

CITY OF ATWATER

COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

October 18, 2017

CALL TO ORDER: (Council Chambers)



6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

ROLL CALL:

Dash____, **Daugherty**____, **McWatters** ____, **Murphy III**____, **Reed**____,
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 three (3) 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 September 20, 2017

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

PETITIONS AND COMMUNICATIONS:

2. Request from Valley Christian Chapel for Street Closure on October 31, 2017 from 5:30 PM to 9:00 PM to hold annual Harvest Festival

Staff's Recommendation: Motion to authorize request from Valley Christian Chapel for Street Closure on October 31, 2017 from 5:30 PM to 9:00 PM to hold annual Harvest Festival, and refer to the City Council for approval.

PUBLIC HEARINGS:

3. CDRC Resolution No. 042-17 Approving Conditional Use Permit No. 550-17 (Type 20 Alcohol License @ 1870 Bellevue Road)

Staff's Recommendation: Opening the Public Hearing and taking any testimony given; and

Motion to adopt Resolution No. 042-17 approving Conditional Use Permit No. 550-17; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

4. Review Atwater's 5th Cycle (2016-2024) Adopted Housing Element results from Department of Housing and Community Development Division of Housing Policy Development

5. Review of Atwater Municipal Code Section 8.32.030 related Parking on Lawns

Staff's Recommendation: Provide Staff with direction.

6. Review of Atwater Municipal Code Section 17.07 regarding Garage Sales

Staff's Recommendation: Provide Staff with direction.

COMMISSIONER MATTERS:

7. 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

APPROVAL OF MINUTES:

Regular Meeting of September 20, 2017



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

September 20, 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, Murphy III, Reed, Chair Brice
Absent: Commissioner McWatters, Warchol.
Staff Present: Interim City Manager Bramble, Deputy City Attorney Ruppel, Senior Planner Hendrix, Police Chief Joseph, Recording Secretary Waterman

SUBSEQUENT NEED ITEMS:

Recording Secretary Waterman announced a request to amend the agenda to add two (2) subsequent need items from Atwater Elementary School District, Ramona Giesbrecht. These items were presented after the posting of the agenda.

Commissioner McWatters arrived at 6:02

APPROVAL OF AGENDA AS POSTED OR AMENDED:

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

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

Notice to the public was read.

MAYOR PRO TEM JIM VINEYARD, Atwater, addressed the Commission and stated that he helped form the CDRC Commission by incorporating the previous Traffic, Planning, Park & Recreation Committees for financial reasons and to incorporate the best minds from all those committees to work together as one. He commented that there has been a statement to "either utilize the CDRC Commission more, or eliminate it". Eliminating the commission would put a burden on the City Council, and he urged the Commission to do their job, ask questions and research information given. He also asked that the Commission start looking at the General Plan, the Sign Ordinance and all ordinances. He stated that the Commission is not being utilized fully and urged them to do more.

No one else came forward to speak at this time.

APPROVAL OF MINUTES:

Regular Meeting of August 16, 2017

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

PETITIONS AND COMMUNICATIONS:

Request from Atwater Elementary School District for assistance with their Annual Red Ribbon Week activities on Friday, October 27, 2017

Michelle Bush, Assistant Superintendent of Human Resources at Atwater Elementary School District spoke on behalf of the Annual Red Ribbon Week activities and requested support from the City of Atwater.

The dates listed on the Letter of Request were incorrect, and this item was continued after the request from Ramona Geisbrecht to give Ms. Busch time to confirm the correct dates of the activities.

Request from Ramona Geisbrecht for the use of Ralston Park on Saturday, October 14, 2017 from 12:00 PM to 3:00 PM to lead a Rosary to pray for the Nation

Ms. Geisbrecht addressed the Commission asking for approval to hang a banner, advertize, and utilize Ralston Park to lead a Rosary which will be done nationwide, she stated no food will be served and is not associated with any Church.

