

CITY OF ATWATER

COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

October 17, 2018

CALL TO ORDER

6:00 PM



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan

ROLL CALL:

Dash ____ , Daugherty ____ , McWatters ____ , Warchol ____ , Murphy III ____ ,

Vacant ____ , Vacant ____

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

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. You may state your name and address for the record; however, it is not required. 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.

REORGANIZATION:

- Chair
- Vice Chair

Staff's Recommendation: that the Community Development and Resources Commission reorganize, by nomination and motion the positions of Chair and Vice Chair for the remainder of the Calendar year of 2018.

APPROVAL OF MINUTES:

1. **September 19, 2018, Regular meeting**

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

PETITIONS AND COMMUNICATIONS:

2. **Request from Valley Christian Chapel for assistance with street closure for their annual Harvest Festival (Glenn Summerton/Alfred Perez)**

Staff's Recommendation: Motion to recommend that the City Council approve the request from Valley Christian Chapel for assistance with their annual Harvest Festival on Wednesday, October 31, 2018, to block off Third Street between Broadway Avenue and Cedar Avenue from 5:30 – 9:00 PM; or

Motion to approve staff's recommendation as presented.

3. **Request from Saint Anthony/Immaculate Conception Church for assistance with street closure for their annual procession (Baudelio Valencia)**

Staff's Recommendation: Motion to recommend that the City Council approve the request from Saint Anthony/Immaculate Conception Church for assistance with their annual procession on Sunday, December 2, 2018 starting at 3:00 PM beginning at Ralston Park, to Juniper Avenue, and on to Saint Anthony Church; to assist with road closure on Third Street between Fir and Juniper Avenues and Juniper Avenue between Third Street and Winton Way from 3:00 – 5:00 PM; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

4. **Adopting CDRC Resolution No. 072-18 making the finding that the project is categorically exempt under CEQA and recommends City Council adoption of Ordinance No. CS 1000, approving Zoning Ordinance Text Amendment 18-1, amending Chapter 17.40.20 and Chapter 17.42.020 regarding Emergency Shelters**

Staff's Recommendation: Open the public hearing and receive any testimony given; and

Motion to adopt CDRC Resolution No. 072-18 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15061(b)(3) "Common Sense," and recommending that the City Council adopt Ordinance No. CS 1000 approving Zoning Ordinance Text Amendment 18-1, amending Chapter 17.40.20 and Chapter 17.42.020 of the Atwater Municipal Code regarding Emergency Shelters; or

Motion to approve staff's recommendation as presented.

5. **Adopting CDRC Resolution No. 073-18 making the finding that the project is categorically exempt under CEQA and recommends City Council adoption of Ordinance No. CS 999 approving Zoning Ordinance Text Amendment 18-2, amending Chapter 17.40.030 regarding Conditional Uses as it relates to Commercial Cannabis Businesses**

Staff's Recommendation: Open the public hearing and receive any testimony given; and

Motion to adopt CDRC Resolution No. 073-18 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15061(b)(3) "Common Sense," and recommending that the City Council adopt Ordinance No. CS 999 approving Zoning Ordinance Text Amendment 18-2, amending Chapter 17.40.030 of the Atwater Municipal Code regarding Conditional Uses as it relates to Commercial Cannabis Businesses; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

6. **Verbal update regarding traffic calming measures within the City of Atwater**

COMMISSIONER MATTERS:

ADJOURNMENT:

CERTIFICATION:

I, Jacquy Lopez, Community Development and Resources Commission 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.


Jacquy Lopez, Secretary
Community Development
and Resources Commission

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 General Services Department 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 Community Development and Resources Commission meeting due to a disability, please contact the Community Development and Resources Commission Secretary a minimum of five (5) business days in advance of the meeting at (209)357-6230. You may also send the request by email to jlopez@atwater.org.



1



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

September 19, 2018

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; Acting Chairperson Murphy III presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Acting Chairperson Murphy III.

ROLL CALL:

Present: Commissioners Dash, Daugherty, McWatters, Warchol, Acting Chairperson Murphy III
Absent: Brice
Staff Present: City Manager Waterman, Interim Public Works Director Shaw, General Services Manager/Chief Building Official Pereida, VVH Senior Planner Thompson, Police Sergeant Snyder, Recording Secretary Rasmussen

SUBSEQUENT NEED ITEMS: None

APPROVAL OF AGENDA AS POSTED OR AMENDED:

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

PUBLIC COMMENT:

Notice to the public was read.

Dwight Larks, expressed concern with the RFP process for applying to the cannabis program.

No one else came forward to speak at this time.

APPROVAL OF MINUTES:

Regular Minutes of June 20, 2018

MOTION: *Commissioner Dash moved to approve the regular meeting minutes of June 20, 2018. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Dash, McWatters, Daugherty, Warchol, Murphy III; Noes: None; Absent: Brice. The motion passed.*

Regular Minutes of July 18, 2018

MOTION: *Commissioner Daugherty moved to approve the regular meeting minutes of July 18, 2018. The motion was seconded by Commissioner Dash and the vote was: Ayes: Dash, McWatters, Daugherty, Warchol, Murphy III; Noes: None; Absent: Brice. The motion passed.*

Regular Minutes of August 15, 2018

MOTION: *Commissioner McWatters moved to approve the regular meeting minutes of July 18, 2018. The motion was seconded by Commissioner Dash and the vote was: Ayes: Dash, McWatters, Daugherty, Warchol, Murphy III; Noes: None; Absent: Brice. The motion passed.*

PETITIONS AND COMMUNICATIONS:

Atwater High School Leadership Class request assistance with annual Football Homecoming Parade scheduled for Friday, October 5th, 2018 beginning at 3:30 PM. The parade will start on Mitchell Ave, turn left onto Winton Way, and continue to Atwater High School on Fruitland Avenue.

Nathan Braga, Atwater High School Student Activities Director, summarized the request for assistance with the parade including barricades.

