

**NOTICE OF SPECIAL MEETING
COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION
OF THE CITY OF ATWATER**

NOTICE IS HEREBY GIVEN that a special meeting of the Community Development and Resources Commission of the City of Atwater will be held on **Wednesday, November 28, 2018 at 6:00 PM**, or as soon thereafter, as may be held. This meeting will be held in the Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California.

AGENDA

A. SPECIAL MEETING CALL TO ORDER:

B. PLEDGE OF ALLEGIANCE:

C. INVOCATION:

Invocation by Police Chaplain McClellan

D. ROLL CALL:

Dash____, Daugherty____, McWatters____, Warchol____, Murphy III____

Vacant____, Vacant____

- E. PUBLIC COMMENT:** Pursuant to Government Code Section 54954.3, citizens wishing to address the Commission regarding only the items on the agenda may do so when the item is read for consideration. You may state your name and address for the record; however, it is not required. Please keep your comments to five minutes or less. Under the provisions of the California Government Code, the City Council, Commission, and Oversight Committee may not discuss or take action on any item that is not on the agenda.

<p>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.</p>
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F. APPROVAL OF MINUTES:

1. October 17, 2018, Regular meeting

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

G. PETITIONS AND COMMUNICATIONS:

- 2. Request from Atwater Chamber of Commerce for assistance with their Annual Christmas Parade scheduled for Friday, December 7, 2018, starting at 7:00 PM**

Staff's Recommendation: This item is informational only.

- 3. Request from St. Anthony's 4-H to adopt City Parks for a monthly clean up starting Dec 8, 2018 and provide community service to the City of Atwater**

Staff's Recommendation: Motion that CDRC allows community service provided by St. Anthony's 4-H.

H. PUBLIC HEARINGS:

- 4. Adopting CDRC Resolution No. 075-18 making the finding that the project is categorically exempt under CEQA and recommend approval of Conditional Use Permit No. 557-18, allowing for a type 41 alcohol license (1857 Bellevue Rd)**

Applicant: Rosa I. Mendoza Mariscos

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

Motion to adopt CDRC Resolution No. 075-18 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 Resolution No. 075-18 approving Conditional Use Permit No. 557-18; or

Motion to approve staff's recommendation as presented.

- 5. Adopting CDRC Resolution No. 074-18 making the finding that the project is categorically exempt under CEQA and recommends approval of Site Plan 713-18**

Applicant: Phase I Construction

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

Motion to adopt CDRC Resolution No. 074-18 making the finding that the project is categorically exempt under the California Environmental Quality

Motion to approve staff's recommendation as presented.

6. **Adopting CDRC Resolution No. 076-18 making the finding that the project is categorically exempt under CEQA and recommends approval of Conditional Use Permit 558-18**

Applicant: Nathan Banuelos

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

Motion to adopt CDRC Resolution No. 076-18 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 1503(c) "New Construction," and recommend approving Conditional Use Permit No. 558-18; or

Motion to approve staff's recommendation as presented.

7. **Adopting CDRC Resolution No. 078-18 making the finding that the project is categorically exempt under CEQA and recommends approval of Amendment to Conditional Use Permit No. 481-05**

Applicant: Kamal Dhaliwal

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

Motion to adopt CDRC Resolution No. 078-18 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section: 15061(b)(3) "commons sense" exemption; and approving Amendment to Conditional Use Permit No. 481-05; or

Motion to approve staff's recommendation as presented.

8. **Adopting CDRC Resolution No. 079-18 making the finding that the project has no finding of significance under the California Environmental Quality Act (CEQA) guideline section: 15063 b (1)(c) and recommends approval of Time Extension Request No. 018-1 for Vesting Tentative Map No. 05-02**

Applicant: Ramson Piro

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

Motion to adopt CDRC Resolution No. 079-18 making the finding that the project has no findings of significance under the California Environmental Quality Act (CEQA) guidelines section: 15063 b (1)(c) "Previous EIR or Negative Declaration" exemption; and approving Vesting Tentative Map No. 05-02; or

Motion to approve staff's recommendation as presented

9. **Adopting CDRC Resolution No. 080-18 making the finding that the project has no finding of significance under the California Environmental Quality Act (CEQA) guideline section: 15063 b (1)(c) and recommends approval of Time Extension Request No. 019-1 for Vesting Tentative Map No. 06-02**

Applicant: Atwater Land Development Company

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

Motion to adopt CDRC Resolution No. 080-18 making the finding that the project has no findings of significance under the California Environmental Quality Act (CEQA) guidelines section: 15063 b (1)(c) "Previous EIR or Negative Declaration" exemption; and approving Vesting Tentative Map No. 06-02; or


Motion to approve staff's recommendation as presented

I. **REPORTS AND PRESENTATIONS FROM STAFF: None**

J. **COMMISSIONER MATTERS:**

K. **ADJOURNMENT:**

Dated this 26th day of November 2018


James Murphy III, Chairperson

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 24 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.



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COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

ACTION MINUTES

October 17, 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, Warchol, Acting Chairperson Murphy III

Absent: McWatters

Staff Present: City Manager Waterman, Interim Public Works Director Shaw (6:39 PM), General Services Manager/Chief Building Official Pereida, VVH Senior Planner Thompson, Police Sergeant Snyder, Executive to the City Manager Martin, 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 Daugherty and the vote was: Ayes: Warchol, Dash, Daugherty, Murphy III; Noes: None; Absent: McWatters. The motion passed.

PUBLIC COMMENT:

Notice to the public was read.

One person expressed gratitude and thanks to the Commission for their hard work and dedication to serving the City.

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

TERESA BERERA representing Saint Anthony/Immaculate Conception Church provided an overview of the request and clarified that the date of the event is December 12, 2018 and not December 2, 2018.

MOTION: Commissioner Dash moved to recommend that the City Council approve the request from Saint Anthony/Immaculate Conception Church for assistance with their annual procession on Sunday, December 12, 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. The motion was seconded by Commissioner Warchol and the vote was: Ayes: Dash, Daugherty, Warchol, Murphy III; Noes: None; Absent: McWatters. The motion passed.

PUBLIC HEARINGS:

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

Chairperson Murphy III opened the Public Hearing. No one came forward to speak.

Chairperson Murphy III closed the Public Hearing.

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

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. CS999 approving Zoning Ordinance Text Amendment 18-2, amending Chapter 17.40.030 regarding Conditional Uses as it relates to Commercial Cannabis Businesses

Chairperson Murphy III opened the Public Hearing. No one came forward to speak.

Chairperson Murphy III closed the Public Hearing.

Director Shaw have them checked. He also thanked the Public Works Department for their prompt and effective work on tree removal throughout the City. He asked for an update on the Winton Way sewer line and Measure V funds to fix street issues associated with that project. Interim Public Works Director Shaw responded that the project is set to begin around mid spring of 2019. Chairperson Murphy III expressed displeasure with the business license services of Muni Services and their on-line service. Executive to the City Manager Martin responded that staff will explore and share with Muni Services the issues being experienced. He also asked if local hairdressers who are renting space from an owner are purchasing business licenses as required. General Services Manager/Chief Building Inspector Pereida responded that an inspection of those facilities is ongoing and if business licenses are not present citations are issued. He reported that there are repeated violations of the handicapped parking at Circle K and that more attention needs to be applied by the Police Department. Police Sergeant Snyder asked that when violations are noticed to please call the Police Department so that immediate action can be taken. Finally, he asked if any action is being taken to address the post that is repeatedly being hit at Shaffer Road and Atwater Blvd. Interim Public Works Director Shaw responded that he is working with railroad representatives seeking federal monies to correct the situation.

City Manager Waterman reported that due to holidays in November, the CDRC meeting will be held on November 20, 2018. She also noted that there is only one City Council meeting in November on November 13, 2018.

ADJOURNMENT:

The meeting adjourned at 7:19 PM.

Chairperson James Murphy, III

By: Lesa Rasmussen,
Recording Secretary



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ATWATER CHAMBER OF COMMERCE

www.AtwaterChamberofCommerce.org

October 17, 2018

Lori Waterman, City Manager
City of Atwater
750 Bellevue Road
Atwater, CA 95301

RE: Atwater Chamber of Commerce
Annual Christmas Parade

Dear Lori,

The Atwater Chamber of Commerce is planning to again host the annual Christmas Parade, planned for **Friday, December 7, 2018 starting at 7 pm**. As in the past, the Atwater Chamber of Commerce would like to invite the City to partner with us in preparation of this important community event.

Our theme for this parade is "*COMMUNITY CHRISTMAS*". We're bringing back, our "Community Pride - City Wide".

Check-In for the Parade will be the parking lot at St Anthony's Church. The Parade route will begin in front of Foster Freeze, travel south on Winton Way, east onto Broadway Ave and continue down Broadway ending at the Bloss House.

The Atwater Chamber of Commerce would like to request the use of the streets in downtown Atwater, as well as electricity boxes along the route. We will need assistance in blocking streets for the route.

We will work with the Police Department and Police Volunteers to develop an Operations Plan, similar to last year and specific regarding street closure and times needed.

Thank you for your consideration of this request. The annual Christmas Parade is a longstanding community tradition. We appreciate the support and assistance of the City of Atwater and other community organizations helping to make this a successful event.

Best regards,

Alice Gilbertson
Atwater Chamber of Commerce
Committee Member

You can find it here!



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St. Anthony's 4-H

Community Development & Redevelopment Commission Chair and Commissioners,

St. Anthony's 4-H would like to start a once a month community service project starting on December 8, 2018, where they will spend a few hours cleaning up City Parks. The first park that we would like to start with would be Manuel Barrios Park at 9:00 AM. We would typically have 10-20 4-H members and 5-10 adults supervising. The club would use all their own equipment.

These events will take place one Saturday a month for approximately three to four hours and will help to clean and provide community service to the City of Atwater. This is an opportunity for the kids to learn about community service and to show the community that it is important to provide service and show that you care about your City.

Sincerely,

A handwritten signature in black ink that reads 'Janell Martin'. The signature is written in a cursive, flowing style.

Janell Martin

Parent of Taylor Martin Club Member



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**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

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

MEETING DATE: November 28, 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. 075-18 recommending to approving Conditional Use Permit No. 557-18

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 075-18 approving Conditional Use Permit No. 557-18.

I. BACKGROUND:

Staff received the application for Conditional Use Permit from Rosa I. Mendoza Mariscos dba "Tony's Restaurant," requesting approval to submit an application to The State of California Department of Alcoholic Beverage Control for a type 41 license.

