

CITY OF ATWATER

COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

January 17, 2018

CALL TO ORDER: (Council Chambers)

6:00 PM



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

ROLL CALL:

Dash____, **Daugherty**____, **McWatters** ____, **Murphy III**____, **Vacant**____,
Warchol____, **Brice**____

SUBSEQUENT NEED ITEMS: (The Recording Secretary shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the Commission present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AMENDED: (This is the time for the Commission to remove items from the agenda or to change the order of the agenda.)

CEREMONIAL MATTERS: None

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda, that is within the jurisdiction of the Community Development and Resources Commission. Please state your name for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is on the agenda, please wait until the item is read for consideration; please limit comments to a maximum of five (5) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

APPROVAL OF MINUTES:

1. **Regular Meeting of November 15, 2017**

Staff's Recommendation: Motion to approve minutes as listed.

2. **Special Meeting of January 4, 2018**

Staff's Recommendation: Motion to approve minutes as listed.

PETITIONS AND COMMUNICATIONS:

3. **Request from Kiwanis Club of Castle-Atwater with "Little Free Library"**

Staff's Recommendation: Motion to approve request from Kiwanis Club of Castle-Atwater to install "Little Free Library" at Heller Park.

4. **Request from Veterans of Foreign Wars Auxiliary #9946 to purchase and place a Memorial Bench at Veterans Park**

Staff's Recommendation: Motion to approve request from Veterans of Foreign Wars Auxiliary #9946 to purchase and place a Memorial Bench at Veterans Park.

PUBLIC HEARINGS:

5. **Adopt Resolution No. CDRC 052-18 approving Site Plan No. 710-18 for (APN 056-400-073 and 056-400-074) Beluga Court and Provide Architectural Review, Making Determination of Consistency with the Commercial and Industrial Design Guidelines and that the project conforms to the General Plan:**

Applicant Matt Migliazzo

Staff's Recommendation: Adopting Resolution No. CDRC 052-18 approving Site Plan No. 710-18 for (APN 056-400-073 and 056-400-074) Beluga Court and making determination of Consistency with the Commercial and Industrial Design Guidelines and that the project conforms to the General Plan.

REPORTS AND PRESENTATIONS FROM STAFF:

6. **Verbal Update regarding Atwater Boulevard and Shaffer Road**

7. **Adopting Resolution No. CDRC 050-18, making determination of conformity findings as required under California Government Code Section 65402(a)**

and recommending Sale of Property Located at 980-990 Cedar Avenue consistent with the General Plan Land Use Designation and Zoning Code requirements

Staff's Recommendation: Adopting Resolution No. CDRC 050-18 making determination of conformity findings as required under California Government Code Section 65402(a) and recommending sale of Property located at 980-990 Cedar Avenue consistent with the General Plan Land Use Designation and Zoning Code requirements.

- 8. Adopting Resolution No. CDRC 051-18, making determination of conformity findings as required under California Government Code Section 65402(a) and recommending Transfer of Property Located at 3116 Virginia Street consistent with the General Plan Land Use Designation and Zoning Code requirements**

Staff's Recommendation: Adopting Resolution No. CDRC 051-18 making determination of conformity findings as required under California Government Code Section 65402(a) and recommending transfer of Property located at 1600 Virginia Street consistent with the General Plan Land Use Designation and Zoning Code requirements.

- 9. Resolution No. CDRC 044-17 Making Finding of Consistency with the Commercial and Industrial Design Guidelines and Making Determination that the 7-Eleven Convenience & 76 Fuel Project Conforms to the General Plan**

Staff's Recommendation: Adopting Resolution No. CDRC 044-17, making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the 7-Eleven Convenience & 76 Fuel Project conforms to the City's General Plan.

- 10. Resolution No. CDRC 047-17 Making Finding of Consistency with the Commercial and Industrial Design Guidelines and Making Determination that the proposed Office/Retail Building Project at 1049 Winton Conforms to the General Plan**

Staff's Recommendation: Adopting Resolution No. CDRC 047-17, making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the proposed Office/Retail Building Project at 1049 Winton Way conforms to the City's General Plan.

COMMISSIONER MATTERS:

- 11. Community Development and Resources Commissioners Comments**

ADJOURNMENT:

CERTIFICATION:

I, Lori Waterman, Community Development and Resources Recording Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



LORI WATERMAN, CMC
RECORDING SECRETARY

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at 357-6300. You may also send the request by email to lwaterman@atwater.org.



1



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

November 15, 2017

CALL TO ORDER:

The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chair Brice.

INVOCATION: *The Invocation was given by Police Chaplain.*

ROLL CALL:

Present: *Commissioners Dash, Daugherty, McWatters, Reed, Warchol, Chair Brice*

Absent: *Commissioner Murphy III*

Staff Present: *Interim City Manager Bramble, Code Enforcement Officer Velazquez, Recording Secretary Waterman*

Guests: *VVH Planner Greg Thompson, Elizabeth Lanham representing Davey Resources Group*

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Commissioner Warchol moved to approve the agenda as presented. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, Daugherty, McWatters, Reed, Warchol, Brice; Noes: None; Absent: Murphy III. The motion passed.*

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

Notice to the public was read.

ERIC SORENSON, Atwater, spoke against the placement of a Dedication Bench located at Manuel Barios Park, and asked that a future item be placed on the agenda to discuss the placement of "No Stopping between 10 PM to 6:00 AM" signs on Lakeview in front of the bench. He stated there has been an increase of criminal activity in that area since the placement of the bench.

No one else came forward to speak at this time.

APPROVAL OF MINUTES:

Regular Meeting of October 18, 2017

MOTION: *Commissioner Warchol moved to approve the minutes as listed. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, McWatters, Reed, Warchol, Brice; Noes: None; Absent: Murphy III. The motion passed.*

PETITIONS AND COMMUNICATIONS:

Request from Atwater Chamber of Commerce for assistance with their Annual Christmas Parade scheduled for Friday, December 1, 2017 starting at 7:00 PM

This item is informational only it was presented to the City Council on November 13, 2017.

Request from Atwater Ministers Association for assistance with their Thanksgiving Food & Hope Giveaway and gathering scheduled for Saturday, November 18, 2017 from 11:00 AM to 2:00 PM at Atwater Veterans Park Gymnasium

This item is informational only it was presented to the City Council on November 13, 2017.

PUBLIC HEARINGS:

CDRC Resolution No. 040-17 recommending Ordinance No. CS 992 amending Chapter 12.32 of the Atwater Municipal Code entitled "Trees"; and Resolution No. 3000-17 adopting 2017 Urban Forest Tree Master Plan be referred to the City Council for adoption

Elizabeth Lanham with Davey Resources Group reviewed the proposed changes to the Tree Ordinance, provided an overview of the final version of the Tree Master Plan, and addressed questions from the Commission.

Chair Brice opened the Public Hearing.

No one came forward to speak, and Chair Brice closed the Public Hearing for this item.

MOTION: Commissioner Reed moved to adopt Resolution No. CDRC 040-17 as amended and to recommend Ordinance No. 992 amending Title 12, "Streets", Sidewalks and Public Places", Chapter 32 "Trees" of the Atwater Municipal Code and Resolution No. 3000-17 adopting the 2017 Urban Forest Master Plan to the City Council for adoption. The motion was seconded by Commissioner Daugherty, and the vote was: Ayes: Dash, Daugherty, McWatters, Reed, Warchol, Brice; Noes: None; Absent: Murphy III. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Policy and Procedure for Naming or Dedicating City Parks, Recreation Facilities, Memorial Benches, Memorial Bricks, City Buildings and Facilities

MOTION: Commissioner Reed moved to recommend Administrative Policy and Procedure 17-1, "Procedure for Naming or Dedicating City Parks, Recreation Facilities, Memorial Benches, Memorial Bricks, City Buildings and Facilities to the City Council for adoption. The motion was seconded by Commissioner McWatters, and the vote was: Ayes: Dash, Daugherty, McWatters, Reed, Brice; Noes: None; Absent: Murphy III. The motion passed.