MOTION: *Commissioner Dash moved to approve the request for assistance from Atwater High School Leadership class with the annual Football Homecoming Parade on Friday, October 5, 2018 beginning at 3:30 PM with the City to provide barricades for the parade route and the high school will be responsible for taking barricades down and returning to the City. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Dash, McWatters, Daugherty, Warchol, Murphy III; Noes: None; Absent: Brice. The motion passed.*

Tim Barnard request for speed bumps to be installed at Stone Creek Drive. Stating that people are driving over fifty miles an hour on the roadway

Tim Barnard spoke to describe the problems with speeding on Stone Creek drive.

Adam Reed asked if there is a policy in place to address traffic calming measures.

MOTION: Commissioner McWatters moved to direct staff to explore and/or develop the City's policy on traffic calming and the findings to be brought back to the Community Development and Resources Commission for the next regular meeting on October 17, 2018. The motion was seconded by Commissioner Daugherty and the vote was: Ayes: Daugherty, Warchol, Dash, McWatters, Murphy III; Noes: None; Absent: Brice. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Resolution No. 071-18 Lot Line Adjustment No. 18-1: Staff has received a Lot Line Adjustment application requesting approval for a boundary adjustment between APN's 005-481-002 and 005-070-023. This site is located at Nebela Drive and Rondel Road. The property is designated as Low Density Residential by the City General Plan and Planned Development 29 (PD-29) by the City Zoning Map. Merced County Assessor's Parcel No.: 005-481-002 and 005-070-023.

Senior Planner Thompson reviewed the critical construct of how a lot line adjustment is considered and approved. The absence of a Community Development Director for the City of Atwater, who would normally approve a request, necessitates that the item comes to the Community Development and Resources Commission for approval.

MOTION: Commissioner Daugherty moved to adopt Resolution No. CDRC 071-18 as amended for certain typographical errors and modifying language in the last "Whereas" to strike "public hearing being duly noticed and advertised in accordance with the requirements of the Atwater Municipal Code;" and replace with "Regular meeting", approving lot line adjustment No. 18-1. The motion was seconded by Acting Chairperson Murphy III and the vote was: Ayes: Daugherty, Warchol, Dash, McWatters, Murphy III; Noes: None; Absent: Brice. The motion passed.

COMMISSION MATTERS:

Commission Comments

Commissioner Dash expressed concern for excessive speeding on Shaffer Road and Juniper Avenue and suggested more traffic control in that area as well as potentially using a "decoy" police cruiser to slow people down.

Commissioner Daugherty suggested installing newer rapid flashing beacon lights on the each side of the streets to slow traffic. He also noted that the curb area at Olive Avenue and Winton Way needs to be painted red.

Commissioner Warchol expressed concern for the CDRC minutes not getting to the City Council in a timely manner and that it has an adverse effect on the Commission and City Council relationship.

Commissioner McWatters had no comments.

Acting Chairperson Murphy III requested an update on the 6th Street and Laurel Avenue curb and gutter issue and noted that there is also a sewer issue at 700

Laurel Avenue. He also asked about when the stoplight project for Olive Avenue and Winton Way will be going out to bid and that the stoplight at Juniper Avenue and Shaffer Road needs to be phased.

Acting Public Works Director Shaw responded that tree crews are working to address sidewalk issues and hope to have all completed in sixty days. He further stated that the 700 Laurel Avenue issue has been resolved.

City Manager Waterman responded that Measure V funds are being used to complete the Olive Avenue and Winton Way stoplight and it will be started in the Spring. She also commented that the bid for phasing the stoplight at Shaffer Road and Juniper Avenue is complete and the project is ready to move forward.

ADJOURNMENT:

The meeting adjourned at 7:00 PM.

Acting Chairperson James Murphy, III

By: Lesa Rasmussen,
Recording Secretary



2

Valley Christian Chapel .

1201 Cedar Ave
Atwater, Ca 95301

October 3, 2018

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



SPECIAL OUTDOOR EVENTS APPLICATION/PERMIT STAFF APPROVAL



CHECKLIST:

Application Received Oct 8, 2018

Permit No. _____

Prior to submitting your application, please confirm by checking (✓) the boxes below that all the following have been completed.

- Have you completed the "Description of Event" below and signed the application on Page 3? (Incomplete information may delay your application.)
- Have you allowed at least 3-4 weeks prior to the event for your application to be approved?
- Have you obtained the required insurance, and do you have proof of that insurance to submit with your application? (See "Insurance" section on Page 3 for details)
- Has the Indemnification Agreement on Page 2 of this application been signed by an authorized representative of the sponsoring organization?

After obtaining approval from the City, but prior to the event, please make sure you have done the following:

- Have you read the conditions of approval and is your event prepared to abide by all conditions?
- Have you given Atwater Public Works Department notice of the proposed street closure?
- Have you arranged for "Special Event" City Refuse Service by calling 357-6730?
- Have you made arrangements for supplying any necessary electricity to your event? (Plugging outlets into City light poles is NOT allowed unless prior approval is obtained. Please call City Public Works at 357-6370 for additional information.)
- If you are selling alcohol at your event, have you obtained an Alcoholic Beverage Control (ABC) license or permit for this event?

DESCRIPTION OF EVENT:

APPLICANT/EVENT SPONSOR _____

CONTACT PERSON Glenn Summerton / Alfred Perez PHONE 209-628-0773
209-1158-7777

ADDRESS 1201 CEDAR Atwater CA 95301

E-MAIL Summerton@SRCGlobal.net

DESCRIPTION OF EVENT (include equipment, obstructions, etc., to be placed in the encroachment area)

TRUNK A-TREAT (10 vehicles or so) hay bales, lights

DESCRIPTION OF EVENT (Continued):

THIS EVENT WILL SELL OR SERVE ALCOHOL: Yes _____ No ✓

ESTIMATED NUMBER OF PEOPLE IN ATTENDANCE: 100 to 200 people

DATE(S) AND TIMES OF USE (include time for setup and takedown as well as event time): 10-31-18
4:30 pm through 9:30 pm

(PLEASE ATTACH A MAP TO IDENTIFY PARADE ROUTES, STREET CLOSURES, AND ANY OBSTRUCTIONS TO BE PLACED WITHIN THE RIGHT-OF-WAY)

If this event requires closure of street, please see below.