MOTION: Commissioner Murphy III moved to approve request from Ramona Geisbrecht for the use of Ralston Park on Saturday, October 14, 2017 from 12:00 PM to 3:00 PM to lead a Rosary to pray for the Nation, and refer this item to the City Council for their approval. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.

Request from Atwater Elementary School District for assistance with their Annual Red Ribbon Week activities on Friday, October 27, 2017

Michelle Bush clarified the dates of Red Ribbon Week will be October 23-27, 2017 with the request for Red Ribbon Walk and parade to be held on Friday, October 27, 2017 and the Drug Store Project being held on October 27, 2017.

MOTION: Commissioner McWatters moved to approve request from Atwater Elementary School District for assistance with their annual Red Ribbon Week activities on Friday, October 27, 2017, and refer this item to the City Council for their approval. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

CDRC Resolution No. 040-17 approving Conditional Use Permit No. 548-17 (Type 20 Alcohol License @ NW Corner of Buhach Road and Juniper Avenue)

Chair Brice opened the Public Hearing.

KAMAL DHALIWAL, Applicant and Owner ARCO AM/PM Station, spoke in favor of the project and encouraged the Commission to move forward with approving the CUP. She also stated that they have strict window advertising requirements, and patrons will not be able to purchase and drink any alcohol on the property.

SAMMY CARTER, residing in the neighborhood located near the project, had no objections.

BETTY CARTER, spoke against the project, stating that it is not a good idea to sell alcohol so close to the School across the street.

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

MOTION: Commissioner Reed moved to adopt Resolution No. 040-17 approving Conditional Use Permit No. 548-17. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.

CDRC Resolution No. 041-17 approving Conditional Use Permit No. 549-17 (Type 20 Alcohol License @ 1485 Broadway Avenue)

Chair Brice opened the Public Hearing.

RAJESHWAR RANDHAWA, Applicant and Owner 89 Cent Plus Store, spoke in favor of the project, discussed his reasons for requesting the permit, and asked that the Commission approve the requested CUP.

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

MOTION: Commissioner Daugherty moved to adopt Resolution No. 041-17 approving Conditional Use Permit No. 549-17. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, Noes: McWatters, Murphy III, Reed, Warchol, Brice; Absent: None. The motion failed.

CDRC Resolution No. 042-17 approving Conditional Use Permit No. 550-17 (Type 20 Alcohol License @ 1870 Bellevue Road)

Applicant asked for a continuation due to a conflict with tonight's meeting.

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 re-open the Public Hearing for this item. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice, Noes: None; Absent: None. The motion passed.

Chair Brice re-opened the Public Hearing.

MOTION: Commissioner Reed moved to continue the Public Hearing for CDRC Resolution No. 042-17 approving Conditional Use Permit No. 550-17 to the next regular meeting of October 18, 2017. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice, Noes: None; Absent: None. The motion passed.

Ordinance CS 982 Commercial Marijuana Operations

Interim City Manager Bramble addressed the Commission and provided an update of items discussed at the City Council informational session held on September 11, 2017 regarding the consideration of an ordinance relating to medical/commercial marijuana. Items raised by the CDRC were discussed, which included the number of industrial operational permits allowed, and whether it should be a limited or unlimited amount; the security plan and whether there should be a 24 hour armed guard at each facility; that the educational funding for school districts be seriously considered; and there was a question as to whether there should be a provision for a Development Agreement for each facility.

Chair Brice opened the Public Hearing.

ZACK DRIVON, Attorney practicing out of Stockton California, offered himself as a resource to the City regarding State Regulations and Ordinances. He addressed specific items discussed by the Commission and commented that placing caps on the number of permits allowed would limit revenue to the City, that Public Safety and appropriate zoning was key and should be reviewed on a case by case basis. SB 94 identifies regulatory structures. Developer Agreement would be a great way to address revenue, tax, youth education, and security. He suggested allowing the businesses located in these industrial parks to share in the cost of 24 hour guards, or surveillance coverage as to enhance, not burden the Police Department.

JIM VINEYARD, Mayor Pro Tem offered his personal opinion, suggested adding something that allows the City Council flexibility at its discretion to adjust the number of permits allowed.