2017-2023 Capital Improvement Plan and Projects for funding from Merced County and the State of California (Measure V and California Senate Bill 1)

This item is informational only.

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

Commissioner Dash complemented Bellevue Shopping Center, stated it is looking clean and she asked if the Commission would begin looking at the General Plan.

Daugherty questioned the traffic signal timing at Crest and Bellevue, stating there is no delay on the Crest side.

Commissioner Reed thanked Recording Secretary for using dividers between the items to be discussed on the agenda. He also questioned placement of "speed humps" on Fruitland and would like the Commission to review. He also asked for an update on the Party Supply Business located at 1710 Fruitland.

Commissioner McWatters comments were inaudible.

Commissioner Warchol stated that items for discussion that are being brought up during commissioner comments, and asked that a process for placement of agenda items be established. He suggested sending a memo to the City Manager when an agenda item is proposed.

Chair Brice recommended cancelling the December meeting due to the Holiday but it was determined that there may be items that need to be addressed before the end of the year.

ADJOURNMENT:

The meeting adjourned at 6:54 PM.

Gary Brice, Chairperson

Lori Waterman, CMC
Recording Secretary



2



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

SPECIAL MEETING

ACTION MINUTES

January 4, 2018

CALL TO ORDER:

The Community Development and Resources Commission of Atwater met in Special Session this date at 5:34 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Chair Brice.

ROLL CALL:

Present: Commissioners Dash, Daugherty, Murphy III, Chair Brice
Absent: McWatters
Staff Present: Interim City Manager deWerk, Interim Community Development Director/Recording Secretary Waterman, Planner Thompson

PUBLIC COMMENT:

Notice to the public was read.

No one came forward to speak at this time.

BUSINESS:

Resolution No. CDRC 049-18 making determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan and making recommendation that the City Council approve sale of the Property located at 1550 Shaffer Road consistent with the General Plan Land Use Designation and Zoning Code requirements

MOTION: Vice Chair Murphy III moved to adopt Resolution No. CDRC 049-18 making determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan; and making the recommendation that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements; and authorizing the Interim City Manager to execute any necessary documents on behalf of the City. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Dash, Daugherty, Murphy III, Brice; Noes: None; Absent: McWatters; Abstain: Warchol. The motion passed.

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners - **None**

ADJOURNMENT:

The meeting adjourned at 5:46 PM.

Gary Brice, Chairperson

Lori Waterman, CMC
Recording Secretary



3



KIWANIS CLUB OF CASTLE-ATWATER

P.O. BOX 781

ATWATER, CA 95301-0781

October 31, 2017

To: Brian Shaw, Acting Public Works Director

Subject: Little Free Libraries

The Kiwanis Club of Castle-Atwater is interested in starting a new project called "Little Free Library". In order to be successful the project requires both coordination with and permission from the City of Atwater.

We are exploring Heller Park as a location since it meets the important criteria of being in a neighborhood with children and a close proximity to a school. We would defer to your judgement on the exact looking, but it obviously need to be away from sprinkler systems.

The non-profit organization behind this program has numerous different plans for the construction of the Little Free Libraries and until we have the necessary permits we have not settled on a specific design. However, we fully intend to work closely with the city to make sure that all the necessary requirements are followed.

Once the Little Free Library is in place, the Castle-Atwater Kiwanis club and the Atwater High School Key club will be responsible for providing the books and the continuing maintenance of the library.

A handwritten signature in black ink, appearing to read 'Adrian Vanderzyde'.

Adrian "Van" Vanderzyde

President

Castle-Atwater Kiwanis

Home Phone (209) 358-0723

Cell Phone: (209) 777-5653

Email: Vanderzyde@sbcglobal.net

Little Free Library



The first Little Free Library

Founded 2009
Founder Todd Bol
Type 501(c)(3) nonprofit organization
Tax ID no. 45-4043708
Headquarters Hudson, Wisconsin

Executive Director Todd Bol
Board Chair Monnie McMahon
Revenue
(2015) \$729,567
Expenses
(2015) \$820,893
Employees
(2015) 14
Volunteers
(2015) 24,000
Mission Little Free Library is a nonprofit organization that inspires a love of

reading, builds
community, and
sparks creativity by
fostering
neighborhood book
exchanges around
the world.

Website littlefreelibrary.org

Little Free Library aims to inspire a love of reading, build community, and spark creativity by fostering neighborhood book exchanges around the world. There are more than 50,000 registered Little Free Libraries worldwide, in all 50 of the United States and in 70 countries. Through Little Free Libraries, millions of books are exchanged each year, with the aim of increasing access to books for readers of all ages and backgrounds. The Little Free Library nonprofit is based in Hudson, Wisconsin, United States.

History

The first Little Free Library was built in 2009 by Todd Bol in Hudson, Wisconsin. He mounted a wooden container designed to look like a one-room schoolhouse on a post on his lawn and filled it with books as a tribute to his mother, who was a book lover and school teacher. Bol shared his idea with his partner, Rick Brooks, and the idea spread rapidly, soon becoming a "global sensation" Little Free Library officially incorporated on May 16, 2012, and the Internal Revenue Service recognized Little Free Library as a 501(c)(3) nonprofit organization in the same year.

The original goal was the creation of 2,150 Little Libraries, which would surpass the number of libraries founded by Andrew Carnegie. As of November 2016, there were 50,000 registered Little Free Libraries worldwide.

The Little Free Library nonprofit has been honored by the National Book Foundation, the Library of Congress, Library Journal, and others for its work promoting literacy and a love of reading.

Margret Aldrich wrote *The Little Free Library Book* to chronicle the movement.

How Little Free Libraries work



A reader browsing a Little Free Library

A Little Free Library is a neighborhood book exchange where anyone passing by can take a book to read or leave a book for someone else to find.

Little Free Library owners, known as "stewards" can purchase a Library box at littlefreelibrary.org, or they can create their own and register it on the website.

Stewards of registered Little Free Libraries receive a sign for their Library that reads "Little Free Library" and features an official charter number.¹ Registered Little Free Libraries are eligible to be featured on the Little Free Library World Map, which lists locations with GPS coordinates and other information.

Little Free Libraries of all shapes and sizes exist, from small, brightly painted wooden houses to a larger library based on Doctor Who's TARDIS.