LIST ALL STREETS PROPOSED FOR CLOSURE:

STANDARD CONDITIONS FOR STREET/PARKING LOT CLOSURES:

1. Event Sponsor must remove all equipment, trash and debris generated by the event prior to the expiration of the permit.
2. Supervision/security shall be provided by event sponsor to ensure the safety of event participants and the public if required by the Police Department.
3. Event Sponsor shall be responsible for insuring that all vendors involved with the event obtain a City of Atwater business license (if needed).
4. The applicant shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 357-6370.
5. The applicant shall comply with the Indemnification and Insurance provisions as outlined on Page 3 of this application.
6. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

(Additional conditions may be imposed as deemed necessary)

INDEMNIFICATION: Event Sponsor shall indemnify, protect, defend, save and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

INSURANCE: Prior to engaging in the event, Event Sponsor shall complete and file with the City a special events, general liability and automobile policy naming the City and its officers, agents, and employees as additional insured, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City, in a minimum amount of one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) aggregate, with the City of Atwater named as an additional insured party.

Please submit application and insurance certificate to:

City of Atwater
Attn: Jeanna Del Real, Risk Manager
City Clerk/Human Resources Department
750 Bellevue Road
Atwater, CA 95301

(209) 356-3177 (Fax)
idelreal@atwater.org (Email)

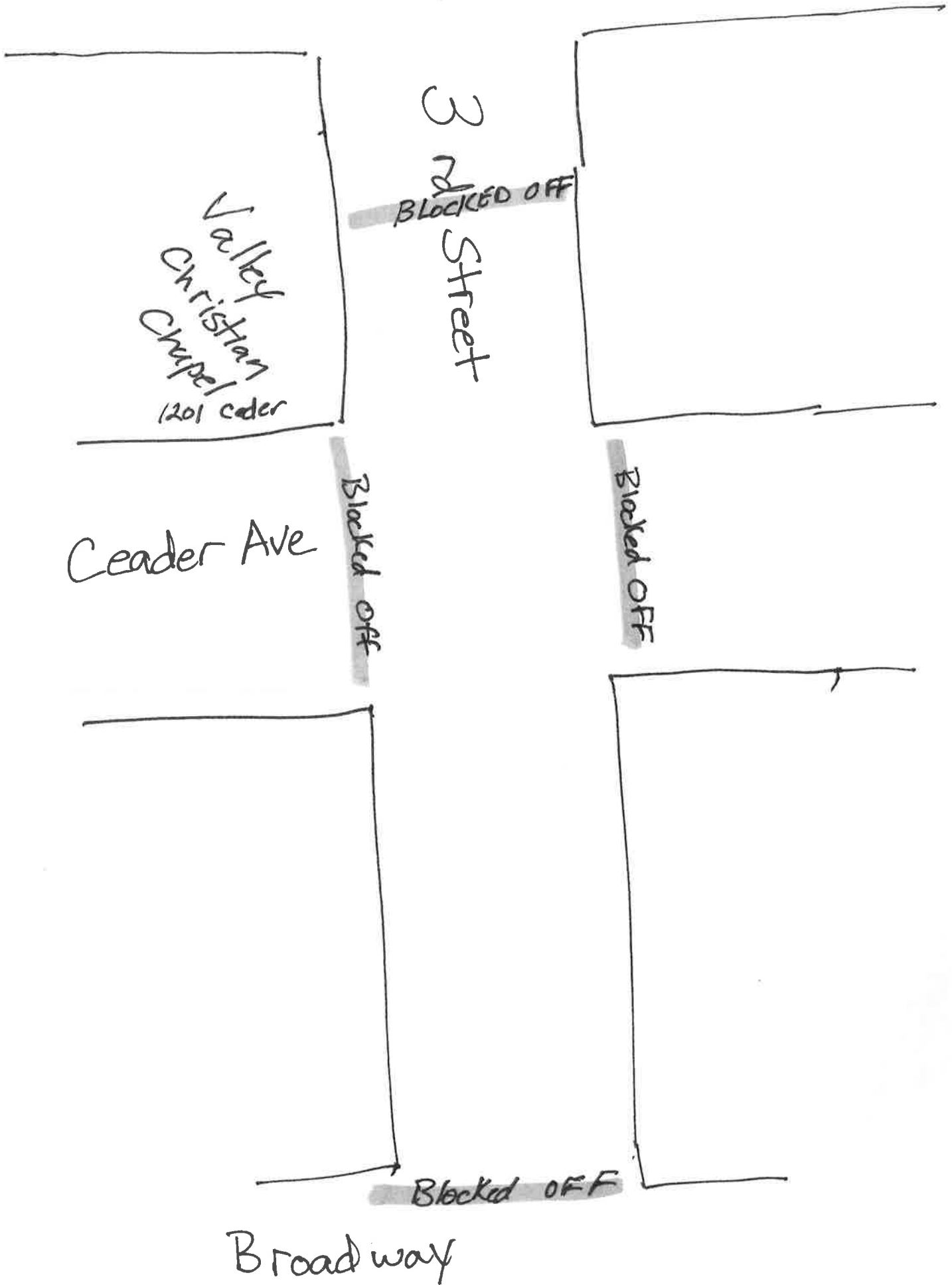
REFUSAL OR REVOCATION OF PERMIT: Failure to comply with any law, rule or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.

The undersigned declares under penalty of perjury that he/she has the authority to sign for and bind the Event Sponsor to the conditions imposed by the City upon the granting of this Application.

Signature: *Glean Summerton*
Print Name: Glean Summerton
Date: 10-6-18

OFFICE USE	
APPLICATION APPROVED SUBJECT TO CONDITIONS	
BY _____ Human Resources/Risk Management Department (357-6204)	DATE _____
BY _____ General Services Department (357-6367)	DATE _____
BY _____ Police Department (357-6384)	DATE _____
BY _____ Fire Department (357-6352)	DATE _____
BY _____ Public Works Department (357-6370)	DATE _____
CITY COUNCIL APPROVAL DATE: _____	

Drakely Ave.