ROBERT RIECHEL, Atwater, thanked the Commission for their efforts in moving forward with this Ordinance. He commented on the Business Park Zoning which is flexible, and stated that he owns property on Sycamore that would be a perfect use for this area.

MICHELLE BUSH, thanked Commissioner Reed for his passion in keeping education at the forefront of the decisions be discussed. Any partnerships created and resources to educate our youth and families would be a benefit.

ERIC LEE, Atwater, thanked the Commission for doing a great job and look forward to this being a positive for Atwater.

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

Deputy City Attorney Ruppel clarified that the motion will include the Development Agreement and would include the following items upon the Commission's recommendation; taking the cap off the number of permits allowed, incorporating the Development Agreement, surveillance and/or patrols as approved by the Chief of Police, allowing him the discretion to require one or both.

MOTION: Commissioner Daugherty moved to adopt Resolution No. 043-17 recommending approval of Ordinance No. CS 982 to the City Council as amended, incorporating the following changes: removing the cap on the number of licenses allowed; incorporating a Development Agreement; and amending the Security Provision to read "and/or". The motion was seconded by Commissioner McWatters, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Warchol, Brice, Noes: Reed; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF: None

DISCUSSION ITEMS: None

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

Commissioner Dash had no comments, but would like to see the CDRC review the Garage Sale Ordinance.

Commissioner Daugherty commented that he would like to see Shaffer and Juniper fixed, the signal lights have bad loops that should be addressed.

Commissioner Reed announced that he lives on Fruitland and asked if speed humps could be considered on Fruitland to reduce speeders.

Vice Chair Murphy III quested if the residue from the fire on Bell, and asked if the burned trees and signal box located by Panda Express will be removed.

Commissioner McWatters had no comments.

Commissioner Warchol expressed concern regarding Yard Sales being used as a commercial enterprise.

Chair Brice had no additional comments.

ADJOURNMENT:

The meeting adjourned at 7:35 PM.

Gary Brice, Chairperson

Lori Waterman, CMC
Recording Secretary



2

PETITIONS AND COMMUNICATIONS:

Request from Valley Christian Chapel for Street Closure on October 31, 2017 from 5:30 PM to 9:00 PM to hold annual Harvest Festival

Valley Christian Chapel

1201 Cedar Ave
Atwater, Ca 95301

October 8, 2017

To: Atwater City Counsel

Sub: Road Block for Harvest Festival

Valley Christian Chapel will be hosting our annual Harvest Festival on October 31st. The event will consist of fun games and activities for the children and free hotdogs and chips for all guests. We are requesting to block off 3rd street between Broadway & Cedar for approximately 3 1/2 hrs from 5:30pm-9pm.

Thank you for your consideration on this matter.

Glenn Summerton

(209) 628-0773

Alfred Perez (Pastor)

(209) 658-7777



3

PUBLIC HEARINGS:

CDRC Resolution No. 042-17 approving Conditional Use Permit No. 550-17 (Type 20 Alcohol License @ 1870 Bellevue Road)

Chairperson and Members
the Community Development
and Resources Commission

CD&R Commission meeting of
of October 18, 2017

COMMUNITY DEVELOPMENT RESOURCES COMMISSION
RESOLUTION NO. 042-17 APPROVING CONDITIONAL USE
PERMIT NO. 550-17 (TYPE 20 ALCOHOL LICENSE @ 1870
BELLEVUE ROAD)

RECOMMENDATION:

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

1. Opening the Public Hearing and take any testimony from the public; and,
2. Adopting Resolution No. 042-17 approving Conditional Use Permit No. 550-17.

BACKGROUND:

Staff has received a Conditional Use Permit application from Alcoholic Beverage Specialists, on behalf of 99 Cents Only Stores LLC, requesting approval to submit an application to The State of California Department of Alcoholic Beverage Control for a Type 20 license.

ANALYSIS:

The proposed location is within an existing building located at 1870 Bellevue Road. This site is located in the commercial center located at the south east corner of Winton Way and Bellevue Road and.

