W 1193.73' R2
N35°09'43"W 1193.85' R3
20.72' M
20' OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES PER THIS MAP
10' RIGHT OF WAY PER D3 & 545/OR/348
R=2864.80' M, D3
L=153.13' M
Δ=3°03'45" M
L=153.34' D3
Δ=3°04'00" D3
TOTAL C/L CURVE
R=2864.80' M, R
L=303.14' M
Δ=6°03'46" M
L=303.34' R
Δ=6°04'00" R
R=2864.80' M, D1
L=150.01' M
Δ=3°00'01" M
L=150.00' D1
Δ=3°00'00" D1
149.41' M
N74°58'07"E 149.11' R3
S75°00'00"W 149.35' D2
PTN LOT 5 3AC/MB/9A
PCL B 33/PM/60
478/OR/459 (D2)
PCL A 33/PM/60
PTN LOT 11
478/OR/457 (D1)
PCL A 26/PM/16
PCL B 26/PM/16
LOT 11
LOT 10
S33°11'39"E 1221.21' M
S34°43'40"E 1221.25' R
N34°47'00"W 1221.38' R3
N34°44'54"W 1221.23' R3
BLOCK 12
3AC/MB/9A
BLOCK 13
3AC/MB/10
SANTA ROSA RD
40' R
PCL 2 29/PM/58
FOUND 2X2 WITH TAG STAMPED RE 5023 PER R2, R3, R4, ACCEPTED FOR D2 TPOB.
FOUND 3/4" IRON PIPE PER R3, FALLS S42°50'59"E 0.09' FROM 2X2, NOT USED.
DETAIL B
NOT TO SCALE
LOT 5 14/MB/16
LOT 6 14/MB/16
PCL 2 29/PM/42
PCL 4 17/PM/141
N28°57'12"W M RADIAL
6' P.U.E. PER THIS MAP
OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES PER THIS MAP
DEDICATION OF VEHICULAR ACCESS RIGHTS
PARCEL 3
PARCEL 2
PARCEL 1
SANTA ROSA RD
25' PRIVATE DRIVEWAY EASEMENT FOR THE BENEFIT OF PARCEL 4 PER THIS MAP
L=141.84' M
R=36.73' M
Δ=221°16'38" M
N50°40'06"W M RADIAL
N56°26'11"E M RADIAL
R=34.00' M
L=43.26' M
Δ=72°53'43" M
N26°16'21"W M RADIAL
6' P.U.E. PER THIS MAP
250.34' M
S33°33'49"E 532.69' M
282.35' M
25'
30' OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES PER THIS MAP
N88°03'17"E M RADIAL
SANTA ROSA COURT
20' OFFER OF DEDICATION FOR PUBLIC ROAD PURPOSES PER THIS MAP
R=2844.80' M
L=20.17' M
Δ=0°24'23" M
279.72' M
313.86' M
20.72' M
S33°33'49"E 1193.42' M
N25°51'58"W M RADIAL
PCL A 33/PM/60
PTN LOT 11
PTN LOT 11
PCL A 26/PM/16
INT
LEGEND
FOUND MONUMENT AS NOTED
FOUND 2-1/2" BRASS CAP IN MONUMENT WELL STAMPED LS 3231 PER R5
SET 5/8" REBAR LS 8769
SET NAIL & TAG LS 8769
M MEASURED
R 3AC/MB/9A
R2 26/PM/16, HILLIARD
R3 33/PM/60, CAMPBELL
R4 26/PM/64, STEWART
R5 19/LS/18 (SHEET 43), KELSO
D1 478/OR/457
D2 478/OR/459
D3 DOC# 2010058371
D4 DOC# 2018040135
INT INTERSECTION
TPOB TRUE POINT OF BEGINNING
GRAPHIC SCALE
60' 0 30' 60' 120' 240'
( IN FEET )
1 INCH = 60' FEET
PARCEL MAP AT 18-0116
GREG AIELLO
SUBDIVISION OF PORTIONS LOT 11, BLOCK 12 OF ATASCADERO COLONY, 3AC/MB/9A, CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER DOCUMENT NUMBERS 2010-058371 AND 2018-040135
APN(S): 056-301-008 & 009
DATE: JUNE 2018; 08-12-20
FILENAME: 18-153 AIELLO SANTA ROSA
Drafter: CLM
Scale: N/A
Project: 18-153
Job: 18-153
Sheet: 4 of 5
DAKOS LAND SURVEYS
7600 Morro Rd Atascadero, CA 93422
Phone (805)466-2445 info@dakoslandsurveys.com
FIRST AMERICAN TITLE: 4001-5810910

# ADDITIONAL MAP SHEET
## SHEET 5 OF 5

THIS ADDITIONAL SHEET IS FOR INFORMATIONAL PURPOSES, DESCRIBING CONDITIONS AS OF THE DATE OF FILING, AND IS NOT INTENDED TO AFFECT RECORD TITLE INTEREST. THE ADDITIONAL INFORMATION IS DERIVED FROM PUBLIC RECORDS OR REPORTS, AND DOES NOT IMPLY THE CORRECTNESS OR SUFFICIENCY OF THOSE RECORDS OR REPORTS BY THE PREPARER OF THE DOCUMENT OR ADDITIONAL MAP SHEET.



GRAPHIC SCALE

60' 0 30' 60' 120' 240'

( IN FEET )
1 INCH = 60' FEET

DAKOS LAND SURVEYS

7600 Morro Rd
Atascadero, CA 93422

Phone (805)466-2445
info@dakoslandsurveys.com

## PARCEL MAP AT 18-0116
### GREG AIELLO

SUBDIVISION OF PORTIONS LOT 11, BLOCK 12 OF ATASCADERO COLONY, 3AC/MB/9A, CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA PER DOCUMENT NUMBERS 2010-058371 AND 2018-040135

APN(S): 056-301-008 & 009
DATE: JUNE 2018; 08-12-20
FILENAME: 18-153 AIELLO SANTA ROSA

| Drafter: | Scale: | Project: | Job: | Sheet: |
|---|---|---|---|---|
| CLM | N/A | 18-153 | 18-153 | 5 of 5 |

FIRST AMERICAN TITLE: 4001-5810910

# Atascadero City Council

## Staff Report - Community Development Department

### Title 9 Chapter 17 (Cannabis Activities & Regulations) Municipal Code Amendments to add non-storefront Cannabis delivery services and security provisions (CPP20-0011)

## RECOMMENDATION:

Council continue the public hearing to the May 25, 2021 City Council Meeting to allow additional time for drafting and review of proposed amendments to Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations).

## DISCUSSION:

In May of 2020, the City Council gave direction to staff to examine the options for an update to the City's Cannabis Regulations with the addition of commercial cannabis business types. Over the past year, staff has presented information to Council to assess the possibility and impact of allowing additional commercial cannabis business types in the City. Based on this analysis and Council discussion, staff is suggesting minor modifications to Title 9 Chapter 17 of the Municipal Code to allow for non-storefront Cannabis retail businesses (delivery) to locate in the City of Atascadero with the approval of a Conditional Use Permit (CUP). The Planning Commission reviewed the proposed amendments on April 20, 2021 and voted 3-2 in favor of the amendments, however the resolution did not pass since Government Code (36936) requires a majority of the entire hearing body (at least four members) to vote for an action that involves a resolution. Two of the commissioners were absent on April 20. However, the item can move forward to the City Council for action, since a resolution from the Planning Commission is not required on this item and the Council is authorized to take final action on Municipal Code amendments.

City staff and the City Attorney's Office have been working together to ensure that the amendments encompass all direction given by the City Council, allow for full cost recovery for review and permitting of commercial cannabis activities, and are consistent with state legislation.

The Public Hearing was legally noticed for review by the City Council at the May 11, 2021 City Council Meeting. Staff is requesting the City Council to open the Public Hearing and continue to a date certain, May 25, 2021, to allow staff additional time to complete the drafting and review of the proposed amendments.

## FISCAL IMPACT:

None. Staff expects minimal fiscal impact from the adoption of the proposed Title 9 Chapter 17 Cannabis text amendments and full cost recovery for review of commercial Cannabis businesses projects. Additionally, the allowance of the additional use has the potential to increase tax revenue generation for the City.

## ATTACHMENT:

None.

# *Atascadero City Council*

## *Staff Report – Fire & Emergency Services*

### Weed Abatement – Hearing of Objections

## RECOMMENDATIONS:

Council:

1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections.

2. Authorize the Fire Chief to proceed and perform the work of abatement.

## DISCUSSION:

The Municipal Code, Section 6-13.03, addresses the abatement of vegetative growth and/or refuse, which constitute a hazard. The Fire Department conducted its initial inspection during the last week of March and the first week of April. There are approximately 11,146 parcels within the City.

Compliance with the Weed Abatement Section of our Municipal Code is a critical component of the Fuel Management Plan. The City of Atascadero does not want to be in the mowing business. The intent of this program is to encourage citizens to independently manage the weeds on their properties. An efficient Fuel Management Program helps the City keep wildland fires at a minimum and staffing down.

The City charges each parcel the direct costs of the contractor plus an additional 166% as well as $260 flat fee as a charge to those properties that are not in compliance with the Municipal Code. This fee structure is intended to cover 100% of the cost of the weed abatement program for those parcels that do not mow their weeds by the June 1st deadline. This helps insure that compliant property owners/tax payers do not subsidize the cost of the program.

As part of the abatement process, the City Council is required to hear objections to the proposed removal of vegetative growth and/or refuse. This hearing allows any affected property owner to object to the proposed abatement of hazards on their property.

## FISCAL IMPACT:

None. Costs of the weed abatement program are recovered through the assessments charged to non-compliant parcels that must be abated by the City Contractor. Those property owners who comply with the Municipal Code are not assessed or charged.

## ALTERNATIVES:

No alternative is recommended.

## ATTACHMENTS:

None.

# *Atascadero City Council*

## *Staff Report – Public Works Department*

### Downtown Street Tree Renewal Program – Phase 2

## RECOMMENDATIONS:

Council:

1. Receive an update on Phase 1 of the Downtown Street Tree Renewal Program.

2. Direct staff to initiate Phase 2 of the Downtown Street Tree Renewal Program and approve the Downtown Street Tree Guidelines.

## DISCUSSION:

Background

On July 14, 2020, the City Council received a report on the Downtown Street Tree Renewal Program (Program) and appropriated $75,000 to implement Phase 1 of the Program, which involved removing problem trees, repairing significant sidewalk hazards, and preparatory work for tree replacements. The Program recognizes street trees as a natural economic benefit to the business environment as they attract people by providing shade, color, and visual enhancement. Establishing and maintaining a healthy tree stock and canopy will improve the aesthetics of the downtown and further leverage place-making in the commercial areas to support long-term economic vitality. The Program focuses on the following Downtown District roadway sections:

- El Camino Real from SR 41 to Rosario Avenue
- Entrada Avenue from El Camino Real to Lewis Avenue
- Traffic Way from US 101 to Lewis Avenue
- Palma Avenue from West Mall to Traffic Way

Existing trees in downtown generally include four species: Raywood Ash (historic tree plantings) and London Plane Sycamore along El Camino Real and Traffic Way; Bradford Pear and Ornamental Plum along Entrada Avenue. A few other species such as Chinese Pistache, Crape Myrtle, and Arbutus Marina have also been planted.

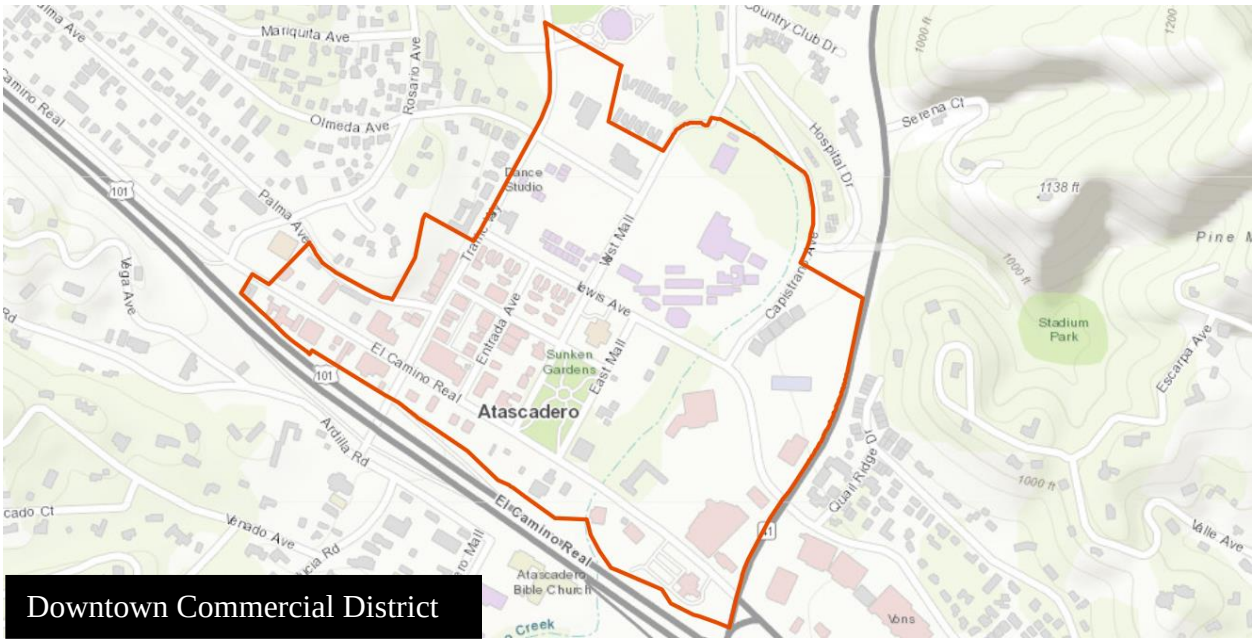
In preparing for Phase 1, staff conducted a preliminary identification and assessment of the street trees, tree wells, and the surrounding sidewalk condition within the Downtown Commercial District. Based upon the assessment, staff identified approximately 35 to 40 tree planter locations in the downtown that need to be addressed in the near future. Staff also met with downtown business owners to discuss the status of the street trees and

listen to concerns from both property and business owners. One of the concerns, the ornamental plum trees along Entrada Avenue, create a public nuisance when fruit drops, leaving messy debris on the sidewalk that remains stained for a large portion of the year and creates trip and slip hazards if not removed daily.

Phase 1 Update

To address the concerns expressed by property and business owners regarding the ornamental plum trees along Entrada Avenue, seven of the eight trees have been removed. Staff are currently working with the adjacent property owner of the last remaining ornamental plum for its removal and replanting with a Chinese Pistache. Staff also focused on repairing damaged sidewalk adjacent to tree wells. The existing tree plantings resulted in tree roots that cracked sidewalk panels or displaced sidewalk joints. This work continues, as staff has conducted a thorough analysis and assessment of the various conditions of the street trees, tree wells, and adjacent sidewalks. Specifically, the more detailed analysis shows:

- A total of 114 tree wells are located in the Downtown District
- 89 tree wells currently contain a street tree
- 58 tree wells are being recommended for some level of sidewalk repair
- 37 trees should be planted in either empty tree wells or replace existing trees that are either dead or in a state of decline




In addition to this analysis, staff identified the need for pruning and trimming for those trees that are not scheduled to be removed and replaced. Pruning and trimming street trees ensures proper development of branch structure, reduces the likelihood of fallen branches on right of way, and increases the line of sight for vehicles, bicyclists, and pedestrians. That work has now been completed, primarily due to the efforts of a citizen volunteer, with some touch up by City staff. Staff will continue to monitor the conditions of downtown street trees for additional pruning and trimming opportunities.

***Existing Tree Wells***

To continue implementation of Phase 1, staff has been working with local construction and tree vendors to expedite the repair of sidewalk adjacent to tree wells in preparation of the removal and replanting of downtown street trees. There are generally three types of tree well designs that have been installed over time in the downtown area, including:

*Concrete Covers*

*Cast-Iron Tree Grates*

*Cast-Iron Tree Grates with Pavers/Bricks*

The dimension of the tree wells are typically dictated by the width of the sidewalk to ensure American with Disabilities (ADA) compliance for path of travel and provide for a comfortable walking space for all pedestrians. For example, existing sidewalks that are greater than 8 ft. typically have 4 ft. x 4 ft. tree wells, while sidewalks less than 8 ft. typically have 3 ft. x 3 ft. tree wells.

Each of the existing tree well designs described above have limitations and conflict with tree growth. As the tree grows to maturity, the trunk comes into conflict with the cover material (concrete or grate), lifting the cover to create a potential tripping hazards, while pushing up against the tree trunk that could compromise the tree's health. To minimize this conflict, staff either removes the cover or expands the opening by cutting away the material of the iron grates. This type of repair is time consuming and will require regular future cutting as the tree trunk continues to grow.

***Flexible Porous Paving System***

Flexible Porous Paving

To address these areas of conflict, promote the health of the trees, and incorporate a design that increases streetscape aesthetics, cities have implemented a flexible porous paving system (FPP). These types of systems offer several benefits: water infiltration, crack resistance, discourages soil compaction, reduction in slip/trip hazards, easy expansion with trunk and root growth, and are an ADA-compliant surface treatment. The system is a mixture of rubber chips and stone aggregate bonded together with a high-quality clear resin or urethane binding agent. The components are mixed on-site and applied to coat the mixture prior to laying the material in the existing tree well. To date, staff has installed this material in four tree wells in the downtown area and have been satisfied with application process and water infiltration capacity. Cost of the material, staff time for installation, and savings in future maintenance needs are significantly lower than the existing standard of a cast-iron frame and grate cover. Staff is proposing to focus on

applying the FPP to tree wells with concrete covers and grates that pose a significant safety hazard. All other grates that are in good condition will remain until a future time when modifications would be needed due to tree growth or trip hazards.

***Downtown Street Tree Selection Guidelines***

Recognizing the importance of cohesiveness, staff has developed "Downtown Street Tree Planting Guidelines" (Guidelines) to assist staff and the public with the implementation of the Downtown Street Tree Program. The Guidelines include a downtown area map, a tree species matrix, planting, permitting, and engineering requirements. The tree species matrix includes general information for each species and identifies locations by street. The engineering requirements incorporate the flexible porous paving system in addition to a root barrier and direct root watering pipes to accommodate either hand or automatic irrigation. Both a root barrier and a direct root watering pipe promote a healthy, robust street tree while reducing the chance of surface roots damaging the sidewalk. The Guidelines also reinforce the City's policy that street trees, similar to sidewalks and other improvements in the public way, are the responsibility of adjacent owners. The Guidelines are attached to this report.

The Guidelines take into account several factors of the Downtown area, including the width the street, sidewalk, and scale of the buildings. For example, London Plane Sycamores, due to their large canopy at full maturity, are appropriate for El Camino Real and Traffic Way while smaller, ornamental trees are more suited for Entrada and Palma Avenues. This type of uniformity helps create design themes for desirable spaces, foster a sense of place, promote effective tree maintenance, and can help promote economic development. The Guidelines will accompany a letter to property owners fronting the tree wells notifying them of the need to replace the tree and any appropriate sidewalk improvements to improve public safety. The notification and procedures for ensuring the improvements are done in a reasonable manner are further detailed in Title 4.6, Public Safety – Sidewalk and Street Edge Maintenance and Improvement, of the City's Municipal Code. As part of the approved Phase 2 Downtown Tree Renewal Program, the City has remaining funds available for a significant effort for tree removal and preparatory work and has identified the following areas as a priority for expenditure of these funds:

1. El Camino, from West Mall to Rosario
2. Entrada Avenue where the City pro-actively removed existing trees due to a state of decline and debris issues
3. Palma Avenue, between Traffic Way and West Mall.

To ensure the long-term health of the street tree and to reduce potential safety concerns, staff will utilize the existing appropriated funding on sidewalk improvements. Part of these improvements includes removing a portion of the surrounding sidewalk to increase the size of the tree well, providing additional room to encouraging a deep root system. Once the sidewalk improvements have been made and tree stump ground or removed, which is expected to take place over the next couple of months, the new tree can be installed.

Staff will continue to work with abutting property owners for installation of new street trees. It is important to note that property owners will receive a letter from the City, accompanied with the Guidelines and the tree species to plant. Property owners will be asked to hire a qualified arborist or landscape contractor to install the replacement or missing tree. The

City is working with local arborists and landscape contractors to acquire pricing to furnish and install approved tree species. Staff is hoping to include standard pricing information in the letter to property owners. Property or business owners can choose to have the arborist or contractor to water the tree to establishment, or can choose to water the tree on their own. Having the contractor be responsible for watering will increase the tree replanting cost. If a volunteer group or non-profit was interested in funding tree replacement or watering trees, this could be accommodated as well.

The City plans to issue blanket encroachment permits to each arborist and landscape contractor for work associated with this Program. This process is intended to expedite the replanting work while ensuring the City can continue tracking and inspecting the installation and care of street trees. Staff is also proposing to have the Flexible Porous Pavement furnished and installed by City crews. FPP is not a conventional or routine item that local arborists and contractors install or can obtain locally. Furthermore, FPP is installed at least two weeks after the tree is planted and soil surface is settled, which would require a second mobilization. Currently, FPP costs approximately $10 per square foot of tree well (5x5 is $250). Staff is looking at options to obtain raw materials locally to develop their own FPP that will reduce this cost if successful.

In addition to the proposed sidewalk improvements described above, staff is exploring long-term best practices adopted by other cities to minimize the City's financial liability in instances of trip and fall accidents. Per Title 4-6.04 (Maintenance of sidewalk and street edge by abutting owners), property owners are responsible for maintaining the sidewalk fronting their property. This responsibility includes maintaining the condition of the sidewalk so that it does not endanger pedestrians and interfere with the public convenience of the use of the sidewalk. Staff has proactively been working with California Joint Powers Insurance Agency (CJPIA), an agency that assists cities in efforts to mitigate risk, to help the City control its potential costs when these types of accidents occur. Staff anticipates this effort to be completed by the end of summer with an ordinance amendment to be presented to the City Council for consideration in the fall of 2021.

**Engineering Standards**

Currently, the downtown standard for the installation of new street trees is a component of the City Engineering Standards. The standards call for a 4-foot square tree planter in the sidewalk with a cast iron frame and grate cover. The standards include a permanent irrigation line for each planter. The new engineering standards require minimum dimensions of 5-foot wide by 4-foot deep tree planter for sidewalks 8-feet wide or less. This allows for a recommended minimum clearance of 4-feet from the tree to back edge of the sidewalk (3-foot regulatory minimum). Sidewalks widths of 9-feet or more require minimum dimensions of 5-foot square. This increased area provides the tree's root structure additional room to grow before it comes into conflict with the sidewalk, in addition to increased area for water infiltration and airflow. Flexible Porous Pavement (FPP) will also be required for the tree well surfacing instead of the metal frame and grate.

The standards also require 12-inch deep thickened sidewalk edges, or "reverse curbing", around the perimeter of the tree planter in lieu of a root barrier. In addition, three 2-inch diameter perforated PVC pipes that extend down to the tree root base are required to promote water from the surface (irrigation or hand watering) to infiltrate to a depth that encourages roots to expand downward away from the sidewalk and road surface. All of

these updates should encourage appropriate tree growth, reduce potential tripping hazards, and reduce cost of street improvements for both the property owner and the City. The Guidelines also provide clear information to property and business owners about the expectations and process for tree installation and maintenance.

## FISCAL IMPACT:

Funding for implementation of Phase 1, in the amount of $75,000, was previously approved by the Council on July 14, 2020. While a majority of that funding will be used to continue the repair of damaged sidewalks immediately adjacent to street tree wells, the remaining funds will be used on stump grinding and other preparatory work for replanting in existing tree wells, and installation of flexible porous pavement for tree wells with existing trees that are in conflict with existing grates. The $75,000 is not enough to cover the cost of all of the work including furnishing and installing flexible porous pavement around new trees commissioned by property or business owners. At this time, it is proposed that the City cover the FPP costs Staff estimates it would costs an additional $10,000 to $15,000 to subsidize FPP costs for commissioned trees for existing tree wells. Staff, however is proposing that we do not appropriate these additional funds at this time, but instead move forward with the program using existing funding, evaluate available funding as we move forward and look for potential funding opportunities.

## ALTERNATIVES:

The Council may refer the item back to staff for additional information. The Council should clearly state what information/analysis is being requested.

## ATTACHMENT:

Downtown Street Tree Guidelines

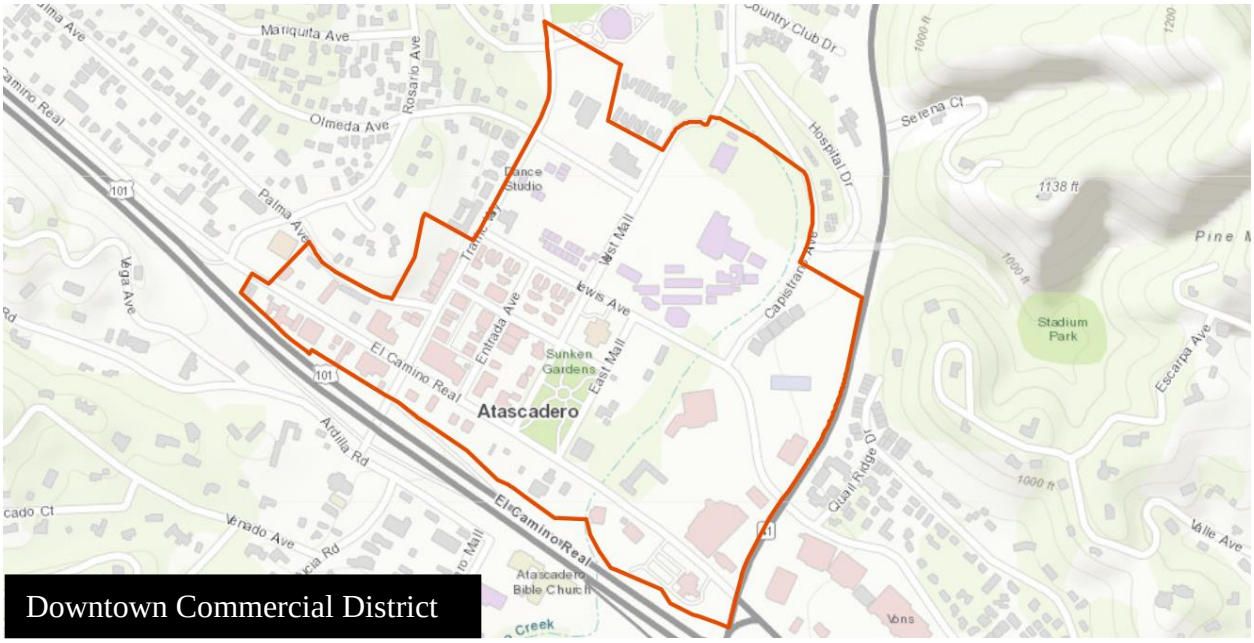
# *Downtown Street Tree Planting Guidelines*

It is a goal of the City to support street trees and expand our urban forest as much as possible. Street trees are a natural economic benefit to the business environment as they attract people by providing shade, color, and visual enhancement. Street trees, similar to sidewalks and other improvements located in the public way, are the responsibility of adjacent property owners.

The following standards for tree species, specific planting locations, planting details, engineering notes, and irrigation requirements can be used as a guide for planting of street trees in the downtown area. The City Engeer has the authority to deviate from the following guidelines on a case by case basis or as needed to meet the intent of these Guidelines.

## A. DOWNTOWN AREA MAP:

The area outlined in the map below will be considered as an implementation area for the Downtown Stree Tree Planting Guidelines. The focus areas for stree tree planting includes the downtown core along Entrada Avenue, Traffic Way, Palma Avenue, Lewis Avenue, and El Camino Real from Rosario to Highway 41.



# *Downtown Street Tree Planting Guidelines*

**B. TREE SPECIES:**

The following trees are proposed for use in the downtown core. The chart below provides guidance to the City on proper tree selection based on scale, placemaking, and accent characteristics.

Definitions:
Large trees - typically greater than 35-foot crown diameter at maturity
Medium trees - typically 20-foot to 35-foot crown diameter at maturity
Small trees – typically less than 20-foot crown diameter at maturity

| Size | Evergreen/ Deciduous | Species | Common Name | Growth Habits/Assets | Identified Locations |
|---|---|---|---|---|---|
| **Large** Typically greater than 35' tall at maturity | Deciduous | Plantanus x acerifolia 'Columbia' | London Plane; sycamore | Rapid growth, fall color | El Camino Real and Traffic Way main street tree |
| | Deciduous | Liriodendron tulipifera | Tulip Tree | Rapid growth with fall bright green leaves that resemble tulip flowers | El Camino Real and Traffic Way accent tree |
| **Medium** Typically 20-35' tall at maturity | Deciduous | Pistacia Chinensis | Chinese Pistache | Moderate growth, fall color | Entrada Ave (alternating with Flowering Pear) and Palma Ave. |
| | Deciduous | Pyrus Calleryana | Flowering Pear / Ornamental Pear | Moderate growth, fall color | Entrada Ave (alternating with Chinese Pistache) and Palma Ave. |
| **Small** Typically 20' tall or less at maturity | Evergreen | Arbutus Marina or Marina Madrone | Stawberry Tree | reddish flowers and orange-red inner bark. | Median tree or small accent tree for tight spaces and medians throughout downtown. |
| | Deciduous | Lagerstroemia | Crepe Myrtle | Flower colors ranging from dep red and purple to white. | Large shrub or median accent tree mostly for median use. |
| | Deciduous | Cercis Occidentalis | Western Redbud | Drought tolerant deciduous with pink flowers. | Median tree or small accent tree for tight spaces throughout downtown. |
| | Deciduous | Chitalpa tashkentensis | Chitalpa | Drought tolerant deciduous with white or pink flowers. | Median tree or small accent tree for tight spaces throughout downtown. |

# *Downtown Street Tree Planting Guidelines*

**C. BACKFILL MATERIAL:**
The backfill material shall be free of construction spoils/debris and composed of:

- 50% Native Soil (the soil removed from the planting hole)
- 50% Compost Material

**D. PLANTING:**
Partially fill the bottom of the excavated hole with backfill material, while tamping and watering, to an elevation equal to the bottom of the root ball. Root crown (top of root ball) shall extend one (1) inch above finish grade when planting is completed. Place the tree to be planted in the center of the hole on tamped backfill. Continue adding backfill while tamping and watering. Continue adding backfill around root ball to finish grade, while tamping tightly, and add additional water to thoroughly wet root ball and backfill material. Maintenance is the responsibility of the fronting property owner.

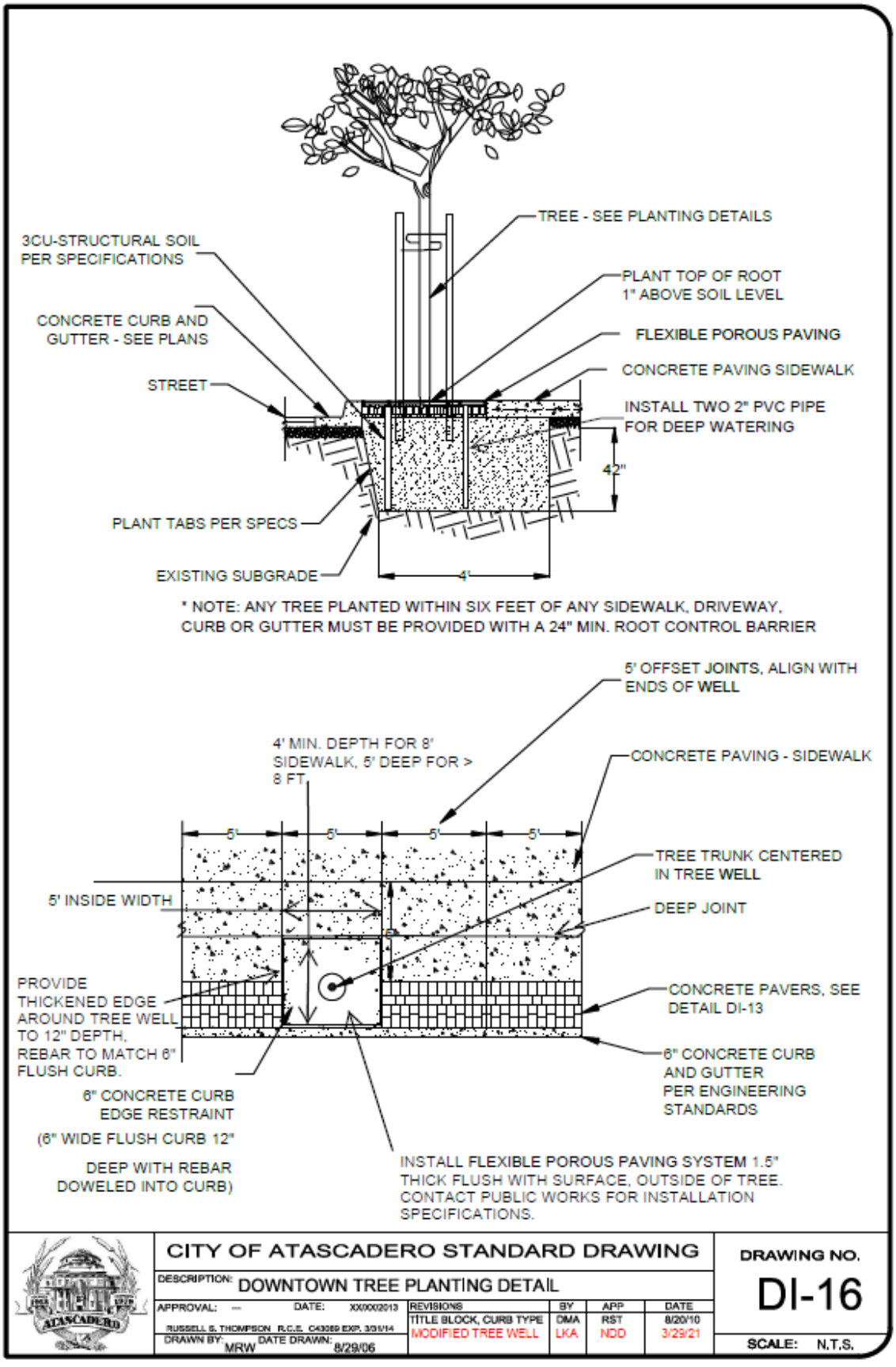
For Street Tree Well installations, finish grade shall be 1.5 inches below the sidewalk grade. Deep watering tubes with or without automatic irrigation shall be installed consistent with Engineering Standards.

**E. ENGINEERING:**
Trees to be planted must be from a minimum 15-gallon nursery container (24" box minimum nursery container for required trees or approval received by the Engineering Department). Eight feet of vertical clearance must be maintained on the sidewalk side of the tree and 14 feet of vertical clearance maintained on the street side of the tree at maturity. Newly planted trees shall not have branches that obstruct the path of travel on the sidewalk.

**F. IRRIGATION AND MAINTENANCE:**
It shall be the responsibility of the property owner to properly maintain all street tree-planting areas upon his or her property, including any adjacent easement or right-of-way, regardless of whether such property is developed. Such maintenance shall include irrigation and keeping such planting easements free from weeds or any obstructions deemed contrary to public safety and in conformance with the plan approved by the City Engineer for the property involved.

**G. PERMITTING REQUIREMENTS:**
The installation of trees and/or maintenance activities that require blocking off of the street, sidewalk, or public parking spaces are required to obtain an encroachment permit. Instsallation of any street tree must be preformed by a City approved arborist or landscape contractor unless otherwise approved by the Director of Public Works/City Engineer. Pre-approved landscape contractors may apply for an annual encroachment permit from the Director of Public Works/City Engineer for planting and maintenance activities, eliminating the need for stand-alone property-specific permitting.

# *Downtown Street Tree Planting Guidelines*



# *Downtown Street Tree Planting Guidelines*

## *Street Tree Replacement Outside of the Downtown Area*

| REVISIONS | | | | APPROVALS |
|---|---|---|---|---|
| DESCRIPTIONS | BY | DATE | APPROVED | CITY COUNCIL 05/11/2021 |
| | | | | |
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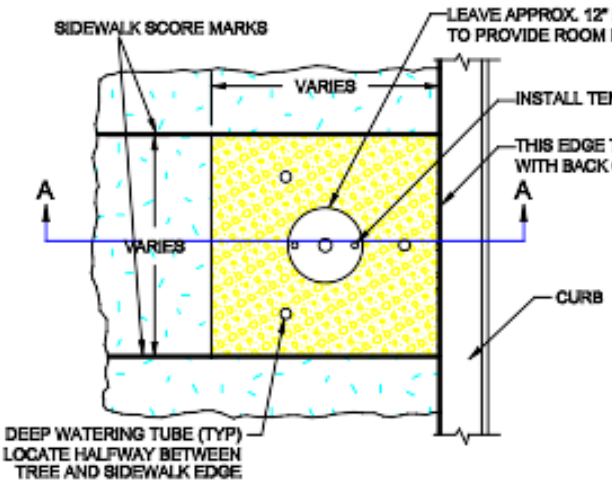
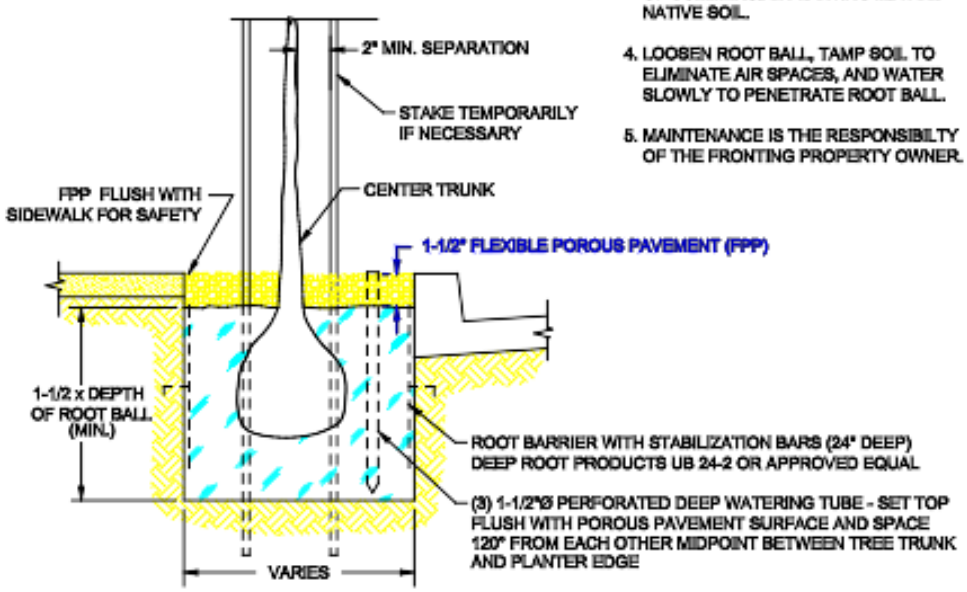



PLAN VIEW

NOTES:

1. TREE SIZE TO BE COMPARABLE TO STANDARD 15 GAL. NURSERY STOCK.
2. TREES ARE TO BE SELECTED FROM A LIST OF THOSE APPROVED BY THE DIRECTOR OF PUBLIC WORKS.
3. BACKFILL HOLE WITH 50/50 MIX OF COMMERCIAL PLANTING MIX AND NATIVE SOIL.
4. LOOSEN ROOT BALL, TAMP SOIL TO ELIMINATE AIR SPACES, AND WATER SLOWLY TO PENETRATE ROOT BALL.
5. MAINTENANCE IS THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.




SECTION A-A

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| DRAWN BY: NDD<br>DESIGNED BY: NDD<br>DATE: 05/04/2021<br>FILE NAME: AT417A.DWG | CITY OF ATASCADERO<br>ENGINEERING DEPARTMENT<br>SIDEWALK TREE PLANTING FOR REPLACEMENT TREES | DRAWING NO.<br>417A |

# *Atascadero City Council*

## Pending Legislation
## Senate Bills

### SB 6 (Caballero) Local Planning. Housing in Commercial Zones.

This measure would create the Neighborhood Homes Act, which would require cities to allow housing development projects on lots zoned for office or retail commercial that is not adjacent to an industrial use.

***Cal Cities Position: Oppose Unless Amended***

### SB 9 (Atkins) Housing Development Approvals.

This measure would require a local government to ministerally approve a housing development containing two residential units in single-family zones. Additionally, this measure would require local governments to ministerally approve urban lot splits.

***Cal Cities Position: Oppose Unless Amended (likely changing to Oppose)***

### SB 619 (Laird) Organic Waste. Reduction Regulations.

This measure would seek to help local governments implement SB 1383 (Lara, 2016), and the subsequent CalRecycle organic waste regulations.

***Cal Cities Position: Support in Concept***