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STREET CLOSURE APPLICATION STAFF APPROVAL



CHECKLIST:

Application Received: _____

Prior to submitting your application, please confirm by checking (✓) the boxes below that all the following have been completed.

- Have you completed the "Description of Event" below and signed the application on page 3? (Incomplete information may delay your application.)
- Have you allowed at least 3-4 weeks prior to the event for your application to be approved?
- Have you obtained the required insurance and do you have proof of that insurance to submit with your application? (See "Insurance" section on page 3 for details)
- Has the Indemnification Agreement on page 2 of this application been signed by an authorized representative of the sponsoring organization?

After obtaining approval from the City, but prior to the event, please make sure you have done the following:

- Have you read the conditions of approval and is your event prepared to abide by all conditions?
- Have you given Atwater Public Works Department notice of the proposed street closure.
- Have you arranged for "Special Event" City Refuse Service by calling 357-6730?
- Have you made arrangements for supplying any necessary electricity to your event? (Plugging outlets into City light poles is NOT allowed unless prior approval is obtained. Please call City Public Works at 357-6370 for additional information.)
- If you are selling alcohol at your event, have you obtained an Alcoholic Beverage Control (ABC) license or permit for this event?

DESCRIPTION OF EVENT:

APPLICANT/EVENT SPONSOR

CONTACT PERSON Baudelio Valencia PHONE 209 357-2499
 ADDRESS 1696 Dolores Street, Atwater, CA 95301, 1799 Winton Way
 E-MAIL st.anthony.atwater@att.net St. Anthony's Church

DESCRIPTION OF EVENT (include equipment, obstructions, etc., to be placed in the encroachment area)

Parade for Celebration of "Virgen de Guadalupe"

DESCRIPTION OF EVENT (Continued):

THIS EVENT WILL SELL OR SERVE ALCOHOL: Yes _____ or No X

ESTIMATED NUMBER OF PEOPLE IN ATTENDANCE 300

DATE(S) AND TIMES OF USE (include time for setup and takedown as well as event time): 12-2-18

LIST ALL STREETS PROPOSED FOR CLOSURE: Third & Juniper 3:00pm - 5:00pm

(PLEASE ATTACH A MAP TO IDENTIFY PARADE ROUTES, STREET CLOSURES, AND ANY OBSTRUCTIONS TO BE PLACED WITHIN THE RIGHT-OF-WAY)

STANDARD CONDITIONS FOR STREET/PARKING LOT CLOSURES/PARADES

1. Event Sponsor must remove all equipment, trash and debris generated by the event prior to the expiration of the permit.
2. Supervision/security shall be provided by event sponsor to ensure the safety of event participants and the public if required by the Police Department.
3. Event Sponsor shall be responsible for insuring that all vendors involved with the event obtain a City of Atwater business license (if needed).
4. The applicant shall arrange and pay for special event City Refuse service by contacting Public Works at (209) 357-6300.
5. The applicant shall comply with the Indemnification and Insurance provisions as outlined on page 3 of this application.
6. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

(Additional conditions may be imposed as deemed necessary)

INDEMNIFICATION: Event Sponsor shall indemnify, protect, defend, save and hold City, its officers, employees, agents, and volunteers harmless from any and all claims or causes of action for death or injury to persons, or damage to property resulting from intentional or negligent acts, errors, or omissions of Event Sponsor or Event Sponsor's officers, employees, agents, volunteers, and participants during performance of the Event, or from any violation of any federal, state, or municipal law or ordinance, to the extent caused, in whole or in part, by the willful misconduct, negligent acts, or omissions of Event Sponsor or its officers, employees, agents, volunteers, or participants, or resulting from the negligence of the City, its officers, employees, agents, and volunteers, except for loss caused solely by the gross negligence of the City. Acceptance by City of insurance certificates and endorsements required for this Event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply.

INSURANCE: Prior to engaging in the event, Event Sponsor shall complete and file with the City a special events, general liability and automobile policy naming the City and its officers, agents, and employees as additional insured, must be submitted to the City prior to the event. This certificate shall provide that thirty (30) days written notice of cancellation shall be given to the City, in a minimum amount of one million dollars (\$1,000,000) per occurrence and three million dollars (\$3,000,000) aggregate, with the City of Atwater named as an additional insured party. **Please submit application and insurance certificate to:**

City of Atwater
Attn: Jeanna Del Real
Human Resources Director/Risk Manager
750 Bellevue Road
Atwater, CA 95301

(209)356-3177 (Fax)
idelreal@atwater.org (Email)

REFUSAL OR REVOCATION OF PERMIT : Failure to comply with any law, rule or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.

The undersigned declares under penalty of perjury that he/she has the authority to sign for and bind the Event Sponsor to the conditions imposed by the City upon the granting of this Application.

Signature: Baudelio Valencia
Print Name: Baudelio Valencia
Date: 9-24-18

OFFICE USE

APPLICATION APPROVED SUBJECT TO CONDITIONS

BY _____ DATE _____
Community Development Department (357-6367)

BY _____ DATE _____
Public Works Department (357-6370)

BY _____ DATE _____
Police Department (357-6282)

BY _____ DATE _____
Fire Department (357-6352)

WINTON WAY



JUNIPER AVE

FIR AVE
Sanuelio Valeria

Third Street



ROAD CLOSURE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/06/2017

PRODUCER
Prado Insurance Agency
Susana Prado
1215 Commerce Ave
Atwater, CA 95301
Phone: (209) 225-7437 Email: sprado@farmersagent.com

INSURED

Rosario Rodriguez
1030 Drakeley Ave
Atwater, CA 95301

THIS CERTIFICATION IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Evanston Insurance Company	35378
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR	ADD'L	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	Y	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Host Liquor Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> Retail Liquor Liability	3DS5455-M1302075	12/12/2017	12/13/2017	EACH OCCURRENCE INCLUDES BODILY INJURY & PROPERTY DAMAGE \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 DEDUCTIBLE \$ 1,000
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN EA ACC \$ AUTO ONLY: AGG \$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE DEDUCTIBLE \$ RETENTION \$				EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER				WC STATUTORY LIMITS OTH ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
 Certificate holder listed below is named as additional insured per attached CG 20 26 07 04.
 Attendance: 200, Event Type: Parade.