II. ANALYSIS:

Site Location: The subject property is located on the north side of Bellevue Road in the Shopping Center at the intersection of Winton Way. The business is located within an existing center, and no new construction is anticipated other than some tenant improvements. The site is located within a Planned Development (PD-19) 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 of 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 41 (On-sale Beer and Wine) license. A type 41 alcohol license for this site will require a finding of convenience and necessity.

The proposed site is located with Census Tract No. 6.03. Census Tract 6.03 is bounded by Bellevue Road to the south, Winton Way to the west, Gertrude Avenue to the north and Santa Fe Drive to the east. The current population for Census Tract 6.03 is 6,143.

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 Census Tract 6.03.

$6,143/1,267= 4.8$ (4 On Sale allowed by the State) (8 current On Sale approved)

$6,143/1,114= 5.5$ (3 Off Sale allowed by the State) (6 current On Sale approved)

Currently, the State allows a total of 9 On Sale and Off Sale licenses with Census Tract 6.03. Currently, the State has issued 15 On Sale and Off Sale licenses within Census Tract 6.03 which is an undue concentration. This is why Staff is requesting that the Commission also find that the Public Convenience and Necessity would be met by approval of issuance of this license.

Description of surrounding uses: The areas immediately adjacent to the subject property are all Commercial: South, East, West, and North with similar uses in the immediate vicinity of the property. All of the anticipated uses for the project are consistent with uses described within the Atwater Municipal Code and designated zoning.

III. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

This project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061 (b)(3).

IV. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 075-18 approving CUP No. 557-18 the Recording Secretary will record the CUP and Resolution with the Merced County Records office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, City Manager

Attachments:
1. Resolution



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

RESOLUTION NO. CDRC 075-18

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT
AND RESOURCES COMMISSION OF THE CITY OF
ATWATER DETERMINING THAT UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)
AND APPROVING CONDITIONAL USE PERMIT 557-18
ALLOWING FOR A TYPE 41 ALCOHOL LICENSE (1857
BELLEVUE RD)**

WHEREAS, the Community Development and Resources Commission of the City of Atwater reviewed Conditional Use Permit No. 557-18, as submitted by Rosa I. Mendoza, dba Tony's Restaurant, Atwater Market Place, LLC, requesting approval to submit to the Department of Alcoholic Beverage Control for a Type 41 alcohol license; and

WHEREAS, said the application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, November 28th, 2018; 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 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 (c)(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 Planned Development (PD-19) Zone District.
2. That the site is designated as a 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 Planned Development 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.

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission of the City of Atwater does hereby approve Conditional Use Permit No. 557-18 subject to the following conditions:

1. That the applicant is approved to submit to the Department of Alcoholic Beverage Control (ABC) for a Type 41 alcohol license.
2. That the applicant shall comply with all requirements of the Department of Alcoholic Beverage Control.
3. That the Community Development and Resource Commission of the City of Atwater made the finding that the Public Convenience or Necessity would be served by the issuance of a type 41 alcohol license at said location.
4. That the Community Development and Resources Commission shall retain the right to reconsider Conditional Use Permit No. 557-18 at any time.
5. 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.
6. 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.

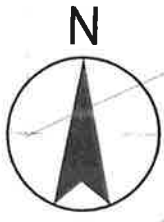
The foregoing resolution is hereby adopted this _____th day of _____, 2018.

AYES:
NOES:
ABSENT:
ABSTAIN:

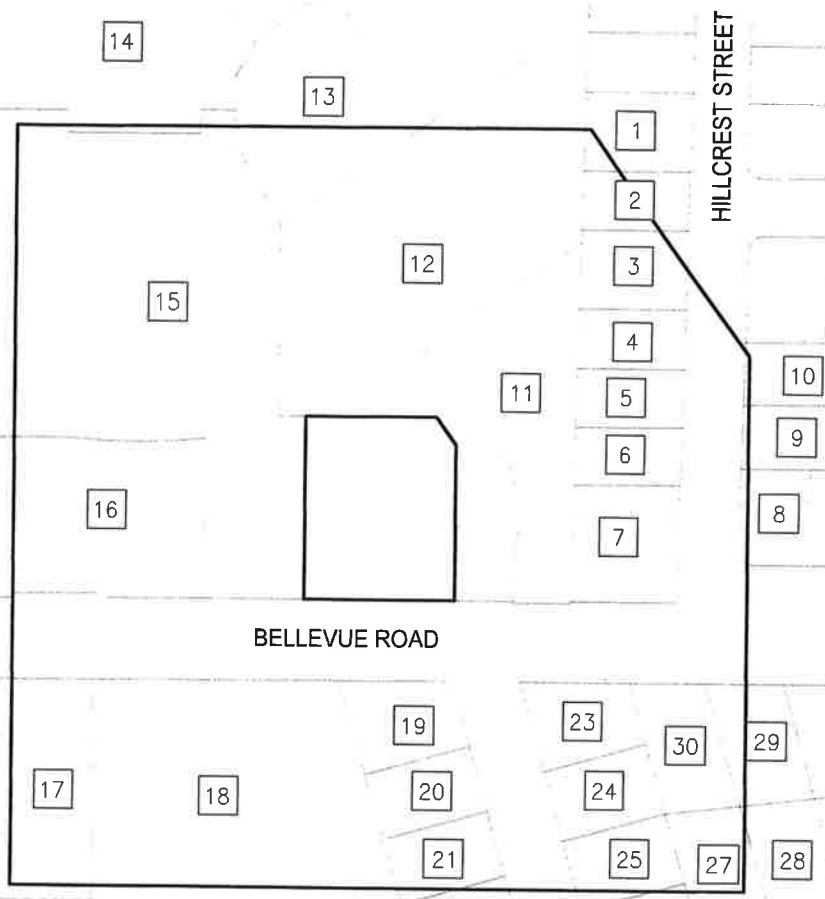
APPROVED:

Vice Chairperson James Murphy III

ATTEST:



WINTON WAY



BELLEVUE ROAD

HILLCREST STREET

SEVENTH STREET

UNDERWOOD AVENUE



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**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

Jim Murphy, III, Chair
Ron Daugherty Linda Dash
Mary McVatters Manuel Pinto
Fred Warchol

MEETING DATE: November 28, 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. 074-18 recommending to approving Site Plan No. 713-18.

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: 15303 "New Construction" exemption; and

Adopt Resolution No. CDRC 074-18 approving Site Plan No. 713-18.

I. BACKGROUND:

Staff received the application for a Site Plan from VVH Consulting Engineers, representing Phase 1 Construction, proposing to add asphalt concrete and concrete to an existing building located at 1084 Shaffer Rd.

II. ANALYSIS:

The applicant is proposing to add thirty-nine feet of proposed concrete to the north side and forty feet of concrete to the west side on an existing building located at 1084 Shaffer Rd (APN 004-110-016).

Site Location: The subject property is located on the north side of Atwater BLVD, south of Broadway Avenue, east of Shaffer Rd, and west of Mogliotti Ave.

Description of surrounding uses: The area immediately adjacent to the subject property is zoned as Business Park (B-P): South, East, West, and North with similar uses in the immediate vicinity of the property. All of the anticipated uses for the project are consistent with uses described within the Atwater Municipal Code and designated zoning.

III. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

This project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15303 (d)

IV. STEPS FOLLOWING APPROVAL:

Following the adoption of Resolution No. CDRC 074-18 approving Site Plan No. 713-18 the Recording Secretary will record the Site Plan and Resolution with the Merced County Recorders office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, City Manager

Attachments:
1. Resolution



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

RESOLUTION NO. CDRC 074-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15303 "NEW CONSTRUCTION" EXEMPTION AND APPROVAL OF SITE PLAN NO. 713-18

WHEREAS, The Community Development and Resources Commission of the City of Atwater reviewed Site Plan No. 713-18, as submitted by VVH Consulting Engineers, on behalf of Phase 1 Construction; and,

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, November 28, 2018; 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 15303 (d); and,

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this Site Plan:

1. That the site is located within a Business Park (B-P) Zone District.
2. That the site is designated as Business Park by the Atwater General Plan.
3. That this use is considered a Site Plan and with the conditions set forth by this resolution will meet the intent of the B-P 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 17.38.010 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 15303(d).

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, that the Community Development and Resources Commission of the City of Atwater does hereby approve Site Plan No. 713-18 subject to the following conditions:

1. That the Community Development and Resources Commission shall retain the right to reconsider Site Plan No. 713-18 at any time.
2. That this site Plan 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.
3. 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 of 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 _____th day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Vice Chairperson James Murphy III

ATTEST:

EXHIBIT "A"

Commencing at the northwest corner of Lot 58 of Buhach Colony, as the said colony map is of record in the Office of the County Recorder of the County of Merced, State of California; thence North 89 deg. 39' East 249.5 feet along the North line of said Lot 58; thence South 0 deg. 29' West 581.7 feet along a line parallel to the west line of said Lot 58 to the center line of the California State Highway (U.S. 99); thence along the center line of the said California State Highway (U.S. 99); North 65 deg. 20' West 273.4 feet to the west line of Section 7, Township 7 South, Range 13 East, M.D.B. & M., and the west line of said Lot 58; thence North 0 deg. 29' East 466.0 feet along the west line of said section 7 and the west line of said Lot 58 to the point of commencement, being a part of the south half of the northwest quarter of Section 7, Township 7 South, Range 13 East, M.D.B. & M.

Excepting therefrom all that portion conveyed to the State of California by deed recorded April 6, 1936 in book 498 of Official Records, page 374, Merced County Records.

Also excepting therefrom all that portion conveyed to the State of California, by deed recorded June 1, 1952 in book 1265 of Official Records, page 423, Merced County Records.

Also excepting therefrom: All that portion as conveyed to the City of Atwater recorded August 14, 1991, in volume 2930, page 552, Merced County Records.