Global impact



Little Free Library in a Tokyo Metro station

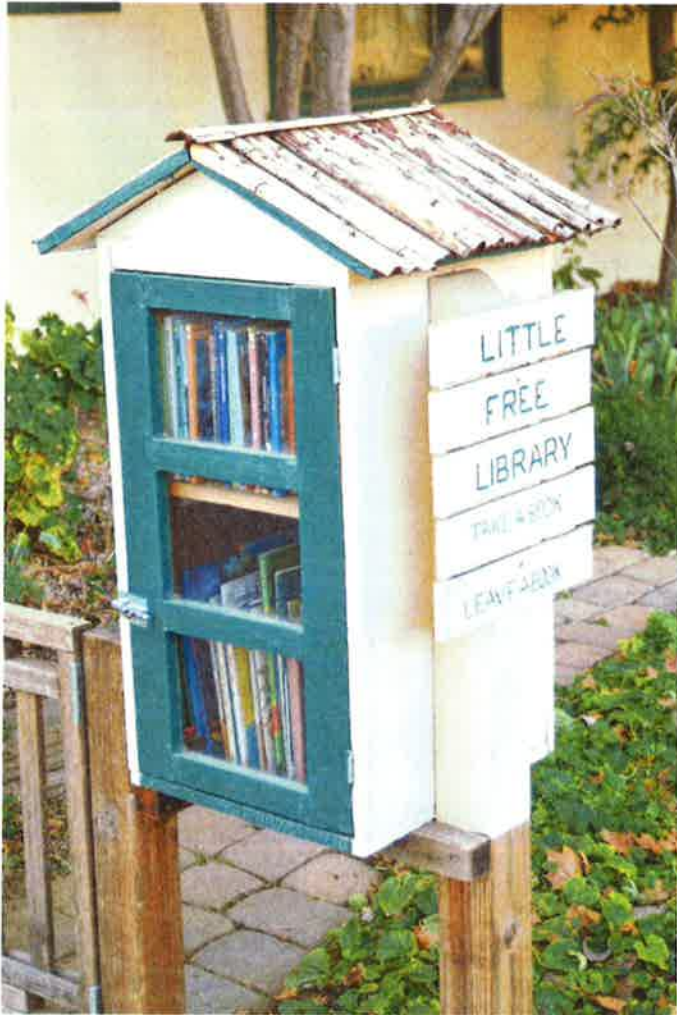
While the majority of Little Free Libraries are in the United States, the book exchanges can be found in countries around the world, including Canada, Mexico, Brazil, Colombia, Italy, Germany, UK, France, Spain, Belgium, Netherlands, Sweden, Russia, Armenia, Pakistan, Qatar, Ghana, Nigeria, Sudan, India, Japan, South Korea, Vietnam, China, Philippines, Australia, New Zealand, and more.

Map to show the location of Little Free Libraries around the world:

<https://littlefreelibrary.org/ourmap/>

The local map shows one located at 478 E Grove. However the Little Library is no longer there.

There are about seven Little Libraries in Merced and the picture below shows the one on K Street between 20th and 21st Street.





4

UNWAVERING SUPPORT



FOR UNCOMMON HEROES™

VETERANS OF FOREIGN WARS AUXILIARY #9946

Atwater, CA 95301

Tax ID # 94-6434574

November 1, 2017

CDRC,

The Auxiliary to Veterans of Foreign Wars 9946, Atwater, Ca would like to purchase a bench to be placed at the Veterans Memorial in Veterans Park.

We have many of our members that have their loved veteran's names inscribed on the bricks. The bench would allow time to sit and reflect on their loved one. Can you help us make this happen?

We would like to purchase a cement bench like those at Ralston Park on which a plaque can be inscribed with our organizations name in memory of our veteran family members. Our Auxiliary would like to donate up to \$1000.00. We have been told the price could be higher due to a cement pad for the bench to sit on. We have craftsmen and Clamper associations that can do this work on a volunteer basis to required specifications to help stay in our budget.

We hope this can become a reality. Thank you for your consideration.

Sincerely


Christine Martin,

VFW Auxiliary 9946 President


Trudy Avila

VFW Auxiliary 9946 Treasurer



5

Chairperson and Members of the
Community Development
and Resources Commission

CDRC Commission
Meeting of
of January 17,
2018

**RESOLUTION NO. CDRC 052-18 APPROVING SITE PLAN NO. 710-18
(APN 056-400-073 AND APN 056-400-074) BELGUA COURT AND
MAKING DETERMINATION OF CONSISTENCY WITH THE
COMMERCIAL AND INDUSTRIAL DESIGN GUIDELINES AND THAT
THE PROJECT CONFORMS TO THE GENERAL PLAN**

RECOMMENDATION:

It is recommended that the Community Development and Resources Commission take the following actions:

1. Open the Public Hearing and receive any public testimony given; and,
2. Adopt Resolution No. CDRC 052-18 approving Site Plan No. 710-18; and
3. Make the determination of Consistency with the Commercial and Industrial Design Guidelines and that the project conforms to the General Plan.

BACKGROUND:

Staff has received a Site Plan application from Matt Migliazzo, representing M-Mig Construction Inc., proposing to construct two light industrial buildings. Currently this site is surrounded by the following uses: to the north is Waste Management-Winton Disposal Service, the south is vacant light industrial property, the west is vacant light industrial property, and to the east is vacant light industrial property.

Vesting Tentative Parcel Map No. 04-2 approved by the former Planning Commission allowed for the parceling of this area and installation of Beluga Court. Site Plan No. 700-15 was previously approved by the Community Development and Resources Commission by Resolution No. CDRC 006-15 on May 20, 2015. Since the approval of Site Plan No. 700-15 the property ownership has changed and the current property owner is requesting approval of Site Plan No. 710-18.

ANALYSIS:

The project site is located within a Light Industrial (M-1) Zoning district and has a General Plan land use designation of Manufacturing. This site is approximately 1.00+/- acres in area and is known as Merced County Assessor's Parcel No. 056-400-073 (0.50+/- acres) and 056-400-074 (0.50+/- acres).(EXHIBIT "A")

Applicant is proposing to construct one (1) 4,800 square foot light industrial building and one (1) 5,000 square foot light industrial building; one building

which exceeds the minimum amount of landscaped area for the site (10% of the site). The site is 22,589 sq ft of area, $22,589 \times 0.10 = 2,259$ sq ft minimum.

All parcels located on Beluga Court are required to keep all of their storm drainage onsite. Applicant has provided an area(s) to store their storm drainage; calculations for the storm drainage retention area(s) will be reviewed and approved with submittal of onsite construction drawings.

ENVIRONMENTAL IMPACT:

The Site Plan for this project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Guideline Section 15303 (c) (New Construction).

FISCAL IMPACT:

None

CONCLUSION:

This report is submitted for Community Development and Resources Commission review and possible action.

Respectfully submitted,

/s/ Lori Waterman

Lori Waterman
Interim Community Development Director

EXISTING PARCEL INFORMATION

MAP NUMBER: 056-400-064
 ASSESSOR'S PARCEL NUMBER (APN): 056-400-074 (R.C.32 AC)
 PROPERTY ADDRESS: 4000 SF WAREHOUSE
 CHASSIS PLAN DESIGNATION: WAREHOUSE
 CURRENT ZONING: INDUSTRIAL
 PROPOSED USE OF PROPERTY: WAREHOUSE
 EXISTING STRUCTURES: NONE
 SUBORDINATING USER: INDUSTRIAL