CERTIFICATE HOLDER

San Anthony Church
1799 Winton Way
Winton, CA 95301

CANCELLATION
 SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ~~ENDEAVOR TO MAIL~~ 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.~~
 AUTHORIZED REPRESENTATIVE
 Susana Prado

Event General Liability Insurance
Proposal & Application

All Premiums have been paid!

PROPOSAL NUMBER 1992117
PREPARED ON 07/20/2018
PRICING VALID UNTIL 07/27/2018 (7 days)

<p>PREPARED FOR BAUDELIO VALENCIA 1695 Dolores St, ATWATER, CA 95301 Phone: 2097697272 Email: brios@farmersagent.com</p>	<p>LICENSED AGENT FARMERS INSURANCE - RIOS AGENCY Atwater, CA 95301 Phone: 2096209567 Email: brios@farmersagent.com</p>																																														
<p>PROPOSAL CREATED BY FARMERS INSURANCE - RIOS AGENCY Atwater, CA 95301 Phone: 2096209567 Email: brios@farmersagent.com</p>	<p>INSURED BY Evanston Insurance Company NAIC: 35378 Rating: A.M. BEST A(Excellent) XV</p>																																														
<p>COVERAGE LIMITS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Each Occurrence (Includes Bodily Injury and Property Damage)</td> <td style="width: 20%; text-align: right;">\$1,000,000</td> <td style="width: 40%;"></td> </tr> <tr> <td>Personal & Advertising Injury</td> <td style="text-align: right;">\$1,000,000</td> <td></td> </tr> <tr> <td>Products / Completed Operations Aggregate</td> <td style="text-align: right;">\$1,000,000</td> <td></td> </tr> <tr> <td>General Aggregate</td> <td style="text-align: right;">\$2,000,000</td> <td></td> </tr> <tr> <td>Medical Payments</td> <td style="text-align: right;">\$5,000</td> <td></td> </tr> <tr> <td>Liquor Liability</td> <td style="text-align: right;">Host Included</td> <td></td> </tr> <tr> <td>Waiver of Subrogation</td> <td style="text-align: right;">Not Included</td> <td></td> </tr> <tr> <td>Additional Insured(s)</td> <td style="text-align: right;">Included</td> <td></td> </tr> <tr> <td>Hired & Non-Owned Auto</td> <td style="text-align: right;">Not Included</td> <td></td> </tr> <tr> <td>Deductible</td> <td style="text-align: right;">\$1,000</td> <td></td> </tr> </table>	Each Occurrence (Includes Bodily Injury and Property Damage)	\$1,000,000		Personal & Advertising Injury	\$1,000,000		Products / Completed Operations Aggregate	\$1,000,000		General Aggregate	\$2,000,000		Medical Payments	\$5,000		Liquor Liability	Host Included		Waiver of Subrogation	Not Included		Additional Insured(s)	Included		Hired & Non-Owned Auto	Not Included		Deductible	\$1,000		<p>POLICY COVERAGE INTENT This is just an brief overview, see policy for exact coverage. Property Damage Coverage for your rented Event Locations. Bodily Injury Coverage for your Event Attendees. Protection from Property Damage & Bodily Injury Lawsuits.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2">COST BREAKDOWN</td> </tr> <tr> <td>Premium</td> <td style="text-align: right;">\$150.00</td> </tr> <tr> <td>Stamping Fees</td> <td style="text-align: right;">\$0.30</td> </tr> <tr> <td>Tax</td> <td style="text-align: right;">\$4.50</td> </tr> <tr> <td>Policy Fee</td> <td style="text-align: right;">\$63.55</td> </tr> <tr> <td>Risk Purchasing Group Membership Cost</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>Broker Fee:</td> <td style="text-align: right;">\$10.00</td> </tr> <tr> <td>Amount Paid</td> <td style="text-align: right;">\$228.35</td> </tr> </table>	COST BREAKDOWN		Premium	\$150.00	Stamping Fees	\$0.30	Tax	\$4.50	Policy Fee	\$63.55	Risk Purchasing Group Membership Cost	\$0.00	Broker Fee:	\$10.00	Amount Paid	\$228.35
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<p>COVERAGE TERM Dates of Coverage: 12/12/2018</p>																																															
<p>ADDITIONAL INSURED(S) (SHOWING 1 OF 1) St Anthony's Catholic Church 1799 Winton Way ATWATER, CA 95301</p>																																															

Event General Liability Insurance
Proposal & Application

All Premiums have been paid!

PROPOSAL NUMBER 1992117
PREPARED ON 07/20/2018
PRICING VALID UNTIL 07/27/2018 (7 days)

REFUND POLICY

If I choose to cancel my general liability policy, I will be subject to a refund fee of \$63.55, the full Administration Charge on my policy. In the very unlikely case our policy form and coverage terms do not meet my venue's insurance requirements and cannot be amended to do so, I am eligible for a full refund of my policy price. No refunds will be issued after the commencement of the policy period.

TERMS & CONDITIONS

NOTICE TO THE APPLICANT

No fact, circumstance or situation indicating the probability of a Claim or action for which coverage may be afforded by the proposed insurance is now known by any person(s) or organization(s) proposed for this insurance other than that which is disclosed in this application. It is agreed by all concerned that if there is knowledge of any such fact, circumstance or situation, any Claim subsequently emanating there from shall be excluded from coverage under the proposed insurance.

For the purpose of this application, the undersigned authorized agent of the person(s) and organization(s) proposed for this insurance declares that to the best of his/her knowledge and belief, after reasonable inquiry, the statements in this application and in any attachments, are true and complete. Underwriting Managers or the Company are authorized to make any inquiry in connection with this application. Signing this application does not bind the Company to provide or the Applicant to purchase the insurance.

