



CITY OF ATASCADERO CITY COUNCIL AGENDA

Consistent with Executive Order N-29-20 and N-08-21 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 12:00 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 forwarded to the City Council and made a part of the administrative record. If a comment is received after the deadline for submission but before the close of the meeting, the comment will still be included as a part of the administrative record of the meeting but will be forwarded to the City Council the next business day. ***Please note, email comments will not be read into the record.***

AMERICAN DISABILITY ACT ACCOMMODATIONS:

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

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

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



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, July 13, 2021

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

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

COUNCIL CLOSED SESSION: 5:00 P.M.

1. ROLL CALL

2. CLOSED SESSION -- PUBLIC COMMENT

3. COUNCIL LEAVES TO BEGIN CLOSED SESSION

4. CLOSED SESSION -- CALL TO ORDER

a. Conference with Real Property Negotiators (Govt. Code 54956.8)

Real Property: 6009 Del Rio Road (APN 049141038 – City Property), 2000 Ramona Road (APN 049141039 – City Property), 2455 El Camino Real (APN 049151056 – People Self Help Housing Property), 6105 Olmeda Avenue (APN 029091001 – State of California Property), Atascadero, California, 93422

Agency Negotiator: Rachelle Rickard, City Manager

Negotiating Parties: People Self Help Housing and State of California

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

b. 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

5. CLOSED SESSION – ADJOURNMENT

6. COUNCIL RETURNS

7. CLOSED SESSION – REPORT

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

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. Proclamation declaring July 2021 as Parks Make Life Better month

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

1. City Council Draft Action Minutes – June 22, 2021

- Recommendation: Council approve the June 22, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

2. Approve Parcel Map AT 19-0052 (7850 Curbaril Avenue)

- Fiscal Impact: None.
- Recommendations: Council:
 1. Approve Parcel Map AT 19-0052.
 2. Accept, on behalf of the public, the offer of dedication for a six-foot Public Utility Easement. [Public Works]

3. Memorandum of Understanding for Service Employees International Union Local 620

- Fiscal Impact: Changes to the MOU will result in an estimated \$256,000 cost increase for 2021-2022, another \$144,000 for FY 2022-2023 and another \$138,000 for FY 2023-2024 and thereafter. These costs are budgeted as part of the 2021-2023 adopted budget.
- Recommendation: Council approve the Memorandum of Understanding for Service Employees International Union Local 620. [City Manager]

4. Property Acquisitions from M P Annex, LLC – Del Rio Road @ US 101 Interchange Improvements Project

- Fiscal Impact: Adopting the Draft Resolution will result in payment of \$70,200 to M P Annex, LLC for the acquisition of the additional right-of-way and wall maintenance easement. This expenditure, along with closing costs, is included in the adopted Budget as part of the Del Rio Road at US 101 Interchange Improvements project and is funded by the Circulation System Fees Fund.
- Recommendation: Council adopt Draft Resolution approving compensation payment and a right-of-way agreement with escrow instructions for property acquisitions with M P Annex, LLC (APNs 049-131-050 and 049-131-083) for Del Rio Road and El Camino Real improvements in the vicinity of US 101 interchange project. [Public Works]

5. Central Coast Regional Pre-Approved Accessory Dwelling Unit Project Contract Award

- Fiscal Impact: Award of the contract will use \$158,300 in budgeted Assembly Bill 101 REAP Regional Grant funds. Staff time costs associated with management of this contract and project are anticipated to be covered by the regional REAP funding allocation, not to exceed the total grant award of \$181,000.
- Recommendation: Council authorize the City Manager to execute a contract for \$158,300.00 with Workbench, Inc. to provide planning consultant services for the preparation of the Central Coast Regional Pre-Approved Accessory Dwelling Unit Project. [Community Development]

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

COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or cityclerk@atascadero.org.)

B. PUBLIC HEARINGS:

1. Community Facilities District 2005-1 Annexation No. 23

- Fiscal Impact: Assessments are estimated to be between \$45,000 - \$47,000 annually beginning in fiscal year 2022-2023, and adjusted each year for inflation. Deed restricted affordable units are exempt from the special tax.
- Recommendations: Council:
 1. Conduct the public hearing for the proposed annexation.
 2. Adopt Draft Resolution A; authorizing the territory identified in City Council Resolution 2021-030 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors.
 3. Direct the City Clerk to conduct a landowner vote of annexation and collect and count the ballots.

Council to recess until ballots are counted

4. Adopt Draft Resolution B, declaring the results of a special annexation landowner election, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien.
5. Introduce for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 23. [Community Development]

C. MANAGEMENT REPORTS:

1. Pickleball Courts at Colony Park Construction Award

- Fiscal Impact: Award of the bid to Kirk Construction will result in the expenditure of \$173,143 and a potential total project cost of \$240,000. Funding sources are expected to include \$150,000 in Parkland Facilities Impact Fees, \$30,000 in donations from the Atascadero Pickleball Club and \$60,000 in funds to be identified by the Council at the meeting.
- Recommendations: Council:
 1. Reject the bid protest of R. Burke Corporation and award a contract to Kirk Construction for \$173,143 to construct the Pickleball Courts at Colony Park Project and authorize the City Manager to execute the contract on behalf of the City Council.
 2. Discuss and direct staff on desired alternative for funding sources for amounts exceeding appropriated amount for the Pickleball Courts at Colony Park Project.
 3. Authorize the Director of Administrative Services to appropriate \$60,000 for the Pickleball Courts at Colony Park Project from a funding source to be identified. [Public Works]

2. Del Rio Ranch General Plan, Zoning Map, and Specific Plan Amendments and Master Plan of Development (AMND21-0020)

- Fiscal Impact: The proposed project is a large scale retail and lodging focused development which is expected to bring in significant revenues, especially to lodging uses. The development is required to annex into the city-wide CFD. With annexation into the CFD, overall, the project will be fiscally positive.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance approving a Zoning Map Amendment and amendments to the Del Rio Road Commercial Area Specific Plan, based on findings. [Community Development]

3. General Plan Update Preliminary Discussion (GPA21-0067)

- Fiscal Impact: The City has budgeted \$450,000 for FY 2021-22 and \$635,000 for FY 2022-23. Staff will be continuing to seek grant funding opportunities to cover project costs.
- Recommendation: Council receive report on the overview of the upcoming Citywide General Plan update. [Community Development]

4. Improvement and Reimbursement Agreement with M P Annex, LLC – Del Rio Road @ US 101 Interchange Improvements Project

- Fiscal Impact: The latest cost estimate for the Reimbursable Improvements is \$733,000 and includes a 20% contingency. Actual costs will be based on actual work completed, similar to many City capital improvement projects, and is anticipated not to exceed this amount. This work and related expenditures were planned to be part of the Del Rio Road and El Camino Real Improvements in the vicinity of US 101 Interchange Project. This expenditure is included in the adopted Budget as part of the Del Rio Road at US 101 Interchange Improvements project and is funded by the Circulation System Fees Fund.
- Recommendation: Council approve the Improvement and Reimbursement Agreement with M P Annex, LLC to construct a portion of the Del Rio Road and El Camino Real Improvements in the vicinity of US 101 Interchange Project. [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

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, June 22, 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 5:00 p.m.

1. ROLL CALL

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

Absent: None

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

2. CLOSED SESSION -- PUBLIC COMMENT – None

3. COUNCIL LEAVES TO BEGIN CLOSED SESSION

Deputy City Manager/City Clerk Lara Christensen and IT Manager Luke Knight did not attend this portion of the meeting.

4. CLOSED SESSION -- CALL TO ORDER

- a. **Conference with Real Property Negotiators** (Govt. Code 54956.8)
Real Property: 6009 Del Rio Road (APN 049141038 – City Property), 2000 Ramona Road (APN 049141039 – City Property), 2455 El Camino Real (APN 049151056 – People Self Help Housing Property), 6105 Olmeda Avenue (APN 029091001 – State of California Property), Atascadero, California, 93422
Agency Negotiator: Rachelle Rickard, City Manager
Negotiating Parties: People Self Help Housing and State of California
Subject of Negotiations: Purchase price and/or terms of payment.
- b. **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

5. CLOSED SESSION – ADJOURNMENT

6. COUNCIL RETURNS

7. CLOSED SESSION – REPORT

Mayor Moreno noted that more time would be needed to complete the discussion on the Closed Session items and that Council would be recessing Closed Session until after the close of Regular Session.

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

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

ROLL CALL:

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

Absent: None

Others Present: None

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

APPROVAL OF AGENDA:

- MOTION:** By Mayor Pro Tem Newsom seconded by Council Member Bourbeau to:
1. Approve this agenda; and,
 2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.
- Motion passed 5:0 by a roll-call vote.*

PRESENTATIONS:

1. Proclamation in Appreciation and Recognition of Atascadero's First Responders

Mayor Moreno noted that the City Council presented the Proclamation to representatives of the Atascadero Police Department, Atascadero Fire & Emergency Services Department, and Public Works Department earlier in the day in front of City Hall and a video of the presentation was played.

A. CONSENT CALENDAR:

1. **City Council Draft Action Minutes – June 8, 2021 & June 9, 2021**
 - Recommendation: Council approve the June 8, 2021 Draft City Council Regular Meeting Minutes and the June 9, 2021 Draft City Council Special Meeting Minutes. [City Clerk]
2. **May 2021 Accounts Payable and Payroll**
 - Fiscal Impact: \$2,494,928.63
 - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for May 2021. [Administrative Services]
3. **Property Acquisition for Lift Station #13 and Force Main Realignment Project**
 - Fiscal Impact: The total compensation to be paid is \$11,000, plus an additional \$5,500 for the lateral construction.
 - Recommendation: Council adopt Draft Resolution approving compensation payment for permanent easement acquisition located at APN 049-041-009 for the Lift Station #13 Replacement and Force Main Realignment Project. [Public Works]
4. **San Gabriel Road and San Marcos Road Pavement Rehabilitation Project Construction Award**
 - Fiscal Impact: \$1,208,047.55
 - Recommendations: Council:
 1. Award a construction contract for \$1,208,047.55 to Souza Construction Inc. for the San Gabriel Road and San Marcos Road Rehabilitation Project (Project No. C2020R05).

2. Authorize the City Manager to execute a construction contract with Souza Construction Inc. for \$1,208,047.55 for the San Gabriel Road and San Marcos Road Rehabilitation Project (Project No. C2020R05).
3. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the Project. [Public Works]

5. American Rescue Plan Act of 2021 Funds

- Fiscal Impact: ARPA funds in the amount of \$7,194,579 are expected to be received.
- Recommendations: Council:
 1. Adopt Draft Resolution accepting the receipt of all funds available to the City pursuant to the American Rescue Plan Act of 2021.
 2. Authorize the City Manager or her designee to execute all documents as necessary for the funding. [Administrative Services]

Deputy City Manager/City Clerk Christensen noted that a correction had been made to the June 9, 2021 Special Meeting Minutes under Ex Parte Communications for Council Member Bourbeau changing the last part of the sentence to read “former owner of the ~~project property~~ entire Dove Creek area”.

Sarah Reinhart, First 5 San Luis Obispo County, addressed the City Council on Consent Calendar Item #A-5.

MOTION: By Council Member Bourbeau and seconded by Council Member Funk to approve the Consent Calendar with corrections noted to Consent Calendar Item #A-1. (#A-3: Resolution No. 2021-055) (#A-4: Contract No. 2021-017) (#A-5: Resolution No. 2021-056)
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

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

Chief Masterson also gave an update on the Police Department's response to activities in Centennial Plaza.

COMMUNITY FORUM:

The following citizens spoke by telephone or through the webinar on this item: Wendy Lewis

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Concerned Atascadero Parents

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS:

1. Del Rio Ranch General Plan, Zoning Map, and Specific Plan Amendments and Master Plan of Development (AMND21-0020)

- Fiscal Impact: The proposed project is a large scale retail and lodging focused development which is expected to bring in significant revenues, especially to lodging uses. The development is required to annex into the City-wide CFD. With annexation into the CFD, overall, the project will be fiscally positive.
- Recommendations: Planning Commission recommends City Council:
 1. Adopt Draft Resolution A approving a General Plan Map Amendment, based on findings.
 2. Introduce for first reading, by title only, Draft Ordinance approving a Zoning Map Amendment and amendments to the Del Rio Road Commercial Area Specific Plan, based on findings.
 3. Adopt Draft Resolution B approving a Conditional Use Permit to establish a Master Plan of Development for the Del Rio Ranch project and allow for a conference center, mixed-use buildings, and an RV park, based on findings and subject to conditions of approval.

The Planning Commission also recommended the City Council:

4. Consider allowing temporary uses on the site prior to the establishment of permanent improvements and provide direction to staff and the applicant. If temporary uses are supported, details and conditions regarding temporary uses would need to return to the City Council at a later date. [Community Development]

Ex Parte Communications:

Council Member Funk reported reviewing the project as part of the DRC and speaking with concerned citizens.

Mayor Pro Tem Newsom reported reviewing the project as part of the DRC.

No other Council Members had anything to report.

Community Development Director Dunsmore and Senior Planner Gleason gave the report and answered questions from the Council

Mayor Moreno recessed the meeting at 8:16 p.m.

Mayor Moreno reconvened the meeting at 8:26 p.m. will all present

Ted Lawton, applicant, gave a presentation and answered questions from the Council (Exhibit A).

PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: Michael Manchak, Fred Muroe, and Geoff Auslen.

Mayor Moreno closed the Public Comment period.

- MOTION:** By Mayor Moreno and seconded by Council Member Bourbeau to:
1. Adopt Resolution 2021-057 approving a General Plan Map Amendment, based on findings.
 2. Introduce for first reading, by title only (with revised title as read by the City Clerk), Draft Ordinance approving a Zoning Map Amendment and amendments to the Del Rio Road Commercial Area Specific Plan, based on findings and adding the following language to Exhibit B - Specific Plan Section 4.1.1(2):
 - h) Temporary revenue generating land uses during site development with conditional use permit which will be subject to findings and conditions that include, but are not limited to, the following:*
 - City Council review and approval of the conditional use permit*
 - A development agreement, or similar mechanism for enforcement, shall be required*
 - Temporary uses shall be of limited duration, not to exceed 18 months, unless an extension is granted by City Council*
 - Adequate emergency access shall be provided for all temporary uses*
 - Utilities shall be installed as needed to accommodate temporary uses*
 - Appropriate mitigation to address dust and dirt track out onto public right of way shall be incorporated in the approved plans for temporary uses.*
 - Temporary use areas shall be reviewed for aesthetics, neighborhood compatibility and site impacts through the Conditional Use Permit process.*
 - Any other conditions necessary based on proposed land use and temporary development plans*
 3. Adopt Resolution 2021-058 approving a Conditional Use Permit to establish a Master Plan of Development for the Del Rio Ranch project and allow for a conference center, mixed-use buildings, and an RV park, based on findings and subject to conditions of approval with the following changes:
 - Amend the second paragraph of Condition 4
Construction of the multi-family residential portion of the project may not commence until the RV resort and commercial center have been issued building permits and are under construction substantially complete. Issuance of a grading or on-site improvement permit shall not satisfy this requirement.
 - Amend Condition 100(c)
Developer shall improve the intersection of El Camino Real and Del Rio Road, specifically the northeast southeast corner adjacent to the project frontage, with signal modifications in accordance with the Del Rio Commercial Specific Plan Traffic Analysis and project-specific Del Rio Ranch Traffic Impact Analysis. The improvements shall be coordinated with the Public Works Department, City Engineer and designated City

consultant(s) who have produced signal improvement plans for recent projects in the area.

- Amend Condition 101(a) & (d)
 - a. Provide a Collector Road (Standard Detail AT 406) to serve as an extension of Obispo Road through the property. The road shall align with the existing Obispo Road intersection at Del Rio Road and shall have a 60' right of way with two (2) 20' wide travel lanes and 5' wide sidewalks (minimum) to the satisfaction of the City Engineer. The Del Rio Ranch Traffic Impact Analysis indicates there is limited site distance exiting the project onto Del Rio Rd, therefore the intersection shall be designed to improve site distance, or limit turning movements as necessary, for the safety of the public and to the satisfactory of the City Engineer. After the road is extended beyond the project boundary for use by adjoining multi-family properties completion, the new Obispo Road is to be accepted and maintained by the City with the expectation to connect the road at a future date to the Emerald Ridge development.
 - d. The road-on- and off-site improvements for phases 1, 2, and 3 shall be complete and accepted prior to occupancy of any residential unit.
- Add a Condition to require affordable housing as proposed
 - 20 % of any units in excess of the original SP max density of 72 units shall be deed restricted at the following ratio:
 - 37 % low
 - 20% very low
 - These units can be constructed as density bonus units. Should the project qualify based on the above percentages, concessions shall be provided in accordance with State DB law.
- Amend Condition 17

The existing maintenance Community Facilities District established for maintenance of the frontage improvement and landscaping, including median landscaping, ~~shall be amended to reflect the revised right-of-way improvements or~~ shall be extinguished and improvement shall be maintained by the commercial development owner(s) in perpetuity. Should ~~the maintenance CFD be extinguished and~~ a map be recorded that allows for multiple parcels, a maintenance agreement that defines responsibilities of property owners shall be required to record prior to, or concurrently with, final map recordation.

City Clerk Christensen read the title of the Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO,
CALIFORNIA, APPROVING A ZONING MAP AMENDMENT AND AMENDMENTS
TO THE DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN FOR THE
DEL RIO RANCH PROJECT**

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

3. Adopting Sewer Service Charges to be Added to the 2021-2022 Property Tax Rolls

- Fiscal Impact: The City estimates it will collect \$3,320,523 in sewer service charges for Fiscal Year 2021-2022.
- Recommendations: Council:
 1. Conduct a public hearing to receive verbal testimony regarding the proposed sewer service charges to be levied onto property tax rolls.
 2. Adopt Draft Resolution approving sewer service charges to be added to the 2021-2022 property tax rolls. [Public Works]

Ex Parte Communications: None.

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

PUBLIC COMMENT:

The following citizens spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Newsom to adopt Resolution No. 2021-059 approving sewer service charges to be added to the 2021-2022 property tax rolls.
Motion passed 5:0 by a roll-call vote.

4. Community Facilities District 2005-1 Annexation No. 23

- Fiscal Impact: Assessments for this annexation are estimated to be \$42,400 annually, adjusted each year for inflation.
- Recommendation: Council continue the public hearing to the July 13, 2021 City Council Meeting to allow staff additional time to fulfill the legal noticing requirement. [Community Development]

Ex Parte Communications: None.

Deputy City Manager/City Clerk briefed the City Council on the staff report.

PUBLIC COMMENT:

The following citizens spoke on this item: None.

Mayor Moreno did not close the Public Comment period.

Mayor Moreno noted that the Public Hearing would be continued to July 13, 2021.

C. MANAGEMENT REPORTS: None.

D. 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 Pro Tem Newsom

1. County Mayors Round Table – attended on behalf of Mayor Moreno

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

1. Air Pollution Control District

Council Member Funk

1. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

ADJOURN

Mayor Moreno recessed the Regular Meeting at 9:41 and reconvened the Closed Session Meeting at 9:42 p.m.

The meeting was adjourned at 10:24 pm; no reportable action.

MINUTES PREPARED BY:

Lara K. Christensen
Deputy City Manager / City Clerk

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

- Exhibit A – Presentation by applicant, Ted Lawton

APPROVED:



Atascadero City Council

Staff Report – Public Works Department

Approve Parcel Map AT 19-0052 (7850 Curbaril Avenue)

RECOMMENDATIONS:

Council:

1. Approve Parcel Map AT 19-0052.
2. Accept, on behalf of the public, the offer of dedication for a six-foot Public Utility Easement.

DISCUSSION:

Tentative Parcel Map AT 19-0052 (City File SUBV19-0069), a one parcel subdivision for condominium purposes, was originally approved by the Planning Commission on July 7, 2020 (Planning Commission Resolution 2020-0006). The Tentative Parcel Map conditionally authorizes the allowance of three airspace condominium units on one lot at 7850 Curbaril Avenue, if conditions of approval are met prior to Council adoption. The total gross area of the original lot is 0.5 acres and is not proposed to change with the Map. Staff is satisfied that the conditions of approval have been satisfied. A copy of the parcel map is included as Attachment 1.

Easements

A six-foot wide offer of dedication for Public Utility Easement along the frontage of Curbaril Avenue is included on the Parcel Map on the one parcel as requested in the Conditions of Approval, Item 12. 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.

Condominium Plan

Condition of Approval 9 required the submission of a condominium plan to record concurrently with the Map. The plan was reviewed by staff and the Consultant City Surveyor, ensuring the plans aligned with the approved plans. A copy of the Condominium Plan is included as Attachment 2.

CC&Rs

The Declaration of Covenant, Conditions and Restrictions of Curbaril Avenue Condominium Owners' Association were also reviewed and staff determined that they were compliant with City policies and conditions.

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.

ATTACHMENTS:

1. Parcel Map AT 19-0052
2. Condominium Plan for Parcel Map AT 19-0052

OWNER'S STATEMENT

WE, THE UNDERSIGNED, HEREBY STATE THAT WE ARE ALL THE OWNERS OF, 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.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC PURPOSES. WE HEREBY DEDICATE TO THE PUBLIC FOR PUBLIC USE THAT AREA LABELED "6' WIDE OFFER OF DEDICATION FOR PUBLIC UTILITY EASEMENT (P.U.E.)" THAT RUNS CONTIGUOUSLY ALONG THE CURB/RAIL AVENUE RIGHT OF WAY.

Eric C. Winslow, a married man as His Sole and Separate Property

By: _____
Eric C. Winslow

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 THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____)

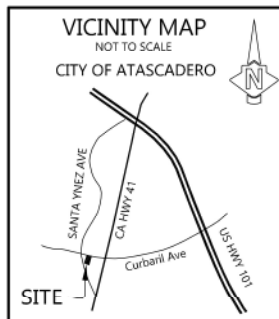
ON _____ BEFORE ME, _____
PERSONALLY APPEARED _____

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 _____



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 ERIC C. WINSLOW IN APRIL, 2021. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP. I ALSO HEREBY STATE THAT ALL OF THE MONUMENTS SHOWN HEREON ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

MARC D. DAKOS, LS 8769

DATE



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THE ANNEXED MAP ENTITLED "PARCEL MAP AT 19-0052", THAT THE PARCEL MAP SHOWN HEREON IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF AND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

NICHOLAS D. DEBAR, RCE 89291
CITY ENGINEER
CITY OF ATASCADERO, CALIFORNIA

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, LS 5812

DATE

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 DEEDS RECORDED NOVEMBER 18, 1916 IN BOOK 113, PAGE 56 OF DEEDS.

MRS. NORA I. SCOTT, OF OKLAHOMA CITY, OKLAHOMA, EASEMENT HOLDER PER DOCUMENT RECORDED MAY 7, 1917 IN BOOK 114, PAGE 329 OF DEEDS.

SOUTHERN CALIFORNIA GAS COMPANY, A CALIFORNIA CORPORATION, EASEMENT HOLDER PER DOCUMENT RECORDED FEBRUARY 16, 2021 AS INSTRUMENT NO. 2021011894 OF OFFICIAL RECORDS.

UNPLOTTABLE EASEMENTS

THERE ARE CERTAIN UNPLOTTABLE EASEMENTS AFFECTING THIS PROPERTY.

EASEMENT(S) FOR ATASCADERO MUTUAL WATER COMPANY PURPOSES PER DEED RECORDED NOVEMBER 18, 1916 IN BOOK 113, PAGE 56 OF DEEDS.

EASEMENT(S) FOR TELEPHONE AND TELEGRAPH POLES AND LINES, ELECTRICAL POWER LINES, IRRIGATION DITCHES, WATER AND GAS PIPES AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED MAY 7, 1917 IN BOOK 114, PAGE 329 OF DEEDS.

EASEMENT(S) FOR THE DISTRIBUTION OF NATURAL GAS, INGRESS AND EGRESS, AND INCIDENTAL PURPOSES PER DOCUMENT RECORDED FEBRUARY 16, 2021 AS INSTRUMENT NO. 2021011894 OF OFFICIAL RECORDS.

CITY PLANNING COMMISSION'S STATEMENT

THIS IS TO STATE THAT I HAVE EXAMINED THIS MAP AND HAVE DETERMINED THAT SAID MAP SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP FOR PARCEL MAP AT 19-0052 AS APPROVED BY THE CITY OF ATASCADERO ON JULY 7, 2020 AND THE CONDITIONS AS IMPOSED THEREON.

PHIL DUNSMORE
COMMUNITY DEVELOPMENT DIRECTOR
CITY OF ATASCADERO, CALIFORNIA

CITY COUNCIL'S STATEMENT

I HEREBY STATE THAT THIS SUBDIVISION WAS DULY ADOPTED AND APPROVED AND THE OFFER OF DEDICATION FOR PUBLIC UTILITY EASEMENT 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 DAPOS _____ 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. _____
- 3) _____ DOC. NO. _____



7680 Morris Rd.
Atascadero, CA 95422
ph (805)466-2445
info@dakoslandsurveys.com

PARCEL MAP AT 19-0052

BEING A ONE PARCEL SUBDIVISION
FOR CONDOMINIUM PURPOSES

OF LOT 12, BLOCK F-C, MAP OF ATASCADERO, IN THE CITY
OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF
CALIFORNIA PER 4/MB/53

Requested by: Eric C. Winslow

APN(S): 031-231-019

DATE: May, 2021

FILENAME: 19-063 Winslow Curbaril FM

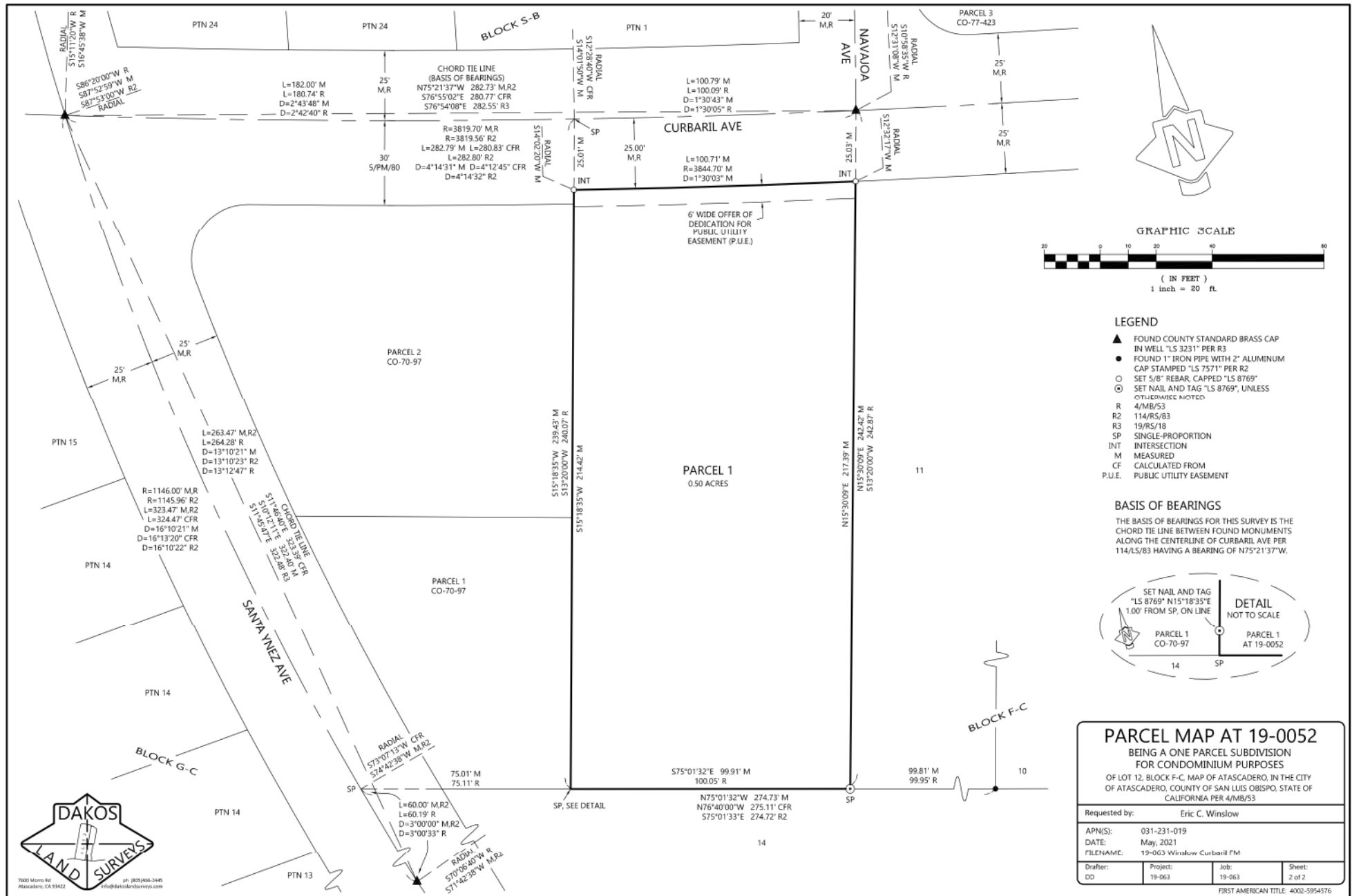
Drafter: DO

Project: 19-063

Job: 19-063

Sheet: 1 of 2

FIRST AMERICAN TITLE: 4002-5954576



ITEM NUMBER: A-2
DATE: 07/13/21
ATTACHMENT: 2

RECORDING REQUESTED BY, AND
WHEN RECORDED, MAIL TO:

ERIC WINSLOW
P.O. BOX 6014
ATASCADERO, CA 93423

CONDOMINIUM PLAN
FOR
PARCEL MAP AT 19-0052

CITY OF ATASCADERO,
COUNTY OF SAN LUIS OBISPO,
STATE OF CALIFORNIA



CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

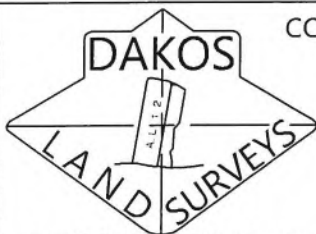
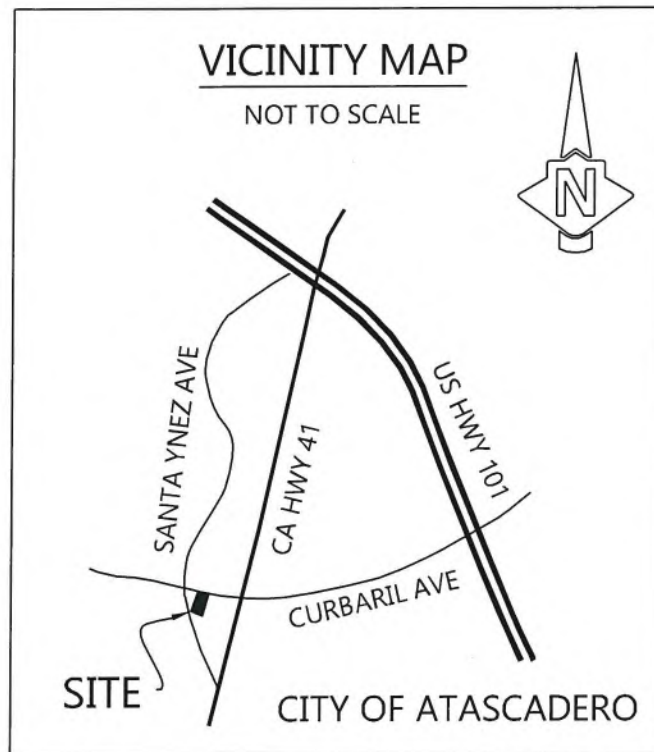
SHEET 1 OF 7

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MAY, 2021
DLS 19-063

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PROJECT BOUNDARY AND UNIT LOCATIONS	6
ELEVATION DETAIL	7



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CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

SHEET 2 OF 7

MAY, 2021
DLS 19-063

OWNER'S STATEMENT

WE, THE UNDERSIGNED, BEING ALL OF THE RECORD OWNER(S) OF, AND RECORD HOLDER(S) OF SECURITY INTEREST IN, THE REAL PROPERTY HEREAFTER DESCRIBED, DO HEREBY CERTIFY THAT WE HEREBY CONSENT TO THE RECORDATION OF THIS CONDOMINIUM PLAN PURSUANT TO THE DAVIS-STIRLING COMMON INTEREST DEVELOPMENT ACT (SECTION 4000 ET SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA) CONSISTING OF: (i) A DESCRIPTION OR SURVEY MAP OF THE SURFACE OF THE LAND COVERED BY THIS CONDOMINIUM PLAN; (ii) A THREE-DIMENSIONAL DESCRIPTION OF THE CONDOMINIUM PROJECT, AND; (iii) THIS CERTIFICATE.

Eric C. Winslow, a married man as his sole and separate property

ERIC C WINSLOW

Eric C. Winslow

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 THAT DOCUMENT.

STATE OF CALIFORNIA

COUNTY OF San Luis Obispo)

ON June 24, 2021 BEFORE ME, Katherine Deurloo, Notary Public

PERSONALLY APPEARED Eric C. Wilson

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.

SIGNATURE [Signature] (SEAL)



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CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

SHEET 3 OF 7

MAY, 2021
DLS 19-063

NOTES

1. THIS CONDOMINIUM PLAN AND THE DIMENSIONS SHOWN HEREIN ARE INTENDED TO CONFORM TO CALIFORNIA CIVIL CODE, SECTION 4285. THE DIMENSIONS SHOWN HEREIN ARE NOT INTENDED TO BE USED FOR SALES PURPOSES AND ARE NOT SUFFICIENTLY ACCURATE FOR COMPUTATION OF FLOOR AREA OR AIR SPACE VOLUME. THIS CONDOMINIUM PLAN INTENTIONALLY OMITTS DETAILED INFORMATION.
2. ALL AIR SPACE BOUNDARY LINES INTERSECT AT RIGHT ANGLES, UNLESS OTHERWISE SHOWN.
3. IF THERE IS A CONFLICT BETWEEN THIS CONDOMINIUM PLAN AND THE DECLARATION, THE DECLARATION SHALL CONTROL. TERMS NOT DEFINED HEREIN SHALL HAVE THE MEANINGS SET FORTH IN THE DECLARATION.
4. ALL DISTANCES AND DIMENSIONS ARE EXPRESSED IN FEET AND DECIMALS THEREOF.

DEFINITIONS

1. THE DEFINITIONS PROVIDED IN THE DECLARATION OF CONDITIONS, COVENANTS AND RESTRICTIONS, INCLUDING THE EXHIBITS REFERRED TO THEREIN, RESPECTING THE DEVELOPMENT, AND INCLUDING ANY AMENDMENTS TO THE DECLARATION, SHALL APPLY TO THIS CONDOMINIUM PLAN.



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CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

SHEET 4 OF 7

MAY, 2021
DLS 19-063

SURVEYOR'S STATEMENT

I HEREBY STATE THAT I AM A LICENSED LAND SURVEYOR OF THE STATE OF CALIFORNIA AND THAT THIS CONDOMINIUM PLAN CORRECTLY REPRESENTS (1) THE BOUNDARY OF THE LAND INCLUDED WITHIN THE PROJECT, AND (2) THE APPROXIMATE LOCATION AND DIMENSIONS OF THE UNITS THEREON, BASED UPON THE BUILDING PLANS PROVIDED BY THE OWNER.

Marc Dakos

MARC D. DAKOS
LS 8769

06-23-21

DATE



BENCHMARK

THE BENCHMARK FOR THIS CONDOMINIUM DEVELOPMENT AND ITS ELEVATION ARE DESCRIBED AS "THE NAIL AND TIN AT THE SOUTHERLY EDGE OF PAVEMENT OF CURBARIL AVE HAVING AN ELEVATION OF 896.11 FEET NAVD88 DATUM PER SURVEYED TIES TO CAL TRANS CONTROL".

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS CONDOMINIUM DEVELOPMENT IS NORTH 75°21'37" WEST BEING THE CHORD TIE LINE BETWEEN FOUND MONUMENTS ALONG THE CENTERLINE OF CURBARIL AVE PER PARCEL MAP OF AT 19-0052.



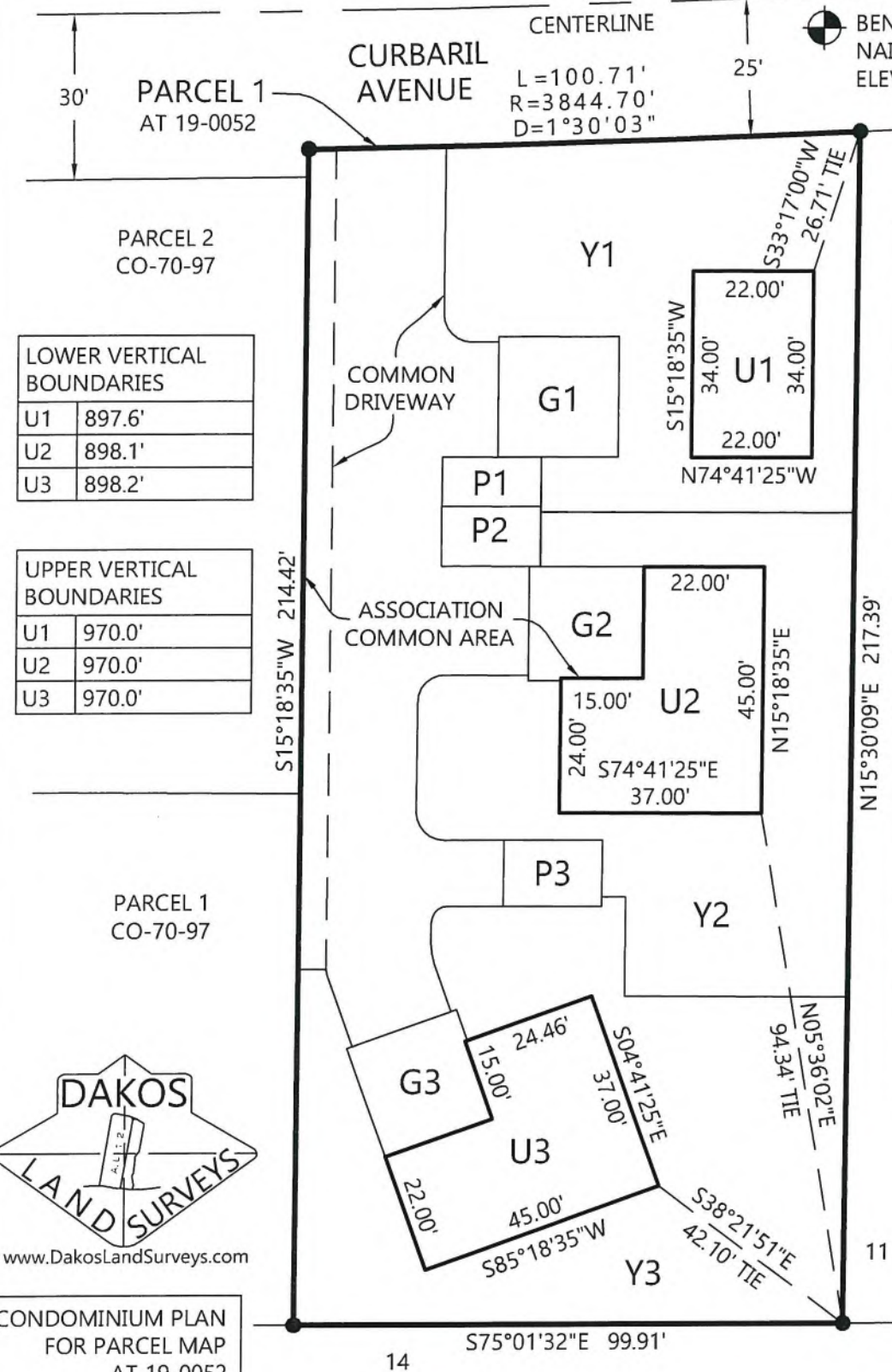
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CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

SHEET 5 OF 7

MAY, 2021
DLS 19-063

PROJECT BOUNDARY AND UNIT LOCATIONS



LEGEND

- U1 CONDOMINIUM UNIT 1
- U2 CONDOMINIUM UNIT 2
- U3 CONDOMINIUM UNIT 3
- Y1 UNIT 1 EXCLUSIVE USE YARD AREA
- Y2 UNIT 2 EXCLUSIVE USE YARD AREA
- Y3 UNIT 3 EXCLUSIVE USE YARD AREA
- G1 UNIT 1 EXCLUSIVE USE GARAGE
- G2 UNIT 2 EXCLUSIVE USE GARAGE
- G3 UNIT 3 EXCLUSIVE USE GARAGE
- P1 UNIT 1 EXCLUSIVE USE PARKING AREA
- P2 UNIT 2 EXCLUSIVE USE PARKING AREA
- P3 UNIT 3 EXCLUSIVE USE PARKING AREA
- MONUMENT PER PARCEL MAP AT 19-0052

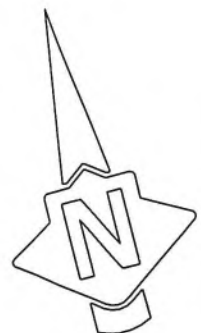
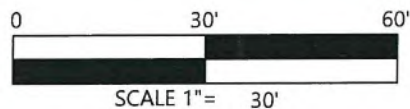


CONDOMINIUM PLAN
FOR PARCEL MAP
AT 19-0052

SHEET 6 OF 7

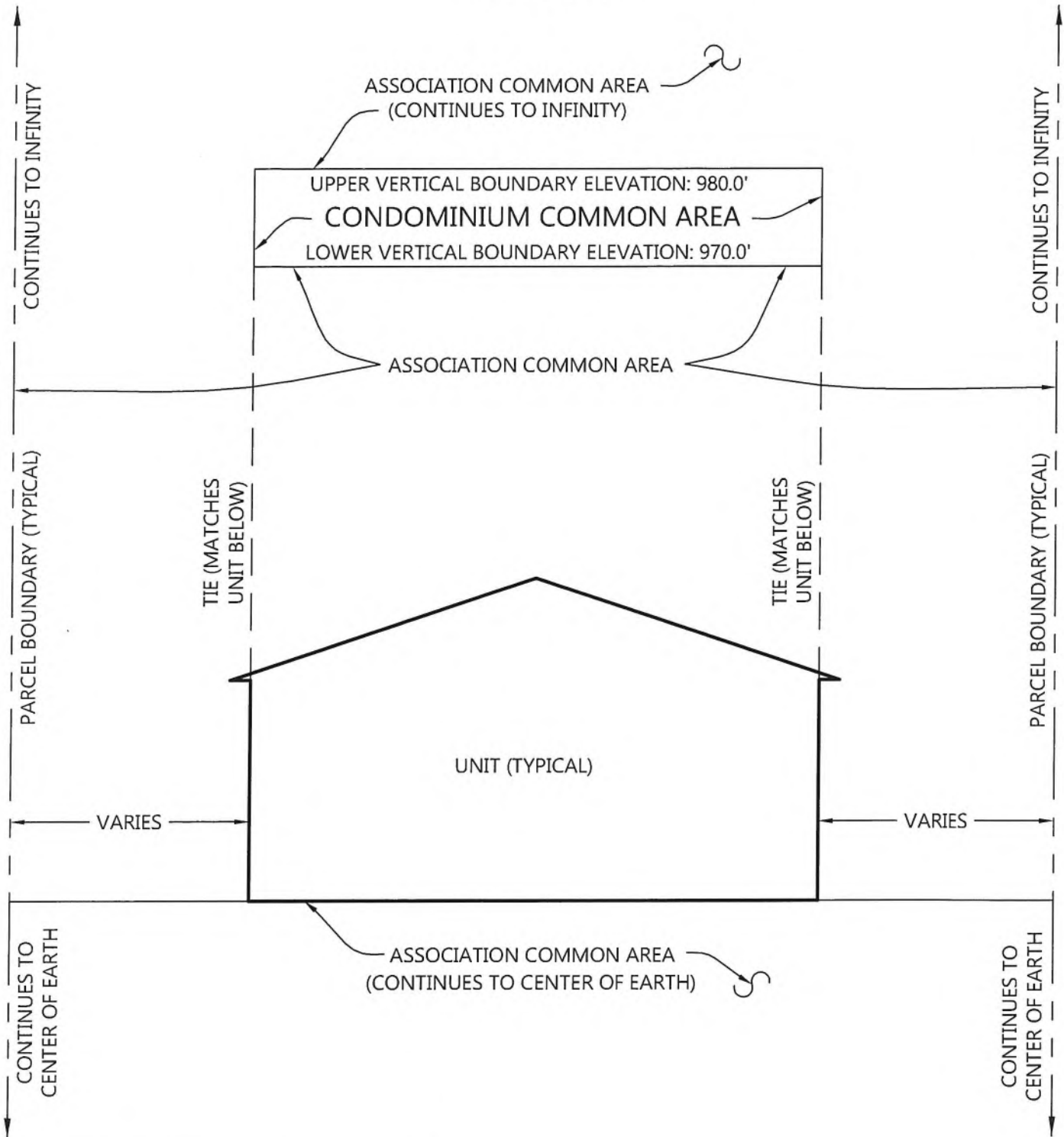
MAY, 2021
DLS 19-063

BLOCK F-C



ELEVATION DETAIL

NOT TO SCALE



CONDOMINIUM PLAN
 FOR PARCEL MAP
 AT 19-0052

SHEET 7 OF 7

MAY, 2021
 DLS 19-063

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Atascadero City Council

Staff Report - City Manager's Office

Memorandum of Understanding for Service Employees International Union Local 620

RECOMMENDATION:

Council approve the Memorandum of Understanding for Service Employees International Union Local 620.

DISCUSSION:

The City of Atascadero has a total of five employee bargaining units. Agreements for all of the bargaining units ended on June 30, 2021. The five bargaining units include the Atascadero Police Officers Association (APOA), the Atascadero Professional Firefighters Association (APFA), the Mid-Management/Professional Employees Association (MMPEA), the Service Employees International Union Local 620 (SEIU), as well as the Resolution for Non-Represented Professional and Management Workers and Confidential Employees (Non-represented).

MOUs are agreements between the City and the employee associations that set specific language regarding wages, benefits, and working conditions. Negotiations have concluded with SEIU and a draft MOU is presented for Council approval. Negotiations are ongoing with APOA, APFA, MMPEA and Non-Represented employees.

Staffing is one of the Council priority areas and it is critical that the City retain the employees who do a great job day in and day out. Historical funding challenges have kept the City of Atascadero significantly behind the county-wide average for compensation. While compensation is often not the only reason an employee chooses to work for an employer, when there are significant differences in pay, it is an important consideration. Because the cost of living is high in the area, and neighboring jurisdictions are able to pay more, the City's low wages are often a barrier to attracting, hiring and most important- retaining professional employees. This has a large effect on City operations as vacancies lead to even lower staffing levels, inefficiencies and additional incurred costs as new employees are trained.

As part of Measure D-20, the Council and community stated that retaining professional employees and the ability to attract professional employees is a priority area. The package offered to SEIU is intended to bring compensation closer to the Countywide average for SEIU positions. The MOU includes funds to be allocated toward an inequity pool to address

pay for those positions that are significantly behind the Countywide compensation average and for those positions where it has historically been extremely difficult to attract and retain employees. This investment in wages should significantly improve attraction and retention thus improving efficiency, effectiveness and capacity to serve the community.

Below are the changes to the MOU with SEIU.

- Three Year Agreement
- Effective July 1, 2021:
 - All Employees covered by the MOU shall receive a 4.5% salary increase
 - Stand-by pay will increase from \$42 per day to \$45 per day
 - Work shoe (boot) allowance will increase from \$200 per year to \$250 per year
 - Longevity Section 457 Contributions will commence at \$50 for each whole year of continuous full-time employment over 10 years
 - An inequity pool of \$162,000 will be established to provide equity adjustments for selected positions
- Effective July 1, 2022:
 - All Employees covered by the MOU shall receive a 3.75% salary increase
 - Longevity Section 457 Contributions will increase to \$100 for each whole year of continuous full-time employment over 10 years
- Effective July 1, 2023:
 - All Employees covered by the MOU shall receive a 3.5% salary increase

FISCAL IMPACT:

Changes to the MOU will result in an estimated \$256,000 cost increase for 2021-2022, another \$144,000 for FY 2022-2023 and another \$138,000 for FY 2023-2024 and thereafter. These costs are budgeted as part of the 2021-2023 adopted budget.

ATTACHMENT:

Memorandum of Understanding for Service Employees International Union Local 620

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

LOCAL 620 SERVICE EMPLOYEES

INTERNATIONAL UNION

ATASCADERO CHAPTER

AND

CITY OF ATASCADERO

July 1, ~~2018-2021~~ thru June 30, 2024

ARTICLE I - GENERAL PROVISIONS

SECTION 1.1 PREAMBLE

This Memorandum of Understanding is made and entered into between the City of Atascadero, hereinafter referred to as the "City" and the Local 620 Service Employees International Union Atascadero Chapter, hereinafter referred to as the "Union" pursuant to California Government Code Section 3500, et seq. and the City's Employer - Employee Relations Policy. The purpose of this Memorandum of Understanding (MOU) is the establishment of wages, hours and other terms and conditions of employment.

The City and Union agree that the provisions of this MOU shall be applied equally to all employees covered herein without favor or discrimination because of race, creed, color, sex, age, national origin, political or religious affiliations or association memberships. Whenever the masculine gender is used in this MOU, it shall be understood to include the feminine gender.

SECTION 1.2 RECOGNITION

- a. The City of Atascadero recognizes the Union as the recognized and exclusive representative for the following classifications:

- | | | |
|------------------------------------|--|--|
| • Account Clerk I | • Maintenance Worker I | • <u>Technical Support Specialist II</u> |
| • Account Clerk II | • Maintenance Worker II | • <u>Website and Social Media Technician</u> |
| • Administrative Assistant | • Office Assistant <u>II</u> | • WWTP Operator I |
| • Administrative Support Assistant | • Office Assistant III | • WWTP Operator II |
| • Assistant Planner | • Public Works Inspector | • WWTP Operator III |
| • Associate Planner | • Recreation Coordinator | • WWTP Operator in Training |
| • Building Inspector I | • Senior Building Maintenance Specialist | • Zoo Education Curator |
| • Building Inspector II | • Senior Maintenance Worker | • Zookeeper I |
| • Building Maintenance Specialist | • <u>Senior Planner</u> | • Zookeeper II |
| • Finance Technician | • Senior Technical Support Specialist | |
| • Inspector | • Systems Administrator III | |
| • Lead Zookeeper | | |

- b. This recognition is exclusive of management employees, confidential employees and temporary employees.
- c. The City agrees to meet and confer and otherwise deal exclusively with the Union on all matters relating to the scope of representation under the Meyers-Milias-Brown Act (Government Code Section 3500, et seq.), and as provided under the City's Employer-Employee Relations Policy.

SECTION 1.3 SEVERANCE

- a. If any provision of the Agreement should be found invalid, unconstitutional, unlawful, or unenforceable by reason of any existing or subsequently enacted constitutional or legislative provision shall be severed, and all other provisions of the Agreement shall remain in full force and effect for the duration of the Agreement.
- b. In the event that any provision of the MOU should be found invalid, unconstitutional, unlawful or unenforceable, the City and the Union agree to meet and confer in a timely manner in an attempt to negotiate a substitute provision. Such negotiations shall apply only to the severed provision of the Agreement and shall not in any way modify or impact the remaining provisions of the existing MOU.

SECTION 1.4 SOLE AGREEMENT

- a. The City and the Union agree that to the extent that any provision addressing wages, hours, and terms and conditions of employment negotiable under the Meyers-Milias-Brown Act found outside this MOU and are in conflict thereof, this MOU shall prevail.
- b. If, during the term of the MOU, the parties should mutually agree to modify, amend, or alter the provisions of this MOU in any respect, any such change shall be effective only if and when reduced to writing and executed by the authorized representatives of the City and the Union. Any such changes validly made shall become part of this MOU and subject to its terms.

SECTION 1.5 FULL FORCE AND EFFECT

- a. All wages, hours, and terms and conditions of employment that are negotiable subjects of bargaining under the Meyers-Milias-Brown Act, including those set in this MOU, shall remain in full force and effect during the term of this MOU unless changed by mutual agreement.
- b. The City will abide by the Meyers-Milias-Brown Act where and when it applies to the Union.

SECTION 1.6 GENERAL PROVISIONS

The parties agree to meet and confer with respect to any subject or matter within the scope of representation upon request. Provided, however, that any changes which fall within the scope of representation shall be by mutual agreement.

Except as set forth in this Memorandum of Understanding, and unless the Union agrees to reopen negotiations on a particular bargaining subject, the parties agree that there shall be no changes during the life of this MOU in the wage rates, benefits, or other terms and conditions of employment subject to the meet and confer process.

In the event any new practice, subject or matter arises during the term of this agreement which is within the scope of representation and an action is proposed by the City, the Union shall be afforded all possible advance notice and shall have the right to meet and confer upon request. In the case of an emergency and, in the absence of an agreement on such a proposed action, the City reserves its lawful management rights to take any action(s) deemed necessary and the Union reserves its rights to take any lawful action deemed necessary.

ARTICLE II - RESPECTIVE RIGHTS

SECTION 2.1 UNION RIGHTS

The Union shall have the following rights and responsibilities:

- a. Reasonable advance notice of any City ordinance, rule, resolution, or regulation directly relating to matters within the scope of representation proposed to be adopted by the City Council.
- b. Reasonable use of one bulletin board at each work site for employees covered by this MOU.
- c. The right to payroll deductions made for payments or organization dues and for City approved programs.
- d. The use of City facilities for regular, normal and lawful Union activities, providing that approval of the City Manager or his/her designee has been obtained.
- e. Reasonable access to employee work locations for officers of the Union and their officially designated representatives for the purpose of processing grievances or contacting members of the organization concerning business within the scope of representation. Access shall be restricted so as not to interfere with the normal operations of any department or with established safety or security requirements.
- f. The City will give reasonable notice to the Union if it intends to contract out the functions currently performed by employees within the Unit. Upon request, the City will meet with the Union to explain the reason for the decision to contract out and to solicit Union views on the proposal. Nothing in this Section shall be construed to limit the rights of the City Council to contract out work in its sole discretion.
- g. Maintenance of Membership

All regular unit employees who on the effective date of this MOU are members of the Union in good standing and all such employees who thereafter voluntarily become members of the Union shall maintain their membership in the Union in good standing during the term of this MOU, subject however to the right to resign from membership between March 1 – 15 of each calendar year.

Any Union member may exercise his/her right to resign by submitting a notice in writing to the Union and to the City during the resignation period. To the extent required by the Government Code, or otherwise required by law, the City will rely on the information provided by the Union in processing dues deductions for Union members.

h. Dues Deductions

The Union will maintain records of employee authorizations for dues deductions. The Union will provide the City with information regarding the amount of dues deductions and the list of Union members who have affirmatively consented to or authorized dues deductions. The City shall not request the Union to provide a copy of any member's authorization unless a dispute arises about the existence or terms of the authorization. To the extent required by the Government Code, or otherwise required by law, the City will rely on the information provided by the Union in processing dues deductions for Union members. The Union is responsible for providing the City with timely information regarding changes to Union members' dues deductions.

The Union agrees to indemnify, defend, and hold harmless the City, including its officers, representatives, and agents, against any and all cost or liability arising from any claims, demands, or other actions relating to the City's compliance with or application of provisions of this Article.

SECTION 2.2 CITY RIGHTS

- a. The authority of the City includes, but is not limited to the exclusive right to determine the standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action for "just cause", relieve its employees from duty because of lack of work or for other legitimate reason; maintain the efficiency of governmental operations; determine the methods, staffing and personnel by which governmental operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; exercise complete control and discretion over its organizations and the technology of performing its work; provided, however, that the exercise and retention of such rights does not preclude employees or their representatives from consulting or raising grievances over the consequences or impact that decisions on these matters may have on wage, hours and other terms of employment.

SECTION 2.3 PEACEFUL PERFORMANCE

- a. The parties to this MOU recognize and acknowledge that the services performed by the City employees covered by this Agreement are essential to the public health, safety and general welfare of the residents of the City of Atascadero. Union agrees that under no circumstances will the Union recommend, encourage, cause or promote its members to initiate, participate in, nor will any member of the bargaining unit take part in, any strike, sit-down, stay-in, sick-out, slow-down, or picketing (hereinafter collectively referred to as "work-stoppage) in any office or department of the City, nor to curtail any work or restrict any production, or interfere with any operation of the City. In the event of any such work stoppage by any member of the bargaining unit, the City shall not be required to negotiate on the merits of any dispute which may have risen to such work stoppage until said work stoppage has ceased.
- b. In the event of any work stoppage, during the term of this MOU, whether by the Union or by any member of the bargaining unit, the Union by its officers, shall immediately declare in writing and publicize that such work stoppage is illegal and unauthorized, and further direct its members in writing to cease the said conduct and resume work. Copies of such written notices shall be served upon the City. If in the event of any work stoppage the Union promptly and in good faith performs the obligations of this paragraph, and providing the Union has not otherwise authorized, permitted or encouraged such work stoppage, the Union shall not be liable for any damages caused by the violation of this provision. However, the City shall have the right to discipline, up to and including discharge, any employee who instigates, participates in, or gives leadership to, any work stoppage activity herein prohibited, and the City shall also have the right to seek full legal redress, including damages, against any such employees.

SECTION 2.4 RESPECTIVE RIGHTS

The parties agree that during the term of this agreement, upon a request by either party, they shall reopen negotiations on changes to the Personnel Rules and Regulations. Provided, however, that the City shall not modify the Personnel Rules and Regulations subject to meet and confer without mutual agreement.