The site is located within a General Commercial (C-G) Zone District and has a General Plan land use designation of Commercial. City ordinance requires that the applicant obtain a Conditional Use Permit for the sale alcoholic beverages. The applicant is requesting approval to submit an application to The State of California Department of Alcoholic Beverage Control (ABC) for a Type 20 (Off Sale Beer) license. A Type 20 alcohol license is described as follows:

Type 20- Off Sale Beer & Wine (Package Store)- Authorizes the sale of beer and wine for consumption off premises where sold. Minors are allowed on the premises.

The proposed site is located within Census Tract No. 6.02. Census Tract 6.02 is bounded by Juniper Avenue to the south, Winton Way to the west, Bellevue

Road to the north and Shaffer Road to the east. The current population for Census Tract 7.01 is 3,935.

Currently ABC allows 1,267 On Sale licenses and 1,114 Off Sale licenses for the entire County. When calculated the following number of On Sale and Off Sale licenses are allowed within Censes Tract 7.01.

$3,935/1,267= 3.1$ (3 On Sale allowed by the State) (0 current On Sale approved)
 $3,935/1,114= 3.5$ (3 Off Sale allowed by the State) (1 current Off Sale approved)

Currently the State allows a total of 6 On Sale and Off Sale licenses within Census Tract 6.02. Currently the State has issued 1 On Sale and Off Sale licenses within Census Tract 6.02 which is not an undue concentration.

ENVIRONMENTAL:

The Site Plan for this project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3)

CONCLUSION:

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

Respectfully submitted,

Justin D. Hendrix

Justin D. Hendrix
Senior Planner
City of Atwater



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

RESOLUTION NO. CDRC 042-17

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION OF THE CITY OF
ATWATER APPROVING CONDITIONAL USE PERMIT
NO. 550-17 ALLOWING FOR A TYPE 20 ALCOHOL
LICENSE (1870 BELLEVUE ROAD)**

WHEREAS, the Community Development and Resources Commission of the City of Atwater reviewed Conditional Use Permit No. 550-17, as submitted by Alcoholic Beverage Specialists, on behalf of 99 Cents Only Stores LLC, requesting approval to submit to The Department of Alcoholic Beverage Control for a Type 20 alcohol license; and,

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, September 20, 2017; and,

WHEREAS the Community Development and Resources Commission held a duly noticed public hearing as required by laws 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 structure and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have an adverse effect on the community; and,

WHEREAS this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(3); and,

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this Conditional Use Permit Amendment:

1. That the site is located within a General Commercial (C-G) Zone District.
2. That the site is designated as Commercial by the Atwater General Plan.
3. That this use is considered a Conditional Use and with the conditions set forth by this resolution will meet the intent of the General Commercial Zone District.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That all the mandatory findings set forth in Section 17.71.010 of the Atwater Zoning Ordinance can be made.
6. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(b)(3).

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 Conditional Use Permit No. 550-17 subject to the following conditions:

1. That the applicant is approved to submit to The Department of Alcoholic Beverage Control (ABC) for a Type 20 alcohol license.
2. That the applicant shall comply with all requirements of The Department of Alcoholic Beverage Control.
3. That the Community Development and Resources Commission shall retain the right to reconsider Conditional Use Permit No. 550-17 at anytime.
4. That this CUP shall expire in six (6) months from the day of approval if the business has not started. A six month extension may be granted by the Community Development and Resources Commission.
5. 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 18th day of October, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

JUSTIN D. HENDRIX, SECRETARY

Statement of Operations
99 Cents Only Store #292
1870 Bellevue Road
Atwater, CA

About 99 Cents Only Stores

Founded in 1982, 99 Cent Only Stores has expanded to nearly 400 extreme value grocery and consumer goods stores with over 60% grocery items including a large area dedicated to fresh produce and bread. 99 Cents Only operates more than 300 stores in California with over 100 selling beer and wine to offer a full line of grocery products. 99 Cents Only buys directly from almost every major name-brand grocery and consumer goods manufacturer in the nation including Del Monte, Dole, Kraft Foods, Nestle Foods, Procter & Gamble, Quaker, Revlon and Johnson & Johnson. Most customers consider 99 Cents Only Store as their primary grocery store and frequent the store an average of 3 times per week.

Proposed Additional Use: Finding of public convenience and permit to sell beer/ wine for off-site consumption (ABC Type 20 License) within an existing 18,853 square foot grocery store.

Hours of Operation: 8am to 10pm - 7 days per week.

Beer and Wine Display Area: Display of beer and wine will not exceed 36 lineal feet of shelf space. There will be no posters advertising beer or wine in store windows. All beer and wine will be displayed on shelves and not in coolers.

Security Measures: 99 Cents Only currently operates 100+ locations in California that sell alcoholic beverages. This store has approximately 10 surveillance cameras. Cameras are located in a manner that every part of the sales area including checkout stands are videotaped during store hours. The videos are stored for a minimum of 30 days and are made available to locate police departments upon request.

Point of sale system automatically prompts cashiers to input date of birth of person attempting to make alcohol purchase. System will not allow transaction to be completed if invalid date of birth is input.

Employee Training: Employees that handle alcohol sales are required to go through corporate training for alcohol sales that is similar to the ABC LEAD program. 99 Cents Only stores has a zero tolerance policy for employees and immediately terminate employees that violate ABC laws. Employees are trained to contact law enforcement when faced with incidents of public intoxication, suspicious or harassing behavior, theft and loitering.



**California Department of Alcoholic
 Beverage Control
 For the County of MERCED - (Retail
Licenses)
and Census Tract = 6.02**

Report as of 8/30/2017

License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1) <u>211003</u>	ACTIVE	21	1/7/1988	3/31/2018	SINGH, BALBIR 2699 1ST ST ATWATER, CA 95301	BOBBIS LIQUOR		2401
					Census Tract: 0006.02			
2) <u>479316</u>	SUREND	20	9/25/2009	2/28/2018	SINGH, BALBIR 2698 1ST ST ATWATER, CA 95301-2913	FIVE CORNER FOOD MART	2699 1ST ST ATWATER, CA 95301	2401
					Census Tract: 0006.02			

- - - End of Report - - -

For a definition of codes, view our [glossary](#).



4

REPORTS AND PRESENTATIONS FROM STAFF:

Review Atwater's 5th (2016-2024) Adopted Housing Element results from Department of Housing and Community Development Division of Housing Policy Development

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

RECEIVED
SEP 18 2017
CITY OF ATWATER



September 12, 2017

~~Mr. Scott McBride~~, Interim City Manager
City Of Atwater
750 Bellevue Road
Atwater, CA 95301

Dear Mr. McBride:

RE: Atwater's 5th Cycle (2016-2024) Adopted Housing Element

Thank you for submitting the City of Atwater's housing element adopted May 22, 2017 and received for review on June 26, 2017. The review was facilitated by communications with Mr. Richard James of the EMC Planning Group, the City's consultant. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The adopted element meets most of the statutory requirements of State housing element law (GC, Article 10.6). The adopted element was found to be substantially the same as the revised element the Department's March 13, 2017 review determined met statutory requirements. However, the housing element cannot be found in full compliance until the City has amended zoning to permit a year round emergency shelter without discretionary action pursuant to GC Section 65583(a)(4)(A) and rezoned sites to address the unaccommodated need from the 4th cycle pursuant to GC 65584.09 as described below.

Pursuant to GC 65583(a)(4)(A), Program H-5.f, identified in the previous element, committed to amend the zoning ordinance to permit emergency shelters without discretionary action within one year of the July 18, 2016 adoption of the housing element. As noted in the current element on pages 4-22 and 5-27, Program H-5.f has not been implemented and therefore, the element cannot be found to meet statutory requirements.

In addition, pursuant to GC Section 65584.09, a jurisdiction that failed to identify or make available adequate sites to accommodate all of the previous cycle's housing need must zone or rezone adequate sites to accommodate all of the previous cycle's unmet housing need within the first year of the next housing element cycle. However, as this year has passed and Program H-1.h to address the 19-unit shortfall have not been the completed, the housing element is out of compliance and will remain out of compliance until the actions have been completed to address the 19-unit shortfall.

Once the City has adopted zoning to permit emergency shelters without discretionary review and has rezoned sites to accommodate the 19-unit shortfall from the 4th cycle, a copy of the resolution(s) or ordinance(s) should be transmitted to the Department. The Department will review the documentation and issue correspondence identifying the updated status of the City's housing element compliance.

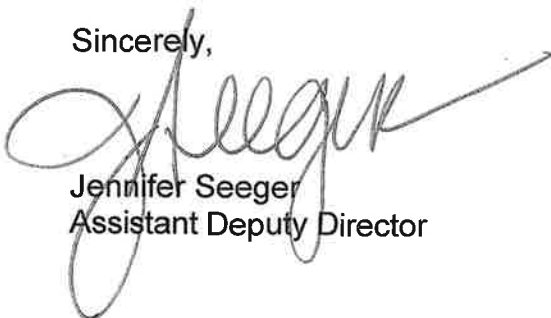
In addition to the actions included in Program H-1.h to rezone sites to address the 19-unit shortfall, the element also includes a rezone program for identifying adequate sites for the 5th cycle planning period to accommodate the 155 unit regional housing need for lower-income households. As a result, Program H-1.h commits to rezone at least 10.1 acres to R-3 by December 19, 2019 with minimum densities of 20 units per acre to accommodate a total of 174 units (19 unit shortfall for 4th cycle plus the 155 unit shortfall for the 5th cycle). These sites rezoned pursuant to Program H-1.h for both the prior and current cycle regional housing need must permit rental and owner multifamily development without discretionary review (GC Section 65583.2(h) and (i)). The City must monitor and report on the results of these and other program actions through the annual progress report, required pursuant to GC Section 65400.

Please note, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through June 30, 2018. Further information is available on the Department's website at: <http://www.hcd.ca.gov/grants-funding/active-funding/mprprop.shtml>.

The Department is committed to assisting Atwater in addressing all statutory requirements of housing element law. If you have any questions or need additional technical assistance, please contact Jess Negrete, of our staff, at (916) 263-7437.

Sincerely,



Jennifer Seeger
Assistant Deputy Director



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REPORTS AND PRESENTATIONS FROM STAFF:

Review of Atwater Municipal Code Section 8.04.160 related to Abandonment of Vehicle; 8.32.030 related to Parking on Lawns; and 17.12.170 related to Parking and Storage of Trailer, Travel Trailer, Camper and Recreational Vehicle

8.04.160 - Abandonment of vehicle for more than ten days unlawful.

It is unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing, or leaving of any licensed or unlicensed vehicle or parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the City for a period in excess of ten days unless such vehicle or parts thereof is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property, in connection with the business of a licensed dismantler, licensed vehicle dealer or junkyard.

(Prior Code § 3-10.401)

8.32.030 - Nuisances.

It shall be considered an unlawful "Nuisance" for any person owning, leasing, renting, occupying or having charge of or in possession of any property within the City of Atwater to maintain or to allow to be maintained such property in such manner that any of the following conditions are found to exist thereon, except as may be allowed by any other provision of law, including provisions of City ordinances:

- A. Excessive accumulation of dirt, litter, or debris visible from public rights-of-way.
- B. Clothing hanging or stored in areas visible from public right-of-way not intended for the hanging of clothes.
- C. Boxes, bins, containers, dilapidated dog houses, lumber/wood piles, junk, trash, salvaged materials, or other similar materials visible from public right-of-way.
- D. Nuisances that are attractive but dangerous to children, including but not limited to abandoned, broken, or neglected equipment, machinery, refrigerators and freezers, excavations, vehicles under repair, up on blocks, stands or any other means in which a vehicle may fall.
- E. Inoperable or discarded furniture, household equipment and/or furnishings or shopping carts visible from public right-of-way.
- F. Overgrown vegetation likely to harbor rats, vermin, and other nuisances dangerous to public health, safety, and welfare, or obstructing the necessary view of drivers on public streets or private driveways visible from public right-of-way.
- G. The presence of weeds, refuse and mistletoe in violation of Chapter 8.28 of the Atwater Municipal Code.
- H. Dead, decayed, or diseased trees and/or any other vegetation that constitutes a hazard, unsightly appearance or danger to public health, safety and/or welfare visible from public right-of-way.
- I. Graffiti on the exterior of any building, fence, or other structure, to be consistent with Chapter 8.38.030 of the Atwater Municipal Code, visible from public right-of-way.
- J. Wrecked or inoperable vehicles, vehicle parts, or other articles of personal property that are abandoned or left in a state of partial construction or repair visible from public right-of-way, to be consistent with Chapter 8.04.160 of the Atwater Municipal Code.
- K.

To keep or maintain any vehicle, recreational vehicle, vessel, travel trailer or trailer(s) required to be licensed by any local, state or federal agencies, whether or not operational, parked on the front, interior, or exterior side yard with the following exceptions:

1. Such facilities may be placed, kept or maintained wholly within a structure lawfully existing on the premises.
 2. Such facilities may be placed within the rear yard.
 3. Such facilities may be placed on the front, interior, or exterior side yard on a permanent driveway or parking place. The permanent driveway or parking place must be paved or surfaced with an all weather, week-free, and fire resistant surface or maintained with landscaping, as defined in this section, installed and maintained in a trimmed, live and healthy condition. The driveway or parking place must measure no less than the width and length of the vehicle.
 4. Such facilities may be placed on a permanent driveway or parking place provided the vehicle does not overhang the sidewalk or extend into the City right-of-way or the corner lot clearance areas as specified in Section 17.12.120.
 5. Such facilities may be placed in a mobile home park or travel trailer park.
 6. Vans or pickups with camper shells which do not exceed an overall height of 84 inches, or pickups without camper shells are not considered to be recreational vehicles.
- L. Blighted Building.
- M. Lights, lighted signs, or other devices that direct or reflect glare onto public right-of-way or neighboring properties.
- N. Any sign not in conformance with the standards established in Chapter 17.69 of the Atwater Municipal Code.
- O. The placement, use and storage of portable basketball goals on or within the public right-of-way, that may cause a public safety hazard.
- P. The use of portable awnings or car ports which impede or block the public right-of-way or obstruct the necessary view of drivers on public streets or private driveways.
- Q. The use of motor homes, boats, trailers, campers or camper shells, similar vehicles or equipment used for sleeping or cooking that exceeds three concurrent days.
- R.

Performance of mechanical work on motor vehicles on private property in residential areas so as to be visible from public right-of-way for periods totaling more than one week within any calendar year.

- S. Construction materials which are stored in areas visible from public right-of-way except when permitted construction is occurring nearby.
- T. Personal belongings not designed to withstand the elements, stored outside, in areas visible from the public right-of-way.
- U. Uncleaned spills or the disposal of oil, gasoline, or other petroleum products.
- V. Failure to install landscaping and automatic irrigation system within two months of purchase of newly constructed units and compliance with Section 8.34.010(B) of the Atwater Municipal Code.
- W. Failure to install landscaping in compliance with Section 8.34.010(C) of the Atwater Municipal Code within six months of adoption of this ordinance.
- X. Parking more than four vehicles, vessels, travel trailers or trailer(s) on property.
- Y. Any condition caused or permitted to exist in violation of any of the provisions of the Atwater Municipal Code.

(Ord. CS 401, 1980; Ord. CS 785, 10-9-2000; Ord. CS 788, 1-8-2001; Ord. CS 802, 6-24-2002; Ord. 832, 1-12-2004; Ord. CS 843, 9-27-2004; Ord. CS 923, §§ 2, 3, 10-24-2011)

17.12.170 - Parking and storage of trailer, travel trailer, camper and recreational vehicle.

It is unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, a trailer, travel trailer, camp car, camper or recreational vehicle within the residential zones of the City, except in a mobile home park or travel trailer park with the following exceptions:

- A. Such facilities may be placed, kept or maintained wholly within a structure lawfully existing on the premises; or
- B. Such facilities may be placed within the rear or side yard setbacks.
- C. Such facilities may be placed within the front yard, provided the vehicle does not overhang the sidewalk or extend into the City right-of-way or the corner lot clearance area as specified in Section 17.12.120.
- D. Exemption: (1) Visitors who are not residents of the City of Atwater are exempt from the above for a period of 72 hours. (2) Any recreational vehicle mentioned in this section may be parked in the street for a period of 72 hours for loading, unloading, cleaning, or mowing the lawn.
- E. All units would have to meet the requirements listed in corner lot vision clearance specified in Section 17.12.120.
- F. Vans or pickups with camper shells which do not exceed an overall height of 84 inches, or pickups without camper shells are not considered to be recreational vehicles.

(Ord. CS 749, 9-8-1997; Ord. CS 489, 1981)



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REPORTS AND PRESENTATIONS FROM STAFF:

Review of Atwater Municipal Code Section 17.07 regarding Garage Sales

CHAPTER 17.07 - GARAGE SALES⁽¹⁾

17.07.010 - Intent and purpose.

It is the intent and purpose of the City Council in adopting the ordinance codified in this chapter to regulate those activities which in the most technical sense have business or commercial characteristics, but which, because of the manner in which they are conducted or the purposes for which they are being operated are truly noncommercial in nature. These regulations are intended to prevent the expansion of such noncommercial operations into truly commercial operations and to regulate the method of conducting the activity so that it will be confined to a noncommercial type of operation. It is the purpose of this chapter to prevent such activities from unfairly competing with licensed revenue-producing commercial and business enterprises; to prevent the conduct of commercial enterprises upon other than commercially-zoned property; and to curb the evasion of business license fees.

(Ord. CS 926, § 1, 5-29-2012)

17.07.020 - Garage sale defined.

For the purpose of this chapter, a "garage sale" means a sale conducted by an individual homeowner or occupant of a home, or apartment owner, or an occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings, or goods, or other tangible personalty, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated "lawn sale," "attic sale," "moving sale," "flea market sale," or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said organizations, and, excluding those areas sponsored by bona fide service clubs.

(Ord. CS 926, § 1, 5-29-2012)

17.07.030 - Date and time of garage sales.

Garage sales events conducted at any residential dwelling unit, apartment complex, or residentially zoned property may only be held on the first and third Friday, and/or Saturday, and/or Sunday of each month. The time period for conducting the garage sale shall be between the hours of dawn and 4:00 p.m., including the time for setup and takedown. The driveway, yard area, or other space used for the purposes of the garage sale shall be restored to its normal residential character at the conclusion of the garage sale.

(Ord. CS 926, § 1, 5-29-2012)

17.07.040 - Limitations on items for sale.

Goods offered for sale shall be the personal property of the person conducting the garage sale, or persons participating in the garage sale. All of the goods must be used or secondhand. Selling goods which have been acquired specifically for the purpose of resale is prohibited. The sale of the goods shall not violate any Federal, State, or local laws.

(Ord. CS 926, § 1, 5-29-2012)

17.07.050 - Display of property.

Except where an encroachment permit has been issued, the display of personal property offered for sale shall not be displayed on any public right-of-way, including, but not limited to, sidewalks, parkways, streets and/or alleys, or on any other residentially zoned property other than that owned or rented by the person conducting the sale.

(Ord. CS 926, § 1, 5-29-2012)

17.07.060 - Sign displays.

Garage sale signs shall be consistent with Section 17.69.420 of this Code.

(Ord. CS 926, § 1, 5-29-2012)

17.07.070 - Violation—Penalty.

Any person violating any of the provisions of this chapter is guilty of an infraction.

(Ord. CS 926, § 1, 5-29-2012)