If the information in this application and any attachment materially changes between the date this application is signed and the effective date of the policy, the Applicant will promptly notify the underwriter, who may modify or withdraw any outstanding quotation or agreement to bind coverage.

TERMS AND CONDITIONS

A. I/We warrant to the Company, that I/We understand and accept the notice stated above and that the information contained herein is true and that it shall be the basis of the policy and deemed incorporated therein, should the Company evidence its acceptance of this application by issuance of a policy. Note: This application is signed by undersigned authorized agent of the Applicant(s) on behalf of the Applicant(s) and its owners, partners, directors, officers and employees. Name of Person Acknowledging Warranty: BAUDELIO VALENCIA, 07/20/2018

B. I/We confirm that we understand that your Athletic / Sporting Participants, Performers/Crew/Stunts, Firearms, Auto Exposures, Animal Exposures, Unmanned Aircraft & explosives and Assault & Battery are Excluded From This Policy.

C. I/We confirm that there will be no Mosh Pits or Fireworks/Pyrotechnics of any Kind.

D. I understand there is no coverage for amusement devices, inflatables, rides or animals (classified animal event removes animal exclusion). This does not mean you cannot have them at your event, it means our policy will exclude coverage for water activities, amusement devices, inflatables, rides or animals. This policy will not cover any athletic or sports participants, employees, volunteers, or individuals compensated by the insured.

E. I/We understand that the event types under "EXCLUDED EVENT TYPES" are excluded from this policy.

EXCLUDED EVENT TYPES

Aircraft Events; Boat Shows (on the open water); Cannabis Events or Products; Concerts with Rap, Hip Hop, Heavy Metal, or Hard Rock; Go Kart Races; Hang Gliding/Sky Diving; Hot Air Balloon Rides or Events; Motorized Sporting Events; Parachuting; Protests, Rallies or Marches; Haunted Houses, Haunted Attractions; Unmanned Aircraft; Skateboarding; Fraternity Parties; Sorority Parties; Firearms; Parasailing; Raves; Roller Coasters/Sky Coasters; Sky Diving; Tractor Pulls, Trampolines, Wall Climbing, War Games/Re-enactments, Water Events (unless classified as water event type), Water Slides

F. You are hereby notified that your policy will terminate effective no later than the date and time of its expiration. You have no right of automatic renewal and additional coverage will require application with no guarantee of approval or policy issuance.

I understand that by purchasing this insurance I am joining the Promotion, Event and Prize Purchasing Group.

Licensed Agent in all 50 states: Will Maddux



4



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

Gary Brice, Chair
Ron Daugherty Linda Dash
Mary McWatters Jim Murphy, III
Manuel Pinto Fred Warchol

MEETING DATE: October 17, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing and obtain testimony from the public, Make the environmental finding and adopt Resolution No. 072-18 recommending to the City Council the adoption of Ordinance No. CS 1000 amending sections 17.40.020 and 17.42.020 of the Atwater Municipal Code.

PROJECT:

Zoning Ordinance Text Amendment No. 18-1 under CS 1000 proposes an amendment to Title 17 (Zoning) of the Atwater Municipal Code to identify emergency shelters as a permitted use in the M-1 (Light Manufacturing) and M-2 (Industrial) zones.

RECOMMENDED COMMISSION ACTION:

Staff recommends Commission open the public hearing and take any testimony from the public; and

Make the determination that the project is categorically exempt under the California Environmental Quality ACT (CEQA) guideline section: 15061 (b) (3) "Common Sense" exemption; and

Adopt Resolution No. CDRC 72-18 recommending that Council approve Zoning Ordinance Text Amendment No. 18-1 under ordinance No. CS 1000 revising Title 17 Chapter 17.40.020 and Chapter 17.42.020 based on the findings in this report.

I. BACKGROUND:

The proposed Zoning Ordinance Text Amendment (ZOTA 18-1) is based on the provisions of Senate Bill 2 (SB2). SB2 was adopted in 2007 to establish new housing requirements relating to emergency shelters. State law requires that at least one zoning district be identified where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary approval, provided that the zone(s) include a sufficient number of sites to accommodate the number of homeless individuals in the community.

To comply with SB2 and address the homeless needs in The City of Atwater, this Zoning Ordinance Text Amendment proposes to add definitions for emergency shelter, and to identify zones that will allow emergency shelters by right.

California Health and Safety Code (Section 50801) defines an emergency shelter as “housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or households may be denied emergency shelter because of an inability to pay.” State law requires that if a jurisdiction’s existing Zoning Code does not allow at least one emergency shelter by right, the jurisdiction must adopt a program as part of its General Plan Housing Element. While SB2 requires jurisdictions to zone for emergency shelters, it does not require shelters to be constructed or direct local governments to allocate their resources towards shelter projects.

B. Emergency Shelter Need

Obtaining complete and accurate data for the homeless population is difficult due to the transient nature of the population. The most recent and available data on the homeless population in the County comes from the Institute for Urban Initiatives where a “point-in-time” count of sheltered and unsheltered persons was conducted in February 2015. The survey found 899 homeless individuals in Merced, Los Banos, Dos Palos, South Dos Palos, Atwater and Winton. Of the 899 individuals, 156 individuals were sheltered and 743 were unsheltered.

Currently, existing emergency shelters account for over a third (111 beds) of all facilities available to homeless persons in Merced County. Under SB2, the zone(s) must provide sufficient opportunities for new emergency shelters to meet the need identified in the analysis and must accommodate at least one year-round emergency shelter. Although jurisdictions are only required to allow one shelter by right, allowing emergency shelters in the M-1 and M-2 zones will allow the shelters to be located in different urban communities throughout the County. Based on the estimate of homeless individuals in the County and the number of beds available in existing emergency shelters, this ZOTA proposes to allow emergency shelters to have up to 60 beds without a discretionary permit to meet the needs of the homeless population. While emergency shelters will be allowed as a permitted use, a list of criteria is also proposed which will help ensure the compatibility and safe operation of the shelter. The criteria are listed below.

C. Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another

program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms, such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. Supportive housing as defined in Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

At this time, transitional housing comprises of 147 beds and permanent supportive housing accounts for 71 beds in Merced County. SB2 requires that transitional housing and supportive housing be permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone.

D. General Plan Housing Element

The City of Atwater adopted its latest Housing Element on May 22nd, 2017. In accordance with SB2, Zoning for Emergency Shelters of the Housing Element, identified the Light Industrial (M-1) and Industrial (M-2) Zones as possible zones to allow emergency shelters by right, committing the City to amending its zoning code to meet State requirements within one year of adoption. Following adoption, however, the Zoning Code was not modified to allow emergency shelters as an allowed use without approval of a discretionary permit. At this time we are not in compliance with the provisions of SB2.

The City has received correspondence from The State of California office of Housing and Community Development regarding deficiencies in our last Housing Element Update. Staff is currently in the process of correcting the Housing Element deficiencies, which includes the SB2 compliance on emergency shelters

To comply with this law, the M-1 and M-2 zones have been identified to allow emergency shelters as a permitted use without a discretionary permit. These zones typically have less sensitive neighboring uses, have the potential for development and reuse opportunities, and are of a sufficient amount of acreage and available vacant sites to accommodate the unmet needs of local homeless persons in the City.

E. Zoning Code

The Zoning Ordinance Text Amendment proposes to amend the Zoning Code (Chapter 17.40.020 and 17.42.020 Permitted Uses) to allow emergency shelters as a permitted use in the M-1 and M-2 zoning districts.

The M-1 and M-2 zones are intended to accommodate industrial uses, however, these zones allow a variety of uses that would be compatible with an emergency shelter including, caretaker and employee housing, child care facilities, offices, and restaurants. The proposed Amendment identifies emergency shelters as a permitted use in the

industrial zones, provided certain requirements are met. The proposed standards for emergency shelters include the following:

- a. Number of Beds. An emergency shelter may have up to 60 beds.
- b. Location Requirement. Emergency shelters shall have separation of at least 300 feet from residential zones, parks, and schools.
- c. Hours of Operation. Facilities shall establish and maintain set hours for client intake and discharge. The hours of operation shall be consistent with the services provided and shall be posted in a publicly visible and accessible location on a sign that is no larger than one square foot.
- d. Outdoor Activities. Outdoor activity and intake areas shall be screened from public view and from the view of adjacent properties.
- e. Security. A security plan shall be submitted to the Police Department for review and approval prior to operation and shall be reviewed annually.
- f. Lighting. On-site lighting shall be provided in all parking, pedestrian paths, and entry areas. Lights shall be shielded and directed away from adjacent uses.
- g. On Site Staffing. A minimum of one supervisory level staff member must be present on the site during hours of operation. Operator(s) must ensure that loitering does not occur on the property during non-shelter hours and must ensure that clients are not loitering, littering, or otherwise creating a nuisance to the neighborhood.
- h. Parking. The emergency shelter shall provide on-site parking for all staff plus one space per ten occupants allowed at the maximum capacity.
- i. Length of Stay. The maximum length of stay shall be no longer than six months, as established by the California Health and Safety Code for emergency shelters.
- j. Compliance with Federal, State, and Local Regulations. Operation of emergency shelters shall comply with all Federal, State, and Local requirements.
- k. Compliance with Life Safety Regulations. Emergency shelters shall comply with all applicable Building, Fire, and Health and Safety codes.
- l. A plot plan review for proposed facilities shall be submitted to responsible City departments for review and comment.

II. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

III. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 072-18 recommending to Council to adopt Zoning Ordinance Text Amendment No. 18-1 the Recording Secretary will forward the Resolution and Draft Ordinance to Council for their consideration.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:

1. Resolution
2. Draft Ordinance



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

RESOLUTION NO. CDRC 072-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER RECOMMENDING THAT THE CITY COUNCIL FOR THE CITY OF ATWATER DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15061 (b)(3) "Common Sense" EXEMPTION AND ADOPT ORDINANCE NO. CS 1000 PROVIDING FOR EMERGENCY SHELTERS UND SENATE BILL 2.

WHEREAS, The City of Atwater adopted its latest Housing Element on May 22nd, 2017. In accordance with Senate Bill 2 (SB2), Zoning for Emergency Shelters of the Housing Element, identified the Light Industrial (M-1) and Industrial (M-2) Zones as possible zones to allow emergency shelters by right, committing the City to amending its zoning code to meet State requirements within one year of adoption. Following adoption, however, the Zoning Code was not modified to allow emergency shelters as an allowed use without approval of a discretionary permit; and,

WHEREAS, The City now proposes to amend its zoning to become compliant with State law; 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 (in this case the City of Atwater), 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 City has prepared an Ordinance to amend the current Zoning text suitable to comply with state law and that it shall 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 (c)(3); and,

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

1. That the Zoning District(s) will support the intended use(s).
2. That the proposed ordinance will satisfy the provisions of Senate Bill 2.
3. That the conditions set forth by this resolution will not violate intent of the Light Manufacturing (M-1) or Industrial (M-2) Zoned Districts.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(c)(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 recommend that The City Council adopt Ordinance No. CS 1000:

The foregoing resolution is hereby adopted this _____th day of _____, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Vice Chairperson James Murphy III

ATTEST:

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

1400 Franklin Avenue, Suite 500
Sacramento, CA 95833
Tel: (916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



August 30, 2018

Scott McBride, Interim City Manager - Community Development Director
City of Atwater
750 Bellevue Road
Atwater, CA 95301

RE: Emergency Shelter and Shortfall Zoning Status

Dear Scott McBride:

On September 12, 2017, pursuant to Government Code section 65585, subdivision (h), the Department of Housing and Community Development (HCD) reported the results of its review of Atwater's adopted 5th cycle housing element.

Atwater's housing element included Program H-5.g, Zoning for Emergency Shelters, which committed to zone and permit emergency shelters without discretionary pursuant to Gov. Code section 65583, subd. (a)(4)(A).