ARTICLE III - - HOURS OF WORK AND OVERTIME

SECTION 3.1 HOURS OF WORK

- a. Work Period

The normal work period shall be seven (7) days with a maximum non-overtime of forty (40) hours.

b. Shift Change Notification

The City shall give employees reasonable, but at a minimum, a 72-hour notice of routine shift changes. Emergency shift changes shall be made on an as needed basis.

c. Rest Periods

The City feels that rest periods are important for employees to take care of personal business, use facilities and for their general well-being. Rest periods will normally be provided to employees at the rate of fifteen (15) minutes for each four (4) hours worked. Insofar as practical rest period shall be in the middle of each work period. Rest periods should not be used in conjunction with meal periods, nor should rest periods be taken during the employee's first or last hour of work. In the uncommon event that an employee feels that they will be unable to take one of the fifteen minute rest periods due to the type of work being performed, the employee's supervisor may approve the employee taking one fifteen minute rest period in conjunction with the meal period. The employee must request supervisor approval in advance.

Any employee required to work more than sixteen (16) hours within a twenty-four hour period shall be entitled to an eight hour rest period prior to returning to work. If any portion of the eight-hour rest period occurs during the employees' regularly scheduled work hours, the employee shall receive normal compensation for that time. This section shall not apply in the case of emergencies.

d. Missed Rest Periods and Mealtime

Regular fifteen-minute rest periods are paid time, therefore nothing in this section provides for or implies any additional compensation or benefits if a rest period is not taken.

SECTION 3.2 OVERTIME

a. Rate

Overtime, shall be compensated at the rate of time and one-half the regular rate of pay. All overtime shall be recorded and paid in the following manner:

1 to 15 minutes, overtime compensation – $\frac{1}{4}$ hour
16 to 30 minutes, overtime compensation – $\frac{1}{2}$ hour
31 to 45 minutes, overtime compensation – $\frac{3}{4}$ hour
46 to 60 minutes, overtime compensation – 1 hour

b. Hours Paid

Overtime shall be paid after forty (40) hours worked in a work period. Paid time off shall be considered time worked for overtime purposes.

c. Compensatory Time (CT)

Notwithstanding the provisions of this section, employees may be granted CT for overtime credit computed at time and one-half at the mutual convenience of the City and the employee. Employees may accumulate a maximum of one hundred and twenty (120) hours in their CT account.

d. Scheduling Compensatory Time

Requests to use CT shall be granted with due regard for operational necessity such as staffing levels.

SECTION 3.3 CALLBACK PAY

Employees who are called to duty at a time they are not working, and not on standby duty, shall be compensated a minimum compensation of two (2) hours at time and one-half rate of pay.

SECTION 3.4 STANDBY TIME

- a. Employees assigned standby duty shall receive Forty-~~two~~-five dollars (\$~~42.00~~45.00) for each day of standby duty.

b. Call-out While on Stand-by

Employees who are called to duty at a time they are not working shall be compensated a minimum of one hour and twenty minutes at time and one-half pay. Employees working in excess of one hour and twenty minutes once called back shall receive time and one-half pay for all hours worked.

SECTION 3.5 PATCHING/PAVING WORK

The City shall make a reasonable attempt to schedule patching work during days/times when temperatures are not expected to exceed 100 degrees. It is mutually understood that employees working with paving contractors must adhere to the contractors' work schedules.

ARTICLE IV - PAY PROVISIONS

SECTION 4.1 SALARY

This three (3) year agreement shall provide salary increases according to the following formula and schedule:

Year 1- Effective July 1, ~~2018,2021~~ all employees covered under this MOU shall receive a ~~3.254.5%~~ (~~three point two four point~~ five percent) salary increase. The following monthly salaries are effective July 1, ~~2018,2021~~:

MONTHLY SALARY
Effective July 1, 2021

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	3,535.98	3,712.78	3,898.42	4,093.34	4,298.01
Administrative Assistant	4,405.44	4,625.71	4,857.00	5,099.85	5,354.84
Administrative Support Assistant	3,712.78	3,898.42	4,093.34	4,298.01	4,512.91
Assistant Planner	4,857.00	5,099.85	5,354.84	5,622.58	5,903.71
Associate Planner	5,622.58	5,903.71	6,198.90	6,508.85	6,834.29
Building Inspector I	4,625.71	4,857.00	5,099.85	5,354.84	5,622.58
Building Inspector II	5,099.85	5,354.84	5,622.58	5,903.71	6,198.90
Building Maintenance Specialist	3,712.78	3,898.42	4,093.34	4,298.01	4,512.91
Finance Technician	4,405.44	4,625.71	4,857.00	5,099.85	5,354.84
Inspector	4,625.71	4,857.00	5,099.85	5,354.84	5,622.58
Lead Zookeeper	3,898.42	4,093.34	4,298.01	4,512.91	4,738.56
Maintenance Worker I	3,287.41	3,451.78	3,624.37	3,805.59	3,995.87
Maintenance Worker II	3,712.78	3,898.42	4,093.34	4,298.01	4,512.91
Office Assistant II	3,287.41	3,451.78	3,624.37	3,805.59	3,995.87
Office Assistant III	3,535.98	3,712.78	3,898.42	4,093.34	4,298.01
Public Works Inspector	4,857.00	5,099.85	5,354.84	5,622.58	5,903.71
Recreation Coordinator	4,195.66	4,405.44	4,625.71	4,857.00	5,099.85
Senior Building Maintenance Specialist	4,195.66	4,405.44	4,625.71	4,857.00	5,099.85
Senior Maintenance Worker	4,195.66	4,405.44	4,625.71	4,857.00	5,099.85
Senior Planner	6,198.90	6,508.85	6,834.29	7,176.00	7,534.80
Senior Technical Support Specialist	5,099.85	5,354.84	5,622.58	5,903.71	6,198.90
Systems Administrator III	6,198.90	6,508.85	6,834.29	7,176.00	7,534.80
Technical Support Specialist II	4,405.44	4,625.71	4,857.00	5,099.85	5,354.84
Website and Social Media Technician	4,405.44	4,625.71	4,857.00	5,099.85	5,354.84
WWTP Operator I	3,995.87	4,195.66	4,405.44	4,625.71	4,857.00
WWTP Operator II	4,405.44	4,625.71	4,857.00	5,099.85	5,354.84
WWTP Operator in Training	3,535.98	3,712.78	3,898.42	4,093.34	4,298.01
Zoo Education Curator	3,367.60	3,535.98	3,712.78	3,898.42	4,093.34
Zookeeper I	3,287.41	3,451.78	3,624.37	3,805.59	3,995.87

MONTHLY SALARY

Effective July 1, 2018

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk I	\$ 2,994.27	\$ 3,143.98	\$ 3,301.18	\$ 3,466.24	\$ 3,639.55
Account Clerk II	\$ 3,301.18	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61
Administrative Assistant	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31
Administrative Support Assistant	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61	\$ 4,213.24
Assistant Planner	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28	\$ 5,511.74
Associate Planner	\$ 5,249.28	\$ 5,511.74	\$ 5,787.33	\$ 6,076.70	\$ 6,380.54
Building Inspector I	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28
Building Inspector II	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28	\$ 5,511.74	\$ 5,787.33
Building Maintenance Specialist	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61	\$ 4,213.24
Finance Technician	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31
Inspector	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28
Lead Zookeeper	\$ 3,821.53	\$ 4,012.61	\$ 4,213.24	\$ 4,423.90	\$ 4,645.10
Maintenance Worker I	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56
Maintenance Worker II	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61	\$ 4,213.24
Office Assistant I	\$ 2,851.69	\$ 2,994.27	\$ 3,143.98	\$ 3,301.18	\$ 3,466.24
Office Assistant III	\$ 3,301.18	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61
Public Works Inspector	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28	\$ 5,511.74
Recreation Coordinator	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25
Senior Building Maintenance Specialist	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25
Senior Maintenance Worker	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25
Senior Technical Support Specialist	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28	\$ 5,511.74
Systems Administrator III	\$ 5,787.33	\$ 6,076.70	\$ 6,380.54	\$ 6,699.57	\$ 7,034.55
WWTP Operator I	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52
WWTP Operator II	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31
WWTP Operator III	\$ 4,534.52	\$ 4,761.25	\$ 4,999.31	\$ 5,249.28	\$ 5,511.74
WWTP Operator in Training	\$ 3,301.18	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61
Zoo Education Curator	\$ 3,143.98	\$ 3,301.18	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53
Zookeeper I	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56
Zookeeper II	\$ 3,466.24	\$ 3,639.55	\$ 3,821.53	\$ 4,012.61	\$ 4,213.24

Year 1: Effective July 1, 2021 an additional \$162,000 will be placed in an inequity pool for further adjustment of selected positions. Calculation of costs shall include all roll-up (City paid payroll taxes, retirement, workers compensation, unemployment and other payroll costs) and be based on step E for all positions. Adjustment of positions will be based on market comparison to other cities in the County and the City's recent experience in attracting and retaining qualified applicants/employees in the position. Proposed adjustments and methodology will be determined through the meet and confer process. It is the intent of the City to work with SEIU to swiftly determine which positions will be adjusted with the aim to have final decisions by October 2021. All inequity adjustments will be retroactive back to July 1, 2021 for any active employee.

Year 2 - Effective July 1, ~~2019~~2022, all positions covered under this MOU shall receive a ~~2.53.75~~% (~~two-three~~ point seven five percent) salary increase. The following monthly salaries become effective July 1, ~~2019~~2022:

MONTHLY SALARY

Effective July 1, 2022

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	3,668.57	3,852.00	4,044.60	4,246.83	4,459.17
Administrative Assistant	4,570.64	4,799.17	5,039.13	5,291.09	5,555.64
Administrative Support Assistant	3,852.00	4,044.60	4,246.83	4,459.17	4,682.13
Assistant Planner	5,039.13	5,291.09	5,555.64	5,833.42	6,125.09
Associate Planner	5,833.42	6,125.09	6,431.34	6,752.91	7,090.56
Building Inspector I	4,799.17	5,039.13	5,291.09	5,555.64	5,833.42
Building Inspector II	5,291.09	5,555.64	5,833.42	6,125.09	6,431.34
Building Maintenance Specialist	3,852.00	4,044.60	4,246.83	4,459.17	4,682.13
Finance Technician	4,570.64	4,799.17	5,039.13	5,291.09	5,555.64
Inspector	4,799.17	5,039.13	5,291.09	5,555.64	5,833.42
Lead Zookeeper	4,044.60	4,246.83	4,459.17	4,682.13	4,916.24
Maintenance Worker I	3,410.69	3,581.22	3,760.28	3,948.29	4,145.70
Maintenance Worker II	3,852.00	4,044.60	4,246.83	4,459.17	4,682.13
Office Assistant II	3,410.69	3,581.22	3,760.28	3,948.29	4,145.70
Office Assistant III	3,668.57	3,852.00	4,044.60	4,246.83	4,459.17
Public Works Inspector	5,039.13	5,291.09	5,555.64	5,833.42	6,125.09
Recreation Coordinator	4,352.99	4,570.64	4,799.17	5,039.13	5,291.09
Senior Building Maintenance Specialist	4,352.99	4,570.64	4,799.17	5,039.13	5,291.09
Senior Maintenance Worker	4,352.99	4,570.64	4,799.17	5,039.13	5,291.09
Senior Planner	6,431.34	6,752.91	7,090.56	7,445.09	7,817.34
Senior Technical Support Specialist	5,291.09	5,555.64	5,833.42	6,125.09	6,431.34
Systems Administrator III	6,431.34	6,752.91	7,090.56	7,445.09	7,817.34
Technical Support Specialist II	4,570.64	4,799.17	5,039.13	5,291.09	5,555.64
Website and Social Media Technician	4,570.64	4,799.17	5,039.13	5,291.09	5,555.64
WWTP Operator I	4,145.70	4,352.99	4,570.64	4,799.17	5,039.13
WWTP Operator II	4,570.64	4,799.17	5,039.13	5,291.09	5,555.64
WWTP Operator in Training	3,668.57	3,852.00	4,044.60	4,246.83	4,459.17
Zoo Education Curator	3,493.88	3,668.57	3,852.00	4,044.60	4,246.83
Zookeeper I	3,410.69	3,581.22	3,760.28	3,948.29	4,145.70

MONTHLY SALARY
Effective July 1, 2019

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk I	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56
Account Clerk II	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Administrative Assistant	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Administrative Support Assistant	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Assistant Planner	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Associate Planner	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01
Building Inspector I	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Building Inspector II	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50	\$ 5,931.98
Building Maintenance Specialist	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Finance Technician	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
Inspector	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48
Lead Zookeeper	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59	\$ 4,534.52	\$ 4,761.25
Maintenance Worker I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Maintenance Worker II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59
Office Assistant I	\$ 2,922.98	\$ 3,069.13	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91
Office Assistant III	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Public Works Inspector	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Recreation Coordinator	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Building Maintenance Specialist	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Maintenance Worker	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26
Senior Technical Support Specialist	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
Systems Administrator III	\$ 5,931.98	\$ 6,228.58	\$ 6,540.01	\$ 6,867.01	\$ 7,210.36
WWTP Operator I	\$ 3,823.81	\$ 4,015.00	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87
WWTP Operator II	\$ 4,215.75	\$ 4,426.54	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27
WWTP Operator III	\$ 4,647.87	\$ 4,880.26	\$ 5,124.27	\$ 5,380.48	\$ 5,649.50
WWTP Operator in Training	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94
Zoo Education Curator	\$ 3,222.59	\$ 3,383.72	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09
Zookeeper I	\$ 3,145.85	\$ 3,303.14	\$ 3,468.30	\$ 3,641.72	\$ 3,823.81
Zookeeper II	\$ 3,552.91	\$ 3,730.56	\$ 3,917.09	\$ 4,112.94	\$ 4,318.59

Year 3 - Effective July 1, 2023, all positions covered under this MOU shall receive a 3.5% (three point five percent) salary increase. The following monthly salaries become effective July 1, 2023:

MONTHLY SALARY
Effective July 1, 2023

CLASSIFICATION	STEP A	STEP B	STEP C	STEP D	STEP E
Account Clerk II	3,796.98	3,986.83	4,186.17	4,395.48	4,615.25
Administrative Assistant	4,730.64	4,967.17	5,215.53	5,476.31	5,750.13
Administrative Support Assistant	3,986.83	4,186.17	4,395.48	4,615.25	4,846.01
Assistant Planner	5,215.53	5,476.31	5,750.13	6,037.64	6,339.52
Associate Planner	6,037.64	6,339.52	6,656.50	6,989.33	7,338.80
Building Inspector I	4,967.17	5,215.53	5,476.31	5,750.13	6,037.64
Building Inspector II	5,476.31	5,750.13	6,037.64	6,339.52	6,656.50
Building Maintenance Specialist	3,986.83	4,186.17	4,395.48	4,615.25	4,846.01
Finance Technician	4,730.64	4,967.17	5,215.53	5,476.31	5,750.13
Inspector	4,967.17	5,215.53	5,476.31	5,750.13	6,037.64
Lead Zookeeper	4,186.17	4,395.48	4,615.25	4,846.01	5,088.31
Maintenance Worker I	3,530.07	3,706.57	3,891.90	4,086.50	4,290.83
Maintenance Worker II	3,986.83	4,186.17	4,395.48	4,615.25	4,846.01
Office Assistant II	3,530.07	3,706.57	3,891.90	4,086.50	4,290.83
Office Assistant III	3,796.98	3,986.83	4,186.17	4,395.48	4,615.25
Public Works Inspector	5,215.53	5,476.31	5,750.13	6,037.64	6,339.52
Recreation Coordinator	4,505.37	4,730.64	4,967.17	5,215.53	5,476.31
Senior Building Maintenance Specialist	4,505.37	4,730.64	4,967.17	5,215.53	5,476.31
Senior Maintenance Worker	4,505.37	4,730.64	4,967.17	5,215.53	5,476.31
Senior Planner	6,656.50	6,989.33	7,338.80	7,705.74	8,091.03
Senior Technical Support Specialist	5,476.31	5,750.13	6,037.64	6,339.52	6,656.50
Systems Administrator III	6,656.50	6,989.33	7,338.80	7,705.74	8,091.03
Technical Support Specialist II	4,730.64	4,967.17	5,215.53	5,476.31	5,750.13
Website and Social Media Technician	4,730.64	4,967.17	5,215.53	5,476.31	5,750.13
WWTP Operator I	4,290.83	4,505.37	4,730.64	4,967.17	5,215.53
WWTP Operator II	4,730.64	4,967.17	5,215.53	5,476.31	5,750.13
WWTP Operator in Training	3,796.98	3,986.83	4,186.17	4,395.48	4,615.25
Zoo Education Curator	3,616.17	3,796.98	3,986.83	4,186.17	4,395.48
Zookeeper I	3,530.07	3,706.57	3,891.90	4,086.50	4,290.83

~~Year 3—The parties agree that they will reopen the MOU regarding salary in the third year of the agreement. It is the intent of the parties that re-opening on any issue other than salary will be by mutual agreement only.~~

- a. Movement between steps shall be at twelve-month intervals and subject to satisfactory performance. The initial step movement after hiring, however, shall be after twelve months or after completion of probation, whichever occurs later. Employees may receive step increases at a period of less than twelve (12) months upon recommendation of the department head and approval of the City Manager.

The City is committed to providing evaluations and step increases in a timely manner. At the request of designated Union representatives, but not more than monthly, designated Union representatives shall be provided a list of evaluations that are more than 30 days overdue for those employees that are eligible for a step increase. It is understood that Union representatives will be contacting the supervisor or department head of employees on the list, urging the supervisor to make the evaluation a priority.

- b. An employee who is promoted shall receive a salary increase of at least one step (5%). Therefore, the employee shall be placed on step "A", or that step which produces at least a one-step salary increase.
- c. The parties agree that the salary survey jurisdictions for unit classifications under this M.O.U. shall be the cities of Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, and San Luis Obispo.

SECTION 4.2 EDUCATION INCENTIVE PAY

Employees shall be reimbursed up to \$1,600.00 per fiscal year for books, tuition and related educational expenses for attending college or other professional training, providing the coursework is job-related, and the employee received a passing grade.

SECTION 4.3 RETIREMENT

- a. Employees are provided retirement benefits through the California Public Employees Retirement System (CalPERS).

TIER 1

Miscellaneous Member employees covered under this MOU who were hired on or before July 14, 2012 are provided benefits pursuant to the 2.5% @ 55 Benefit Formula (Government Code Section 21354.4), Final Compensation 1 Year (G.C. Section 20042) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 3.3% (three point three percent) of the Miscellaneous Member employee contribution of 8% (eight percent). Miscellaneous Member employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

TIER 2

Miscellaneous Member employees covered under this MOU who were hired between July 14, 2012 and December 31, 2012, and Miscellaneous Member employees hired on or after January 1, 2013 who meet the definition of a Classic Member under CalPERS, are provided benefits pursuant to the 2% @ 55 Benefit Formula (G.C. Section 21354), Final Compensation 3 Year (G.C. Section 20037) and Unused Sick Leave Credit (G.C. Section 20965). The City will pay 2.3% (two point three percent) of the Miscellaneous Member employee contribution of 7% (seven percent). Miscellaneous Member

employees will pay the remaining 4.7% (four point seven percent) of the employee contribution.

TIER 3

Pursuant to the California Public Employees' Pension Reform Act of 2013 (PEPRA), Miscellaneous Member employees covered under this MOU who were hired on or after January 1, 2013 who meet the definition of a CalPERS new member under PEPRA are provided benefits pursuant to 2% @ 62 Benefit Formula (G.C. Section 7522.20) with Final Compensation 3 Year (G.C. Section 20037). The Miscellaneous Member employee will pay a member contribution rate of 50% (fifty percent) of the expected normal cost rate.

- b. Employee contributions shall be contributed to CalPERS on a pre-tax basis.
- c. The City began pays and reports the value of Employer Paid Member Contributions (EPMC) for Tier 1 employees and Tier 2 employees as described in Resolution No. 2003-058.

SECTION 4.4 SICK LEAVE/STAY WELL PLAN

- a. Sick leave accumulates at a rate of eight (8) hours per month. There is no limit to the accumulation.
- b. Employees with 384 or more hours of accumulated sick leave shall be eligible for the Stay Well Bonus. The Stay Well Bonus will be implemented as follows:
 - The sick leave pay-off will occur during the 52-week period beginning the first day after the second pay period in October and ending on the last day of the second pay period in October of the following year after an employee has accumulated and maintained 384 hours sick leave.
 - Once the eligibility requirements have been met, an employee may opt to receive a pay-off equal to one-third (1/3) of the unused annual allotment of sick leave. (The annual allotment is 95.94 hours). Checks will be prepared by December 15 of each year.
 - In the event an employee covered by this agreement donates up to 12 days of sick leave in any one year, to the Employee Sick Leave Bank, it shall not count against the 48 days accumulation for eligibility to receive the incentive payoff for that year.
- c. An employee may use in any calendar year accrued sick leave, up to the amount earned during twelve (12) months employment, to attend to the illness of the following family members:

1. The employee's child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis).
2. The employee's parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian).
3. The employee's spouse or domestic partner.

If the employee is performing satisfactorily and the employee's workload would not be negatively impacted, the Department Head may approve additional time off, up to the amount earned during three (3) months of employment, for Family Care.

Family Care leave may also qualify for protection under the FMLA and/or CFRA, and any Family Care leave granted under this section shall run concurrently with FMLA and/or CFRA leave. FMLA/CFRA leave is addressed in a separate City policy.

SECTION 4.5 VACATION LEAVE

- a. Paid vacation leave accrues from the date of hire on a bi-weekly basis and increases after completion of the required years of service as follows:

<u>Years of Service</u>	<u>Accrual Rate</u>
Less than 3 years	10 days/yr or 3.08 hrs/pp
3 years completed	12 days/yr or 3.69 hrs/pp
5 years completed	14 days/yr or 4.31 hrs/pp
7 years completed	16 days/yr or 4.92 hrs/pp
9 years completed	18 days/yr or 5.54 hrs/pp
11 years completed	20 days/yr or 6.15 hrs/pp
15 years completed	22 days/yr or 6.77 hrs/pp
20 years completed	24 days/yr or 7.385 hrs/pp

The above schedule is based on full-time employment. Regular part-time employees shall receive vacation accrual on a pro-rated basis.

- b. Employees shall be entitled to vacation leave consistent with the City of Atascadero Personnel System Rules.
- c. It is agreed and understood that the taking of vacation shall be as scheduled by the Department Head subject to the needs of the City.

SECTION 4.6 HOLIDAYS

The City shall recognize the following days as official City holidays.

<u>Holiday</u>	<u>Day Observed</u>
New Year's Day	January 1
Martin Luther King, Jr. Birthday	3rd Monday in January
Presidents' Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day After Thanksgiving	Friday after Thanksgiving
Christmas Eve Day	December 24
Christmas Day	December 25
"Floating" Holiday	Off As Scheduled; Accrues January 1

- a. Each unit member employed by the City as of January 1st of each year shall be eligible for one floating holiday (8 hours). Floating holidays must have prior department approval and shall be consistent with the efficient operation of the department. The floating holiday may be used between January 1 and December 31 of each year.
- b. All employees who are covered under this contract and are required by their supervisor to work on a City holiday shall be paid time and one-half 1½ their base hourly rate for the hours worked on the holiday, plus compensation for the holiday.

SECTION 4.7 BEREAVEMENT LEAVE

The City shall provide up to twenty-four (24) hours of paid bereavement leave for bereavement purposes. Bereavement purposes include (1) the death of a member of the employee's immediate family, and (2) the critical illness of a member of the employee's immediate family where death appears to be imminent. The amount of bereavement leave provided under this section is twenty four (24) hours per family member.

The employee may be required to submit proof of a relative's death or critical illness before final approval of leave is granted.

For purposes of this section, "immediate family" means: spouse or domestic partner, parent (including biological, foster, or adoptive parent, a stepparent, or a legal guardian), grandparent, grandchild, child (including biological, foster, or adopted child, a stepchild, a legal ward, a child of a domestic partner, or a child of a person standing in loco parentis), brother, sister, aunt, uncle, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, sister-in-law or significant other.

Twenty-four (24) hours of the paid absence shall be considered "bereavement leave", and any

remaining time shall be from other paid time off available to the employee.

When an employee has exhausted the bereavement leave provided in this section, the employee may submit a request to his/her Department Head and request additional time off work. If approved, the employee must use their other accrued paid leave. The employee may elect which accrued paid leave he/she shall use during the additional leave. However, the employee may not use more than forty (40) hours of accrued sick leave for bereavement purposes.

If the additional leave approved by the Department Head is longer than forty (40) hours, the employee is required to use accrued paid leave other than sick leave.

SECTION 4.8 MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of State and Federal law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.

SECTION 4.9 PERSONAL LEAVE

In any calendar year an employee can use up to two days (16 hours) of time for personal leave reasons without explanation. These hours shall come out of the employee's sick leave accrual bank. The employee will be charged for only the time used up to the maximum allowable of 16 hours in a calendar year. These hours are not intended as vacation days and may not be used to extend vacation or holiday time off.

SECTION 4.10 WORK SHOES

The City shall contribute Two Hundred and Fifty (~~\$200.00~~250.00) Dollars per fiscal year for the purchase of appropriate footwear to employees in the following positions:

- Senior Building Maintenance Specialist
- Building Maintenance Specialist
- Building Inspector I & II
- Public Works Inspector
- Inspector
- Maintenance Worker I & II
- Senior Maintenance Worker
- Lead Zookeeper
- WWTP Operator I, II, III
- WWTP Operator-in-Training
- Zoo Education Curator

- Zookeeper I & II

Proof of purchase is required. Once purchased, such appropriate footwear must be worn while working.

SECTION 4.11 SAFETY GLASSES

The City shall provide safety glasses and safety prescription glasses, in compliance with OSHA standards, for those employees required to wear them. Maximum reimbursement shall be \$250.00. As approved by the Department Head, the City shall replace prescription glasses as needed due to prescription changes or if the glasses are damaged while being used in the course of duties. If the glasses are damaged due to the negligence of the employee, he/she shall be required to pay the replacement cost. The employee is responsible for obtaining necessary prescriptions.

SECTION 4.12 CERTIFICATION

The City shall continue its practice of providing reasonable work time and payment for obtaining/maintaining job-related certifications. Travel expenses will be paid pursuant to Section VII of the City's Purchasing Policy. Prior Department Head approval is required.

SECTION 4.13 LONGEVITY EXCLUSIVELY AS SECTION 457 CONTRIBUTION

- a. For those active employees that have attained 10 years of continuous full time employment, the City, consistent with sections (b) through (f) below, shall deposit funds into a separate deferred compensation plan Section 457 account for each employee in the following amounts as follows:
 - i. Fiscal Year 2021-2022: \$50 for each whole year of continuous full-time employment with the City
 - ii. After July 1, 2022: \$100 per year for each whole year of continuous full-time employment with the City
- b. Only employees who have received an overall rating of "satisfactory" or better on their last evaluation on file will be eligible for the longevity 457 contribution.
- c. Whole years of full time employment shall be determined on September 1st of each year
- d. Fractions of a year will be rounded down to the nearest whole year
- e. Deposit into the deferred compensation account shall be made in one lump sum annually no later than the second pay period in September.
- f. Based on title 2 of the California Code of Regulations Section 571, the annual City deferred contribution for longevity into the separate deferred compensation plan, will not be considered special compensation, will not be reported to CalPERS as compensation and will not be considered as compensation when calculating an employee's retirement benefits.

ARTICLE V - HEALTH AND WELFARE

SECTION 5.1 HEALTH INSURANCE COVERAGE

- a. For unit members who elect to have “Family” coverage, the City shall pay an amount not to exceed ~~\$1,764.21~~ \$2,035.57 per month for employees electing Family coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependents. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for dependents based upon HMO plan costs.
- b. For unit members who elect to have “Employee +1” coverage, the City shall pay an amount not to exceed ~~\$1,303.32~~ \$1,513.88 per month for employees electing Employee +1 coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee and dependent. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee and fifty percent (50%) of increased costs for the dependent based upon HMO plan costs.
- c. For unit members who elect to have “Employee Only” coverage, the City shall pay an amount not to exceed ~~\$940.91~~ \$1,076.83 per month for employees electing Employee Only coverage. The City contribution shall go toward the cost of all medical, dental, vision and life insurance benefit premiums for the unit member employee. City shall pay for increased costs to medical, dental, vision and life insurance premiums for the employee based upon HMO plan costs.

For unit members who elect to have “Employee Only” coverage, available funds remaining from the City’s contribution toward insurance coverage shall be paid to an employee hired on or before September 1, 2000 as additional compensation. This amount shall not exceed \$240.56 per month.

- d. The City shall provide term life insurance coverage for each employee in a total amount of fifty thousand (\$50,000).
- e. The City shall provide a term life insurance policy for each eligible dependent enrolled in health coverage in a total amount of one thousand (\$1,000) dollars per dependent during the term of this agreement.
- f. The Medical Insurance Committee shall be comprised of one representative from each of the bargaining units (as designated by the bargaining unit) and one from the City. The Committee shall regularly review the health plan and study health insurance issues including, but not limited to, Health Maintenance Organizations (HMO’s), cost containment, etc., and make recommendations to the City Manager.
- g. Flexible Benefits Plan. The City shall make available to employees covered by this MOU a

Flexible Benefit Plan, in compliance with applicable Internal Revenue Code provisions. The plan will enable an employee to on a voluntary basis, cover additional out of pocket premium expenses for insurance through pretax payroll dollars.

- h. State Disability Insurance – The City shall provide State Disability Insurance as a payroll deduction for each employee covered under this agreement. State Disability Insurance shall be integrated with sick leave with the objective of providing full compensation.

SECTION 5.2 UNIFORMS

The City shall provide uniforms to Unit employees and replace them on an as needed basis, for those employees required to wear uniforms. Jackets will be included as part of the uniform provided.

SECTION 5.3 PROBATION

The probationary period for newly hired employees shall be twelve months. The probationary period for employees promoted to a higher classification shall be six months in the new classification. The City shall have the option of granting a newly hired employee regular status at any time after nine (9) months of service.

ARTICLE VI - CLOSING PROVISIONS

SECTION 6.1 TERM

The term of this MOU shall commence on July 1, ~~2018-2021~~ and expires June 30, 2024~~1~~.

SECTION 6.2 JOINT COMMITMENT TO FAIR AND REASONABLE CHANGES TO THE CALPERS SYSTEM

The interests of the City and the SEIU are generally aligned: both seek fair and reasonable changes to the CalPERS system to ensure long-term sustainability of the system. Needed State-level changes acceptable to both executive management and City labor groups are most likely to be initiated by CalPERS member agencies and labor, working collaboratively.

City and SEIU hereby jointly commit to:

- Request state-level membership organizations (e.g., the League of California Cities, state-wide labor affiliates) to alert and engage members, to make this issue a priority, and encourage committing to a set of collaborative solutions;
- Encourage, educate, and engage peers (e.g., other cities, other labor groups) to make this issue a priority and to lend their voice to our request to state-level membership organizations;
- Jointly analyze options with an open mind as to potential solutions; and
- Other potential collaborative efforts as they arise.

SECTION 6.3 SIGNATURES

This MOU has been ratified and adopted pursuant to the recommendation of the following representatives:

_____ SEIU	_____ Date	_____ SEIU	_____ Date
_____ SEIU	_____ Date	_____ SEIU	_____ Date
_____ SEIU	_____ Date	_____ SEIU	_____ Date
 CITY OF ATASCADERO			
_____ Mayor	_____ Date	_____ City Manager	_____ Date



Atascadero City Council

Staff Report - Public Works Department

Property Acquisitions from M P Annex, LLC – Del Rio Road @ US 101 Interchange Improvements Project

RECOMMENDATION:

Council adopt Draft Resolution approving compensation payment and a right-of-way agreement with escrow instructions for property acquisitions with M P Annex, LLC (APNs 049-131-050 and 049-131-083) for Del Rio Road and El Camino Real improvements in the vicinity of US 101 interchange project.

DISCUSSION:

Background/Analysis

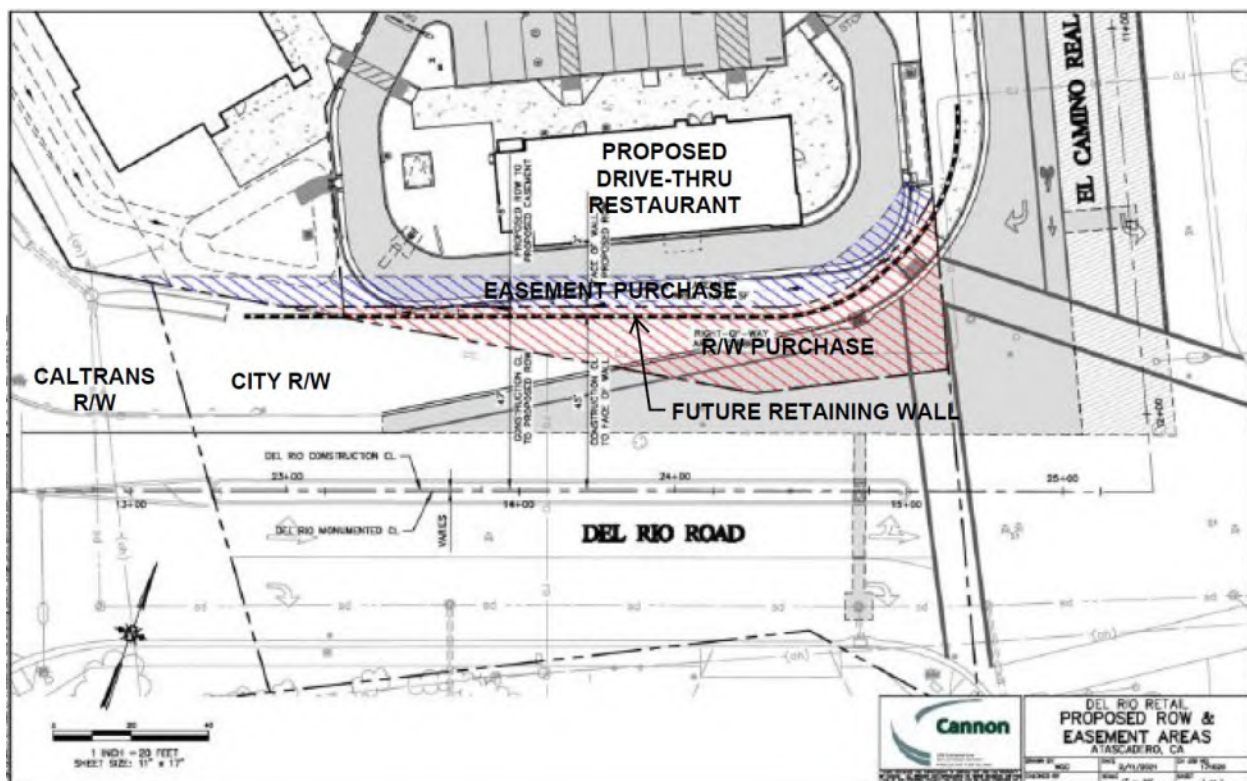
Planning of improvements to the El Camino Real and Del Rio Road corridors in the vicinity of US 101 have been ongoing since the former Walmart project began around 2008. These improvements have evolved from the planned roundabouts and, based upon a 2020 traffic sensitivity analysis and land use study, now include a westbound right-turn lane to the northbound US 101 on-ramp, lane reconfigurations, signal modifications, and re-alignment of Ramona Road.

The City Council adopted a concept plan and plan lines for the east side of US 101 on September 22, 2020, and the west side of US 101 on April 13, 2021. These concept plans show the needed frontage improvements and lane configurations to support the anticipated traffic demand of the 2020 traffic sensitivity analysis and land use study. In addition, right-of-way plan lines were developed that identify needed right-of-way acquisitions for the concept plans. The plan lines act as setback requirements to ensure new development does not build within the needed right-of-way. It also allows the City to pursue opportunities for right-of-way land acquisitions.

The City has been reviewing and coordinating with the development team for a new development on the northwest corner of El Camino Real and Del Rio Road (1990/1920/1950 El Camino Real) generally referred to as Del Rio Commercial. This proposed development includes a drive-thru restaurant and a separate commercial retail building. As part of these coordination efforts, the developer (M P Annex, LLC) agreed to participate in selling the needed land acquisitions for the planned improvements to Del Rio Road between the US 101 northbound on-ramp and El Camino Real. This is a critical land acquisition for the City's project and will allow for necessary right-of-way and

permanent easements for the future dedicated westbound right-turn lane to the northbound US 101 on-ramp.

In order to accommodate the planned improvements on Del Rio Road, two types of land acquisition are needed. The first is for public right-of-way where the road improvements will be located totaling 2,864 square feet. The second type is for a permanent maintenance access easement totaling 1,572 square feet. A retaining wall is planned to be constructed two-feet inside the proposed right-of-way and decreases the impact to the Del Rio Commercial property, allowing more of the property to be utilized compared to constructing an embankment. The access easement is eight-feet wide and located outside the new right-of-way to allow a full ten feet of space from the wall face for wall maintenance. The following exhibit depicts this arrangement, and legal descriptions and exhibits are attached to this report.



With the consent of the developer, the City hired Hamner, Jewell & Associates (HJA) to prepare an appraisal report for the right-of-way (partial fee) and maintenance easement acquisitions. HJA completed an appraisal report for the acquisitions in February 2021 with a combined compensation valuation of \$70,200 for the two acquisitions, which the developer agreed was an acceptable offer. HJA prepared a right-of-way agreement, easement deeds, and other necessary documents for the City's acquisition and purchase of these land areas. City staff prepared a draft resolution for action on this item. The Draft Resolution, appraisal report, right-of-way agreement, and easement deeds are included as attachments to this staff report.

Conclusion

Staff recommends Council adopt the Draft Resolution that will approve the right-of-way agreement and compensation payment with M P Annex, LLC to acquire additional right-of-way and a wall maintenance easement. These two acquisitions are needed to construct roadway improvements to Del Rio Road to mitigate anticipated future traffic impacts in this area.

FISCAL IMPACT:

Adopting the Draft Resolution will result in payment of \$70,200 to M P Annex, LLC for the acquisition of the additional right-of-way and wall maintenance easement. This expenditure, along with closing costs, is included in the adopted Budget as part of the Del Rio Road at US 101 Interchange Improvements project and is funded by the Circulation System Fees Fund.

ALTERNATIVES:

The Council could delay the acquisition of the additional right-of-way and easement until a later time, however, this alternative is not recommended. These acquisitions are needed for the planned roadway improvements to Del Rio Road and El Camino Real in the vicinity of the US 101 interchange and delaying this action will result in higher compensation valuation, especially after the Del Rio Commercial development is complete.

ATTACHMENTS:

1. Draft Resolution
2. Right-of-Way Agreement
3. Grant Deed and Maintenance Easement
4. Appraisal Report

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING COMPENSATION PAYMENT AND A RIGHT-OF-WAY AGREEMENT WITH ESCROW INSTRUCTIONS FOR PROPERTY ACQUISITIONS WITH M P ANNEX, LLC (APN 049-131-050 AND 049-131-083) FOR DEL RIO ROAD AND EL CAMINO REAL IMPROVEMENTS IN THE VICINITY OF US 101 INTERCHANGE PROJECT

WHEREAS, the City Council of the City of Atascadero (“City”) adopted conceptual plans and plan line setbacks for Del Rio Road and El Camino Real in the vicinity of the US 101 Interchange for the east side of US 101 on September 22, 2020 (Resolution No. 2020-071) and for the west side of US 101 on April 13, 2021 (Resolution No. 2021-009) that establish geometric layouts and identifies future right-of-way and other land acquisitions associated with the concept plans; and

WHEREAS, the adopted concept plans and plan line setbacks identify land acquisitions for additional right-of-way and maintenance access easement to accommodate future roadway improvements from two parcels (APNs 049-131-050, -083) at the northwest corner of El Camino Real and Del Rio Road; and

WHEREAS, M P Annex, LLC is the owner of the above said parcels and agreed to negotiate with the City to acquire a portion of the two parcels for the additional right-of-way and maintenance access easement; and

WHEREAS, with the consent of M P Annex, LLC, the City hired Hamner, Jewell & Associates to prepare an appraisal report to base compensation for the City to acquire 2,864 square feet of additional right-of-way for public road purposes on Del Rio Road and a 1,572 square foot maintenance access easement for maintaining a future retaining wall; and

WHEREAS, the appraisal report dated February 24, 2021 prepared by Hamner, Jewell & Associates values total compensation for the partial fee acquisition and maintenance access easement at \$70,200, which M P Annex, LLC agrees is fair compensation; and

WHEREAS, a Right-of-Way Agreement (with Escrow Instructions) and Grant Deed has been prepared for the City to acquire said property and easement from M P Annex, LLC.

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

SECTION 1. Recitals. The foregoing Recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. Approval. The City Council hereby approves the Right-of-Way Agreement (with Escrow Instructions) for partial fee acquisition and maintenance access easement acquisition with M P Annex, LLC (APNs 049-131-050, -083) for \$70,200.

SECTION 3. CEQA. This action is exempt from the Guidelines of the California Environmental Quality Act (CEQA) based on Section 15061.(3), (b) which exempts activities that are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Approving Right-of-way Agreements for property acquisitions will not have any significant adverse environmental impacts associated with this Resolution.

SECTION 4. The City Manager is hereby authorized and directed to take all appropriate actions and execute Right-of-Way Agreement and other documents which the City Manager may deem necessary or advisable in order to effectuate the purposes of this Resolution.

PASSED AND ADOPTED at a regular meeting of the City Council held on the 13th day of July, 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 Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

ASSESSOR PARCEL NO.: 049-131-050, 049-131-083
PROJECT: Atascadero/Del Rio 2021
OWNER: M P Annex, LLC

**RIGHT OF WAY AGREEMENT
(WITH ESCROW INSTRUCTIONS)**

THIS AGREEMENT is made and entered into by and between

M P Annex, LLC, a California limited liability company (hereinafter called "Grantor"),
and

City of Atascadero, a California municipal corporation (hereinafter called "City").

An Instrument in the form of a Grant Deed and Maintenance Access Easement ("Grant Deed and Maintenance Easement"), hereinafter referred to as the "Conveyance Document," covering the property areas particularly described therein, has been executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for the Conveyance Document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or initial installation or construction of the proposed public improvements.

2. The City shall:

A. PAYMENT - Pay to the order of the Grantor the sum of \$70,200 as consideration in full for the Grant Deed and Maintenance Easement; for the loss, replacement and moving of any improvements; and for entering into this Agreement. Said sum shall be paid when title to the rights described in the Conveyance Document has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way or other permitted exceptions as approved by the City in writing.

B. RECORDATION OF INSTRUMENT - Accept the Conveyance Document and cause the same to be recorded in the office of the San Luis Obispo County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS - Pay any escrow, title insurance, and recording fees incurred in this transaction.

D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES – Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary

to satisfy any bond demands and delinquent taxes due in any year except the year in which the Conveyance Document records, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Conveyance Document.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST - Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the areas to be encumbered by the Conveyance Document.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the areas to be encumbered by the Conveyance Document, or if there are such leases, said leases shall be subordinate to the rights Grantor grants to City through the Conveyance Document, and Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease held by tenant of Grantor.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of construction inspections and associated needs, subject to all applicable terms and conditions contained in this Agreement and the Conveyance Document, subject to the City's agreement to insure its activities upon entry and agreement to defend, indemnify and hold harmless Grantor from claims or damages, including attorneys' fees and costs from such entry and use.

D. TITLE INDEMNITY AND WARRANTY - Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the rights conveyed to City by the Conveyance Document. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that Grantor is the sole vested owner of Grantor's Property, holding all ownership and possessory rights, and that the below signatories to this Agreement on Grantor's behalf are authorized to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor's knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of Grantor's Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the property. Grantor further represents and warrants that Grantor has no knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership. However, the property conveyed is adjacent to a public right of way use as a road and substances from vehicle leaks or use could be present.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within Grantor's subject property.

Grantor has not used the subject property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property except associated with road use. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of Grantor's subject property within the areas to be encumbered by the Conveyance Document or on Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price stated in Paragraph 2.A. of this Agreement reflects the fair market value of the rights being conveyed to City without the presence of contamination. If the conveyance areas are found to be contaminated by the presence of hazardous substances other than as set forth above which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

F. AS IS CONVEYANCE - Except as set forth in Section 1 A, B, D, and E, the property is conveyed to the City as is and where is.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the Conveyance Document executed by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall not be pro-rated between City and Grantor, but Grantor shall have the sole right after close of escrow, to apply to the County Tax Collector of said County for any refund of such taxes which may be due Grantor for the period after City's acquisition.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

- a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.

Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;

Disburse funds and deliver the Conveyance Document when conditions of this escrow have been fulfilled by City and Grantor.

- b) Following recording of Conveyance Document from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of \$70,200 issued by a Title Company of City's choice showing that title to the Property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:

- 1) Real Property Taxes for the fiscal year in which escrow closes;
- 2) Public utility easements and public rights of way;
- 3) Item Nos. 2, 3, 4, 5, 6, 7, 9, and 10 of the preliminary title report issued by First American Title Company, dated March 11, 2021, referenced as Order No. 4001-5360461; and Item Nos. 2-18 and 20-21 of the preliminary title report issued by First American Title Company, dated March 11, 2021, referenced as Order No. 4001-5360458; and
- 4) Other items that may be approved in writing by City in advance of the close of escrow.

- ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.

B. JUDGMENT IN LIEU OF DEED – If Grantor does execute the Grant Deed and Easement Agreement conveying title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the rights described in the Conveyance Document, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.

C. ARTICLE HEADINGS - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.

D. COMPLETE UNDERSTANDING - This Agreement and the Grant Deed and Maintenance Easement constitute the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

E. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Atascadero City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.

F. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.

G. ELECTRONIC AND FACSIMILE SIGNATURES – In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as if they bore original signatures provided that documents for recordation by the Clerk Recorder must contain original signatures.

No Obligation Other Than Those Set Forth Herein Will Be Recognized.

GRANTOR:

M P Annex, LLC, a California limited liability company

By: _____
Clint Pearce
Manager

Date: _____

GRANTOR'S MAILING ADDRESS:

M P Annex, LLC
284 Higuera Street
San Luis Obispo, CA

CITY OF ATASCADERO

By: _____
Rachelle Rickard
City Manager

Date: _____

MAILING ADDRESS OF CITY:

City of Atascadero
Attn: Director of Public Works
6500 Palma Avenue
Atascadero, CA 93422

ITEM NUMBER: A-4
DATE: 07/13/21
ATTACHMENT: 3

Recording requested by:
Hamner, Jewell & Associates
Government Real Estate Services

When recorded, mail to:
City of Atascadero
Attn: City Clerk
6500 Palma Avenue
Atascadero, CA 93422

Exempt from the \$75 Building and Jobs Act Fee per Gov't Code §27388.1(2)(D) Public Agency
No fee pursuant to Government Code § 6103
No Documentary Transfer Tax per R&T Code § 11922
No Recording Fee per Government Code § 27383

GRANT DEED
(To the City of Atascadero)

APN: 049-131-050 and -083

For a valuable consideration, receipt of which is hereby acknowledged,

M P Annex, LLC, a California limited liability company
(hereinafter referred to as "Grantor"),

hereby grants to

City of Atascadero, a California municipal corporation, its successors and assigns
(hereinafter referred to as "City" or "Grantee"),

the following described interests in real property located in the City of Atascadero, County of San Luis Obispo, State of California:

In Fee (for Public Road Purposes):

All that certain property described in Exhibit "A" and depicted in Exhibit "B", attached hereto and incorporated herein; and

Maintenance Access Easement:

A permanent non-exclusive easement for access to the retaining wall and associated improvements constructed in the above granted road area for maintenance purposes, including the rights to access, repair and maintain, construct and reconstruct such retaining wall and all facilities and improvements associated therewith. Grantee agrees to provide Grantor, or its successors and assigns, with 24 hours advance notice of entry, except in emergency situations that require immediate access. When utilizing this easement, Grantee agrees to protect the property and all improvements on Grantor's land, to make its best efforts to schedule work with a minimum of conflict with the commercial business uses of the property encumbered by this easement, and to restore any property or improvements damaged by Grantee's access and use.

This maintenance access easement area granted herein shall be in, under, upon, over, through, along and across that certain real property described in Exhibit "C", as is depicted in Exhibit "D," attached hereto and incorporated herein; and

ITEM NUMBER: A-4
DATE: 07/13/21
ATTACHMENT: 3

Grantor acknowledges that the fee and permanent easement rights granted herein may be transferred by City to the State of California (Department of Transportation) or another public entity that would assume the rights and obligations granted herein.

Executed this ____ day of _____, 2021.

GRANTOR:

M P Annex, LLC, a California limited liability company

By: _____

Name: Clint Pearce

Title: Manager

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 that document.

State of California

County of _____

On _____ before me, _____, Notary Public, 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 signatures(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.

Signature _____ (Seal)

CERTIFICATE OF ACCEPTANCE
(Gov. Code section 27281)

This is to certify that the City of Atascadero, a California municipal corporation, its successors and assigns, Grantee herein, hereby accepts for public purposes the real property, or interests therein, described in that deed dated _____, from M P Annex, LLC, a California limited liability company, Grantor therein, and consents to the recordation thereof.

In Witness Whereof, I have hereunto set my hand this ____ day of _____, 2021.

CITY OF ATASCADERO

By _____
Nicholas D. DeBar
Director of Public Works

ATTEST:

By _____
Lara Christensen, City Clerk

EXHIBIT A

LEGAL DESCRIPTION
DEL RIO ROAD RIGHT OF WAY

ALL OF THAT REAL PROPERTY IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1 IN BLOCK 48 OF ATASCADERO COLONY AS SHOWN ON THE MAP RECORDED JULY 21, 1916 IN BOOK 3 OF MAPS AT PAGE 65A IN THE OFFICE OF THE SAN LUIS OBISPO COUNTY RECORDER, SAID PORTION DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL 2 OF THIRD AMENDED CERTIFICATE OF COMPLIANCE RECORDED ON JANUARY 11, 2019 AT DOCUMENT 2019-001287 IN THE OFFICE OF SAID COUNTY RECORDER, AND A PORTION OF THAT PROPERTY DESCRIBED IN THE DEED FROM RAUDENBUSH TO BARNUM RECORDED MAY 22, 1959 IN BOOK 1001 OF OFFICIAL RECORDS AT PAGE 464, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY LINE OF THE ABOVE DESCRIBED LOT 1 AND PARCEL 2, SAID POINT BEING THE SOUTHERLY CORNER OF PARCEL 1 OF THIRD AMENDED CERTIFICATE OF COMPLIANCE RECORDED ON JANUARY 11, 2019 AT DOCUMENT 2019-001286 IN THE OFFICE OF THE COUNTY RECORDER;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 SOUTH 59° 18' 10" WEST 139.76 FEET (N 59° 19' 19" EAST 139.64 FEET) TO A POINT IN THE WESTERLY LINE OF SAID PARCEL 2

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES:

1. SOUTH 36° 42' 08" EAST 45.25 FEET (NORTH 36° 36' 51" WEST 45.42 FEET)
2. SOUTH 49° 58' 11" EAST 161.53 FEET (NORTH 49° 59' 32" WEST 161.50 FEET) TO A POINT IN THE SOUTHERLY LINE OF SAID PARCEL 2 AND THE NORTHERLY LINE OF DEL RIO ROAD;

THENCE ALONG SAID COMMON LINE NORTH 80° 22' 05" EAST (SOUTH 80° 25' 22" WEST) 55.62 FEET TO **THE POINT OF BEGINNING**;

THENCE ALONG SAID COMMON LINE LINE NORTH 80° 22' 05" EAST (SOUTH 80° 25' 22" WEST) 123.68 FEET;

THENCE NORTH 62° 58' 35" EAST 50.10 FEET TO A POINT IN THE WESTERLY LINE OF EL CAMINO REAL (50 FEET WIDE);

THENCE ALONG THE WESTERLY LINE OF EL CAMINO REAL NORTH 25° 05' 19" WEST 45.24 FEET;

THENCE LEAVING SAID WESTERLY LINE OF EL CAMINO, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS WHICH BEARS NORTH 85° 42' 19" WEST 46.00 FEET THROUGH A CENTRAL ANGLE OF 24° 06' 10" AN ARC DISTANCE OF 19.35 FEET;

THENCE SOUTH 28° 23' 51" WEST 6.06 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 38.00 FEET THROUGH A CENTRAL ANGLE OF 41° 56' 12" AN ARC DISTANCE OF 27.81 FEET;

THENCE SOUTH 70° 20' 03" WEST 24.99 FEET;

THENCE SOUTH 70° 00' 10" WEST 101.01 FEET TO THE **POINT OF BEGINNING** AND TERMINUS OF THIS DESCRIPTION CONTAINING 2,684 SF MORE OR LESS.

THE **BASIS OF BEARINGS** FOR THIS DESCRIPTION IS THE CENTERLINE OF EL CAMINO REAL ALONG THE ORIGINAL CENTERLINE OF EL CAMINO REAL IMMEDIATELY NORTH OF THE INTERSECTION WITH DEL RIO AS SHOWN ON THE MAP OF TRACT 2489 RECORDED JULY 7, 2003 IN BOOK 22 OF MAPS AT PAGE 64 IN THE OFFICE OF THE COUNTY RECORDER OF SAN LUIS OBISPO COUNTY, BEARING NORTH 25° 05' 19" WEST.

DIMENSIONS WITHIN THIS DESCRIPTION SHOWN IN (PARENTHESIS) ARE RECORD DATA AS SHOWN ON THE AMENDING RECORD OF SURVEY RECORDED MAY 8, 2018 IN BOOK 116 OF RECORDS OF SURVEYS AT PAGE 62.

SEE ATTACHED EXHIBIT B

Susan Roberts 6/1/21
SUSAN ROBERTS, LS 7690 DATE



EL CAMINO REAL

BASIS OF BEARING
 N25°05'19"W



**DEL RIO ROAD
 RIGHT OF WAY
 (In fee)**

AREA: 2684 SF

1001 O.R. 464 S70°20'03"W 24.99'

PCL 1
 19- 001286

POC



6.1.21

S59°18'10"W 139.76'

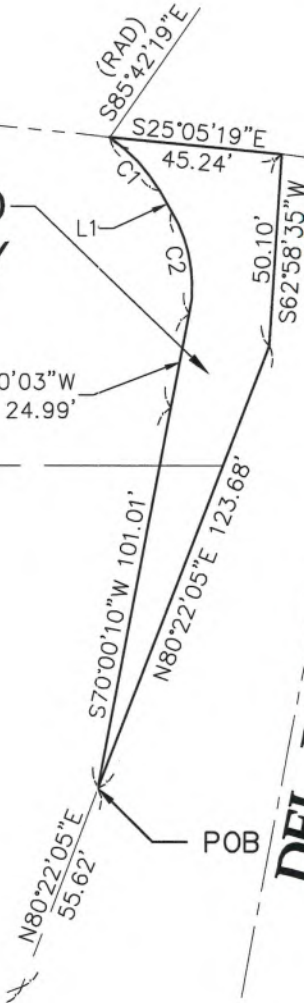
PCL 2
 2019- 001287

LOT 2
 BLOCK 48
 3AC65A

LOT 1
 BLOCK 48
 3AC65A

S36°42'08"E
 45.25'

S49°58'11"E 161.53'



DEL RIO ROAD

Parcel Line and Curve Table

Line #/Curve #	Length	Bearing/Delta	Radius
C1	19.35'	24°06'10"	46.00'
C2	27.81'	41°56'12"	38.00'
L1	6.06'	S28°23'51"W	

EXHIBIT B

0 80 160



1 INCH = 80 FEET

**DEL RIO RIGHT OF WAY
 DEL RIO PROPERTY**

CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, CALIFORNIA

DRAWN BY JRP CHECKED BY SJR SCALE 1" = 50' DATE 6/1/2021

EXHIBIT C

LEGAL DESCRIPTION
DEL RIO WALL MAINTENANCE EASEMENT

ALL OF THAT REAL PROPERTY IN THE CITY OF ATASCADERO, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

A PORTION OF LOT 1 IN BLOCK 48 OF ATASCADERO COLONY AS SHOWN ON THE MAP RECORDED JULY 21, 1916 IN BOOK 3 OF MAPS AT PAGE 65A IN THE OFFICE OF THE SAN LUIS OBISPO COUNTY RECORDER, SAID PORTIONS DESCRIBED AS FOLLOWS:

A PORTION OF PARCEL 2 OF THIRD AMENDED CERTIFICATE OF COMPLIANCE RECORDED ON JANUARY 11, 2019 AT DOCUMENT 2019-001287 IN THE OFFICE OF SAID COUNTY RECORDER, AND A PORTION OF THAT PROPERTY DESCRIBED IN THE DEED FROM RAUDENBUSH TO BARNUM RECORDED MAY 22, 1959 IN BOOK 1001 OF OFFICIAL RECORDS AT PAGE 464, SAID PORTIONS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT IN THE NORTHERLY LINE OF THE ABOVE DESCRIBED LOT 1 AND PARCEL 2, SAID POINT BEING THE SOUTHERLY CORNER OF PARCEL 1 OF THIRD AMENDED CERTIFICATE OF COMPLIANCE RECORDED ON JANUARY 11, 2019 AT DOCUMENT 2019-001286 IN THE OFFICE OF THE COUNTY RECORDER;

THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 1 SOUTH 59° 18' 10" WEST 139.76 FEET (N 59° 19' 19" EAST 139.64 FEET) TO A POINT IN THE WESTERLY LINE OF SAID PARCEL 2;

THENCE ALONG SAID WESTERLY LINE THE FOLLOWING COURSES:

1. SOUTH 36° 42' 08" EAST 45.25 FEET (NORTH 36° 36' 51" WEST 45.42 FEET)
2. SOUTH 49° 58' 11" EAST 161.53 FEET (NORTH 49° 59' 32" WEST 161.50 FEET) TO A POINT IN THE SOUTHERLY LINE OF SAID PARCEL 2 AND THE NORTHERLY LINE OF DEL RIO ROAD;

THENCE ALONG SAID COMMON LINE NORTH 80° 22' 05" EAST (SOUTH 80° 25' 22" WEST) 11.16 FEET TO **THE POINT OF BEGINNING**;

THENCE ALONG SAID COMMON LINE LINE NORTH 80° 22' 05" EAST (SOUTH 80° 25' 22" WEST) 44.46 FEET TO A POINT IN THE NORTHERLY LINE OF DEL RIO ROAD AS DESCRIBED IN IN EXHIBIT A AND DEPICTED ON EXHIBIT B HEREIN;

THENCE ALONG SAID NORTHERLY LINE NORTH 70° 00' 10" WEST 101.01 FEET;

THENCE NORTH 70° 20' 03" EAST 24.99 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 38.00 FEET THROUGH A CENTRAL ANGLE OF 41° 56' 12" AN ARC DISTANCE OF 27.81 FEET;

THENCE NORTH 28° 23' 51" EAST 6.06 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 46.00 FEET THROUGH A CENTRAL ANGLE OF 24° 06' 10" AN ARC DISTANCE OF 19.35 FEET TO A POINT IN THE WESTERLY LINE OF EL CAMINO REAL (50 FEET WIDE) ;

THENCE RADIAL TO THE LAST CURVE NORTH 85° 42' 19" WEST 8.00 FEET;

THENCE CONCENTRIC TO THE LAST DESCRIBED CURVE, ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 38.00 FEET THROUGH A CENTRAL ANGLE OF 24° 06' 10" AN ARC DISTANCE OF 15.99 FEET;

THENCE SOUTH 28° 23' 51" WEST 6.06 FEET;

THENCE ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET THROUGH A CENTRAL ANGLE OF 41° 56' 12" AN ARC DISTANCE OF 21.96 FEET;

THENCE SOUTH 70° 20' 03" WEST 25.02 FEET;

THENCE SOUTH 70° 00' 10" WEST 144.77 FEET TO THE **POINT OF BEGINNING** AND TERMINUS OF THIS DESCRIPTION CONTAINING 1572 SF MORE OR LESS.

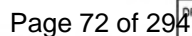
THE **BASIS OF BEARINGS** FOR THIS DESCRIPTION IS THE CENTERLINE OF EL CAMINO REAL ALONG THE ORIGINAL CENTERLINE OF EL CAMINO REAL IMMEDIATELY NORTH OF THE INTERSECTION WITH DEL RIO AS SHOWN ON THE MAP OF TRACT 2489 RECORDED JULY 7, 2003 IN BOOK 22 OF MAPS AT PAGE 64 IN THE OFFICE OF THE COUNTY RECORDER OF SAN LUIS OBISPO COUNTY, BEARING NORTH 25° 05' 19" WEST.

DIMENSIONS WITHIN THIS DESCRIPTION SHOWN IN (PARENTHESIS) ARE RECORD DATA AS SHOWN ON THE AMENDING RECORD OF SURVEY RECORDED MAY 8, 2018 IN BOOK 116 OF RECORDS OF SURVEYS AT PAGE 62.

SEE ATTACHED EXHIBIT D

Susan Roberts 6.1.21
SUSAN ROBERTS, LS 7690 DATE







**APPRAISAL REPORT FOR PROPERTY
AFFECTED BY PROPOSED FREEWAY RAMP
IMPROVEMENT PROJECT
1950 EL CAMINO REAL, ATASCADERO**

**PREPARED FOR
CITY OF ATASCADERO
Department of Public Works**



**SUBMITTED BY
HAMNER, JEWELL & ASSOCIATES**
Jeremy Bagott, MAI, AI-GRS
Appraisal Manager

PHONE (805) 658-8844
ibagott@hamner-jewell.com
WWW.HAMNER-JEWELL.COM



February 24, 2021

Nick DeBar, PE
Director of Public Works/City Engineer
City of Atascadero
6500 Palma Avenue
Atascadero, CA 93422

Re: City of Atascadero – Del Rio Appraisal of Partial Fee Acquisition and Maintenance
Easement
1950 El Camino Real
Atascadero, CA 93422
APNs:

049-131-083 (Affected)
049-131-050 (Affected)
049-131-035

Dear Mr. DeBar,

I have completed the appraisal of the above-referenced property relating to a proposed freeway ramp improvement project.

The accompanying Appraisal Report presents the data, analyses and rationale used in the appraisal process to arrive at the appraiser's opinion of value. The level of discussion contained in this report is relevant to the needs of the client and of the assignment's intended use. The report presents the descriptive and factual data, the assumptions and conditions affecting the appraisal, and the findings and analyses that lead to and support my opinion of value. I am not responsible for unauthorized use of this report. Every effort has been made to conform to the Standards of Professional Practice of the Appraisal Institute, which fully incorporate the Uniform Standards of Professional Appraisal Practice. I have also intended to comply with applicable laws. The undersigned conducted the appraisal and prepared the report.

Nick DeBar, PE
1950 El Camino Real, Atascadero
APN: 049-131-083, -050, -035
City of Atascadero
Permanent Acquisitions

The client and any additional intended users should be aware that the California Bureau of Real Estate Appraisers has not submitted the "2020-2021 Uniform Standards of Professional Appraisal Practice" to a required notice-and-comment rulemaking pursuant to the procedures and standards set forth in California's Administrative Procedure Act (Government Code § 11340 et seq.). In addition, 1 CCR § 20 requires documents incorporated by reference into a state regulation "be incorporated by title and date of publication or issuance." This has not been done. Absent a required rulemaking, the "2020-2021 Uniform Standards of Professional Appraisal Practice" are not recognized by the State of California and are likely not enforceable in the state.

This letter of transmittal is considered part of the attached report and must not be separated from the report. The date of this letter is considered the report date.

I thank you for this opportunity to provide you with professional appraisal services.



Jeremy Bagott, MAI, AI-GRS
Appraisal Manager

Certified General Real Estate Appraiser
California Certificate No. AG031250
Hamner, Jewell & Associates
260 Maple Court, Suite 277
Ventura, CA 93003
Phone: (805) 658-8844

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KEY FACTS AND FINDINGS

Project	Del Rio Appraisal of Partial Fee Acquisition and Maintenance Easement
Assessor's Parcels (Larger Parcel)	049-131-083 (Affected) 049-131-050 (Affected) 049-131-035
Owner	MP Annex, LLC (per GIS tool LandVision)
Property Location	1950 El Camino Real Atascadero, CA 93422
Applicable Zoning	CT, Commercial Tourist
Use as of Effective Date of Value	Vacant land
Appraised Use	Vacant land
Interest Appraised	Fee simple
Highest and Best Use of the Subject (As Vacant)	Develop to a commercial use
Effective Date of Value	February 11, 2021
Date of Inspection	February 11, 2021
Total Property Area	2.16± acres (94,049± SF)
Property to be Appraised	Partial fee / Maintenance Easement
Improvements to be Acquired	None

Basis of the Appraisal

The three accepted approaches to value are the sales comparison approach, the income approach and the cost approach.

The sales comparison approach is a method that compares the property being appraised with similar properties that have sold within a relevant time frame. It involves making qualitative or quantitative comparisons to the subject and then applying units of comparison to indicate a value for the larger parcel. The approach is the most common and preferred method when an adequate supply of comparable sales is available. The sales comparables indicated a bracketed value range from \$18.92 to \$22.57 per square foot. Competitive properties were compared based on a unit of comparison that is consistent with market practices.

The income approach converts a property's anticipated benefits into a value. Typically, the annual net income is capitalized at a market-derived capitalization rate to provide an indication of value. The income approach is most often used for income-producing properties or real estate acquired as an investment. The income approach is not considered applicable to this appraisal assignment, as vacant land doesn't typically lend itself to capitalization methods.

The cost approach is used to derive a value by estimating the current cost to construct a replacement/reproduction of the existing structure(s), deducting depreciation and adding land value. It is most often used when valuing properties with new or relatively new improvements and special-use properties. The cost approach is not relevant for vacant land. However, elements of the cost approach may be used in determining the value of the site improvements in the proposed acquisition area.

Valuation Overview

Acquisition:

Partial Fee Acquisition			
2,686 SF X \$22/SF	=	\$	59,092
Maintenance Easement Acquisition			
1,573 SF X \$22/SF X 30%	=	\$	<u>10,382</u>
Total			69,474

Market Value of Proposed Acquisition

Land	\$	69,474
Improvements	\$	0
Net Severance Damages (Including Cost to Cure)	\$	<u>700</u>
Total	\$	70,174
Rounded	\$	70,200

INTRODUCTION

CLIENT, INTENDED USE, INTENDED USER

The client is the City of Atascadero. An additional intended user is Hamner, Jewell & Associates. The intended use of the opinion of value will be to help establish a basis for an offer to purchase a partial fee acquisition and maintenance easement pertaining to the project. The purpose of the appraisal is to develop an opinion of value of certain permanent rights for the property.

PROPERTY IDENTIFICATIONS

The larger parcel and rights appraised are described in several sections of this report.

SCOPE OF WORK

This appraisal report relates to the property affected by the aforementioned proposed project. Unless otherwise stated, the date to which the opinions of value apply is the date of inspection for the larger parcel identified herein. The opinions of value are stated in terms of cash, or terms equivalent to cash. The scope of work involved is summarized as follows:

- Inspection of the subject property and neighborhood.
- Assembling, screening and analysis of data relating to the subject property and the market area.
- Research of the subject's region, community and neighborhood to determine market influences.
- Research public records to confirm information about the subject and comparable sales to help ensure they are factually correct and to identify any terms or atypical influences that affect price or value.
- Determination of relevant valuation methods.
- Research of sales, listings, and offers to purchase involving properties considered competitive with the subject property within the subject's market area or competing market areas.
- Interview with market participants, to the extent possible.
- Analysis of each comparable in comparison with the subject to infer appropriate value.
- The valuation of the property involved an investigation and analysis of the improvement areas, as well as the entire regional area, for social, economic, governmental, and environmental forces and trends that affect or could influence property values. Listed below are some of the contacts, documents and information sources used in preparation of the report.
 - 1) Examination of public records from pertinent government agencies, such as the county assessor's office, planning department and tax collector's office.
 - 2) Review of pertinent flood and seismic information.

3) Study of proposed project acquisitions in such form as plats, legal descriptions, plans and sketches.

4) Research of zoning and general plan land-use designations obtained from the planning departments and websites for applicable cities, counties or both.

5) Research of events such as sales, listings, offers and option signings during a period five years preceding the effective date of value for each subject property.

Market participants were interviewed to glean information about sales of competing properties and supply-and-demand issues in the local market.

Sales of comparable properties were verified with participants directly involved in, or knowledgeable about, the transaction unless otherwise noted. Sales, listings, expired listings and pending sales were sought and, if found to be relevant, considered in this analysis, with primary reliance placed on closed sales.

RIGHT-OF-WAY APPRAISALS

Appraisals for public acquisitions involve acquiring fee title or easement rights from an owner.

PARTIAL ACQUISITION INTEREST ANALYSIS

This analysis is relevant to this appraisal assignment. The analysis starts with an estimate of fair market value for the "undivided fee" interest of the larger parcel using the most applicable method for valuing similar properties.

Once the larger parcel value is estimated, the following partial acquisition appraisal methodology is utilized:

- Value the part acquired.
- Value of the remainder parcel as part of the larger parcel, which is the value of the remainder before consideration of damages or benefits.
- Value the remainder parcel, after the proposed acquisition and before consideration of benefits. This identifies severance damages due to the acquisition, consisting of a potential loss of market value (by comparing to value of the remainder as part of the larger parcel) and cost to cure damages are estimated where applicable.
- Value the remainder parcel, after the acquisition, considering benefits. This identifies benefits, consisting of a potential gain in market value due to the acquisition (by comparing to value of the remainder as part of the larger parcel).
- The value of the acquisition is the value of the part acquired plus net severance damages as California law allows benefits to only offset severance damages.

FULL-INTEREST ANALYSIS

The full-interest analysis is the acquisition of all property rights using the applicable valuation methodology.

SPECIAL ASSIGNMENT CONDITIONS

None

DEFINITIONS USED IN THE REPORT

Fair Market Value

(a) The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

(b) The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

The Code goes on to say that:

The fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the following:

- A) The project for which the property is taken.
- B) The eminent domain proceeding in which the property is taken.
- C) Any preliminary actions of the plaintiff relating to the taking of the property.

Source: Section 1263.320 of the California Code of Civil Procedure

Compensation for Property Taken

Compensation shall be awarded for the property taken. The measure of this compensation is the fair market value of the property taken.

Source: Section 1263.310 of the California Code of Civil Procedure

Larger Parcel

In governmental land acquisitions and in valuation of charitable donations of partial interests in property such as easements, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use. In most states, unity of ownership, contiguity, and unity of use are the three conditions that establish the larger parcel for the

consideration of severance damages. In federal and some state cases, however, contiguity is sometimes subordinated to unitary use.

Source: The Dictionary of Real Estate Appraisal, Appraisal Institute, 6th Edition P. 127

Damage to Remainder

Damage to the remainder is the damage, if any, caused to the remainder by either or both of the following:

- (a) The severance of the remainder from the part taken.
- (b) The construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the damage is caused by a portion of the project located on the part taken.

Source: Section 1263.420 of the Code of Civil Procedure

Benefit to Remainder

Benefit to the remainder is the benefit, if any, caused by the construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the benefit is caused by a portion of the project located on the part taken.

Source: Section 1263.430 of the Code of Civil Procedure

Hypothetical Condition

A condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results but is used for the purpose of analysis.

Source: Uniform Standards of Professional Appraisal Practice 2018-2019 Edition, P. 4

PROPERTY RIGHTS DEFINED

Fee Simple Estate

Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.

Source: The Dictionary of Real Estate Appraisal, Appraisal Institute, 6th Edition, P. 90

Easement

This is an interest in real property that conveys use, but not ownership, of a portion of an owner's property. Access or right of way easements may be acquired by private parties or public utilities. Governments dedicate conservation, open space, and preservation easements.

Source: The Appraisal of Real Estate (Fourteenth Edition), Appraisal Institute, Chicago, Illinois, 2013, P. 74

Temporary Easement

An easement granted for a specific purpose and applicable for a specific time period. A construction easement, for example, is terminated after the construction of the improvement and the unencumbered fee interest in the land reverts to the owner.

Source: The Dictionary of Real Estate Appraisal, Appraisal Institute, 6th Edition P. 231

Noncompensable Damages

The following types of damages have been found by the courts not to be compensable, or in certain respects, may be compensable only under laws other than those of eminent domain. Therefore, the following noncompensable damages should generally not be included in real property acquisition valuations:

- Damages to business
- Expenses for moving personal property
- Temporary damage to the use and occupancy of property reasonably incident to construction requirements
- Damages due to annoyance and inconveniences suffered by the public in general
- Circuity of travel caused by dividing a highway
- Rerouting or diversion of traffic or changing of a two-way street to a one-way street; and
- In general, all those types of damages that can be considered to be conjectural, speculative and remote.

Source: Caltrans Appraisal Policies and General Requirements, 3B7.09.03.00

GENERAL ASSUMPTIONS AND LIMITING CONDITIONS

This report and the value opinions herein are subject to the following assumptions and limiting conditions.

1. The appraiser assumes title to the property is marketable and in good order.
2. The appraiser assumes the appraised property is competently managed.
3. The appraiser assumes that data, maps, and descriptive materials provided by the client or other consultants and their representatives are accurate and correct.
4. The appraiser does not assume any responsibility for matters of law or legal interpretation. The appraiser is not an attorney at law.

5. The appraiser assumes property boundaries, as portrayed in exhibits or other materials provided by the client, or as they appear on the ground, are correct. Unless otherwise stated, the appraiser has not commissioned any surveys of the property.
6. The appraisal is made based on the premise that there are no encumbrances prohibiting utilization of the property under the appraiser's estimate of highest and best use.
7. The appraiser shall not be required to give testimony or appear in court by reason of this appraisal with reference to the property described in this report unless prior arrangements are made.
8. The report is to be considered in its entirety and use of only a portion will invalidate the appraisal.
9. The valuation is based on information from sources believed reliable, and the appraiser assumes that such information is correct and accurately reported.
10. Possession of this report does not carry with it the right of publication. No part of it may be reproduced by any means nor disseminated to the public in any way without the prior written consent of the appraiser. Nor may it be used for any purpose or function other than those stated in the report, or by anyone other than the client without the prior written consent of the appraiser. Such consent will only be granted subject to proper qualifications and arrangements, possibly including the payment of an additional fee.
11. The report is subject to review by duly authorized representatives of the Appraisal Institute for the purpose of upholding ethics and standards. This means that the appraisers must supply a copy of the report to the Appraisal Institute, if requested.
12. It is not the intention of the appraisers or the appraisal firm to assume any liability with regard to this appraisal from any user other than the client. Any person or entity that obtains or reads this report, other than the client, expressly assumes all risk of damages to himself or third persons arising out of reliance on this report, and waives the right to bring any action based on the appraisal. Neither the appraiser, nor Hamner, Jewell & Associates, shall have any liability to any such person or entity.
13. Neither the appraiser nor the appraisal firm shall be in any way responsible for any costs incurred to discover or correct any physical, financial, and/or legal deficiencies of any type present in the subject property.
14. Any value estimates contained herein are subject to the purpose, date, and definition of value stated in the report.
15. No responsibility is assumed for building permits, zone changes, engineering, or any other services or duty connected with legally utilizing the subject property.

16. Unless otherwise stated in this report, the appraiser observed no signs of hazardous compounds at the property, but it should be noted that the appraiser is not qualified to detect such substances. Except as where it may be discussed in the report, the appraiser has no knowledge of the existence of such materials on or in the property. The existence of substances such as volatile organic compounds, asbestos, polychlorinated biphenyls or other potentially hazardous materials may significantly affect the value of a property. The appraisal assumes there is no such material on or in the property that would bring about a loss in value. The appraiser recommends the client consult a professional in such matters.

17. It is assumed that any conditions that would affect the use and value of the property are discoverable through normal investigation.

18. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey and /or analysis of this property to determine whether it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property does not comply with one or more elements of the ADA. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible noncompliance with the requirements of the ADA in estimating the value of the subject property. Unless otherwise noted in this appraisal, it is assumed that the property appraised is not substantially impacted by this law. The appraiser is not an expert in ADA matters.

EXTRAORDINARY ASSUMPTIONS

This report and its value conclusions are expressly subject to the following extraordinary assumptions. The use of an extraordinary assumption can affect the results of an appraisal.

1. Project-specific information provided by the client and its agents/contractors was relied upon. In these appraisals, we assume that this information is accurate and complete.
2. It is an extraordinary assumption that the proposed partial acquisition and maintenance easement integrate with the property owner's plans for the subject larger parcel. There is every indication from the appraiser's examination of the engineer's plat and a subsequent interview with property representative Clint Pearce that this is the case.

HYPOTHETICAL CONDITIONS

This report and the value conclusions it contains is expressly subject to the following hypothetical conditions. The use of a hypothetical condition can affect the results of an appraisal.

1. The fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the following: 1) the project for which the property is taken; 2) the eminent domain proceeding in which the property is taken; and 3) any

preliminary actions of the plaintiff relating to the taking of the property (California Code of Civil Procedure, Section 1263.330). Therefore, the fair market value of the larger parcel assumes the property is appraised as if there is no project.

2. The valuation of the subject property, in the condition after the partial acquisition and the construction and use of the proposed project, is based on a hypothetical condition the project has been completed.

COUNTY OVERVIEW

OVERVIEW OF SAN LUIS OBISPO COUNTY

San Luis Obispo County, population 283,111, is situated along the Central Coast of California. The county seat is San Luis Obispo. The county is home to California Polytechnic State University and its nearly 20,000 students. It is the third-largest producer of wine in California, exceeded only by Sonoma and Napa counties. The wineries bring considerable tourism to the county. Grapes and other agriculture products are an important part of the economy, with strawberries being the county's largest agricultural crop. The county is also home to Hearst Castle, an estate built by publishing tycoon William Randolph Hearst.

PHYSICAL/GEOGRAPHIC ATTRIBUTES

The county consists of a total area of 3,616 square miles, of which 3,299 square miles is land and 317 square miles is water.

The county's coastal cities and communities include, from north to south, San Simeon, Cambria, Cayucos, Morro Bay, and Los Osos-Baywood Park. These are northwest of the city of San Luis Obispo, the county seat. To the south of the county seat are Avila Beach, the Five Cities region – Pismo Beach, Grover Beach, Arroyo Grande, Oceano and Halcyon – and the community of Nipomo.

Inland, east of the Cuesta Grade from the county seat, are the cities/communities of Paso Robles, Templeton and Atascadero. All are along the Salinas River, near the Paso Robles wine region.

Los Padres National Forest runs through the county. Administered by the United States Forest Service, Los Padres includes most of the mountainous land along the California coast from Ventura to Monterey, extending inland. The "main division" of the forest includes lands within San Luis Obispo, Santa Barbara, Ventura and Kern Counties, with a small extension into Los Angeles County. The Carrizo Plain is a large, enclosed grassland plain, approximately 50 miles long and up to 15 miles across, in southeastern San Luis Obispo County. It is the largest single native grassland remaining in California. The Guadalupe-Nipomo Dunes National Wildlife Refuge is a 2,553-acre protected coastal area in southern San Luis Obispo and northern Santa Barbara counties. The refuge encompasses one of the largest coastal dune systems remaining in California.

The Santa Lucia Range runs from Carmel southeast for 140 miles to the Cuyama River in San Luis Obispo County. The range is never more than 11 miles from the coast. The La Panza Range is a mountain range east of the small town of Santa Margarita.

The county has several Marine Protected Areas. They include the Piedras Blancas State Marine Reserve and Marine Conservation Area; the Cambria State Marine Conservation Area; the White Rock (Cambria) State Marine Conservation Area; the Morro Bay State Marine Recreational Management Area and Morro Bay State Marine Reserve; and the Point Buchon State Marine Reserve and Marine Conservation Area.

San Luis Obispo County lies within the southern Coast Range Geomorphic Province. This province lies between the Central Valley of California and the Pacific Ocean and extends from Oregon to northern Santa

Barbara County. The Coast Range province is structurally complex. It is comprised of sub-parallel northwest-southeast trending faults, folds, and mountain ranges. As such, it is subject to ground-shaking.

The predominant northwest-southeast trending structures of the Coast Range Province are related to the San Andreas Fault Transform Boundary. This boundary separates two of the major tectonic plates that comprise the earth's crust. A right lateral strike slip fault zone lies approximately 40 miles to the northeast of San Luis Obispo. West of the San Andreas Fault Transform Boundary lies the Pacific Plate, which is moving in a northwesterly direction relative to the North American Plate east of the boundary. This relative movement between the two plates is the driving force of fault ruptures in western California. The segment of the San Andreas Fault Zone closest to San Luis Obispo was given an earthquake recurrence interval of 206 years with an 18 percent probability of rupturing between 1994 and 2024 (Southern California Earthquake Center, 1995). Other faults in the San Luis Obispo area that are considered active or potentially active include the San Juan Fault, the East and West Huasna Faults, the Nacimiento Fault Zone, the Oceanic Fault, the Cambria Fault, the Edna Fault, and the Los Osos Fault.

U.S. Route 101, or U.S. Highway 101, is a north-south United States Numbered Highway that runs through the states of California, Oregon, and Washington. It is the largest arterial running through San Luis Obispo County. State Route 1 is a major north-south state highway that runs along most of the Pacific coastline of the U.S. state of California. At a total of just over 656 miles, it is the longest state route in California.

Constructed in 1934, State Route 41 is a state highway running from the Cabrillo Highway in Morro Bay on the Central Coast to State Route 140 in Yosemite National Park, via Fresno and the San Joaquin Valley.

State Route 46 is an east-west state highway. It is a major crossing of the Coast Ranges and it is the southernmost crossing of the Diablo Range, connecting State Route 1 on the Central Coast near Cambria and U.S. 101 in Paso Robles with State Route 99 at Famoso in the San Joaquin Valley. State Route 58 is a major east-west state highway that runs across the Coast Ranges, the southern San Joaquin Valley, the Tehachapi Mountains, which border the southern Sierra Nevada, and the Mojave Desert.

State Route 166 transits the county briefly, connecting the Central Coast to the southern San Joaquin Valley, running from State Route 1 in Guadalupe and through Santa Maria in Santa Barbara County to State Route 99 in Mettler in Kern County.

State Route 227 is located entirely in San Luis Obispo County. It is an alternate route of U.S. Route 101 between Arroyo Grande and the city of San Luis Obispo, serving the community of Edna and San Luis Obispo County Regional Airport. Like State Route 227, State Route 229 is entirely in San Luis Obispo County, linking State Route 58 to State Route 41. It connects the small community of Creston with the rural state routes.

ECONOMIC ATTRIBUTES

The mainstays of the economy are California Polytechnic State University – known across the state as Cal Poly – with its almost 20,000 students, tourism and agriculture. With 2,741 employees and 19,703 students, Cal Poly's expenditures directly impact the economy of the area. The university plays a key role in generating, developing and stabilizing the region's economy.

A 2014 study found Cal Poly created a total economic impact of \$1.4 billion on San Luis Obispo and northern Santa Barbara counties. Direct impacts totaling \$1.1 billion led to an additional \$314 million in indirect and induced spending in the local area. The greatest expenditure for Cal Poly is the local university payroll, totaling more than \$254 million in compensation. Student spending off campus, including both room and board and retail estimates, is second highest at \$161 million.

For 2017, San Luis Obispo County agriculture contributed a total of \$2.54 billion to the local economy, including \$1.79 billion in direct economic output, representing 7 percent of the county's total economic output, according to the State of California. Ag also contributed \$758.4 million in additional economic output in the form of expenditures by agriculture companies and their employees.

Agriculture provides 10,651 direct employees, or about one out of every 16 jobs, in the county. A reported 2,743 additional jobs are attributable to expenditures by agriculture companies and their employees.

Wine grape production has been a generator of agricultural revenues for San Luis Obispo County since the 1970s. As mentioned previously, the county is the third-largest producer of wine in California, surpassed only by Sonoma and Napa counties. Wine grapes are the second-largest agricultural crop in the county (after strawberries), and the wine production they support creates a direct economic impact and a growing wine country vacation industry. The county contains three recognized wine regions—Paso Robles, Edna Valley and Arroyo Grande.

In 2015, the Paso Robles Wine Country Alliance commissioned the University of California Agricultural Issues Center based at UC Davis to prepare an updated economic impact study for the region based on 2015 data. The Paso Robles American Viticultural Area and Greater San Luis Obispo County wine and wine grape industries have an annual economic impact of \$1.9 billion to the regional economy. The Paso Robles AVA accounts for 87 percent of county wine industry output and economic impact with 40,000 vineyard acres and more than 200 wineries, 95% of which are small production, family owned businesses.

The town of San Simeon is located at the foot of the ridge where publishing mogul William Randolph Hearst built the 165-room estate known as Hearst Castle in 1919. It, too, draws tourists to the county.

The San Luis Obispo County Monthly Employment Report (December 2020) shows a decrease in the civilian labor force, an increase in civilian employment, and a decrease in civilian unemployment. The California Employment Development Department reported the unemployment rate was 6.7 percent in December 2020, down from a revised 5.5 percent in November 2020. SLO County is ranked the seventh-lowest Unemployment Rate in the state. The unadjusted Unemployment Rate in California is 8.8 percent and 6.5 percent for the nation during the same period.

GOVERNMENTAL ATTRIBUTES

The County of San Luis Obispo government was established in 1850 as one of the original 27 counties of California. The region's approximate 3,300 square miles and 100 miles of coastline are divided into five supervisory districts that are each represented by an elected official who serves on the board of supervisors. The board sets governing policies for and serves as the legislative arm for the unincorporated areas of the county.

The county government provides more than 700 public services, including law enforcement, animal control, flu shots, transportation planning and foster care. Some county services – such as law enforcement, road maintenance and repair, and land-use planning – are only provided to the unincorporated areas.

The county government is a general law form of government, which means that certain aspects of the structure and functioning of the county are dictated by state law.

A five-member board of supervisors serves as the county's legislative body, setting policies and priorities to best serve the needs of the community. Supervisors are elected by districts of approximately equal population to overlapping four-year terms.

In addition to the board of supervisors, residents elect five department heads including the assessor, auditor-controller-treasurer-tax collector-public administrator, clerk-recorder, district attorney, and sheriff-coroner.

The county administrative officer is appointed by the board of supervisors and has responsibility for managing the operations of county departments, preparing the county budget and making recommendations to the board of supervisors to promote the efficiency and effectiveness of county operations. The county counsel is also appointed by the board of supervisors and has responsibility for providing legal counsel to the board.

Incorporated cities in San Luis Obispo County are Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach and San Luis Obispo.

Unincorporated communities include Avila Beach, California Valley, Cayucos, Cambria, Creston Hills Ranch, Ground Squirrel Hollow, Heritage Ranch, Independence Ranch, Linne, Los Osos, Nipomo, Oceano, San Miguel, San Simeon, Squire Canyon and Templeton.

Intercity service is provided by Amtrak trains, Greyhound and Orange Belt Stages buses. The San Luis Obispo Regional Transit Authority provides countywide service along U.S. 101, as well as service to Morro Bay, Los Osos, Cambria and San Simeon.

The cities of San Luis Obispo, Atascadero and Paso Robles operate their own local bus services; all of these connect with SLORTA routes. Public transportation authorities include the San Luis Obispo Regional Transit Authority and South County Area Transit.

School districts and education authorities in the county include the San Luis Obispo County Office of Education, Atascadero Unified School District, Cayucos Elementary School District, Coast Unified School District, Lucia Mar Unified School District, Paso Robles Joint Unified School District, San Luis Coastal Unified School District, Shandon Joint Unified School District and the Templeton Unified School District. San Luis Obispo County is home to one of the nation's top rated universities: the aforementioned California Polytechnic State University (Cal Poly). Other institutions are Cuesta Community College, Laurus College and San Luis Obispo College of Law.

Airports in the county are the San Luis Obispo County Regional Airport, located just south of the City of San Luis Obispo. It provides commercial and general aviation. Paso Robles Municipal Airport is located northeast of the City of Paso Robles and is home to California Highway Patrol, Cal-Fire and the Estrella Warbirds Museum. Oceano County Airport is located on the coast in the Five Cities area.

SOCIAL ATTRIBUTES

San Luis Obispo County had a population estimated at 283,111 in 2019. Its growth at 10-year intervals is provided below.

SLO County Population Growth Trend

Census	Population
1850	336
1860	1,782
1870	4,772
1880	9,142
1890	16,072
1900	16,637
1910	19,383
1920	21,893
1930	29,613
1940	33,246
1950	51,417
1960	81,044
1970	105,690
1980	155,435
1990	217,162
2000	246,681
2010	269,637
2019 (est.)	283,111

The populations of the county and its cities is provided in the table below.

Population

California Department of Finance

San Luis Obispo County	272,177
San Luis Obispo	45,541
Paso Robles	30,504
Atascadero	28,687
Arroyo Grande	17,395
Grover Beach	13,211
Morro Bay	10,317
Pismo Beach	7,717

San Luis Obispo County's population was estimated at 283,111 in 2019 by the U.S. Census Bureau. The county's population was 269,597 at the time of the most recent census, which shows a percentage change of 5.0%. Its average household size is 2.51. The median household income in San Luis Obispo County is \$73,518. Its population density is 82 people per square mile. There is a reported poverty rate of 11.6%. The median rental costs in recent years comes to \$1,476 per month, and the median home value is \$574,000.

CITY OVERVIEW

OVERVIEW OF ATASCADERO

Atascadero, population 30,350, is a city in San Luis Obispo County, California. It is part of the San Luis Obispo-Paso Robles metropolitan statistical area. The main freeway through town is the U.S. 101. The nearby State Routes 41 and 46 provide access to the Pacific Coast and the California Central Valley. It was founded by magazine publisher, visionary and political activist E.G. Lewis in 1913. It is home to Atascadero State Hospital.

PHYSICAL/GEOGRAPHIC ATTRIBUTES

The city has a total area of 26.1 square miles, of which, 25.6 square miles is land and 0.5 square miles is water. Geographically, Atascadero is the largest city in San Luis Obispo County.

Atascadero is at the intersection of U.S. 101 and State Route 41, with access to the San Joaquin Valley and Interstate 5. The U.S. 101 serves as the north-south arterial for the city and serves as its north-south gateway. It provides linkage to the Bay Area. The U.S. 101 links to the south, connecting to San Luis Obispo, Santa Barbara, and Los Angeles.

California State Route 41 is a major north-south highway running through town. It is part of the California Freeway and Expressway System. It runs in a northeast-southwest direction through the city. Southbound, it extends over the Santa Lucia Coastal Range to the Pacific Ocean at Morro Bay at its southern terminus where it meets State Route 1, better known as the Pacific Coast Highway. Traveling northbound, State Route 41 leaves the city and intersects with State Route 229. After traveling through rolling countryside for about 25 miles, it climbs up the Temblor Range and San Andreas Fault and overlaps with State Route 46. It later crosses State Route 33 and eventually Interstate 5 in the Central Valley, continuing on to Fresno where it becomes the Yosemite Freeway.

ECONOMIC ATTRIBUTES

The largest employer in Atascadero is the aforementioned Atascadero State Hospital, a forensic psychiatric facility. Other major employers include the Atascadero Unified School System, the city government and many small businesses. El Camino Real and Morro Road (State Route 41) are the main commercial corridors. They feature shopping centers, strip centers and mixed commercial properties.

GOVERNMENTAL ATTRIBUTES

The city council is composed of five members, a mayor and four council members, elected at large by the citizens of Atascadero. The mayor serves a two-year term, and council members serve four-year overlapping terms. The mayor presides over the meetings and performs other ceremonial duties. As the policy-making legislative body, the city council is responsible for the enactment of all programs, policies and services of the city.

The city council acts upon all legislative matters concerning the city, approving and adopting all ordinances, resolutions, contracts and other matters requiring overall policy decisions and leadership. The

council appoints the city manager, city attorney and various other commissions, boards and citizen advisory committees, all of which ensure broad-based input into the affairs of the city.

SOCIAL ATTRIBUTES

Atascadero's population was estimated at 30,330 in 2018. The city is growing at a rate of 0.56% annually and its population has increased by 8.35% since the most recent census, which recorded a population of 28,310 in 2010. Atascadero has a population density of 1,177 people per square mile.

The average household income in Atascadero is \$97,267 with a reported poverty rate of 7.18%. The median rental costs in recent years comes to \$1,337 per month, and the median house value is \$471,900. The median age in the city is 38.3 years.

NEIGHBORHOOD OVERVIEW

The subject is in northern Atascadero, and only about 2.5 miles from the unincorporated community of Templeton. The following applies within the subject's census tract:

Subject's Census Tract	
Population	2,138
5 Yr Projected Pop	2,142
Households	786
Avg HH Size	2.65
Median HH Income	\$121,429
Median Age	40.9
% College Graduate	35%

The appraiser also looked at household income, median age, average household size and the rental occupancy rate within a two- and three-mile radius of the subject.

INCOME CHARACTERISTICS

	1 Mile	2 Miles	3 Miles
Median Household Income	\$121,429	\$102,499	\$98,410
Median Age	41	46	44
Average Household Size	2.65	2.56	2.58
Renter Occupancy Rate	21%	23%	27%

From the comparative data, it can be seen that as the population moves closer to the subject property, the median household income increases. Also, the renter occupancy rate decreases. Thus, households most likely to have higher discretionary incomes with higher rates of home ownership are in greater abundance as one nears the subject.

MARKET OVERVIEW

The impact of COVID-19 on the global economy and the commercial real estate industry has made 2020 the most memorable year in recent history. Commercial real estate companies have needed to digitize operations, close physical facilities due to extensive lockdowns, and prepare for reopening, while ensuring the health and safety of employees and occupants, considering the financial health of tenants and end users.

The accounting firm Deloitte expects that the vaccines and/or improved treatments will allow normal economic activity to begin to resume in mid-2021. As it will take time to deploy the vaccine, economists expect growth to remain somewhat constrained for a period of time. The pandemic has made cost management and redefining the value proposition of commercial properties top priorities.

In the wake of the pandemic-induced economic recession, the Summer 2020 Allen Matkins/UCLA Anderson Forecast California Commercial Real Estate Survey shows uniform pessimism and a drop in sentiment for developers across all commercial real estate spaces through 2023.

The current recession has tripled down on the struggles retail already faced during the previous economic expansion. First, household loss of income and shelter-in-place policies reduced current demand for brick and mortar retail. Second, the inability to physically frequent many retail establishments created a new set of online shoppers. Third, increases in the savings rate on the part of households in response to the recession portends less consumption. To be sure, some activities will return, particularly personal services and experiential retail. However, marginal properties will not find tenants willing to pay sufficient rent to keep the properties in the retail space.

The pessimism expressed by panelists from the Bay Area and Southern California in the latest survey is an extension of the trends from the past three years. The current view is that retail properties will be generating significantly lower returns in 2023 compared to the middle of 2020. In the Bay Area and Southern California, two-thirds of panelists will not develop any new properties in the coming 12 months. Approximately the same percentage expect difficulty with current leases and expect plummeting property values. The UCLA Anderson Forecast believes California commercial real estate will be affected negatively by the pandemic through 2023.

The trends cannot help but carry over into the counties of the Central Coast. Area broker Ty Christensen described the Atascadero commercial market as largely plateauing since 2019 in terms of market conditions. That said, there is ample visual indication of development in Atascadero. This includes signs of ongoing construction at two of the four comparables developed in the Valuation section of this report, as well as visual indications of construction at the property that borders the subject to the north. Amid the many signs of weakness and stagnation, the green shoots of economic activity were observed.

DETERMINATION OF LARGER PARCEL

The "Larger Parcel" is defined as a portion of a property which has unity of ownership, contiguity, and unity of use. Ownership records for surrounding properties have been reviewed and the subject ownership entity has title interest in on assessor's parcel contiguous to the affected parcels. This means the affected assessor's parcels 049-131-083 and 049-131-050 and their adjoining assessor's parcel 049-131-035. All share a similar use, ownership and physical contiguity. Together they form a single economic unit and meet the tests of the larger parcel.

IDENTIFICATION OF PARCEL OWNERSHIP

Mailing Address	284 Higuera Street San Luis Obispo CA 93401
Representatives	Clint Pearce, Manager, Madonna Enterprises, LLC
Telephone/email	805-748-9097 / clint@madonnainn.com
Owner Title of Interest	Fee
Ownership History	Research of the applicable public records, private data services and an interview with Clint Pearce, the property owner's representative, revealed the subject larger parcel is not under current agreement or option and is not offered for sale on the open market. Additionally, according to these sources, the subject larger parcel has not been transferred during the past five years. Pearce did mention an informal offer he had received for \$2.6 million. It was, according to Pearce, rebuffed.

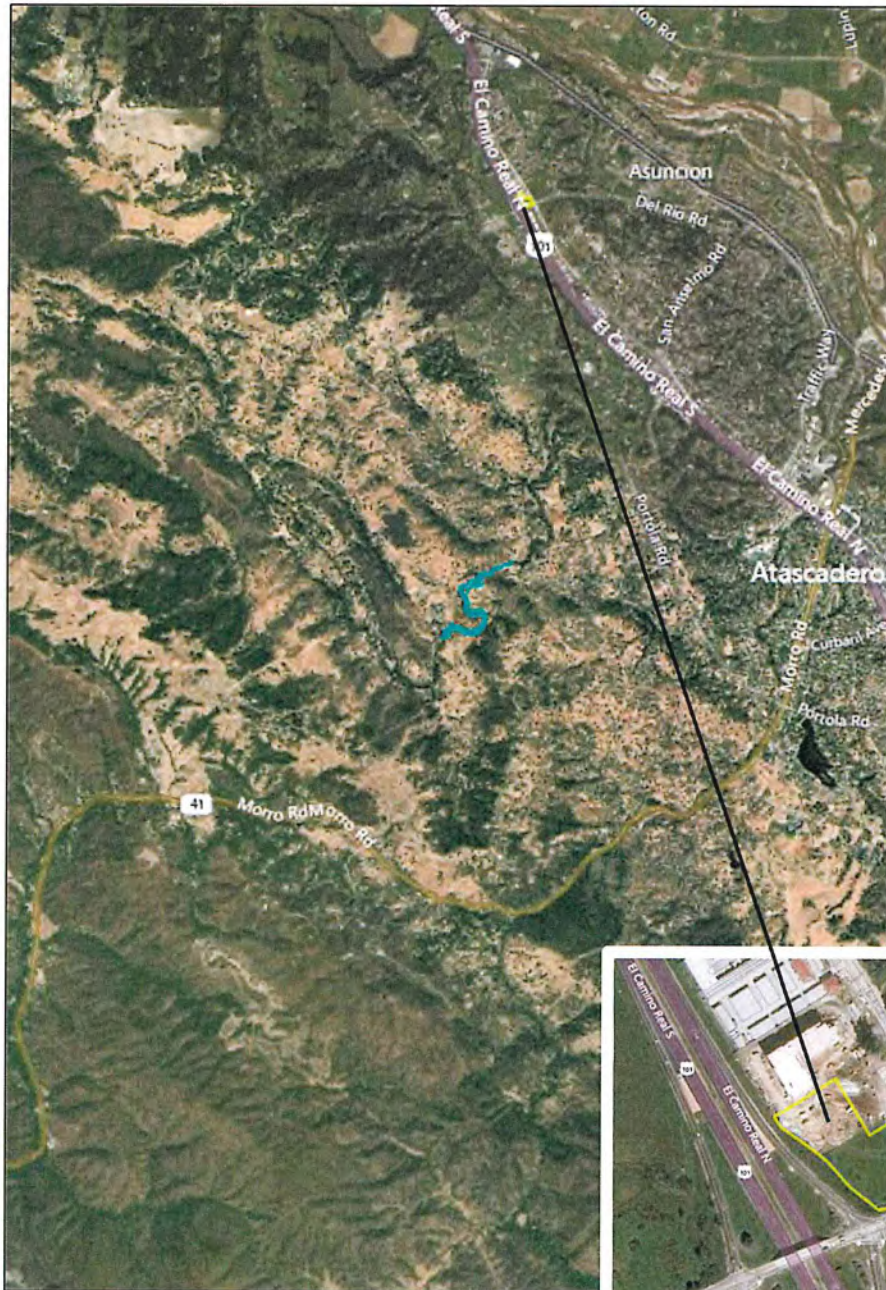
ITEM NUMBER: A-4
DATE: 07/13/21
ATTACHMENT: 4
1950 El Camino Real, Atascadero
APN: 049-131-083, -050, -035
City of Atascadero
Permanent Acquisitions

ASSESSOR'S PARCEL MAP (AFFECTED PARCEL ONLY)



ITEM NUMBER: A-4
DATE: 07/13/21
ATTACHMENT: 4
1950 El Camino Real, Atascadero
APN: 049-131-083, -050, -035
City of Atascadero
Permanent Acquisitions

AERIAL PHOTOGRAPH (LARGER PARCEL)



SUBJECT PROPERTY PHOTOGRAPHS



The subject larger parcel looking northwest.



View of proposed partial acquisition area looking west along Del Rio Road.

SUBJECT PROPERTY PHOTOGRAPHS



Proposed partial acquisition area looking south along El Camino Real.



Proposed partial acquisition area looking north along El Camino Real.

SUBJECT PROPERTY PHOTOGRAPHS



Street scene looking west along Del Rio Road.



Street scene looking south along El Camino Real.

LARGER PARCEL DESCRIPTION

Size	APN	Acres	SF
	049-131-083	1.58	68,824
	049-131-050	0.39	17,090
	049-131-035	0.19	8,135
	Total	2.16±	94,049±
Shape	Irregular		
Frontage	The larger parcel has approximately 270 feet of frontage along El Camino Real and about 240 feet along Del Rio Road. It also borders U.S. Route 101.		
Exposure	The property has about 400 feet of visibility, or potential visibility, along U.S. Route 101. It also has exposure along El Camino Real and Del Rio Road.		
Access	The subject larger parcel is located at a signalized intersection. It is on the northwest corner of Del Rio Road and El Camino Real. Due to terrain factors along the subject larger parcel's Del Rio Road, access would most likely be understood as left in, left out and right in, right out from El Camino Real.		
Topography	Generally level, although there appears to be a small gully that runs along a portion of the larger parcel's southern property line (along Del Rio Road). Also, there appears to be a mound of fill (possibly from a past construction project) near the center the larger parcel.		
Utilities	All utilities to site.		
Zoning	CT, Commercial Tourist. This zone is established to provide for limited commercial uses intended primarily to serve the public traveling along U.S. Route 101. The minimum lot size in the Commercial Tourist Zone is one acre. Smaller lot sizes may be allowed for planned commercial and industrial developments, including condominiums, where the Planning Commission determines that such smaller		

lot sizes will not be detrimental to the purpose and intent of the Commercial Tourist Zone.

Allowed uses include agricultural produce stands, ATM, auto repair and services, collection stations, eating and drinking places, financial services and banks, general retail, government offices and facilities, horticultural specialties w/ outdoor sales or storage area less than 10,000 SF, hotels, motels, indoor recreation services, libraries, museums, microbrewery, brewpub, offices, outdoor recreation services, personal services, public assembly and entertainment, recreational vehicle parks, sports assembly, tasting room, temporary or seasonal sales, transit stations, utility infrastructure, and winery – boutique.

Special Plan

The subject property is in the Del Rio Specific Plan Area. The subject appears to be slated for two structures to accommodate retail and restaurant uses that will complement a neighboring hotel and fuel station.

General Plan Designation

GC, General Commercial. This designation includes office, neighborhood, retail and tourist commercial zoning districts. Maximum density is 20 units/acre net and 0.3 FAR.

Improvements

No improvements were noted at the site with the exception of a chain-link temporary construction fence.

Lease or Rental Status

A future pad area closest to the hard corner (and the proposed acquisition areas) is reported to be under contract for the construction of a Taco Bell fast-food restaurant. Neither the ground lease nor the exact terms of the ground lease were shared with the appraiser.

Permits

Besides the aforementioned ground-leased pad, the property owner is in the permitting process for a multi-tenant commercial building of 6,500 square feet of gross leasable space. The property owner believes the property, in its current state of

permitting, is about six months from breaking ground.

Easements

The appraiser was not provided a preliminary title report for the subject property.

The property is appraised on an undivided fee basis. The appraiser is not aware of any easements, encroachments or restrictions that would adversely affect value. This valuation assumes no such adverse effects, and further assumes that the subject has clear and marketable title.

Encroachments

No encroachments were observed or are known.

Private Restrictions

None known.

Flood Zone

The property is located in a FEMA Zone X, Panel No. 06079C0614G, effective date 11/16/2012. Zone X is an area outside the Special Flood Hazard Area and higher than the elevation of the 500-year flood. Flood insurance is not mandatory in this zone.

Wetlands

The subject larger parcel is not known to be located in any wetlands.

Seismic Information

This parcel is not within a recognized Earthquake Fault Zone, according to the California Geologic Study's "EQ Zapp" application.

Cultural, Recreational and Historic Significance

None known.

Toxic Hazards

The appraiser has not been provided a Phase 1 Environmental Site Assessment, although the property owner's representative reports having completed one. The California Water Resources Control Board shows no record of any clean-up or contamination in this area.

Property Tax Data and Projected Taxes

The appraiser has researched the subject larger parcel's property tax bill through the county tax collector and general assessment information via LandVision. They are as follows:

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	049-131-083	049-131-050	049-131-035
Assd. Land Value	\$1,385,252	\$649,458	\$156,952
Assd. Imprv. Value			
Total Assd. Value	\$1,385,252	\$649,458	\$156,952
Improvement %			
Property Tax	\$15,810	\$7,412	\$1,791
Tax Rate Area	007-035	007-035	007-035
Total Tax Rate	1.14129%	1.14129%	1.14129%
Tax Year	2020/21	2020/21	2020/21
Assessed Year	2020	2020	2020

The property has what appears to be a typical tax rate and typical level of special assessments relative to competing properties in the market. No deductions are made for atypical taxes.

OVERALL COMMENTS

The larger parcel consists of 2.16± acres, or 94,049± square feet. It is contained in three generally level assessor's parcels. The larger parcel is irregular in shape. The larger parcel is located on the hard corner of a signalized intersection. It has freeway visibility from U.S. Route 101. Its access would most likely be understood as left in, left out and right in, right out from El Camino Real. The larger parcel is zoned CT, Commercial Tourist. This zone is established to provide for limited commercial uses intended primarily to serve the public traveling along U.S. Route 101. The property benefits from its hard-corner location at a major intersection in the City of Atascadero. It also benefits from its freeway visibility, or potential freeway visibility.

PROJECT DESCRIPTION AND PROPOSED ACQUISITIONS

DESCRIPTION OF PROJECT

In anticipation of a development planned for a large national retailer, it was determined that the Del Rio-U.S. Route 101 Interchange would need to be improved in order to accommodate the traffic expected from the anticipated future area development. While a final development plan is not yet complete, mitigation of traffic impacts at the Del Rio Interchange will still need to be undertaken. The City of Atascadero is currently in the process of amending the area's specific plan, which will include the infrastructure project known as the Del Rio-U.S. Route 101 Interchange Project.

DESCRIPTION OF PROPOSED ACQUISITIONS

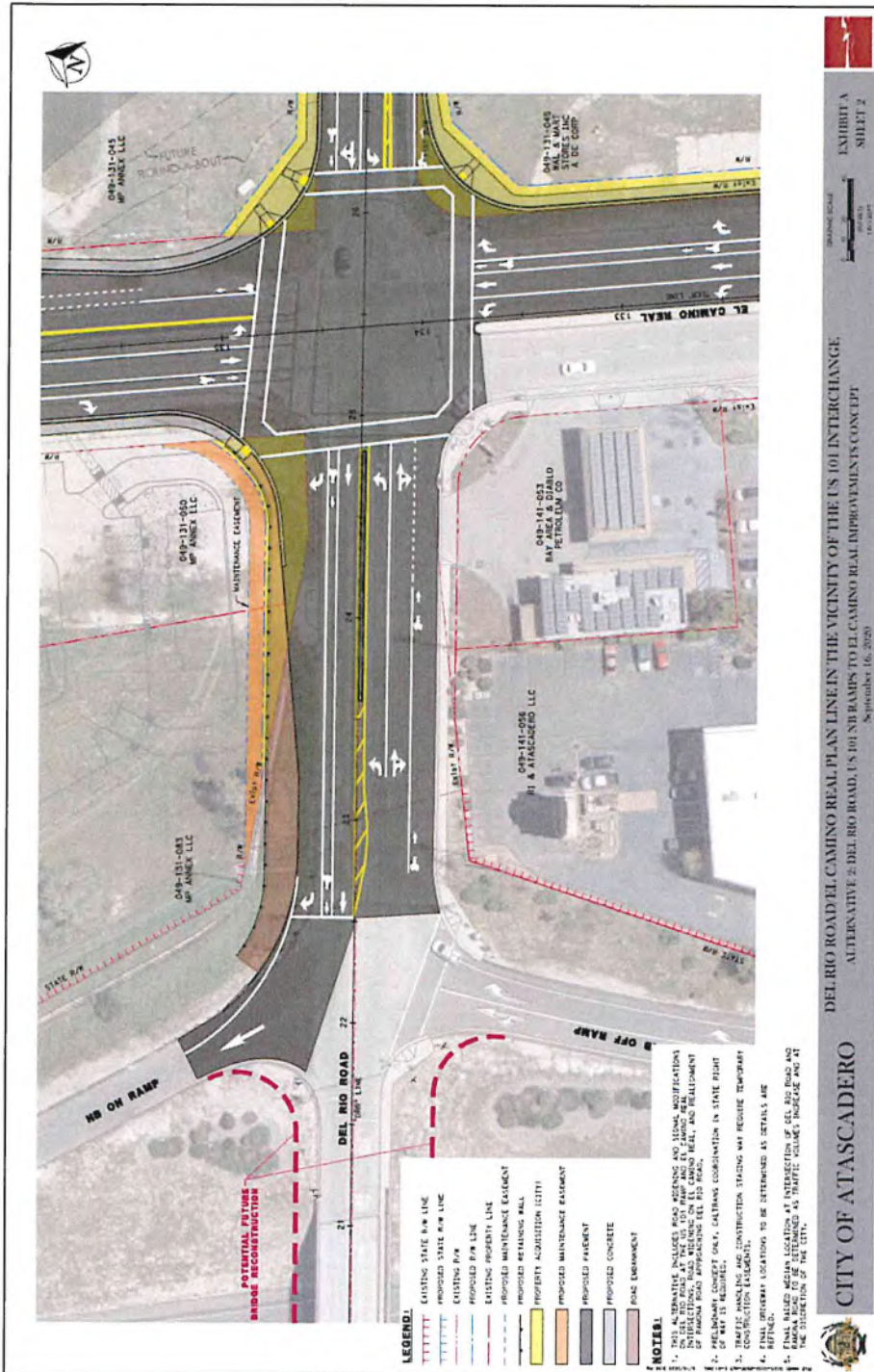
In connection with the Del Rio-U.S. Route 101 Interchange Project, there is a need for a partial acquisition (in fee), along with a maintenance easement. The shape of the proposed partial acquisition is that of an acute semi-triangle. The semi-triangle's long side runs largely along an east-west axis parallel to Del Rio Road and its short side is parallel to El Camino Real. The affected assessor's parcels are 049-131-083 and -050. Just north of this proposed partial acquisition will be a retaining wall. The city seeks a maintenance easement to enter the property at an area north of the retaining wall affecting both assessor's parcels, as well. This maintenance easement will allow the city to carry out work on the retaining wall. The appraiser has been provided a plat for the proposed acquisitions. It is an assumption that both proposed acquisitions are integrated with the property owner's plans for a commercial development that is in the approval process with the city. The areas involved are provided in the table below:

Item	Total
Larger Parcel	2.159± Acres (94,049± Square Feet)
Partial Fee Acquisition	0.062± Acres (2,686± Square Feet)
Maintenance Easement	0.036± Acres (1,573± Square Feet)
Remainder Parcel	2.097± Acres (91,363± Square Feet)

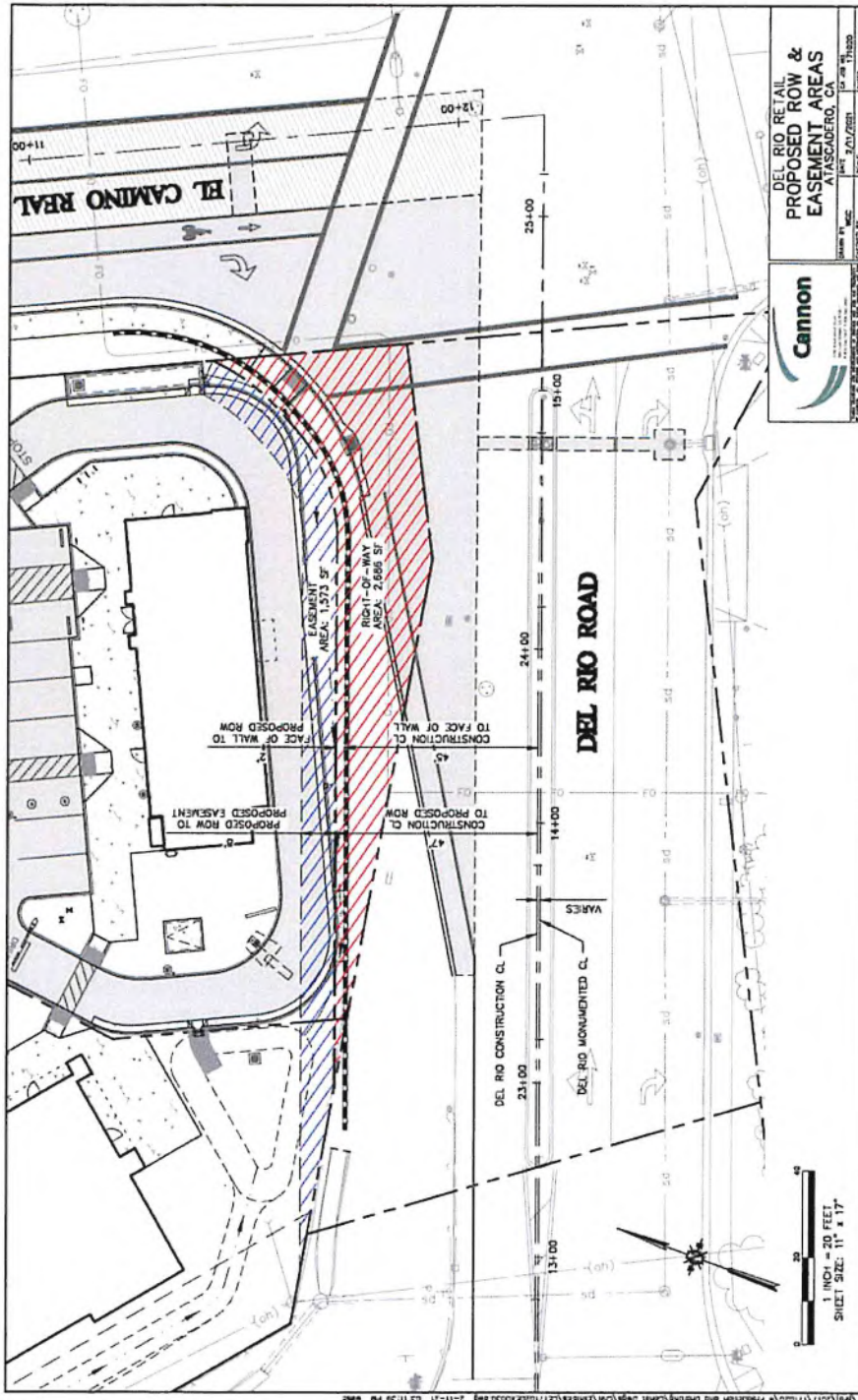
DESCRIPTION OF THE REMAINDER

The appraiser knows of no existing easements in the proposed partial acquisition or maintenance easement areas. The remainder will be trimmed along its southeast corner. It will have little or no overall effect on the larger parcel. A retaining wall will define the southeast corner and much of the larger parcel's southern boundary. It will lose 2,686 square feet of its total area of 94,049 square feet. This is less than 3 percent of its total area. It will have little bearing on the shape or utility of the remainder in the after condition, though it will have the effect of smoothing out the corner of assessor's parcel 049-131-050. There will be curbs, gutters and sidewalks in the after condition. An exhibit of the proposed acquisition is presented next.

ACQUISITION EXHIBITS



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HIGHEST AND BEST USE ANALYSIS

Highest and best use is typically defined as the reasonably probable use of property that maximizes the residual value of the land.

Four criteria characterize the highest and best use analysis. They are:

Legally Permissible Use

Those uses that are, or may be, legally permitted. This may exclude uses that are not, and unlikely to become, permitted by zoning, land-use planning, and uses forbidden by government regulations, and uses prohibited by deed restrictions or covenants.

Physically Possible Use

Those uses that are physically possible given the size, shape, topography, and other characteristics of the site.

Financially Feasible Use

Possible and permissible uses that will produce a positive net return to the owner of the property.

Maximally Productive Use

The use, among the feasible uses, that will produce the highest residual land value consistent with the rate of return warranted by the market for that use.

Properties sometimes do not contain the improvements that would yield the greatest return to the land. For this reason, the highest and best use of the land as if it were vacant is considered, as well as the highest and best use of the property as it is currently improved, if it is improved. In unusual cases, this analysis will call into question whether the existing improvements should be preserved. But typically, the analysis shows that if a property is already improved, the continuing use of the existing improvements yields more total return to the land, with consideration of risk, than does demolishing the improvements in favor of other uses.

HIGHEST AND BEST USE AS VACANT

When appraising a property, whether improved or vacant, we first determine the highest and best use of the land only. Then, if the property is improved, we determine its highest and best use as improved, but if the improvements are unaffected by the rights proposed, the highest and best use analysis is often limited to the property as if vacant.

LEGALLY PERMISSIBLE USES

CT, Commercial Tourist. This zone is established to provide for limited commercial uses intended primarily to serve the public traveling along U.S. Route 101. The minimum lot size in the Commercial Tourist Zone is one acre. The subject property is in the Del Rio Specific Plan Area. The subject appears to be slated for

two structures to accommodate retail and restaurant uses that will complement a neighboring hotel and fuel station.

PHYSICALLY POSSIBLE USES

The larger parcel consists of 2.16± acres, or 94,049± square feet. It is contained in three generally level assessor's parcels. The larger parcel is irregular in shape. The larger parcel is located on the hard corner of a signalized intersection. It has freeway visibility, or potential freeway visibility, from U.S. Route 101. Its access would most likely be understood as left in, left out and right in, right out from El Camino Real.

FINANCIALLY FEASIBLE / MAXIMALLY PRODUCTIVE USES

The current recession has exacerbated the struggles retail already faced during the previous economic expansion. Household loss of income and shelter-in-place policies reduced current demand for brick and mortar retail. There has been a general inability to physically frequent many retail establishments, creating a new set of online shoppers. Increases in the savings rate on the part of households in response to the recession portends less consumption now, but much pent-up demand. To be sure, some activities will return, particularly personal services and experiential retail. However, marginal properties will not find tenants willing to pay sufficient rent to keep the properties in the retail space. The pessimism expressed by panelists from the Bay Area and Southern California in a recent survey is an extension of the trends from the past three years. The current view is that retail properties will be generating significantly lower returns. The UCLA Anderson Forecast believes California commercial real estate will be affected negatively by the pandemic through 2023. One area broker described the Atascadero commercial market as largely plateauing since 2019 in terms of market conditions. However, the appraiser witnessed signs of commercial construction projects along El Camino Real. It may be no coincidence that Comparables 2 and 4 in the Valuation section later in this report, along with the parcel directly north of the subject, were engaged in construction projects.

HIGHEST AND BEST USE CONCLUSION, AS VACANT

Considering the preceding factors, it is concluded that the highest and best use of this site, as vacant, is development to a commercial use.

HIGHEST AND BEST USE OF THE REMAINDER

The remainder will be trimmed along its southeast corner. It will have little or no overall effect on the larger parcel. A retaining wall will define the southeast corner and much of the larger parcel's southern boundary. The larger parcel will lose 2,686 square feet of its total area of 94,049 square feet. This is less than 3 percent of its total area. It will have little to no negative bearing on the shape or utility of the remainder in the after condition. It will have the effect of smoothing out the corner. There will be curbs, gutters and sidewalks in the after condition. The highest and best use of the remainder aligns with the highest and best use of the larger parcel in the before condition.

VALUATION

There are three types of approaches to value. They are the sales comparison approach, cost approach and income capitalization approach. The sales comparison approach is the most frequently used approach in real estate appraisal practice for developing a value. Each provides an indicated value that is later reconciled into a final opinion of value for the subject property when more than one approach is used.

Sales Comparison Approach: A value indication is derived by comparing the property being appraised to similar properties that have sold recently; making qualitative or quantitative comparisons to the subject and then applying units of comparison to indicate a value for the larger parcel. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of valuation when an adequate supply of comparable sales is available. Sales, listings and current escrows of comparables were considered, where appropriate, in this analysis.

Income Capitalization Approach: A value indication is derived for an income-producing property by converting its anticipated benefits (cash flows and reversion) into a value for real property interests. Typically, the annual net income is capitalized at a market-derived capitalization rate to provide an indication of value. The income approach is most often used for income producing properties or real estate acquired as an investment.

Cost Approach: A value indication is derived for a property by estimating the current cost to construct a replacement/reproduction of the existing structure(s); deducting depreciation from all sources; and adding the land value. The cost approach is most often used when valuing properties with new or relatively new improvements, special-use properties, or properties with very dated improvements.

The methods of valuation applicable to the subject property will be further discussed.

VALUE OF THE LARGER PARCEL (LAND ONLY)

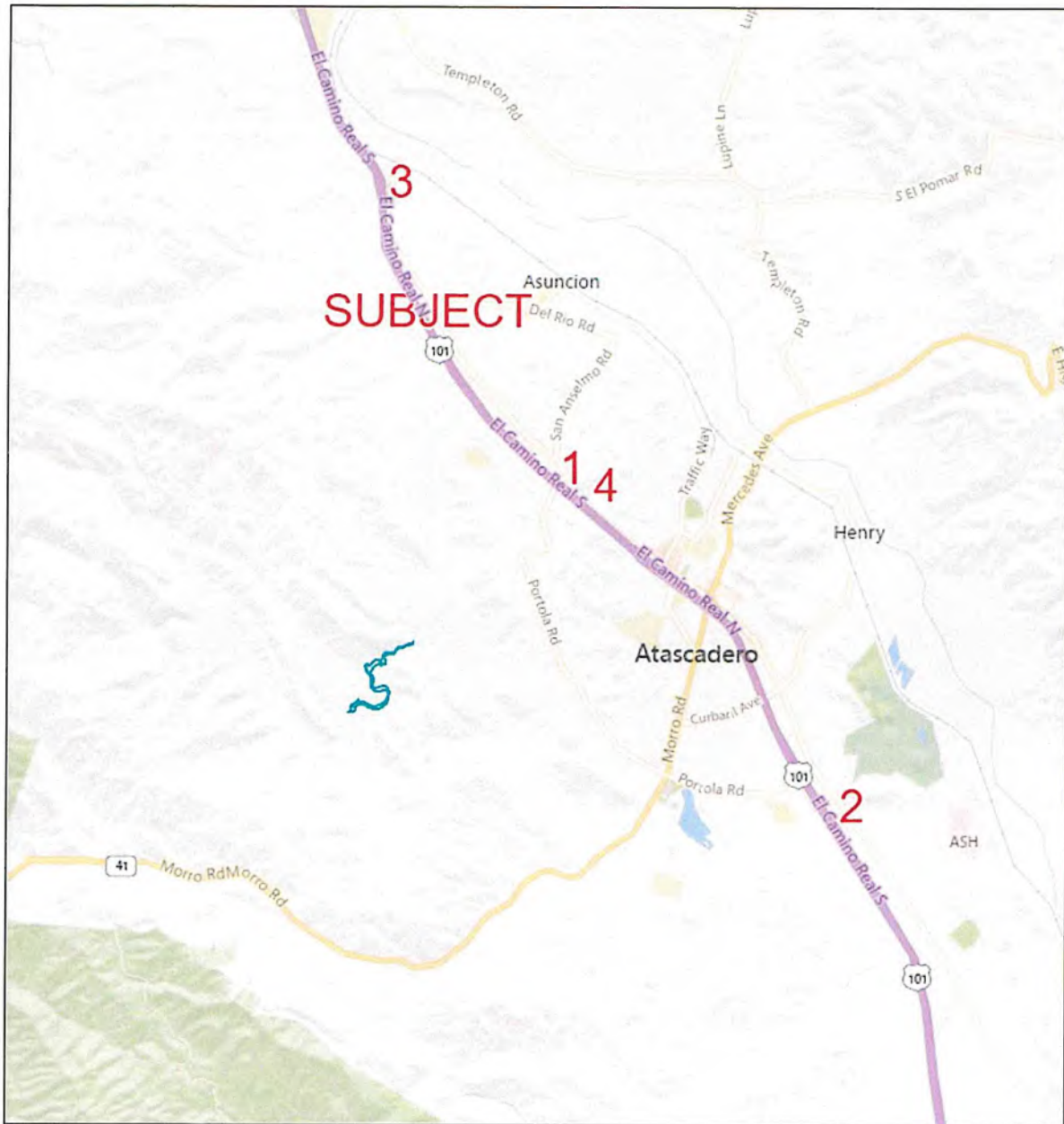
As part of initial due diligence, the appraiser gleans information, then organizes and analyzes it. This includes market data needed for developing a value of the subject larger parcel. Public records are searched and market participants are interviewed. The appraiser has found data relating to the sales of properties deemed comparable to the subject larger parcel. The following sales were considered meaningful in providing an indication of value for the subject property. A map and summary of the comparable sales are presented as well.

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COMPARABLE LAND SALES SUMMARY TABLE

Sale No.	Location APN	Seller Buyer	Sale Date Doc. No.	Sale Price	Zoning	Size (Acre) Size (SF)	Sale Price Per Square Foot
LS-1	4180 El Camino Real, Atascadero, California APN: 049-221-063	Kmart Corporation Six North Property Holdings, LLC	<u>1/13/21</u> 2021003691	\$875,000	CR, Commercial Retail	<u>0.890±</u> 38,768±	\$22.57
LS-2	9630 El Camino Real, Atascadero, California APN: 056-081-028	Augusta Anne <u>Nimmo et al</u> James Saunders	<u>12/23/19</u> 2019057872	\$750,000	CT, Commercial Tourist	<u>0.910±</u> 39,640±	\$18.92
LS-3	1600 El Camino Real, Atascadero, California APN: 049-131-072	Kurt Ourston <u>et ux</u> Darin Vandeventer	<u>5/29/19</u> 2019021338	\$555,000	CPK, Commercial Park	<u>0.910±</u> 39,405±	\$14.08
LS-4	4711 El Camino Real, Atascadero, California APN: 029-271-001	The Acacias Development, <u>LLC</u> Cal Coastal Holding, LLC	<u>11/20/18</u> 2019051282	\$920,000	CR, Commercial Retail; RMF- 20, Residential Multifamily	<u>1.700±</u> 74,000±	\$12.43
Larger Parcel	1950 El Camino Real, Atascadero, California APNs: 049-131-083, - 050, -035	<i>Appraisal</i>	—	—	CT, Commercial Tourist	<u>2.160±</u> 94,049±	—

COMPARABLE LAND SALES MAP



DISCUSSION OF SALE COMPARABLES

This analysis identifies the similarities and differences between subject and comparable properties. The primary elements of comparison include property rights, financing terms, conditions of sale (motivation),

market conditions (sale date), and physical characteristics (e.g. zoning, utilities, site improvements, location, access, etc.).

The common quantitative adjustment process involves paired sales analysis that compares two or more market sales to derive an indication of the size of the adjustment for a single characteristic and applies it to the applicable data. Recognizing the weaknesses inherent in a quantitative analysis, a qualitative technique can be used. More specifically, a ranking or bracketing analysis is employed. The comparables are then analyzed to determine the relative position of the subject property within the comparable data array. While one broker believes market conditions have been largely flat for commercial land in Atascadero since approximately 2019, the appraiser places an annual market-conditions adjustment of 3 percent on the comparables for time, which corresponds roughly to inflation.



Comparable Land Sale 1

This vacant pad is situated at 4180 El Camino Real in Atascadero, California. It is in San Luis Obispo County. The surrounding land uses are predominantly shopping center, gas station and office in nature. It is located about 1.2 miles from the Atascadero civic center. The property is trapezoidal and its contours are generally level. The seller in the transaction was the Kmart Corporation and the buyer was Six North Property Holdings, LLC. The date of recordation is January 13, 2021. This date is used as the sale date. The

property sold for \$875,000. This equates to \$22.57 per gross square foot. This comparable was confirmed through Brett Windecker with the corporate office of Fresh Fill Convenience Stores. He works with buyer Brian Rocha. Appraiser Jeremy Bagott, MAI, AI-GRS, confirmed the sale. This sale represents an out-parcel to the former Kmart-anchored shopping center. This property has a major hard corner with potential partial freeway visibility. The site is lined by mature shade trees along its north and east boundaries. Offsites include curbs, gutters and sidewalks.

The buyer has not yet announced the construction of a new store for the site. For this reason, the buyer's representatives were tight-lipped about the sale, but did mention the company planned to develop the corner at some point in the near future. Windecker characterized the sale as "distressed" as the property was purchased from the Kmart Corporation, which is in bankruptcy. He believes it sold at a below-market price as a result of the seller's need to liquidate the property. He did not know the level of discount.

The comparable required a downward adjustment for size (economies of scale). It required a downward adjustment for superior site condition and superior offsites. All factors considered, the subject's unit value will be below this indicator.

Comparable Land Sale 2

This vacant land parcel is situated at 9630 El Camino Real in Atascadero, California. It is in San Luis Obispo County. The surrounding land uses are predominantly vacant, retail and multifamily in nature. It is located about 1.8 miles from the Atascadero civic center. The property is semi-rectangular and its contours are generally level. The approximate lot depth is 158 linear feet. The seller in the transaction was Augusta Anne Nimmo et al and the buyer was James Saunders. The date of recordation is December 23, 2019.



This date is used as the sale date. The property sold for \$750,000. This equates to \$18.92 per gross square foot. This comparable was confirmed through Ty Christensen, Webber-Nelson Real Estate, on February 12, 2021, by Jeremy Bagott, MAI, AI-GRS. Its site condition is average. Offsites include curbs, gutters and sidewalks.

The broker believed the sale price might have been slightly below market due to an arrangement in which he accepted a discounted commission in the transaction. The buyer had a tenant in tow, said the broker. The escrow was delayed twice due to delays in city approvals for the new project. The property was listed for four months. He believes market conditions have been largely flat since this sale.

The comparable required a downward adjustment for size (on a per-square-foot basis). It required a downward adjustment for its superior site condition and off-sites. It required an upward adjustment for market conditions and an upward adjustment for access. In addition, the comparable required an upward adjustment for its inferior exposure, as it is located at a minor corner. All factors considered, the subject's unit value will be above this indicator.



Comparable Land Sale 3

This vacant land parcel is situated at 1600 El Camino Real in Atascadero, California. It is in San Luis Obispo County. The surrounding land uses are predominantly special purpose, single-family residential and light industrial in nature. It is located about 2.7 miles from the center of Atascadero. The property is rectangular and its contours are generally level. The approximate lot depth is 325 linear feet. The seller in the transaction was Kurt Ourston et ux and the buyer was Darin Vandeventer. The date of recordation is

May 29, 2019. This date is used as the sale date. The property sold for \$555,000. This equates to \$14.08 per gross square foot. This comparable was confirmed through broker Michael Sherer, Century 21 Hometown Realty, on February 12, 2021, by Jeremy Bagott, MAI, AI-GRS. In October 2020, a permit was granted by the city for site grading and a retaining wall. That permit was applied for in July 2020. The property has direct freeway visibility. Offsites are primitive with no curb, gutter or sidewalks. In early 2021, it was being used as a contractor's storage yard.

The transaction was facilitated with a private-party loan of \$405,000. This property sold with an option on the neighboring property with what appears to have been a strike price of \$745,000 when the option was exercised in early 2020. The broker believes this option on the neighboring property did not affect the price of this comparable, which he characterized as being "at market."

The comparable required a downward adjustment for size (on a per-square-foot basis). It required an upward adjustment for market conditions. It also required upward adjustments for its inferior access and for exposure, given its midblock location. All factors considered, the subject's unit value will be above this indicator.

Comparable Land Sale 4

This vacant land parcel is situated at 4711 El Camino Real in Atascadero, California. It is in San Luis Obispo County. The surrounding land uses are predominantly retail in nature. It is located about 1.1 miles from the center of Atascadero. The property is polygonal and its contours are sloped. The approximate lot depth is 300 linear feet. The seller in the transaction was The Acacias Development, LLC, and the buyer was Cal Coastal Holding, LLC. The date of recordation is November 20, 2018. This date is used as the sale date. The



property sold for \$920,000. This equates to \$12.43 per gross square foot. This comparable was confirmed through the buyer, developer and general contractor Ted Lawton on February 12, 2021, by Jeremy Bagott, MAI, AI-GRS. The site is on a gradual upslope. The property sold with all studies and entitlements, said the developer. Offsites include curbs, sidewalks and gutters.

According to the buyer, the original meeting of the minds was at \$900,000, but an additional \$20,000 in earnest money changed hands to extend the escrow during the due diligence period. These potential delays would likely have been anticipated by buyer and seller and the \$20,000 was included in the sale price for the purposes of this analysis. The site sold fully entitled with all required studies such as soils, environmental, etc. The developer characterized the property as a "turn-key development project."

It required a downward adjustment for its superior site condition (its studies and permits) and off-sites. It required an upward adjustment for market conditions. It required additional upward adjustments for access and exposure given its midblock location. The property is inferior in its topography, requiring an upward adjustment and it is inferior in its more restrictive split zoning. All factors considered, the subject's unit value will be above this indicator.

Cross Check

A broker described the listing of a 1.35-acre site at 6600 Morro Road in Atascadero, which is a prime commercial parcel in what is considered an excellent retail location. It has new curbs, gutters and sidewalks. The site is listed at \$1,999,500, or \$34.00 per square foot. It has been listed for more than a year and has failed to sell at this price point. A \$1.3 million offer was reported to have been recently received but rebuffed by the owner. This offer equated to about \$22.00 per square foot.

LAND VALUE CONCLUSION

Based on the previous discussion, the sale comparables indicate the subject bracketed value range is from \$18.92 to \$22.57 per square foot. See the array below:

Sale No.	Subject Value Less Than/ Greater Than	Sale Price Per Square Foot
LS-1	<	\$22.57
<i>Subject bracketed value range is from \$18.92 to \$22.57 per square foot</i>		
LS-2	>	\$18.92
LS-3	>	\$14.08
LS-4	>	\$12.43

Land Sale 4 is inferior in market conditions, access, exposure, topography and its split commercial-residential zoning. Land Sale 3 is similarly inferior in such factors as market conditions, access and exposure. All factors considered, the subject's unit value will be above these two indicators. The true bracket for the subject larger parcel is between Land Sale 1 and Land Sale 2. The latter is at a minor corner versus the subject's major corner. For this reason, it required upward adjustments for its inferior access and exposure. Land Sale 1, which is most similar to the subject in its major-corner location is also the most recent sale. It recorded in January 2021, which makes it a dominant sale. The appraiser placed most weight on Land Sale 1.

VALUE OF THE LARGER PARCEL (LAND ONLY)

$$94,049 \text{ SF} \times \$22.00/\text{SF} = \$ 2,069,078$$

The per-square-foot value of the subject larger parcel valuation will be used for the partial acquisition calculation.

This unit value will be applied to the portion of the larger parcel within the proposed acquisition area.

VALUE OF THE PROPOSED ACQUISITION

The value of the proposed land and improvements is the contribution of the acquisition components as they relate to the value of the larger parcel.

In connection with the Del Rio-U.S. Route 101 Interchange Project, there is a need for a partial acquisition (in fee), along with a maintenance easement. The shape of the proposed partial acquisition is that of an acute semi-triangle. The semi-triangle's long side runs largely along an east-west axis parallel to Del Rio Road and its short side is parallel to El Camino Real. The affected assessor's parcels are 049-131-083 and -050. Just north of this proposed partial acquisition will be a retaining wall. The city seeks a maintenance easement to enter the property at an area north of the retaining wall affecting both assessor's parcels, as well. This maintenance easement will allow the city to carry out work on the retaining wall. The appraiser has been provided a plat for the proposed acquisitions. It is an assumption that both proposed acquisitions are integrated with the property owner's plans for a commercial development that is in the approvals process with the city. The proposed maintenance easement, in the appraiser's opinion, will diminish the area by 30% from the fee value, reflecting a reversionary value to the owner of 70% of the fee value.

Land:

Acquisition:

Partial Fee Acquisition			
2,686 SF X \$22/SF	=	\$	59,092
Maintenance Easement Acquisition			
1,573 SF X \$22/SF X 30%	=	\$	<u>10,382</u>
Total			69,474

Site Improvements: There are no site improvements in the proposed acquisition area.

Total Value of the Proposed Acquisition: The total value of the proposed acquisition, which includes the land and the site improvements within the acquisition area, is presented below:

VALUE OF THE PROPOSED ACQUISITION (LAND AND SITE IMPROVEMENTS)

Land (Partial Fee Acquisition)	\$	69,474
Site Improvements	\$	<u>0</u>
Total	\$	69,474

VALUE OF THE REMAINDER AS PART OF LARGER PARCEL (LAND ONLY)

The value of the remainder as part of the larger parcel is its contributory value to the larger parcel, which is derived by deducting the value of the acquisition from the value of the larger parcel. The value of the remainder as part of the larger parcel is as follows:

Value of the Larger Parcel	\$	2,069,078
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Less: Value of Acquisition (Land Only)	\$ 69,474
Value of the Remainder as Part of the Larger Parcel	\$ 1,999,604

VALUE OF THE REMAINDER AFTER ACQUISITION, BEFORE BENEFITS

The appraisal process requires the valuation of the remainder property as a separate and distinct parcel considering all the market forces that indicate a diminution in value to the remainder property. The remainder property will not decrease in size and the shape, utility, and highest and best use will remain the same.

Note: The value of the remainder as part of the whole has been used for further remainder value calculations. There are no severance damages. If the value of the remainder is calculated separately, after acquisition, it may not sum to the exact value of the remainder as part of the larger parcel due to rounding. Therefore, the appraiser uses the former figure in further calculations.

The Value of the Remainder after Acquisition, before Considering Benefits is:

Land Only	= \$ 1,999,604
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Severance Damages: The value of the remainder property as part of the larger parcel is compared to the value of the remainder as a separate parcel after acquisition, before considering benefits, to estimate the loss in value to the remainder property as a measure of severance damages.

Value of Remainder as part of the Larger Parcel	\$ 1,999,604
Less: Value of Remainder After Acquisition, Before Considering Benefits	\$ 1,999,604
Loss in Market Value	\$ 0

Cost to Cure

A flat \$700 has been added to cover fees or costs involved in moving or repositioning the construction fencing and the cost and inconvenience to the property owner of coordinating with the fencing firm and the anticipated fee the fencing company would charge for the repositioning. This includes an entrepreneurial incentive allowance.

Construction Contract Work

Apart from items specifically compensated for in the Valuation section of this report, any damages to any site improvements will be repaired and restored in kind as part of construction contract work.

VALUE OF REMAINDER AFTER ACQUISITION, CONSIDERING BENEFITS

The appraisal process requires the valuation of the remainder as a separate and distinct parcel considering all the market forces that indicate any increase in value to the remainder property. The proposed project

will no doubt enhance the utility, desirability and marketability of the remainder parcel, but the benefit is not readily quantifiable and is somewhat of a moot point (see "Benefits" note below).

The Value of the Remainder after Acquisition, Considering Benefits is:

Land Only	=	\$	1,999,604
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Benefits: Under California eminent domain law, any potential benefits to the remainder can only be used to offset damages to the remainder. There are no damages. The proposed project therefore provides no quantifiable benefits to the remainder property in the after condition; therefore, no benefits inure to the remainder.

Gain in Market Value:	
Value of Remainder After Acquisition, Considering Benefits	\$ 1,999,604
Less: Value of Remainder After Acquisition, Before Benefits	\$ <u>1,999,604</u>
Gain in Market Value	\$ 0

FAIR MARKET VALUE (AS OF FEBRUARY 11, 2021)

Market Value of Proposed Acquisition	
Land	\$ 69,474
Improvements	\$ 0
Net Severance Damages (Including Cost to Cure)	\$ <u>700</u>
Total	\$ 70,174
Rounded	\$ 70,200

This concludes the report.

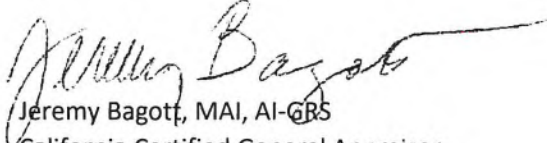
APPRAISER CERTIFICATIONS

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report.
- No one provided significant real property appraisal assistance to the person signing this certification.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.

ITEM NUMBER: A-4
DATE: 07/13/21
ATTACHMENT: 4
1950 El Camino Real, Atascadero
APN: 049-131-083, -050, -035
City of Atascadero
Permanent Acquisitions

- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.


Jeremy Bagott, MAI, AI-GRS
California Certified General Appraiser
License No. AG031250

ADDENDUM

About Appraiser Jeremy Bagott, MAI, AI-GRS

Jeremy Bagott has appraised properties for public agencies for the purposes of eminent domain, CFD bond issuance, successor-agency disposition, and lending. A former editor at the Los Angeles Daily News, he holds a bachelor's degree from California State University, Northridge, in foreign language and is a former Marine. He has written extensively on land-use issues and has been published in the Wall Street Journal, Voices of the Governing Institute, the National Review, the Los Angeles Daily News, the Orange County Register, the Los Angeles Business Journal, the San Diego Business Journal, the Riverside Press-Enterprise and the Ventura County Star. He provides commercial appraisal services for many property types and has experience in appraising improved owner-user and income-producing properties, as well as speculative land, land slated for immediate development, agricultural land and residential estate properties. In the area of eminent domain, he has appraised properties for full fee, partial fee, permanent easement and temporary easement acquisitions.

REPRESENTATIVE VALUATIONS INCLUDE

Industrial – DCOR-Rincon Onshore Separation Facility, Mussel Shoals; Tejon Industrial Complex, Kern County; Carlsbad Oaks North Business Park, Carlsbad; Centerpointe Business Park, Moreno Valley; high-cube logistics buildings, Chino.

Office – Assorted multitenant professional and medical office properties in Oxnard, Ventura, Los Angeles and South Orange County.

Retail – Shopping centers, free-standing retail buildings and properties on pads in Kern, Los Angeles, Riverside, San Bernardino and Ventura counties.

Multifamily Residential – Apartment complexes and small-investor properties across Southern California and the Central Coast.

Residential – Valuation properties for the cities of Carson, Lynwood and Palmdale as part of neighborhood stabilization programs; valuation of properties acquired for fire station expansion, Fullerton; valuation of estate properties in Santa Barbara County.

Agricultural – Orchards, row-crop and grazing land in Ventura, Santa Barbara, San Luis Obispo, Kern, Kings, Fresno, Madera, Riverside, Tulare and Tuolumne counties.

Special-Use Properties – Elementary School, Bassett Unified School District, Baldwin Park; City Hall, Maywood; Community Center, Boyle Heights (Los Angeles); Elementary School Site, Oxnard School District, Oxnard; Charter School, Los Angeles Unified School District.

Right-of-way Projects – Riverside, Los Angeles, Kern, Tulare, Kings, Madera, Tuolumne, Ventura, Santa Barbara and San Luis Obispo counties; Riverside Transmission Reliability Project 69kV Transmission Line Project, Riverside; Downs, Inyokern, Searles and McGen Substation Expansion Project, SCE, Kern County; State Route 91 Corridor Improvement Project, Corona.

LICENSES, DESIGNATIONS, PROFESSIONAL ASSOCIATIONS AND MEMBERSHIPS

Certified General Real Estate Appraiser, State of California (CA AG031250)
Appraisal Institute (MAI, #496093), Current Member of the Southern California Chapter
Member, Committee on Assessments, Special Taxes and Other Financing Facilities
Member, IRWA, Chapter 47

BOOKS

"The Compact Real Estate Appraiser," ISBN 978-0999710715, Publication Date: December 15, 2017

"Guaconomics: Dipping a Chip into America's Besieged Party Bowl," ISBN 978-0999710722, Publication Date: July 6, 2018



FIRM QUALIFICATIONS

HAMNER, JEWELL & ASSOCIATES is a specialized real estate consulting firm that provides right of way and governmental real estate acquisition, appraisal, and relocation services. For over 40 years, Hamner, Jewell and Associates has provided these services to public agencies throughout California. With offices in Ventura, San Luis Obispo County, and Fresno, we are able to service public agencies especially effectively throughout the Central Coast and Central Valley regions and have managed right of way acquisition projects spanning from the City of Poway in San Diego county, through the Los Angeles Basin, Santa Clarita, and up to the Sacramento Delta and the Silicon Valley.

Clients. Our extensive client list includes municipalities, counties, school districts, special districts, redevelopment agencies, water and sanitary districts, flood control districts, nonprofit housing organizations, private developers, public utilities, and engineering firms, and has included the California High Speed Rail Authority.

Services. Our primary specialization is acquiring real property rights, including easements and other partial interests, and providing mandated relocation assistance to property occupants on behalf of entities with the authority to acquire property by eminent domain. Our services are designed with the specific intent of successfully acquiring property by agreement, minimizing the instances in which eminent domain action would otherwise be required, but preserving the acquiring agency's right to initiate such action should it become a viable necessity.

We have acquired temporary and permanent easements or fee interests for roadways, sewer lines, waterlines, well sites, tank sites, utilities, greenbelts, and construction areas. We have also acquired access rights, air rights, slope easements, drainage easements, and properties for redevelopment projects and capital improvement projects such as parks, public parking lots, and sewer expansion projects. We have relocated residences and businesses that have ranged from office, retail, and industrial, including restaurants and bars, to automotive businesses, and even a tattoo parlor.

Additionally, our services include appraisals and project planning budgetary analysis, acquisition and relocation planning, including drafting acquisition and relocation guidelines, relocation plans, and replacement housing plans. We also provide preliminary relocation surveys and cost estimates, market surveys, resource analysis, title analysis, representation in lease negotiations, interim property management, utility relocation coordination, construction noticing, dispute resolution, and other general real property consulting services.

Federal Funding: Uniform Act Compliance. We are experienced and knowledgeable with all federal funding requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act ("Uniform Act") and we have an excellent working relationship with our local federal oversight representatives from Caltrans and HUD. To facilitate federally funded public works projects, we work extensively with Caltrans District representatives to facilitate projects in compliance with Caltrans and federal funding requirements. In addition to FHWA/Caltrans-funded projects, we have also handled property acquisition funded by other federal agencies, such as acquiring transportation center sites utilizing Federal Transit Administration (FTA) funding, and aviation easements utilizing Federal Aviation Administration (FAA) funding.

Professional Accolades **HAMNER, JEWELL & ASSOCIATES** has been repeatedly recognized as "Employer of the Year" by California Central Coast Chapter 47 of the International Right of Way Association in recognition of outstanding professionalism, support, and active involvement in the right of way acquisition field, and Managing Senior Associate Lillian Jewell has twice been named Chapter 47's Professional of the Year. Additionally, HJA Associates David Jewell and Cathy Springford have also been honored with Professional of the Year acknowledgements, David in 2003 and Cathy in 2010.

Corporate and San Luis Obispo County Office	530 Paulding Circle, Suite A, Arroyo Grande, CA 93420	(805) 773-1459
Ventura County Office	260 Maple Court, Suite 277, Ventura, CA 93003	(805) 658-8844
Central Valley Office	6051 N. Fresno Street, Suite 106, Fresno, CA 93710	(559) 412-8710
	www.hamner-jewell.com	



Atascadero City Council

Staff Report – Community Development Department

Central Coast Regional Pre-Approved Accessory Dwelling Unit Project Contract Award

RECOMMENDATION:

Council authorize the City Manager to execute a contract for \$158,300.00 with Workbench, Inc. to provide planning consultant services for the preparation of the Central Coast Regional Pre-Approved Accessory Dwelling Unit Project.

DISCUSSION:

In February 2021, the City signed a Memorandum of Understanding (MOU) with the Association of Bay Area Governments (AMBAG) and the San Luis Obispo Council of Governments (SLOCOG) to receive and manage the REAP regional funding allocation of \$181,000. REAP grant funding was made available through Assembly Bill 101. The regional funding has been allocated by SLOCOG to fund a regional effort to create stock, "ready to issue" construction plans for the development of Accessory Dwelling Units (ADU's) on private lots. This regional effort will be in partnership with the cities of Morro Bay, Grover Beach, and Arroyo Grande, while the City of Atascadero is taking the lead on facilitating the contract with the selected consultant.

Staff issued an RFP in March of 2021 to seek consultant help to the Central Coast Regional Pre-Approved Accessory Dwelling Unit Project. The City received five (5) proposals from California-based consulting firms. After a thorough inter-jurisdictional review that included ranking and interviews of top candidates, the Workbench consultant team (which includes Ryan Brockett architecture) was selected due to extensive experience and history of successfully implementing similar pre-approved ADU stock plan projects. As part of the timeline, staff anticipates awarding a contract in July, with work to start immediately following a kickoff meeting that is anticipated in late July or August. Awarding the contract to Workbench meets this timeline and keeps the City on target for the REAP regional grant deadlines. The scope of work (Attachment 1) identifies all work to be completed by 2022.

The consultant's proposal of \$158,300 includes a very robust public outreach process and leaves approximately \$22,000 to cover Atascadero city staff time for grant management. All regional REAP project costs are anticipated to be covered under the existing MOU the City has with AMBAG and SLOCOG.

FISCAL IMPACT:

Award of the contract to Workbench, Inc. for the Central Coast Regional Pre-Approved Accessory Dwelling Unit Project will use \$158,300 in budgeted Assembly Bill 101 REAP Regional Grant funds. Staff time costs associated with management of this contract and project are anticipated to be covered by the regional REAP funding allocation, not to exceed the total grant award of \$181,000.

ATTACHMENTS:

None.



Atascadero City Council

Staff Report – Community Development Department

Community Facilities District 2005-1 Annexation No. 23

RECOMMENDATIONS:

Council:

1. Conduct the public hearing for the proposed annexation.
2. Adopt Draft Resolution A; authorizing the territory identified in City Council Resolution 2021-030 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors.
3. Direct the City Clerk to conduct a landowner vote of annexation and collect and count the ballots.

Council to recess until ballots are counted

4. Adopt Draft Resolution B, declaring the results of a special annexation landowner election, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien.
5. Introduce for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 23.

DISCUSSION:

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. CFDs ensure that new homeowners pay special taxes in an amount expected to cover 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 and erode services to existing residents.

The Citywide CFD was established in 2005. Consistent with this policy 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 (formerly known as “Hartberg”) Subdivision project 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



On May 11, 2021, the City Council initiated the CFD process for this development by adopting a resolution of intent (Resolution No. 2021-030) to annex the subject project into the existing Citywide CFD and set the date of the public hearing.

The Resolution before Council (Attachment 1) is the final step to annex the 10850 El Camino Real Subdivision project (Annexation No. 23) into the existing Citywide CFD (CFD 2005-1) to fund new police, fire, and park services associated with the development. The Special Tax levied against Single-Family Residential parcels for Fiscal Year 2020-21 was \$706.68 annually per residential parcel, which is subject to an annual escalator. The money collected can only be used to fund new public services authorized to be funded by the Mello-Roos Act and identified within the Rate and Method of Apportionment.

After the close of the Public Hearing, the City Council may adopt Draft Resolution A (Attachment 1), which officially establishes the annexation of territory to Community Facilities District 2005-1. If approved, the Resolution authorizes the levy of special taxes within such annexation area.

Following adoption of the Resolution, the City Clerk will hold a landowner election, verifying the property owner's wishes to annex into the City's CFD. If the landowners elect to annex into the CFD, the City Council will certify the election and introduce for first reading, by title only, the Draft Ordinance (Attachment 3), authorizing the special taxes for Annexation No. 23.

The development proposed for annexation into the CFD was conditioned to be fiscally neutral through annexation into the existing Citywide CFD (CFD 2005-1 – Public Services). If the annexation is not approved, the project will not be able to meet the conditions of approval.

FISCAL IMPACT:

Assessments are estimated to be between \$45,000 - \$47,000 annually beginning in fiscal year 2022-2023, and adjusted each year for inflation. Deed restricted affordable units are exempt from the special tax.

ALTERNATIVES:

Council could require the developer to meet the fiscal neutrality condition of approval through some other mechanism.

ATTACHMENTS:

1. Draft Resolution A, authorizing the annexation of territory identified in City Council Resolution 2021-030 to be annexed into the Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors.
2. Draft Resolution B, declaring the results of a special annexation landowner election, determining the validity of the prior proceedings and directing the recording of an amendment to the notice of special tax lien.
3. Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory.

DRAFT RESOLUTION A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES), AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the City Council of the City of Atascadero (the “City”) previously conducted proceedings to establish the City of Atascadero Community Facilities District No. 2005-1 (Public Services) (the “District”), and

WHEREAS, this City Council on May 11, 2021, adopted its Resolution No. 2021-030 entitled “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” (the “Resolution of Intention”) stating its intention to annex the territory to the District pursuant to the Act; and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District, stating the services to be funded by the District and the rate and method of apportionment of the special tax to be levied within the District to pay for the services is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this City Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the closing of the hearing, no written or oral protests had been made against the proposed annexation of territory to the District by (i) any registered voter residing in the existing District, (ii) any registered voter residing in the territory proposed to be annexed to the District, (iii) any of the owners of land in the existing District, or (iv) any of the owners of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 23 to the District has been filed with the County Recorder of the County of San Luis Obispo, which map shows the territory to be annexed in these proceedings, and a copy of the map is on file with the City Clerk.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. All prior proceedings taken by this City Council with respect to the District and the proposed annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.

SECTION 3. The boundaries of the territory to be annexed to the District, as set forth in the map entitled “Annexation Map No. 23 of Community Facilities District No. 2005-1 (Public Services)” on file with the City Clerk and heretofore recorded in the San Luis Obispo County Recorder’s Office on June 4, 2021, in Book 6 at Page 32 of Maps of Assessment and Community Facilities Districts are hereby finally approved, are incorporated herein by this reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

SECTION 4. The provisions of the Resolution of Intention is, by this reference incorporated herein, as if fully set forth herein.

SECTION 5. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the qualified electors of the area to be annexed to the District at an election called therefor as hereinafter provided.

SECTION 6. This City Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this City Council finds that the qualified electors for purposes of the annexation election are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.

SECTION 7. This City Council hereby calls a special election to consider the measure described in Section 5 above, which election shall be held in the meeting room of the City Council immediately following adoption of this Resolution. The City Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the City Clerk has on file the Resolution of Intention, a certified map of the proposed boundaries of the territory to be annexed to the District, and a sufficient description to allow the City Clerk to determine the boundaries of the territory to be annexed to the District.

The voted ballots shall be returned to the City Clerk no later than immediately following the adoption of this Resolution; and when the qualified electors have voted the election shall be closed.

Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code, provided, however, that for purposes of setting the date for the election, Sections 53326 and 53327 of the Act shall govern.

This City Council acknowledges that the City Clerk has caused to be delivered to the qualified electors of the District ballots in the form set forth in Exhibit "A" hereto. The ballots indicate the number of votes to be voted by each landowner.

The ballots were accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing City Council.

Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327(b) of the Act.

The City Clerk shall accept the ballots of the qualified electors in the City of Atascadero City Council meeting room upon and prior to the adoption of this Resolution, whether the ballot is personally delivered or is received by mail. The City Clerk shall have ballots available which may be marked at said location on the election day by the qualified electors.

SECTION 8. This City Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days following the adoption of this Resolution to elapse before said special election is for the protection of the qualified electors of the territory to be annexed to the District. The ballots to be executed by the qualified electors of the area to be annexed to the District contains a waiver of any time limit pertaining to the conduct of the election and a waiver of any requirement for ballot measure analysis and arguments in connection with the election. Accordingly, this City Council finds and determines that, to the extent that the qualified elector submits its ballot, the qualified elector will have been fully apprised of and have agreed to the shortened time for the election and waiver of ballot measure analysis and arguments, and will have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the election.

SECTION 9. This Resolution shall take effect upon its adoption.

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

**SPECIAL TAX ELECTION
CITY OF ATASCADERO**

**ANNEXATION OF TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
ANNEXATION NO. 23**

(June 22, 2021)

This ballot is for the use of the authorized representative of the following owner of land within Annexation No. 23 of the Community Facilities District No. 2005-1 (Public Services) ("CFD No. 2005-1") of the City of Atascadero:

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
10850, LLC	3.75	4

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the City Council (the "Council") of the City of Atascadero (the "City"), the above-named landowner is entitled to cast the number of votes shown above under the heading "Total Votes," representing the total votes for the property owned by said landowner. The City has sent the enclosed ballot to you so that you may vote on whether or not to approve the special tax.

This special tax ballot is for the use of the property owner of the parcel identified below, which parcel is located within the territory proposed to be annexed to the CFD No. 2005-1, City of Atascadero, County of San Luis Obispo, State of California. Please advise the City Clerk, at (805) 461-5000, if the name set forth below is incorrect or if you are no longer one of the owners of this property. This special tax ballot may be used to express either support for or opposition to the proposed special tax. To be counted, this special tax ballot must be signed below by the owner or, if the owner is not an individual, by an authorized representative of the owner. The ballot must then be delivered to the City Clerk, either by mail or in person, as follows:

Mail

Delivery: If by mail, place ballot in the return envelope provided, and mail in an adequate amount of time so that the City Clerk receives the signed ballot no later than June 22, 2021, the date set for the election.

Personal

Delivery: If in person, deliver to the City Clerk at any time up to 6:00 p.m. on June 22, 2021, at the Clerk's office at 6500 Palma Ave, Atascadero, CA 93422.

However delivered, this ballot must be received by the Clerk prior to the close of the public meeting on June 22, 2021.

Very truly yours,

Kelly Gleason

Kelly Gleason
Senior Planner

TO CAST THIS BALLOT, PLEASE RETURN THIS ENTIRE PAGE.

OFFICIAL SPECIAL TAX BALLOT

Name & Address of Property Owner:	Assessor's Parcel Number(s):
10850, LLC Attn: Amanda Sherard 701 Shadow Lane, Suite 150 Las Vegas, NV 89106	045-351-008

ANNEXATION OF TERRITORY TO
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (SERVICES)
ANNEXATION NO. 23

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT

<u>SPECIAL TAX BALLOT MEASURE</u>	MARK "YES" OR "NO" WITH AN "X":
Shall the City Council of the City of Atascadero be authorized to levy a special tax on an annual basis at the rates and apportioned as described in Resolution No. 2021-030 adopted by the City Council on May 11, 2021 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Annexation Boundary Map No. 23 of Community Facilities District No. 2005-1 (Public Services) City of Atascadero, County of San Luis Obispo, State of California" to finance certain services as set forth in Section 4 to the Resolution (including incidental expenses).	YES _____ NO _____

Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2021.

John Carnesale

Signature

Print Name

Title

DRAFT RESOLUTION B

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, DECLARING THE
RESULTS OF A SPECIAL ANNEXATION LANDOWNER ELECTION,
DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING
THE RECORDING OF AN AMENDMENT TO
NOTICE OF SPECIAL TAX LIEN**

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the City Council of the City of Atascadero (the “City”) previously conducted proceedings to establish the City of Atascadero Community Facilities District No. 2005-1 (Public Services) (the “District”), and

WHEREAS, in proceedings conducted by this City Council pursuant to the Act, this City Council has adopted a Resolution entitled “Resolution of the City Council of the City of Atascadero, California, Authorizing the Annexation of Territory into Community Facilities District No. 2005-1 (Public Services), Authorizing the Levy of a Special Tax, and Submitting the Levy of Special Tax to Qualified Electors” (the “Resolution of Annexation”), which called for a special election of the qualified landowner electors in the territory of land proposed to be annexed to the District; and

WHEREAS, pursuant to the terms of the Resolution of Annexation, which is by this reference incorporated herein, the special election has been held and the City Clerk has on file a Canvass and Statement of Results of Election, (the “Canvass”) a copy of which is attached hereto as Exhibit A; and

WHEREAS, this City Council has been informed of the Canvass, finds it appropriate, and wishes to complete its proceedings for the annexation of territory into the District.

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

SECTION 1. The above recitals are true and correct.

SECTION 2. The issue presented at the special election was the levy of a special tax within the territory annexed to the District, to be levied in accordance with the formula heretofore approved by this City Council, all as described in Resolution No. 2021-030, entitled “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” adopted by this City Council on May 11, 2021.

SECTION 3. Pursuant to the Canvass on file with the City Clerk, the issue presented at the special election was approved by the landowners of the territory annexed to the District by more than two-thirds (2/3) of the votes cast at the special election.

SECTION 4. Pursuant to the voter approval, the annexed territory is hereby declared to be fully annexed to and part of the District and this City Council may levy special taxes therein as heretofore provided in these proceedings.

SECTION 5. It is hereby found that all prior proceedings and actions taken by this City Council with respect to the District and the territory annexed thereto were valid and in conformity with the Act.

SECTION 6. Within 15 days of the date of adoption hereof, the City Clerk shall execute and cause to be recorded in the office of the County Recorder of the County of San Luis Obispo, an Amendment to Notice of Special Tax Lien, as required by Section 53328.3 of the Act.

SECTION 7. This Resolution shall take effect upon its adoption.

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

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

AYES:
NOES:
ABSENT:
ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE LEVY OF SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES), INCLUDING CERTAIN ANNEXATION TERRITORY

WHEREAS, the City of Atascadero (the “City”) has conducted proceedings pursuant to the “Mello-Roos Community Facilities Act of 1982”, being Chapter 2.5, Part 1 Division 2, Title 5 of the Government Code of the State of California (the “Act”) and the City of Atascadero Community Facilities District No. 2005-1 (Public Services) Ordinance enacted pursuant to the powers reserved by the City of Atascadero under Sections 3, 5, and 7 of Article XI of the Constitution of the State of California (the “CFD Ordinance”) (the Act and the CFD Ordinance may be referred to collectively as the “Community Facilities District Law”), to establish the City of Atascadero Community Facilities District No. 2005-1 (Public Services) (the “District”) for the purpose of financing police services, fire protection and suppression services, and park services (the “Services”) as provided in the Act; and

WHEREAS, the rate and method of apportionment of special tax for the District is set forth in Exhibit B to the City Council Resolution entitled “A Resolution of the City Council of the City of Atascadero, California, For the Formation of Community Facilities District No. 2005-1 (Public Services) (the “Resolution of Formation”), which was adopted on May 24, 2005; and

WHEREAS, the City has conducted proceedings to annex territory into the District and, with respect to the proceedings, following an election of the qualified electors in the territory proposed for annexation (the “Annexation Territory”), the City Council, on July 13, 2021, adopted a Resolution entitled “Resolution of the City Council of the City of Atascadero, California, Declaring the Results of Special Annexation Landowner Election, Determining Validity of Prior Proceedings, and Directing the Recording of an Amendment to Notice of Special Tax Lien.”

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

SECTION 1. The above recitals are true and correct.

SECTION 2. By the passage of this Ordinance, the City Council hereby authorizes and levies the special tax within the District, including the Annexation Territory, pursuant to the Community Facilities District Law, at the rate and in accordance with the rate and method of apportionment of special tax set forth in the Resolution of Formation, which rate and method is by this reference incorporated herein. The special tax has previously been levied in the original territory of the District beginning in Fiscal Year 2006-07 pursuant to Ordinance No. 478 passed and adopted by the City Council on July 12, 2005 and the special tax is hereby levied commencing in Fiscal Year 2021-22 in the District, including the Annexation Territory, and in each fiscal year thereafter to pay for the Services for the District and all costs of administering the District.

SECTION 3. The City's Finance Director or designee or employee or consultant of the City is hereby authorized and directed each fiscal year to determine the specific special tax to be levied for the next ensuing fiscal year for each parcel of real property within the District, including the Annexation Territory, in the manner and as provided in the Resolution of Formation.

SECTION 4. Exemptions from the levy of the special tax shall be as provided in the Resolution of Formation and the applicable provisions of the Community Facilities District Law. In no event shall the special tax be levied on any parcel within the District in excess of the maximum special tax specified in the Resolution of Formation.

SECTION 5. All of the collections of the special tax shall be used as provided in the Community Facilities District Law and in the Resolution of Formation, including, but not limited to, the payment of the costs of the Services, the payment of the costs of the City in administering the District, and the costs of collecting and administering the special tax.

SECTION 6. The special tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes; provided, however, that the City Council may provide for other appropriate methods of collection by resolution(s) of the City Council. The Finance Director of the City is hereby authorized and directed to provide all necessary information to the auditor/tax collector of the County of San Luis Obispo in order to effect proper billing and collection of the special tax, so that the special tax shall be included on the secured property tax roll of the County of San Luis Obispo for Fiscal Year 2021-22 and for each fiscal year thereafter until no longer required to pay for the Services or until otherwise terminated by the City.

SECTION 7. If for any reason any portion of this Ordinance is found to be invalid, or if the special tax is found inapplicable to any particular parcel within the District, including the Annexation Territory, by a court of competent jurisdiction, the balance of this Ordinance and the application of the special tax to the remaining parcels within the District, including the Annexation Territory, shall not be affected.

SECTION 8. A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of

Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

SECTION 9. This Ordinance shall take effect 30 days from the date of final passage.

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

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney



Atascadero City Council

Staff Report – Public Works Department

Pickleball Courts at Colony Park Construction Award

RECOMMENDATIONS:

Council:

1. Reject the bid protest of R. Burke Corporation and award a contract to Kirk Construction for \$173,143 to construct the Pickleball Courts at Colony Park Project and authorize the City Manager to execute the contract on behalf of the City Council.
2. Discuss and direct staff on desired alternative for funding sources for amounts exceeding appropriated amount for the Pickleball Courts at Colony Park Project.
3. Authorize the Director of Administrative Services to appropriate \$60,000 for the Pickleball Courts at Colony Park Project from a funding source to be identified.

DISCUSSION:

Background

About two years ago, Council and staff were contacted by residents representing the Atascadero Pickleball Club to request additional pickleball courts at Colony Park. Currently, there are no dedicated pickleball facilities at Colony Park or at any other City park. Pickleball participants play in the Colony Park Community Center gymnasium and on the outdoor basketball courts. In December of 2019, the City Council approved changes to the Colony Park master plan to set aside space for 3 to 4 pickleball courts.

In response to representatives from the Atascadero Pickleball Club expressing frustration with increasing estimated construction costs and the lack of a formal funding partnership agreement with the City, the Council discussed funding for the proposed pickleball courts at their November 24, 2020, meeting. Court construction design and cost options were reviewed at the meeting, along with past public-private projects. The Council consensus was to have a City contribution up to \$150,000 and directed staff to return to Council with a formal appropriation from Parkland Facilities Fees, and continue to work with the Atascadero Pickleball Club representatives to move the project forward. The \$150,000 City contribution was formally appropriated by Council at the January 12, 2021 meeting.

At that time, City staff began the process of designing the Pickleball Courts located adjacent to the Community Center basketball courts within open space currently part of Sewer Lift Station #5. Preliminary work required included topographic survey completed by JoAnn Head Land Surveying and geotechnical investigation and recommendations completed by Mid-Coast Geotechnical, Inc. After receiving survey and design recommendations, City staff prepared design documents (Plans, Specifications and Estimates) and held multiple meetings with Pickleball representatives to further refine the design and confirm needs and desires for the courts were being met.

Bid Analysis

The project was publicly bid starting May 26, 2021 for a minimum of 30 days in accordance with State Contracting Laws and the City's Purchasing Policy. A public bid opening was held on June 29, 2021 and six bids were received ranging from \$173,142.50 to \$262,978, with the low bid received by Kirk Construction of Atascadero. The bid proposals were reviewed for mathematical accuracy and compliance with project bidding requirements, and the City Engineer determined that Kirk Construction's bid proposal was responsive and responsible per the bidding requirements. The engineer's estimate for construction was \$188,000.

The City received a bid protest letter on June 30, 2021 from the second lowest bidder, R. Burke Corporation. In their protest, R. Burke Corporation alleges that Kirk Construction was non-responsive to bidding requirements for corporations since they did not list the names, titles, and addresses of the corporation's president, secretary, and treasurer. The City responded to R. Burke Corporation's bid protest on July 2, 2021 indicating that the issues raised in their bid protest do not give Kirk Construction an advantage or benefit over other bidders, and that the bid variance is inconsequential and may be accepted by the City. A copy of R. Burke Corporation's bid protest letter and the City's response letter are attached for reference.

Funding for Park Facilities

In the past, the City has collaborated with local groups requesting park facilities. Below is a list of recent City/Community partnership park expansion projects and the relative financial contribution of each.

Project	Park	City	Community
Joy Playground	Colony Park	47.3%	52.7%
ALPS Three Bridges Trail	Open Space	24.8%	75.2%
Zoo Education Center/Thelma Vetter Red Panda Exhibit	Lake Park	50.0%	50.0% Est.
Lake Well Project	Lake Park	0.0%	100.0%
Lake Aeration System	Lake Park	0.0%	100.0%
Bocce Ball Courts	Colony Park	0.0%	100.0%
Petanque Courts	Colony Park	0.0%	100.0%
Horseshoe Pits	Paloma Park	0.0%	100.0%
Skate Park Insulation Project	Colony Park	0.0%	100.0%
Skate Park Outdoor Facility	Colony Park	0.0%	100.0%

At other times, the City has been able to use grant funding and impact fees to complete projects without significant community participation.

Project	Park	City	Community
The Plaza	New Park Area	100.0%	0.0%
Centennial Plaza	Centennial Plaza	100.0%	0.0%
Stadium Park Easement	Stadium Park	100.0%	0.0%
Paloma Park Purchase	Paloma Park	100.0%	0.0%

The Pickleball Club has agreed to contribute \$30,000 in cash toward the project and a number of necessary items not included in the bid/project costs. Below are the items to be contributed by the Atascadero Pickleball Club toward the Pickleball Court Project (Costs of non-cash items are estimated):

Court Surfacing	\$ 12,000
Nets and posts	2,500
Lock boxes, blowers and other needed equipment	2,500
Total non cash contribution	17,000
Cash donation	30,000
Total Pickleball Club contribution	<u>\$ 47,000</u>

Staff met with representatives from the Pickleball Club after the bids were received and the representatives present stated that they were continuing to look at additional service donations which, if successful would increase their total contribution and reduce the funding shortfall discussed below.

Funding Shortfall

In spite of the very favorable bids received for the construction of the Pickleball Courts, and the contributions from the Pickleball Club, there continues to be a funding shortfall of approximately \$60,000 as shown below.

ESTIMATED EXPENDITURES	
Soils Testing, Survey	\$ 3,732
Design (Staff Time)	3,600
Construction Contract	173,143
Inspection/Testing/Construction Admin. @ 15%	25,500
Construction Contingency @ 20%	34,025
Total Estimated Expenditures:	\$ 240,000

ESTIMATED FUNDING SOURCES	
Parkland Facilities Impact Fees	\$150,000
Atascadero Pickleball Cash Donation	30,000
Total Estimated Funding Sources	\$180,000

Funding Shortfall	\$60,000
--------------------------	-----------------

Included in the estimated expenditures is \$34,025 in construction contingencies to cover unexpected items that were not included in the original bids. This is not an actual expenditure, but instead is a prudent budgeting mechanism to insure that funds are available to deal with things such as differences in quantity estimates, unexpected soil situations, additional testing needed, etc. If the project has no unexpected changes, the funding shortfall is about \$26,000. If there are many unexpected items, the shortfall can be much higher than that. We will not know the exact funding shortfall until the Project is complete, but staff does recommend including budget for the normal and customary 20% of construction costs.

Because there remains a budget shortfall of some amount, City staff is requesting direction from Council on where this project funding shortfall should be obtained. The City is required to award a contract within sixty (60) working days after bid opening, or on or before the end of September 2021. Several options are available including:

Option A- Reject Bids: The Council could reject all bids and request that the Atascadero Pickleball Club continue to raise funds until such time as the amount raised plus the City's \$150,000 in committed funds is equal to the estimated project costs. This option is not recommended as the bid received was a favorable bid and it is unlikely that the City would receive as competitive a price in the future.

Option B- Delay the Project: Council could direct staff to delay the project award to a Council meeting in August or September 2021. This allows some time for the Atascadero Pickleball Club to raise additional funds toward the budget shortfall. The Council should consider the ability of the Pickleball Club to raise a significant amount of funds in this very short time period. The delay of award may also potentially push construction into the fall or rainy season.

Option C- Loan Pickleball Club Funds: The Council could ask the Atascadero Pickleball Club to continue to raise funds to cover the funding shortfall over some longer period of time. Having a target amount of needed funds, coupled with the reality of being so close to getting courts constructed, may motivate fund raising efforts and donations. In order to take advantage of the favorable bid, the City would have to cover the funding shortfall and be repaid over time by the Pickleball Club as they receive donations.

Option D- Charge Court Fees: The Council could direct staff to bring back recommendations on court fees to be charged for any user of the Pickleball Courts. There are mechanisms and code locks that other jurisdictions use to require that any user of Pickleball Courts pay a fee to the City. (This would be in addition to the fees that the Pickleball Club currently pays the City for administration, liability and registration costs.) The fees could be charged until such time as the shortfall is repaid or in perpetuity.

Option E- City Make Up Funding Shortfall: The City of Atascadero can appropriate an additional \$60,000 in Parkland Facilities Fees Funds to cover the entire funding shortfall for the Project. Based on the projected revenues and expenditures in the Parkland Facilities Fees Fund it is anticipated that the fund will have or will shortly have enough cash to cover this shortfall. If there is not enough cash available in the fund, it is not uncommon to have a negative balance in impact fees funds. Future impact fees would

then be used to repay the General Fund for any amounts borrowed. The Council should keep in mind that there are other groups, clubs and non-profits that vie for these funds and wish to see specific park facility improvements; however, there is not currently an identified project that these funds have been earmarked for.

The Council could also choose to do any combination of Options B-E.

FISCAL IMPACT:

Award of the bid to Kirk Construction will result in the expenditure of \$173,143 and a potential total project cost of \$240,000. Funding sources are expected to include \$150,000 in Parkland Facilities Impact Fees, \$30,000 in donations from the Atascadero Pickleball Club and \$60,000 in funds to be identified by the Council at the meeting.


ALTERNATIVES:

1. Delay the project award to a Council meeting in August or September 2021. This alternative might be desired if Option B or C is selected to allow time for the Atascadero Pickleball Club to raise additional funds toward the budget shortfall.
2. Cancel the project or direct staff to rebid the project. Staff does not recommend rebidding the project as-is without making significant changes to the project scope, since rebidding will likely result in higher bids. Rebidding the project will delay the project by two to three months at a minimum.

ATTACHMENTS:

1. Bid Summary
2. R. Burke Corp. Bid Protest Letter
3. City Response Letter to R. Burke Corp. Bid Protest

City of Atascadero
Office of the City Clerk
Bid Summary

TO: Public Works
FROM: Amanda Muther, Deputy City Clerk 
BID NO.: 2021-006
OPENED: 6/29/2021
PROJECT: Atascadero Pickleball Courts (Z2020P02)
6 Bids were received and opened today, as follows:

<u>Name of Bidder</u>	<u>Bid Total</u>
Kirk Construction	\$173,142.50
R. Burke Corporation	\$202,921.00
Newton Construction & Management, Inc.	\$214,000.00
CalPortland Construction	\$243,910.00
John Madonna Construction Co., Inc.	\$260,840.00
Seamair Construction, Inc.	\$262,978.00

R. BURKE CORPORATION

865 CAPITOLIO WAY — P.O. Box 957
SAN LUIS OBISPO, CA 93406-0957
PHONE (805) 543-8568 FAX (805) 543-2521
LICENSE No. 264193 — DIR REGISTRATION No. 1000007955



AN EQUAL OPPORTUNITY EMPLOYER

ITEM NUMBER: C-1
DATE: 7/13/21
ATTACHMENT: 2

June 30, 2021

Ryan Hayes, Deputy Public Works Director
Dawn Patterson, Public Works Department
City of Atascadero
6500 Palma Ave
Atascadero, CA 93422

Re: Atascadero Pickle Ball Courts
Project Z2020P02

To Whom it May Concern:

We are in receipt of a copy of the bid from the apparent low bidder, Kirk Construction, on the above referenced project. Please consider this as our formal written Bid Protest of the Bid submitted by Kirk Construction on the above referenced project on Tuesday June 29, 2021.

It is noted that on Bid Submittal Form #13 Proposal Guaranty Agreement, Kirk Construction failed to list the secretary and treasurer of the corporation. On Bid Submittal Form #14 Contractor's Licensing Statement, Kirk Construction did not have the secretary of the corporation sign the form. As stated in Section 2-1.02 Proposal Form, of the Special Provisions, *"If made by a corporation, the proposal **must** show the name of the state under the laws of which the corporation was chartered **and the names, titles and business addresses of the president, secretary and treasurer.**"*

Since Kirk Construction, as a corporation, failed to provide the information required on both of these forms and as stated in Section 2-1.06 Rejection of Proposals, Kirk Construction's bid for the above referenced project should be considered incomplete and rejected as being non-responsive.

Therefore, if Kirk Construction's bid is deemed non-responsive, then R. Burke Corporation requests that its bid for the project be accepted by the City of Atascadero as the "apparent low bidder".

If you have any questions or comments, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "R. Burke", written over a horizontal line.

Robert E. Burke
President
R. Burke Corporation



CITY OF ATASCADERO

PUBLIC WORKS DEPARTMENT

6500 Palma Avenue, Atascadero CA 93422
(805) 470-3456 | publicworks@atascadero.org

July 2, 2021

VIA EMAIL AND US MAIL

Rob Burke
President
R. Burke Corporation
865 Capitolio Way
San Luis Obispo, CA 93406

RE: BID PROTEST FOR PICKLEBALL COURTS AT COMMUNITY CENTER BID

Dear Mr. Burke:

I am responding to your letter dated June 30, 2021 protesting the bid of Kirk Construction. I have attached a copy of your letter and the bid proposal from Kirk Construction for reference.

Your letter notes administrative omissions on two separate bid forms. First, you note the failure to list the secretary and treasurer of the corporation on Bid Submittal Form #13. Secondly, you note that Bid Submittal Form #14 was not signed by the secretary of the corporation.

City staff believes that these bid irregularities are not consequential and may be waived by the City Council. A public entity may accept a bid that is not strictly responsive to the bid documents. See Valley Crest Landscape, Inc. v. City Council (1996) 41 Cal.App.4th 1432, 1440-1441 in which the Court states:

"A basic rule of competitive bidding is that bids must conform to specifications, and that if a bid does not so conform, it may not be accepted. [Citations.] However, it is further well established that a bid which substantially conforms to a call for bids may, though it is not strictly responsive, be accepted if the variance cannot have affected the amount of the bid or given the bidder an advantage or benefit not allowed other bidders or, in other words, if the variance is inconsequential."

Here, the issues raised in your June 30, 2021 letter do not affect the amount of the Kirk Construction bid and do not give Kirk Construction an advantage or benefit not allowed other bidders. Thus, staff believes that the variance is inconsequential and the bid may be accepted by the City.

For the above reasons, I intend to recommend to the City Council at its meeting on July 13, 2021 (at 6:00 pm to be held virtually at the following web address: https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA) that the City Council reject the R. Burke Corporation bid protest and award the construction contract for the project to Kirk Construction. If you wish, you may attend this City Council meeting to present your position on these issues.

If you should have any further questions regarding this matter, please contact me at 805-470-3456 or ndebar@atascadero.org.

Sincerely,



Nicholas D. DeBar, PE
Director of Public Works/City Engineer

Enclosures

xc:

Kirk Construction via email

Brian Pierik, City Attorney

File: C2019E01

R. BURKE CORPORATION

865 CAPITOLIO WAY — P.O. BOX 957
SAN LUIS OBISPO, CA 93406-0957
PHONE (805) 543-8568 FAX (805) 543-2521
LICENSE No. 264193 — DIR REGISTRATION No. 1000007955



AN EQUAL OPPORTUNITY EMPLOYER

June 30, 2021

Ryan Hayes, Deputy Public Works Director
Dawn Patterson, Public Works Department
City of Atascadero
6500 Palma Ave
Atascadero, CA 93422

Re: Atascadero Pickle Ball Courts
Project Z2020P02

To Whom it May Concern:

We are in receipt of a copy of the bid from the apparent low bidder, Kirk Construction, on the above referenced project. Please consider this as our formal written Bid Protest of the Bid submitted by Kirk Construction on the above referenced project on Tuesday June 29, 2021.

It is noted that on Bid Submittal Form #13 Proposal Guaranty Agreement, Kirk Construction failed to list the secretary and treasurer of the corporation. On Bid Submittal Form #14 Contractor's Licensing Statement, Kirk Construction did not have the secretary of the corporation sign the form. As stated in Section 2-1.02 Proposal Form, of the Special Provisions, *"If made by a corporation, the proposal **must** show the name of the state under the laws of which the corporation was chartered **and the names, titles and business addresses of the president, secretary and treasurer.**"*

Since Kirk Construction, as a corporation, failed to provide the information required on both of these forms and as stated in Section 2-1.06 Rejection of Proposals, Kirk Construction's bid for the above referenced project should be considered incomplete and rejected as being non-responsive.

Therefore, if Kirk Construction's bid is deemed non-responsive, then R. Burke Corporation requests that its bid for the project be accepted by the City of Atascadero as the "apparent low bidder".

If you have any questions or comments, please feel free to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert E. Burke".

Robert E. Burke
President
R. Burke Corporation

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #1 OF 16

**PROPOSAL TO THE
CITY OF ATASCADERO
ATASCADERO PICKLEBALL COURTS**

NAME OF BIDDER KIRK CONSTRUCTION
BUSINESS MAILING ADDRESS 8740 PUEBLO AVE STE A
CITY, STATE, ZIP ATASCADERO, CA 93422
BUSINESS STREET ADDRESS SAME AS ABOVE
CONTRACTOR'S LICENSE NUMBER AND CLASSIFICATION 810345 A, C-8
TELEPHONE NO: (805) 461-2060
EMAIL: BLAIR@KIRK-CONSTRUCTION.NET

The work for which this Proposal is submitted is for construction in accordance with the Special Provisions (including the payment of not less than the State General Prevailing Wage Rates or the Federal minimum wage rates when set forth herein), the Plans described below, including any addenda thereto, the contract annexed hereto for use in connection with Caltrans Standard Specifications dated 2018 and Standard Plans Dated 2018 and Labor Surcharge and Equipment Rental Rates.

The Plans and Special Provisions for the work to be done are entitled:

Atascadero Pickleball Courts, Project No. Z2020P02

To the HONORABLE MAYOR and MEMBERS OF THE CITY COUNCIL of the CITY OF ATASCADERO, California.

Ladies and Gentlemen:

The undersigned as Bidder declares that he/she has carefully examined the location of the proposed work above described, read and examined the Contract Documents, and Addendum/Addenda (List Addenda Received: 1, 2, ,) therefor, read the Notice to Contractors, the Proposal Requirements, including the Standard Specifications, and hereby proposes and agrees, if this Proposal is accepted by the City, to furnish all materials and services required to do all the work required to complete the said construction in accordance with the Contract Documents in the time stated herein, for the unit prices and/or lump sum prices given below:

BIDDER _____

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

**Atascadero Pickleball Courts, Project No. Z2020P02
Addendum No.1, June 7, 2021**

BID ITEM NO.	BID ITEM	UNIT	QUANTIT Y	UNIT PRICE	TOTAL COST
1	MOBILIZATION	LS	1	1,200-	1,200-
2	WATER POLLUTION CONTROL PLAN/TREE PROTECTION	LS	1	1,160-	1,160-
3	OVER-EXCAVATION / EARTHWORK	LS	1	16,885-	16,885-
4	REMOVE FENCE	LF	130	26.90	3,497-
5	REMOVE TREE	EA	2	460-	920-
6	ABANDON EXISTING IRRIGATION VALVE	EA	1	750-	750-
7	ADJUST TO GRADE EXISTING ELECTRICAL PULLBOX	EA	1	845-	845-
8	INSTALL STORM DRAIN INLET	EA	4	1,700-	6,800-
9	INSTALL 8" STORM DRAIN PIPE	LF	215	45-	9,675-
10	CONSTRUCT CONCRETE COURTS (4" CONCRETE/12" CL 2 BASE)	SF	8,490	9.80	83,202-
11	INSTALL NET POST FOUNDATIONS AND SLEEVES	LS	1	6,300	6,300-
12	COORDINATION WITH FENCING CONTRACTOR	LS	4		
13	INSTALL 8' CHAIN LINK PERIMETER FENCING AND GATES	LF	405	77.70	31,468.50
14	INSTALL 4' CHAIN LINK INTERIOR FENCING AND GATES	LF	225	46.40	10,440-
BID TOTAL				\$ 173,142.50	

EA= Each

LF= Linear Feet

LS= Lump Sum

SF= Square Feet

***NOTE:** In case of error in extension of price into the total price column, the unit price will govern.

Bid Total in Words: ONE HUNDRED SEVENTY-THREE THOUSAND, ONE
HUNDRED FIFTY-TWO AND 50/100 DOLLARS

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Bidder: _____

RECEIVED
JUN 29 2021
CITY OF ATASCADERO
CITY CLERK'S OFFICE

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #4 OF 16

(THE BIDDER'S EXECUTION ON THE SIGNATURE PORTION
OF THIS BID SHALL ALSO CONSTITUTE AN ENDORSEMENT
AND EXECUTION OF THOSE CERTIFICATIONS WHICH ARE A
PART OF THIS BID)

EQUAL EMPLOYMENT OPPORTUNITY CERTIFICATION

The bidder KIRK CONSTRUCTION,
proposed _____ subcontractor
CENTRAL COAST FENCE, hereby certifies that he has
X, has not _____, participated in a previous contract or subcontract subject to the
equal opportunity clauses, as required by Executive Orders 10925, 11114, or 11246,
and that, where required, he has filed with the Joint Reporting Committee, the Director
of the Office of Federal Contract Compliance, a Federal Government contracting or
administering agency, or the former President's Committee on Equal Employment
Opportunity, all reports due under the applicable filing requirements.

Note: The above certification is required by the Equal Employment Opportunity Regulations of the
Secretary of Labor (41 CFR 60-1.7(b) (1)), and must be submitted by bidders and proposed
subcontractors only in connection with contracts and subcontracts which are subject to the equal
opportunity clause. Contracts and subcontracts which are exempt from the equal opportunity
clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or
under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their
implementing regulations.

Proposed prime contractors and subcontractors who have participated in a previous contract or
subcontract subject to the Executive Orders and have not filed the required reports should note
that 41 CFR 60-1.7(b) (1) prevents the award of contracts and subcontracts unless such
contractor submits a report covering the delinquent period or such other period specified by the
Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U.S.
Department of Labor.

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #5 OF 16

LABOR NONDISCRIMINATION

Attention is directed to Section 1735 of the Labor Code, which reads as follows:

"No discrimination shall be made in the employment of persons upon public works because of the race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, or sex of such persons, except as provided in Section 12940 of the Government Code, and every contractor for public works violating this section is subject to all the penalties imposed for a violation of this chapter."

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #6 OF 16

PUBLIC CONTRACT CODE

Public Contract Code Section 10285.1 Statement

In conformance with Public Contract Code Section 10285.1 (Chapter 376, Stats. 1985), the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder has , has not X been convicted within the preceding three years of any offenses referred to in that section, including any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or Federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including the Regents of the University of California or the Trustees of the California State University. The term "bidder" is understood to include any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof, as referred to in Section 10285.1.

Note: The bidder must place a check mark after "has" or "has not" in one of the blank spaces provided. The above Statement is part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Statement. Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #7 OF 16

Public Contract Code Section 10162 Questionnaire

In conformance with Public Contract Code Section 10162, the Bidder shall complete, under penalty of perjury, the following questionnaire:

Has the bidder, any officer of the bidder, or any employee of the bidder who has a proprietary interest in the bidder, ever been disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation?

Yes _____ No X

If the answer is yes, explain the circumstances in the following space.

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #8 OF 16

Public Contract Code 10232 Statement

In conformance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding of contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board.

Note: The above Statement and Questionnaire are part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Statement and Questionnaire.
Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #9 OF 16

**CONTRACTOR'S/SUBCONTRACTOR'S CERTIFICATION
CONCERNING STATE LABOR STANDARDS AND PREVAILING WAGES**

All contractors and subcontractors shall give the following certification to the grantee and forward this certification to the grantee within 10 days after the execution of any contract or subcontract.

- A. "I am aware of the provisions of Section 1720 et seq. of the California Labor Code which requires that the State prevailing wage rate shall be paid to employees where this rate exceeds the Federal wage rate."
- B. "I am aware of the provisions of Section 3700 of the Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this contract."
- C. "It is further agreed that, except as may be provided in Section 1815 of the California Labor Code, the maximum hours a worker is to be employed is limited to eight hours a day and 40 hours a week and the subcontractor shall forfeit, as a penalty, \$25 for each worker employed in the execution of the subcontract for each calendar day during which a worker is required or permitted to labor more than eight hours in any calendar day or more than 40 hours in any calendar week."

(Contractor/Subcontractor)

By  Blair Kirk President 6-28-2
(Signature) (Printed Name and Title) (Date)

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #10 OF 16

Noncollusion Affidavit
(Title 23 United States Code Section 112 and
Public Contract Code Section 7106)

To the CITY OF ATASCADERO DEPARTMENT OF PUBLIC WORKS

In conformance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Note: The above Noncollusion Affidavit is part of the Bid. Signing this Bid on the signature portion thereof shall also constitute signature of this Noncollusion Affidavit.
Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
 Project Z2020P02

BID SUBMITTAL FORM #11 OF 16

















By my signature on this bid I certify, under penalty of perjury under the laws of the State of California, that the foregoing questionnaire and statements of Public Contract Code Sections 10162, 10232 and 10285.1 are true and correct and that the bidder has complied with the requirements of Section 8103 of the Fair Employment and Housing Commission Regulations (Chapter 5, Title 2 of the California Administrative Code). By my signature on this Bid I further certify, under penalty of perjury under the laws of the State of California and the United States of America, that the Noncollusion Affidavit required by Title 23 United States Code, Section 112 and Public Contract Code Section 7106; and the Title 49 Code of Federal Regulations, Part 29 Debarment and Suspension Certification are true and correct.

 President
 Signature and Title of Bidder

KIRK CONSTRUCTION
8740 PUEBLO AVE. STE A
ATASCADERO, CA 93422
 Company Name and Address

6-28-29
 Date

Proposal Submittal - to be considered Responsive must include all of the following:

		Bidder Initials	City Use
1.	Proposal Form		_____
2.	Bid Sheet(s)		_____
3.	Material Substitution Request		_____
4.	Equal Employment Opportunity Certification		_____
5.	Labor Nondiscrimination Statement		_____
6.	Public Contract Code Section 10285.1 Statement		_____
7.	Public Contract Code Section 10162 Questionnaire		_____
8.	Public Contract Code Section 10232 Statement		_____
9.	Contractor's/Subcontractor's Certification --Prevailing Wage		_____
10.	Noncollusion Affidavit		_____
11.	Bid Proposal Signature Page		_____
12.	Designated Subcontractor Information Sheet		_____
13.	Proposal Guaranty Agreement		_____
14.	Contractor's Licensing Statement		_____
15.	Workers' Compensation Insurance Certificate		_____
16.	City of Atascadero Bidders List Information		_____
KIRK CONSTRUCTION 8740 Pueblo Avenue, Ste A Atascadero, CA 93422 805-461-2060			

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #12 OF 16

DESIGNATED SUBCONTRACTOR INFORMATION SHEET

The Contractor shall set forth the following information on the "Designated Subcontractor Information Sheet," the name and location of the place of business, telephone and email address, license number and classification of each subcontractor who will perform work or labor or render service to the undersigned in or about the construction of the work to be performed. That portion of the work which will be done by such subcontractor for each subcontract shall be listed by individual item number, percent of item, dollar amount of item and brief description. Per SB 854 (Stat.2014, Chapter 28), no contractor or subcontractor may work or be listed on a bid proposal unless registered with the DIR.

(1) CENTRAL COAST FENCE
Name
540 S. 4TH ST
Address
GROVER BEACH, CA
City, State, Zip
805-481-1460
Phone Number
ERIC@CENTRALCOASTFENCE.COM
Email address
463992 C-13
License Number and Classifications
(13) (95) (29,951-)
Item No Percent of Item Dollar Amount
FENCE
Description of Above Item 9944.61
(14) (95) (29,951-)
Item No Percent of Item Dollar Amount
FENCE
Description of Above Item 8022261
Item No Percent of Item Dollar Amount
Description of Above Item
Item No Percent of Item Dollar Amount
Description of Above Item

(2)
Name
Address
City, State, Zip
Phone Number
email address
License Number and Classifications
Item No Percent of Item Dollar Amount
Description of Above Item
Item No Percent of Item Dollar Amount
Description of Above Item
Item No Percent of Item Dollar Amount
Description of Above Item
Item No Percent of Item Dollar Amount
Description of Above Item

CAUTION!
FAILURE TO FILL OUT THIS FORM COMPLETELY, ACCURATELY AND
LEGIBLY WILL CAUSE YOUR BID TO BE CONSIDERED NON-RESPONSIVE

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

(3) _____
Name

Address

City, State, Zip

Phone Number

Email address

License Number and Classifications

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

(4) _____
Name

Address

City, State, Zip

Phone Number

email address

License Number and Classifications

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

CAUTION!
FAILURE TO FILL OUT THIS FORM COMPLETELY, ACCURATELY AND
LEGIBLY WILL CAUSE YOUR BID TO BE CONSIDERED NON-RESPONSIVE

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

NOTE: This form may be reproduced and attached behind this page to list more subcontractors.

(5)
Name

Address

City, State, Zip

Phone Number

Email address

License Number and Classifications

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

(6)
Name

Address

City, State, Zip

Phone Number

email address

License Number and Classifications

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

() () ()
Item No Percent of Item Dollar Amount

Description of Above Item

By _____
Bidder's Signature

CAUTION!
FAILURE TO FILL OUT THIS FORM COMPLETELY, ACCURATELY AND
LEGIBLY WILL CAUSE YOUR BID TO BE CONSIDERED NON-RESPONSIVE

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #13 OF 16

**PROPOSAL
GUARANTY AGREEMENT**

Accompanying this Proposal is BIDDER'S BOND (insert "\$ 1070 cash", "Cashiers' check", "Certified check", or "Bidder's Bond", as the case may be) in the amount equal to at least ten percent (10%) of the total bid.

The undersigned further agrees that in case of default in executing the required contract together with the necessary bonds within the period of time provided by the Proposal Requirements, the proceeds of the security accompanying this bid shall become the property of the CITY OF ATASCADERO, California, and this Proposal and the acceptance thereof may be considered null and void.

Licensed in accordance with an act providing for registration of contractors, License No. 810345.



Signature of Bidder

BLAIR G KIRK

Typed or Printed Signature

(If an individual, so state. If a partnership, state the firm name and give the names of all individuals who are co-partners composing the firm. If a corporation, state legal name of corporation, also names of president, secretary, and treasurer thereof.)

KIRK CONSTRUCTION

BLAIR G KIRK PRES/CEO

8740 PUEBLO AVE, STE A
ATASCADERO, CA 93422

Business Address

Dated: 6-28-21

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #14 OF 16

CONTRACTOR'S LICENSING STATEMENT

I declare under penalty of perjury under the laws of the State of California that the following is true and correct. Executed in the City of ATASCADERO, CA this 28 day of JUNE, 2021.

The undersigned is licensed in accordance with the laws of the State of California providing for the registration of the Contractors.

Contractor's License Number and expiration date: 810345 2-28-2022

Name of Individual Contractor (print or type): _____

Signature of Contractor: _____

Business Address: _____

or

Name of Firm: _____

Business Address: _____

Business Telephone: _____

Signature, title, and address of members signing on behalf of the partnership:

Name: _____ Title: _____

Address: _____

Name: _____ Title: _____

Address: _____

or

Name of Corporation: KIRK CONSTRUCTION

Business Address: 8740 PUEBLO AVE, STE A ATASCADERO, CA 93422

Corporation organized under the laws of the State of CALIF



Signature of President of Corporation

Signature of Secretary of Corporation

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #15 OF 16

WORKERS' COMPENSATION INSURANCE CERTIFICATE

The Contractor shall execute the following form as required by the California Labor Code, Section 1861:

I am aware of the provisions of Section 3700 of the Labor Code, which require every employer to be insured against liability for Workers' Compensation or to undertake self-insurance in accordance with the provisions of that Code, and I will comply with such provisions before commencing the performance of the work of this Contract.

6-28-21 KIRK CONSTRUCTION
(Date) (Contractor)

By: [Signature]
(Signature)

By BLAIR G KIRK PRESIDENT
(Title)

Attest:

By [Signature]
(Signature)

By SCOTT GRUBER EST/PROJ MGR
(Title)

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BID SUBMITTAL FORM #16 OF 16

**CITY OF ATASCADERO
Bidders List Information**

All bidders/proposers are required to provide the following information for all DBE and non-DBE contractors, who provided a proposal, bid, quote, or were contracted by the proposed prime. This information is also required from the proposed prime contractor. The CITY OF ATASCADERO will use this information to maintain and update a "Bidders" list to assist in the overall annual goal DBE goal settings process. **The information shall not be used in determining the validity of the bids. To the extent permitted by law, all information submitted will be held in strict confidence and will not be shared without your consent. This form shall be filled out as completely as possible and turned in with your bid.**

(1) Name: KIRK CONSTRUCTION
Address: 8740 PUEBLO AVE, STE A
ATASCADERO
Phone: 805-461-2060
Fax: 805-461-2064
Contact Person: BLAIR KIRK
No. of years in Business: 19
Type of work/services/materials provided by firm:
GENERAL ENGINEERING CONTRACTOR
Annual Gross receipts for last year?
☐ Less than \$1 Million ☐ Less than \$5 Million
☒ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

(3) Name: CENTRAL COAST FENCE
Address: 540 S. 4TH ST
GROVER BEACH, CA 93433
Phone: 805-481-1460
Fax: 805-481-2405
Contact Person: ERIC WOOSTER
No. of years in Business: 38
Type of work/services/materials provided by firm:
FENCING
Annual Gross receipts for last year?
☐ Less than \$1 Million ☒ Less than \$5 Million
☐ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

(5) Name: _____
Address: _____
Phone: _____
Fax: _____
Contact Person: _____
No. of years in Business: _____
Type of work/services/materials provided by firm: _____
Annual Gross receipts for last year?
☐ Less than \$1 Million ☐ Less than \$5 Million
☐ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

(2) Name: _____

Address: _____
Phone: _____
Fax: _____
Contact Person: _____
No. of years in Business: _____
Type of work/services/materials provided by firm: _____
Annual Gross receipts for last year?
☐ Less than \$1 Million ☐ Less than \$5 Million
☐ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

(4) Name: _____
Address: _____
Phone: _____
Fax: _____
Contact Person: _____
No. of years in Business: _____
Type of work/services/materials provided by firm: _____
Annual Gross receipts for last year?
☐ Less than \$1 Million ☐ Less than \$5 Million
☐ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

(6) Name: _____
Address: _____
Phone: _____
Fax: _____
Contact Person: _____
No. of years in Business: _____
Type of work/services/materials provided by firm: _____
Annual Gross receipts for last year?
☐ Less than \$1 Million ☐ Less than \$5 Million
☐ Less than \$10 Million ☐ Less than \$15 Million
☐ More than \$15 Million

KIRK CONSTRUCTION
8740 Pueblo Avenue, Ste A
Atascadero, CA 93422
805-461-2060

Atascadero Pickleball Court
Project Z2020P02

BIDDER'S BOND

KNOW ALL MEN BY THESE PRESENTS:

That we, Kirk Construction

_____ as Principal, and

Everest Reinsurance Company as Surety

(hereinafter referred to as Surety), are held firmly bound unto the CITY OF ATASCADERO, State of California (hereinafter called "City") in the penal sum of Ten Percent (10%) of the total aggregate amount of the bid of the Principal above named, submitted by said Principal to City for the work described below, for the payment of which sum in lawful money of the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally, firmly by these presents. Surety hereby warrants that it is authorized to transact surety business in the State of California and that it is listed in the current Insurance Organizations Authorized By The Insurance Commissioner To Transact Business of Insurance In The State Of California published by the Department of Insurance, State of California or successor publications. In no case shall the liability of the Surety hereunder exceed the sum of ten percent of the amount bid DOLLARS, (\$ 10%). The condition of this obligation is such that a bid to City for certain construction specifically described as follows:

ATASCADERO PICKLEBALL COURTS, Project No. Z2020P02

for which bids are to be opened on June 29, 2021, has been submitted by Principal to City.

NOW, THEREFORE, if the aforesaid Principal shall not withdraw said bid within the period therein after the opening of the same, or, if no period be specified within sixty (60) days after said opening, and shall within the period specified therefor, or, if no period be specified, within eight (8) calendar days after the prescribed forms are presented to him for signature, enter into a written Contract with City, in the prescribed form, in accordance with the bid as accepted, and file the two Bonds with City, one to guarantee faithful performance and the other to guarantee payment for labor and materials, as required by law, then this obligation shall be null and void; otherwise, it shall remain in full force, virtue, and effect.

Said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration or addition to the terms of said bid, Contract, the work to be performed thereunder, or the Specifications accompanying the same shall in any manner affect its obligations on this bond, and it does hereby waive notice of any change, extension, alteration, or addition.

It is hereby agreed that any progress payment made after the scheduled completion date will not constitute a waiver of any liquidated damages heretofore agreed upon.

Atascadero Pickleball Court
Project Z2020P02

In the event suit is brought upon said Bond the prevailing party shall recover all costs incurred in such suit, including a reasonable attorney's fee to be fixed by the Court.

Death, Bankruptcy, Receivership, Going Out of Business for any reason, or incompetence of the Principal shall not relieve the Surety of its obligations hereunder.

Dated 6-28-21
Kirk Construction
Name of Principal

Signature of Principal (Seal)

Everest Reinsurance Company
Name of Surety
1340 Treat Blvd., Suite 450
Address

Dated June 4, 2021
Walnut Creek CA 94597
City, State & Zip

Signature of Surety's Attorney-in-fact (Seal)
Patricia K. Simicich

Surety's Agent for Service of Process (located within the State of California):

Kevin Chambers
Name of Agent

1340 Treat Blvd., Suite 450
Address

Walnut Creek CA 94597
City, State & Zip

510-273-4687
Telephone Number

kevin.chambers@everestre.com
Email

NOTE: Signatures of those executing for Surety MUST be properly acknowledged

Note: This form may be reproduced for transmittal to the Surety for execution and attached to the front of this the original Bid Bond Form.

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Clara }

On June 4, 2021 before me, Sarah M. Lorincz, Notary Public

Date

Here Insert Name and Title of the Officer

personally appeared Patricia K. Simicich

Name(s) of Signer(s)

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.



Place Notary Seal and/or Stamp Above

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.

Signature

Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

EVEREST

POWER OF ATTORNEY
EVEREST REINSURANCE COMPANY
DELAWARE

KNOW ALL PERSONS BY THESE PRESENTS: That Everest Reinsurance Company, a corporation of the State of Delaware ("Company") having its principal office located at 477 Martinsville Road, Liberty Corner, New Jersey 07938, do hereby nominate, constitute, and appoint:

Vincent M. Scolari, Patricia K. Simicich, Wendy R. Pastora, David J. Bachan, Charles M. Griswold, Sarah Lorincz, Steven M. Duke, Martha Vella Garcia

Its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, for the penal sum of no one of which is in any event to exceed UNLIMITED, reserving for itself the full power of substitution and revocation.

Such bonds and undertakings, when duly executed by the aforesaid Attorney(s)-in-fact shall be binding upon the Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of Company ("Board") on the 28th day of July 2016:

RESOLVED, that the President, any Executive Vice President, and any Senior Vice President and Anthony Romano are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest to the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the President, any Executive Vice President, and any Senior Vice President and Anthony Romano are hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, Everest Reinsurance Company has caused their corporate seals to be affixed hereto, and these presents to be signed by their duly authorized officers this 28th day of July 2016.



Everest Reinsurance Company

Nicole Chase

Attest: Nicole Chase, Assistant Secretary

Anthony Romano

By: Anthony Romano, Vice President

On this 28th day of July 2016, before me personally came Anthony Romano, known to me, who, being duly sworn, did execute the above instrument; that he knows the seal of said Company; that the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto; and that he executed said instrument by like order.

LINDA ROBINS
Notary Public, State of New York
No 01R06239736
Qualified in Queens County
Term Expires April 25, 2023

Linda Robins

Linda Robins, Notary Public

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, at the Liberty Corner, this 4th day of June, 2021.

ES 00 01 04 16



Atascadero City Council

Staff Report - Community Development Department

Del Rio Ranch General Plan, Zoning Map, and Specific Plan Amendments and Master Plan of Development (AMND21-0020)

RECOMMENDATION:

Council adopt on second reading, by title only, Draft Ordinance approving a Zoning Map Amendment and amendments to the Del Rio Road Commercial Area Specific Plan, based on findings.

DISCUSSION:

The proposed Del Rio Ranch project is a master planned tourist, entertainment and residential focused development that incorporates RV lodging, a hotel, an outdoor amphitheater, conference center, and residential uses on a 26-acre site within the Del Rio Road Commercial Area Specific Plan. The project includes tiered Master Plan approvals which will allow additional review of development details for each project phase prior to construction.

At the June 22, 2021 City Council meeting, the attached Draft Ordinance was introduced, approving a zoning map amendment and amendments to the Del Rio Road Commercial Area Specific Plan. It is staff's understanding that the Council's motion included adding language to the Specific Plan to allow for interim site uses and set forth a procedure and requirements for moving forward with a temporary use request. Specifically, the following language was added to the Del Rio Road Commercial Area Specific Plan section 4.1.1(2)(h):

Temporary revenue generating land uses during site development with conditional use permit which will be subject to findings and conditions that include, but are not limited to, the following:

- City Council review and approval of the conditional use permit*
- A development agreement, or similar mechanism for enforcement, shall be required*
- Temporary uses shall be of limited duration, not to exceed 18 months, unless an extension is granted by City Council*
- Adequate emergency access shall be provided for all temporary uses*

- *Utilities shall be installed as needed to accommodate temporary uses*
- *Appropriate mitigation to address dust and dirt track out onto public right of way shall be incorporated in the approved plans for temporary uses.*
- *Temporary use areas shall be reviewed for aesthetics, neighborhood compatibility and site impacts through the Conditional Use Permit process.*
- *Any other conditions necessary based on proposed land use and temporary development plans*

Adoption of the Ordinance will confirm the addition of the above language into the Specific Plan and will approve amendments to allow for the relocation of residential uses on-site and realignment of the public collector. This action is the first step in a tiered approval process that will allow development of the site in phases.

FISCAL IMPACT:

The proposed project is a large scale retail and lodging focused development which is expected to bring in significant revenues, especially to lodging uses. The development is required to annex into the city-wide CFD. With annexation into the CFD, overall, the project will be fiscally positive.

ATTACHMENT:

Draft Ordinance

DRAFT ORDINANCE

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
APPROVING A ZONING MAP AMENDMENT AND AMENDMENTS TO
THE DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN
FOR THE DEL RIO RANCH PROJECT**

**DEL RIO RANCH
(AMND21-0020)**

**2005, 2055, 2115, 2205, 2325, 2375, 2405 El Camino Real and
4999, 5505, 5701, 5703, 5705 Del Rio Road
(Del Rio Road Commercial Area Specific Plan South-East Project Site)
APNs 049-112-039, 049-112-036, 049-112-022, 049-112-018, 049-112-019,
049-112-002, 049-151-040, 049-151-041, 049-151-037, 049-151-036,
and 049-151-005**

WHEREAS, an application has been received from Cal Coastal Holdings, LLC (242 El Dorado Way, Pismo Beach, CA 93449), Applicant and Owner, to consider a General Plan Amendment, Zoning Map Amendment, Specific Plan Amendment, a Master Plan of Development (Conditional Use Permit) including approval of three conditionally allowed uses and outdoor amplified sound, and a height exception; and

WHEREAS, the site's current General Plan Land Use Designation is General Commercial (GC), High-Density Residential (HDR), and Single-Family Residential (SFR-X); and

WHEREAS, the site's current Zoning Designation is Commercial Retail (CR), Residential Multi-Family - 24 (RMF-24), and Residential Single-Family - X (RSF-X) with a Specific Plan #2 (SP2) Overlay; and

WHEREAS, the City Council adopted the Del Rio Road Commercial Area Specific Plan and associated entitlements on July 10, 2012 and adopted amendments to the Specific Plan on September 22, 2020; and

WHEREAS, in conjunction with the approval of the Del Rio Road Commercial Area Specific Plan and associated entitlements on a 39.3± acre site located on El Camino Real and Del Rio Road, Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, 036, 039, 049-151-005, 036, 037, 040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070) (herein referred to as the "Project"), the City Council of the City of Atascadero, on June 26, 2012, certified the Del Rio Road Commercial Area Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2010051034) (herein referred to as the "DRCASP EIR"), adopted a Statement of Overriding Considerations and adopted a Mitigation Monitoring Program in compliance with the California Environmental Quality Act (herein referred to as "CEQA"); and

WHEREAS, subsequent project amendments and EIR addendums were adopted by the City Council on July 11, 2017 and September 22, 2020 in conjunction with the approval of subsequent entitlements and amendments; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendments to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Specific Plan amendment was held by the Planning Commission on June 1, 2021 at which hearing evidence, oral and documentary, was admitted on behalf of said amendments and entitlements; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendment to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

WHEREAS, a timely and properly noticed Public Hearing upon the subject Specific Plan amendment was held by the City Council on June 22, 2021 at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on June 22, 2021, considered the proposed Specific Plan Amendment and development plan.

SECTION 3. CEQA. The project was determined to be consistent with previously certified EIR and subsequent addendums prepared for the Del Rio Road Commercial Area Specific Plan.

SECTION 4. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the zoning map and Specific Plan amendments:

A. Findings for approval of a Zone Map and Specific Plan Zone Amendment

FINDING: The Planning and Zoning Text and Map change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: All amendments are minor in nature to accommodate the relocation of the residentially zoned portion of the site. The amendments as proposed are consistent with goals and policies in the City's Land Use, Openspace and Conservation, Housing, and Circulation elements.

FINDING: This Amendment of the Zoning Ordinance and Map will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed amendments will relocate the residentially zoned portion of the site to the eastern property line, creating a residential buffer between existing single-family houses and the commercially zoned portion of the site. A dedicated public road will be provided between the residential and commercial zoning to provide for efficient and orderly development.

FINDING: The Text and Map Change will not, in itself, result in significant environmental impacts.

FACT: The proposed relocation of the high density residential zoning and associated Specific plan Amendments will not result in significant environmental impacts. The project is consistent with the previously certified EIR for the project site and mitigation measures have been incorporated to mitigate any identified impacts.

SECTION 5. Approval. The Planning Commission of the City of Atascadero, in a regular session assembled on June 1, 2021 resolved to recommend the City Council approve the Del Rio Ranch phased development plan and associated zoning and general plan amendments consistent with the following:

EXHIBIT A: Zoning Map Amendment Diagram

EXHIBIT B: Amended Specific Plan

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

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on June 22, 2021, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

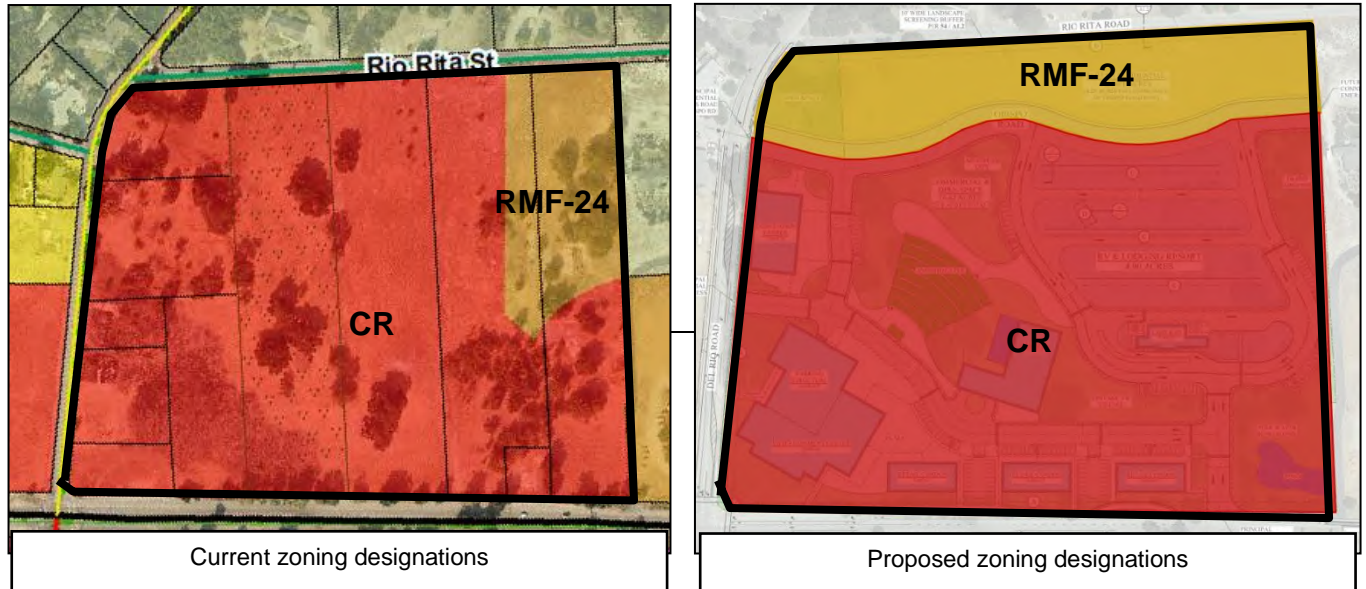
Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

Exhibit A

Zoning Map Amendment Diagram



** SP #2 overlay zone over entirety of the site to remain with proposed amendment

CITY OF ATASCADERO

DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN

March 2012



civil engineers • land surveyors • land planners

1998 Santa Barbara Street, Suite 200
San Luis Obispo, CA 93401

**Adopted July 2012
Amended October 2020
Amended July 2021**

ITEM NUMBER: C-2
DATE: 07/13/21
ATTACHMENT: 1B

CITY OF ATASCADERO

DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN

Prepared for:
The City of Atascadero

Prepared by:



eda – design professionals
1998 Santa Barbara Street, Suite 200
San Luis Obispo, CA 93401
(805) 549-8658

In Conjunction with:

Omni Design Group, Inc.
Perkowitz + Ruth Architects
Conceptual Design & Planning Company

ACKNOWLEDGEMENTS

FROM 2012

City Council

Bob Kelley, Mayor
Tom O'Malley, Mayor Pro Tem
Jerry Clay, Sr., Council Member
Roberta Fonzi, Council Member
Brian Sturtevant, Council Member

Planning Commission

Chuck Ward, Chairperson
Dennis Schmidt, Vice Chairperson
Christian Cooper, Commissioner
Len Colamarino, Commissioner
Beth Wingett, Commissioner
David Bentz, Commissioner
Mark Dariz, Commission

City Staff

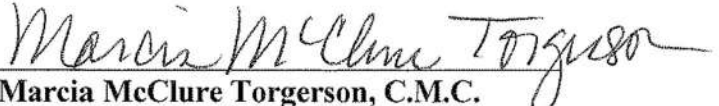
Wade McKinney, City Manager
Warren Frace, Community Development Director
Russ Thompson, Director of Public Works
Brady Cherry, Community Services Director
Kurt Stone, Fire Chief

CERTIFICATION

I, **Marcia McClure Torgerson, C.M.C.**, City Clerk of the City of Atascadero, hereby certify that the foregoing is a true and correct copy of Ordinance No. 562, adopted by the Atascadero City Council at a regular meeting thereof held on July 10, 2012, and that it has been duly published pursuant to State Law.

DATED:

7-18-12


Marcia McClure Torgerson, C.M.C.
City Clerk
City of Atascadero, California

ORDINANCE NO. 562

SPECIFIC PLAN DOCUMENT ADOPTION

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING THE
ATASCADERO MUNICIPAL CODE BY ADDING A TABLE
FOR THE SPECIFIC PLAN DOCUMENT FOR THE SP-2
ZONING DISTRICT FOR THE
DEL RIO COMMERCIAL AREA
(SP 2009-0003)**

**DEL RIO COMMERCIAL AREA SPECIFIC PLAN
WALMART STORES INC. / THE ROTTMAN GROUP /
MONTECITO BANK AND TRUST**

WHEREAS, an application has been received from:

Walmart Stores, Inc. (2001 S.E. 10th Street Bentonville, AR 72716-0550) Owner, and
EDA Design Professionals (1998 Santa Barbara St. Suite 200 San Luis Obispo, CA 93401)
Applicant, and;

The Rottman Group (P.O. Box 227 Santa Maria, CA 93456-0227) Owner, and Omni
Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant, and;

Montecito Bank and Trust (1010 State Street, Santa Barbara, California 93101) Owner,
and Omni Design Group (689 Tank Farm Road San Luis Obispo, CA 93453) Applicant,

to consider Planning Applications PLN 2007-1245 and PLN 2007-1246, for a project
consisting of General Plan Amendments, Zone Text and Map Amendments, Specific Plan,
Vesting Tentative Parcel Maps, Tree Removal Permits and certification of an Environmental
Impact Report ("EIR") on a 39.3± acre site located on El Camino Real and Del Rio Road,
Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, ,036, 039, 049-151-005, 036, 037,
040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070); and,

WHEREAS, the site's current General Plan Land Use Designation is General
Commercial (GC), Commercial Park (CPK), Single-Family Residential (SFR-X), High-Density
Residential (HDR), Medium-Density Residential (MDR), and Suburban Estates (SE); and,

WHEREAS, the site's current Zoning Designation is Commercial Retail (CR),
Commercial Park (CPK), Residential Single-Family (RSF-X), Residential Multi Family (RMF-
20), Residential Multi Family (RMF-10), and Residential Suburban (RS); and,

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

WHEREAS, the Planning Commission has recommended that the City Council approve a Zoning Ordinance Text Change and Zoning Map Amendment to establish zoning code text for Specific Plan Zone 2 and to change the zoning of lots with the project area to Commercial Retail (CR), Residential Single-Family (RSF-X), and Residential Multi Family (RMF-20), with a Specific Plan Zone 2 overlay on the entire project site; and,

WHEREAS, the General Plan has designated the project site as an area requiring a comprehensive master plan in order to minimize environmental impacts and maximize community compatibility (General Plan Table II-5) and to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and,

WHEREAS, a Final EIR, Finding of Fact and Statement of Overriding Considerations have been prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

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

WHEREAS, the Final EIR, Finding of Fact and Statement of Overriding Considerations have been recommended by the Planning Commission for certification to the City Council; and,

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

WHEREAS, timely and properly noticed Public Hearings upon the subject Specific Plan application was held by the Planning Commission and City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning amendments; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on June 5, 2012, studied and considered the Del Rio Road Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

WHEREAS, the Planning Commission of the City of Atascadero recommended the City Council approve the Del Rio Road Commercial Area Specific Plan (SP 2009-0003); and,

WHEREAS, the Atascadero City Council, at a Public Hearing held on June 26, 2012, studied the Planning Commission's recommendation and considered the Del Rio Road

Commercial Area Specific Plan (SP 2009-0003), after first studying and considering the Final EIR, Finding of Fact and Statement of Overriding Considerations prepared for the project; and,

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

SECTION 1. Findings for Approval of Del Rio Road Commercial Area Specific Plan.

The City Council finds as follows:

- 1. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the SP-2 Ordinance; and,**
- 2. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,**
- 3. The proposed Specific Plan will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.**

As discussed in General Plan Amendment Finding No. 5, the proposed Project will be compatible with existing and desired conditions in surrounding neighborhoods. The proposed Project would allow the development of an efficient and attractive community retail hub in North Atascadero. The Project will serve the growing local demand for retail products, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties located just off Highway 101. Approval of the Project will allow for the development of a master planned commercial center consistent with General Plan policies.

As discussed in detail in General Plan Amendment Finding No. 4, the proposed Project is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

- 4. Modification of zoning regulations, development standards, or processing requirements is warranted by the design and amenities incorporated.**

As discussed in General Plan Amendment Findings No. 3 and 5, project design, features and amenities will transform a currently underutilized location into a vibrant retail hub in an ideal location, providing an aesthetic and commercial boon to the immediate and surrounding areas and serving the growing local demand for retail and groceries in North Atascadero. With incorporation of the site design, landscaping and architectural features discussed in the General Plan Amendment Findings, the Project has been specifically designed to be compatible with existing development, neighborhoods and the environment. Without the

approval of the Specific Plan, Zone Change and General Plan Amendment, the City's goal of creating an efficient, attractive and cohesive master-planned commercial center of this type at this ideal location would not be possible. In addition to creating additional employment and business opportunities and attracting much needed tax revenue, the Project will satisfy the long time demands of residents for a grocery store in the northern part of the City, while offering a broad array of convenient shopping and restaurant options. Accordingly, modification of zoning regulations and development standards is warranted by the Project design and the amenities provided by the Project.

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

The proposed General Plan Amendment, Zone Change and Specific Plan would allow the development of a master-planned, vibrant and attractive and cohesive community retail hub to North Atascadero which is not possible under the current zoning. The Project will serve the growing local demand for discount retail, groceries and restaurants in North Atascadero, while at the same time revitalizing one of the City's larger and more visible properties. Approval of the Specific Plan, Zone Change and General Plan Amendment will allow development of a commercial center and economic development of the area.

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that benefits local shoppers, the general public, and the City of Atascadero. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses proposed for the site. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the Project. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are not required in the Code and that ensure a high standard of design for the site. In addition, it facilitates design integrity between the variety of uses (i.e.,

achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend the Project with the surrounding area.

6. Benefits derived from the Specific Plan Zone 2 zone cannot be reasonably achieved through existing development standards or processing requirements.

The benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are beyond the Municipal Code standard in order to ensure a high standard of design and compatibility for the site. In addition, it facilitates design integrity between the variety of uses (i.e. achieves General Plan objective of a master planned commercial center). Also, the additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping and buffer areas throughout the site, to further blend in with the surrounding area.

7. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and offers certain redeeming features to compensate for requested modifications.

As discussed in General Plan Amendment Findings No. 3 and 5, in addition to revitalizing one of the City's larger and more visible properties, the Project would serve as an example for the community in energy efficiency by incorporating a variety of sustainability features in the construction, design and operation of the store that would reduce its demand for resources, utilize non-toxic materials, and promote waste reduction. The additional area gained by redesignating the residential parcels located at the back of the site to commercial will allow for a less dense project that can implement additional landscaping areas. The Project would also exceed the City's minimum landscaping requirements and contain robust landscaping and greenery to enhance the site and screen parked cars.

8. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and will supplement or supersede any adopted ordinances, regulations and standards of the City which are applicable.

The Del Rio Road Commercial Area Specific Plan implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. The Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The City's zoning standards are utilized

for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Development regulations and requirements contained in the Specific Plan supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan will prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

SECTION 2. Approval. The Atascadero City Council, in a regular session assembled on June 26, 2012, approved the Del Rio Road Commercial Area Specific Plan for the SP-2 zoning overlay district as described in the following:

1. EXHIBIT A: Del Rio Commercial Area Specific Plan
2. EXHIBIT B: Addendum – Del Rio Road Commercial Area Specific Plan

SECTION 3: A summary of this ordinance, approved by the City Attorney, together with the ayes and noes, shall be published twice: at least five days prior to its final passage in the Atascadero News, a newspaper published and circulated in the City of Atascadero, and; before the expiration of fifteen (15) days after its final passage, in the Atascadero News, a newspaper published and circulated in the City of Atascadero. A copy of the full text of this ordinance shall be on file in the City Clerk's Office on and after the date following introduction and passage and shall be available to any interested member of the public.

INTRODUCED at a regular meeting of the City Council held on June 26, 2012, and PASSED and ADOPTED by the City Council of the City of Atascadero, State of California, on July 10, 2012, by the following roll call vote:

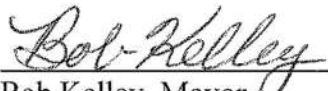
AYES: Council Members Clay, Fonzi, O'Malley, Sturtevant and Mayor Kelley

NOES: None


ABSTAIN: None

ABSENT: None

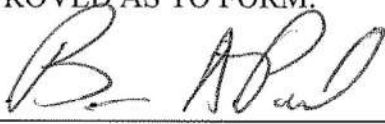
CITY OF ATASCADERO


Bob Kelley, Mayor

ATTEST:


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

APPROVED AS TO FORM:


Brian A. Pierik, City Attorney

ORDINANCE NO. 641

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING THE DEL RIO ROAD
COMMERCIAL AREA SPECIFIC PLAN TO MODIFY THE LIST OF
ALLOWED LAND USES, ASSOCIATED PROJECT DESCRIPTIONS, AND
RELATED TRAFFIC MITIGATION MEASURES**

(AMND18-0079)

*DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN
1800, 1829, 1831, 1843, 1905, 2005, 2055, 2115, 2205, 2325, 2375, 2405
EL CAMINO REAL AND 4999, 5505, 5700, 5701, 5705 DEL RIO ROAD
APNS 049-131-070, 049-151-005, 049-151-036, 049-151-037, 049-151-040,
049-151-041, 049-102-020, 049-102-031, 049-102-032, 049-102-045,
049-102-056, 049-112-002, 049-112-018, 049-112-019, 049-112-022,
049-112-036, 049-112-039*

WHEREAS, the City of Atascadero has initiated an amendment the Del Rio Road Commercial Area Specific Plan (DRCASP) to respond to changing economic demands and the formal cancellation of the proposed Walmart regional retail store project; and

WHEREAS, the site's current General Plan Land Use Designation is General Commercial (GC), High-Density Residential (HDR), and Single-Family Residential (SFR-X); and

WHEREAS, the site's current Zoning Designation is Commercial Retail (CR), Residential Multi-Family - 24 (RMF-24), and Residential Single-Family - X (RSF-X); and

WHEREAS, the City Council adopted the Del Rio Road Commercial Area Specific Plan and associated entitlements on July 10, 2012; and

WHEREAS, in conjunction with the approval of the Del Rio Road Commercial Area Specific Plan and associated entitlements on a 39.3± acre site located on El Camino Real and Del Rio Road, Atascadero, CA 93422 (APN 049-112-002, 018, 019, 022, ,036, 039, 049-151-005, 036, 037, 040, 041, 049-102-020, 031, 032, 045, 048, 056 and 049-131-070) (herein referred to as the "Project"), the City Council of the City of Atascadero, on June 26, 2012, certified the Del Rio Road Commercial Area Specific Plan Final Environmental Impact Report (State Clearinghouse No. 2010051034) (herein referred to as the "DRCASP EIR"), adopted a Statement of Overriding Considerations and adopted a Mitigation Monitoring Program in compliance with the California Environmental Quality Act (herein referred to as "CEQA"); and

WHEREAS, a subsequent project amendment and EIR addendum was adopted by the City Council on July 11, 2017 in conjunction with the approval of a Hotel at 1800 El Camino Real; and

WHEREAS, entitlement for the Major Tenant (Walmart) project and Annex project sites including tentative map and master plan of development expired on July 12, 2020; and

WHEREAS, to assess potential environmental impacts associated with the proposed Specific Plan amendments relative to the DRCASP EIR, City staff prepared an addendum to the DRCASP EIR pursuant to CEQA (herein referred to as "Addendum"); and

WHEREAS, W-Trans, a transportation engineering firm, provided the City with a detailed report and traffic evaluation which provided analysis and evidence in support of conclusions that there was sufficient capacity for the Del Rio Road / El Camino Real intersection and the Del Rio Road / US Highway 101 for land use modifications listed in the proposed language of the Amended Del Rio Road Commercial Area Specific Plan with modified mitigation measures, prior to the interchange becoming "unacceptable in operations" according to Caltrans; and

WHEREAS, based on the W-Trans Report and proposed Specific plan amendments City staff prepared draft language amending Mitigation Measure TRANS – 1a, TRANS-1c and TRANS 1d and eliminating Mitigation Measure TRANS 1e of the DRCASP Final EIR that modifies mitigation measures to eliminate the roundabouts from the intersection of Del Rio and El Camino real and from the Del Rio/Highway 101 interchange, defines payment of in-lieu fees for the common required improvements, as well as timing and phasing of such improvements to ensure that traffic is mitigated throughout development of the Specific Plan area; and

WHEREAS, minor edits were made to other mitigation measures related to project name changes and elimination of Walmart specific language for consistency and clarity with the amended Del Rio Road Commercial Area Specific Plan; and

WHEREAS, the Addendum concluded that the proposed amendments would not result in any new or substantially more severe impacts than disclosed in the original Del Rio Road Commercial Area Specific Plan; and

WHEREAS, Section 21000, *et seq.*, of the Public Recourses Code and Section 15000, *et seq.*, of Title 14 of the California Code of Regulations (herein referred to as the "CEQA Guidelines"), which govern the preparation, content, and processing of environmental impact reports, have been fully implemented in the preparation of the Del Rio Road Commercial Area Specific Plan and Addendum; and

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

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendment to protect the health, safety and welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

WHEREAS, timely and properly noticed Public Hearings upon the subject Specific Plan amendment and EIR addendum was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

WHEREAS, the City Council has determined that it is in the best interest of the City to enact the Del Rio Road Commercial Area Specific Plan amendment to protect the health, safety and

welfare of its citizens by applying orderly development and expanding commercial and job opportunities within the City; and

WHEREAS, timely and properly noticed Public Hearings upon the subject Specific Plan amendment and EIR addendum was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, at a Public Hearing held on September 22, 2020 considered the proposed zoning text amendments.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the Municipal Code Text Amendments:

**A. Findings for Approval of Amendments to the Del Rio Road Commercial Area
Specific Plan**

1. The proposed project or use satisfies all applicable provisions of the Title (Zoning Ordinance) including the SP-2 Ordinance; and,
2. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety, or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and,
3. The proposed Specific Plan will be compatible with existing or desired conditions in surrounding neighborhoods and surrounding General Plan land uses and General Plan policies.

Fact: The proposed Plan amendments will be compatible with existing and desired conditions in surrounding neighborhoods. The Plan as proposed would allow the development of an efficient and attractive community employment, entertainment, and retail hub in North Atascadero. The Plan area will serve the growing local demand for commercial and employment development, while at the same time revitalizing one of the City's larger and more visible properties located just off Highway 101. Approval of the Plan will allow for the development of a master planned commercial and office node consistent with General Plan policies.

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

4. Modification of zoning regulations, development standards, or processing requirements is warranted by the design and amenities incorporated.

Fact: The plan sets forth land use and development standards that will facilitate the transformation of a currently underutilized area into a vibrant commercial node in an ideal location. With incorporation of development standards required by the Specific Plan, future development will be compatible with existing development, neighborhoods and the environment. In addition to creating additional employment and business opportunities and attracting much needed tax revenue, the development of the Specific plan area will allow for uses that offer a broad array of convenient shopping, service, and restaurant options. Accordingly, modification of zoning regulations and development standards is warranted to ensure efficient and successful development of this commercial node.

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

Fact: The proposed amendments to the Specific Plan would allow the development of a master-planned, vibrant and attractive and cohesive community hub in North Atascadero. Amendments focus on expanding use options within the development area while limiting high traffic generating uses and uses that may conflict with the surrounding neighborhood.

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that benefits residents, the general public, and the City of Atascadero. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the site and surrounding properties, as well as the needs of the commercial land uses envisioned for the site. These efforts are intended to foster greater economic development, employment opportunities, and design compatibility than could be achieved through the use of conventional zoning and development standards.

The Del Rio Road Commercial Area Specific Plan serves as the overlay zone guiding document for the Plan area. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are not required in the Code and that ensure a high standard of design for the site. In addition, it facilitates design integrity between the variety of uses (i.e., achieves General Plan objective of a master planned commercial center).

6. Benefits derived from the Specific Plan cannot be reasonably achieved through existing development standards or processing requirements.

Fact: The Specific Plan amendments focus on expanding land use opportunities and encouraging jobs focused commercial development within the Plan area. The Specific Plan specifies land use standards and policies for the site and establishes additional design guidelines as well as landscaping, lighting, signage, fencing and screening, on-site circulation, loading and outdoor storage standards that are beyond the Municipal Code standard in order to ensure a high standard of design and compatibility for the site. In addition, it facilitates design integrity between the variety of uses (i.e. achieves General Plan objective of a master planned commercial center).

7. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development and offers certain redeeming features to compensate for requested modifications.

Fact: The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing.

8. The Specific Plan development standards or processing requirements is warranted to promote orderly and harmonious development.

Fact: The Del Rio Road Commercial Area Specific Plan implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. The Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The City's zoning standards are utilized for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Development regulations and requirements contained in the Specific Plan supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan will prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

SECTION 4. CEQA. An addendum to the previously certified Del Rio Road Commercial Area Specific Plan Final Environmental Impact Report (SCH# 2010051034) was prepared for the proposed Specific Plan amendments.

SECTION 5. Approval. The City Council of the City of Atascadero, in a regular session assembled on September 22, 2020 resolved to introduce for first reading by title only, an Ordinance that will approve amendments to the Del Rio Road Commercial Area Specific Plan consistent with the following:

EXHIBIT A: Del Rio Road Commercial Area Specific Plan revised September 2020

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

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

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

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

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

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

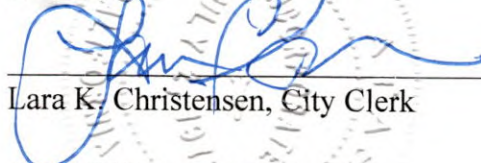
INTRODUCED at a regular meeting of the City Council held on September 22, 2020, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on October 13, 2020.

CITY OF ATASCADERO



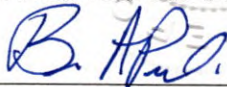
Heather Moreno, Mayor

ATTEST:



Lara K. Christensen, City Clerk

APPROVED AS TO FORM:



Brian A. Pierik, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss
CITY OF ATASCADERO)

I, LARA K. CHRISTENSEN, City Clerk of the City of Atascadero, DO HEREBY CERTIFY that Ordinance No. 641 was duly introduced at a regular meeting held September 22, 2020 and adopted at a regular meeting of the City Council held on the 13th day of October 2020 by the following roll call vote, to wit:

AYES: Council Members Bourbeau, Fonzi, Funk, Newsom and Mayor Moreno

NOES: None

ABSENT: None



LARA K. CHRISTENSEN, CITY CLERK

I hereby certify that the foregoing is the original of Ordinance No. 641 duly passed and adopted by the Atascadero City Council at their regular meeting held on October 13, 2020 and that summaries of the Ordinance were published on September 24, 2020 and October 15, 2020 in the Atascadero News newspaper.



LARA K. CHRISTENSEN, CITY CLERK

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The Del Rio Road Commercial Area Specific Plan ("Specific Plan") Layout encompasses two sites totaling approximately 39 acres (the "Specific Plan area") generally located at the intersection of Del Rio Road and El Camino Real in the northern portion of the City of Atascadero (the "City"). The Specific Plan is a comprehensive plan for the development of vacant commercial parcels at the Del Rio and El Camino Real intersection. These large development sites comprise significant opportunity locations for expanding jobs, tourism and housing in the northern end of the City.

1.1 PURPOSE

The purpose of the Del Rio Road Commercial Area Specific Plan is to assist in the development of the site in a manner that provides jobs and economic development in the City of Atascadero to help balance the significant imbalance of jobs to housing. The Specific Plan accomplishes these purposes by providing for the efficient use of land, ensuring compatibility between existing and proposed land uses, and establishing environmental and development standards and procedures to be met in development of the Specific Plan area. The development regulations contained in the Specific Plan address the unique characteristics of the development sites and surrounding properties, as well as the needs of the commercial land uses proposed for the development sites. These efforts are intended to foster greater economic development and design opportunities than could be achieved through the use of conventional zoning and development standards.

The Del Rio Road Commercial Area Specific Plan serves as the overlay zone for the combined South-East and North End Project sites. This Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for all development within the boundaries of the Specific Plan area.

1.2 LEGAL AUTHORITY

The Del Rio Road Commercial Area Specific Plan has been prepared in accordance with California Government Code, Title 7, Division 1, Chapter 3, Article 8 Sections 65450 through 65457. The California Government Code authorizes jurisdictions to adopt Specific Plans by resolution as policy documents or by ordinance as regulatory documents. The law allows preparation of Specific Plans, as may be required for the implementation of the General Plan, and further allows for their review and adoption. Specific plans act as a bridge between General Plan and individual development standards and guidelines, capital improvement programs and financing methods into a single document that is tailored to meet the needs of a specific area.

The Specific Plan implements the following: (1) General Plan land use designation of General Commercial and zoning designation of Commercial Retail for the South-East and North End commercial centers; (2) General Plan land use designation of High Density Residential (HDR) and zoning designation of Residential Multiple Family-24 (RMF-24) for the Multiple Family South-East Outparcel; and (3) General Plan land use designation of Single Family Residential and zoning designation of Residential Single Family-X (RSF-X) for the Single Family North End Outparcel.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Ordinance and other City

OVERVIEW

Codes. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail. The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

1.3 PROJECT LOCATION

The Del Rio Road Commercial Area Specific Plan is comprised of two sites totaling approximately 39 acres that are located in the northern portion of the City of Atascadero in close proximity to U.S. Highway 101. The South-East Project site is bounded by Del Rio Road to the north, El Camino Real to the west, Rio Rita Road to the east, and residential uses to the south. The North End Project sites are bounded by residential and commercial lots to the north, residential lots to the east, undeveloped commercial uses on El Camino Real and Highway 101 to the west, and Del Rio Road and vacant commercial lots to the south. The legal description for the Specific Plan area is contained in Appendix A. The location of the Specific Plan area is illustrated in Figures 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity and 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Site Plan.

1.4 PROJECT DESCRIPTION & OBJECTIVES

Below is a general description of the South-East Project and North End Project. More detailed information on the combined projects is provided in Chapter 3: Land Use Concept.

The development of the South-East Project site is proposed to be subdivided into four lots; one lot proposes a major tenant site; two other parcels are designed for smaller Commercial sites (Outparcels), and one additional parcel is designed for residential development (Multiple Family Outparcel). The South-East Project site totals approximately 26 acres, and is located at the southeast corner of El Camino Real and Del Rio Road.

The Master Plans of Development for the North End Project sites include a commercial / business park on eight parcels as well as one Single Family Outparcel and a tourist serving use on the west side of El Camino Real. The North End Project totals approximately 13 acres, and is located on the northeast corner of El Camino Real and Del Rio Road and on the west side of El Camino Real approximately 500 feet from the centerline intersection of Del Rio Road and El Camino Real.

A summary of the land uses within the Specific Plan area is presented in Table 1-1: Specific Plan Land Use Summary.

Implementation of this Specific Plan will accomplish the following objectives:

- Implements the Atascadero General Plan providing development consistent with the City's planned land uses;
- Provides development that maximizes the property's use potential in a manner consistent with the City's General Plan;
- Maximizes and broadens the City's sales tax base by providing local and regional job producing and tax-generating uses;
- Improves and maximizes economic viability of the currently vacant and underutilized project site and area through the establishment of a new commercial/jobs center;

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- Creates additional employment-generating opportunities for the citizens of Atascadero and surrounding communities;
- Develops smaller, locally oriented retail and restaurant uses to complement the employment uses;
- Provides where necessary adequate infrastructure and public amenities;
- Enhances the local economy by capturing job opportunities that are leaking to adjacent cities;
- Complements the existing retail base in the City of Atascadero located in the southern part of the City;
- Locates a commercial project at the intersection of two major streets, providing convenient employment, tourist serving, residential, and shopping opportunities for residences on the north side of Atascadero consistent with the General Plan's Urban Form Frameworks;
- Ensures the consistent and rational development of the site in accordance with established functional, environmental, and aesthetic standards.

TABLE 1-1: SPECIFIC PLAN DEVELOPMENT SUMMARY

	LAND AREA	FLOOR AREA / DENSITY
SOUTH-EAST PROJECT SITE		
PARCEL	SITE AREA	BUILDING AREA
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	3.6 ac. net	86 d.u.
DEDICATIONS	2.2 ac.	--
SUBTOTAL SOUTH-EAST PROJECT SITE	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
NORTH END PROJECT		
PARCEL	SITE AREA	BUILDING AREA
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
SUBTOTAL NORTH END	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
SPECIFIC PLAN		
TOTAL	39 ac. gross	406,393* sq. ft. (50 d.u.)

* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

DEL RIO ROAD
COMMERCIAL AREA
SPECIFIC PLAN

ITEM NUMBER: C-2
DATE: 07/13/21
ATTACHMENT: 1B

OVERVIEW

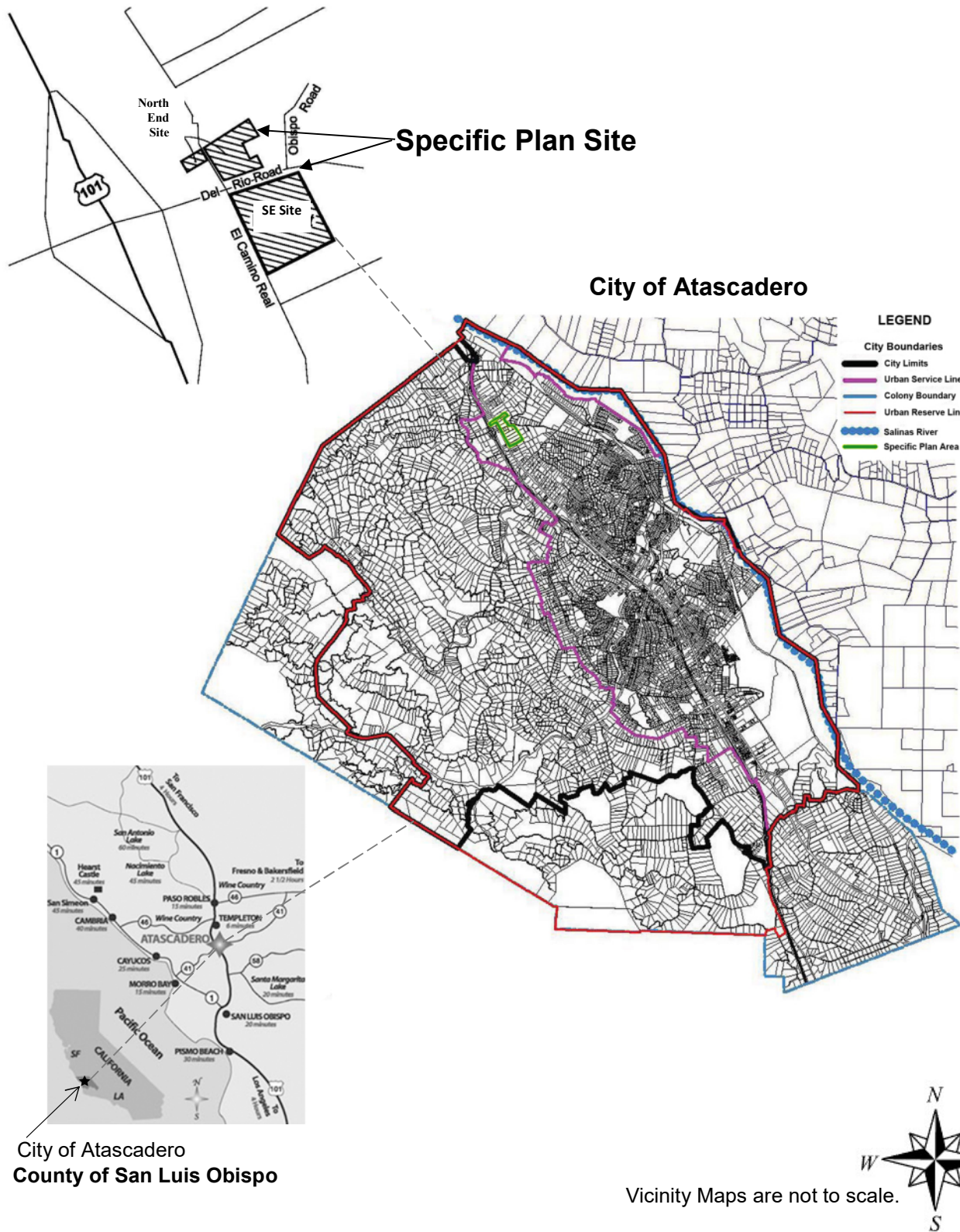


Figure 1-1: Del Rio Road Commercial Area Specific Plan Site Vicinity

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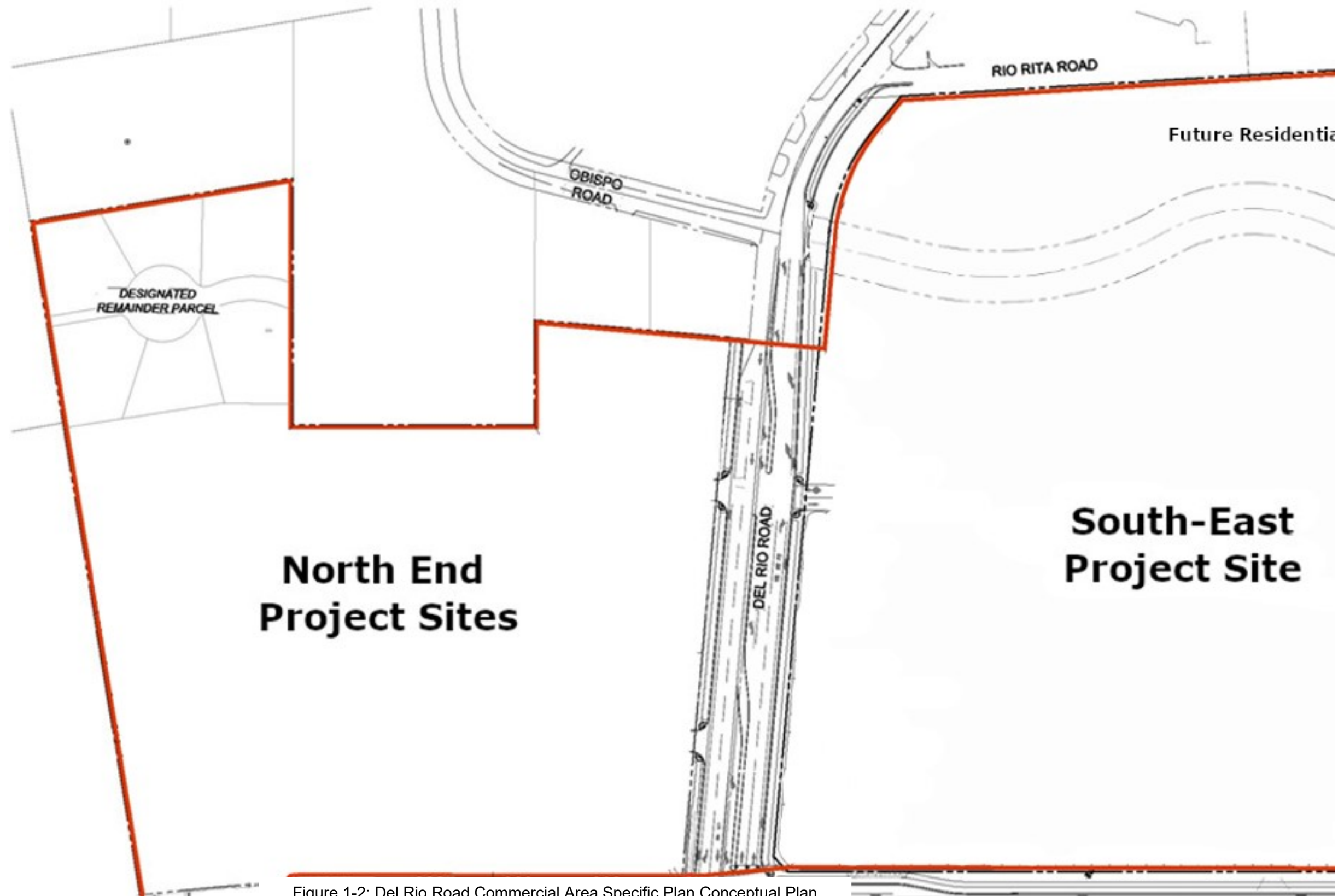


Figure 1-2: Del Rio Road Commercial Area Specific Plan Conceptual Plan

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1.5 DEVELOPMENT APPROVAL COMPONENTS

The components of the development approval process for the South-East Project and North End Project sites are discussed below. The City has issued the following development approvals for the South-East Project and North End Project sites concurrently with the Specific Plan adoption:

- **General Plan Land Use Diagram Amendment.** A General Plan Land Use Diagram Amendment adopted by the City of Atascadero which changes: (1) the South-East Project's (a) High Density Residential (HDR), Medium Density Residential (MDR), and a portion of the Suburban Estates (SE) designated property to General Commercial (GC); and (b) 2.8-acre remainder of the existing residentially designated property to HDR to accommodate a Residential Multiple Family (RMF-24) use; and (2) the North End Project's (a) Single Family Residential-X (SFR-X) and Commercial Park (CPK) designated property to GC; and (b) 1.7-acre remainder of the existing residentially designated property to SFR-X in order to accommodate a Single Family use. Existing and proposed Land Use diagrams can be found in Exhibits 4 and 5.
- **Del Rio Road Commercial Area Specific Plan.** The Specific Plan, adopted by ordinance, serves as the implementation tool for the General Plan and overlay zone for the combined South-East Project and North End Project sites. The Specific Plan, together with the underlying zoning on the sites, establishes permitted uses and provides development regulations, requirements, and design guidelines for the Specific Plan area. In the event of an inconsistency between the Specific Plan and the underlying zoning regulations, the provisions of the Specific Plan shall prevail.
- **Zone Change.** A Zone Change adopted by the City of Atascadero which changes: (1) the South-East Project's (a) Residential Multiple Family-20 (RMF-20), Residential Multiple Family -10 (RMF-10), and a portion of the Residential Suburban (RS) zoned-property to the CR Zone; and (b) 2.8-acres of residentially zoned property to RMF-20 to accommodate a Multiple Family use; and (2) the North End Project's Residential Single Family (RSF-X) and Commercial Park (CPK) zoned property to the CR and RSF-X zones. Existing and proposed Zoning diagrams can be found in Exhibits 6 and 7.

After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), and subsequently amended the name of the zone to RMF-24. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East Project Site is zoned RMF-24. Assumed development potential at this increased density was assessed as part of the 2020 traffic analysis update and therefore, the site can be developed under the full density of the RMF-24 zoning district.

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- **Subdivision via Vesting Tentative Parcel Maps.** Approved Vesting Tentative Parcel Maps which reconfigure the: (1) South-East Project site consisting of 11 parcels into four separate parcels for a major tenant site, two Commercial Outparcels, and one Multiple Family Outparcel; and (2) North End Project site consisting of 7 parcels into eight commercial retail parcels and one remainder parcel for future residential development as allowed by Section 66426(c) of the Subdivision Map Act.
- **Tree Removal Permits and Protection Plans.** Approvals to remove approximately 86 native trees on the South-East Project site and approximately 46 native trees on the North End Project sites to accommodate the proposed development scheme.

Development of the South-East Project and the North End Project consistent with the development approvals described in this Section 1.5, or as amended with the 2020 or 2021 Specific Plan Amendment as described further in this document, shall be processed in accordance with Section 6.7: Application Processing, of this Specific Plan. The development approvals are contained in the Master Plan of Development(s).

1.6 RELATIONSHIP TO THE GENERAL PLAN & ZONING ORDINANCE

The City of Atascadero adopted its General Plan on June 25, 2002. The Del Rio Road Commercial Area Specific Plan is consistent with and implements the goals and policies of the City of Atascadero General Plan within the Specific Plan area. Appendix B, the Project Consistency Analysis, demonstrates how the Del Rio Road Commercial Area Specific Plan is consistent with the General Plan. Accordingly, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan.

The Del Rio Road Commercial Area Specific Plan is generally consistent with the City of Atascadero Municipal Code, but provides additional development standards and guidelines that have been customized to achieve the specific vision for the project area. The City's zoning standards are utilized for certain aspects, such as the minimum parking spaces required, while the Specific Plan provides other standards and guidelines that are tailored to the specific development proposed for the Del Rio Road Commercial Area Specific Plan.

Projects shall be evaluated for consistency with the intent of Specific Plan policies and for conformance with development standards and design guidelines. Development regulations and requirements contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, policies and standards in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general policies and standards applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where policies or standards relating to a particular subject have not been provided in the Specific Plan, the existing policies and standards of the Atascadero Municipal Code shall continue to apply.

1.7 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The Specific Plan Environmental Impact Report ("Specific Plan EIR") for the Del Rio Road Commercial Area Specific Plan, certified by the City of Atascadero and prepared in accordance

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with the California Environmental Quality Act ("CEQA") and City of Atascadero requirements provides a detailed analysis of potential environmental impacts associated with the development of the Specific Plan area. The Specific Plan EIR includes recommended mitigation measures for the development projects and addresses project alternatives.

A primary function of the Del Rio Road Commercial Area Specific Plan and corresponding Specific Plan EIR is to reduce the need for future detailed planning and environmental review. Accordingly, the potential environmental impacts associated with the development of the Major Tenant and two Commercial Outparcels at the South-East site, and North End site uses have been fully analyzed at the project level in the Specific Plan EIR and subsequent addendums in accordance with CEQA, and therefore, require no further environmental review. (*See California Public Resources Code, Sections 21166, 21083.3; California Code of Regulations, Sections 15162, 15183.*) No specific development plans have been proposed for the Multiple Family Outparcel or the Single Family Outparcel; thus, the potential environmental impacts associated with their development of those parcels have been programmatically analyzed in the Specific Plan EIR in accordance with CEQA at their maximum permitted density. At the time a specific development project is proposed for either of the residential uses, the City shall make a determination as to whether the project would create new environmental impacts or require additional mitigation measures previously not analyzed or required in the Specific Plan EIR. If the City finds that no new environmental impacts would occur or no new mitigation measures would be required, pursuant to CEQA Guidelines Section 15162, then the City shall approve the residential development project as being within the scope of the project covered by the program level analysis in the Specific Plan EIR, and shall require no further environmental review. (California Code of Regulations, Section 15168(c)(2)) If the City determines, however, that the project may result in new environmental impacts or require new mitigation measures, additional environmental review may be required.

SETTING & EXISTING CONDITIONS

II SETTING & EXISTING CONDITIONS

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SETTING & EXISTING CONDITIONS

SETTING & EXISTING CONDITIONS

The setting and existing conditions presented describe the Specific Plan area prior to the issuance of the development approvals described in Section 1.5 of this Specific Plan. The setting and existing conditions include information related to the Specific Plan location, existing and surrounding land uses and zoning designations, circulation, physical conditions, and utilities. This information provides context for the development concept discussed in Chapter 3: Land Use Concept.

2.1 EXISTING LAND USE CONDITIONS

The Del Rio Road Commercial Area Specific Plan area has historically consisted of low-density, sparsely populated residential uses. The majority of the current Specific Plan area can be characterized as unimproved and vacant. Vegetation at the site generally consists of scattered oak and sycamore trees, as well as non-native ornamental trees and shrubs.

At the time the Specific Plan was drafted, the South-East Project site contained the remnants of six previously demolished, dilapidated, and abandoned wood frame homes and related out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

At the time the Specific Plan was drafted the North End Project site contained one single family residential dwelling, and three out-buildings. The site also contained a single Colony home which must be demolished or relocated. The effects of the development on this Colony home are fully disclosed and analyzed as part of the Specific Plan EIR prepared pursuant to CEQA.

2.1.1 EXISTING LAND USE & ZONING DESIGNATIONS

The General Plan Land Use designations and zoning for the parcels contained within the Specific Plan area are illustrated in Figure 2-1: Specific Plan Existing Land Use & Zoning Designations.

A. SOUTH-EAST PROJECT SITE

The South-East Project site consists of eleven parcels with split land use and zoning designations:

TABLE 2-1: SOUTH-EAST PROJECT SITE LAND USE & ZONING DESIGNATIONS

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-20)
Medium Density Residential (MDR)	Residential Multiple Family (RMF-10)
Suburban Estates (SE)	Residential Suburban (RS)

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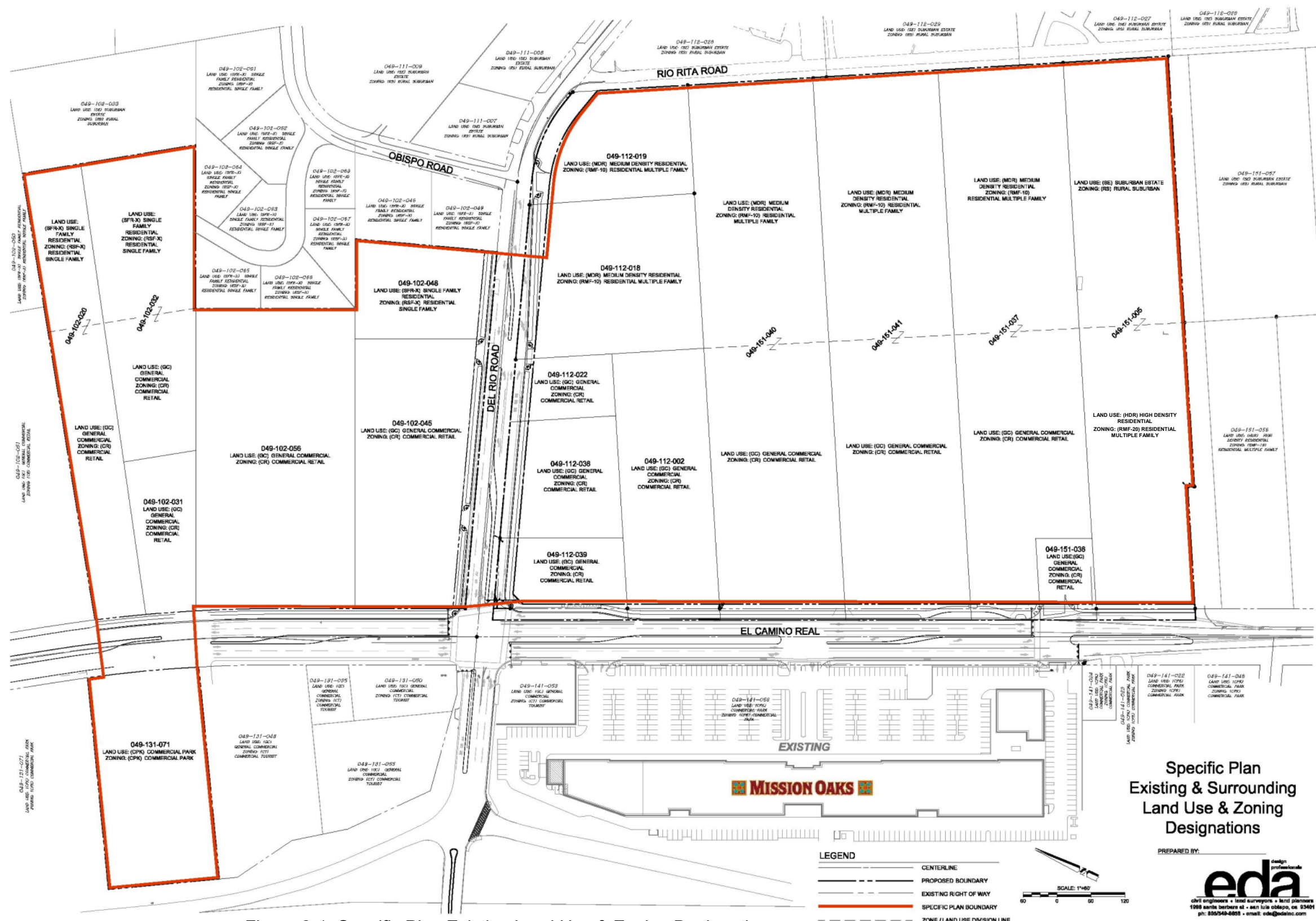


Figure 2-1: Specific Plan Existing Land Use & Zoning Designations

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The commercially designated/zoned parcels (totaling roughly 10 acres) are generally located on the western and northwestern portions of the site, fronting El Camino Real and a portion of Del Rio Road. The residentially designated/zoned parcels are generally located on the eastern and southeastern portions of the property, adjacent to and downhill from existing single-family homes across Rio Rita Road.

B. NORTH END PROJECT SITE

The North End Project site east of El Camino Real consists of seven parcels with split land use and zoning designations:

TABLE 2-2: NORTH END PROJECT SITE LAND USE & ZONING DESIGNATIONS

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Commercial Park (CPK)	Commercial Park (CPK)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The commercially designated/zoned parcels (totaling roughly 8.5 acres) are generally located on the western portions of the site, fronting El Camino Real. The North End Project Site west of El Camino Real consists of one (1) parcel that is designated/zoned Commercial Park (CPK). The residentially designated/zoned parcels are generally located on the eastern portions of the property, mainly abutting existing single-family homes along Del Rio Road, Obispo Street and Marisol Way.

2.1.2 SURROUNDING LAND USES & ZONING DESIGNATIONS

The surrounding land uses include vacant/undeveloped land, single-family residential uses, and commercial uses. The land use and zoning designations surrounding the combined projects are also illustrated in Figure 2-1 and described more particularly below.

North of the North End Project site on the east side of El Camino Real are existing single-family residential uses. North of the North End Project site on the west side of El Camino Real are Commercial Park (Self Storage) uses.

South of the South-East Project site are single-family residential uses.

East of the Specific Plan area are Rio Rita Road, Obispo Road and Mirasol Way. Existing single-family residential dwellings are present in this area.

West of the Specific Plan area, across El Camino Real, are commercial properties, including the Mission Oaks Shopping Center and a Shell gas station.

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TABLE 2-3: SURROUNDING LAND USE & ZONING DESIGNATIONS

	LAND USE	ZONING
NORTH	General Commercial (GC)	Commercial Retail (CR)
	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
SOUTH	High Density Residential (HDR)	Residential Multiple Family (RMF-20)
	Residential Suburban (RS)	Suburban Estate (SE)
EAST	Single Family Residential (SFR-X)	Residential Single Family (RSF-X)
	Residential Suburban (SE)	Suburban Estate (SE)
WEST	General Commercial (GC)	Commercial Tourist (CT)
	Commercial Park (CPK)	Commercial Park (CPK)

2.2 EXISTING CIRCULATION

2.2.1 REGIONAL CIRCULATION

Regional access to the Del Rio Road Commercial Area Specific Plan site is provided by U.S. Highway 101 and the Del Rio Road interchange. The interchange includes a grade separated overcrossing with signal controlled on- and off-ramps for both north and south bound traffic. Highway 101 provides north/south access to the Specific Plan area from surrounding communities and area. Additionally, the Specific Plan area is within three miles from California State Highway 41. Highway 41 provides east/west access from the outlying areas of the City of Atascadero from the City of Morro Bay to the area beyond the Town of Creston.

2.2.2 LOCAL CIRCULATION

Local access to the Del Rio Road Commercial Area Specific Plan is provided by El Camino Real and Del Rio Road. El Camino Real is a major arterial street that runs parallel with U.S. Highway 101 and provides north/south access to the Specific Plan site. El Camino Real is designated to be a four lane arterial, but is improved to two lanes within the Specific Plan area. Del Rio Road is both a minor arterial and collector street within the Specific Plan area and runs east/west providing access from the west side of Highway 101 and from eastern parts of Atascadero. The intersection of El Camino Real and Del Rio Road is signalized.

The following information describes the existing local streets abutting the Specific Plan area:

A. EL CAMINO REAL:

1) The South-East Project site:

- One Northbound ("NB") lane at the south end of the Specific Plan area, which transitions to two NB lanes and then to one NB through lane, one dedicated left turn lane onto Westbound ("WB") Del Rio Road, and one dedicated right turn lane onto Eastbound ("EB") Del Rio Road at the signalized Del Rio intersection. Striped bike lane and unpaved shoulder.

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- Two Southbound (“SB”) lanes at the Del Rio intersection, which transition into one SB lane near the south end of the Specific Plan area. Curb, gutter and sidewalk, and bike lane.
 - Posted speed limit of 45 mph, raised medians, lane transition striping.
- 2) The North End Project site:
- One NB lane and one SB lane across the site frontage, with striped bike lane on the east side.
 - At the Del Rio intersection, the SB roadway transitions into a through/right turn lane and a dedicated left turn lane onto EB Del Rio.
 - Posted speed limit of 45 mph, separated by a double yellow line, lane transition striping, a paved and striped shoulder, no curb, gutter, or sidewalk.
- B. DEL RIO ROAD, EAST OF EL CAMINO REAL:
- 1) One traffic lane each, EB and WB.
 - 2) Painted double yellow line through the Specific Plan area. No curb, gutter, sidewalk, or delineated bike lanes.
 - 3) Posted speed limit of 40 mph.
- C. DEL RIO ROAD, WEST OF EL CAMINO REAL:
- 1) One WB lane, one EB right turn lane, one EB through-left turn lane.
 - 2) Raised center median; curb, gutter and sidewalk on south side of road only.
 - 3) No Posted speed limit.

2.2.3 PUBLIC TRANSPORTATION

Public transportation in the Atascadero area is generally available through San Luis Obispo Regional Transit Authority (“SLORTA”), Atascadero Transit, and Dial-a-Ride/Ride-On.

The SLORTA provides fixed route service throughout San Luis Obispo County from San Miguel to Santa Maria. SLORTA’s Route 9 provides hourly, local and express service, plus limited Saturday and Sunday local service. Route 9 travels Highway 101, between San Luis Obispo, Cal Poly, Santa Margarita, Atascadero, Templeton, Paso Robles and San Miguel seven days a week with less frequency on Saturdays and Sundays. There are 19 southbound bus stops and 20 northbound stops located along El Camino Real (ECR) within the Atascadero city limits. Northbound bound stops near the project area include ECR at Del Rio (Mission Oaks Plaza), ECR at Atalaya and ECR at Santa Cruz. Southbound stops include ECR at Atalaya and ECR at Del Rio (Mission Oaks Plaza).

Atascadero Transit operates Dial A Ride, a demand response public transit system serving seniors and the general public, including disabled and mobility-impaired individuals. Atascadero Dial A Ride provides local service throughout the city limits of Atascadero and extends to the Las Tablas medical corridor in Templeton to accommodate the needs of residents. All Atascadero Transit vehicles are wheelchair accessible and have bicycle racks to accommodate two bicycles. Dial A Ride serves as a connector for residents in need of transportation to reach the RTA fixed route bus stops on El Camino Real which provide accessible transportation throughout San Luis Obispo and Northern Santa Barbara counties.

SETTING & EXISTING CONDITIONS

Demand response door-to door transit service is available through Atascadero Transit. Additionally, Dial-a-Ride/Ride-On is available for those that are unable to independently use fixed route transit because of physical or mental disability.

EXISTING PHYSICAL CONDITIONS

TOPOGRAPHY

The Del Rio Road Commercial Area Specific Plan site is characterized by low rolling hills and flats on and immediately surrounding the site. The North End Project site is generally flat with slopes of less than 5%. The South-East Project site has moderate slopes ranging from 5% to 12%. Elevations range from approximately 970 feet above mean sea level at the southeast corner to about 860 feet at the northwest corner, with the terrain slightly sloping in a northwesterly direction. No USGS identified blue line water ways are located within or adjacent to the project boundaries.

SOIL

The USDA soil survey indicates the dominant soils present in the site vicinity are the Arnold loamy sand, 9 to 30 % slopes and Oceano loamy sand, 2 to 9 % slopes. The Arnold soils are found on hills and formed in weathered sandstone. The Oceano soils are found on dunes and formed in sandy eolian deposits.

HYDROLOGY & DRAINAGE

The Specific Plan area rolls toward the north and west at slopes ranging from five to ten percent. The soils are mostly clayey sand with soft rock located two to four feet below the surface. The ground cover condition is fair.

Hydrology & Drainage of the South-East Project site

The site can be divided into three watersheds that all drain to either El Camino Real or to Del Rio Road. The runoff from one small watershed flows east, bounded by Del Rio Road and Rio Rita Road. The runoff from the other small watershed flows south along El Camino Real. The majority of the runoff, which is generated by the large watershed, flows to a storm drain located at the intersection of El Camino Real and Del Rio Road. From there the runoff flows into Caltrans drainage structures under Highway 101 and eventually into Graves Creek, a blue line creek and direct tributary to the Salinas River.

Hydrology & Drainage of the North End Project site

The east portion of the existing site's predominate surface flow is to the northwest corner of the site to an existing double 4-foot wide box culvert that crosses El Camino Real and discharges onto the western portion of the site. An existing drainage ditch cuts through the southeast corner of the western portion of the site and then proceeds offsite in a southwesterly direction to a culvert that crosses U.S. Highway 101. Predominate surface flow on the western portion of the site is in a southern direction towards that drainage ditch.

BIOLOGICAL RESOURCES

The Del Rio Road Commercial Area Specific Plan site contains two habitat types: non-native annual grassland and ornamental-developed land. Approximately 166 native trees are present within the Specific Plan area, including Coast Live Oaks, Valley Oaks, Black Walnuts, and California Sycamores. These trees are subject to the City of Atascadero's Native Tree Ordinance. In addition, the site has the potential to support special-status plant and wildlife

SETTING & EXISTING CONDITIONS

species. However, no special status plant species were observed within the project site during floristic surveys, and none are expected to be impacted by the proposed project. Further, no special-status wildlife species or sign of such species were observed within the Specific Plan area during reconnaissance surveys.

EXISTING UTILITIES

A general description of the existing utilities for the South-East Project and North End Project sites is provided below. The proposed distribution, location, extent and intensity of major components of public transportation, sewage, water, drainage solid waste disposal, energy and other essential facilities proposed to be located within the Specific Plan area are described in Sections 3.3 through 3.6 of the Specific Plan.

WATER

The Atascadero Mutual Water Company provides potable water service to the Specific Plan area. Water is provided by existing underground water mains in El Camino Real and Del Rio Road.

SANITARY SEWER

The Specific Plan area, like the rest of Atascadero, is provided sanitary sewer service by the City of Atascadero. Existing underground sewer mains in El Camino Real or Del Rio Road will convey project effluent to the City's existing treatment plant located on Gabarda Road.

ELECTRICITY

The Specific Plan area is served with electricity service provided by Pacific Gas and Electric Company via existing transmission and distribution lines.

GAS

The Specific Plan area is served with gas service provided by the Gas Company via existing underground pipelines.

COMMUNICATIONS

The Specific Plan area is provided landline telephone services by AT&T and cable television services by Charter Cable, both via existing facilities.

SOLID WASTE DISPOSAL

The Specific Plan area is provided solid waste service by Atascadero Waste Alternatives, Inc. Solid waste is disposed of at the Chicago Grade Landfill.

LAND USE PLAN

III LAND USE PLAN

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LAND USE PLAN

The Specific Plan serves as the overlay zoning for the Del Rio Road Commercial Area Specific Plan area. The Land Use Plan provides the overall framework for development within the Specific Plan. Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan shows the location and arrangement of the land use designations. A general description of the uses proposed within the Specific Plan is provided below.

3.1 LAND USE DESIGNATIONS

Land uses within the Del Rio Road Commercial Area Specific Plan are summarized below and include General Commercial, Multi-family Residential, and Single-Family Residential as shown in Figure 3-1: Del Rio Road Commercial Area Specific Plan Land Use Plan.

3.1.1 GENERAL COMMERCIAL (GC)

The General Commercial (GC) land use category provides Commercial Retail (CR) development opportunities for a wide range of commercial and business uses to accommodate retail, employment, and service needs of the City and surrounding areas. Approximately 32 acres of General Commercial uses have been included in the Specific Plan. These uses are generally located along Del Rio Road and El Camino Real. Foreseeable commercial uses within the commercial area will primarily consist of office, retail, and service oriented uses including, but not limited to, general merchandise stores, wholesaling and distribution, low-intensity manufacturing, restaurants, lodging and business support uses.

3.1.2 HIGH DENSITY RESIDENTIAL (HDR)

The High Density Residential (HDR) land use category provides for Residential Multiple Family (RMF-24) development characterized by apartment, condominium, and townhouse development within the City's urban service line, with a minimum density of 20 units per acre. After the City of Atascadero deemed complete the project applications for the development approvals, including an application for Vesting Tentative Parcel Map AT09-0073, and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the HDR land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Consistent with the recent update to the City of Atascadero General Plan and Zoning Ordinance, the proposed multiple family portion of the South-East site is zoned RMF-24. Approximately 3.6 net acres of High Density Residential uses have been included in the Specific Plan. Accordingly, a maximum of up to 86 dwelling units would be permitted in this area. This use is located on the eastern portion of the project site, mainly abutting existing single-family homes along Rio Rita Street and the proposed public road. Density for the residential site shall be based on net acreage, exclusive of road right-of-way and any openspace easements encompassing the area.

3.1.3 SINGLE FAMILY RESIDENTIAL (SFR-X)

The Single Family Residential (SFR-X) land use category provides for Residential Single Family (RSF-X) development within the City's urban services line with a maximum base density of 2 units per acre. However, the Single Family Outparcel also falls within the existing Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone.

LAND USE PLAN

up to a maximum of 4 units per acre. Approximately 1.7 acres of single-family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 dwelling units would be permitted in this area. This use is located on the northeastern portion of the property, mainly abutting existing single-family homes and taking access from Marisol Way.

3.2 LAND USE POLICIES

The Del Rio Road Commercial Area Specific Plan sites are intended to function as two commercial centers providing community oriented uses with a focus on employment, service, retail, and office opportunities. The combined projects consist of commercial and residential uses on approximately 39 acres of land. The Specific Plan area contains thirteen lots, with the majority of the area intended for the development of the commercial uses and their respective parking, as described in Table 3-1: Specific Plan Land Use Summary. The Specific Plan land uses will be developed substantially consistent with Table 3-1 and Figure 3-1. However, developers shall have no obligation to develop the project or develop the full floor area/density presented in Table 3-1. It is also important to note that assumed floor area estimates were used to determine traffic impacts from the project. Floor area may be increased if it can be shown that the total number of trips (total daily and peak hour) do not exceed the thresholds established in the most recent comprehensive traffic analysis.

TABLE 3-1: SPECIFIC PLAN LAND USE SUMMARY

	LAND AREA	FLOOR AREA / DENSITY
SOUTH-EAST PROJECT SITE		
PARCEL	SITE AREA	BUILDING AREA
MAJOR TENANT PARCEL	19 ac.	129,560* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
COMMERCIAL OUTPARCEL	1 ac.	5,000* sq. ft.
MULTIPLE FAMILY OUTPARCEL	3.6 NET ac.	86 d.u.
DEDICATIONS	2.2 ac.	--
SUBTOTAL SOUTH-EAST PROJECT SITE	26 ac. (gross)	139,560* sq. ft. (44 d.u.)
NORTH END PROJECT SITE		
PARCEL	SITE AREA	BUILDING AREA
COMMERCIAL PARCELS (NORTH END PROJECT SITE – EAST)	9.3 ac.	193,000* sq. ft.
HOTEL (NORTH END PROJECT SITE – WEST)	1.7 ac.	73,833* sq. ft. / 120 rooms
SINGLE FAMILY OUTPARCEL	1.7 ac.	6 d.u.
DEDICATIONS	0.3 ac.	--
SUBTOTAL NORTH END PROJECT SITE	13 ac. (gross)	266,833* sq. ft. (6 d.u.)
SPECIFIC PLAN		
TOTAL	39 ac. (gross)	406,393* sq. ft. (50 d.u.)

* Assumed square-footage based on trip generation. Building floor area may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.

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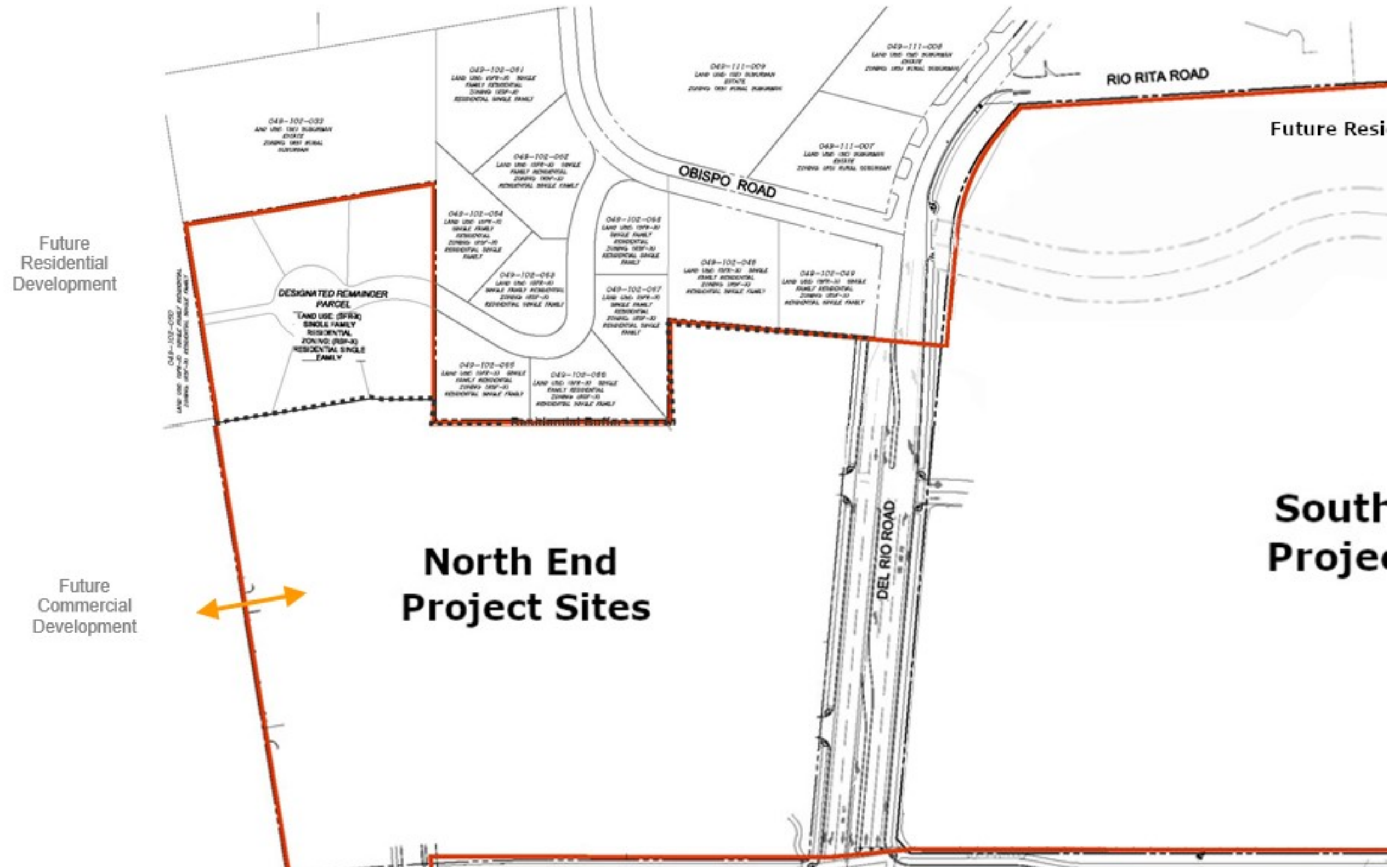


Figure 3-1: Del Rio Road Commercial Area Specific Plan Conceptual Land Use Plan

DEL RIO ROAD
COMMERCIAL AREA
SPECIFIC PLAN

LAND USE PLAN

3.2.1 SOUTH-EAST PROJECT SITE LAND USE POLICIES

The South-East Project site consists of four parcels divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
High Density Residential (HDR)	Residential Multiple Family (RMF-24)

The commercially designated/zoned parcels are located toward the west of the site, fronting El Camino Real and Del Rio Road. The residentially designated/zoned parcel is located on the eastern portion of the project site, mainly abutting existing single-family homes along Rio Rita Street and the proposed public road.

The following South-East Project site land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The Major Tenant parcel could accommodate a wide variety of retail, office, light industrial or other uses as allowed by the General Plan.
- 2) Uses shall be consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 3) The South-East Project site has two 1-acre Commercial Outparcels that may each consist of a building up to 5,000 square feet (see #5) in size.
- 4) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 5) The South-East Project site has one 3.6 net acre (5 ac. gross) Multiple Family Outparcel (RMF-24) designated for development at a later date.

3.2.2 NORTH END PROJECT SITE LAND USE POLICIES

The North End Project site consists of eight parcels and one designated remainder parcel divided into the following land use and zoning designations:

LAND USE	ZONING
General Commercial (GC)	Commercial Retail (CR)
Single Family Residential (SFR-X)	Residential Single Family (RSF-X)

The following North End Project land use policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Non-residential uses will be developed consistent with the underlying CR zoning district and as modified in Section 4.1.1 of this Specific Plan.
- 2) Assumed floor area based on trip generation. Square-footages may change provided that total trip generation for each site remains equal to or less than the total trips assumed in the 2020 traffic analysis. Should either peak hour or total daily trips exceed the assumed numbers, an additional traffic study will be required to show no increase in impact. Should impacts occur, a new environmental analysis will be required.
- 3) The North End Project site designated approximately 1.7 acres of land as single family residential. This area will be designated as a Planned Development Overlay 17 as part

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of the Specific Plan which allows residential uses in the RSF-X zone up to a maximum of 4 units per gross acre.

3.3 CIRCULATION POLICIES

The transportation and circulation system for the Del Rio Road Commercial Area Specific Plan is designed to utilize the existing roadway system with the addition of one local street (proposed public road) and commercial drives as needed to serve individual development areas. The system also includes policies to require paths for non-vehicular circulation to connect various subareas to each other and to the City of Atascadero in general. The proposed circulation network and policies are designed to efficiently move vehicular traffic through and around the Specific Plan area and to allow pedestrians a safe path from public and private areas to and from the entrances. The circulation plan promotes transit use, bicycling and walking as convenient modes of transportation for commuting and shopping. The circulation plan enhances connectivity with adjacent areas, where feasible to reduce traffic impacts on major streets.

3.3.1 VEHICLE & TRUCK ACCESS POLICIES

Vehicular access to the Specific Plan area is provided by Del Rio Road, El Camino Real, and the proposed public road. Conceptual vehicular access points to the site are shown in Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan. Restrictions on turning movements are assumed based on preliminary traffic analysis and assumed driveway locations and may be modified with subsequent traffic analyses to the satisfaction of the City Engineer.

Primary access to the South-East Project site is envisioned by one entry on Del Rio Road and one signalized entry on El Camino Real. Additionally, an extension of Obispo Road is provided off Del Rio Road. An optional access point at El Camino Real, aligned with the existing Mission Oaks main entrance may be approved by the City Engineer should less intensive traffic generating uses be developed on-site and it can be shown that there are no queuing impacts for a dedicated turn pocket on El Camino Real into the South-East project site. Access to the two outparcels and the multi-family site shall be from the proposed public road.

Primary access to the North End Project site is envisioned to be off of El Camino Real with secondary access off of Del Rio Rd.

Driveway restrictions will be analyzed with all Master plan of Development and Construction submittals to ensure safe turning movements and driveway placement in relation to traffic improvements and adjacent commercial developments.

Except as otherwise modified by mitigation measures required in the Specific Plan EIR and/or project conditions of approval, the following vehicle and truck access policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Street improvements on Del Rio Road and El Camino Real as generally described below, and as included as mitigation measures in the certified Specific Plan Final Environmental Impact Report, will be constructed and financed by developments within the Specific Plan boundary, facilitating access to the subject sites, and acting to maintain efficient and safe vehicular travel along adjacent roadways.

LAND USE PLAN

- 2) El Camino Real and Del Rio Road will be improved in accordance with the adopted plan improvements or to the satisfaction of the City Engineer. The Master Plan of Development for each project site will include conditions of approval that implement the timing and details of all traffic improvements.
- 3) In addition to required frontage improvements, Del Rio Road shall be widened to accommodate a right turn lane onto US101 northbound. Signal modifications and timing shall be completed in to ensure safe and efficient traffic flow. Developments shall pay their fair share towards these improvements based on traffic impacts.
- 4) The existing traffic signal at El Camino Real and Del Rio Road will be modified to accommodate the proposed roadway improvements.
- 5) Del Rio Road, east of Obispo Road, will be improved to provide one-half (20') of a standard Collector Road section on the project side of the centerline. This widened section will transition to match the existing pavement width east of the Rio Rita Road. The intersection at Rio Rita Road will be reconstructed to conform to the increased width of Del Rio Road. Rio Rita Road will be improved to provide a smooth transition to Del Rio Road and maintain continuity of drainage.
- 6) A decorative concrete three rail fence will be constructed on the South-East project site's east property line.
- 7) The applicant will to offer to the City of Atascadero a ten-foot grant of right of way along its easterly property line for public road purposes. The abutting property owners shall have the right to grade within the right of way.
- 8) Obispo Road will be extended through the project site as a public road. The Road will be designed to the City's current collector standard and a 60-foot wide right-of-way easement will be dedicated to the City. The commercial area and residential area may take access off this road. The road will be designed to connect to the properties to the south of the project site. This road will be dedicated to the City of Atascadero and accepted for maintenance purposes.
- 9) A project entry road will be constructed in the southern portion of the South-East Project site, which will intersect El Camino Real opposite the southerly entrance to the Mission Oaks Center. This intersection will be signalized.
- 10) Driveway access points will be designed to align with existing and proposed driveways across the major streets as well as existing or planned public roads, to the greatest extent possible. Restrictions on turning movements may be amended by conditions of approval for individual Master Plans of Development for each project site. Access may be restricted beyond what is stated in the Specific Plan should the City Engineer deem it necessary for vehicular, pedestrian, or bike safety, or should it be deemed necessary for the function of street intersections, the 101 interchange, or on-site circulation flow.

To the extent the Vehicle & Truck Access Policies are inconsistent with the mitigation measures required in the Specific Plan EIR and/or conditions of approval required by the City, the mitigation measures and/or conditions of approval shall apply. The proposed physical configurations of the right-of-ways will allow for safe and efficient travel to and from the site.

3.3.2 NON-VEHICULAR & PUBLIC TRANSPORTATION ACCESS POLICIES

The Specific Plan encourages non-motorized travel by creating travel routes that ensure destinations may be reached conveniently by public transportation, bicycling or walking.

LAND USE PLAN

Individual project sites should be designed to allow pedestrians a safe path from public and private areas to and from the commercial retail and restaurant entrances.

The Specific Plan incorporates the following non-vehicular improvements and/or features, thereby facilitating access to the South-East Project and North End Project sites and acting to maintain efficient and safe vehicular travel along adjacent roadways:

The following non-vehicular and public transportation policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) A turn out shall be provided on El Camino Real in front of the South-East Project site in order to accommodate a bus stop in accordance with City Engineering Standards.
- 2) Project site frontages shall be designed with pedestrian access and ADA accessible pathways via public sidewalks on Del Rio Road, El Camino Real and the new public road. Private walkways and delineated paths to each building within the Specific Plan area are encouraged.
- 3) Project sites shall include ADA accessible elements in compliance with accessibility requirements.
- 4) Public transportation is permitted throughout the Specific Plan area.
- 5) Secure bicycle parking shall be provided near building entrances.
- 6) Bicycle travel accommodations shall be provided in each direction along the South-East Project and North End Project frontage on El Camino Real and Del Rio Road.

LAND USE PLAN

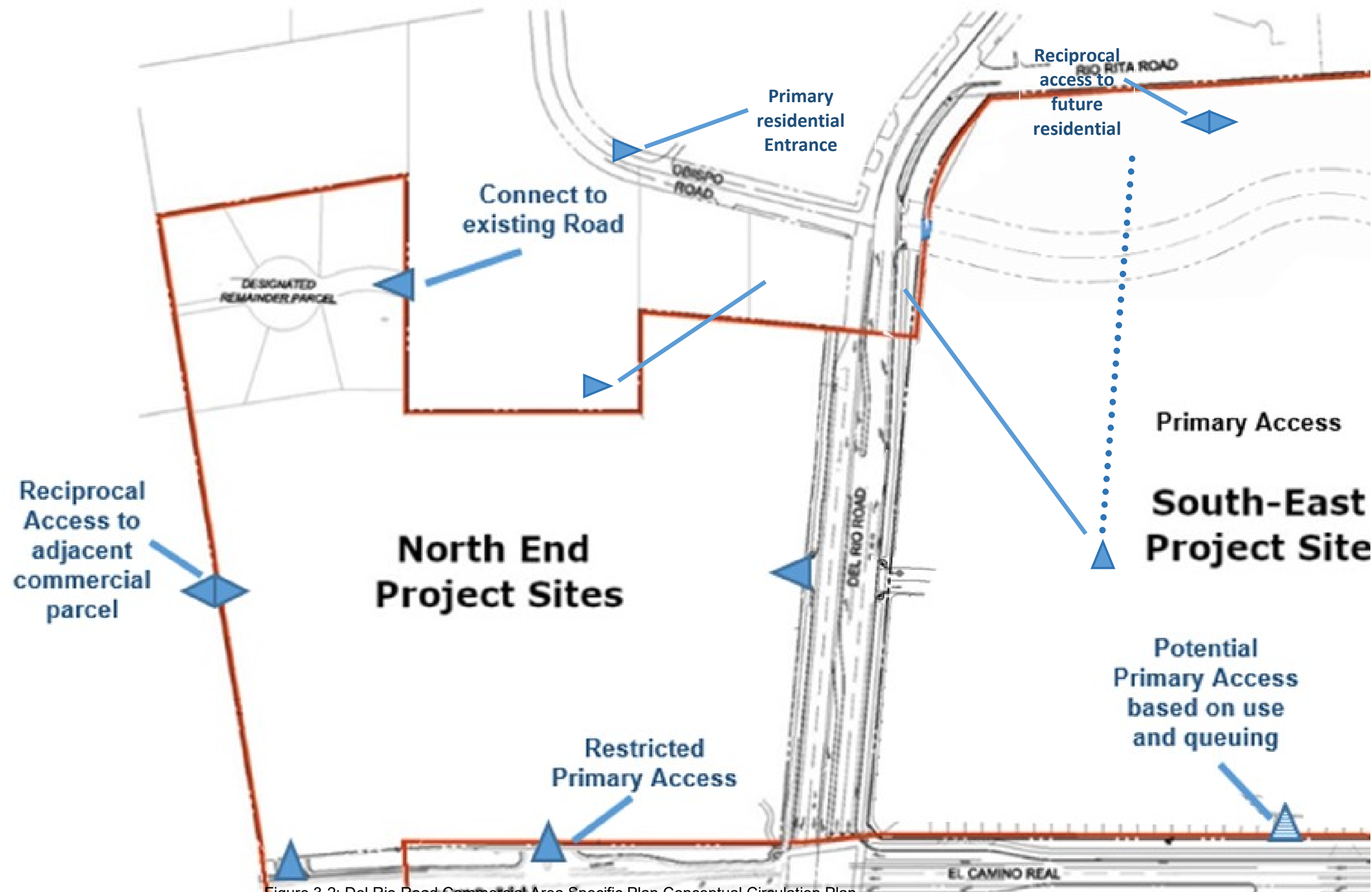


Figure 3-2: Del Rio Road Commercial Area Specific Plan Conceptual Circulation Plan

LAND USE PLAN

3.4 PUBLIC FACILITIES POLICIES

The following section describes the backbone infrastructure systems that will be installed and financed by development within the Specific Plan area that is required to serve the development of the Del Rio Road Commercial Area Specific Plan.

The following public facilities policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Water, wastewater, and drainage improvements will be designed to provide adequate levels of service for the maximum level of the planned development.
- 2) All plans and improvements will be consistent with the City of Atascadero's General Plan and City infrastructure requirements.
- 3) The proposed electric, natural gas, and communication utilities shall be connected to utility provider facilities in accordance with applicable standards.
- 4) All wires, conductors, cables, raceways, and conduits for electrical, telecommunications, cable, and similar services that provide direct service to any property shall, within the boundary lines of such property, be installed underground. Associated equipment and appurtenances such as surface mounted transformers, pedestal mounted terminal boxes, meters, and service cabinets may be placed aboveground and shall be screened and located behind the front setback line of said property.

3.4.1 WATER POLICIES

The Del Rio Road Commercial Area Specific Plan is served with potable water by the Atascadero Mutual Water Company.

The following water policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project site will be served by a new water main in the proposed public road which connects to the existing water main in Del Rio Road and/or available connection points to existing facilities within the fronting City streets, subject to the approval of the City Engineer.
- 2) The North End Project will be served by connections to the existing water main in El Camino Real and/or the existing water main in Del Rio Road.
- 3) A new water main shall be constructed in the new public street.
- 4) All water infrastructure design plans and construction will be approved the Atascadero Mutual Water Company prior to development.
- 5) All backflow preventers will be located in landscaped areas outside the public way.

3.4.2 WASTEWATER & SEWER POLICIES

The project wastewater will be conveyed by existing sanitary sewer main lines to the existing City of Atascadero wastewater treatment plant. The existing sewer main lines convey effluent to the City's existing treatment plant located on Gabarda Road.

The following wastewater and sewer policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) The South-East Project will connect to the existing sewer main in El Camino Real and/or a new sewer main in the proposed public road.
- 2) The North End Project will connect to the existing sewer main in El Camino Real and/or the existing sewer main in Del Rio Road.
- 3) A new sewer main shall be constructed in the new public street.

LAND USE PLAN

3.4.3 STORM DRAINAGE POLICIES

The Specific Plan area will discharge its stormwater run-off in accordance with the City's Storm Water Management Plan. Stormwater will flow into the City's storm drain collection system and ultimately be discharged into Grave's Creek. The existing drainage within the Specific Plan area is discussed in Section 2.3: Existing Physical Conditions.

The following storm drain policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) During construction, all work shall meet the National Pollution Discharge Elimination System (NPDES) requirements for storm water quality.
- 2) During construction, Best Management Practices (BMPs) will be implemented for erosion control in accordance with an approved erosion control plan and a Storm Water Pollution Prevention Plan (SWPPP).
- 3) During operations, all activities shall comply with the City of Atascadero's Storm Water Mitigation Plan (SWMP). This includes operational BMPs identified in the SWMP, including waste management and materials control, source control and treatment controls, to limit the conveyance of pollutants offsite.
- 4) The South-East Project and North End Project sites will safely convey storm runoff to public facilities. Historical drainage patterns and flows will be maintained to the extent feasible.

3.4.4 ELECTRICITY POLICIES

Del Rio Road Commercial Area Specific Plan area is served with electricity by Pacific Gas and Electric Company. No new energy producing facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following electricity policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project developments shall include the construction of on-site utility lines and provide easements to meet PG&E requirements.
- 2) All wires, conductors, cables, raceways, and conduits for electrical and similar services that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

3.4.5 NATURAL GAS POLICIES

Del Rio Road Commercial Area Specific Plan area is served with gas by The Gas Company. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following natural gas policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Service of gas to the Specific Plan area will be in accordance with The Gas Company policies and PUC regulations.

LAND USE PLAN

3.4.6 COMMUNICATIONS POLICIES

Del Rio Road Commercial Area Specific Plan area is provided landline telephone and communication services by AT&T and Spectrum, and cable television by Spectrum, satellite, and other local providers. No new facilities are necessary to serve the Specific Plan area, nor will the projects within the Specific Plan area require the construction or extension of new transmission lines.

The following communication policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) Both the South-East Project and North End Project sites will construct on-site utility lines to meet utility company requirements and PUC regulations.
- 2) All wires, conductors, cables, raceways, and conduits that provide direct service to any property shall be installed underground within the boundary lines of such property.
- 3) All utility lines along the project frontages shall be undergrounded consistent with City code requirements.

3.5 GRADING PLAN POLICIES

The Major Tenant parcel, two Commercial Outparcels, and the North End Project parcels will be cleared, graded, and otherwise prepared for construction. It is anticipated that the South-East project site will require a significant amount of grading to accommodate a level pad. It is anticipated that the North end site will require some imported material to accommodate commercial development. The concept grading plans indicate approximately 50,000 cubic yards of import from the South-East Project Site to the North End Project Site and approximately 205,000 CY of dirt is expected to be exported from the South-East Project site to a suitable receiver site.

The following grading policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All grading shall comply with the current edition of the International Building Code, and the City of Atascadero Community Development and Public Works Departments standards.
- 2) Development within the Specific Plan area will cooperate to the greatest extent feasible to utilize excess material on each individual development site prior to exporting outside the Del Rio Specific Plan area.
- 3) Any residual debris resulting from site clearing and preparation will be disposed of/recycled in accordance with City requirements.
- 4) The South-East Project and the North End Project do not propose to grade their respective residential outparcels at this time. Future grading for the residential parcels will comply with City requirements, as determined at the time an application for a specific project is submitted to the City.

3.6 COMMUNITY FACILITIES POLICIES

Community services and facilities including fire protection, police protection, U.S. mail, and solid waste disposal are summarized below. A more detailed discussion of facilities and services is presented in the Specific Plan EIR certified for the project.

FIRE PROTECTION

The City of Atascadero Fire Department provides fire prevention and suppression, hazardous materials mitigation, and disaster planning services. This department serves the Del Rio Road

LAND USE PLAN

Commercial Area Specific Plan area. The closest fire station to the site is Station #1 located at 6005 Lewis Avenue. Fire protection needs are analyzed in the Specific Plan EIR.

The following fire protection policies shall apply within the Del Rio Road Commercial Area Specific Plan area:

- 1) All fire hydrants shall be approved by the Fire Department.
- 2) The City of Atascadero Fire Department shall review and approve all water improvement plans and Fire Department Connections (FDC's) prior to installation.
- 3) All structures shall include automatic sprinkler systems and alarm systems as required by the latest applicable codes
- 4) All driveways and private roads not designed to accommodate on-street parking will be have signage that states "Fire Lanes – No Parking".

POLICE PROTECTION

The Del Rio Road Commercial Area Specific Plan is served by the City of Atascadero Police Department ("APD"). APD operates in cooperation with the surrounding law enforcement agencies under the "State Mutual Aid Pact". The department's headquarters is located at 5505 El Camino Real approximately two miles from the site. Police protection needs are analyzed in the Specific Plan EIR.

U.S. MAIL

Mail service is provided by the United States Postal Service (USPS). The USPS will be consulted regarding the location of the mail depositories which shall be installed per USPS recommendations.

SOLID WASTE & RECYCLING STORAGE

Solid waste is collected by the Atascadero Waste Alternatives, Inc., a private company under contract with the City of Atascadero. Solid Waste Service is provided to the Del Rio Road Commercial Area Specific Plan area by Atascadero Waste Alternatives, Inc. Solid waste will be disposed of at the Chicago Grade Landfill located at 2290 Homestead Road, Templeton, CA 93465.

DEVELOPMENT STANDARDS

IV DEVELOPMENT STANDARDS

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DEVELOPMENT STANDARDS

DEVELOPMENT STANDARDS

This chapter establishes policies and standards for development of the land uses and buildings within the Del Rio Road Commercial Area Specific Plan area. The Specific Plan creates a specific identity within the plan area through application of the Atascadero Municipal Code and unique development standards. The purpose of these standards is to support, through careful site evaluation and design, the establishment of land uses in a manner that protects the public health, safety, and welfare. To the extent the development standards of the Specific Plan and the Atascadero Municipal Code are in conflict, the development standards of the Specific Plan shall prevail.

4.1 COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS

These development standards implement the Commercial Retail (CR) zoning designation. The planning areas zoned CR allow the development of commercial uses, which provide residents and visitors with a variety of retail, office, lodging, restaurant, and personal and tourist serving uses. It is the intent of these regulations to establish a comprehensive set of standards and respond to community needs for general commercial uses.

4.1.1 PERMITTED USES

All uses shall be consistent with the underlying CR (Commercial Retail) zoning district for allowed and conditionally allowed uses, with the following modifications:

- 1) The following uses shall be allowed or allowed as modified:
 - a) Brewery – Production
 - b) Building Materials and Hardware w/ outdoor sales less than 20,000 sf
 - c) Data and Computer Services Center
 - d) Farm Equipment and Supplies with outdoor sales area up to 20,000 square-feet.
 - e) Horticultural Specialties w/ outdoor sales area less than 20,000 sf
 - f) Manufacturing – Low Intensity
 - g) Medical Research
 - h) Research and Development
 - i) Warehousing – (must have an active office and employee component that is at least 25% of floor area)
- 2) The following uses shall be conditionally allowed with the following additional finding: The use must make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility, and phasing:
 - a) Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles)
 - b) Manufacturing and Processing – High Intensity (indoor only)
 - c) Winery – production
 - d) Health Care Services, with the following findings:
 - i) The overall use area within the Specific Plan does not exceed 20%
 - ii) Adequate parking remains for future build-out and development of the Specific Plan area with a variety of uses
 - e) RCFE – Independent Living / Senior Apartments (on the second floor or above only)
 - f) Recreational Vehicle Parks with the following findings:
 - i) The use may only be allowed on the South-East project site

DEVELOPMENT STANDARDS

- ii) The use must be limited to stays of less than 30-days and be a transient lodging use subject to TOT.
- iii) The use may occupy a maximum of 20% of the South-East project site. An additional 1.8 acres may be used for associated permanent cabins and “glamping” uses.
- iv) The use must be visually screened from El Camino Real and the adjacent residential uses
- v) RV parks must be an integral part of the master Plan of Development of the site that includes other visitor serving elements.
- g) Warehousing – (where the active office and employee component is less than 25% of the floor area) - providing a finding of community benefit can be made
- h) Temporary revenue generating land uses during site development with conditional use permit which will be subject to findings and conditions that include, but are not limited to, the following:
 - i) City Council review and approval of the conditional use permit
 - ii) A development agreement, or similar mechanism for enforcement, shall be required
 - iii) Temporary uses shall be of limited duration, not to exceed 18 months, unless an extension is granted by City Council
 - iv) Adequate emergency access shall be provided for all temporary uses
 - v) Utilities shall be installed as needed to accommodate temporary uses
 - vi) Appropriate mitigation to address dust and dirt track out onto public right of way shall be incorporated in the approved plans for temporary uses.
 - vii) Temporary use areas shall be reviewed for aesthetics, neighborhood compatibility and site impacts through the Conditional Use Permit process.
 - viii) Any other conditions necessary based on proposed land use and temporary development plans
- 1) The following uses shall be prohibited:
 - a) Adult Day Care Facility
 - b) Adult Oriented Business
 - c) Building Materials and Hardware w/ outdoor sales or storage area 20,000 sf or greater
 - d) Drive-through Sales or Services
 - e) Horticultural Specialties with outdoor storage or sales area of 20,000 sf or greater
 - f) Kennels
 - g) Medical Extended Care Services: 6 residents or less
 - h) Medical Extended Care Services: 7 residents or more
 - i) Parking lots
 - j) RCFE – Assisted Living
 - k) RCFE – Retirement Hotel
 - l) Service Stations
 - m) Small Family Day Care (unless within a permitted residential unit by State Law)
 - n) Sports Assembly

DEVELOPMENT STANDARDS

4.1.2 PROPERTY DEVELOPMENT STANDARDS

The site development standards for Commercial Retail (CR) zoned parcels within the Del Rio Road Commercial Area Specific Plan are as presented in Table 4-1: Commercial Retail (CR) Development Standards.

TABLE 4-1: COMMERCIAL RETAIL (CR) DEVELOPMENT STANDARDS

BUILDING SITE <div>Parcel Size:</div> <div>Lot Width:</div> <div>Lot Depth:</div> <div>Lot Coverage:</div>	<div>No minimum parcel size with shared parking and access easements recorded</div> <div>No minimum lot width</div> <div>No minimum lot depth</div> <div>No maximum; subject to required building setbacks, parking, and landscape requirements.</div>
MAXIMUM BUILDING HEIGHT <div>Occupied Building Height:</div> <div>Non-Occupied Building Height: (Architectural Features)</div>	<div>35 feet</div> <div>45 feet</div>
MINIMUM BUILDING SETBACKS <div>Front Yard:</div> <div>Side Yard:</div> <div>Rear Yard:</div> <div>Adjacent to Residential zoned Property:</div> <div>Setback from Right-of-way to parking:</div>	<div>10 feet for street trees. Encroachments permitted with MPD approval</div> <div>10 feet for street trees. Encroachments permitted with MPD approval</div> <div>None</div> <div>30 Feet</div> <div>10 Feet</div>
Notes:	<ul style="list-style-type: none"> Building height shall be measured from the finished pad elevation to top of roof, excluding architectural features. Occupied Building means the region normally occupied by people generally consisting of the space between the finished pad and 6 feet above the floor or roof, excluding architectural features. Non-Occupied Building (Architectural Features) means a building feature or space where the floor to ceiling height is 10 feet or less outside the occupied building area that adds to the visual interest of a structure. Non-Occupied Building area may contain ventilation or air conditioning equipment. Setbacks shall be measured from the edge of rights-of-way or property line as applicable. Depressed ramps and stairways may project into required setbacks, yards or spaces between buildings more than 4 feet as approved by the Community Development Director, but may not be located within the Right-of-Way unless approved by the City Engineer.

4.2 RESIDENTIAL MULTIFAMILY (RMF-24) DEVELOPMENT STANDARDS

These development standards implement the Residential Multifamily (RMF-24) zoning designation. The RMF-24 zoning designation allows for the development of high-density residential uses at a minimum of 24 units per acre. The Residential Multiple Family Outparcel

DEVELOPMENT STANDARDS

within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or any subsequent Vesting Map should that entitlement expire. After the City of Atascadero deemed complete the Specific Plan project applications for the development approvals and commenced preparation of the Specific Plan EIR, the City of Atascadero approved a General Plan update to modify the High Density Residential (HDR) land use designation from a maximum of sixteen units per acre to a minimum of twenty units per acre. The City approved a corresponding Zoning Ordinance text change and Zoning Map to change the RMF-16 Zoning District to RMF-20 (minimum 20 units per acre), then subsequently amended the density and name of the designation to RMF-24 with a maximum based density of 24 units per acre. Therefore, the proposed multiple family portion of the Major Tenant site shall be limited to a maximum of 24 units per acre, consistent with the maximum density analyzed in the Specific Plan EIR 2020 addendum. The Residential Multiple Family Outparcel will apply for a Conditional Use Permit approval as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

4.2.1 PERMITTED USES

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

4.2.2 PROPERTY DEVELOPMENT STANDARDS

Property Development Standards shall comply with the following City of Atascadero Municipal Codes: Title 9, Chapter 4. Density for the residential site shall be based on net acreage, exclusive of road right-of-way and any openspace easements recorded over the property.

4.3 RESIDENTIAL SINGLE FAMILY (RSF-X) DEVELOPMENT STANDARDS:

These development standards implement the Residential Single Family (RSF-X) zone and Planned Development Overlay Zone No. 17 designations. The RSF-X zoning designation typically allows for the development of single-family residential uses not to exceed 2 units per acre. However, the Single Family Outparcel also falls within the Planned Development Overlay 17, which permits density greater than the limits specified in the RSF-X zone. Specifically, Planned Development Overlay 17 allows residential uses in the RSF-X zone up to a maximum of 4 units per acre. Approximately 1.7 acres of single-family residential uses have been included in the Specific Plan area. Accordingly, a maximum of up to 6 primary dwelling units would be permitted in this area.

The Single Family Outparcel within the Specific Plan shall be consistent with the City of Atascadero's Municipal Code and Standards, and the development standards of Planned Development Overlay No. 17. The Single Family Outparcel will apply for subdivision mapping and permits as a subsequent project pursuant to section 6.7 of the Specific Plan, and will be subject to review by the City at that time. Refer to the City of Atascadero Municipal Code for further development standards and design guidelines.

DEVELOPMENT STANDARDS

4.3.1 PERMITTED USES

Permitted Uses shall comply with Title 9, Chapter 3, Article 3, of the Atascadero Municipal Code.

4.3.2 PROPERTY DEVELOPMENT STANDARDS

Property Development Standards shall comply with City of Atascadero Municipal Codes: Title 9, Chapter 4.

DESIGN GUIDELINES

V DESIGN GUIDELINES

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DESIGN GUIDELINES

DESIGN GUIDELINES

The purpose of these design guidelines is to provide a guide for developers, builders, architects, engineers, landscape architects and others involved in the preparation of development proposals to ensure a consistent architectural design theme, use of materials, signage, and level of quality throughout the Specific Plan area. The design guidelines will assist the City of Atascadero staff and decision-making authorities with criteria to evaluate future development proposals. To the extent the design guidelines of the Specific Plan and the Atascadero Municipal Code are in conflict, the Specific Plan's design guidelines shall prevail.

5.1 COMMERCIAL RETAIL (CR) DESIGN GUIDELINES

These design guidelines provide for the design and development of Commercial Retail (CR) uses within the Specific Plan area. The design guidelines set forth in this section will ensure that future development within the Specific Plan area is consistent.

Development of the South-East and the North End project sites pursuant to the project approvals described in Section 1.5, including approval of a Master Plan of Development, are deemed to be consistent with the Design Guidelines of the Specific Plan and shall proceed directly to ministerial building permit and construction plan review. Design review for the two Commercial Outparcel uses to ensure consistency with the Design Guidelines of the Specific Plan shall occur during the Plot Plan Review approval process pursuant to Section 6.7 of the Specific Plan.

5.1.1 GENERAL DESIGN

Within the Del Rio Road Commercial Area Specific Plan, site design addresses the nature and function of the uses, buildings, and features. The architectural design guidelines are intended to provide overall direction in the design of structures within the Specific Plan area. Architectural design and details for the South-East Project and North End Project sites should be integrated throughout the Specific Plan area. Design within the Del Rio Road Commercial Area Specific Plan should meld function and form, not one to the exclusion of the other. These guidelines are meant to be flexible over time and correspond with changing conditions in lifestyles, the marketplace and economic conditions.

The following design guidelines are intended to facilitate design integrity between the variety of uses within the Del Rio Road Commercial Area Specific Plan area:

- 1) Placement of buildings should consider the existing context of the commercial area, the location of adjacent land uses, and the location of major traffic generators.
- 2) The architecture (height, scale, style) of each building within the Specific Plan area should be compatible with other structures within the Specific Plan. Building sites should be developed consistent with architectural exhibits in a coordinated manner to provide order and diversity and avoid disorderly development.
- 3) Buildings within the Specific Plan may accommodate retail, office, tourism, and personal services among others. Developers may incorporate "prototype" architectural standards in the design and development of structures if they are consistent with the architectural quality and character of Specific Plan. Buildings may incorporate simple rectangular forms which may be broken up by creating horizontal emphasis through the use of reveals, trellises, landscaping, trim, windows, eaves, cornices, complimentary colors or other architectural and design devices consistent with the architectural exhibits.

DESIGN GUIDELINES

- 4) Figures 5-1 through 5-4 illustrate the conceptual architectural themes for development within the Specific Plan area.
- 5) Buildings should be carefully articulated; front, side, and rear elevations should provide variation in massing, wall, and roof forms. Use of thematic features and materials are important elements and are encouraged.
- 6) Large smooth, unarticulated surfaces should be avoided. A mixture of smooth and textured blocks for concrete walls is encouraged. Exterior materials requiring high maintenance responsibilities such as stained wood, clapboard, or shingles should be avoided. Large areas of intense white or dark colors should be avoided. Subdued colors should be used as dominant overall colors. Bright colors should only be used for trim and/or specialized uses (store identification, etc.).
- 7) Building materials should be selected and detailed for compatibility throughout the site. Buildings should incorporate a mix of at least two prevalent materials and at least one accent material including block, split faced block, decorative veneer, stucco, architectural metal siding, wood or wood look features, or decorative exposed concrete. These materials should be used in combinations that yield an impression of permanence as well as respect for the surrounding environment and authentic architectural styles. Please refer also to Figures 5-1 through 5-4.
- 8) Complementary design features should be utilized to unify the specific plan area.
- 9) All buildings should incorporate thematic benches, trash receptacles, bollards, and bike racks.
- 10) Prior to submittal for Building Plan Check and the issuance of building permits, full color renderings and color boards representing the exterior colors and materials to be used shall be submitted to the Community Development Department.
- 11) Exterior mechanical equipment shall be screened from public view.
 - a. All roof mounted heating and cooling equipment shall be screened from view by a parapet or other structural feature and designed to match the total structure.
 - b. All ground-mounted utility appurtenances shall be located away from public view or adequately screened. Screening should be of a material complimentary to the structure and/or heavy landscaping and berming.
- 12) Wall mounted items such as roof ladders and electrical panels shall not be located adjacent to public rights-of-way, unless secured to prevent public access. Service areas (areas for loading/unloading, unpacking of goods, etc.) shall be simple and efficient, and shall not interfere visually or physically with other building operations. No utility appurtenances shall be permitted directly within a pedestrian area.

DESIGN GUIDELINES



Figure 5-1: Architectural Design Concept – Main Features

DESIGN GUIDELINES



Figure 5-2: Architectural Design Concept – Secondary Features

DESIGN GUIDELINES

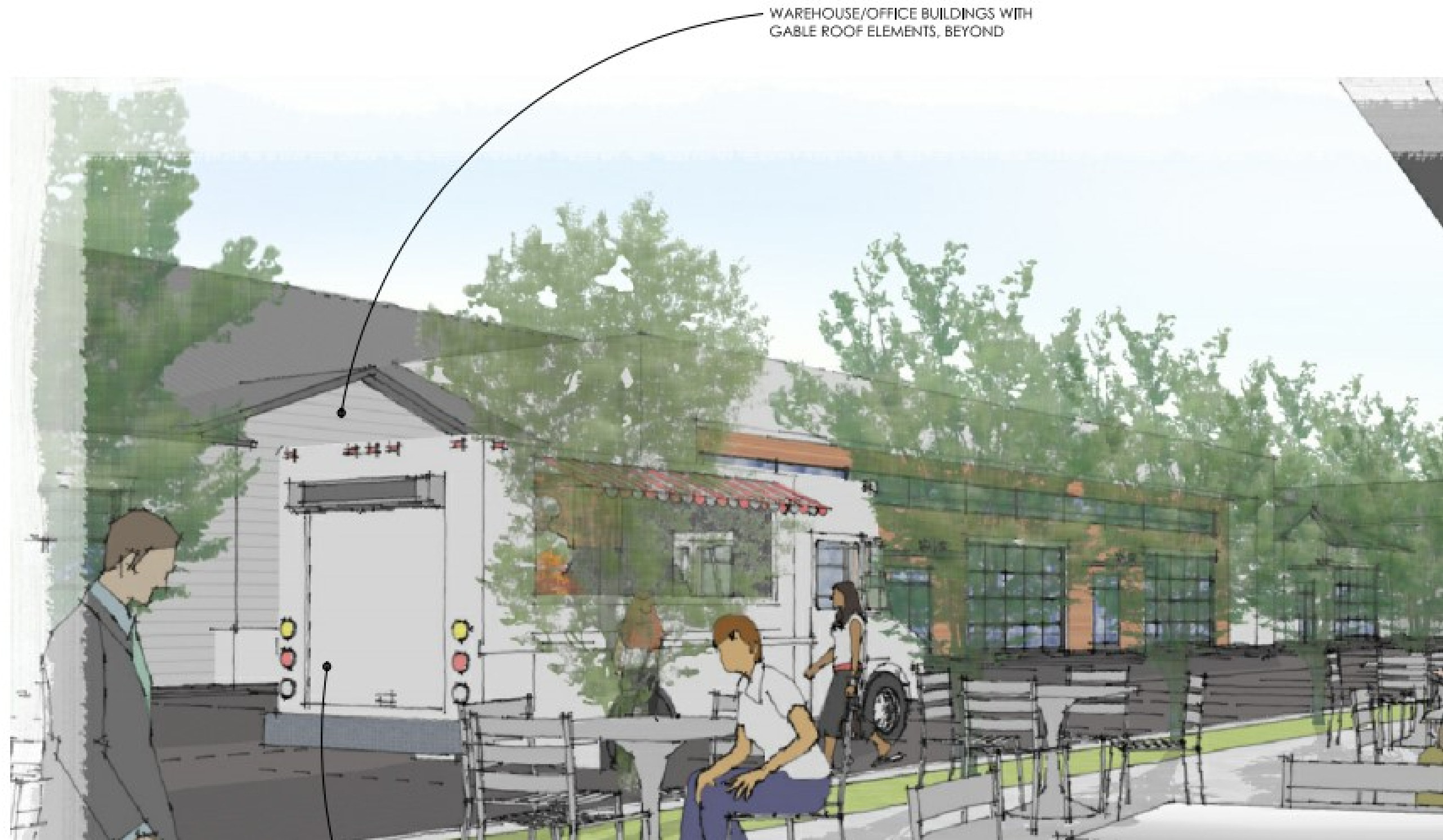


Figure 5-3: Architectural Design Concept – Outdoor Space

DESIGN GUIDELINES



Architectural Theme: *Contemporary Agrarian*

Design and Material Features:

- Gable and shed roof elements
- Vertical accents at corners and entry points
- Earth toned colors
- Mix of metal, wood, concrete, and glass
- Large openings and windows
- Geometric form
- Overlapping horizontal and vertical elements
- Layered façade elements

Figure 5-4: Architectural Design Concept – Architectural Theme Elements

DESIGN GUIDELINES

5.1.2 LANDSCAPING

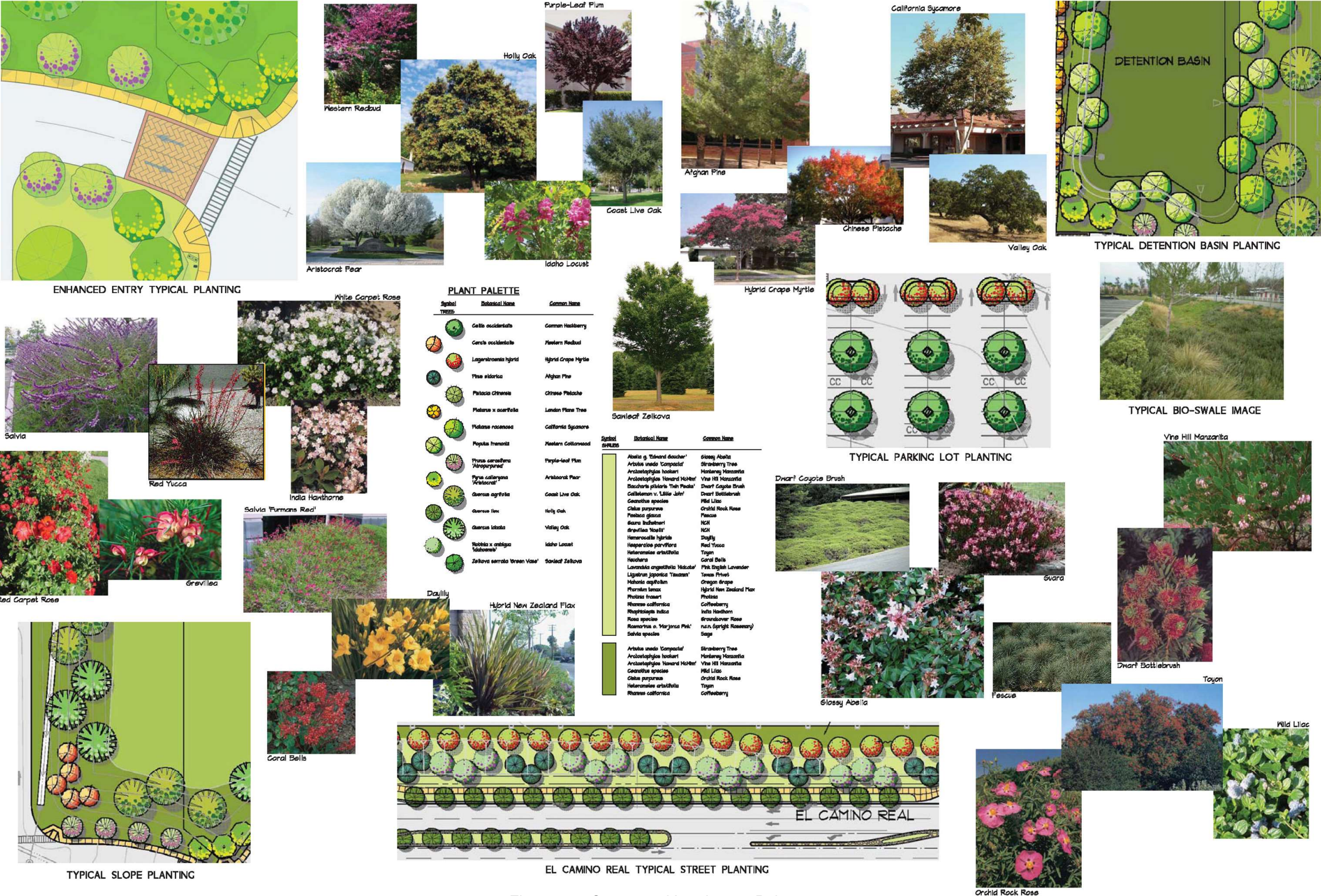
The environment envisioned for the Del Rio Road Commercial Area Specific Plan area will be established, in large part, by its landscape treatment. Landscaping is to be designed to highlight positive visual features and to provide a cool, pleasant outdoor environment. Landscaping is also intended to give structure and identity to the overall project. The Conceptual Landscape Palette for the area within the Specific Plan boundaries is available in Figure 5-5. The following landscaping design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Final Landscaping Plans will be prepared consistent with the all local and State Water Efficient Landscape and Irrigation codes and shall be submitted for approval to the Community Development Director.
- 2) Landscape and irrigation construction plans should substantially conform to the approved Master Plan of Development.
- 3) Permanent automatic irrigation systems (including low flow systems) compliant with the Atascadero Municipal Code should be provided in all landscaped areas.
- 4) Low flow irrigation systems are highly recommended within the Specific Plan area. Sprinkler heads located immediately adjacent to parking areas should be of the "pop-up" variety instead of risers.
- 5) The irrigation system should be designed to avoid overspray onto structures, streets, sidewalks, windows, walls and fences.
- 6) The use of turf areas shall be reduced to a minimum. Turf should only be used when there is a functional purpose.
- 7) Within individual landscaped areas, plants should be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the site and in accordance with the Atascadero Municipal Code. Drought-resistant and native plant species are encouraged.
- 8) Landscaping should be maintained in an acceptable manner with dead and destroyed landscape items replaced as soon as practical.
- 9) Planters shall not drain into parking areas so as to accumulate mud or other residue.
- 10) Building setbacks that are not used for drive entries, parking, loading, pedestrian walkways, or approved outdoor uses should be landscaped. All unpaved areas within developed portions of the site should be landscaped according to an approved landscape plan.
- 11) No landscaping is required adjacent to the portions of buildings where loading doors and customer pick-up areas are located.
- 12) The parking lot landscaping should include canopy trees to reduce urban heat island effects and provide a pleasant pedestrian experience throughout the parking areas.
- 13) Landscaping along the street frontages of El Camino Real, Del Rio Road, and the new public road should be planted with a combination of trees, shrubs, and groundcover planted in a clearly perceptible pattern that creates a sense of scale or rhythm along these roadways consistent with the approved Landscape Plan
- 14) Street trees shall not be planted along Rio Rita Road in order to protect the viewshed of the existing development above Rio Rita Road.
- 15) All trees used within required landscaped areas, including parking areas, shall have a minimum size of 24" box unless specific agreement is made with the Community Development Department.

DESIGN GUIDELINES

- 16) All shrubs used within required landscaped areas, including parking areas, shall utilize a mixture of sizes one-to-five (1-5) gallons and shall be dispersed evenly throughout the landscaped areas.
- 17) All trees within the Specific Plan area shall be staked or provided with guy wires.
- 18) Landscaping along public rights-of-way should be designed to aesthetically screen and soften blank walls, parking areas, storage areas, utility boxes, and other non-aesthetic items.
- 19) The planting of hedge shrubs and/or vines along exterior structures and screen walls is encouraged to deter potential graffiti.
- 20) Landscaped areas should be delineated with a 6-inch high and 6-inch wide concrete curb or equivalent. Curb may be broken to allow water to flow into depressed planted areas.
- 21) Mulch should be applied in a 3-inch layer in all shrub and groundcover areas.
- 22) All new and disturbed slopes shall be revegetated.
- 23) Landscaping shall be planted concurrent with the development of the individual lots within the Specific Plan area.
- 24) In addition, landscape improvements in each project's right-of-way frontage, including road medians, shall be installed and completed prior to occupancy of each project's first tenant. All landscape improvements in the public right-of-way shall be approved by the City Engineer and will require an encroachment permit.
- 25) Retaining walls in excess of 4 feet in height shall be setback from the right of way a minimum of 5 feet. Individual walls may not exceed 6 feet in height, and multiple, stepped walls with a minimum separation of 5 feet shall be utilized where grades require additional height. All retaining walls shall use high quality decorative materials and shall be consistent with the architectural design theme of the development. Wall exceptions may be granted with Design Review Committee approval based on findings that the wall(s) is designed as a decorative site feature.

DESIGN GUIDELINES



DESIGN GUIDELINES

5.1.3 PARKING & PARKING LOT

All parking and parking lots within the Specific Plan area shall comply with Title 9, Sections 4.114 through 4.119 of the Atascadero Municipal Code and the following parking and parking lot standards listed below:

- 1) Parking spaces should be oriented to ensure visibility of pedestrians, bicyclists and other motorists while entering, leaving or circulating within a parking area.
- 2) The installation of parking facilities shall occur concurrently with the development of individual parcels and shall be designed for interconnecting access to future subsequent development.
- 3) Individual parcels are must be designed to share parking fields if they are adjacent and within the same zoning designation.
- 4) Parking areas shall have lighting capable of providing adequate illumination for safety and security. Such lighting shall be indirect, hooded, and arranged to reflect light away from adjoining properties and streets.
- 5) All parking areas should be paved with Portland cement, concrete, asphalt or other appropriate approved material as established by the City Engineer. Curbing or wheel stops should be provided around parking lot perimeter.
- 6) Parking areas should be provided with curbs, bollards, or similar permanent devices where necessary to prevent parked vehicles from bumping buildings, landscaping, or perimeter walls.
- 7) Canopy trees shall be provided at an average of approximately one (1) tree per thirty (30) feet along parking rows.
- 8) Individual tree planters may be used in lieu of landscape fingers provided the parking lot complies with all other applicable landscaping requirements.
- 9) Parking areas that face El Camino Real, and are at least five (5) feet above the adjacent roadway, shall not be required to be screened with a landscaped berm. Parking areas that face El Camino Real, and are less than five (5) feet above the adjacent roadway, shall be screened with a landscape berm a minimum of thirty (30) inches in height unless the City Engineer finds that intervening landscaping sufficiently blocks headlight glare.
- 10) Commercial grade bicycle racks should be conveniently located close to building entrances.

5.1.4 LIGHTING

All lighting within the Specific Plan area shall comply with Title 9, Section 4.137 of the Atascadero Municipal Code and the following lighting standards listed below:

- 1) Lighting sources in parking lots may be up to thirty (30) feet in height.
- 2) Lighting sources shall be full cut off type fixtures that are shielded, diffused, or indirect in order to avoid glare to pedestrians, motorists, and surrounding residential areas.
- 3) Lighting fixtures shall be selected and located to confine the area of illumination to within the site boundaries consistent with the approved photometric plans.
- 4) To minimize the total number of freestanding light standards, full cut off type wall-mounted lighting fixtures should be utilized where feasible and consistent with building architecture.

DESIGN GUIDELINES

5.1.5 SIGNAGE

Signage and graphics are an important element within the Del Rio Road Commercial Area Specific Plan. The intent of the Sign Program is to provide commercial tenants maximum sign exposure in a manner that will complement the overall image of the combined projects.

All signage shall comply with the Sign Program shown in Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program. The following additional signage standards shall also apply within the Specific Plan area:

- 1) Monument signs should be incorporated into landscaped areas to minimize visual mass.
- 2) All ground-mounted signs shall be set back from the ultimate curb face and positioned so as not to create a hazard for either pedestrian or vehicular traffic.
- 3) All signs and their supporting structures shall be constructed of metal, wood or comparable weatherproof material and shall be enclosed as to provide against their infestation by birds and vermin.
- 4) Each tenant shall be responsible for providing their own building signs. Each tenant is responsible for obtaining all required sign and building permits from the City. Each tenant shall be responsible for all fees required.
- 5) Tenant wall signs shall be designed with individual lettering and custom graphics. Use of external illumination, neon and other features are encouraged. Signs shall complement architectural themes. No internally illuminated cabinets shall be allowed unless an integral part of a small custom sign feature. Logos and corporate slogans need not consist of individual letters but should be compatible with the Sign Program and design theme.
- 6) Any requested deviation from the approved sign program shall require the approval of the Community Development Director or designee and may require the review of an Administrative Use Permit. Tenants shall be responsible for compliance with this program and all City codes and requirements. Additional signage may be requested by the Commercial Outparcels and future residential uses at the time specific development projects are proposed.
- 7) Additional sign area allowance or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.

DESIGN GUIDELINES

WALL SIGNS

Wall signs may be externally lit or internally illuminated individual channel letters with light directed through the letters set in an opaque background. If the sign is externally lit, top mounted light fixtures which shine light downward and are fully shielded must be used. Wall signs may contain stylized font and/or company logos. Refer to the following pages for size limitation. Letter height shall be proportionate to the sign size and the building architecture. **The area of the sign shall not exceed one square foot per lineal foot of business frontage.**



PROJECTING SIGNS

One suspended or projecting sign is allowed per business. Projecting signs must have 8' of clearance from the sidewalk and project no more than 5' beyond the building facade. Projecting signs shall not exceed 15 SF with a maximum letter height of 10". Projecting signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded.

NOTE: Projecting and/or under canopy signs to have 3D appearance with dimension, with a ten (10) inch maximum letter height.



HANGING SIGN

One suspended or projecting sign is allowed per business. Hanging signs must have 7' of clearance from the sidewalk. Hanging signs, if lit, shall be externally lit with top mounted light fixtures which shine light downward and are fully shielded. **NOTE: Projecting and/or under canopy signs to have 3D appearance with a ten (10) inch maximum letter height.**



CHALKBOARD SIGNS

Chalkboard or changeable menu signs shall be made of a smooth hard panel for writing on with chalk. This type of sign is permitted for restaurants, wine tasting rooms and other businesses whose primary business is food/beverage. The chalkboard shall not exceed 6 SF and may be either attached to a wall, on a pole in the ground or in a planter, if illuminated, it must be externally lit with top mounted light fixtures which shine light downward and are fully shielded. The chalkboard sign contributes to the maximum overall aggregate area of 150 SF.

WINDOW LETTERING

Window lettering shall be done professionally and may be painted on the outside of the window. If painted on the outside, a sealer for maintenance is required. Only the name of the business and lettering is limited to 8" in height and shall not exceed 50% of the window area. If a business may have window lettering on one window on each frontage (i.e., French windows), then lettering shall be limited to a single word. Lettering shall not be spelled out with one letter in each pane extending across the entire window.

Figure 5-6: Del Rio Road Commercial Area Specific Plan Signage Program

DESIGN GUIDELINES

5.1.6 FENCING & SCREENING

Fencing and screening should be designed to highlight positive visual features and to screen negative ones. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Fencing and screening should be used to a minimum within the Specific Plan area.
- 2) Walls and fences may be used to retain earth or screen loading and storage areas, refuse receptacles, and utility structures.
- 3) Walls should be designed to be low and to perform their screening function.
- 4) Walls and fences should be designed to complement the architectural design, color and materials of adjacent buildings.
- 5) Landscaping should be used in combination with walls when possible.
- 6) A decorative three-rail fence shall be provided along the southwest side of Rio Rita Road to protect against accidental pedestrian access to the top of the slope at the eastern edge of the South-East project site.

5.1.7 ON-SITE CIRCULATION

The on-site circulation standards within the Del Rio Road Commercial Area Specific Plan will ensure the efficient and safe passage of vehicles and pedestrians to and from the various commercial uses within the Specific Plan area. The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) On-site circulation should be designed for efficient vehicular and pedestrian movement.
- 2) The circulation system shall include adequate directional signs for entrances, exits, parking areas, loading areas, and other uses.
- 3) On-site driveways and parking areas shall be designed to provide common access between the Specific Plan area and adjacent properties.
- 4) Sight lines required for safe automobile movement shall be kept clear. Screens and structures shall not block such sight lines, both for entering and leaving the individual developments, and the project site.
- 5) The design and location of vehicular entries (curb cuts) for individual development sites shall provide the driver ample time to perceive them when approaching the site. Intersections and driveway approaches should be kept clear of obstructions such as traffic signal standards and landscaping.
- 6) Individual buildings and parcels need not have direct access to a public street; however, reciprocal access agreements shall be recorded to ensure that adequate ingress and egress is available to each lot and building within the Specific Plan area and that the entirety of the center functions as one development regardless of underlying lot lines and ownership.
- 7) Adequate pedestrian amenities such as benches and shade structures (or shade trees) should be installed near building entrance or at the curbside/sidewalk adjacent to buildings within the Del Rio Road Commercial Area Specific Plan area.
- 8) Designated pedestrian walkways across traffic lanes should be striped to distinguish them from the surrounding paved areas.
- 9) On-site pedestrian walkways should provide direct, safe, and adequate movement paths between parking areas and building entrances.
- 10) Service truck access routes should be designed to limit interaction with visitor and pedestrian traffic.

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5.1.8 LOADING

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Loading areas should be designed to provide for maneuvering on site and not from or within a public street. Direct loading from a public street is not permitted.
- 2) Loading areas may be permitted adjacent to a public street provided they are screened by a combination of screen walls, ornamental landscaping, and/or portions of on-site buildings.
- 3) Loading areas visible from a public street or parking area should be screened by solid wing walls (constructed of materials such as concrete, concrete block, masonry, and brick) and/or appropriate landscaping so that said loading area is adequately shielded from public view. All such loading areas shall be maintained in a clean and orderly condition.
- 4) Screen walls and wing walls should be provided adjacent to loading doors and loading areas visible to the public and should be of a compatible material with adjacent buildings, and shall be of sufficient height to provide adequate visual screening.

5.1.9 ACCESSORY STORAGE

The following design guidelines are applicable within the Del Rio Road Commercial Area Specific Plan area:

- 1) Outdoor storage shall be screened from public view.
- 2) Refuse storage and disposal areas, other than trash compactors, should be within trash enclosures with at least three sides composed of a solid wall which is not less than 6 feet in height. The fourth side may consist of a solid metal gate painted to match or coordinate with the adjacent building (slatted chain link is not acceptable). Cardboard bales shall be removed regularly.
- 3) Refuse containers shall be provided in sufficient number, and should be placed in convenient location(s).
- 4) Trash enclosures may accommodate recycling bins.
- 5) Trash gates should remain closed except when in use, and remain in good working order.
- 6) Trash areas should not be used for storage. The premises should be kept in a neat and orderly condition at all times, and all improvements should be maintained in a condition of good repair and appearance.
- 7) Adequate shopping cart storage should be provided as needed.
- 8) No permanent storage of material is allowed on the outside of the building.
- 9) Outdoor storage provisions do not apply to outdoor sales areas, sidewalk sales, enclosed storage, and "garden centers."

5.2 RESIDENTIAL MULTIPLE FAMILY (RMF-24) DESIGN GUIDELINES

The Residential Multiple Family (RMF-24) parcel within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero Municipal Code and Standards in effect at the time the application for Vesting Tentative Parcel Map AT09-0073 was deemed complete on November 5, 2010 or subsequent vested entitlement should the original entitlement expire. Design review for the Multifamily Outparcel use to ensure consistency with the Design

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Guidelines of the Specific Plan shall occur during the Conditional Use Permit approval process pursuant to Section 6.7 of the Specific Plan.

5.3 RESIDENTIAL SINGLE FAMILY (RSF-X) DESIGN GUIDELINES

The Residential Single Family (RSF-X) remainder parcel within the Del Rio Road Commercial Area Specific Plan shall be consistent with the City of Atascadero's Municipal Code and Standards. Design review for the Single Family Outparcel use to ensure consistency with the Design Guidelines of the Specific Plan shall occur during the Subdivision Tract Map Approval process pursuant to Section 6.7 of the Specific Plan. Refer to the City of Atascadero Municipal Code for further design guidelines.

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The City of Atascadero adopted this Specific Plan following certification by the City of the Specific Plan EIR and concurrent with the issuance of certain additional development approvals described in Section 1.5 of this Specific Plan. This Specific Plan serves as an implementation tool for the City's General Plan, and establishes the overlay zone for the combined Project sites. Following adoption of the Specific Plan and the development approvals described in Section 1.5, development within the Specific Plan area shall proceed pursuant to Section 6.7 of this Specific Plan.

The Del Rio Road Commercial Area Specific Plan shall be implemented, amended, revised or adjusted according to the procedures identified in this section. These procedures have been developed to ensure consistency with the adopted Del Rio Road Commercial Area Specific Plan, to encourage continuity in design and development of the community, and to promote high standards of site design. These revision and amendment procedures also provide for adaptation to special or supplementary development standards that may be adopted from time to time to implement the Del Rio Road Commercial Area Specific Plan.

6.1 INTERPRETATION

These regulations shall be held to be minimum requirements in their application and interpretation. No provision herein is intended to abrogate or interfere with any deed restriction, covenant, easement, or other agreement between parties.

Interpretations of the provisions of this Specific Plan are subject to subsections (a) through (c) of Section 9-1.109 of the Atascadero Municipal Code, except that interpretation of allowable uses not specifically listed in the Atascadero Municipal Code for the CR (Commercial Retail) zoning district or Chapter 4 of this Specific Plan are subject to a substantial conformance determination pursuant to Section 6.10 of this Specific Plan.

6.2 DEFINITION OF TERMS

The meaning and construction of words, phrases, titles and terms shall be the same as provided in Atascadero Municipal Code and Atascadero General Plan, unless otherwise specifically provided in the Specific Plan.

6.3 ENFORCEMENT

The Del Rio Road Commercial Area Specific Plan is enforceable through the measures and regulations detailed in Title 9 of the City of Atascadero Municipal Code.

The standards contained in the Specific Plan have been adopted by ordinance and are enforceable to the same extent as standards contained in the Zoning Regulation and other City Codes.

6.4 SEVERABILITY

If any term, provision, condition, requirement, or portion thereof of this Specific Plan is for any reason held invalid, unenforceable, or unconstitutional, the remainder of this Specific Plan or the application of such term, provision, condition, requirement, or portion thereof to circumstances

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other than those in which it is held to be invalid, unenforceable, or unconstitutional, shall not be affected thereby; and each other term, provision, condition, requirement, or portion thereof shall be held valid and enforceable to the fullest extent permitted by law.

6.5 IMPLEMENTATION OF DEVELOPMENT STANDARDS

Adoption of the Specific Plan by the City, includes adoption of the development standards and policies described in Chapter 4: Development Standards. Development standards and policies contained in this document shall supplement or replace those of the City of Atascadero Municipal Code as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, development standards and policies in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general standards and policies applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where development standards or policies relating to a particular subject have not been provided in the Specific Plan, the existing development standards and policies of the City's General Plan and Zoning Ordinance shall continue to apply.

6.6 IMPLEMENTATION OF DESIGN GUIDELINES

Adoption of the Specific Plan by the City includes adoption of the Design Guidelines contained in Chapter 5: Design Guidelines, of the Specific Plan. The Design Guidelines are intended to be flexible in nature while establishing basic evaluation criteria for the review by the City of development projects as described in Section 6.7: Application Processing. Design guidelines contained in this document shall supplement or replace those of the City of Atascadero Municipal Code and/or the Appearance Review Manual as they might otherwise apply to lands within the Del Rio Road Commercial Area Specific Plan area. For projects within the Specific Plan area, design guidelines in the Del Rio Road Commercial Area Specific Plan shall take precedence over more general design guidelines applied through the rest of the City. To the extent the provisions of the Specific Plan and the Atascadero Municipal Code are in conflict, the provisions of the Specific Plan shall prevail. In situations where design guidelines relating to a particular subject have not been provided in the Specific Plan, the existing design guidelines of the City's General Plan and Zoning Ordinance shall continue to apply.

6.7 APPLICATION PROCESSING

Development of the South-East project parcels and the North End Project parcels shall require approval of a Master Plan of Development, including the two Commercial Outparcels, Multiple Family Outparcel, and Single Family Outparcel in accordance with the following processes:

- **Master Plan of Development Approval.** A Master Plan of Development in the form of a Conditional use Permit shall be required for both the commercial and residential portions of the development subject to final action by the City Council. A Master Plan of Development can include conceptual approval of the two commercial outparcels on the South-East project site. Should approval be conceptual, a plot plan review shall be required for these sites as described below.

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- **Plot Plan Review.** The two Commercial Outparcel uses shall obtain Plot Plan review approval pursuant to Atascadero Municipal Code Section 9-2.108 unless detailed approval is included in the Master Plan of development. In this case, the two Commercial Outparcel uses shall not require Precise Plan and Conditional Use approvals as described in Atascadero Municipal Code Sections 9-2.109 through 9-2.110 unless specific requested uses trigger that process.
- **Tentative Map Approval.** The Single Family Outparcel and any other land or airspace subdivisions shall obtain a tentative tract or parcel map approval pursuant to Atascadero Municipal Code Title 11.
- **Administrative Use Permit.** Request for additional sign area allowances or unique signage elements not otherwise permitted by the approved Sign Programs or by the City's Sign Ordinance, may be processed as an Administrative Use Permit.
- **Master Plan of Development Amendments.** Modifications to any approved Master Plan of Development for any project site shall be processed as a Use Permit amendment subject to final action by the City Council. Minor changes may be permitted without Use Permit amendment if a finding of substantial conformance can be made by the Planning Director in accordance with Section 6.10.

Any development proposed within the Specific Plan area that is not in substantial conformance with this Specific Plan, shall proceed pursuant to approval by the City of applications as determined by the Community Development Director to be necessary at the time of project application submittal.

6.8 FINANCING & PHASING OF DEVELOPMENT

The South-East and North End Projects are self-supporting commercial projects with individual owners/developers responsible for onsite and offsite improvements necessary to support development of the project.

Phasing of development ultimately will be determined solely by the project developers, based on market conditions and other factors. Required infrastructure and community facilities shall be installed and public services shall be available to serve each phase of development as it occurs. Based on current market information, development within the Specific Plan area is generally anticipated to occur as follows.

6.8.1 SOUTH-EAST PROJECT PHASING

Phase 1:

- Rough grading of the commercial parcels, and preparation of the Major Tenant building pad. Export excess cut material to a suitable receiver site.
- Precise grading of the Major Tenant parcel, the proposed new public road, and driveways onto Del Rio Road and El Camino Real.
- Detention basin/drainage improvements (onsite and offsite).
- Provision of undergrounded utilities including stubs to Commercial Outparcels 2 and 3.
- Construction of the Major Tenant building required parking area, and driveways.
- Install landscaping on Major Tenant parcel.

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- Construction of offsite improvements (as detailed in Chapter 3: Land Use Concept) in Del Rio Road and El Camino Real, the new public road, and intersection improvements required for operation of the Major Tenant and Outparcels 2 and 3.
- Sewer and water line connection to existing offsite utility lines

Phase 2:

- Construction of Commercial Outparcels 2 and 3 may, but need not, occur concurrently with the construction of the Major Tenant parcel.
- Precise Grading and pad preparation for Commercial Outparcel buildings (Parcel 2 and/or 3)
- Construction of Commercial Outparcel buildings (Parcels 2 and/or 3)
- Wet and dry utility connection to stubs provided in Phase 1 (Parcel 2 and/or 3)
- Landscape parking areas and corners in Parcel 2 and/or 3
- Completion of the new public road and landscaping

Note: Multiple Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

6.8.2 NORTH END PROJECT PHASING

Phase 1:

- Site Demolition

Phase 2:

- Complete public improvements and frontage improvements
- Construction of on-site infrastructure and drainage improvements
- On-site grading, parking, landscape improvements, and finished construction pads

Phase 3:

- Individual commercial buildings (as tenants are secured)

Note: Single Family Outparcel development is not included and any project phasing will be permitted separately pursuant to Section 6.7 of this Specific Plan.

6.9 MAINTENANCE

Public and private improvements constructed as part of development of the Specific Plan area shall be maintained through a combination of public and private entities as described below.

6.9.1 CITY MAINTENANCE RESPONSIBILITY

Public facilities are planned for public maintenance by the City or the appropriate utility service provider and include, but are not limited to, the following:

- All accepted public streets within the Specific Plan area, excluding residential subdivisions.
- Public traffic signals and traffic control signs within the public right-of-way within the Specific Plan area.
- Public improvements constructed in the public right-of-way inside of and outside of the Specific Plan area.

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- All sewer mains, excluding lateral connections.
- The existing and expanded public storm drain systems in the public right-of-way or dedicated easements.

6.9.2 OTHER AGENCY MAINTENANCE RESPONSIBILITY

The following facilities will be maintained by other agencies:

- Atascadero Mutual Water Company: public on-site and offsite water facilities within the Specific Plan area.
- PG&E: Accepted street lighting within public rights-of-way in the Specific Plan area.
- Caltrans: Public improvements within the Caltrans right-of-way.
- All private electrical, natural gas, telephone, cable TV, and other non-City utilities.

6.9.3 PRIVATE MAINTENANCE

Private and public improvements to be maintained by the developers include, but are not limited to, the following:

- Streets, drives, lanes and pedestrian paths on private property within the Specific Plan area.
- Public streets within any residential subdivisions
- Traffic control signs and pavement markings on private property within the Specific Plan area.
- Landscaping and lighting on private property within the Specific Plan area.
- Property line walls, fences, retaining walls, refuse storage areas, signs, slopes, and parking lots.
- Open space areas on private property within the Specific Plan area including detention facilities, bio-swales, and other low-impact-development features.
- Newly constructed drainage facilities on private property within the Specific Plan area.
- Landscaped frontages within the right-of-way of all public streets.
- Street lighting within public rights of way in the Specific Plan area shall be maintained by the developer unless otherwise maintained by PG&E.
- Landscaping within any center medians of all public streets fronting the Specific Plan area.

6.10 SUBSTANTIAL CONFORMANCE

During review of construction plans and building permit applications, the Community Development Director or designee shall have the limited ability to interpret the Specific Plan and determine that the proposed development is in substantial conformance with the Del Rio Road Commercial Area Specific Plan. The use of substantial conformance is intended to ensure orderly development, quality aesthetic design, and safe and harmonious placement of uses within the Specific Plan area. Determinations of substantial conformance shall be made administratively by the Community Development Director or designee without the need for a public hearing. In some cases, the determination may be forwarded to the Design Review Committee. A substantial conformance determination made pursuant to this Section 6.10 shall be considered a ministerial decision that is not subject to CEQA.

A project proposal for development within the Specific Plan area shall be considered to be in substantial conformance with the Specific Plan, not requiring a Specific Plan amendment, in the event that any of the following occurs:

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- The addition of a land use not listed in Chapter 4: Development Standards, of this Specific Plan, provided that the proposed use is determined to be equivalent in its nature and intensity to a use listed in Chapter 4 of this Specific Plan.
- A change in utility or public service provider to the Specific Plan area.
- Minor changes or adjustments to lot lines or the alignment of access roads, community facility plans, or public infrastructure facility plans such as drainage, sewer, water and other utilities.
- Minor deviations from the Land Use Plan and related policies, as contained in Chapter 3: Land Use Plan, of the Specific Plan.
- The merger of the two Commercial Outparcels into a single Commercial Outparcel to be developed with a retail, restaurant or office use provided the development does not exceed the combined maximum floor area permitted for the two Commercial Outparcels of 10,000 square feet. A voluntary merger application shall be required in order to complete any lot merger.
- Minor deviations from the sign program that are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor changes to landscape materials and streetscape design which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- Minor deviations from the design guidelines which are consistent with the conceptual design set forth in Chapter 5: Design Guidelines, of the Specific Plan.
- A reduction in the minimum required parking spaces, provided that a parking study demonstrates the proposed reduction in parking spaces is justified based on the mix of uses within the Specific Plan area and the use of shared parking between those uses.
- Other modifications of a similar nature to those listed above which are deemed minor by the Community Development Director or designee, that are in keeping with the purpose and intent of the approved Specific Plan.

6.10.1 PROCEDURE

A. APPLICATION

Applications for the determination of substantial conformance shall be made on forms provided by the Community Development Director or designee and shall be accompanied by a filing fee and a Plot Plan, as described in Section 9-2.108 of the Atascadero Municipal Code. Applications shall be made by the owner of the property for which the approval is sought, or an authorized agent.

B. HEARING

No public hearing shall be required for a determination of substantial conformance unless the Community Development Director refers the item to the Design Review Committee.

C. ACTION BY REVIEWING AUTHORITY

The reviewing authority for a determination of substantial conformance shall be the Community Development Director or designee. The Community Development Director or designee shall determine by providing written notice to the applicant that the proposed addition of a land use or other revision requested pursuant to this Section 6.10 is in substantial conformance with the Del Rio Road Commercial Area Specific Plan if it complies with all applicable provisions of Atascadero Municipal Code Title 9 and is consistent with the purpose and intent of this Specific

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Plan. The action of the Community Development Director or designee shall be final with no appeal.

6.11 SPECIFIC PLAN AMENDMENTS

Amendments to the Del Rio Road Commercial Area Specific Plan shall be required for revisions that are beyond the scope of substantial conformance determinations. Specific Plan Amendments shall be processed pursuant to the provisions of the California Government Code Section 65453(a).



Atascadero City Council

Staff Report – Community Development Department

General Plan Update Preliminary Discussion (GPA21-0067)

RECOMMENDATION:

Council receive report on the overview of the upcoming Citywide General Plan update.

REPORT IN BRIEF:

The time has come to commence the Citywide General Plan Update (GPU). This comprehensive process is an opportunity to evaluate long-term growth and resources, health and safety of our community and a host of other topics essential to our quality of life. It is an opportunity to gauge our community values and reflect on past City policy. This process involves substantial public outreach, multiple public hearings, and a significant environmental review process. Commencing this year, the process is expected to run through 2022 and into 2023 before final adoption is expected around June 2023. Following an initial introduction to the ingredients of the general plan and a discussion of the process, staff will draft an RFQ in August, before seeking a consultant and returning to a hearing process to discuss the scope with both the Planning Commission and City Council in a joint session prior to the end of 2021. The scope will then refine the work product and set staff and the consultant on a path of public outreach opportunities and community research towards new policy development. This new General Plan will forecast growth and policy objectives through 2045.

DISCUSSION:

Background

The City's existing General Plan, adopted in 2002, has many policies and community values that continue to reflect our City vision, however, there are also many programs that have been implemented and some policies that need to be re-visited. Over the next year or two, staff will focus work efforts on a comprehensive update to the General Plan, looking forward toward year 2045. This process will begin with the formulation of a request for qualifications (RFQ) from prospective consultants a discussion about the work scope, multiple public outreach opportunities, and multiple public hearings designed to gather information to help guide the next 20 years of City growth and policy development.

General Plan Background

California planning law requires the City to adopt a “comprehensive, long-term General Plan for physical development” (Government Code 65300). The General Plan adopts policies and programs for the City’s distribution and character of land uses and development.

In 1968, the County of San Luis Obispo adopted a General Plan to guide growth in the unincorporated community of Atascadero as recommended by the local advisory committee. In 1972, pressed by continuous growth and the more stringent requirements of State planning law, the local advisory committee was expanded, and served as a policy-directing entity for the 1980 General Plan. The San Luis Obispo County Board of Supervisors adopted the draft plan in December, 1978.

In June, 1979 the residents of Atascadero voted in favor of incorporation. The newly elected City Council directed the Planning Commission to review and update the 1978 General Plan as its first major task. Public hearings were conducted and the 1980 General Plan became the first major planning document adopted by the newly incorporated City of Atascadero. Subsequently, in 1983, a new zoning ordinance designed to implement that plan was also adopted. In 1985, the City began updating the 1980 General Plan, which was phased over fiscal years 1986 and 1987. This planning process resulted in Atascadero planned population capacity of slightly less than 33,000 persons, which was consistent with the goals set by E.G. Lewis when planning the original colony. The revised General Plan was adopted in 1992. In 2002, the City adopted a revised General Plan, which is the current version of the General Plan utilized by the City today. Minor updates to the current plan then subsequent updates were completed in 2004, 2008, 2016, and in 2021 to respond to land use map amendments to accommodate private development.

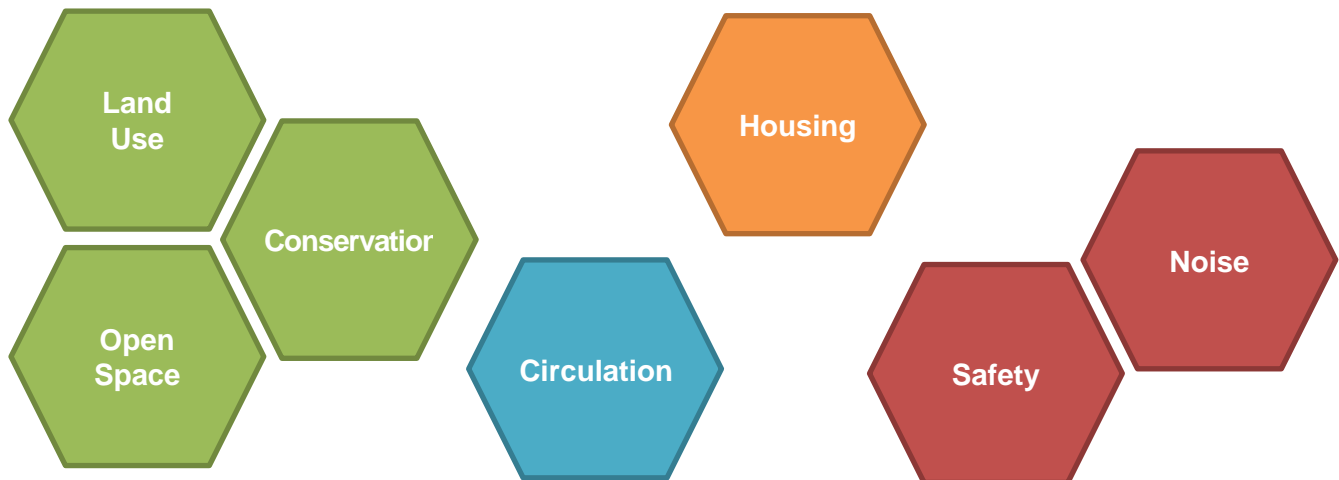
The current General Plan includes goals, policies, and programs that are designed to guide short and long-range decision making through 2025. At this time, we are reaching what is often referred to as “General Plan buildout” as our City is reaching many of the goals and objectives that were identified in 2002 and land for particular land uses, such as multi-family housing, is in short supply. Our population has now exceeded 30,000 and the time had come to re-evaluate policies that continue to guide future growth, use of resources, and economic trends.

Existing Elements of the General Plan

The City’s current general plan consists of the following elements:

1. Land Use, Open Space & Conservation
2. Circulation
3. Safety & Noise
4. Housing (adopted 2020)

The following graphic demonstrates the required seven elements and how the City’s current General Plan consolidates them into four chapters.



Required Elements of the General Plan

As the community's "blueprint" for development, the General Plan must contain the seven (7) state-mandated elements: Land Use, Open Space, Conservation, Housing, Circulation, Noise, and Safety. Additionally, SB 1000 passed in 2018, requires qualifying jurisdictions to include an Environmental Justice Element. However, this requirement does not apply to the City of Atascadero given the population, demographic and environmental factors present in the community. At this time, the City does not contain any State identified "disadvantaged communities", which is the main focus of this element. An Environmental Justice Element could be included as an optional element if determined to be in support of the community's guiding vision by providing targeted policies toward lower-income communities or neighborhoods.

The General Plan may be adopted in any form deemed appropriate or convenient by the City, including the combining of elements to minimize redundancies or internal conflicts. Not all elements must be updated at this time, however the City will need to ensure consistency through all elements consistent with State law.

At this time, the City's land use element, which includes the Land Use (zoning) map and areas identified for growth and redevelopment, is at the end of its life span. With the substantial boom in residential development and increases in infill commercial development over the last 20 years, the City will need to focus on identifying new opportunities to accommodate anticipated growth through the year 2045. Closely coupled with land use policies is infrastructure and transportation planning. Identifying areas for new growth will necessitate a plan for the extension and upgrade of key City infrastructure including roads, sewer expansion opportunities, parkland and open space locations, and conservation of character defining features that promote our future vision of Atascadero.

The City is also required, at this time, to update the Safety Element to incorporate new regulations associated with high fire risk areas. As the county has recently adopted a multi-jurisdictional Hazard Mitigation Plan that included Atascadero, many of these required efforts have been completed and can be incorporated by reference. Therefore, the City will need to update all of the elements of the General Plan, with the exception of the Housing Element. The Housing Element will need to be revisited again in 2027, in time for the State mandated housing element update cycle.

What's in each of these General Plan Elements?

The required “Elements” of the General Plan can be compared to chapters of a book. Each one contains a general introduction along with a set of Goals, Policies, and Programs designed to guide growth, while preserving resources and community quality. Required Elements can be combined to ensure consistency and reduce redundancy. Each of the Elements are briefly described below:

Land Use Element

The Land Use Element is the essential chapter of the General Plan that guides what should occur in the City, when it should occur, and how it may occur, while considering resources, land, and environment. It also guides the general appearance, theme, and character of the community. The Land Use Element is implemented by the City's Zoning Ordinance. Both the Land Use Element and the City's Zoning Ordinance are designed to work together to guide current and long range development of the community, while preserving resources and promoting the City's vision and character. An example from the land use element is the following Goal, Policy and Program:

Goal LOC 2. *Preserve residential neighborhoods and the winding tree-lined nature of the street and road system.*

Policy 2.1: *Ensure that new development is compatible with existing and surrounding neighborhoods.*

Programs: *1. Require that the appearance, mass and scale of multi-family development is compatible with adjacent single-family neighborhoods.*

Conservation and Open Space

Although technically separate elements of the General Plan, the Conservation and Open Space Elements are combined with the Land Use Element to create a comprehensive set of goals, policies and programs related to the vision for the overall development of the City. The Conservation and Open Space Elements describe and adopt policies to preserve the City's critical natural resources and provide adequate recreation opportunities for residents and visitors. These chapters also include policies that speak to historic resources, such as historic buildings and sites. Here's an example Goal, Policy and Program:

Goal LOC 6. *Preserve natural flora and fauna and protect scenic lands, sensitive natural areas, historic buildings and cultural resources.*

Policy 6.1: *Ensure that development does not degrade scenic and sensitive areas, including historic sites, creeks, riparian corridors, wetlands, woodlands, hillsides and other valuable habitats.*

Programs: *1. Encourage use of planned developments to cluster projects around open space easements, parks, open space dedication and minimize impacts to natural resources.*

Circulation Element

Next to the Land Use Element, the Circulation Element is perhaps the second most substantial chapter of the General Plan as it establishes the City's road and infrastructure system and adopts policies that supplement City growth, development, and natural resources. The Circulation Element maps out future and existing roads, sets the classifications of each road and establishes the broad standards that guide the public right-of-way.

As noted in the introduction in the City's current Circulation Element:

"The Circulation Element provides a long-range plan for the City of Atascadero to accommodate the transportation of people and goods within the City using a structured network of highways, streets, pathways, and trails. This includes all modes of transportation including transit, bicycles, pedestrians, and equestrians in addition to motorized vehicles. Circulation policies and programs have been developed to achieve consistency with the other elements of the General Plan, to reflect current community desires, and to provide a safe and efficient circulation system."

As in the other City Elements, the Circulation Element utilizes Goals, Policies and Programs to guide Circulation:

Goal CIR 1: *Provide a balanced, safe, and efficient circulation system that serves all segments of the community, and is designed and constructed to preserve rural character.*

Policy 1.3: *Maintain LOS C or better as the standard at all intersections and on all arterial and collector roads. Upon City Council approval, accept LOS D where residences are not directly impacted and improvements to meet the City's standard would be prohibitively costly or disruptive.*

Programs: 4. *Encourage mixed-use development with residential and commercial densities high enough to increase the rider base for local and regional transit systems.*

One of the significant State law shifts that may impact how we will formulate new Circulation policies is the shift from "LOS" (Level of Service) to "VMT" (Vehicle Miles Travelled). Level of Service evaluates the time it takes to navigate a street or intersection with a vehicle while VMT evaluates how far one must travel to work or services. This new methodology encourages the creation of roads that reduce traffic speed and prioritize the distance one must travel for work or services. This new methodology will need to be reflected in future General Plan policies and will allow for a multi-modal approach (walking, biking, transit, etc.) to overall planning of the City's circulation system. This new approach will encourage a healthier jobs/housing balance by promoting a development pattern that reduces the distance between various land uses. However, any new circulation element policies will also need to address, public safety, traffic congestion, roadway designations, public and private responsibility and a series of both local and state law changes.

Housing

The Housing Element includes Goals, Policies, and Programs designed to address the housing needs of the community and region. Along with the other communities in our region we must supply a share of the County's housing. This housing quota is known as the Regional Housing Needs Allocation or RHNA. Our current Housing Element addresses Atascadero's share of housing needs and policies through 2028. This comprehensive General Plan update will not include an update to the Housing Element since the City recently finalized the Housing Element update in 2020. The Housing Element follows its own update cycle based on an 8-year planning period mandated by the State. The next update to the Housing Element will be due in 2028. However, the Land Use Element update is required to be consistent with the new Housing Element and will need to consider housing needs beyond 2028 including identifying land for future housing expansion through 2045. The updated Housing Element will be incorporated as

an independent chapter in the new GPU and will subsequently inform the development of other elements, ensuring consistency in City policy and vision.

Safety and Noise

The Safety Element addresses topics such as Fire Hazards, Earthquakes (Seismic activity) and flooding. It includes a set of maps that identify each of the safety hazards in addition to goals, policies and programs. Typically, the City works with SLO County in addressing regional topics in the Safety Element as well. The City has recently worked with the County in establishing the Multi-Jurisdictional Hazard Mitigation Plan that covers a majority of the Safety Element topics. The City's Safety Element update may include reference to this document and cover any additional topics not addressed at the regional level. In addition, the State mandates the inclusion of particular topics, particularly related to high fire severity zones.

The City's Noise Element addresses the impacts of noise and the quality of life associated with noise impacts. Like the Safety Element, it identifies significant noise sources such as Highway 101, Highway 41 and EL Camino Real (traffic noise) in addition to other noise sources. It includes Goals, Policies, and Programs that address these topics in addition to temporary noise issues such as construction noise or noise from special events.

The following is a sample goal, policy and program from the existing Safety Element:

Goal SFN 1. Attain a High Level of Emergency Preparedness

Policy 1.1: Support response programs that provide emergency and other services to the public when a disaster occurs.

Programs: 1. Provide required training to ensure the readiness of response teams.

Optional Elements

The General Plan may also contain other elements that the City wishes to add to our General Plan. Examples of optional general plan elements that may be appropriate for Atascadero include:

- Downtown
- Community character or design
- Capital improvements
- Economic development
- Health
- Energy
- Water
- Equity
- Historic preservation

Following the hiring of a consultant and the scoping process, the City can determine whether or not to explore the addition of optional elements. Optional elements can cover topics that are essential to our community and are of special interest. For example, there may be a desire to have a separate economic development or historic preservation element to more thoroughly address these topics. However, with an optional element comes additional cost. In most cases, this additional cost should be weighed with potential

benefits. It is important to note that policies related to special areas of focus, such as economic development or historic preservation, can be integrated within other elements and do not necessarily need to be separated unless stronger emphasis is desired.

Analysis

Atascadero has experienced much change since the first general plan was adopted following City incorporation. Our community has grown to over 30,000 residents, we have seen an increased demand for infrastructure, housing, public safety, and open space. At the same time, we have continued to experience an imbalance of jobs relative to housing, and a loss of local sales tax revenue as a result of insufficient retail and services for a community our size. In addition, the brick and mortar retail environment has seen shifts toward online shopping, creating a need for re-envisioned development and transportation strategies. The new commercial trends which include increased shipping and receiving, increased working from home, increased light industrial uses, and an increased demand in “fun things to do” will impact how we create policy over the next few years.

Recent changes in State legislation have taken place which will inform the discussion of this update process. In recent years, the City has prepared new background reports, and a new housing element that will also be integrated into the comprehensive update. Some of the items that will be taken into consideration include:

- The adopted 2021-2028 Housing Element
- The El Camino Plan
- The Del Rio Specific Plan
- Pending development projects
- New State laws regarding housing and land use
- Economic and retail trends
- Changing infrastructure needs including new State laws related to transportation impact analysis
- Capacity of existing and future wastewater treatment plant
- Evolution of wildland/urban interface fire risks

Environmental Review Process

A major consideration in the update process is the environmental review under the provisions of the California Environmental Quality Act (CEQA). A General Plan update typically results in the need to complete an environmental impact report (EIR). This is primarily due to the fact that the update will need to accommodate growth for the next 20 years and this growth will come along with land use (zoning) changes, increased density, increased traffic, and increased demand on resources such as water, wastewater, infrastructure, and emergency services in addition to air quality impacts. In most cases, it is not entirely possible to completely mitigate the changes to the environment related to traffic, air quality, and greenhouse gas emissions. Therefore, the EIR is a major topic in the update process that will consume substantial time and cost. The EIR will evaluate changes in land use patterns, changes to traffic patterns, and impacts to air quality and other resources as a result of future growth projections. The EIR will provide for mitigation to respond to these topics; however, it is likely that the mitigation will not reduce these potential impacts to a level of insignificance. Staff will be seeking both a land use consultant and environmental consultant as part of the Request for Qualifications (RFQ) process.

Consultant Selection

Next steps in the update process will include preparation of a Request for Qualifications to solicit consultant teams who are qualified to support this major City project. Rather than requesting full project proposals, staff will request consultant qualifications and conduct a standard consultant selection process. This will allow the City to work with the preferred team to conduct a community study session with both decision makers and the public to determine the project scope, timeline, and budget that works best for the community.

Outreach Opportunities

A robust and inclusive community engagement strategy is a vital component of the update process. Communities are required to provide opportunities for the involvement of the public and various community groups and partner agencies. The City will work with the selected consultant team to design an outreach strategy that includes a highly visible and all-inclusive approach to engagement through a combination of venues at various times of day and at multiple forums for capturing input. Additionally, online participation opportunities will be included to ensure we are providing an avenue for those who cannot participate in person.

A project webpage has already been established:

www.atascadero.org/GeneralPlan2045











The new page will provide up-to-date information to anyone who would like to learn about the GPU process, how they can be involved, and opportunities to subscribe to project updates. This platform will also supplement various social media sites and various in-person outreach opportunities to reach all sectors of the community.

Individual Land Use/Zoning Amendment Requests

In 2019, the City Council endorsed an interim approach to handling individual requests to rezone property. Due to the upcoming Citywide update and the need to focus staff time on the City's strategic goals, individual rezoning requests were held for later action to be considered during the GPU. Over the past two years, the City has received multiple requests from property owners for zoning amendments to their individual properties. This has created a need to closely examine areas of the land use element, specifically in areas zoned Public (P), residential, and along commercial corridors where new commercial and mixed-use trends have shifted. Much evaluation related to environmental and infrastructure impacts, as well as further public outreach will need to occur before formulating a strategy towards the update of the Land Use Element and opportunity areas for growth and redevelopment.

General Plan Update Process

A typical two-year general plan update process may consist of the following steps:

STEP	POSSIBLE TIMELINE	TASK
1	June 22, 2021 	Pre-Scoping Meeting (that's what we are doing right now 😊) <ul style="list-style-type: none"> High-level overview of background, purpose, process, timeline and options (then adjust path below)
2	July 2021 	GP Web Page Setup (example can be found at: www.planpetaluma.org/)
3	August – September 2021 	EI Camino Plan Study Session <ul style="list-style-type: none"> Review concepts in ECR Plan and gather input
4	July-August 2021 	Assemble Draft Request for Qualifications (RFQ) <ul style="list-style-type: none"> Prepare a draft RFQ and review with City Council
5	August 2021 	Finalize RFQ <ul style="list-style-type: none"> Incorporate staff and City Council review and comment
6	Aug - Nov 2021 	Consultant Selection Process <ul style="list-style-type: none"> Issue RFQ (60 days) Interview shortlist / make final selection (2 weeks) Negotiate consultant contract (30 days)
7	Nov-Dec 2021 	Scoping Meeting with Decision Makers and Consultant Joint CC/PC study session
8	Jan 2022	Project scope finalized – kickoff Outreach and Update process with staff and consultant
9	Jan –June 2022 	GPU Phase 1: Vision and Goals <ul style="list-style-type: none"> Public outreach Interviews, focus groups, presentations and forums Existing Conditions & Data Analysis (Identification of opportunities and constraints) Community visioning GP outline Identification of overarching goals EIR NOP
10	June – Dec 2022 	GPU Phase 2: Plan Development <ul style="list-style-type: none"> Policy alternatives Draft GP Implementation Plan Final GP & EIR
11	Early to Mid 2023? 	Plan Adoption/Hearings

Staff anticipates a 2-year process to complete the GPU, including public outreach and environmental review. Multiple community events and public meetings will be held

throughout the process to ensure that the resulting document is comprehensive in the vision for Atascadero over the next 20-years.

Conclusion

Staff will return in August with a draft RFQ to begin the process of procuring a consultant to conduct the General Plan Update with support from City staff. The RFQ will begin to outline the tasks involved in the update, however, a true scoping meeting will not occur until a consultant is on board. Once a consultant is on board, a scoping meeting can be held with the Planning Commission and City Council to determine the best path forward before proceeding with the process. Staff anticipates that the scoping process will be under way before the end of the year.

At this time, staff is seeking to have a preliminary discussion on the overall GPU process and solicit initial City Council input on broad considerations for the GPU project to incorporate into the draft RFQ. The formulation of the draft RFQ will include an additional layer of detail, however the true scope and detail of what the update will examine will not be determined until the consultant is on board and a meeting, with both the Commission and Council to exhaustively evaluate the project scope, is held.

The goal of this report is to inform Council and the Community of the overall GPU process. At this time some of the key discussion items staff would like initial input on include:

1. What optional general plan elements might the City want to consider?
2. What special considerations or requests should be included in the RFQ?
3. Are there particular general topics that the City should consider with the next update?

FISCAL IMPACT:

According to the 2020 Planning Cost Guidebook published by the Institute for Local Government, a GPU project can cost anywhere between \$250,000 to \$3M. Factors affecting cost include a community's size, number of elements to be included, and level of required environmental analysis. Staff estimates that the GPU project will cost approximately \$1.1 M. This estimate takes into account consultant costs for the preparation of 7 mandatory elements, a robust public engagement strategy and a full General Plan Environmental Impact Report (EIR) under the California Environmental Quality Act (CEQA).

The City has budgeted \$450,000 for FY 2021-22 and \$635,000 for FY 2022-23. Staff will be continuing to seek grant funding opportunities to cover project costs.

ATTACHMENTS:

1. OPR Guidelines (Available on the OPR website via the following link: http://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf)
2. Planning Cost Guidebook, Institute for Local Government 2020. (Attached or available via the following link: <https://abag.ca.gov/sites/default/files/documents/2021-02/Planning%20Cost%20Guide%20Final%2009-02-2020.pdf>)

OPR Guidelines

OPR Guidelines may be viewed online
through the Governor's Office of Planning and Research website at:
http://opr.ca.gov/docs/OPR_COMPLETE_7.31.17.pdf

PLANNING COSTS GUIDEBOOK

Last Modified: September 2, 2020

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Introduction

The requirements for many planning documents and actions are the same for every agency. What differs is the size of the community (both geographically and in population), the character of the community, and the extent of change contemplated in the update. Because of the differences in abilities, budget, and experience, every project is uniquely bid. Even so, there are some 'rules of thumb' that are used by agencies in preparing planning budgets.

How To Use This Guide

The numbers in this guide should be considered a range rather than absolutes. In a competitive environment, or with a firm who has a great deal of knowledge, estimates may be well below the ranges shown here. Alternatively, for an agency that expects a high level of public outreach, or has a complex project, estimates may be well above the high end of the range. With estimates that are outside of the range, the first reaction should be to learn more about how the estimate was prepared. While most other projects should fall within the ranges, the individual circumstances of each project can significantly affect the cost.

Variables

There are three main variables that can widely affect the cost, and that are partially independent of jurisdiction size. These are: accuracy of the base data, extent of public outreach, magnitude of change.

- **Base Data.** Every project relies upon data held by the agency or generated by the consultant. Even when data is available it is often out of date or needs substantial revision before it is useful. Depending on the level of staff involvement, generating reliable base data can increase the cost of a task by 25 – 70 percent depending on the project. Another source of cost is if significant new data becomes available during the course of the project and needs to be reflected in the analysis. This can involve rerunning of models, or significant changes in the conclusions.
- **Extent of Public Outreach.** For large efforts such as a General Plan or Development Code update, the outreach can exceed one-third of the total budget. Public outreach now covers both in-person and digital platforms. While the digital platform saves travel time, setup often takes more time, coordination with the agency is important, and it takes more staff to run a successful meeting.

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- **Magnitude of change.** There is a significant difference in level of effort (cost) between a minor technical revision and a comprehensive effort where everything is being revisited, or significant change is sought. Higher level of scrutiny by the public or other agencies can result in more edits, additional meetings, and a longer time for review and adoption. Exhaustive review/edit cycles can significantly increase the cost, as can wordsmithing of the document by several reviewers.
- **Level of Environmental Review.** Depending on the extent and intent of the environmental analysis, the time and cost associated with CEQA compliance can significantly increase the cost of the planning action. Every lead agency is different and may have unique circumstances that affect the level of CEQA compliance. Even similar projects in adjacent cities could have different levels of analysis.

If a project is outside of the estimate range, most often it's one of the above variables that is different, or the agency is including more program elements than the title would suggest.

How this Guide Was Prepared

The Institute for Local Government (ILG) conducted a survey during summer 2019 and received 65 responses. The survey asked if the agency took on one of the following tasks and an estimate of the cost.

- Zoning Code
- Design Standards
- Accessory Dwelling Unit Ordinance
- Pre-Approved Accessory Dwelling Unit Plans
- Permit Tracking Software Purchase and Implementation
- Specific Plans
- Housing Element
- Fee Studies
- Inclusionary Ordinance
- Feasibility Studies
- CEQA Streamlining

Table 1 shows the number of agencies that responded, the average, low, and high cost of each task. Note that often agencies 'bundle' actions that occur simultaneously. For example, when asked for the cost of the Housing Element Update, some agencies included the cost of the SB 244 analysis, CEQA clearance, and the drafting of any new ordinances. Technically all part of their update, but the answer may result in a larger item cost in the table. The results of the ILG survey informed the cost estimates identified in Table 2, Estimated Consultant Costs for Select Planning Actions.

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Table 1: ILG Survey Results

ACTION	#	AVERAGE	LOW	HIGH
<i>Zoning Code</i>	15	\$154,933	\$1,000	\$1,000,000
<i>Design Standards</i>	14	\$77,179	\$1,000	\$350,000
<i>ADU Ordinance</i>	24	\$31,592	\$1,200	\$160,000
<i>Pre-Approved ADU</i>	9	\$59,167	\$2,000	\$200,000
<i>Permit Tracking Software Purchase and Implementation</i>	17	\$209,771	\$3,000	\$1,000,000
<i>Specific Plans</i>	21	\$544,237	\$25,000	\$2,000,000
<i>Housing Element</i>	33	\$72,621	\$8,000	\$250,000
<i>Fee Studies</i>	9	\$98,500	\$10,000	\$434,500
<i>Inclusionary Ordinance</i>	8	\$71,813	\$10,000	\$200,000
<i>Feasibility Studies¹</i>	7	\$57,143	\$5,000	\$150,000
<i>CEQA Streamlining</i>	7	\$55,714	\$5,000	\$160,000

¹The survey did not include a definition of feasibility studies. Typically, these refer to updates to some form of infrastructure plan(s).

Staff time is seldom captured at the market rate which means that comparison to consultant costs is difficult. Staff time is seldom 'free' although some agencies consider the cost of staff fixed, and change priorities to meet the agency need. This guideline is based on an estimated cost by private consultants rather than agency employees. Realistically the actual costs are likely to be similar, with agency costs perhaps slightly higher when all benefits have been factored into the billing rate.

Project Cost Estimates

Costs are shown as a range allocated between small, medium, and large agencies. While size of the jurisdiction can be a factor, the costs are associated with the level of effort for the project. Large projects in small jurisdictions can cost more than a similar sized project in a large jurisdiction. The difference is often resources, staff experience, and community expectations.

When appropriate the estimates are divided into minor, moderate, and major. The deciding factor here is the extent of the project. A minor project 'should' take less effort than a 'major' project. This is obviously a judgement call and very subjective. What is or isn't a major project varies by community. Generally, a minor project is amending existing text to meet state requirements, while a major update would substantially revise the document and perhaps the vision of the community. The level of environmental compliance will also affect the final cost. Table 2, Estimated Consultant Costs for Select Planning Actions, represents only outside consultant costs and does not include agency labor or overhead.

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Table 2, Estimated Consultant Costs for Select Planning Actions

AGENCY				
	<i>Small</i> <50,000	<i>Medium</i> 50,001 - 100,000	<i>Large</i> > 100,000	<i>Notes</i> Unless Specified, CEQA is Separate
Zoning Code				
<i>Focused Zoning Code Update for Compliance with State Law</i>	\$10,000	\$20,000	\$50,000	Revisions to add ADU, change procedures, add/delete uses. No property zoning changes.
<i>Moderate Amendment</i>	\$20,000	\$50,000	\$100,000	Adding new zone district, rezoning property. Minor up-zoning to a few properties.
<i>Comprehensive Zoning Code Update</i>	\$125,000	\$250,000	\$500,000	Complete revision of the zoning code, may include graphics and some form-based elements. Not a form-based code.
Form Based Code	\$75,000	\$125,000	\$300,000	Depends on area, extent of design
Land Use Element (solo)				
<i>Minor Update</i>	\$5,000	\$15,000	\$25,000	Wording changes, no map changes. No outreach beyond required public hearings.
<i>Moderate Update</i>	\$10,000	\$25,000	\$50,000	A few map changes that would increase slightly over existing designation, vast majority of element unaffected. Targeted outreach to stakeholder groups. Town-all style outreach, no changes to vision statement.
<i>Major Overhaul</i>	\$50,000	\$75,000	\$125,000	Comprehensive review of map, additional visioning, significant and sustained outreach.
VMT Threshold Adoption for CEQA	\$25,000	\$45,000	\$70,000	Varies depending on data, meetings, existing conditions.

Planning Costs Guidebook

AGENCY				
	<i>Small</i> <50,000	<i>Medium</i> 50,001 - 100,000	<i>Large</i> > 100,000	<i>Notes</i> Unless Specified, CEQA is Separate
Circulation Element Update (solo)				
<i>Minor Update</i>	\$5,000	\$15,000	\$25,000	No new roadways, introducing road diet, ATP.
<i>Moderate Update</i>	\$10,000	\$25,000	\$50,000	Change in Roadway Standards, elimination or addition of roadway.
<i>Major Overhaul</i>	\$50,000	\$75,000	\$125,000	New roadway/interchange.
Housing Element				
<i>Minor Update</i>	\$85,000	\$100,000	\$150,000	Change to reflect state law, no rezoning, site inventory with only minor survey.
<i>Moderate Update</i>	\$120,000	\$150,000	\$250,000	Redesignation/rezoning increasing by type (medium to high), or change from more intensive use (commercial to high density)
<i>Major Overhaul</i>	\$200,000	\$250,000	\$300,000	Extensive changes, redesignation/rezoning, challenging site inventory, currently non-compliant.
SB 244				
<i>Identify</i>	\$4,000	\$5,000	\$7,000	Depends on Number of Communities
<i>Analyze</i>	\$6,000	\$8,000	\$10,000	Depends on Number of Communities
<i>Amend Land Use Element</i>	\$5,000	\$7,000	\$9,000	No engineering analysis/report
Safety Element				
<i>Minor Update</i>	\$10,000	\$15,000	\$25,000	Recent LHMP, recent safety element, minor update to policies.
<i>Moderate Update</i>	\$25,000	\$35,000	\$50,000	Significant re-write of existing conditions, climate change, and element goals, policies, and implementation programs to bring to compliance. Search for Data, GIS layers.
<i>Major Overhaul</i>	\$50,000	\$75,000	\$100,00	Existing Safety Element >20 years old, no current LHMP, complete re-write of element.

Planning Costs Guidebook

	AGENCY			<i>Notes</i> Unless Specified, CEQA is Separate
	<i>Small</i> <50,000	<i>Medium</i> 50,001 - 100,000	<i>Large</i> > 100,000	
<i>Climate Change Vulnerability Assessment - Moderate Update</i>	\$10,000-\$15,000	\$10,000-\$20,000	\$10,000-\$30,000	Existing local or regional VA available in stand-alone climate plan, LHMP, or other plan that can support a new VA with the addition of hazards, populations, assets, or other data to tailor it to the community, meet requirements.
<i>Climate Change Vulnerability Assessment - Full preparation</i>	\$15,000-\$25,000	\$25,000-\$60,000	\$50,000-\$150,000	Full VA needs to be prepared. Could include modeling.
<i>General Plan Update</i>	\$250,000	\$1,500,000	\$3,000,000+	

The costs for planning actions in Table 3, Other Planning Actions change based on the level of effort rather than population. Due to the rising costs of comprehensive general plan updates, many agencies are opting to prepare a targeted or moderate update. In this context, a targeted effort would involve minimal change to reflect state law. A moderate project may change several elements and introduce a new policy / program into the overall General Plan. A comprehensive update to the General Plan would replace most of the elements with substantially revised versions. Everything from the level of outreach to the CEQA compliance method and supporting studies is based on the level of effort which in turn affects the cost.

Planning Costs Guidebook

Table 3, Other Planning Actions

OTHER PLANNING ACTIONS	TARGETED	MODERATE	COMPREHENSIVE	
Environmental Justice	\$15,000	\$25,000	\$60,000	Data and Draft Text Only. Costs can be significantly higher depending on public outreach strategy.
	Minor	Moderate	Major	
Fee Studies				
<i>Update</i>	\$15,000	\$50,000	\$150,000	Variables include: Capital Improvement Program, Outreach, Extent of Update (new fee vs. update)
	Small	Medium	Large	
Housing Feasibility Studies	\$15,000	\$50,000	\$150,000	Smaller studies are zoning evaluations while the larger studies include design and economic evaluations.
Inclusionary Ordinance	\$7,500	\$12,000	\$25,000	Difference is extent of public outreach (No Nexus Study)
Inclusionary Nexus Study	\$50,000	\$75,000	\$150,000	
ADU Ordinance	\$3,000	\$7,000	\$15,000	Difference is extent of public outreach
Density Bonus Ordinance	\$3,000	\$7,000	\$15,000	Difference is extent of public outreach
CEQA				
<i>Exemption</i>	\$1,500	\$5,000	\$15,000	Depends on how much technical analysis is needed to ensure § 15300.2 Exceptions do not apply.
<i>Addendum</i>	\$2,500	\$7,500	\$25,000	Assumes no technical studies.
<i>IS/ND</i>	\$15,000	\$50,000	\$75,000	Assumes no technical studies.
<i>IS/MND</i>	\$25,000	\$75,000	\$150,000	Moderate Studies (i.e. bio, cultural, traffic, aq/ghg, noise)
<i>Supplement/Subsequent EIR</i>	\$25,000	\$75,000	\$150,000	Focused issues moderate studies (i.e. bio, cultural, traffic, aq/ghg, noise)
<i>Program EIR</i>	\$100,000	\$150,000	\$300,000	Usually General Plan Level
<i>Project EIR</i>	\$100,000	\$150,000	\$350,000	Usually Specific Plan / Zoning Level

Planning Costs Guidebook

OTHER PLANNING ACTIONS	TARGETED	MODERATE	COMPREHENSIVE	
Outreach				
<i>Kick Off Meeting</i>	\$1,200		\$2,500	
<i>Scoping Meeting</i>	\$2,500		\$5,000	
<i>Workshop</i>	\$5,000		\$25,000	
<i>Charette</i>	\$10,000		\$25,000	
<i>Certification / Adoption</i>	\$1,500		\$7,000	
<i>Permit Processing Software</i>	\$100,000	\$125,000	\$250,000	Depends on extent of hardware, licenses, and amount of historic data input.



Atascadero City Council

Staff Report - Public Works Department

Improvement and Reimbursement Agreement with M P Annex, LLC – Del Rio Road @ US 101 Interchange Improvements Project

RECOMMENDATION:

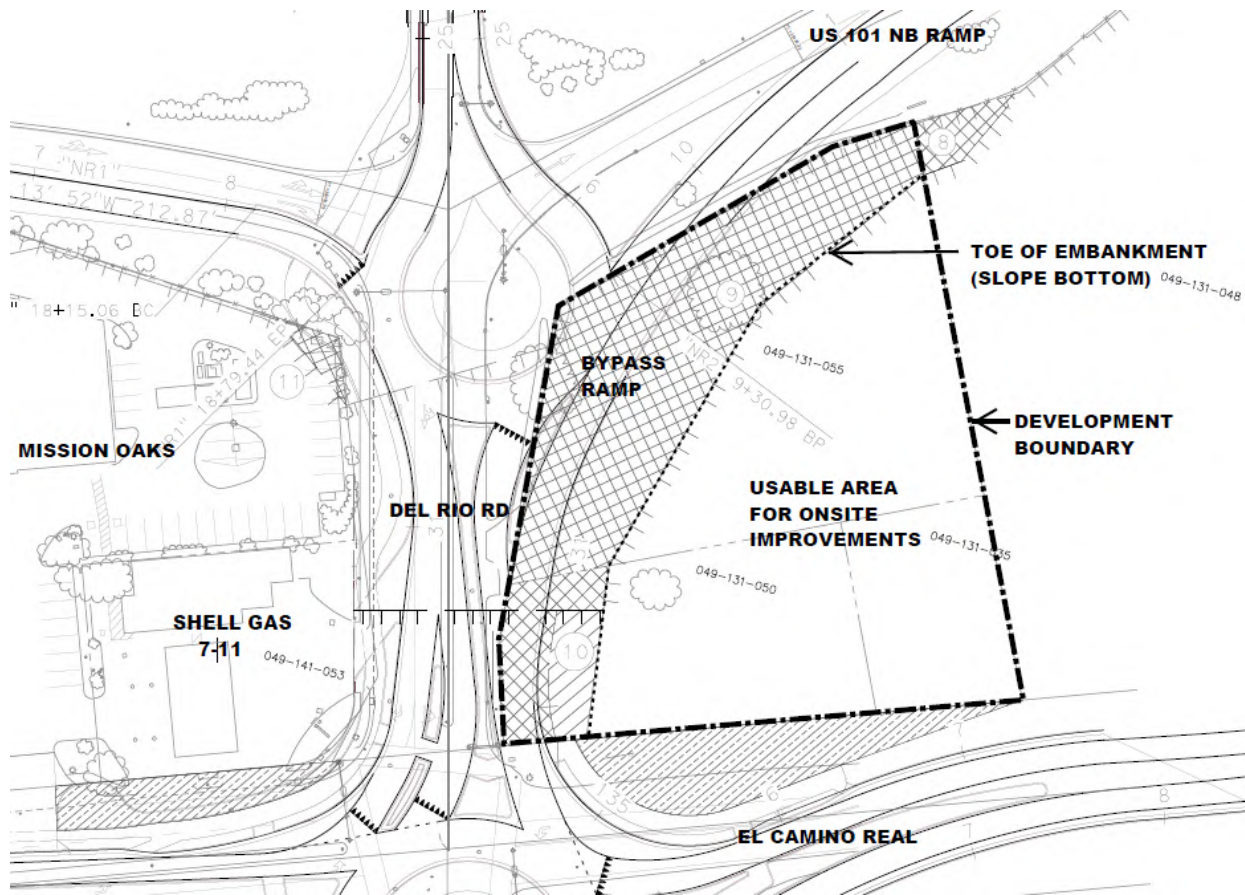
Council approve the Improvement and Reimbursement Agreement with M P Annex, LLC to construct a portion of the Del Rio Road and El Camino Real Improvements in the vicinity of US 101 Interchange Project.

DISCUSSION:

Background

The City has been reviewing and coordinating with the development team for a new commercial development on the northwest corner of El Camino Real and Del Rio Road (1990/1920/1950 El Camino Real) generally referred to as Del Rio Commercial. This proposed development includes a drive-thru restaurant and a separate commercial building. The project was conditioned by the Atascadero Planning Commission on November 5, 2019 (Resolution PC2019-0031) and includes a conditional use permit and lot line adjustment. As part of this conditional approval, the developer is required to construct public improvements along it's frontage with El Camino Real that includes curb and gutter, concrete sidewalk, roadway widening to provide for a dedicated southbound right-turn lane, and replacement of the traffic signal on the nearest corner (northwest).

At the time of the Del Rio Commercial conditional approval, roundabouts on Del Rio Road at El Camino Real and the two US 101 ramps were still the planned improvements for the Del Rio Specific Plan Area. By this time, Walmart was no longer pursuing the Del Rio store and the City was evaluating alternative design improvements. Parcel utilization for Del Rio Commercial onsite improvements was severely hampered by the roundabout design due to large area requirements, coupled with the westbound to northbound US 101 bypass on-ramp and embankment. The area of impact from the roundabouts and bypass ramp equated to 0.5 acres, or roughly 25 to 30 percent of the total property area, that would need to be set aside for the roundabout construction. Other undeveloped parcels on the corridor were also heavily impacted by the roundabout design's space requirements, whereby finding an alternative design concept would be favorable for utilization of land development. The follow drawing shows the roundabout's impact to the parcel utilization of the Del Rio Commercial property.



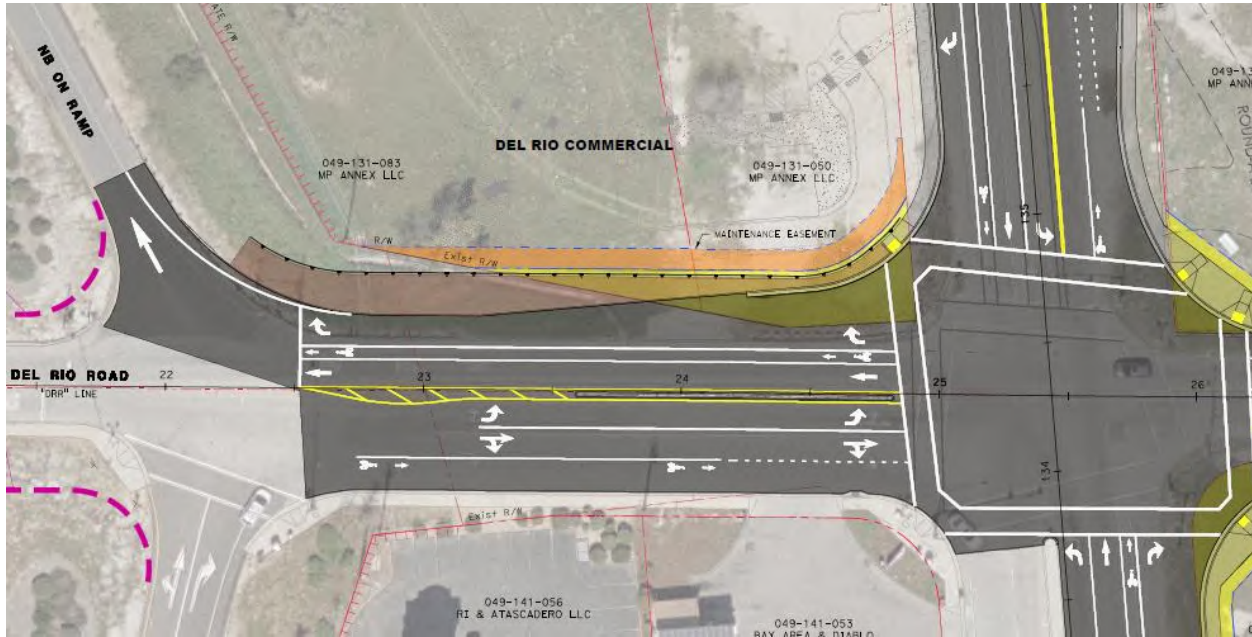
Roundabout Design Impact to Del Rio Commercial Property

The City hired W-Trans in early 2020 to perform a traffic sensitivity analysis study for the Del Rio Road and El Camino Real corridors in the vicinity of the US 101 interchange that evaluated traffic impacts from a variety of likely land use combinations for undeveloped parcels in the area. The study concluded that a westbound right-turn lane to northbound US 101 on-ramp, lane reconfigurations, signal modifications, and re-alignment of Ramona Road would allow the intersections to perform with the various land uses studied.

The City Council adopted a concept plan and plan lines for the east side of US 101 on September 22, 2020, and the west side of US 101 on April 13, 2021. These concept plans show the needed frontage improvements and lane configurations to support the anticipated traffic demand of the 2020 traffic sensitivity analysis and land use study. In addition, right-of-way plan lines were developed that identify needed right-of-way acquisitions for the concept plans. The plan lines act as setback requirements to ensure new development does not build within the needed right-of-way. It also allows the City to pursue opportunities for right-of-way land acquisitions.

Based upon the approved concept plans and plan line setbacks, on-site and off-site (frontage) improvement plans were prepared by the Del Rio Commercial design team in close coordination with City staff and the City's consultant, Wallace Group. The drive-thru restaurant was located nearest the northwest corner of El Camino Real and Del Rio Road with the other commercial building located toward the rear lot line. The City's concept plans included a retaining wall on the north side of Del Rio Road between El Camino Real and the US 101 northbound ramp to minimize land acquisitions from the

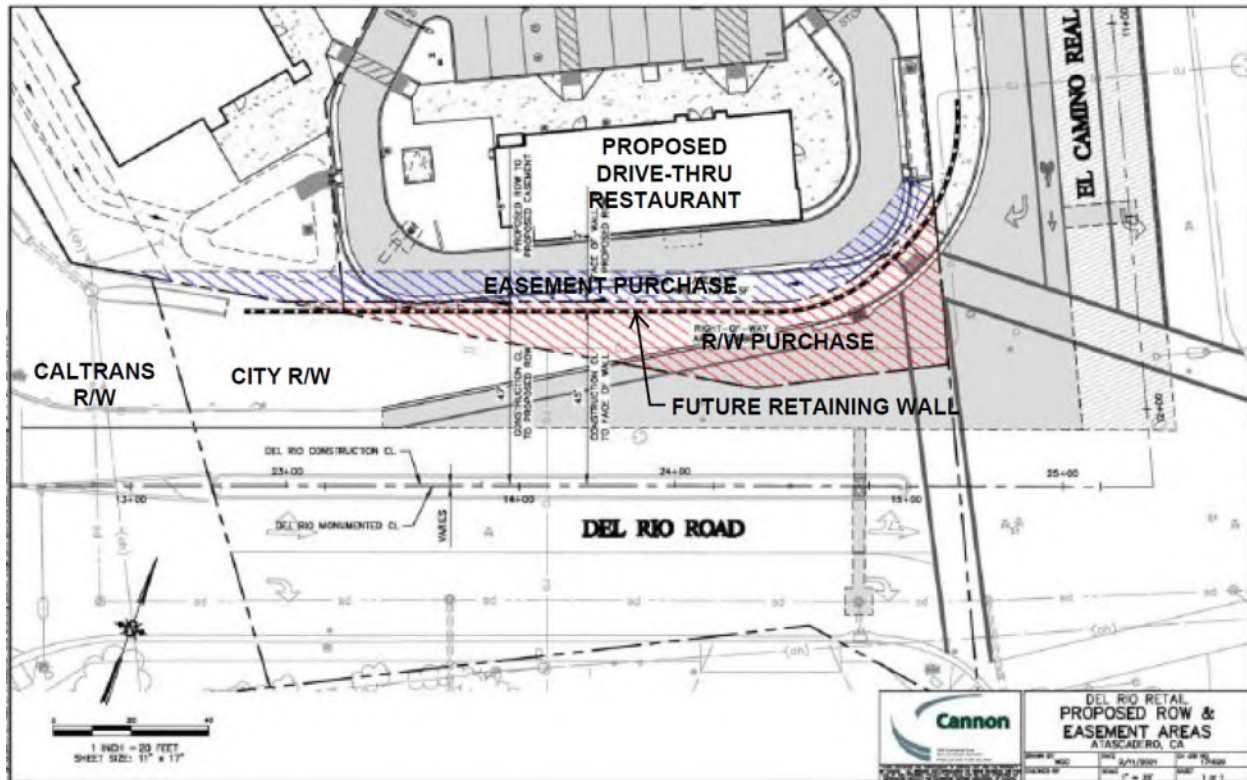
Del Rio Commercial property needed to construct the future right-turn lane from westbound Del Rio to the northbound US 101 ramp. The land acquisition needed from the Del Rio Commercial property with this new layout is 0.066 acres for additional right-of-way and 0.036 acres for a maintenance access easement for the retaining wall; far less than the 0.5 acres previously required with the roundabout concept. The current concept plan and plan line setback is shown below.



Approved Concept Plan and Plan Line Setback

Staging of the City's Del Rio improvements with the Del Rio Commercial work was discussed between City staff and the Del Rio Commercial design team. Since the City's work on Del Rio Road would likely not occur until a year or more after the development was complete, major impacts to the drive-thru restaurant would be inevitable during construction of the retaining wall and other grading and drainage work, including closure of the drive-thru feature during wall construction. A retaining wall is planned to be constructed two-feet inside the proposed right-of-way and decreases the impact to the Del Rio Commercial property, allowing more of the property to be utilized compared to constructing an embankment. The access easement is eight-feet wide and located outside the new right-of-way to allow a full ten feet of space from the wall face for wall maintenance access.

The City Engineer suggested that the impact to the drive-thru restaurant could be avoided if the developer was willing to construct the retaining wall and other impactful work in conjunction with the development's off-site improvements, then be reimbursed by the City for the partial work associated with the City's project. The developer and their design team agreed that this scenario would alleviate the impact to the drive-thru restaurant's operations, and this additional work was added to the public improvement plans. The drawing below shows the proximity of the proposed retaining wall to the drive-thru restaurant, including the land acquisition needed to be obtained by the City.



Layout of Proposed Retaining Wall and Drive-Thru Restaurant

Analysis

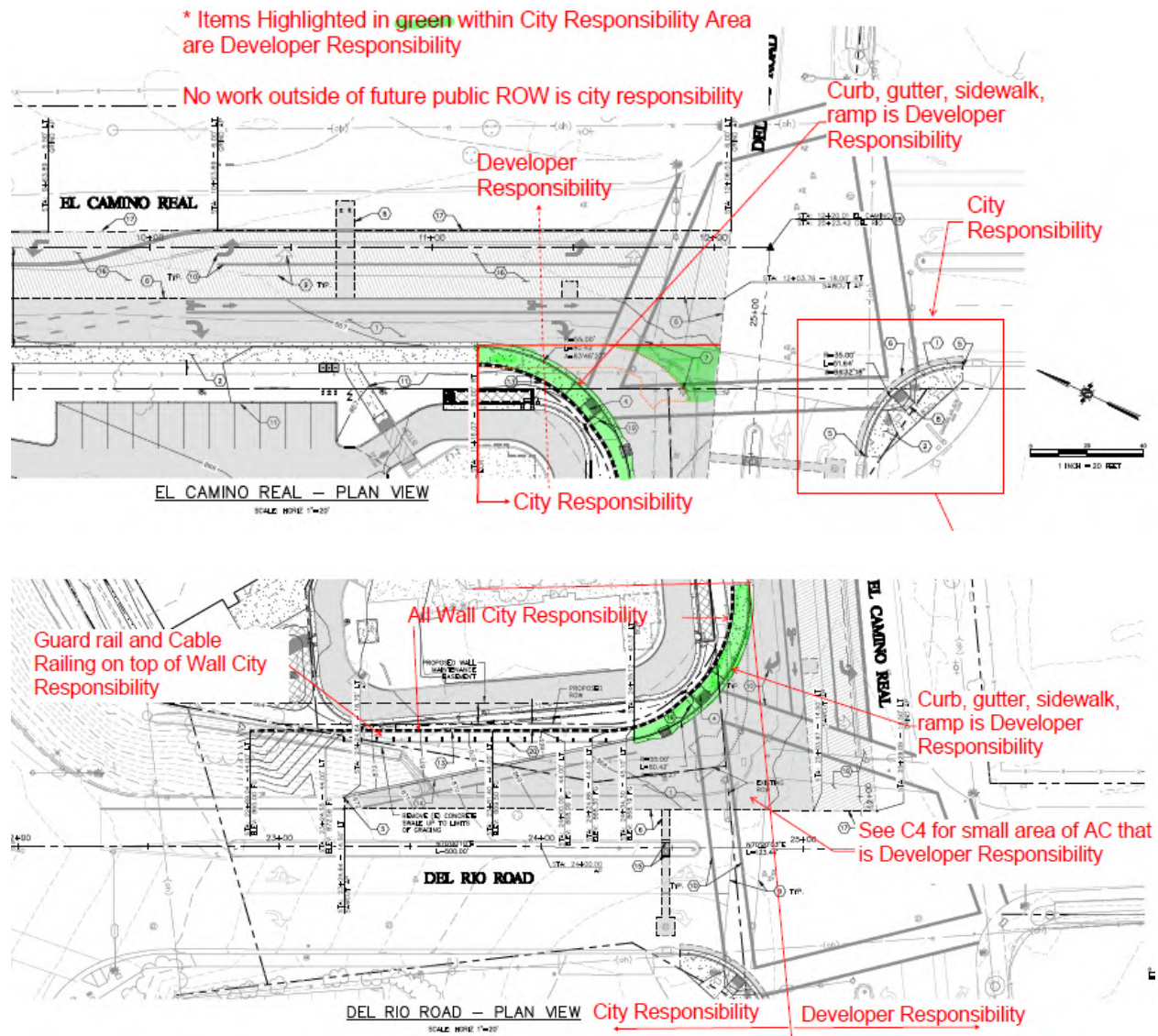
Constructing the retaining wall and other portions of the Del Rio Road improvements in conjunction with the Del Rio Commercial public improvements on El Camino Real will alleviate major impacts to the drive-thru restaurant operations and other on-site improvements. In addition, additional costs to remove and replace completed on-site improvements, staging materials, and temporary construction easements will be incurred by the City if this work were to be completed at a later time. M P Annex is not obligated to complete this work, but understands the impacts to its future tenants and has agreed to construct a portion of the Del Rio Road improvements with reimbursement from the City.

Careful coordination was done to ensure that work associated with the developer's conditioned off-site (public) improvements ("Developer Improvements") were separate from the work associated with the City improvements ("Reimbursable Improvements"). In general, Developer Improvements involve work on El Camino Real while Reimbursable Improvements involve work on Del Rio Road. The following work items are Reimbursable Improvements:

1. Retaining Wall along Del Rio Road;
2. Roadway widening and taper to accommodate larger radius on northwest corner;
3. Storm drain and pipe across Del Rio Road;
4. Traffic signal replacement on southwest corner (Shell/7-11), including new curb ramp and concrete sidewalk, to accommodate southbound ECR reconfiguration;
5. Miscellaneous traffic signal items including 3 (of 4) video detection cameras/microprocessors and ADA audible push button upgrades;

6. Excavation, backfill, grading, drainage, traffic control, mobilization, and other miscellaneous items related to other Reimbursable Improvements; and
7. Engineering, administration, bonds, permits, and other expenses related to the Reimbursement Improvements.

The following drawings show the responsibilities between the Developer Improvements and Reimbursable Improvements.



An Improvement and Reimbursable Agreement is being prepared between the City and M P Annex, LLC and will be available prior to the Council meeting. The agreement will require M P Annex to have separate contracts for the Reimbursable Improvements and subject to City requirements similar to capital projects, such as prevailing wage. Monthly progress payments will be made during construction upon submission and City approval of all invoices and backup documentation. A five percent retainage of completed work will be held until final completion of the work.

Conclusion

Staff recommends Council to adopt the draft resolution that will approve the Improvement and Reimbursement Agreement with M P Annex, LLC to construct a portion of the Del Rio Road and El Camino Real Improvements in the vicinity of US 101 Interchange Project. acquire additional right-of-way and a wall maintenance easement. These work is a critical part of the improvements needed to mitigate anticipated future traffic impacts in this area and will alleviate major impacts to Del Rio Commercial tenant operations if done in conjunction with the Developer Improvements.

FISCAL IMPACT:

The latest cost estimate for the Reimbursable Improvements is \$733,000 and includes a 20% contingency. Actual costs will be based on actual work completed, similar to many City capital improvement projects, and is anticipated not to exceed this amount. This work and related expenditures were planned to be part of the Del Rio Road and El Camino Real Improvements in the vicinity of US 101 Interchange Project. This expenditure is included in the adopted Budget as part of the Del Rio Road at US 101 Interchange Improvements project and is funded by the Circulation System Fees Fund.

ATTACHMENT:

Improvement and Reimbursement Agreement (to be provided prior to Council meeting)