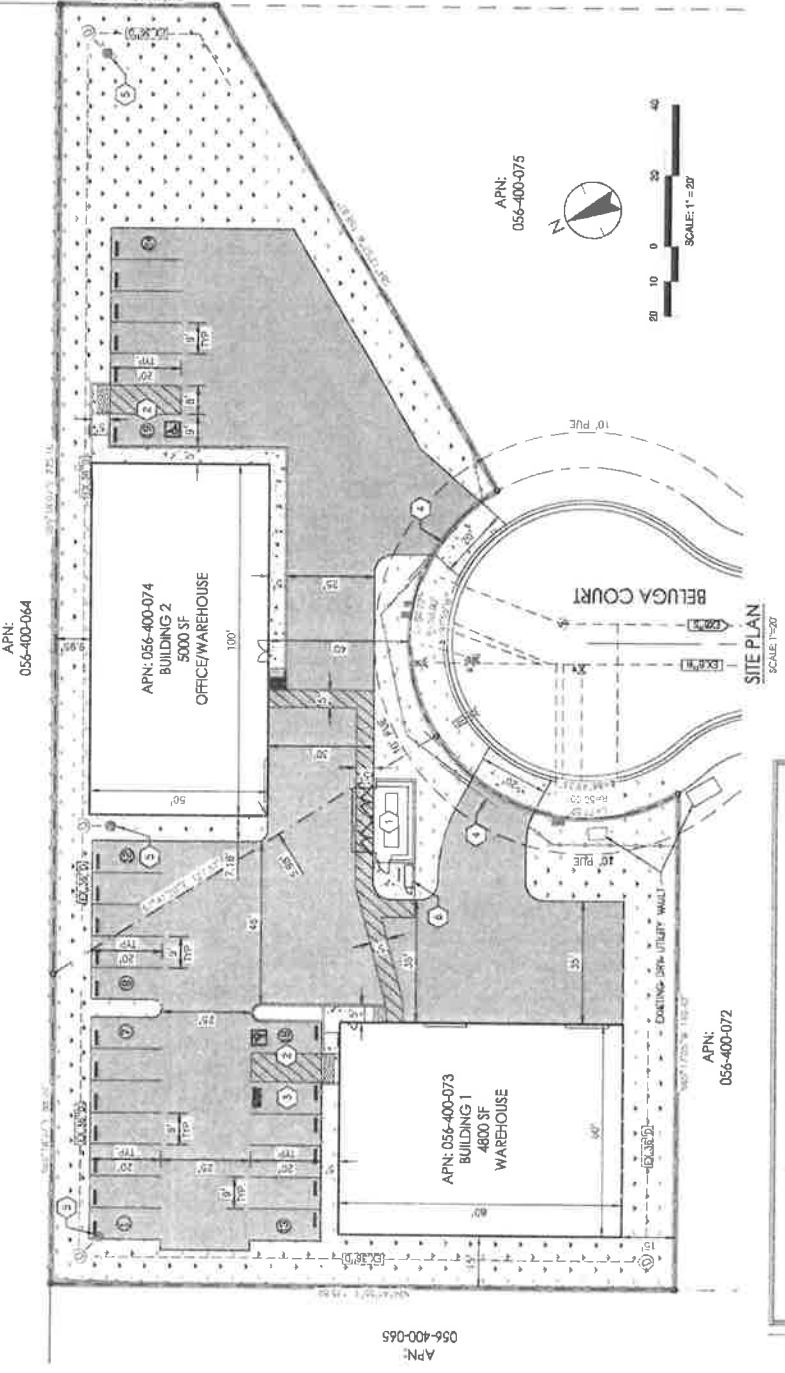
PROPOSED DEVELOPMENT INFORMATION

PARCEL SIZE: NO CHANGE
 CHASSIS PLAN DESIGNATION: NO CHANGE
 ZONING: NO CHANGE
 USE OF PROPERTY: OFFICE/WAREHOUSE
 EXISTING STRUCTURES: BUILDING 1 - 4800 SF WAREHOUSE
 BUILDING 2 - 5000 SF OFFICE

PARKING REQUIREMENTS

WAREHOUSE 5000 SF - 7.25
 OFFICE 4000 SF - 1.5
 TOTAL REQUIRED 24 SPACES
 AVAILABLE: 21 (BY 20%)
 TOTAL PROVIDED 24 (100%)

VICINITY MAP



LEGEND

- RIGHT OF WAY
- PROJECT BOUNDARY
- EXISTING HOLL CURB AND GUTTER
- EXISTING ELECTROILER
- EXISTING WATER MAIN
- EXISTING WATER METER BOX
- EXISTING FIRE HYDRANT
- EXISTING SEWER MAIN
- EXISTING SINK'S MANHOLE
- EXISTING STORM DRAIN LINE
- EXISTING STORM DRAIN MANHOLE
- EXISTING STORM DRAIN INLET
- EXISTING CHAINLINK FENCE
- PROPOSED ASPHALT CONCRETE
- PROPOSED CONCRETE SIDEWALK
- PROPOSED LANDSCAPE

KEYNOTES

- 1 PROPOSED TRASH ENCLOSURE
- 2 PROPOSED ACCESSIBLE PARKING
- 3 PROPOSED CALGREEN PARKING
- 4 EXISTING GATE
- 5 EXISTING DRAIN INLET
- 6 CALGREEN SHORT/LONG TERM BICYCLE PARKING

BUILDING ELEVATIONS





**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 052-18

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION OF THE CITY OF ATWATER APPROVING
SITE PLAN NO. 710-18 (APN 056-400-073 AND APN 056-400-074
BELUGA COURT)**

WHEREAS, the Community Development and Resources Commission of the City of Atwater has reviewed Site Plan No. 710-18 as submitted by Matt Migliazzo, requesting approval to construct ; and

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, January 17, 2018; and

WHEREAS, the Community Development and Resources Commission held a duly noticed public hearing on January 17, 2018 as required by law to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and

WHEREAS, ___ person(s) spoke in favor of the project, ___ person(s) spoke in opposition of the project and ___ written comment(s) have been submitted either in opposition or in favor of the project; and

WHEREAS, the site can accommodate the aforesaid use and proposed structures and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have adverse effects on the community; and

WHEREAS, this project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303(c) (New Construction); and

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this site and architectural plan:

1. This application proposes to construct one (1) 4,800 square foot light industrial building and one (1) 5,000 square foot light industrial building; one building having 4,000 square feet of office space. Applicant has provided 13 onsite parking stalls which meets the required amount of parking for the site, (one stall per 400 square feet of building floor area- $4900/400=12.25$).

Applicant has provided 3,228 square feet of landscaping area which exceeds the minimum amount of landscaped area for the site (10% of the site). The site is 22,589 sq ft of area, $22,589 \times 0.10 = 2,259$ sq ft minimum. The project site is known as Merced County Assessor's Parcel Number APN 056-400-073 and APN 056-400-074.

2. That the site is located within a Light Industrial (M-1) Zone District and the proposed use is permitted within this zone district.
3. That the site is designated as Manufacturing by the Atwater General Plan.
4. That this use is consistent with the purpose and intent and all applicable development standards of the Light Industrial (M-1) Zone District.
5. That this project is consistent with all elements of the Atwater General Plan.
6. That all the mandatory findings set forth in Section 17.40.010 of the Atwater Zoning Ordinance can be made.
7. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15332 (In-Fill Development).

WHEREAS, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission of the City of Atwater does hereby approve Site Plan No. 710-18 subject to the following conditions:

1. That applicant/developer shall submit three (3) sets of landscape and irrigation plans with three (3) sets of grading and drainage plans.
2. That all the landscaping areas shall be equipped with seven day automatic timer.
3. The type and size of plants to be planted shall be submitted to the City's Parks Division for review and approval prior to installation. All landscaping shall be maintained at all times and shall be the responsibility of the property owner.
4. That the project shall comply with the most current California Code of Regulations, Title 24, parts 1 through 6, 8 through 10 and 12, the most current Fire, Life and Safety Codes and Title 15 of the Atwater Municipal Code, including all amendments thereto.
5. That there shall be compliance with the most recent Americans with Disability Act (ADA) regulations.
6. That applicant shall submit building plans and obtain all necessary permits prior to commencement of construction.
7. That the applicant shall provide a soils report to the Engineering Department prior to commencement of construction.
8. That the applicant shall pay all required fees prior to issuance of a Building Permit.
9. That the applicant shall submit plans to the Merced County Department of Environmental Health for review and approval prior to issuance of a building permit.
10. Prior to final acceptance, the developer shall provide the City with copies of the "as build" improvements on 5 mil mylar and record the construction and

drawings in an AutoCAD compatible format. The mylar set shall include all construction changes.

11. For proposed improvements, the applicant shall cause a Site Improvement Plan to be prepared. The plan shall be prepared by a Licensed Civil Engineer or under his direction. The plan shall be prepared on 24" x 36" plan sheets and to a reasonable scale. This plan shall be in a format to be approved by the City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1, being Site Improvement Plan No. 710. The Site Improvement Plan number only (710) shall also be placed outside of the border of the plan at the lower right corner of all sheets. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1.
12. The applicant shall cause to be submitted a Site Improvement Plan that shall show all items named in the conditions of approval and the proposed resolution of those requirements. The plan shall also include the applicable General Specifications and Construction Specifications of the City of Atwater, to be placed on Sheet 1. The Site Improvement Plan shall contain a sheet (or sheets) containing all City Standards pertinent to the proposed construction together with specific details and notes for the proposed construction.
13. That the applicant shall obtain an encroachment permit from the Engineering Department for any improvements done within the public right-of-way. The applicant shall pay all applicable charges prior to an encroachment permit being issued.
14. The applicant shall include a Grading Plan as part of the development of the proposed parcel. Elevations shall be taken from official City of Atwater Benchmark datum. The Grading Plan shall show all proposed improvements, on-site and off-site. Finished pad elevations for the parcel shall be shown and shall be at least 3 inches above the top of curb or as approved by the City Engineer. No grading severances to adjoining properties shall be permitted. The extent of compacted grading on the parcel shall be shown with elevations.
15. Grading shall not begin until the Grading Plan within the Site Improvement Plan is complete and approved by the City Engineer.
16. That the applicant shall install a reduced pressure principal backflow device for potable water and an approved backflow device for irrigation water. Individual services are to be provided for potable water and landscaping purposes. The services shall be metered; a Sensus "Flex-Net" radio read meter shall be used. Each service shall include a backflow prevention device enclosure, mounted on a concrete pad. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including brand names and types.
17. That all outdoor equipment such as transformers, refrigerator units and air conditioning units shall be screened from public view.
18. That the applicant/developer shall provide onsite outdoor lighting. The lighting shall be shielded downward and away from public right of ways and adjacent properties.
19. That the applicant shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES).

20. That all broken, cracked or otherwise damaged public improvements, such as curb, gutter or sidewalk shall be sawcut, removed and replaced in accordance with applicable City Standards.
21. All water trenches or excavations shall be excavated, backfilled and compacted in accordance with applicable City Standards and the conditions for paving included within this resolution.
22. The applicant shall construct a refuse enclosure. The enclosure shall include a concrete slab at the entrance to the refuse container to be moved forward for pick up. The enclosure shall be constructed of concrete block and include a concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse container. The enclosure shall have locking gates. The gates shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks. Landscaping shall be provided that, when mature, limits the visibility of the refuse enclosure. This can be accomplished with vining plants or appropriate type of bushes.
23. Any water wells found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
24. Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
25. The applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.
26. That the applicant shall properly abandon or relocate all utilities as necessary or required.
27. That all storm drainage shall remain on site. No "sheet" drainage into the public right-of-way will be allowed.
28. That if site access from the public right-of-way is to be fenced, accommodations shall be made that allows for emergency vehicles to access the property.
29. That the applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
30. That prior to installation, all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the Community Development Department.
31. That all onsite graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City graffiti ordinances.
32. That the applicant shall not be allowed to use the site until all required improvements are completed and accepted by the City.
33. That the applicant shall pay the Regional Transportation Impact Fee (RTIF).
34. That the applicant shall comply with the requirements of all public utility companies.
35. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application which action is brought within applicable statutes

of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 17th day of January, 2018.

AYES:
NOES:
ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

LORI WATERMAN,
ACTING SECRETARY



7

RESOLUTION NO. CDRC 050-18 MAKING DETERMINATION OF CONFORMITY FINDINGS AS REQUIRED UNDER CALIFORNIA GOVERNMENT CODE SECTION 65402(a) AND RECOMMENIND THAT THE CITY COUNCIL SELL PROPERTY OWNED BY THE CITY OF ATWATER LOCATED AT 980-990 CEDAR AVENUE, ATWATER

RECOMMENDATION:

It is recommended that the Commission consider:

1. Adopting Resolution No. CDRC 050-18 making determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan; and
2. Make the recommendation that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

BACKGROUND:

In February 2009, the Atwater Redevelopment Agency acquired the property at 980 Cedar Avenue APN 003-071-001 (EXHIBIT "A"), which consisted of an older duplex housing unit and a garage which had been uninhabited for many years and was in a dilapidated condition. By acquiring this location the Redevelopment Agency was helping eliminate blight and possibly provide a location for a small affordable housing project. It was anticipated that to effectively attract a partner to develop affordable units on the site, the Agency would need to acquire the property, apply and receive a demolition permit, complete the building demolition and do some site clean-up. In September 2009 the City demolished the duplex building and detached garage structure, including concrete foundations and walks.

Permitted uses and standards for this property are: Single family residential or multi family dwelling units with 10-foot exterior setbacks. Conditional uses include: Recreational, educational, religious, cultural, or public service, minor manufacturing, medical, professional and business office, licensed nursing or convalescent homes, parking lots and parking structures, personal service establishments, rooming and boarding homes, retail stores, restaurants, motels.

ANALYSIS:

It was determined to be in the City's best interest to sell property, and on October 14, 2017 the City published a notice inviting sealed bids for the purchase of the Property, at that time no bids were received.

Staff would like to move forward with the sale of this property and is requesting the CDRC

make the determination that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan, and refer this item to the City Council for approval of the sale of the property consistent with the General Plan Land Use Designation and Zoning Code requirements, and make the recommendation that the City Council approve moving forward with selling the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

FISCAL IMPACT:

The revenue from the sale of the property will be deposited into the General Fund.

CONCLUSION:

This staff report is submitted for City Council consideration and possible action.

Respectfully submitted,

/s/ Lori Waterman

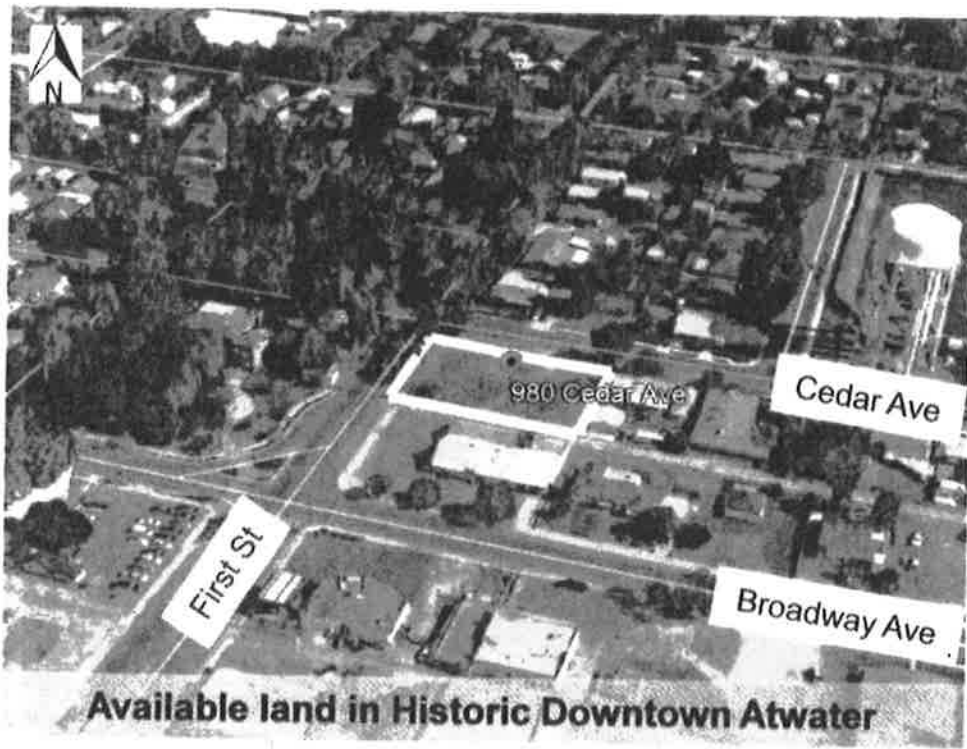
Lori Waterman
Interim Community Development Director

EXHIBIT "A"

All that portion of Lot 1, as shown on the Map entitled, "Subdivision of Lands of C.C. Mitchell", filed April 12, 1890, in the office of the County Recorder of Merced County, in Vol. 2 of Official Plats, at Page 16, described as follows:

Beginning at a point that is South 65 deg. 20' East 60.00 feet from the Northeast corner of Block 6, as shown on the map entitled, "Map of Bloss Addition to the Town of Atwater, Merced County, California", filed September 22, 1908, in the Office of the County Recorder of Merced County, in Vol. 4 of Official Plats, at Page 1, said point of beginning being also at the intersection of the Southeasterly line of First Street with the Southeasterly prolongation of the Southwesterly line of Cedar Avenue in the City of Atwater, said point of beginning is also South 65 deg. 20' East 10.00 feet from the Northwesterly line of said Lot 1 of said subdivision of lands of C.C. Mitchell; thence South 65 deg. 20' East 150.00 feet along the Southwesterly line of said Cedar Avenue prolonged Southeasterly; thence South 24 deg. 40' West 115.00 feet at right angles to the Southeasterly prolongation of the Southwesterly line of said Cedar Avenue; thence North 65 deg. 20' West, 151.43 feet parallel to the Southwesterly line of said Cedar Avenue; thence North 65 Deg. 20' West, 151.43 feet parallel to the Southwesterly line of said Cedar Avenue prolonged to the Easterly line of said First Street; thence North 25 deg. 23' East 115.00 feet along the Easterly line of said First Street to the point of beginning.

Assessor's Parcel No.: 003-071-001



Available land in Historic Downtown Atwater





**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. CDRC 050-18

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION MAKING DETERMINATION OF
CONFORMITY FINDINGS AS REQUIRED UNDER
CALIFORNIA GOVERNMENT CODE SECTION 65402(a) AND
RECOMMENDING THAT THE CITY COUNCIL SELL
PROPERTY OWNED BY THE CITY OF ATWATER LOCATED
AT 980-990 CEDAR AVENUE, ATWATER, CALIFORNIA**

WHEREAS, the City of Atwater ("City") is the owner of that certain real property consisting of approximately 0.40 acres of land, generally located at 980-990 Cedar Avenue, in the City of Atwater, State of California, Assessor's Parcel No. 003-071-001 ("Property"); and

WHEREAS, the City desires to sell the property by grant deed; and

WHEREAS, Government Code § 65402(a) provides that if a general plan or part thereof has been adopted, then no real property shall be disposed of if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such disposition have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof, and that the planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the City Council; and

WHEREAS, this Property was reviewed pursuant to the guidelines of the California Environmental Quality Act ("CEQA") and determined to be Categorically Exempt pursuant to Section 15061(b)(3): "Review for Exemption" of the California Environmental Quality Act Guidelines. The acquisition of the Property is exempt from review under CEQA because the purchase of the Property will not have a significant effect on the environment since no plans for the use of the Property is proposed. The subject action only relates to the sale of the property by the City of Atwater. Further environmental review will be conducted at such time as the purchaser determines how to utilize and develop the Property; and

WHEREAS, on January 17, 2018, the Community Development and Resources Commission of the City of Atwater conducted a meeting, duly noticed pursuant to the California Ralph M. Brown Act, on the disposition of the Property; and

WHEREAS, the Community Development and Resources Commission has determined that the property has a Zoning designation of Residential Transition (R-T) and a General Plan Land Use Designation of _____ (_____) which is consistent with each other based on review of the staff report and attachments; and

WHEREAS, the future development of the Property is required to be consistent with both the existing General Plan Land Use Designation and Zoning designation; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission hereby finds:

1. That all facts set forth in the Recitals are true and correct.
2. Based upon substantial evidence presented to the Community Development and Resources Commission during the meeting of January __, 2018, including written and oral evidence, this Commission specifically finds as follows:
 - a. The Property consists of approximately 0.40 acres of land area located in the Historic Downtown Area.
 - b. The Property is zoned R-T, Residential Transition and has a General Plan Land Use Designation of _____ (_____) which are consistent with each other.
 - c. The properties to the north, south, east and west of the site are zoned R-T, Residential Transition, and are developed single-family and multi family dwelling units. Any future development of the Property is required to be consistent with the General Plan Land Use Designation and Zoning Code requirements.
3. Based upon the substantial evidence presented to the Community Development and Resources Commission and upon the specific findings set forth above, the Community Development and Resources Commission hereby concludes as follows:
 - a. Based upon the information contained in the staff report, written and oral material presented to the Community Development and Resources Commission at its regular meeting of January 17, 2018, the Community Development and Resources Commission hereby determines that the location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan.

- b. It is recommended by the Community Development and Resources Commission of the City of Atwater that the City Council approve the sale of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

The foregoing resolution is hereby adopted this 17th day of January, 2018.

AYES:

NOES:

ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

**LORI WATERMAN, CMC
ACTING SECRETARY**



8

RESOLUTION NO. CDRC 051-18 MAKING DETERMINATION OF CONFORMITY FINDINGS AS REQUIRED BY GOVERNMENT CODE SECTION 65402(a) AND RECOMMENDING TRANSFER OF PROPERTY LOCATED AT 3116 VIRGINIA STREET CONSISTENT WITH THE GENERAL PLAN LAND USE DESIGNATION AND ZONING CODE REQUIREMENTS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting Resolution No. CDRC 051-18 making determination of conformity findings as required under California Government Code Section 65402(a); and
2. Recommend that the City Council transfer property owned by the City of Atwater located at 3116 Virginia Street, Atwater, California, consistent with the General Plan Land Use Designation and Zoning Code Requirements.

BACKGROUND:

The City reviewed records regarding the well site located at APN No. 150-065-010 and abuts the property at 3116 Virginia Street. Based upon the size of the property, its limited access and the potential configuration of the City's water system, the City has determined the property will not be needed as a well site or other water related purpose in the future.

Staff is requesting the Community Development and Resources Commission make the determination of conformity findings as required under California Government Code Section 65402(a) and recommend that the City Council transfer property owned by the City of Atwater located at 3116 Virginia Street, Atwater, California, consistent with the General Plan Land Use Designation and Zoning Code Requirements. The property owner has been maintaining the property, and has agreed to pay one-half the cost associated with preparing a Title Search, \$316.55. The Chain-Of-Custody, Title Search found no restrictions on this property.

ANALYSIS:

It has been determined that the well site located at APN No. 150-065-010 has no monetary value to the City, and could not be utilized by someone other than the property owner at 3116 Virginia Street. Transfer of the property will relieve the City's responsibility to maintain the property.

A restriction to the Grant Deed has been added that said Lot is not to be sold, conveyed or encumbered without Adjacent Lot 2 outlined in Legal Description (EXHIBIT "A"). To

facilitate the close of escrow and recording of the Grant Deed, a resolution authorizing the transaction on behalf of the City needs to be prepared and will be presented to the City Council on January 22, 2018.

The determination and transfer have been reviewed by Legal, the Interim City Manager and the Finance Department has reviewed the fiscal impact.

FISCAL IMPACT:

The only fiscal impact would be half the cost to prepare the Title Search in the amount of \$316.55 and sufficient funding is available in Water Enterprise Fund for FY 2017-18, Professional Services; Account Number 6000.7010.3030.

CONCLUSION:

This staff report is submitted for City Council consideration and possible action.

Respectfully submitted,

/s/ Lori Waterman

Lori Waterman,
Interim Community Development Director

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 150-065-010

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF ATWATER, COUNTY OF MERCED, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Lot A, as said lot is shown upon that map entitled, "Map of Kingsbury Acres", in the City of Atwater, County of Merced, State of California, filed for record May 27, 1960, in Vol. 15, Page 15 of Maps, in the office of the County Recorder of said County.

EXCEPTING THEREFROM all oil, gas & minerals, now or at any time hereafter situated therein or thereunder lying below a depth of 500 feet as reserved in the deed from Capital Company recorded March 16, 1943 in Book 740, Page 247, Official Records, and modified by Quitclaim Deed recorded January 16, 1962, in Book 1557, Page 103, Official Records.

COVENANT, CONDITION AND RESTRICTION:

Said Lot is not to be sold, conveyed or encumbered without Adjacent Lot 2 of map entitled, "Map of Kingsbury Acres", in the City of Atwater, County of Merced, State of California, filed for record May 27, 1960, in Vol. 15, Page 15 of Maps, in the office of the County Recorder of said County.

Grantee hereby confirms and consents to the above Restriction

X _____
Yolanda Bautista Enriquez



**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 051-18

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION MAKING DETERMINATION OF
CONFORMITY FINDINGS AS REQUIRED UNDER
CALIFORNIA GOVERNMENT CODE SECTION 65402(a) AND
RECOMMENDING THAT THE CITY COUNCIL TRANSFER
PROPERTY OWNED BY THE CITY OF ATWATER LOCATED
AT 3116 VIRGINIA STREET, ATWATER, CALIFORNIA**

WHEREAS, the City of Atwater ("City") is the owner of that certain real property consisting of approximately 1,247 square feet of land, generally located at 3116 Virginia Street, in the City of Atwater, State of California, Assessor's Parcel No. 150-065-010 ("Property"); and

WHEREAS, the City desires to transfer the property by grant deed; and

WHEREAS, Government Code § 65402(a) provides that if a general plan or part thereof has been adopted, then no real property shall be disposed of if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such disposition have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof, and that the planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the City Council; and

WHEREAS, this Property was reviewed pursuant to the guidelines of the California Environmental Quality Act ("CEQA") and determined to be Categorically Exempt pursuant to Section 15061(b)(3): "Review for Exemption" of the California Environmental Quality Act Guidelines. The acquisition of the Property is exempt from review under CEQA because the purchase of the Property will not have a significant effect on the environment since no plans for the use of the Property is proposed. The subject action only relates to the sale of the property by the City of Atwater. Further environmental review will be conducted at such time as the purchaser determines how to utilize and develop the Property; and

WHEREAS, on January 17, 2018, the Community Development and Resources Commission of the City of Atwater conducted a meeting, duly noticed pursuant to the California Ralph M. Brown Act, on the disposition of the Property; and

WHEREAS, the Community Development and Resources Commission has determined that the property has a Zoning designation of Low Density Residential (R-1) and a General Plan Land Use Designation of Low Density Residential which is consistent with each other based on review of the staff report and attachments; and

WHEREAS, the future development of the Property is required to be consistent with both the existing General Plan Land Use Designation and Zoning designation; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission hereby finds:

1. That all facts set forth in the Recitals are true and correct.
2. Based upon substantial evidence presented to the Community Development and Resources Commission during the meeting of January 17, 2018, including written and oral evidence, this Commission specifically finds as follows:
 - a. The Property consists of approximately 1,247 square feet of land area located in the northwest area of the City.
 - b. The Property is zoned R-1, Low Density Residential and has a General Plan Land Use Designation of Low Density Residential which are consistent with each other.
 - c. The properties to the north, south, east and west of the site are zoned Low Density Residential (R-1), and are developed. Any future development of the Property is required to be consistent with the General Plan Land Use Designation and Zoning Code requirements.
3. Based upon the substantial evidence presented to the Community Development and Resources Commission and upon the specific findings set forth above, the Community Development and Resources Commission hereby concludes as follows:
 - a. Based upon the information contained in the staff report, written and oral material presented to the Community Development and Resources Commission at its regular meeting of January 17, 2018, the Community Development and Resources Commission hereby determines that the

location, purpose and extent of the disposition of the conveyance of the Property proposed by the City conforms to the City's General Plan.

- b. It is recommended by the Community Development and Resources Commission of the City of Atwater that the City Council approve the transfer of the Property consistent with the General Plan Land Use Designation and Zoning Code requirements.

The foregoing resolution is hereby adopted this 17th day of January, 2018.

AYES:

NOES:

ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

LORI WATERMAN, ACTING SECRETARY



9

**RESOLUTION NO. CDRC 044-17 MAKING FINDING OF
CONSISTENCY WITH THE COMMERCIAL AND INDUSTRIAL DESIGN
GUIDELINES AND MAKING DETERMINATION THAT THE 7-ELEVEN
CONVENIENCE & 76 FUEL PROJECT CONFORMS TO THE GENERAL
PLAN**

RECOMMENDATION

It is recommended that the Community Development and Resources Commission take the following actions:

1. Adopting Resolution No. CDRC 044-17 making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the 7-Eleven Convenience & 76 Fuel Project conforms to the General Plan.

BACKGROUND

The development review process for the proposed project is subject to architectural control review per Section 17.12.090 of the Atwater Municipal Code. As an applicant submits materials for the issuance of a building permit such as site plans, building plans, building elevations and/or landscaping plans they are subject to review for design consistency by the City Chief Building Official and the local Planning Authority. The Planning Authority and the City Council gave direction to staff on behalf of the community as to the desired aesthetic qualities they wish to preserve and protect by adopting standards for Commercial and Industrial Design Guidelines on October 8, 2012 by Resolution No. 2675-12. The project would be subject to such review. City staff has completed actions needed to prepare the project for consideration by the Community Development and Resources Commission (CDRC) and the City's Chief Building Official. These actions have included preparing and reviewing plans, preparing and reviewing building elevations, preparing and reviewing sign standards and coordinating with other affected agencies. The applicant's project manager has provided project updates and project information, including the necessary applications and processing fees.

Jesse Kent of Smith Development and Construction is the applicant's representative.

SITE LOCATION AND DESCRIPTION

Site Location

The subject property is located at the Southeast corner of Shaffer Road and Bellevue Road in Northern Atwater. The site consists of an existing Valero brand gas station and

convenience store all located on one legal parcel with access from Shaffer Road and Bellevue Road and an alleyway in the rear of the main building location. All City services are provided onsite to the existing business. The improvements consist of fuel dispensaries, canopy covering, main building and underground storage tank.

Description of surrounding uses

The areas immediately adjacent to the subject property are General Commercial to the South, East and West, and PD-16 to the North. All existing uses are consistent with the anticipated uses for the project.

PROJECT DESCRIPTION

The applicant is requesting that the City issue building permits for the demolition of an existing Valero brand gas station and convenience store and construction of a 7-Eleven Convenience & 76 Fuel brand gas station in its place (EXHIBIT "A").

The Community Development and Resource Commission serving as the Architectural Control Committee is being asked to review the proposed project materials and design elevations prepared and provided by Smith Development for 7-Eleven Convenience & 76 Fuel and compare the proposed project materials for consistency with the Commercial and Industrial Design Guidelines as adopted by Resolution No. 2675-12, and make a determination that the project conforms to the General Plan.

The project applicant has coordinated other site use applications with other affected agencies. PLEASE NOTE: the applicant is not seeking cancellation of the existing CUP or site use permits associated with this facility. The proposed use under the current application will not render those previously issued permits abandoned.

Respectfully submitted,

/s/ Lori Waterman

Lori Waterman, CMC
Interim Community Development Director



**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 044-17

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION MAKING FINDING OF
CONSISTENCY WITH THE COMMERCIAL AND INDUSTRIAL
DESIGN GUIDELINES AND MAKING DETERMINATION
THAT THE 7-ELEVEN CONVENIENCE & 76 FUEL PROJECT
CONFORMS TO THE GENERAL PLAN**

WHEREAS, the City received request for the demolition of existing Valero brand gas station and convenience store and construction of a new 7-Eleven Convenience and 76 Fuel brand gas station in its place; and

WHEREAS, the development review process for the proposed project is subject to architectural control review per Section 17.12.090 of the Atwater Municipal Code;

WHEREAS, standards for Commercial and Industrial Design Guidelines were adopted by the City Council on October 8, 2012 by Resolution No. 2675-12; and

WHEREAS, the Community Development and Resources Commission serving as the Architectural Control Committee must make the finding of consistency with the Commercial and Industrial Guidelines and make the determination that said project conforms to the General Plan; and

WHEREAS, the project applicant is not seeking cancellation of the existing CUP or site use permits associated with this facility; and

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission hereby finds:

1. That all facts set forth in the Recitals are true and correct.
2. Based on the information presented to the Community Development and Resources Commission and upon the specific findings set forth above, the Community Development and Resources Commission hereby concludes as follows:
 - a. Based upon the information contained in the staff report, written and oral material presented to the Community Development and Resources

Commission at its regular meeting of January 17, 2018, the Community Development and Resources Commission hereby makes the finding of consistency with the Commercial and Industrial Design Guidelines and makes determination that the 7-Eleven Convenience and 76 Fuel Project conforms to the City's General Plan.

The foregoing resolution is hereby adopted this 17th day of January, 2018.

AYES:

NOES:

ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

LORI WATERMAN, ACTING SECRETARY



10

**RESOLUTION NO. CDRC 047-17 MAKING FINDING OF
CONSISTENCY WITH THE COMMERCIAL AND INDUSTRIAL DESIGN
GUIDELINES AND MAKING DETERMINATION THAT THE NEW
OFFICE/RETAIL BUILDING PROJECT AT 1049 WINTON WAY
CONFORMS TO THE GENERAL PLAN**

RECOMMENDATION

It is recommended that the Community Development and Resources Commission take the following actions:

1. Adopting Resolution No. CDRC 047-17 making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the new Office/Retail Building Project conforms to the General Plan.

BACKGROUND

The development review process for the proposed project is subject to architectural control review per Section 17.12.090 of the Atwater Municipal Code. As an applicant submits materials for the issuance of a building permit such as site plans, building plans, building elevations and/or landscaping plans they are subject to review for design consistency by the City Chief Building Official and the local Planning Authority. The Planning Authority and the City Council gave direction to staff on behalf of the community as to the desired aesthetic qualities they wish to preserve and protect by adopting standards for Commercial and Industrial Design Guidelines on October 8, 2012 by Resolution No. 2675-12. The project would be subject to such review. City staff has completed actions needed to prepare the project for consideration by the Community Development and Resources Commission (CDRC) and the City's Chief Building Official. These actions have included preparing and reviewing plans, preparing and reviewing building elevations, preparing and reviewing sign standards and coordinating with other affected agencies. The applicant's project manager has provided project updates and project information, including the necessary applications and processing fees.

SITE LOCATION AND DESCRIPTION

Site Location

The subject property is located on the west side of North Winton Way south of the intersection of North Winton Way and Olive Avenue in the central part of Atwater. The site consists of existing structural improvements on one legal parcel with access from North Winton Way. All City services are provided onsite to the existing businesses.

Description of surrounding uses

The areas immediately adjacent to the subject property are Central Commercial to the South, East, West, and North with some General Commercial uses within the same block. All of the anticipated uses for the project must be consistent with uses described within the Atwater Municipal Code and designated zoning.

PROJECT DESCRIPTION

The applicant is requesting that the City issue building permits for the demolition of an existing Barber Shop and construction of a 1,920 square foot Office/Retail Building in its place (EXHIBIT "A").

The Community Development and Resource Commission serving as the Architectural Control Committee is being asked to review the proposed project materials and design elevations for the proposed new Office/Retail Building Project at Winton Way and Olive, and compare the proposed project materials for consistency with the Commercial and Industrial Design Guidelines as adopted by Resolution No. 2675-12, and make a determination that the project conforms to the General Plan.

The project applicant has coordinated other site use applications with other affected agencies. PLEASE NOTE: the applicant is not seeking cancellation of the existing CUP or site use permits associated with this facility. The proposed use under the current application will not render those previously issued permits abandoned.

Respectfully submitted,

/s/ Lori Waterman

Lori Waterman, CMC
Interim Community Development Director



**COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

RESOLUTION NO. CDRC 047-17

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND
RESOURCES COMMISSION MAKING FINDING OF
CONSISTENCY WITH THE COMMERCIAL AND INDUSTRIAL
DESIGN GUIDELINES AND MAKING DETERMINATION
THAT THE NEW OFFICE/RETAIL BUILDING PROJECT AT
1049 WINTON WAY CONFORMS TO THE GENERAL PLAN**

WHEREAS, the City received request for the demolition of existing Barber Shop and construction of a new 1,920 square foot Office/Retail Building in its place; and

WHEREAS, the development review process for the proposed project is subject to architectural control review per Section 17.12.090 of the Atwater Municipal Code;

WHEREAS, standards for Commercial and Industrial Design Guidelines were adopted by the City Council on October 8, 2012 by Resolution No. 2675-12; and

WHEREAS, the Community Development and Resources Commission serving as the Architectural Control Committee must make the finding of consistency with the Commercial and Industrial Guidelines and make the determination that said project conforms to the General Plan; and

WHEREAS, the project applicant is not seeking cancellation of the existing entitlements or site use permits associated with this facility; and

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission hereby finds:

1. That all facts set forth in the Recitals are true and correct.
2. Based on the information presented to the Community Development and Resources Commission and upon the specific findings set forth above, the Community Development and Resources Commission hereby concludes as follows:
 - a. Based upon the information contained in the staff report, written and oral material presented to the Community Development and Resources Commission at its regular meeting of January 17, 2018, the Community

Development and Resources Commission hereby makes the finding of consistency with the Commercial and Industrial Design Guidelines and makes determination that the proposed Office/Retail Building at 1049 Winton Way conforms to the City's General Plan.

The foregoing resolution is hereby adopted this 17th day of January, 2018.

AYES:

NOES:

ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

LORI WATERMAN, ACTING SECRETARY