Atwater's adopted 5th cycle housing element also included Program 1-1.h, General Plan Amendment and Rezone on Buhach Road, which committed to zone to accommodate a shortfall carryover of adequately zoned sites from the 4th cycle planning period within one year of the beginning of the 5th cycle planning period pursuant to Gov. Code section 65584.09. In addition, Program 1-1.h, General Plan Amendment and Rezone on Buhach Road, committed to zone to accommodate a shortfall of adequately zoned sites for the 5th cycle planning period pursuant to Gov. Code section 65583.2, subd. (h) and (i).

On May 7, 2018, HCD issued correspondence requesting current status on the implementation of program actions. HCD has not received a response. Atwater's housing element remains out of compliance until the city fully implements both Program H-5.g, Zoning for Emergency Shelters, and Program 1-1.h, General Plan Amendment and Rezone on Buhach Road. Additional information regarding Atwater's housing element compliance can be found in HCD's September, 12, 2017 correspondence, which is attached for your reference.

Please be aware housing element law and other housing-related laws have been changed or added and took effect January 1, 2018. For more information, see HCD's website at <http://www.hcd.ca.gov/policy-research/lhp.shtml>.

Information regarding emergency shelters and zoning requirements can be found on HCD's website at: <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/SB2-Memo050708.pdf>.

Information regarding adequate sites and rezoning requirements can be found on HCD's website at: http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/plan/he/ab_1233_final_dt.pdf and http://www.hcd.ca.gov/housing-policy-development/housing-element/pro_adqsites.php

In 2017, the Governor signed the 2017 Legislative Housing Package, which provides a renewed focus on housing, one of the most basic needs for every Californian. Chapter 370 Statutes of 2017, Assembly Bill (AB) 72, became law as part of this package. AB 72 expands and clarifies HCD's enforcement by authorizing HCD to find a jurisdiction out of compliance with state housing law at any time. HCD will review local government's actions and inactions, including program actions committed within an adopted housing element, to determine consistency or inconsistency with state housing law. If HCD makes findings of inconsistency, housing element compliance may be revoked and additional actions may be taken, including referral to the Attorney General's Office.

Compliance with housing element law and taking actions consistent with the housing element are valuable steps in meeting the housing needs of the community. In addition, housing element compliance is a consideration for many state and regional funding programs, including the Infill Infrastructure Grant Program, Housing Related Parks Program, CDBG, HOME, and CalTrans SB 1 grants. If you have questions or need additional information, contact Jess Negrete, Policy Analyst, at (916) 263-7437.

Sincerely,



Zachary Olmstead
Deputy Director

Enclosure



5



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

Gary Brice, Chair
Ron Daugherty Linda Dash
Mary McWatters Jim Murphy, III
Manuel Pinto Fred Warchol

MEETING DATE: October 17, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing and obtain testimony from the public, Make the environmental finding and adopt Resolution No. 073-18 recommending to the City Council the adoption of Ordinance No. CS 999 amending section 17.42.030 of the Atwater Municipal Code.

PROJECT:

Zoning Ordinance Text Amendment No. 18-2 under CS 999 proposes an amendment to Title 17 (Zoning) of the Atwater Municipal Code to correct a typographical error in the conditionally permitted uses of the M-2 (Industrial) zone.

RECOMMENDED COMMISSION ACTION:

Staff recommends Commission open the public hearing and take any testimony from the public; and

Make the determination that the project is categorically exempt under the California Environmental Quality ACT (CEQA) guideline section: 15061 (b) (3) "Common Sense" exemption; and

Adopt Resolution No. CDRC 073-18 recommending that Council approve Zoning Ordinance Text Amendment No. 18-2 under ordinance No. CS 999 revising Title 17 Chapter 17.42.030 based on the findings in this report.

I. BACKGROUND:

On _____, 2018 the City Council of the City of Atwater adopted Ordinance No. CS 999 allowing businesses under Conditional Use Permit and under provisions of Title 5 Chapter 5.60 to operate a Commercial Cannabis Business in the (M-2) Industrial Zone. At the time of adoption, a typographical error occurred in the ordinance that did not adequately represent the wishes of the City Council.

At this time staff is seeking the recommendation of the CDRC to have the City Council correct this area of Title 17 and in accordance with the wishes of the Council.

II. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

III. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 073-18 recommending to Council to adopt Zoning Ordinance Text Amendment No. 18-2 the Recording Secretary will forward the Resolution and Draft Ordinance to Council for their consideration.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:

1. Resolution
2. Draft Ordinance



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

RESOLUTION NO. CDRC 073-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER RECOMMENDING THAT THE CITY COUNCIL FOR THE CITY OF ATWATER DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15061 (b)(3) "Common Sense" EXEMPTION AND ADOPT ORDINANCE NO. CS 999 CORRECTING TYPOGRAPHICAL ERRORS IN TITLE 17, ZONING, OF THE ATWATER MUNICIPAL CODE.

WHEREAS, The City of Atwater amended Title 17, Zoning, of its municipal code on May 14th, 2018 to allow as a conditional use certain Cannabis Business Activity as defined under Chapter 5, Section 5.60 of the Atwater Municipal Code; and,

WHEREAS, At the time of the adoption of the ordinance, a typographical error existed to the degree that the ordinance as presented did not properly express the intent of The City Council. The City now proposes to amend its zoning to become consistent with the intent of the Council; 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 (in this case the City of Atwater), 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 City has prepared an Ordinance to amend the current Zoning text suitable to comply with the wishes of the Council and that it shall 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 (c)(3); and,

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

1. That the Zoning District(s) will support the intended use(s).
2. That the proposed ordinance will satisfy the intent of the Council.
3. That the conditions set forth by this resolution will not violate intent of the Industrial (M-2) Zoned District.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(c)(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 recommend that The City Council adopt Ordinance No. CS 999:

The foregoing resolution is hereby adopted this _____th day of _____, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Vice Chairperson James Murphy III

ATTEST:
