

SPECIAL MEETING AGENDA

Atascadero City Council

Friday, July 26, 2019

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

City Council Special Meeting:

3:00 P.M.

ROLL CALL:

PUBLIC HEARINGS:

1. Establishment of Improvement Area No. 1 of Community Facilities District 2005-1

▪ Ex-Parte Communications:

▪ Fiscal Impact: None.

▪ Recommendations: Council:

1. Conduct the public hearing for the proposed establishment of Improvement Area No. 1 to Community Facilities District 2005-1 (CFD 2005-1).
2. Adopt Draft Resolution A, forming and establishing Improvement Area 1 within CFD 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 and collect and count the ballots.

Council to recess until ballots are counted

4. Adopt Draft Resolution B, declaring the results of a special 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 Improvement Area No. 1 of CFD 2005-1. [Community Development]

2. Traffic Way Zone Change (ZCH19-0029) - Atascadero Temple Association

- Ex-Parte Communications:
- Fiscal Impact: None.
- Recommendations: Council:
 1. Introduce for first reading, by title only, Draft Ordinance A approving a zone map amendment to 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.
 2. Introduce for first reading, by title only, Draft Ordinance B, approving Planned Development Overlay Zone No. 35 for 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.[Community Development]

ADJOURNMENT:

The City Council will adjourn to its Regular Meeting on August 13, 2019.

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

I, AMANDA MUTHER, Deputy City Clerk, being duly sworn, depose that on July 12, 2019, a copy of the foregoing Notice of Special Meeting was posted at the Atascadero City Hall, 6500 Palma Avenue, Atascadero, California and was available for public review in the Customer Service Center at that location.

AMANDA MUTHER, Deputy City Clerk



Atascadero City Council

Staff Report – Community Development Department

Establishment of Improvement Area No. 1 of Community Facilities District 2005-1

RECOMMENDATIONS:

Council:

1. Conduct the public hearing for the proposed establishment of Improvement Area No. 1 to Community Facilities District 2005-1 (CFD 2005-1).
2. Adopt Draft Resolution A, forming and establishing Improvement Area 1 within CFD 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 and collect and count the ballots.

Council to recess until ballots are counted

4. Adopt Draft Resolution B, declaring the results of a special 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 Improvement Area No. 1 of CFD 2005-1.

Background:

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 equal to the actual cost of the City services they are expected to receive. Without such special taxes in place, new residential units have a negative impact on the General Fund.

The Citywide CFD was established in 2005. Consistent with this policy a number of projects have been annexed into the CFD as a requirement prior to recordation of a final map.

DISCUSSION:

The applicant, Z 3 LLC, is required to provide means to ensure their project is fiscally neutral to the City as a condition to finalize their subdivision maps and fulfill the conditions of approval. This process is usually accomplished through annexation into the City's CFD.

A proposed annexation into the Citywide CFD was reviewed by the City Council on May 28th. The Applicant and the Council discussed the merits of the CFD as it applies to mixed-use projects that generate revenue to offset residential costs. An ad hoc Committee was formed to analyze the issue and determine if a discounted tax rate was warranted for mixed-use development in the Downtown. The current CFD proposal includes the establishment of Improvement Area No. 1 to the existing Citywide CFD. The improvement area would have its own rate and Method of Apportionment (RMA) to determine the annual tax amount. The ad hoc Committee proposes a 35% potential tax reduction for qualifying mixed-use projects in the Downtown. In order for projects to qualify, the project must comply with the following:

- The project must be located in the Downtown Commercial Zoning District,
- The project must be a vertical mixed-use development with commercial on the ground floor,
- The commercial must be have a substantial retail component which cannot be less than 30% of the total square foot space,
- The building must be architecturally superior and constructed with quality materials, and
- The project must be maintained at the same level as the City maintains similar properties throughout the City.

The establishment of Improvement Area No. 1 will allow other qualifying projects in the downtown to annex in at the same tax reduced rate. Projects would need to qualify annually as part of the CFD annual fiscal analysis process.

The La Plaza Mixed-Use project is located in the downtown and was approved in 2018. The project consists of 42 rental units on the second and third floors above ground level commercial tenant spaces. The applicant will have the option of converting the rental units into condominiums at a later date if desired. The project is proceeding forward with the final map, which is expected to record this summer. Grading of the project site has begun and building construction is expected to begin later this year.





On June 11, 2019, the City Council initiated the process for this development by adopting a resolution of intent to establish Improvement Area No. 1 and setting the date of the public hearing.

The Resolutions before Council are the final step to establish Improvement Area No.1 of the CFD 2005-1 used to fund new police, fire, and park services associated with new residential units. Improvement Area No. 1 allows qualifying mixed-use projects to pay a reduced annual rate, expected to be \$441.90 for fiscal year 2019-2020. 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, and cannot be used to support existing services.

Process:

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

Following adoption of the Resolution, the City Clerk will hold a landowner election, verifying the property owner wishes to establish Improvement Area No.1 of the existing Citywide CFD. If the landowner elects to establish this new improvement area, the City Council will certify the election and introduce for first reading, by title only, the Draft Ordinance, authorizing the special taxes for Improvement Area No. 1.

Conclusion:

The development proposed for annexation into the CFD was conditioned to be fiscally neutral. If the establishment of Improvement Area No. 1 of CFD 2005-1 is not approved, the project will not be able to meet the conditions of approval.

ALTERNATIVE:

Require the developer to meet the fiscal neutrality condition of approval through some other mechanism.

ATTACHMENTS:

1. Draft Resolution A, forming and establishing Improvement Area No. 1 of CFD 2005-1 identified in City Council Resolution 2019-053 and 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 landowner election in Improvement Area No. 1 of CFD 2005-1
3. Draft Ordinance, authorizing the levy of special taxes in Improvement Area No. 1 of Community Facilities District 2005-1 for certain territory
4. Community Facilities District No. 2005-1 IA 1 Report

DRAFT RESOLUTION A

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, FORMING AND
ESTABLISHING IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SERVICES) OF THE CITY OF ATASCADERO, AND
AUTHORIZING SUBMITTAL OF THE LEVY OF A SPECIAL
TAX TO THE QUALIFIED ELECTOR
AND CALLING AN ELECTION THEREIN**

WHEREAS, the City Council (the “City Council”) of the City of Atascadero (the “City”) has, by the adoption of Resolution 2019-054 (the “Resolution of Intention”), previously declared its intention to form an improvement area of a community facilities district pursuant to the terms and provisions of 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”) for the purpose of providing an alternative method of financing the public services necessary to serve new development within such community facilities district; and

WHEREAS, this improvement area of a community facilities district has been designated as Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero (“CFD No. 2005-1 IA 1”); and

WHEREAS, notice of a public hearing related to the establishment of CFD No. 2005-1 IA 1, the extent of CFD No. 2005-1 IA 1, the financing of certain types of services by CFD No. 2005-1 IA 1 and all other related matters has been given, and a Community Facilities District Report, as ordered by this City Council, has been presented to this City Council and has been made a part of the record of the hearing to establish CFD No. 2005-1 IA 1; and

WHEREAS, all communication relating to the establishment of CFD No. 2005-1 IA 1, the financing of certain types of services and the proposed rate and method of apportionment of special tax have been presented, and it has further been determined that a majority protest as defined by law has not been received against these proceedings; and

WHEREAS, the Registrar of Voters of the County of San Luis Obispo has certified that there are no registered voters residing within the proposed boundaries of CFD No. 2005-1 IA 1; and

WHEREAS, inasmuch as there are no registered voters within the proposed boundaries of CFD No. 2005-1 IA 1 the authorization to levy special taxes within CFD No. 2005-1 IA 1 shall be submitted to the landowner of CFD No. 2005-1 IA 1, such landowner being the qualified elector as authorized by law.

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

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

SECTION 2. Determinations. It is hereby determined by the City Council that:

- A. All prior proceedings pertaining to the formation of CFD No. 2005-1 IA 1 were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Act, and this finding and determination is made pursuant to the provisions of the Government Code Section 53325.1.
- B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Act and, therefore, the special tax proposed to be within CFD No. 2005-1 IA 1 has not been precluded by a majority protest pursuant to Section 53324 of the Government Code of the State of California.
- C. The formation of CFD No. 2005-1 IA 1 and such authorization to levy the special tax within CFD No. 2005-1 IA 1 to finance the Authorized Services identified below constitutes the creation of a government funding mechanism which does not involve the commitment to any specific project which may result in a potentially significant impact on the environment. Therefore, the formation of CFD No. 2005-1 IA 1 and the authorization to levy the special tax within CFD No. 2005-1 IA 1 do not constitute a “project” which is subject to the provisions of the California Environment Quality Act (California Public Resources Code Section 21000 and following).
- D. No registered voters have resided within the territory of CFD No. 2005-1 IA 1 for each of the ninety (90) days preceding the close of the public hearing, therefore, pursuant to the Act the qualified elector of CFD No. 2005-1 IA 1 shall be the landowner of CFD No. 2005-1 IA 1 as such term is defined in Government Code Section 53317(f) and such landowner who is the owner of record as of the close of the public hearing pertaining to the formation of CFD No. 2005-1 IA 1, of the authorized representative thereof, shall have one vote for each acre or portion of an acre of land that such landowner owns within CFD No. 2005-1 IA 1.
- E. The time limit specified by the Act for conducting an election to submit the levy of the special tax to the qualified elector of CFD No. 2005-1 IA 1 and the requirements for impartial analysis and ballot arguments have been waived with the consent of the qualified elector of CFD No. 2005-1 IA 1.
- F. The City Clerk, acting as the election official, has consented to conducting any required election on a date which is less than 125 days following the adoption of the resolution forming and establishing CFD No. 2005-1 IA 1.

SECTION 3. Community Facilities District Report. The Community Facilities District Report, as prepared pursuant to the Act and the Resolution of Intention and now submitted and received by this City Council, shall stand as the Community Facilities District Report for all future proceedings and all terms and contents are approved as set forth therein.

SECTION 4. Name of the Community Facilities District. This legislative body does hereby establish and declare the formation of CFD No. 2005-1 IA 1 to be known and designated as “Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.”

SECTION 5. Boundaries of CFD No. 2005-1 IA 1. The boundaries of CFD No. 2005-1 IA 1 are generally described as follows:

All property as shown on the Boundary Map as previously approved by this City Council, such map designated as “Boundary Map of Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services), City of Atascadero, County of San Luis Obispo, State of California” (the “Boundary Map”). The Boundary Map has been filed pursuant to Sections 3111 and 3113 of the Streets and Highways Code of the State of California in the Office of the San Luis Obispo County Recorder, in Book 6, Page 14 of Maps of Assessment and Community Facilities Districts and as Document No. 2019024797.

SECTION 6. Description of Services. The public services authorized to be financed by CFD No. 2005-1 IA 1 are not replacing services already available within the boundaries of CFD No. 2005-1 IA 1. A general description of such (collectively, the “Authorized Services”), whether provided directly by the City or by a third party contracting with the City or CFD No. 2005-1 IA 1, that may be financed is set forth in Exhibit A attached hereto and incorporated herein by this reference.

The City Council finds that the Authorized Services described in this Section 6 hereof are necessary to meet increased demands placed upon the City as a result of new development occurring within the boundaries of CFD No. 2005-1 IA 1.

SECTION 7. Special Tax. Except where funds are otherwise available, a special tax sufficient to finance the Authorized Services (the “Special Tax”) and related incidental expenses authorized by the Act, secured by recordation of a continuing lien against all non-exempt real property in CFD No. 2005-1 IA 1. For further particulars as to the Rate and Method of Apportionment of the proposed Special Tax, reference is made to Exhibit B (the “Rate and Method”) attached hereto and incorporated herein by this reference, which sets forth in sufficient detail the Rate and Method of Apportionment of the Special Tax to allow each landowner or resident within proposed CFD No. 2005-1 IA 1 to clearly estimate the maximum amount of Special Tax that such person will have to pay the Authorized Services. The Special Tax may not be prepaid.

The Special Tax herein authorized, to the extent possible, shall be collected in the same manner as ad valorem property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. Such Special Tax shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes. Any Special Tax that may not be collected on the County tax roll shall be collected through a direct billing procedure by the City.

Pursuant to Government Code Section 53340 and except as provided in Government Code Section 53317.3, properties of entities of the state, federal, and local governments shall be exempt from the levy of Special Tax.

Upon recordation of a Notice of Special Tax Lien pursuant to Section 3114.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of the Special Tax shall attach to all non-exempt real property in CFD No. 2005-1 IA 1 and this lien shall continue in force and effect until collection of the special tax by the legislative body ceases.

SECTION 8. Special Tax Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this City Council hereby establishes the following accountability measures pertaining to the levy by CFD No. 2005-1 IA 1 of the Special Tax Described in Section 7 above:

- A. The Special Tax shall be levied for the specific purposes set forth in Section 7 above.
- B. The proceeds of the levy of the Special Tax shall be applied only to the specific applicable purposes set forth in Section 7 above.
- C. CFD No. 2005-1 IA 1 shall establish a separate account into which the proceeds of the special Tax shall be deposited.
- D. The Director of Finance/Treasurer of the City, or his designee, acting for and on behalf of CFD No. 2005-1 IA 1, shall annually file a report with the City as required pursuant to Government Code Section 50075.3.

SECTION 9. Preparation of Annual Tax Roll. The name, address and telephone number of the office, department, or bureau which will be responsible for preparing annually a current roll of Special Tax levy obligations by Assessor's parcel number and which shall be responsible for estimating future special tax levies pursuant to section 53340.2 of the Government Code of the State of California, are as follows:

City of Atascadero Community Development
6500 Palma Avenue
Atascadero, California 93422
(805) 461-5000

SECTION 10. Election. This legislative body herewith submits the levy of the special taxes to the qualified elector of CFD No. 2005-1 IA 1, such elector being the landowner of the property within CFD No. 2005-1 IA 1, with such landowner having one (1) vote for each acre of portion thereof of land which he or she owns within the District.

This legislative body hereby further directs that the ballot proposition relating to the levy of the above referenced special taxes within CFD No. 2005-1 IA 1 be combined and consolidated with the proposition set forth in Section 11 below relating to the establishment of an appropriations limit for CFD No. 2005-1 IA 1.

The Proposition related to the levy of the special taxes and establish an appropriations limit for CFD No. 2005-1 IA 1, shall be submitted to the qualified elector of CFD No. 2005-1 IA 1 at a special election to be held on (a) July 26, 2019, immediately following the adoption of this resolution or (b) such other date as the qualified elector and the City Clerk may mutually agree and such election shall be a special election to be conducted by the City Clerk (hereinafter referred to as the (“Election Official”). If the proposition for the levy of the special taxes receives the approval of more than two-thirds (2/3rds) of the votes cast on the proposition, the special tax thereby approved may be levied as provided for in this Resolution.

SECTION 11. Ballot Propositions. The ballot proposals to be submitted to the qualified elector of CFD No. 2005-1 IA 1 at the election shall generally be as follows:

Proposition A

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 Exhibit B to the Resolution Declaring its Intention to Establish Improvement Area No. 1 of Community Facilities District No. 2005-1 (Maintenance Services) adopted by the City Council on June 11, 2019 (the “Resolution”), which is incorporated herein by this reference, within the territory identified on the map entitled “Boundary Map Improvement Area No. 1 Community Facilities District No. 2005-1 (Public Services) City of Atascadero, County of San Luis Obispo” to finance certain services as set forth in Section 5 to the Resolution (including incidental expenses), and shall an appropriation limit be established for the Community Facilities District No. 2005-1 IA 1 (Public Services) in the amount of special taxes collected?

SECTION 12. Vote. The appropriate mark placed in the voting square following the word “YES” shall be counted in favor of the adoption of the proposition, and the appropriate mark placed in the voting square following the word “NO” in the manner as authorized, shall be counted against the adoption of such proposition.

SECTION 13. Election Procedure. The Election Official is hereby authorized to take any and all steps necessary for holding the above election. The Election Official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

1. Prepare and furnish the necessary election supplies for the conduct of the election
2. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.
3. Furnish official ballots for the qualified elector of CFD No. 2005-1 IA 1.
4. Cause the official ballots to be presented to the qualified elector, as required by law.
5. Receive the returns of the election and supplies
6. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.
7. Canvass the return of the election.
8. Furnish a tabulation of the number of votes given in the election.
9. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law.

SECTION 14. Effective Date. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of July, 2019.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

EXHIBIT A
DESCRIPTION OF AUTHORIZED SERVICES
IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)

The services which CFD No. 2005-1 IA 1 is authorized to finance are in addition to those provided in or required for the territory within CFD No. 2005-1 IA 1 and will not be replacing services already available. A general description of the services to be financed is as follows:

POLICE AND FIRE SERVICES

Police services and fire protection and suppression services (the "Services") of the City of Atascadero required to sustain the service delivery capability for emergency and non-emergency services to new growth areas of the City of Atascadero, including but not limited to, related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, services, supplies and personnel; provided, however, that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of Apportionment of the Special Taxes to fund such Services.

PARK SERVICES

Park services of the City of Atascadero required for the operation and maintenance of public parks.

The City of Atascadero is authorized to finance and direct administrative and incidental annual costs and expenses necessary to provide the maintenance and servicing for public services. No additional services will be necessary or provided in CFD No. 2005-1 and the services as described for CFD No. 2005-1 IA 1 will serve the properties within CFD No. 2005-1 IA 1. It is presently intended that the services will be provided, without preference or priority, to the existing territory in CFD No. 2005-1 IA 1.

The above services shall be limited to those provided within the boundaries of CFD No. 2005-1 IA 1 or for the benefit of the properties within the boundaries of CFD No. 2005-1 IA 1 and said services may be financed by proceeds of the special tax of CFD No. 2005-1 IA 1 only to the extent that they are in addition to those provided in the territory of CFD No. 2005-1 IA 1 before CFD No. 2005-1 IA 1 was created.

EXHIBIT B

CITY OF ATASCADERO
IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2019-20 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries, benefits and overhead costs of City employees whose duties are directly related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Affordable Unit(s)" means dwelling units located on one or more Assessor's Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

"Annual Escalation Factor" means the greater of, five percent (5%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area or comparable index if such index is no longer in use.

"Approved Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2019.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD" means Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.

"City" means the City of Atascadero.

"Council" means the City Council of the City of Atascadero, acting as the legislative body of the CFD.

"County" means the County of San Luis Obispo, California.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, or Public Property, for which a building permit was issued after July 1, 2019 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any class provided for in Title 9 of the City's Municipal Code, or other such similar document, as determined by the CFD Administrator.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may potentially be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Multi-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Mixed-Use Residential Property" means all Lot(s) for which one or more building permit(s) has been issued for a combination of non-residential and residential uses.

"Mixed-Use Residential Property– Qualified" means all Lot(s) classified as Mixed-Use Residential Property which meet all of the following criteria:

1. Located in the Downtown Commercial Zoning District as defined by Title 9 of the City's Municipal Code.
2. Has a substantial Quality Retail component, which must not be less than 30% of the total square foot space, as determined by the CFD Administrator.
3. Is located within a building that is vertical mixed-use with commercial uses on the ground floor.
4. The building must be of superior quality and architecture, as determined by the CFD Administrator.
5. Must be maintained at the same level as the City maintains similar properties throughout the City, as determined by Council.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for a non- residential use and does not contain any Residential Units as defined under Residential Property or Multi-Family Residence.

"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the City.

"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all applicable Assessor's Parcels.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the CFD formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Costs" means the estimated and reasonable costs of providing Public Safety services, including but not limited to (i) the costs of contracting for police and fire services, (ii) related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff if the City directly provides police and fire protection services, and (iv) City overhead costs associated with providing such services within the CFD. The Special Tax provides only partial funding for Public Safety.

"Quality Retail" means a land use pursuant to Title 9, Chapter 3 of the Atascadero Municipal Code, including but not limited to: Bar/Tavern, Eating & drinking places, Microbrewery – brewpub, Tasting room, Artisan Foods & products, General retail and Hotels/Motels, all as determined by the CFD Administrator.

"Residential Property" means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing one or more Residential Units, as determined by the CFD Administrator.

"Residential Unit" means any residence in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use. This includes Single-Family Residence and Multi-Family Residence.

"Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (i) pay for Public Safety Costs; (ii) pay for Park Services; (iii) pay reasonable Administrative Expenses; (vi) pay any amounts required to establish or replenish any reserve funds; and (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the City or CFD Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final document and/or maps available to the CFD Administrator.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, or Undeveloped Property. Developed Property shall further be classified as Non-Residential Property, Residential Property, Mixed-Use Residential Property or Mixed-Use Residential Property-Qualified and shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

TABLE 1
Maximum Special Tax for Residential Property
Improvement Area No. 1 of Community Facilities
District No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Unit
Residential Units	\$679.84 per Unit
Affordable Units	\$0 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

TABLE 2
Maximum Special Tax for Mixed-Use Residential Property and Mixed-Use Residential Property-Qualified
Improvement Area No. 1 of Community Facilities
District No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Residential Unit
Mixed-Use Residential Property	\$679.84 per Unit
Mixed-Use Residential Property- Qualified	\$441.90 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

TABLE 3
Maximum Special Tax for Approved Property
Improvement Area No. 1 of Community Facilities District No.
2005-1 (Public Services)

Description	Maximum Special Tax Per Lot
Approved Property	\$356.92 per Lot

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-Residential Property

TABLE 4
Maximum Special Tax for Non-Residential Property
Improvement Area No. 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Acre
Non-Residential Property	\$2,855.33 per Acre

The minimum special tax Non-Residential Property shall be subject to is \$77.25 per parcel. On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.

4. Undeveloped Property

Undeveloped Property will be assigned a Maximum Special Tax Rate of \$633.49 per acre or portion thereof, with a minimum rate of \$154.51 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

TABLE 5
Maximum Special Tax for Undeveloped Property
Improvement Area No. 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Parcel/Acre
Undeveloped Property 1/4 Acre	\$154.51 per Parcel
Undeveloped Property >1/4 Acre	\$633.49 per Acre

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2019-20, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement.

Step 1:

The Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property classified as Residential Property, Mixed-Use Residential Property or Mixed-Use Residential Property- Qualified Proportionately up to 100% of the applicable Maximum Special Tax.

Step 2:

If the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property.

Step 3:

If the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property which is classified as Non-Residential Property up to 100% of the applicable Maximum Special Tax.

Step 4:

Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.

H. INTERPRETATION

Council may interpret this Rate and Method of Apportionment of Special Tax by ordinance or resolution for purposes of clarifying any vagueness or ambiguity. Any decision of Council shall be final and binding as to all persons.

DRAFT RESOLUTION B

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, ACTING AS THE
LEGISLATIVE BODY OF IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SERVICES) OF THE CITY OF ATASCADERO,
DECLARING THE RESULTS OF A SPECIAL ELECTION IN
SUCH COMMUNITY FACILITIES DISTRICT**

WHEREAS, the City Council (the “City Council”) of the City of Atascadero (the “City”) has previously undertaken proceedings to establish and did establish an improvement area of a community facilities district pursuant to the terms and provisions of the “Mello-Ross 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”). This improvement area of a community facilities district shall hereinafter be referred to as Improvement Area 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero (“CFD No. 2005-1 IA 1”); and

WHEREAS, this City Council did call for and order to be held an election to submit to the qualified electors of CFD No. 2005-1 IA 1 propositions relating to the levy of a special tax within CFD No. 2005-1 IA 1 and the establishment of an appropriations limit for CFD No. 2005-1 IA 1; and

WHEREAS, at this time said election has been held and the measure voted upon and such measure did receive the favorable two-thirds vote of the qualified electors, and this City Council desires to declare the results of the election in accordance with the provisions of the Elections Code of the State of California.

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

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

SECTION 2. This City Council hereby receives and approves the Certificate of Election Official and Statement of Votes Cast (“Certificate and Statement”), as submitted by the City Clerk, acting in her capacity as the election official, said statement setting forth the number of votes cast in the election, the measures voted upon, and the number of votes given for and/or against the measures voted upon. A copy of the Certificate and Statement attached as Exhibit A to this Resolution and incorporated herein by this reference.

SECTION 3. The City Clerk is hereby directed, pursuant to the provisions of the Elections Code of the State of California, to enter in the minutes the results of the election as set forth in the Certificate and Statement.

SECTION 4. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ____th day of July, 2019.

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

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian Pierik, City Attorney

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO)ss.
CITY OF ATASCADERO)

CITY OF ATASCADERO
IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1
(PUBLIC SERVICES)
SPECIAL ELECTION

I FURTHER CERTIFY that this Statement of Votes Cast shows the whole number of votes cast in said Community Facilities District, and the whole number of votes cast for the Measures in such Community Facilities District, and the totals of the respective columns and the totals as shown for the Measures are full, true and correct.

1. VOTES CAST ON PROPOSITION A: YES _____

NO _____

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 Exhibit B to the Resolution Declaring its Intention to Establish Improvement Area 1 of Community Facilities District No. 2005-1 (Public Services) adopted by the City Council on June 11, 2019 (the "Resolution"), which is incorporated herein by this reference, within the territory identified on the map entitled "Boundary Map Improvement Area No. 1 Community Facilities District No. 2005-1 (Public Services) City of Atascadero, County of San Luis Obispo" to finance certain services as set forth in Section 5 of the Resolution (including incidental expenses), and shall an appropriation

ITEM NUMBER:
DATE:
ATTACHMENT:

B-1
07/26/19
2A

limit be established for the Community Facilities District
No. 2005-1 IA 1 (Public Services) in the amount of special
taxes collected?

WITNESS my hand this _____ day of _____, 2019.

CITY CLERK
ELECTION OFFICIAL
CITY OF ATASCADERO
STATE OF CALIFORNIA

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ACTING AS THE LEGISLATIVE BODY OF IMPROVEMENT AREA NO. 1 OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) OF THE CITY OF ATASCADERO, AUTHORIZING THE LEVY OF A SPECIAL TAX IN SUCH COMMUNITY FACILITIES DISTRICT

WHEREAS, the City Council (the “City Council”) of the City of Atascadero (the “City”), has undertaken proceedings to establish and has established an improvement area of a community facilities district and conducted an election therein and received a favorable vote from the qualified electors authorizing the levy of special taxes in such community facilities district, all as authorized pursuant to the terms and provisions of 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”). This improvement area of a community facilities district is designated as Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero (“CFD No. 2005-1 IA 1”); and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO, ACTING AS THE LEGISLATIVE BODY OF CFD NO. 2005-1 IA 1, HEREBY ORDAINS AS FOLLOWS:

SECTION 1. This City Council does, by the passage of this ordinance, authorize the levy of special taxes on taxable properties located in CFD No. 2005-1 IA 1 pursuant to the Rate and Method of Apportionment of Special Tax as set forth in Exhibit “A” attached hereto and incorporated herein by this reference (the “Rate and Method”).

SECTION 2. This City Council, acting as the legislative body of CFD No. 2005-1 IA 1, is hereby further authorized, by resolution, to annually determine the special tax to be levied within CFD No. 2005-1 IA 1 for the then current tax year or future tax years; provided, however, the special tax to be levied shall not exceed the maximum special tax authorized to be levied pursuant to the Rates and Method.

SECTION 3. The special taxes herein authorized to be levied, to the extent possible, shall be collected in the same manner as ad valorem property taxes and shall be subject to the same penalties, procedure, sale and lien priority in any case of delinquency as applicable for ad valorem taxes; provided, however that the City may utilize a direct billing procedure for any special taxes that cannot be collected on the County tax roll or may, by resolution, elect to collect the special taxes as a different time or in a different manner if necessary to meet its financial obligations.

SECTION 4. The special taxes authorized to be levied shall be secured by the lien imposed pursuant to Section 3114.5 and 3115.5 of the Streets and Highways Code of the State of California, which lien shall be a continuing lien and shall secure each levy of the special tax. The lien of the special tax shall continue in force and effect until the special tax obligation is canceled in accordance with Section 53344 of the Government Code of the State of California or until the special tax ceases to be levied by the City Council in the manner provided in Section 5330.5 of said Government Code.

SECTION 5. This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation pursuant to the provisions of California Government Code Section 36933.

INTRODUCED at a regular meeting of the City Council held on July 26, 2019, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on ____, 2019.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

EXHIBIT A

CITY OF ATASCADERO
IMPROVEMENT AREA NO. 1 OF
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
RATE AND METHOD OF APPORTIONMENT

A Special Tax of Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2019-20 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries, benefits and overhead costs of City employees whose duties are directly related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Affordable Unit(s)" means dwelling units located on one or more Assessor's Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

"Annual Escalation Factor" means the greater of, five percent (5%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area or comparable index if such index is no longer in use.

"Approved Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2019.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD" means Improvement Area No. 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.

"City" means the City of Atascadero.

"Council" means the City Council of the City of Atascadero, acting as the legislative body of the CFD.

"County" means the County of San Luis Obispo, California.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, or Public Property, for which a building permit was issued after July 1, 2019 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any class provided for in Title 9 of the City's Municipal Code, or other such similar document, as determined by the CFD Administrator.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may potentially be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Multi-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Mixed-Use Residential Property" means all Lot(s) for which one or more building permit(s) has been issued for a combination of non-residential and residential uses.

"Mixed-Use Residential Property– Qualified" means all Lot(s) classified as Mixed-Use Residential Property which meet all of the following criteria:

1. Located in the Downtown Commercial Zoning District as defined by Title 9 of the City's Municipal Code.
2. Has a substantial Quality Retail component, which must not be less than 30% of the total square foot space, as determined by the CFD Administrator.
3. Is located within a building that is vertical mixed-use with commercial uses on the ground floor.
4. The building must be of superior quality and architecture, as determined by the CFD Administrator.
5. Must be maintained at the same level as the City maintains similar properties throughout the City, as determined by Council.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for a non- residential use and does not contain any Residential Units as defined under Residential Property or Multi-Family Residence.

"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the City.

"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all applicable Assessor's Parcels.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the CFD formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Costs" means the estimated and reasonable costs of providing Public Safety services, including but not limited to (i) the costs of contracting for police and fire services, (ii) related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff if the City directly provides police and fire protection services, and (iv) City overhead costs associated with providing such services within the CFD. The Special Tax provides only partial funding for Public Safety.

"Quality Retail" means a land use pursuant to Title 9, Chapter 3 of the Atascadero Municipal Code, including but not limited to: Bar/Tavern, Eating & drinking places, Microbrewery – brewpub, Tasting room, Artisan Foods & products, General retail and Hotels/Motels, all as determined by the CFD Administrator.

"Residential Property" means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing one or more Residential Units, as determined by the CFD Administrator.

"Residential Unit" means any residence in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use. This includes Single-Family Residence and Multi-Family Residence.

"Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (i) pay for Public Safety Costs; (ii) pay for Park Services; (iii) pay reasonable Administrative Expenses; (vi) pay any amounts required to establish or replenish any reserve funds; and (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the City or CFD Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final document and/or maps available to the CFD Administrator.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, or Undeveloped Property. Developed Property shall further be classified as Non-Residential Property, Residential Property, Mixed-Use Residential Property or Mixed-Use Residential Property-Qualified and shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

TABLE 1
Maximum Special Tax for Residential Property
Improvement Area No. 1 of Community Facilities
District No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Unit
Residential Units	\$679.84 per Unit
Affordable Units	\$0 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

TABLE 2
Maximum Special Tax for Mixed-Use Residential Property and Mixed-Use Residential Property-Qualified
Improvement Area No. 1 of Community Facilities
District No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Residential Unit
Mixed-Use Residential Property	\$679.84 per Unit
Mixed-Use Residential Property- Qualified	\$441.90 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

TABLE 3
Maximum Special Tax for Approved Property
Improvement Area No. 1 of Community Facilities District No.
2005-1 (Public Services)

Description	Maximum Special Tax Per Lot
Approved Property	\$356.92 per Lot

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-Residential Property

TABLE 4
Maximum Special Tax for Non-Residential Property
Improvement Area No. 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Acre
Non-Residential Property	\$2,855.33 per Acre

The minimum special tax Non-Residential Property shall be subject to is \$77.25 per parcel. On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.

4. Undeveloped Property

Undeveloped Property will be assigned a Maximum Special Tax Rate of \$633.49 per acre or portion thereof, with a minimum rate of \$154.51 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

TABLE 5
Maximum Special Tax for Undeveloped Property
Improvement Area No. 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Parcel/Acre
Undeveloped Property 1/4 Acre	\$154.51 per Parcel
Undeveloped Property >1/4 Acre	\$633.49 per Acre

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2019-20, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement.

Step 1:

The Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property classified as Residential Property, Mixed-Use Residential Property or Mixed-Use Residential

Property- Qualified Proportionately up to 100% of the applicable Maximum Special Tax.

Step 2:

If the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property.

Step 3:

If the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property which is classified as Non-Residential Property up to 100% of the applicable Maximum Special Tax.

Step 4:

Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.

H. INTERPRETATION

Council may interpret this Rate and Method of Apportionment of Special Tax by ordinance or resolution for purposes of clarifying any vagueness or ambiguity. Any decision of Council shall be final and binding as to all persons.



Community Facilities District Report



City of Atascadero

Community Facilities District No. 2005-1 IA 1

(Public Services)

Prepared for:



July 2019

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Appendices

- Appendix A. Rate and Method of Apportionment
- Appendix B. Boundary Map

1. Introduction

AGENCY: CITY OF ATASCADERO

PROJECT: COMMUNITY FACILITIES DISTRICT NO. 2005-1 IA 1
(PUBLIC SERVICES)

TO: CITY COUNCIL
CITY OF ATASCADERO
SAN LUIS OBISPO COUNTY
STATE OF CALIFORNIA

Whereas, the City Council of CITY OF ATASCADERO, SAN LUIS OBISPO COUNTY, CALIFORNIA (hereinafter referred to as the “City Council”), did, pursuant to the provisions of 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, and specifically Section 53321.5 thereof, (the “Act”) ordered the filing of a written Public Report (the “Report”) with the City Council for a proposed Community Facilities District. This Community Facilities District shall be referred to as IMPROVEMENT AREA 1 OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) of the CITY OF ATASCADERO (hereinafter referred to as the “District” and “CFD No. 2005-1 IA 1”); and,

Whereas, on June 11, 2019, the City Council adopted Resolution No. 2019-053 (the “Resolution”), and the Resolution ordering said Report, did direct that said Report generally contain the following:

- A brief description of the authorized services by type proposed to be financed by CFD No. 2005-1 IA 1;
- An estimate setting forth costs of providing such public services;

NOW, THEREFORE, the undersigned, authorized representative of WEBB MUNICIPAL FINANCE, LLC, the appointed Special Tax Consultant and responsible officer or person directed to prepare the Report, pursuant to the provisions of the Act, does hereby submit the following data:

2. Description of Services

The services which may be funded with proceeds of the special tax of CFD No. 2005-1 IA 1, shall consist of services permitted by the Mello-Roos Community Facilities Act of. These services include, but are not limited to the following:

(a) Police services and fire protection and suppression services (the "Services") of the City of Atascadero required to sustain the service delivery capability for emergency and non-emergency services to new growth areas of the City of Atascadero, including but not limited to, related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, services, supplies and personnel; provided, however, that any increases in special taxes for costs related to employee wages and benefits shall be limited as provided in the Rate and Method of Apportionment of the Special Taxes to fund such Services.

(b) Park services of the City of Atascadero required for the operation and maintenance of public parks.


In addition to payment of the cost and expense of the forgoing services, proceeds of the special tax may be expended to pay Administrative Expenses.

The above services shall be limited to those provided within the boundaries of CFD No. 2005-1 IA 1 or for the benefit of the properties within the boundaries of CFD No. 2005-1 IA 1, and said services may be financed by proceeds of the special tax of CFD No. 2005-1 IA 1 only to the extent that they are in addition to those provided in the territory of CFD No. 2005-1 IA 1 before CFD No. 2005-1 IA 1 was created.

It is my opinion that the above described services are those that are necessary to meet increased demands placed upon the City of Atascadero as a result of development occurring within the CFD No. 2005-1 IA 1.

DATED July 11, 2019

WEBB MUNICIPAL FINANCE, LLC

By: 
SPECIAL TAX CONSULTANT FOR
CITY OF ATASCADERO
SAN LUIS OBISPO COUNTY
STATE OF CALIFORNIA

3. Cost Estimate

1. The cost estimate, including incidental expenses, to be financed through the Special Tax of CFD No. 2005-1 IA 1 is estimated to be \$441.90 per unit based upon current dollars (2019) which is subject to escalation;
2. The estimated annual cost (in 2019 dollars) of providing public services for the subject properties is detailed below. The public services funded by the special taxes of the Community Facilities District No. 2005-1 IA 1 (Public Services), as outlined above, will be as follows:

*Table 3-1
 Cost Estimate per Unit*

Description	Estimated Cost per Unit
Police/Fire and Park Services	\$441.90
	\$441.90

DATED July 11, 2019

WEBB MUNICIPAL FINANCE, LLC

By: 
 SPECIAL TAX CONSULTANT FOR
 CITY OF ATASCADERO
 SAN LUIS OBISPO COUNTY
 STATE OF CALIFORNIA

4. Proposed Development

CFD No. 2005-1 IA 1 is intended to be comprised of mixed-use residential and commercial property. The property is located south of El Camino Real and west of East Mall, within the City of Atascadero, California. The development of the property within the Boundaries of CFD No. 2005-1 IA 1 may change based upon land ownership in the future.

As of Fiscal Year 2018-19, the proposed District boundaries include the following Assessor's Parcel Numbers: 030-191-016, 030-191-017, 030-191-030, 030-191-031, 030-191-033, and 030-193-003.

The Boundary Map for CFD No. 2005-1 IA 1 is attached hereto as Appendix B.

5. Rate and Method of Apportionment

1. The Rate and Method of Apportionment allows each property owner within CFD No. 2005-1 IA 1 to estimate the annual Special Tax amount that would be required for payment. The Rate and Method of Apportionment of the Special Tax established pursuant to these proceedings, is attached hereto as Appendix A (the "Rate and Method"). The Special Tax will be collected in the same manner and at the same time as ordinary ad valorem property taxes and shall be subject to the same penalties, the same procedure, sale and lien priority in the case of delinquency; provided, however, that the Administrator may directly bill the Special Tax, and may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations.
2. All of the property located within CFD No. 2005-1 IA 1, unless exempted by law or by the Rate and Method proposed for CFD No. 2005-1 IA 1, shall be taxed for the purpose of providing necessary services to serve the District. The Boundary Map for CFD No. 2005-1 IA 1 is attached hereto as Appendix B. Pursuant to Section 53325.3 of the Act, the tax imposed "is a Special Tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property." The Special Tax may be based on the benefit received by property, the cost of making authorized Services available or other reasonable basis as determined by the City Council, although the Special Tax may not be apportioned on an ad valorem basis pursuant to Article XIII A of the California Constitution.
3. For particulars as to the Rate and Method for CFD No. 2005-1 IA 1, see the attached and incorporated Appendix A.

It is my opinion that the Rate and Method, as described above and set forth in Appendix A is fair and reasonable.

This Report has been prepared and consolidated by the Special Tax Consultant, Webb Municipal Finance, LLC, and is herewith submitted to the City Council pursuant to the applicable provisions of the Mello-Roos Community Facilities Act of 1982.

DATED July 11, 2019

WEBB MUNICIPAL FINANCE, LLC



By: _____
SPECIAL TAX CONSULTANT FOR
CITY OF ATASCADERO
SAN LUIS OBISPO COUNTY
STATE OF CALIFORNIA

APPENDIX A

Rate and Method of Apportionment



APPENDIX A

CITY OF ATASCADERO IMPROVEMENT AREA 1 OF COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES) RATE AND METHOD OF APPORTIONMENT

A Special Tax of Improvement Area 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2019-20 in an amount determined by the City through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Acre or Acreage" means the land area of an Assessor's Parcel as shown on an Assessor's Parcel Map, or if the land area is not shown on an Assessor's Parcel Map, the land area shown on the applicable final subdivision map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"Administrative Expenses" means the actual or estimated costs incurred by the City as administrator of the CFD to determine, levy and collect the Special Taxes, including salaries, benefits and overhead costs of City employees whose duties are directly related to administration of the CFD and the fees of consultants, legal counsel, the costs of collecting installments of the Special Taxes upon the general tax rolls, preparation of required reports; and any other costs required to administer the CFD as determined by the City.

"Affordable Unit(s)" means dwelling units located on one or more Assessor's Parcels of Residential Property that are subject to deed restrictions, resale restrictions, and/or regulatory agreements recorded in favor of the City providing for affordable housing. Affordable Units will require annual application to the City for verification of their affordable housing status. The City will have the authority to approve and establish policies regarding Affordable Housing Dwelling Units and their status.

Affordable dwelling units shall be classified as Affordable Units by the CFD Administrator in the chronological order in which the building permits for such property are issued.

"Annual Escalation Factor" means the greater of, five percent (5%) or the annual percentage change in the Consumer Price Index (CPI) of "All Urban Consumers" for the San Francisco-Oakland-San Jose Area or comparable index if such index is no longer in use.

"Approved Property" means an Assessor's Parcel and/or Lot in the District, which has a Final Map recorded prior to January 1st preceding the Fiscal Year in which the Special Tax is being levied, but for which no building permit has been issued prior to the May 1st preceding the Fiscal Year in which the Special Tax is being levied. The term "Approved Property" shall apply only to Assessors' Parcels and/or Lots, which have been subdivided for the purpose of residential or commercial development, excluding any Assessor's Parcel that is designated as a remainder parcel determined by final documents and/or maps available to the CFD Administrator.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

"Base Year" means Fiscal Year ending June 30, 2019.

"CFD Administrator" means an official of the City, or designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"CFD" means Improvement Area 1 of Community Facilities District No. 2005-1 (Public Services) of the City of Atascadero.

"City" means the City of Atascadero.

"Council" means the City Council of the City of Atascadero, acting as the legislative body of the CFD.

"County" means the County of San Luis Obispo, California.

"Developed Property" means all Taxable Property, exclusive of Property Owner Association Property, or Public Property, for which a building permit was issued after July 1, 2019 and prior to May 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Final Map" means an Assessor's Parcel Map, a final subdivision map, other parcel map, other final map, other condominium plan, or functionally equivalent map that has been recorded in the Office of the County Recorder.

"Fiscal Year" means the period starting July 1 and ending on the following June 30.

"Land Use Class" means any class provided for in Title 9 of the City's Municipal Code, or other such similar document, as determined by the CFD Administrator.

"Lot" means property within a recorded Final Map identified by a lot number for which a building permit has been issued or may potentially be issued.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below that can be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

"Multi-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, apartment units, and secondary units as defined in Ordinance No. 454.

"Mixed-Use Residential Property" means all Lot(s) for which one or more building permit(s) has been issued for a combination of non-residential and residential uses.

"Mixed-Use Residential Property- Qualified" means all Lot(s) classified as Mixed-Use Residential Property which meet all of the following criteria:

1. Located in the Downtown Commercial Zoning District as defined by Title 9 of the City's Municipal Code.
2. Has a substantial Quality Retail component, which must not be less than 30% of the total square foot space, as determined by the CFD Administrator.
3. Is located within a building that is vertical mixed-use with commercial uses on the ground floor.

4. The building must be of superior quality and architecture, as determined by the CFD Administrator.
5. Must be maintained at the same level as the City maintains similar properties throughout the City, as determined by Council.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for a non- residential use and does not contain any Residential Units as defined under Residential Property or Multi-Family Residence.

"Park Services" means the estimated and reasonable costs for maintaining authorized parks within the City.

"Property Owner Association Property" means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all applicable Assessor's Parcels.

"Public Property" means any property within the boundaries of the CFD that is, at the time of the CFD formation or at the time of an annexation, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County, the City or any other public agency.

"Public Safety Costs" means the estimated and reasonable costs of providing Public Safety services, including but not limited to (i) the costs of contracting for police and fire services, (ii) related facilities, equipment, vehicles, ambulances and paramedics, fire apparatus, supplies, (iii) the salaries and benefits of City staff if the City directly provides police and fire protection services, and (iv) City overhead costs associated with providing such services within the CFD. The Special Tax provides only partial funding for Public Safety.

"Quality Retail" means a land use pursuant to Title 9, Chapter 3 of the Atascadero Municipal Code, including but not limited to: Bar/Tavern, Eating & drinking places, Microbrewery – brewpub, Tasting room, Artisan Foods & products, General retail and Hotels/Motels, all as determined by the CFD Administrator.

"Residential Property" means all Assessor's Parcels of Developed Property for which a building permit has been issued for purposes of constructing one or more Residential Units, as determined by the CFD Administrator.

"Residential Unit" means any residence in which a person or persons may live, which comprises an independent facility capable of conveyance separate from adjacent residential dwelling units and is not considered to be for commercial or industrial use. This includes Single-Family Residence and Multi-Family Residence.

"Single-Family Residence" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (i) pay for Public Safety Costs; (ii) pay for Park Services; (iii) pay reasonable Administrative Expenses; (vi) pay any amounts required to establish or replenish any reserve funds; and (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the

previous Fiscal Year; less any surplus of funds available from the previous Fiscal Year's Special Tax levy.

"State" means the State of California.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, (ii) Property Owner Association Property, and (iii) property designated by the City or CFD Administrator as Tax-Exempt Property.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property or Approved Property, including an Assessor's Parcel that is designated as a remainder parcel and is not identified as potential Public Property by any final document and/or maps available to the CFD Administrator.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, or Undeveloped Property. Developed Property shall further be classified as Non-Residential Property, Residential Property, Mixed-Use Residential Property or Mixed-Use Residential Property-Qualified and shall be subject to Special Taxes pursuant to Sections C and D below.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

TABLE 1
Maximum Special Tax for Residential Property
Improvement Area 1 of Community Facilities District
No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Unit
Residential Units	\$679.84 per Unit
Affordable Units	\$0 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

TABLE 2
Maximum Special Tax for Mixed-Use Residential Property and Mixed-Use Residential Property-Qualified
Improvement Area 1 of Community Facilities District
No. 2005-1 (Public Services)

Description	Maximum Special Tax Per Residential Unit
Mixed-Use Residential Property	\$679.84 per Unit
Mixed-Use Residential Property- Qualified	\$441.90 per Unit

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rates shall be increased in accordance with the Annual Escalation Factor.

2. Approved Property

TABLE 3
Maximum Special Tax for Approved Property
Improvement Area 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Lot
Approved Property	\$356.92 per Lot

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate shall be increased in accordance with the Annual Escalation Factor.

3. Non-Residential Property

TABLE 4
Maximum Special Tax for Non-Residential Property
Improvement Area 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Acre
Non-Residential Property	\$2,855.33 per Acre

The minimum special tax Non-Residential Property shall be subject to is \$77.25 per parcel. On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate for Non-Residential Property shall be increased in accordance with the Annual Escalation Factor.

4. Undeveloped Property

Undeveloped Property will be assigned a Maximum Special Tax Rate of \$633.49 per acre or portion thereof, with a minimum rate of \$154.51 for Undeveloped Property less than or equal to one-fourth (1/4) of an Acre as described in Table 4.

TABLE 5
Maximum Special Tax for Undeveloped Property
Improvement Area 1 of Community Facilities District No. 2005-1
(Public Services)

Description	Maximum Special Tax Per Parcel/Acre
Undeveloped Property 1/4 Acre	\$154.51 per Parcel
Undeveloped Property >1/4 Acre	\$633.49 per Acre

On each July 1, commencing July 1, 2020, the Maximum Special Tax Rate, for Undeveloped Property, shall be increased in accordance with the Annual Escalation Factor

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2019-20, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the definitions in Section A and levy the Special

Tax until the amount of the Special Tax levied equals the Special Tax Requirement.

Step 1:

The Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property classified as Residential Property, Mixed-Use Residential Property or Mixed-Use Residential Property-Qualified Proportionately up to 100% of the applicable Maximum Special Tax.

Step 2:

If the Special Tax Requirement has not been satisfied by the first step, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Approved Property up to 100% of the applicable Maximum Special Tax for Approved Property.

Step 3:

If the first two steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Developed Property which is classified as Non-Residential Property up to 100% of the applicable Maximum Special Tax.

Step 4:

Lastly, if the preceding steps have not satisfied the Special Tax Requirement, then the Special Tax shall be levied each Fiscal Year on each Assessor's Parcel of Undeveloped Property up to 100% of the applicable Maximum Special Tax for Undeveloped Property.

E. APPEALS

Any taxpayer that believes that the amount of the Special Tax assigned to a Parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax. This notice is required to be filed with the CFD Administrator during the Fiscal Year the error is believed to have occurred. The CFD Administrator or designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator verifies that the tax should be changed the Special Tax levy shall be corrected and, if applicable in any case, a refund shall be granted.

F. MANNER OF COLLECTION

Special Tax as levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

G. TERM OF SPECIAL TAX

The Special Tax shall be levied in perpetuity or until such time as Council terminates the Special Tax.

H. INTERPRETATION

Council may interpret this Rate and Method of Apportionment of Special Tax by ordinance or resolution for purposes of clarifying any vagueness or ambiguity. Any decision of Council shall be final and binding as to all persons.

APPENDIX B
Boundary Map



BOUNDARY MAP
IMPROVEMENT AREA NO. 1
COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC SERVICES)
CITY OF ATASCADERO,
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK, CITY OF
 ATASCADERO, THIS ____ DAY OF _____, 2019.

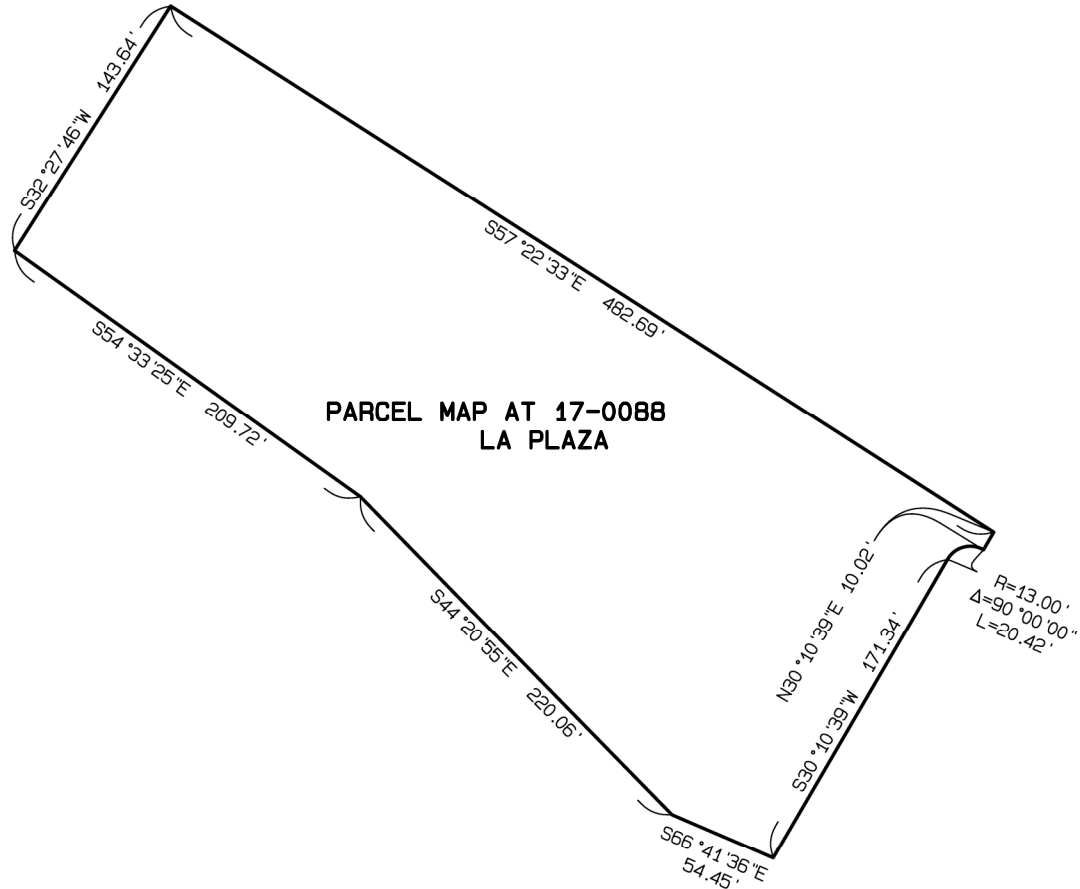
 CITY CLERK
 CITY OF ATASCADERO

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE BOUNDARY
 OF IMPROVEMENT AREA NO. 1 TO THE CITY OF ATASCADERO COMMUNITY FACILITIES
 DISTRICT NO. 2005-1 (PUBLIC SERVICES), CITY OF ATASCADERO, COUNTY OF
 SAN LUIS OBISPO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL
 OF ATASCADERO AT A REGULAR MEETING THEREOF, HELD ON THE ____ DAY OF
 _____, 2019, BY RESOLUTION NO. _____

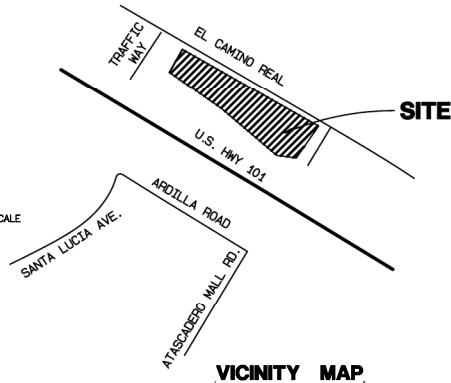
 CITY CLERK
 CITY OF ATASCADERO

RECORDED THIS ____ DAY OF _____, 2019 AT THE
 HOUR OF ____ O'CLOCK ____ M. IN BOOK ____ PAGE ____ OF MAPS OF
 ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN THE OFFICE
 OF THE COUNTY RECORDER, IN THE COUNTY OF SAN LUIS OBISPO,
 STATE OF CALIFORNIA.

FEE _____ NO.: _____
 TOMMY GONG, COUNTY CLERK RECORDER



PARCEL MAP AT 17-0088
LA PLAZA



ALBERT A.
WEBB
 ASSOCIATES
 ENGINEERING CONSULTANTS

THIS BOUNDARY MAP CORRECTLY SHOWS THE BOUNDARIES OF
 THE COMMUNITY FACILITIES DISTRICT. FOR DETAILS CONCERNING
 THE LINES AND DIMENSIONS OF LOTS OR PARCELS REFER TO THE
 COUNTY ASSESSOR'S MAPS FOR FISCAL YEAR 2018-2019.

W.O. 2018-0110



Corporate Headquarters

3750 McCray Street
Riverside, CA 92506
951.686.1070

Murrieta Office

41870 Kalmia Street #160
Murrieta, CA 92562
951.686.1070



Atascadero City Council

Staff Report - Community Development Department

Traffic Way Zone Change ZCH19-0029 (Atascadero Temple Association)

RECOMMENDATIONS:

The Planning Commission recommends Council:

1. Introduce for first reading, by title only, Draft Ordinance A approving a zone map amendment to 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.
2. Introduce for first reading, by title only, Draft Ordinance B, approving Planned Development Overlay Zone No. 35 for 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.

REPORT-IN-BRIEF:

The City received a request to operate a child care center at 2607 Traffic Way. The current zoning does not allow for child care facilities and has a limited list of allowable uses. The owners of the masonic lodge submitted an application to change the zoning to allow for the child care use, which is in escrow on the property at this time. The proposed Zoning Map Amendment would be changed from Recreation (L) to Public (P) for all four parcels (2605, 2607, 3055, and 3255 Traffic Way) in the vicinity for consistency. A Planned Development Overlay Zone will be placed on the properties to further define allowed uses based on location and site characteristics. The proposed amendments will bring existing non-conforming uses into conformance and allow for the proposed child care facility.

Project Info In-Brief:

PROJECT ADDRESS:	2605, 2607, 3055, and 3255 Traffic Way	Atascadero, CA	APN	049-063-003, 004, 049-071-029, 030
PROJECT PLANNER	Kelly Gleason, Senior Planner	(805) 470-3446	kgleason@atascadero.org	
APPLICANT	Atascadero Temple Association			
PROPERTY OWNER	Atascadero Temple Association			
GENERAL PLAN DESIGNATION	ZONING DISTRICT	EXISTING USE	PROPOSED USE	
Public Recreation (REC)	Recreation (L)	Temple, Membership Organization, Single-Family Residence, City park parcel	Proposed Child Care Facility on site previously used as a membership organization, no change to other parcels	
ENVIRONMENTAL DETERMINATION				
<input type="checkbox"/> Environmental Impact Report SCH: _____ <input type="checkbox"/> Negative / Mitigated Negative Declaration <input checked="" type="checkbox"/> Categorical Exemption CEQA – Guidelines Section 15061.(3), (b) <input type="checkbox"/> Statutory Exemption §§ 21000, et seq & _____ <input type="checkbox"/> No Project – Ministerial Project				

DISCUSSION:

Background:

In 2003, the Planning Commission approved a Conditional Use Permit and Tentative Parcel Map to subdivide an elongated parcel between Traffic Way and the railroad into 4 parcels and approve construction of 2 membership assembly buildings on 2 of the parcels. One of the other parcels contained an existing single-family residence, which remains today, and the last parcel was offered to the City. In 2005, one of the buildings was purchased and became occupied by the Congregation Ohr Tzafon. While this use is similar to a membership organization, it is considered a *church or related facility* in the zoning code and is currently a non-conforming use.

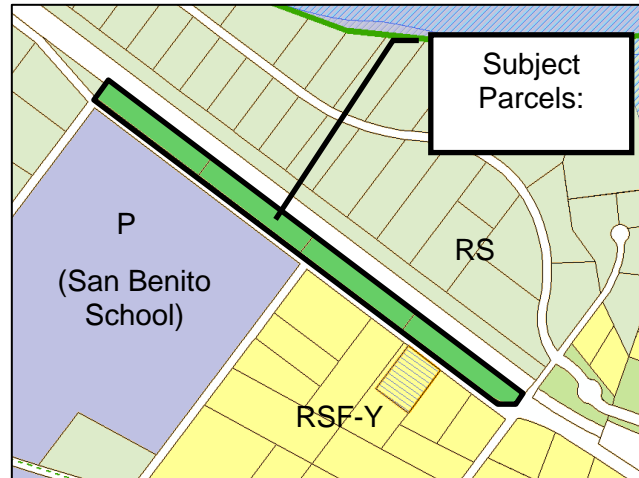
Earlier this year, the Masonic Lodge (Atascadero Temple Association) decided to sell their property; however, the current list of allowed uses is limited based on the recreation zoning designation and doesn't capture the most appropriate uses for the property based on the location and character of the neighborhood. A child care provider is interested in the site and has entered into escrow. This is currently not an allowable use and the property owners submitted a zone change application to change the zoning designation from Recreation to Public. This change would maintain the current General Plan Designation and provide for a minor change in land use opportunities.

The Planning Commission reviewed the proposed zone text and map changes at their June 4th hearing and recommended approval of the proposed changes as presented.

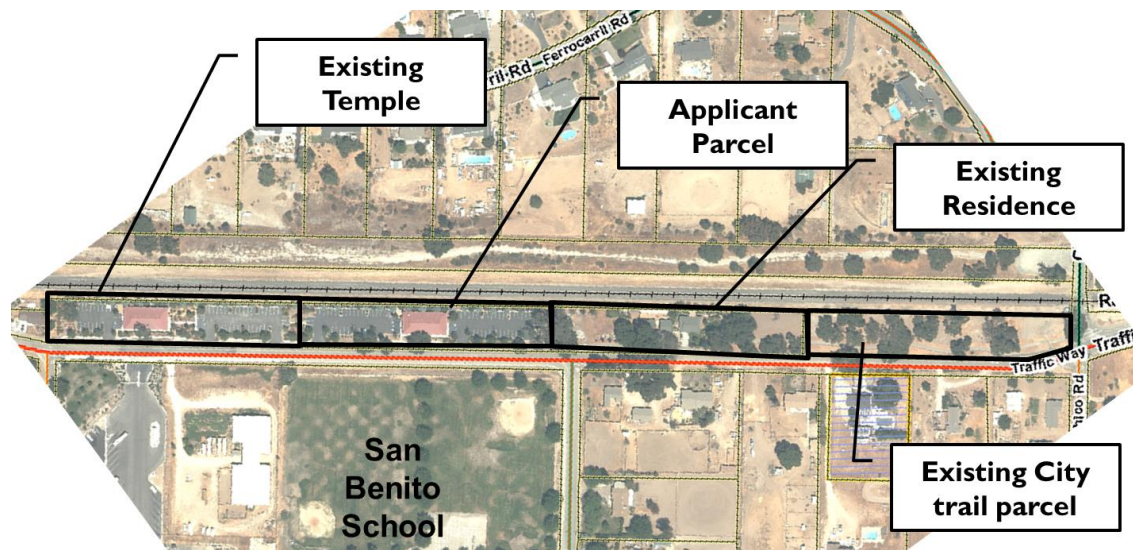
Analysis:

The Public Recreation General Plan Designation allows for three separate zoning districts: Public, Recreation; and Open Space. The Zoning Ordinance categorizes the corresponding zoning districts as follows:

- a) L (Recreation) Zoning District. This zone is established to provide suitable locations and standards for the development of recreational facilities accommodating the needs of the general public.
- b) P (Public) Zoning District. This zone is established to provide suitable locations and standards for the maintenance and development of public and quasi-public facilities and services.
- c) OS (Open Space) Zoning District. This zone is established to cover areas with environmentally sensitive natural or cultural resources and generally is intended to remain free of structures, but may be developed with low intensity recreational improvements, where appropriate.



The existing zoning district on the site is L (Recreation) and is proposed to be changed to P (Public). The public zoning would allow for the child care services while at the same time allowing the existing non-conforming uses such as the temple, to become conforming uses. This amendment does not alter the General Plan designation. The addition of the Planned Development zoning overlay would limit incompatible uses such as a mini storage (Attachment 3).



Zoning Change Characteristics

Currently the L (Recreation) Zoning District allows for a large variety of land uses but is generally designed for public recreation spaces such as parks and outdoor recreation (Attachment 3). The proposed amended zoning to the P (Public) Zoning District is more in alignment with how the property is already developed and will allow for land uses that support compatible uses. However, some additional control is needed on this particular site as the P zone also allows for land uses such as a mini-storage which would not be appropriate on this narrow site between the railroad tracks and the school.

With the proposed amendments, uses such as restaurants, retail stores, bed and breakfasts, and group sports facilities will not be allowed.

PD Overlay Zone

The proposed Planned Development Overlay Zone No. 35 refines the allowed and conditionally allowed uses listed for the Public Zone to ensure that any future use of this area is compatible with the surrounding neighborhood and is appropriate for the location and size of the property.

The following uses that would typically require a use permit will be allowed by right in the PD Overlay Zone:

- Child Care Facilities
- Churches and Related Activities
- Residential Care Facilities with 6 beds or less
- Adult Day Care Facilities

The following uses are currently allowed or conditionally allowed within the P Zone but will not be permitted in the PD Overlay Zone at these properties:

- Mini-Storage
- Health Care Services
- Medical Extended Care
- Residential Extended Care: 7 residents or greater
- Animal Hospitals
- Mortuary Services
- ATM's
- Outdoor Recreation Services
- Cemeteries
- Recreational Vehicle Parks
- Temporary or Seasonal Sales
- Collection Stations
- Transit Stations

The table that follows illustrates the allowable uses under the current zoning district (L), what would be allowed under the proposed change to a P zoning district, and finally what will be allowed by adopting the PD Overlay #35.

	Permitted Uses By Zones		PROPOSED P with PD#35 Overlay
	L (Existing)	P (Re-Zone)	
Agricultural Resources			
Farmers' Market	A	A	
Residential Uses			
Single-Family Dwelling		CUP	CUP
Caretaker's Residence/Employee Unit	CUP		
Recreation, Education and Public Assembly			
Schools—Business and Vocational	A	CUP	CUP
Schools		A	CUP
Churches and Related Activities		CUP	A
Membership Organizations	A	CUP	CUP
Indoor Recreation Services	CUP	A	A
Outdoor Recreation Services	A	A	
Libraries, Museums	A	A	A
Amusement Services	A		
Public Assembly and Entertainment	CUP	A	A
Parks and Playgrounds	A	A	A
Rural Sports and Group Facilities	A		
Social and Service Organizations		CUP	CUP
Sports Assembly	CUP		
Temporary Events	A	A	A
Cemeteries	CUP	CUP	
Tourism, Lodging and Dining			
Bed and Breakfast	A		
Recreational Vehicle Parks	CUP	CUP	
Eating and Drinking Places	CUP		
Retail Trade and Sales			
Accessory Storage	A		
General Retail	A		
Temporary or Seasonal Retail Sales	A	A	

	Permitted Uses By Zones		PROPOSED P with PD#35 Overlay
	L (Existing)	P (Re-Zone)	
Services-Business, Financial and Professional			
ATM		A	
Government Offices and Facilities		A	A
Health Care Services		CUP	
Temporary Offices		A	A
General Services			
Animal Hospitals		CUP	
Residential Care: 6 Residents or Less		CUP	A
Residential Care: 7 Residents or More		CUP	
Medical Extended Care Services: 6 Residents or Less		CUP	
Childcare Center		CUP	A
Adult Day Care Facility		CUP	A
Medical Extended Care Services: 7 Residents or More		CUP	
Mortuary Services		CUP	
Mini-Storage		CUP	
Industrial, Wholesale, Manufacturing Uses			
Collection Stations	A	A	
Transportation Communication and Infrastructure			
Parking Lots		A	A
Transit Stations	CUP	CUP	
Utility Facilities	A	A	A
Utility Infrastructure	CUP	CUP	CUP
Broadcast Studios		A	A
Telecommunications Facilities	CUP	CUP	CUP

Child Care Use

The prospective buyer of 2607 Traffic Way is hoping to establish a child care facility on the property. The site is across Traffic Way from San Benito School and would allow for kids to easily transition to the facility's afterschool program. The site also has 2 parking lots with a combined total of approximately 60 parking spaces. As the child care facility requires less than 10 parking spaces, the prospective buyer is proposing to utilize one of the parking areas as an outdoor play space. The proposed overlay zone would make child care facilities an allowed use for this property. DRC approval would be required for any exterior or substantial site related changes.



Environmental Determination

The California Environmental Quality Act (CEQA) (Section 15061.(3), (b)) exempts activities which are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed text amendment will not have any significant adverse environmental impacts.

Findings:

To approve the proposed project amendments, findings are required to be made by the City Council. The City's General Plan and Zoning Ordinance identify the specific findings that must be made to approve the zoning text and zoning map amendments. Findings and the facts to support these findings are included in the Draft Ordinances (Attachments 1 & 2).

Conclusion:

The proposed map amendment and Planned Development Overlay are consistent with the General Plan and will allow an expanded set of uses while still limiting uses that are incompatible with the surrounding neighborhood or are incompatible based on site acreage. The zoning changes will also provide a path for compliance to existing non-conforming uses that are compatible with the surrounding area.

FISCAL IMPACT:

These zone text and map changes are not expected to have any fiscal impact.

ALTERNATIVES:

1. The City Council may make minor modifications to the text amendments.
2. The City Council may determine that more information is needed and may refer the item back to staff to develop the additional information. The Council should clearly state the type of information that is required and move to continue the item to a future date.
3. The City Council may deny the proposed text amendments and zoning map change. The Council should specify the reasons for denial of the project and recommend an associated finding with such action.

ATTACHMENTS:

1. Draft Ordinance A – Establishment of PD Overlay No. 35
2. Draft Ordinance B - Zone Map Amendment

DRAFT ORDINANCE A

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
ATASCADERO, CALIFORNIA, AMENDING THE ATASCADERO
MUNICIPAL CODE TITLE 9, CHAPTER 3, ARTICLE 28
(PD (PLANNED DEVELOPMENT) OVERLAY ZONE), ESTABLISHING
PLANNED DEVELOPMENT OVERLAY ZONE NO. 35 AND
DETERMINING THIS ORDINANCE IS EXEMPT FROM REVIEW UNDER
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**TRAFFIC WAY ZONING MAP AMENDMENTS
ATASCADERO TEMPLE ASSOCIATION
(ZCH19-0029)**

WHEREAS, an application has been received from Atascadero Temple Association, PO Box 715, Atascadero, CA 93423, Applicant and Owner, to consider Planning Application ZCH 2019-0029 to rezone parcels 1 through 4 of Parcel Map AT02-278 (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030) from Recreation (L) to Public (P) and establish Planned Development Overlay Zone No. 35 ; and

WHEREAS, Article 28 of the Atascadero Municipal Code allows for the creation of Planned Development Overlay Zones to promote orderly and harmonious development and to enhance the opportunity to best utilize special site characteristics; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the City to amend the Zoning Code Text to protect the health, safety and welfare of its citizens by applying orderly development and expanding housing opportunities within the City; and

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

WHEREAS, a timely and properly noticed Public Hearing upon the subject Zone Text Change application was held by the Planning Commission of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said zoning text amendments; and

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on June 4, 2019, studied and considered the proposed zone text change to establish Planned Development Overlay Zone No. 35; and

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

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on July 9, 2019, studied the Planning Commission's recommendations and considered the proposed zoning text amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on July 26, 2019, resolved to introduce for first reading, by title only, an Ordinance that would amend the City Zoning Code Text as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. Facts and Findings. The Planning Commission makes the following findings, determinations and approvals with respect to the Zone Text Amendment:

A. Findings for Approval of a Zone Text Change

FINDING: (i) The Planning and Zoning Text Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zone text amendments align the code requirements with the vision, intent, and policies of the adopted General Plan.

FINDING: (ii) This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed text amendment provides for orderly development within the Public zoning district on Parcels 1 through 4 of Parcel Map AT02-278 in accordance with the adopted General Plan for the compatible use of the properties based on neighborhood characteristics.

FINDING: (iii) The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

SECTION 4. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 5. Approval. Atascadero Municipal Code Title 9 Planning & Zoning is amended, establishing Planned Development Overlay Zone No. 35, as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on July 26, 2019, 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

9-3.680 Establishment of Planned Development Overlay Zone No. 35

Planned Development Overlay Zone No. 35 is established as shown on the official zoning maps (Section 9-1.102 of this title). A Planned Development Overlay Zone No. 35 is established on parcels APN's 049-063-003, 004, 049-071-029, 030 (Parcels 1-4 of AT02-278)

(a) All site development or significant modifications, beyond ADA or code required changes, to the site or exterior changes of any building shall require Design Review Committee review.

(b) The following uses are allowed within the PD-35 overlay zone:

- (1) Churches and Related Activities;
- (2) Indoor Recreation Services;
- (3) Libraries and Museums;
- (4) Public Assembly and Entertainment;
- (5) Parks and Playgrounds;
- (6) Temporary Events;
- (7) Utility Facilities;
- (8) Government Offices;
- (9) Temporary Offices;
- (10) Residential Care: 6 Residents or Less;
- (11) Child Care Center;
- (12) Adult Day Care Facility;
- (13) Parking Lots;
- (14) Broadcast Studios

(c) The following uses are conditionally allowed within the PD-35 overlay zone:

- (1) Schools
- (2) Single Family Dwelling
- (3) Schools – Business and Vocational
- (4) Membership Organizations
- (5) Social Service Organizations;
- (6) Utility Infrastructure
- (7) Telecommunications Facilities

DRAFT ORDINANCE B

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF ATASCADERO, CALIFORNIA, AMENDING THE OFFICIAL
ZONING DISTRICT DESIGNATION FOR PARCELS 1-4 OF AT02-278
TO CHANGE THE ZONING DESIGNATION FROM RECREATION (L)
TO PUBLIC (P) WITH A PLANNED DEVELOPMENT
OVERLAY ZONE NO. 35 ZONING DESIGNATION**

**TRAFFIC WAY ZONING MAP AMENDMENTS
ATASCADERO TEMPLE ASSOCIATION
(ZCH19-0029)**

WHEREAS, an application has been received from Atascadero Temple Association, PO Box 715, Atascadero, CA 93423, Applicant and Owner to consider Planning Application ZCH 2019-0029 to rezone parcels 1 through 4 of Parcel Map AT02-278 (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030) from Recreation (L) to Public (P) and establish Planned Development Overlay Zone No. 35 ; and

WHEREAS, the site's General Plan Designation is Public Recreation (REC); and

WHEREAS, the site's current zoning district is Recreation (L); and

WHEREAS, the Planning Commission and City Council has determined that it is in the best interest of the City to enact this amendment to the Official Zoning Map to protect the health, safety, and welfare of its citizens by applying orderly development of the City; and

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

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

WHEREAS, the Planning Commission of the City of Atascadero, at a Public Hearing held on June 4, 2019, studied and considered ZCH19-0029.

WHEREAS, the Planning Commission of the City of Atascadero has recommended approval of the proposed zoning map amendment as presented to them on June 4, 2019; and

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

WHEREAS, the City Council of the City of Atascadero, at a Public Hearing held on July 26, 2019, studied the Planning Commission's recommendations and considered the proposed zoning text amendments.

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

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

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on July 26, 2019, resolved to introduce for first reading, by title only, an Ordinance that would amend the official City Zoning Map Designation as shown in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. Facts and Findings. The City Council makes the following findings, determinations and approvals with respect to the Zoning Map Amendment:

A. Findings for Approval of a Zone Map Change

FINDING: (i) The Zoning Map Change is consistent with General Plan policies and all other applicable ordinances and policies of the City.

FACT: The proposed zoning map amendment provides for the orderly development of the subject parcels in alignment with the character of the surrounding neighborhood.

FINDING: (ii) This Amendment of the Zoning Ordinance will provide for the orderly and efficient use of lands where such development standards are applicable.

FACT: The proposed map amendment provides for orderly development within the Public zoning district on Parcels 1 through 4 of Parcel Map AT02-278 in accordance with the adopted General Plan for the compatible use of the properties based on neighborhood characteristics.

FINDING: (iii) The Text Change will not, in itself, result in significant environmental impacts.

FACT: The proposed text changes are minor and do not trigger any environmental impacts.

SECTION 4. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 5. Approval. Atascadero Zoning Map is amended as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

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

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

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

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

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

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

INTRODUCED at a regular meeting of the City Council held on April 23, 2019, 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: Zone Map Change – Map Amendment Diagram
ZCH19-0029