A.P.N. 004-110-016

EXISTING PARCEL INFORMATION

OWNER: TERRITACE
 ADDRESS: PARCEL NUMBER (APN): 0441 0018 107 A/C2
 COUNTY ADDRESS: 1084 WAPLES ROAD
 CITY: SAN FRANCISCO
 ZIP: 94134
 ZONING: R-1 (RESIDENTIAL)
 ASSESSOR'S USE: C1 (RESIDENTIAL)
 S/IRREGULAR 255
 FOR CONSTRUCTION COMPANY: CH-1-C2 AND HOLPAIN/MARK AL LARD
 SOUTH - ATWATER BLVD / HWY 94
 WEST - SHAFER ROAD / GAS STATION
 7 (PACANT)

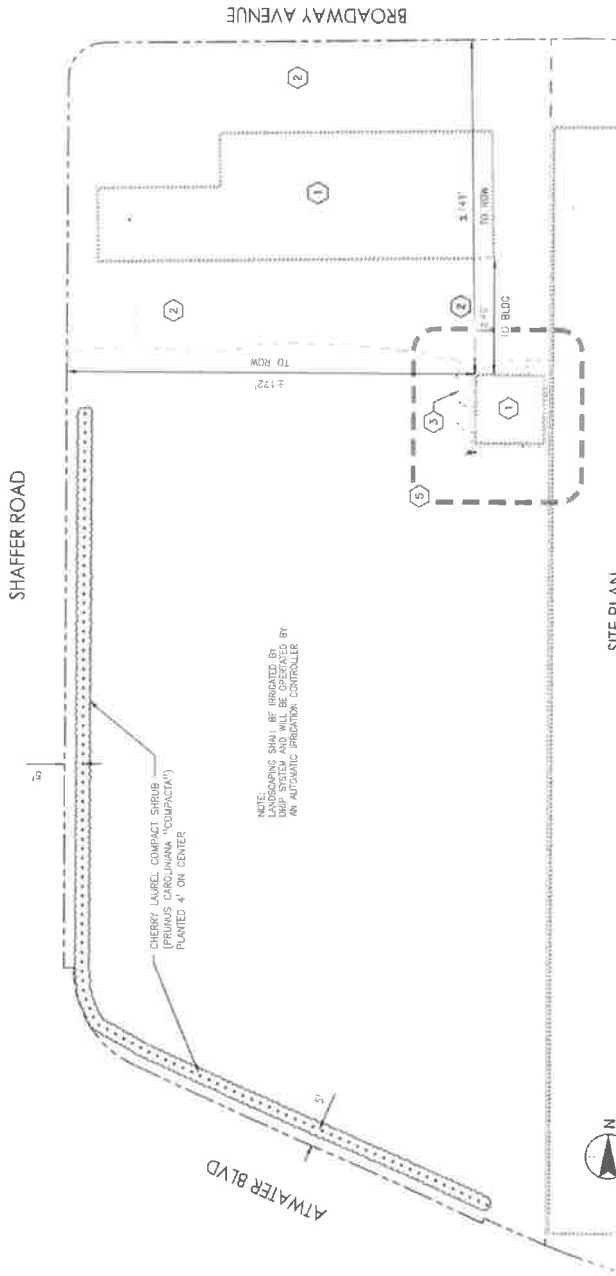
SETBACKS (FEET) (MIN):
 FRONT: 20
 REAR: 20
 INTERIOR: 5
 SIDE: 5

VICINITY MAP

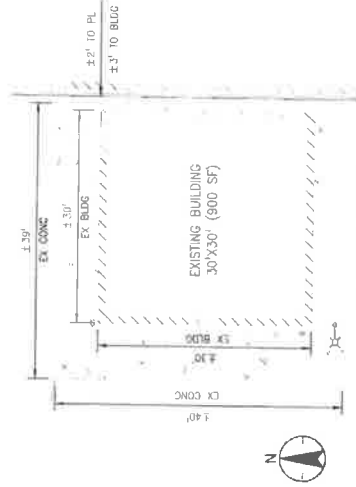


KEYNOTES

- 1 EXISTING BUILDING
- 2 EXISTING ASPHALT
- 3 EXISTING CONCRETE
- 4 EXISTING GATE
- 5 SEE ENLARGED DETAIL BELOW



SITE PLAN
SCALE: 1" = 20'



ENLARGED DETAIL
SCALE: 1" = 10'

LEGEND

- RIGHT OF WAY
- PARCEL LINE
- EXISTING CHAINLINK FENCE
- EXISTING ELECTROLIER
- PROPOSED ASPHALT CONCRETE
- PROPOSED CONCRETE



FEBRUARY 2018



6



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

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

MEETING DATE: November 28, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing and obtain testimony from the public, and make an Environmental Determination and adopt Resolution No. CDRC 076-18 approving Conditional Use Permit No. 558-18 (Nathan Banuelos)

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: 15303(e) "New Construction, Accessory Structures" exemption; and

Adopt Resolution No. CDRC 076-18 approving Conditional Use Permit No. 558-18

I. BACKGROUND:

A Conditional Use Permit Application has been submitted by Nathan Banuelos proposing to construct an accessory structure (garage) exceeding 500 square feet. The Atwater Municipal Code (17.16.040) requires that a Conditional Use Permit be obtained for accessory structures such as a garage that exceeds 500 square feet. The applicant is proposing a 3-car garage that will be approximately 1,000 square feet, +/-.

II. ANALYSIS:

Site Location: The subject property is located at 1643 Castle Street. The site is improved with a single-family residence and is located within a low density residential (R-1) Zone

District and has a General Plan land use designation of Low Density Residential. The applicant will be required to comply with all local and state building codes and provide adequate onsite parking.

Description of surrounding uses: The areas immediately adjacent to the subject property are all residential: South, East, West, and North with similar uses in the immediate vicinity of the property. All the anticipated uses for the project are consistent with uses described within the Atwater Municipal Code and designated zoning.

III. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

IV. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 078-18 approving CUP No. 558-18 the Recording Secretary will record the CUP and Resolution with the Merced County Recorders office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:
1. Resolution



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. CDRC 076-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCE COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT 558-18

WHEREAS, the Community Development and Resource Commission of the City of Atwater reviewed Conditional Use Permit No. 558-18 as submitted by Nathan Benuelos, requesting to construct a detached garage located at 1643 Castle Street.

WHEREAS, said application was reviewed by the Community Development and Resource Commission of the City of Atwater on November 28, 2018; and,

WHEREAS, this project is not subject to review under the provisions of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, the Community Development and Resource Commission finds that the following findings can be made for this amended Site Plan:

1. That this application proposes to construct a detached garage structure.
2. That the site is located in a Low Density Residential (R-1) Zone District. An accessory structure in excess of 500 square feet is permitted in the Low Density Residential Zone District with an approved Conditional Use Permit.
3. That this site is designated by the Atwater General Plan as Low Density Residential.
4. That this use is consistent with the purpose and intent of the Low Density Residential (R-1) Zone District.
5. That all the mandatory findings set forth in section 17.16.040 of the Atwater Zoning Ordinance can be made.
6. That the public hearing for this application has been adequately noticed and advertised.

NOW THEREFORE BE IT RESOLVED, that the **Community Development and Resource Commission** of the City of Atwater does hereby approve Conditional Use Permit No. 558-18 subject to the following conditions:

- 1. If any construction is to occur associated with the detached structure shall be generated by an Architect or Engineer licensed within the State of California.**
- 2. That the project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments. All building permit applications received by the City of Atwater Building Division on or after January 1, 2015, shall comply with parts 1 through 10 and part 12 of the 2016 edition of the California Code of Regulations Title 24.**
- 3. That the proposed structure shall at no time become habitable or used as an Accessory Dwelling Unit (ADU).**
- 4. That the Planning Commission shall retain the right to reconsider Conditional Use Permit No. 552-18 at any time.**
- 5. That any violation of the Atwater Municipal Code shall be grounds for revocation of the Conditional Use Permit.**
- 6. That this CUP shall expire in six (6) months from the day of approval if the operation has not started.**
- 7. 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, officer 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 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 applicants 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 _____ day of _____, 2018.

AYES:

NOES:

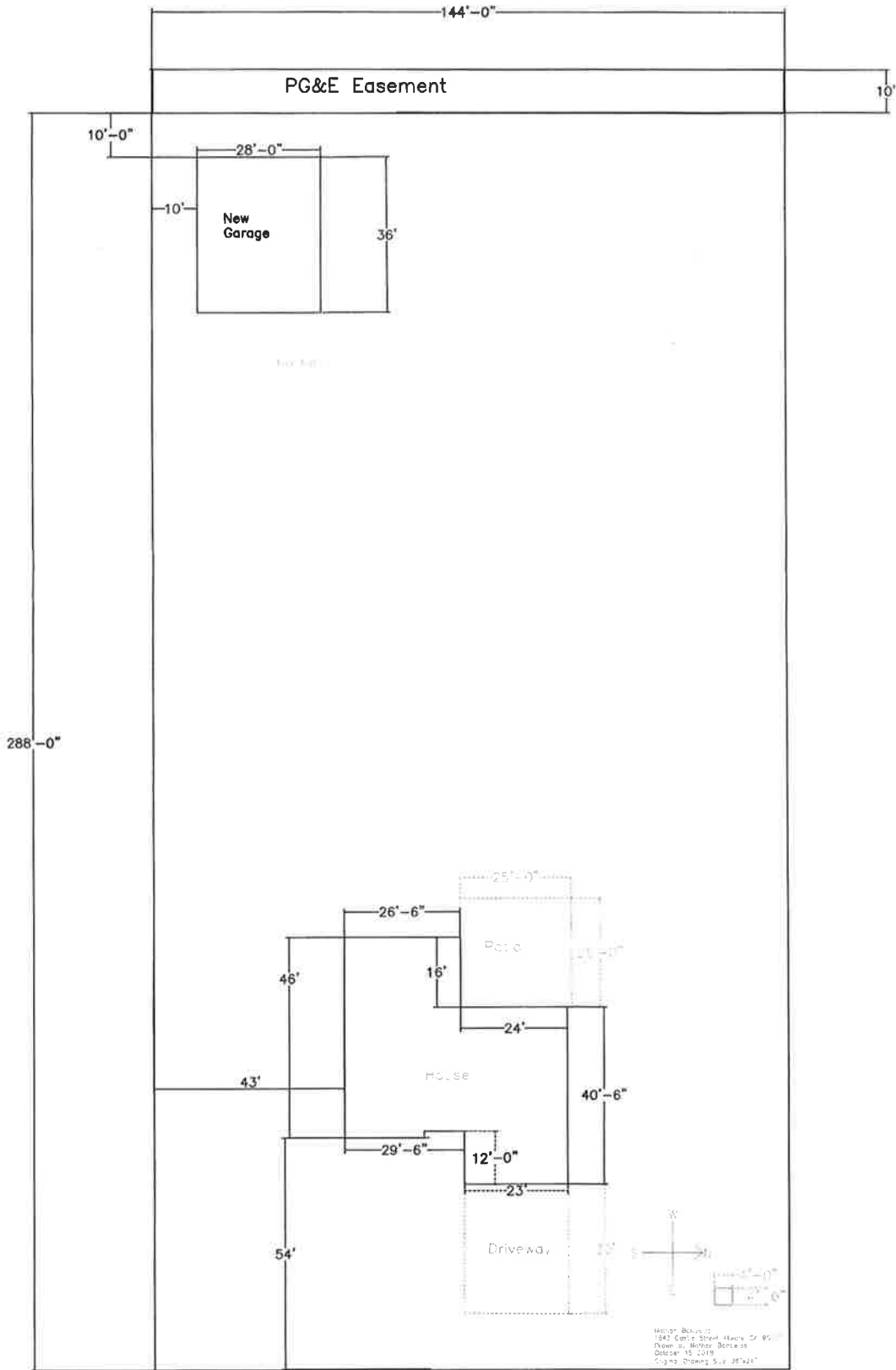
ABSENT:

APPROVED:

GARY BRICE, CHAIRMAN

ATTEST:

ACTING SECRETARY



NORTH BEARING:
 1943 Cast St. Street Above Dr. 95'
 Down to North Bearing
 October 15, 2018
 Original Drawing See 35'x45'

Castle Street



7



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

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

MEETING DATE: November 28, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing and obtain testimony from the public, and make an Environmental Determination and adopt Resolution No. CDRC 078-18 approving Amendment to Conditional Use Permit No. 481-05 (Dhaliwal AmPm)

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 078-18 approving Amendment to Conditional Use Permit No. 481-05

I. BACKGROUND:

An application for Amendment to an existing Conditional Use Permit has been submitted by Kamal Dhaliwal proposing to change the type of alcohol license at an existing facility (AM/PM) from a type 20 (beer and wine) to a type 21 (beer, wine, and spirits).

II. ANALYSIS:

Site Location: The subject property is located at 1615 Bell Drive in Atwater at the intersection of Bell Drive with Bell Lane. The site is located within a Business Park (B-P) Zone District and has a General Plan land use designation of Business Park. The applicant will be required to conduct all business indoors with no onsite consumption. The applicant

Agenda Report – CDRC Resolution No.078-18, Amendment to CUP 481-05 Page 2

will also be required to comply with all required conditions of the State of California Alcohol Beverage Control. There has been no change to the census tract numbers relative to saturation of alcohol licenses for this area.

Description of surrounding uses: The areas immediately adjacent to the subject property are all Business Park: South, East, West, and North with similar uses for shopping and convenience in the immediate vicinity of the property. The anticipated change in use for the project is consistent with uses described within the Atwater Municipal Code, designated zoning and specific plan for the adjacent shopping center.

III. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

IV. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 078-18 approving AMCUP No. 481-05 the Recording Secretary will record the Amendment to CUP and Resolution with the Merced County Recorders office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:

1. Resolution
2. Original Resolution for 481-05



COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. CDRC 078-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCE COMMISSION OF THE CITY OF ATWATER APPROVING AMENDMENT TO CONDITIONAL USE PERMIT 481-05 (ARCO GAS STATION)

WHEREAS, the Community Development and Resource Commission of the City of Atwater reviewed and approved Conditional Use Permit No. 481-05 as submitted by Fiedler Group on behalf of the property owner, requesting approval to apply to the State of California Alcoholic Beverage Control for a Type 20 Alcohol license. The property now seeks to apply for a Type 21 Alcohol license; and,

WHEREAS, said original application was reviewed by the Community Development and Resource Commission of the City of Atwater on April 27, 2005; and,

WHEREAS, the property owner has now submitted a request to amend the original Conditional Use Permit; and,

WHEREAS, this project is not subject to review under the provisions of the California Environmental Quality Act (CEQA); and,

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

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

WHEREAS, the Community Development and Resource Commission finds that the following findings can be made for this amended Site Plan:

- 1. That this site is located in a B-P, Business Park Zone District.**
- 2. That this site is designated as Business Park by the Atwater General Plan.**
- 3. That this use (ARCO gas station) is consistent with the purpose and intent and all applicable standards of the Business Park District.**

4. That the project is consistent with all elements of the Atwater General Plan.
5. That the findings of necessity and convenience can still be made.
6. That all the original conditions are still in full force and effect.
7. That the public hearing for this application has been adequately noticed and advertised.

NOW THEREFORE BE IT RESOLVED, that the **Community Development and Resource Commission** of the City of Atwater does hereby approve Amendment to Conditional Use Permit No. 481-05 subject to the following conditions:

1. That the **Community Development and Resources Commission** of the City of Atwater can still make the finding that the public convenience would be served by the issuance of the issuance of an **Alcoholic Beverage Control License**.
2. That the applicant shall meet and comply with all requirements of the **State of California Alcoholic Beverage Control (ABC)**.
3. That the applicant has authorization to submit the necessary documents to **ABC** for obtaining a **Type 21** alcohol license. Applicant has no authority to submit for or obtain any other type alcohol license by this permit.
4. That the applicant anticipates no new construction associated with this permit.
5. That any violation of the **Atwater Municipal Code** shall be grounds for revocation of the **Conditional Use Permit**.
6. That this **CUP** shall expire in six (6) months from the day of approval if the operation or activity described herein has not started.
7. 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, officer 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 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 applicants 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 _____ day of _____, 2018.

AYES:
NOES:
ABSENT:

APPROVED:

JAMES MURPHY III, CHAIRMAN

ATTEST:

ACTING SECRETARY



ATWATER PLANNING COMMISSION

RESOLUTION NO. PC 661-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT NO. 481-05 FOR APPROVAL TO SUBMIT AN APPLICATION TO ABC (ALCOHOLIC BEVERAGE CONTROL) FOR A TYPE 20 ALCOHOL LICENSE. (ARCO GAS STATION)

WHEREAS, the Planning Commission of the City of Atwater approved Conditional Use Permit application No. 481-05, as submitted by Fiedler Group, on behalf of the property owner, requesting approval to submit an application to ABC (Alcoholic Beverage Control) for a Type 20 alcohol license; and,

WHEREAS, said request was reviewed by the Planning Commission of the City of Atwater on Wednesday, April 27, 2005; and,

WHEREAS, the determination was made that this project is exempt from the provisions of the California Environmental Quality Act (CEQA); and,

WHEREAS, no person(s) spoke in opposition, and one person(s) spoke in favor of the application during the April 27, 2005 Planning Commission hearing; 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, the Planning Commission finds that the following findings can be made for this Conditional Use Permit:

1. That this site is located in a B-P, Business Park Zone District.
2. That the site is designated as Business Park by the Atwater General Plan.
3. That this use (ARCO gas station) is consistent with the purpose and intent and all applicable standards of the Business Park Zone District.

4. That this project is consistent with all elements of the Atwater General Plan.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve CUP 481-05 subject to the conditions:

1. That the Planning Commission of the City of Atwater made the finding that the public convenience would be served by the issuance of an Alcoholic Beverage Control(ABC) license.
2. That the applicant shall meet and comply with all requirements of the State of California Alcoholic Beverage Control (ABC).
3. That the applicant has authorization to submit the necessary documents to Alcoholic Beverage Control (ABC) for obtaining a Type 20 alcohol license. Applicant has no authority to submit for or obtain any other type of alcohol license.
4. 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.
5. That the applicant shall acknowledge and sign the Acceptance of Conditions form and return it to the Planning Department within ten (10) days of the Planning Commission action.

The foregoing resolution is hereby adopted this 27th day of April, 2005.

APPROVED:


CHARLES McMAHAN, CHAIRMAN

ATTEST:


MO KHATAMI, SECRETARY



CITY OF ATWATER PLANNING COMMISSION

RESOLUTION NO. PC 662-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER CERTIFYING MITIGATED NEGATIVE DECLARATION AND FURTHER APPROVING SITE PLAN NO. 644-05 (ARCO GAS STATION)

WHEREAS, the Planning Commission of the City of Atwater has reviewed Site Plan No. SP 644-05 as submitted by Fiedler Group, on behalf of the property owner, requesting approval to construct a 3,660 square foot convenience store, a 968 square foot cash wash and a 4,736 square foot gas island canopy for establishment of an ARCO gas station on the property known as APN 056-320-039; and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on Wednesday, April 27, 2005; and,

WHEREAS, ___ written comments have been received on the Environmental Document and Issuance of Negative Declaration as advertised and noticed in accordance to CEQA guidelines and ___ person(s) spoke in opposition, and ___ person(s) spoke in favor of the application during the April 27, 2005 Planning Commission hearing; 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, the Planning Commission finds that the following findings can be made for this site and architectural plan:

1. This application proposes to construct a 3,660 square foot convenience store, a 968 square foot cash wash and a 4,736 square foot gas island canopy for establishment of an ARCO gas station.
2. That the site is located within BP, Business Park, zone district and the proposed use is permitted in this zone district.
3. That the site is designated as Business Park by the Atwater General Plan.

4. That this use is consistent with the purpose and intent and all applicable development standards of the Business Park zone district.
5. That this project is consistent with all elements of the Atwater General Plan.
6. That all the mandatory findings set forth in Section 17.39.010 of the Atwater Zoning Ordinance can be made.
7. That the issuance of the Negative Declaration for this project has been adequately noticed and advertised, to the provisions of the California Environmental Quality Act, Sections 15072 and 15073.

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 Planning Commission of the City of Atwater does hereby certify the Mitigated Negative Declaration and approve Site Plan No. SP 644-04 subject to the following conditions:

1. That applicant/developer shall submit three (3) sets of landscape and irrigation plans with three (3) sets of grading and drainage plans.
2. That all the landscaping area shall be equipped with seven day automatic timer.
3. That the applicant/developer shall construct a six inch concrete curb along all planter/landscape areas separating all landscaping from asphalt. Newly created landscaped strips shall be planted with shade trees and equipped with seven day automatic irrigation systems.
4. The type and size of plants to be planted shall be submitted to the City's Parks Division for review and approval. All landscaping shall be maintained at all times and shall be the responsibility of the property owner.
5. That applicant/developer shall comply with the most current UBC, UPC, UFC, NEC and Health, Life and Safety Codes.
6. That there shall be compliance with the most recent Americans With Disability Act (ADA) regulations.
7. That upon Planning approval, plans to be generated by a licensed design professional. Plans to be reviewed for compliance with CA 2001 codes.
8. That applicant/developer shall submit building plans and obtain the necessary permit prior to commencement of construction.
9. That the applicant shall comply with the most recent Uniform Fire and Life Safety Codes.
10. That the applicant shall pay all required fees prior to issuance of a Building Permit.
11. That the applicant shall provide an on-site fire hydrant. Location of fire hydrant and type of fire hydrant is to be reviewed and approved by the Fire Chief.
12. That the applicant shall underground all utilities from the source.
13. That the applicant shall install all on-site and off-site improvements along the entire lot frontages.
14. That the proposed monument sign and the 50 foot tall pole sign details shall be submitted for review and approval by the Community Development Director.
15. That the driveway approach on Bell Lane shall be used for ingress only. A "do not enter" or "not an exit" sign shall be installed within the landscaping area next to this driveway approach. The south east ingress/egress shall have a right turn only sign installed with the

- landscape area next to this driveway approach.
16. For proposed improvements, the applicant shall cause a Site Improvement Plan to be prepared. The plan shall be prepared by a Licensed Civil Engineer or under his direction. The plan shall be prepared on 24" x 36" plan sheets and to a reasonable scale. This plan shall be in a format to be approved by the contracted City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1, being Site Improvement plan No. 644. The Site Improvement Plan number only (644) shall also be placed outside of the border of the plan at the lower right corner of all sheets. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1. The Site Improvement Plan shall not replace the normal Site Plan contained within the architectural drawings for the building improvements to the site.
 17. The applicant shall cause to be submitted a Site Improvement Plan that shall show all items named in the conditions of approval and the proposed resolution of those requirements. The plan shall also include the applicable General Specifications and Construction Specifications of the City of Atwater, to be placed on Sheet 1. The Site Improvement plan shall contain a sheet (or sheets) containing all City Standards pertinent to the proposed construction together with specific details and notes for the proposed construction. Reproducible "As Built" Mylar plans shall be submitted to the City as part of the completion of the project.
 18. That the applicant shall obtain an encroachment permit for any improvements done within the public right-of-way. The applicant shall pay all applicable charges prior to an encroachment permit being issued.
 19. The applicant shall include a Grading Plan as part of the development of the proposed parcel. Elevations shall be taken from official City of Atwater Benchmark datum. The Grading Plan shall show all proposed improvements, on-site and off-site. Finished pad elevations for the parcel shall be shown. The extent of compacted grading on the parcel shall be shown with elevations. Compacted grading shall extend a minimum of 5' outside of the proposed building area or setback lines. The parcel shall be graded to provide positive surface drainage to the adjacent street. A minimum cross slope on AC pavement or sidewalk shall be 2%, or as approved by the Community Development Director.
 20. Grading shall not begin until the Grading Plan within the Site Improvement plan is complete and approved by the Community Development Director.
 21. That the applicant shall install a reduced pressure principal backflow device for potable water and an approved backflow device for irrigation water.
 22. That the applicant shall construct commercial sidewalks along Bell Drive and Bell Lane. Said sidewalks shall be constructed in accordance with City Standards.
 23. That all outdoor equipment such as transformers and air conditioning units shall be screened from public view.
 24. That the applicant/developer shall provide on site outdoor lighting. The lighting shall be shielded downward and away from public right of ways and adjacent properties.
 25. Pavement to be installed shall be a minimum 2" of asphalt concrete over a minimum of 4" of C1. 2 aggregate base, compacted to a minimum 95% relative compaction over 12" of native soil, compacted to a minimum of 95% relative compaction over native soil compacted to a minimum of 90% relative compaction. No additional lifts may be placed until the previous lift has been compacted and passed.
 26. That the applicant shall submit a set of plans to the Merced County Department of

- Environmental Health for review and approval prior to issuance of a building permit.
27. That Bell Drive shall be widened to allow for a 100-foot wide right of way with all improvements to be installed and constructed to the centerline of the street. This shall include the centerline median and landscaping within said median. Median design and landscaping plan for the median shall be reviewed and approved by the Community Development Director.
 28. That Bell Lane shall be widened to allow for a 80-foot wide right of way with all improvements to be installed and constructed to the centerline of the street. This shall include the centerline median and landscaping within said median. Median design and landscaping plan for the median shall be reviewed and approved by the Community Development Director.
 29. The applicant shall provide commercial driveway approaches for each point of ingress or egress. Driveway approaches are to be in accordance with applicable City Standards.
 30. The applicant shall install water services to the proposed development. Service(s) shall be in accordance with applicable City Standards and policies. Services shall be of adequate size to supply both potable water and landscaping water to the site. Individual services are to be provided for potable water and landscaping purposes. The services shall be metered. RPP devices shall be shown on the Site Improvement plan including brand names and types.
 31. Each service shall include an appropriate Reduced Pressure Principal backflow prevention device enclosure, mounted on a concrete pad. The pad shall be a minimum 4" thick. The RPP device shall include unions on both riser pipes for easier maintenance.
 32. The applicant shall construct a refuse enclosure. The enclosure shall include a concrete slab at the entrance to all the refuse containers to be moved forward for pick up. The enclosure shall be constructed of concrete block and include a concrete foundation and bottom, including a bumper block to protect the block wall from damage by the refuse containers. The enclosure shall have locking gates. The gates shall be constructed of chain link with slats or other approved solid materials. The enclosure shall be accessible to refuse trucks.
 33. All water trenches or excavations shall be excavated, backfilled and compacted in accordance with applicable City Standards and the conditions for paving included within this resolution.
 34. The applicant shall abandon and remove from the site any existing irrigation lines and/or structures found. Lines shall be plugged at the property line with concrete.
 35. Any water wells found during construction shall be destroyed in accordance with approved City Standards and requirements.
 36. That the property owner shall pay the established sewer and water connection fees for the Applegate Business Park. This connection fee is \$20,729.76.
 37. That the property owner shall pay the established Southwest Quadrant Storm Drainage Fee. This fee is set at \$4,766.00 per acre. Property owner shall be required to pay \$9,532.00
 38. That the applicant shall pay proportionate share of Applegate Road Interchange upgrade, proportionate share to be based on trip generation for this project.
 39. That the applicant shall comply with the requirements of all public utility companies.
 40. MID- The applicant execute a Storm Drainage Agreement with the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1) to allow the discharge system and ultimately into MID's Parreira Drain. There is an annual maintenance fee set by our Board of Directors for commercial development is \$126.76 per acre of impermeable area and that will be assessed on the Merced County Tax Rolls. There will be no connection fee if this parcel is located within Drainage District No. 2. Applicant will provide

MIDDID No. 1 with the total impermeable area on his lot in square feet for the computation of the annual maintenance fee.

41. 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 27th day of April, 2005.

APPROVED:

CHARLES McMAHAN, CHAIRMAN

ATTEST:

MO KHATAMI, SECRETARY



8



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

Jim Murphy, III, Chair
Ron Daugherty Linda Dash
Mary McWatters Fred Warchol

MEETING DATE: November 28, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing, obtain testimony from the public, and make an Environmental Determination and adopt Community Development and Resource Commission Resolution No. 079-18 approving Time Extension Request No. 018-1 for Vesting Tentative Map No. 05-02 (APN 005-070-023)

RECOMMENDED COMMISSION ACTION:

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

Make the determination that the project has no findings of significance under the California Environmental Quality Act (CEQA) guideline section: 15063 b (1)(c) "Previous EIR or Negative Declaration" exemption; and

Adopt Resolution No. CDRC 079-18 approving Time Extension Request No. 018-1

I. BACKGROUND:

On April 11, 2005, The City Council for the City of Atwater approved Vesting Tentative Subdivision Map No. 0-02 (Meadow View Estates Unit No. 2) through adoption of Resolution No. 2017-05. The Meadow View Estates Unit No. 2 Tentative Subdivision Map was a request to divide 15.15 +/- acres into 62 Planned Development Low Density Residential lots plus park dedication and storm drain basin. The subject site is east of Buhach Road and immediately north of and adjacent to Meadow View Estates Unit No. 1.

The original time period for this project was set at 30 months if not extended per the Atwater Municipal Code and as identified as condition 13 in the original resolution.

Currently this site is surrounded by the following uses: to the north the property is bordered by an existing mini-storage facility, the south of the property is bordered by the existing Meadow View Estates Unit 1 project, the west of the property is bordered by vacant land, and to the east the property is bordered by the BNSF railroad tracks and Santa Fe Drive.

The site is currently vacant. The applicant will need to seek as new project entitlements: a Planned Development Master Plan, a Planned Development Final Development Plan, Final Map, all other required documents, etc. as described in the list of conditions of approval.

II. STATE LEGISLATURE TIME EXTENSIONS

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015 (SB 1185, AB 208, and AB 116). The most recent State legislative bill enacting a 24-month time extension of tentative maps (Grey; Assembly Bill 1303) was approved in October of 2015. Consequently, the expiration date for the This Tentative Subdivision Map was ultimately extended to February of 2019.

III. ANALYSIS:

Site Location: The project site is located within a Planned Development (PD-29) Zoning district and has a General Plan land use designation of Low Density Residential. This site is approximately 15.15+/- acres in area and is known as Merced County Assessor's Parcel No. 005-070-023

Applicant is proposing to subdivide this land into 62 Low Density Residential Lots with a park area and storm drain basin. Applicant would be subject to all previously established conditions of approval and all new state mandated standards for construction.

Description of surrounding uses: The areas immediately adjacent to the subject property are residential, commercial, and open space in use. All the anticipated uses for the project are consistent with uses described within the Atwater Municipal Code, the General Plan, and designated zoning.

IV. REQUEST:

The applicants of the Tentative Subdivision Map have submitted a written request dated _____, 2018 requesting a one (1) year extension of time pursuant to Section 66452.6 (e) of the Subdivision Map Act, so that they may pursue other project documents and entitlements. No other changes to the project are anticipated.

V. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

This project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15063.

VI. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 079-18 approving Time Extension Request No. 018-1 the Recording Secretary will file the notice of exemption with Merced County Clerk's Office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:

1. Resolution
2. Previously adopted Resolution
3. Letter of Request



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

RESOLUTION NO. CDRC 079-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER DETERMINING THAT THE PROJECT HAS NO FINDINGS OF SIGNIFICANCE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15063 b(1)(c) "Previous EIR or Negative Declaration" and approval of Time Extension Request No. 018-1.

WHEREAS, the Community Development and Resources Commission of the City of Atwater reviewed Time Extension Request No. 018-1, as submitted by Ramson Piro, and,

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, November 28, 2018; 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 project is eligible for the extension under AB 1303 with the use and proposed subdivision to 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 15063 b(1)(c); and,

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this Time Extension Request:

1. That the site is located within a Planned Development (PD) Zone District.
2. That the site is designated as Low Density Residential by the Atwater General Plan.
3. That this Time Extension will not interfere with the intent of the Planned Development Zone District.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That the project is eligible for extension by legislative right set forth in State Assembly Bill 1303.
6. That this project has been found to have no environmental impacts of significance under the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15063 b(1)(c)

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

NOW, THEREFORE, BE IT RESOLVED, that the Community Development and Resources Commission of the City of Atwater does hereby approve Site Plan No. 712-18 subject to the following conditions:

1. That the Community Development and Resources Commission shall retain the right to reconsider Vesting Tentative Map No. 05-2 at any time.
2. That this Extension to TSM No. 05-2 shall expire in one (1) year from the day of approval if the submittal of the Final Map has not occurred.
3. 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 _____th day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

JIM MURPHY, III, CHAIRMAN

ATTEST:



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 2017-05

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATWATER APPROVING TENTATIVE
SUBDIVISION MAP NO. 05-2, MEADOW VIEW
ESTATES, UNIT NO. 2**

WHEREAS, The City Council of the City of Atwater has reviewed Tentative Subdivision Map No. 05-2, as submitted by North Star Engineering, on behalf of the property owners, requesting approval to subdivide 15.15 ± acres into 62 single family residential lots plus related park dedication and storm drain basin; and,

WHEREAS, said application provides for parceling of 15.15± acres located on east side of Buhach Road, east of the B.N.S.F. Railroad and north of the Livingston Canal also known as Merced County Assessor's Parcel No. 005-070-021; and,

WHEREAS, an Environmental Assessment was prepared and a Negative Declaration with mitigation measures are certified for this project; and,

WHEREAS, said Tentative Subdivision Map was reviewed by the Planning Commission of the City of Atwater during a public hearing on Wednesday, March 30, 2005, being duly noticed and advertised and recommended to City Council for review and approval; and,

WHEREAS, said application was reviewed by the City Council of the City of Atwater at a public hearing on Monday, April 11, 2005, being noticed and advertised in accordance with the requirements of Government Code and the Atwater Municipal Code; and,

WHEREAS, the site can accommodate the aforesaid use without causing detrimental effect on the health, safety, and/or welfare of the neighborhood nor have any adverse effect on the community; and,

WHEREAS, it has been found that Tentative Subdivision Map No. 05-2 is in conformance with the requirements of the Subdivision Map Act and City of Atwater Municipal Code.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Atwater makes the following findings for this vesting tentative subdivision map application:

1. That the proposed map is consistent with the applicable general and specific plans.
2. That the site is physically suitable for the type of development.
3. That the design of the subdivision or the type of improvements will not cause serious public health problems.
4. That the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at-large or access through, or use of, property within the proposed subdivision.
5. That this application proposes to subdivide 15.15± acres into 62 single family residential lots plus park dedication and storm drainage basin.
6. That none of the findings of Government Code Section 66474 (Grounds for Denial of Map) can be found.
7. That the proposed subdivision map is consistent with all applicable property development standards.
8. That the public hearing and notice of intent for issuance of Negative Declaration for this project has been adequately noticed and advertised.

BE IT FURTHER RESOLVED by the City Council of the City of Atwater, that Tentative Subdivision Map No. 05-2 be approved subject to the following conditions:

1. ***Final Map:*** The final map shall be in substantial compliance with the Tentative Subdivision Map, except for any minor modifications.

The subdivider shall submit the final map, to be in conformance with all applicable requirements of the Subdivision Map Act and local requirements. The final map shall be prepared by a civil engineer or land surveyor, registered in the State of California, for review and approval by the Community Development Director.

The final map shall show all existing and proposed easements and dedications for streets, public utility easements and tree planting easements and provide all additional easements or right-of-way as required by the City of Atwater or other utility companies.

2. ***General Requirements:*** The subdivider shall submit all required plans and profiles applicable to the subdivision, to be in accordance with all City requirements. These plans and profiles are to be reviewed by and approved by the Community Development Director. The subdivider shall underground all existing and proposed utilities within the subdivision and

- pay all applicable sewer, water, storm drainage, recreation and similar fees and charges for City services.
3. **Building Sites:** The subdivider shall site grade, compact and improve building sites, to drain properly within the subdivision, pursuant to and in accordance with the approved plans and profiles.
 4. **Drainage Facilities:** The subdivider shall provide for all necessary drainage facilities, including the construction of a storm drainage basin, pipelines, manholes, catch basins, fences, basins and appurtenances. These shall be constructed in accordance with the plans and profiles approved by the Community Development Director. All storm drain mains, trunk lines and catch basin laterals shall be not less than 18 inches in diameter. Storm drain catch basins shall be Type "GO" with 18" grates and in accordance with City Standard Plans SD-20 and SD-21.
 5. **Sanitary Sewer:** The subdivider shall install a sanitary sewer system, including the construction of all pipelines, manholes, services to each lot and appurtenances. Sanitary sewer mains and laterals shall be constructed using vitrified clay pipe or as approved by the Community Development Director. Main line shall be no less than 8 inches in diameter except within cul-de-sacs, where 6 inch diameter pipe may be used if flow will allow. Manholes shall be placed at the end of all mains. Bolt-down covers and lids shall be installed over all manholes, together with a 4'x4'x6" concrete pad, when they will be in back yards or areas inaccessible.
 6. **Streets:** The subdivider shall grade, pave, construct, and improve all of the streets and easements dedicated to the City of Atwater or other utilities. Streets within the subdivision shall be dedicated and be constructed in accordance with City requirements. Streets shall include the installation of street signs, stop signs and pavement markings. Streets shall be constructed with a minimum of 2" AC over a minimum 4" Class 2 AB over a minimum 6" of compacted native soil. Typical interior streets shall include the installation of curb and gutter, Type IIA (4.5' wide) sidewalks, and wheelchair ramps and shall be in accordance with City Standards and requirements
 7. **Water:** The subdivider shall install a water distribution system, including the construction of all pipelines, appurtenances, water valves, blow offs, fire hydrants, metered water services to each lot, and appurtenances. Should construction of a new water well be deemed necessary, the sub-divider shall pay a proportionate share of the new water well construction cost. Water mains shall be a minimum of 8" and shall be Class 50 Ductile Iron Pipe. Water services shall be a minimum one (1) inch and shall include water meters installed with the water service. Meters shall be chosen from the City of Atwater approved list of meters. The water distribution system shall be designed and constructed as a "looped" water distribution system. Fire hydrant locations shall be approved both by the Community Development Director and the Fire Chief. Fire hydrants are to have a minimum flow of 1000 g.p.m. Water line blow off's shall be installed at the end of all mains not in a looped system. The location of the blow off shall be behind the back edge of the sidewalk. Blow off's shall not displace or damage any monuments. The developer shall also pay required fee for water system, pressure and volume evaluation conducted by the City's contracted Engineer as part of the

Improvement Plan. Should it be deemed necessary to construct a new water well, then the applicant shall pay a proportionate share of cost for said construction.

8. **Maintenance Districts:** The subdivider shall cause the area being subdivided to become, or be a part of, a maintenance district. The subdivider shall pay any fees and charges for the preparation of the maintenance districts. These districts are to be for lighting, storm drainage, and landscaping.
9. **Monuments:** The subdivider shall provide for the setting of all permanent monuments required by the City of Atwater within the subdivision. The subdivider shall cause all monuments to be placed or set as required and as shown on the final map. Monuments shall include street centerline monuments installed in monument boxes. Design of subdivision improvements shall not cause displacement of monuments, unless the monuments are set allowing for improvement construction. Offset monuments, where used, shall be shown as such on the final map.

The subdivider shall remove, relocate, or replace all obstructions, vegetation and trees, water wells, irrigation facilities and pipelines, or otherwise make all necessary arrangements to have the obstructions relocated. The obstructions are to be shown on all applicable plans and profiles.

10. **Public Utilities:** The subdivider shall construct all public utilities as required by the Atwater Municipal Code. Services from the public utilities, consisting of telephone, gas, electricity, water, sewer and cable tv service, shall be provided for each lot. This shall also include a street lighting system. All utilities shall be installed as required at no cost to the City of Atwater and shall be subject to the approval of the Community Development Director and the City Attorney.
11. **Rights-of-way:** Streets are to meet City requirements for typical streets as approved for this subdivision. Streets with less than the typical sixty(60) foot right-of-way, except where, due to unusual conditions, as determined by the Community Development Director, it is impractical to provide for a wider right-of-way width of sixty (60) feet. Cul-de-sacs within the subdivision shall have a sixty (60) foot right-of-way.

Easements (public utility easements and tree planting easements) shall be ten (10) feet wide. A combined minimum ten(10) foot wide public utility easement and tree planting easement shall be provided across the frontage of all lots, including the exterior side yards of corner lots and shall be shown on the final map for dedication.

12. **Street Lighting:** Street lighting within the subdivision shall be in accordance with applicable City standards and requirements. Conduits are to be placed within the joint utility trench constructed for underground utilities. All street lights are to have individual pull boxes. The "as built" plans for street light installations shall be provided to the Community Development Director upon completed construction. Street lights that are to owned by the

City of Atwater shall have numbers placed thereon. Street light numbers shall be obtained from the City prior to their installation.

13. ***Other Requirements:*** That the applicant shall pay for and obtain an encroachment permit from the City for his contractor to construct improvements within the public right-of-way. That the applicant/developer shall submit landscaping and irrigation plan for all the frontage improvements to be included within the subdivision. Said plan shall be reviewed and approved by the City's Parks and Community Development Departments.

That the applicant shall submit a copy of the most current Preliminary Title Report, including referenced recorded documents at the time of submittal of the improvement plans and final map.

That the applicant shall construct a seven foot high masonry wall along the northern property line abutting the commercial designation, the eastern property line along the B.N.S.F. Railroad and along the western property line along Veterans Park.

That the applicant shall provide with the final map, monumentation of all lot corners and center lines. Center line monuments in cast monument boxes per City standards.

That this tentative map shall expire after 30 months of the City Council approval.

That requests for time extensions of the expiration date for this Tentative Subdivision Map shall be subject to approval by the City Council and no extension of time may be made beyond two and one-half years after the original expiration date except as provided by the Subdivision Map Act.

That the applicant/developer shall be required to pay for there proportionate share for participation into the Applegate Overhead widening.

Merced Irrigation District:

Comments:

1. MID operates and maintains the Livingston Canal within a 150-foot wide fee strip lying parallel and adjacent to the south line of the proposed development as granted by that certain deed recorded December 29, 1879 in Book P of Deeds, Page 440, Merced County Records. This canal is offsite but just south of the subject property and the designated recipient of the projects storm drainage.

Requirements:


1. Since storm drainage from the project is to be discharged into the Livingston Canal, the property owner will be required to enter into a "Subdivision Drainage Agreement" with Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No.1), paying all applicable fees.

- 2. Owner/developer will enter into a "Construction Agreement" for all work associated with MID facilities.
- 3. MID requests that an MID signature block be provided on the Improvement Plans and Final Map.
- 14. **Compliance:** That the subdivider shall comply with all conditions of approval as listed under the Resolution for the General Plan Amendment and the Zone Change for this subdivision. A Development Plan and a Master Plan will be submitted at a later date for this subdivision.
- 15. **Acknowledgment:** That the applicant shall sign and return a letter that acknowledges all conditions of approval for this project within ten (10) days from the date of approval.
- 16. **Indemnification:** 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 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 11th day of April, 2005.

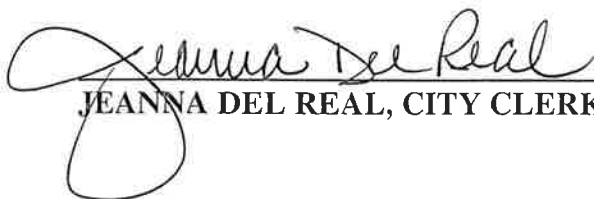
AYES: Abercrombie, Faul, Frago, Krotik
NOES: None
ABSENT: Trevino

APPROVED:

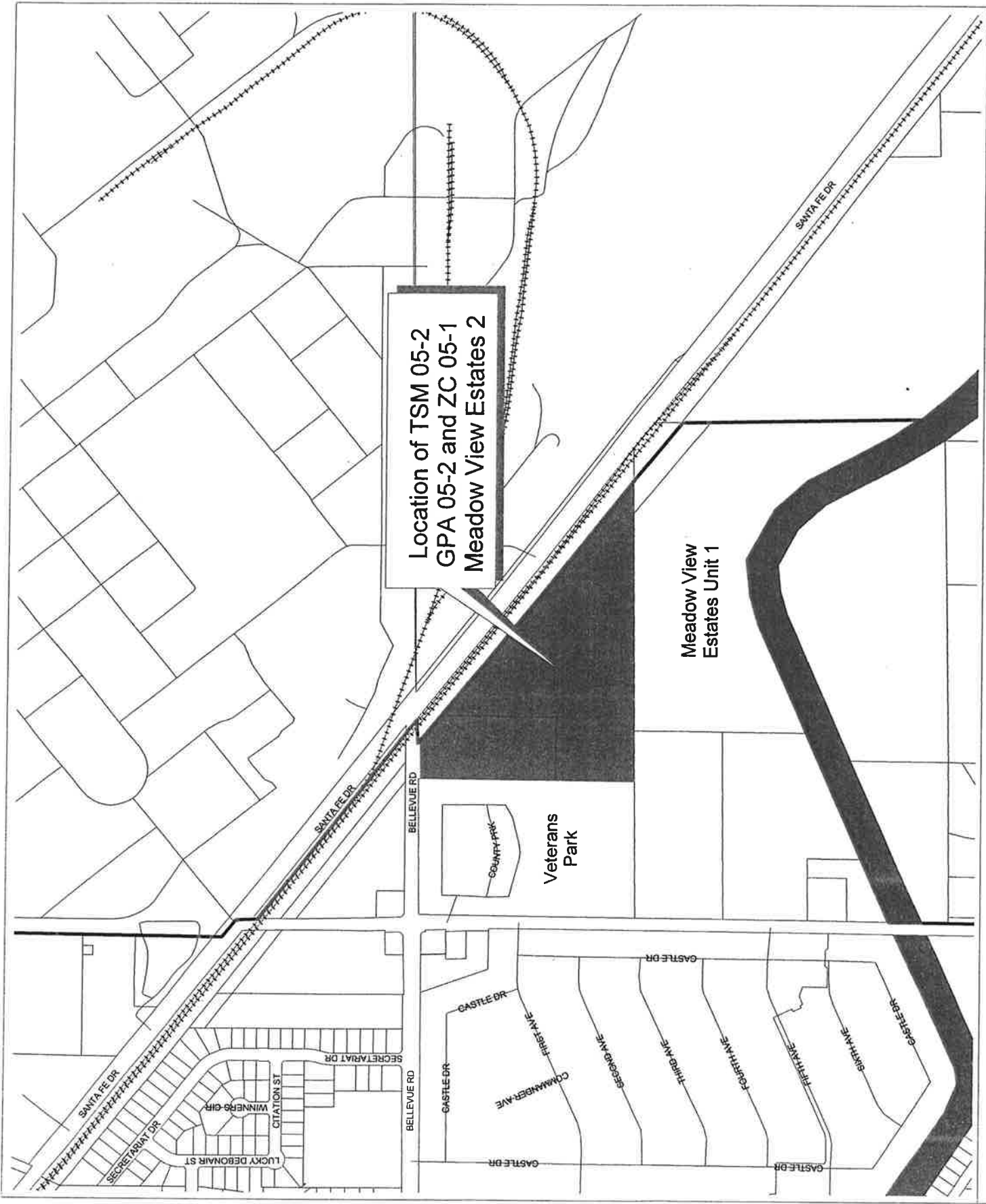


 RUDY TREVINO, MAYOR

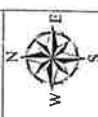
ATTEST:



 JEANNA DEL REAL, CITY CLERK



Location of TSM 05-2
 GPA 05-2 and ZC 05-1
 Meadow View Estates 2



Meadow View Estates 2
TSM 05-2, GPA 05-2 & ZC 05-1

█ Project Location
 — City Limit Line

PIRO ENTERPRISES

October 24, 2018

City of Atwater
750 Bellevue Road
Atwater, CA 95301

Attn: Greg Thompson

Re: Meadow View Estates Unit II
Tentative Subdivision Map

Dear Mr. Thompson,

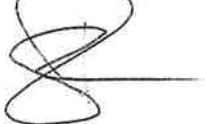
Meadow View Estates Unit II Subdivision project proposes a 63-Lot residential subdivision that was originally approved by the Planning Commission in April 2005 as Vesting Tentative Map No. 05-2.

As you know, the recession impacted the development community in such a way that it brought most residential development to a halt post 2008. However, the population has steadily increased during the time since to the point that the State of California implemented legislative actions to preserve tentative maps submitted by residential developers. Senate Bill 1185, Assembly Bill 333, Assembly Bill 208, Assembly Bill 116 and Assembly Bill 1303 have all been approved by the Governor to deal with the urgency of the current housing crisis. The most recent bill, AB 1303 provides for a 24-month extension for maps that were originally approved prior to July of 2008 and that have been legislatively extended by provisions of the bills mentioned above from 2008 through 2015.

We, as the project developers, are requesting a one-year extension of time pursuant to Section 66452.6(e) of the Subdivision Map Act (SMA) to give our engineers adequate time to prepare and update project related materials and preserve the existing approvals. The current entitlement would expire March 29, 2019. No changes to the project are anticipated at this time.

Our extension application is attached, along with our payment. Thank you for your assistance in this matter and in helping us to advance this project to completion.

Sincerely,



Ramson Piro
President, Piro Enterprises, Inc.



9



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
AGENDA REPORT**

COMMISSIONERS

Jim Murphy, III, Chair
Ron Daugherty Linda Dash
Mary McWatters Fred Warchol

MEETING DATE: November 28, 2018

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: Recommendation to open the hearing, obtain testimony from the public, and make an Environmental Determination and adopt Community Development and Resource Commission Resolution No. 080-18 approving Time Extension Request No. 019-1 for Vesting Tentative Map No. 06-02 (APN 005-110-038)

RECOMMENDED COMMISSION ACTION:

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

Make the determination that the project has no findings of significance under the California Environmental Quality Act (CEQA) guideline section: 15063b(1)(c) "Previous EIR or Negative Declaration" exemption; and

Adopt Resolution No. CDRC 080-18 approving Time Extension Request No. 019-1

I. BACKGROUND:

On September 25 2006 The City Council for the City of Atwater approved Vesting Tentative Subdivision Map No. 06-02 (Atwater South Remainder) through adoption of Resolution No. 2159-06. The Atwater South Remainder Tentative Subdivision Map was a request to divide 14.50 +/- acres into 54 Planned Development Low Density Residential lots including one 2.2 acre park site and open trail system. The subject site is south of and adjacent to Avenue One along the Eastern alignment of Canal Creek, bordered on the South by Greensands Avenue.

The original time period for this project was set at 30 months if not extended per the Atwater Municipal Code and as identified as conditions 22 and 23 in the original resolution.

Currently this site is surrounded by the following uses: to the north the property is bordered by an existing LDR project (PD-25 Mellow Ranch Subdivision), the south of the property is bordered by the Ferrari Ranch Project, the west of the property is bordered by Canal Creek and developed LDR projects, and to the east the property is bordered by the unincorporated area of Merced County (farmland).

The site is currently vacant. The applicant will need to seek as new project entitlements: a Planned Development Master Plan, a Planned Development Final Development Plan, Final Map, all other required documents, etc. as described in the list of conditions of approval.

II. STATE LEGISLATURE TIME EXTENSIONS

This tentative map, along with all tentative map entitlements approved throughout the state prior to July 2008, remained in effect by a series of automatic State legislative time extensions enacted between 2008 through 2015 (SB 1185, AB 208, and AB 116). The most recent State legislative bill enacting a 24-month time extension of tentative maps (Grey; Assembly Bill 1303) was approved in October of 2015. Consequently, the expiration date for the This Tentative Subdivision Map was ultimately extended to March of 2019.

III. ANALYSIS:

Site Location: The project site is located within a Planned Development (PD-31) Zoning district and has a General Plan land use designation of Low Density Residential. This site is approximately 14.5+/- acres in area and is known as Merced County Assessor's Parcel No. 005-110-038

Applicant is proposing to subdivide this land into 54 Low Density Residential Lots with a 2.2 acre park area and open trail system. Applicant would be subject to all previously established conditions of approval and all new state mandated standards for construction.

Description of surrounding uses: The areas immediately adjacent to the subject property are all residential in use except the Ferrari Ranch project south of the project. All of the anticipated uses for the project are consistent with uses described within the Atwater Municipal Code, the General Plan, and designated zoning.

IV. REQUEST:

The applicants of the Tentative Subdivision Map have submitted a written request dated September 25, 2018 requesting a one (1) year extension of time pursuant to Section 66452.6 (e) of the Subdivision Map Act, so that they may pursue other project documents and entitlements. No other changes to the project are anticipated.

V. PUBLIC PARTICIPATION:

The Public Hearing notice was adequately noticed and advertised.

This project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15XXX.

VI. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. CDRC 080-18 approving Time Extension Request No. 019-1 the Recording Secretary will file the notice of exemption with Merced County Clerk's Office.

Approved by: _____
Greg Thompson, Senior Planner

City Manager: _____
Lori Waterman, Interim City Manager

Attachments:

1. Resolution
2. Previously adopted Resolution
3. Letter of Request



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

RESOLUTION NO. CDRC 080-18

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER DETERMINING THAT THE PROJECT HAS NO FINDINGS OF SIGNIFICANCE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15063 b(1)(c) "Previous EIR or Negative Declaration" and approval of Time Extension Request No. 019-1.

WHEREAS, the Community Development and Resources Commission of the City of Atwater reviewed Time Extension Request No. 019-1, as submitted by Brue Myers, and,

WHEREAS, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, November 28, 2018; 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 project is eligible for the extension under AB 1303 with the use and proposed subdivision to 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 15063 b(1)(c); and,

WHEREAS, the Community Development and Resources Commission finds that the following findings can be made for this Time Extension Request:

1. That the site is located within a Planned Development (PD) Zone District.
2. That the site is designated as Low Density Residential by the Atwater General Plan.
3. That this Time Extension will not interfere with the intent of the Planned Development Zone District.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That the project is eligible for extension by legislative right set forth in State Assembly Bill 1303.
6. That this project has been found to have no environmental impacts of significance under the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15063 b(1)(c)

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 Vesting Tentative Map No. 06-02 subject to the following conditions:

1. That the Community Development and Resources Commission shall retain the right to reconsider Vesting Tentative Map No. 06-2 at any time.
2. That this Extension to TSM No. 06-2 shall expire in one (1) year from the day of approval if the submittal of the Final Map has not occurred.
3. 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 _____th day of _____, 2018.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

JIM MURPHY, III, CHAIRMAN

ATTEST:



**CITY COUNCIL
OF THE
CITY OF ATWATER**

RESOLUTION NO. 2159-06

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF ATWATER CERTIFYING THE
MITIGATED NEGATIVE DECLARATION AND
APPROVING VESTING TENTATIVE SUBDIVISION
MAP NO. 06-2 (ATWATER SOUTH REMAINDER)**

WHEREAS, The City Council of the City of Atwater has reviewed Vesting Tentative Subdivision Map No. 06-2 as submitted by Atwater South Investors LLC, requesting approval to subdivide 14.50+/- acres into 54 Planned Development Low Density Residential lots including one 2.20+/- acre park site and open trail system; and,

WHEREAS, said application provides for parceling of 14.50+/- acres located on south side Avenue One, east of Buhach Road, also known as Merced County Assessor's Parcel No's 005-110-038; and,

WHEREAS, an Environmental Assessment was prepared with mitigation measures for this project; and,

WHEREAS, said Vesting Tentative Subdivision Map was reviewed by the Planning Commission of the City of Atwater during a public hearing on Wednesday, September 13, 2006, being duly noticed and advertised and recommended to City Council for review and approval; and,

WHEREAS, said application was reviewed by the City Council of the City of Atwater at a public hearing on Monday, September 25, 2006, being noticed and advertised in accordance with the requirements of Government Code and the Atwater Municipal Code; and,

WHEREAS, the site can accommodate the aforesaid use without causing detrimental effect on the health, safety, and/or welfare of the neighborhood nor have any adverse effect on the community; and,

WHEREAS, it has been found that Vesting Tentative Subdivision Map No. 06-2 is in conformance

with the requirements of the Subdivision Map Act and City of Atwater Municipal Code.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Atwater makes the following findings for this Vesting Tentative Subdivision Map application:

1. That the proposed map is consistent with the applicable general and specific plans.
2. That the site is physically suitable for the type of development.
3. That the design of the subdivision or the type of improvements will not cause serious public health problems.
4. That the design of the subdivision or the type of improvements will not conflict with any easements acquired by the public at-large or access through, or use of, property within the proposed subdivision.
5. That this application proposes to subdivide 14.50+/- acres into 54 Planned Development Low Density Residential lots including one 2.20+/- acre park site and open trail system
6. That none of the findings of Government Code Section 66474 (Grounds for Denial of Map) can be found.
7. That the proposed subdivision map is consistent with all applicable property development standards.
8. That the public hearing and notice of intent for issuance of a Mitigated Negative Declaration for this project has been adequately noticed and advertised.
9. That the Mitigated Negative Declaration (“**EXHIBIT A**”) attached hereto and made a part thereof, is hereby certified.

BE IT FURTHER RESOLVED, by the City Council of the City of Atwater, that Vesting Tentative Subdivision Map No. 06-2 be approved subject to the following conditions:

1. ***Final Map:*** The final map shall be in substantial compliance with the Vesting Tentative Subdivision Map, except for any minor modifications.
2. The subdivider shall submit the final map to be in conformance with all applicable requirements of the Subdivision Map Act and local requirements. The final map shall be prepared by a civil engineer or land surveyor, registered in the State of California, for review and approval by the Community Development Director.
3. The final map shall show all existing and proposed easements and dedications for streets, public utility easements and tree planting easements and provide all additional easements or right-of-way as required by the City of Atwater or other utility companies.
4. ***General Requirements:*** The subdivider shall submit all required plans and profiles applicable to the subdivision, to be in accordance with all City requirements. These plans and profiles are to be reviewed by and approved by the Community Development Director. The subdivider shall underground all existing and proposed utilities within the subdivision and pay all applicable sewer, water, storm drainage, recreation and similar fees and charges for City services.
5. ***Building Sites:*** The subdivider shall site grade, compact and improve building sites, to drain properly within the subdivision, pursuant to and in accordance with the approved plans and profiles.
6. ***Drainage Facilities:*** The subdivider shall provide for all necessary drainage facilities,

including the construction of a storm drainage basin, pipelines, manholes, catch basins, fences, basins and appurtenances. These shall be constructed in accordance with the plans and profiles approved by the City of Atwater. All storm drain mains, trunk lines and catch basin laterals shall be not less than 18 inches in diameter. Storm drain catch basins shall be Type "GO" per State Standard D74 with bicycle proof grate, 24x12X or 24-13, per State Standard D77-B. For storm drainage pipe within the public right-of-way applicant shall use RCP Class IV.

7. **Sanitary Sewer:** The subdivider shall install a sanitary sewer system, including the construction of all pipelines, manholes, services to each lot and appurtenances. Sanitary sewer mains and laterals shall be constructed using vitrified clay pipe or as approved by the Community Development Director. Main line shall be no less than 8 inches in diameter except within cul-de-sacs, where 6 inch diameter pipe may be used if flow will allow. Manholes shall be placed at the end of all mains. Bolt-down covers and lids shall be installed over all manholes, together with a 4'x4'x6" concrete pad, when they will be in areas that are inaccessible. That the applicant/developer shall provide a sewer study.

For all manholes in paved areas, use City Standard S-1. For cleanouts in paved areas, use City Standard S-4 (Modified), modification is 12" thick concrete collar, 1-1/2" to 2" below finish grade and pave over with AC to finish grade. For sanitary sewer mains in the right-of-way 3.0 feet or more deep, use extra strength Vitrified clay pipe, per City Standard S-10. For sanitary sewer mains in right-of-way less than 3.0 feet deep, use Class 50 ductile iron pipe. For sewer laterals in right-of-way 3.0 feet or more deep use extra strength vitrified clay pipe (PVC SDR-35 pipe). For sewer laterals in right-of-way less than 3.0 feet deep, use Class 50 ductile iron pipe. For sanitary sewer lateral connections, use City Standard S-2, S-3 and S-10. Abandon all existing septic tanks (if any), the sludge and defected soil is to be replaced with engineered fill compacted up to the surrounding soil compaction, the extent of work must be approved by the Community Development Director.

8. **Streets:** The subdivider shall grade, pave, construct, and improve all of the streets and easements dedicated to the City of Atwater or other utilities. Streets within the subdivision shall be dedicated and be constructed in accordance with City requirements. Streets shall include the installation of street signs, stop signs and pavement markings. Streets shall be constructed with a minimum of 2" AC over a minimum 4" Class 2 AB over a minimum 6" of compacted native soil. Typical interior streets shall include the installation of curb and gutter, Type II sidewalks (per City Standard SCG-2), and wheelchair ramps and shall be in accordance with City Standards and requirements. The applicant shall pay the proportionate share of the traffic signal at Avenue One and Buhach Road. Applicant shall provide a list of proposed street names to the City for review and approval before submittal of the final map.
9. **Water:** The subdivider shall install a water distribution system, including the construction of all pipelines, appurtenances, water valves, blow offs, fire hydrants, metered water services to each lot, and appurtenances. Should construction of a new water well be deemed necessary, the subdivider shall pay a proportionate share of the new water well construction cost. Water mains shall be a minimum of 8" and shall be Class 50 Ductile Iron Pipe. Water services shall be a minimum one (1) inch and shall include water meters installed with the

water service. Meters shall be chosen from the City of Atwater approved list of meters. The water distribution system shall be designed and constructed as a "looped" water distribution system. Fire hydrant locations shall be approved both by the Community Development Director and the Fire Chief. Fire hydrants are to have a minimum flow of 1000 g.p.m. Water line blow off's shall be installed at the end of all mains not in a looped system. The location of the blow off shall be behind the back edge of the sidewalk. Blow off's shall not displace or damage any monuments. The developer shall also pay required fee for water system, pressure and volume evaluation conducted by the City's contracted Engineer as part of the Improvement Plan. Water and sewer laterals or mains are to be a minimum of ten (10) feet apart, off-site and on-site, unless the sewer lateral is constructed to have fused joints continuously. Any water wells located during the course of construction are to be destroyed in accordance with applicable ground water protection legislation and City Standard W-12 and State of California requirements. The contractor destroying the well shall have a C-57 license.

10. **Maintenance Districts:** The subdivider shall cause the area being subdivided to become, or be a part of, a maintenance district. The subdivider shall pay any fees and charges for the preparation of the maintenance districts. These districts are to be for lighting, storm drainage, and landscaping.
11. **Monuments:** The subdivider shall provide for the setting of all permanent monuments required by the City of Atwater within the subdivision. The subdivider shall cause all monuments to be placed or set as required and as shown on the final map. Monuments shall include street centerline monuments installed in monument boxes. Design of subdivision improvements shall not cause displacement of monuments, unless the monuments are set allowing for improvement construction. Offset monuments, where used, shall be shown as such on the final map.
12. The subdivider shall remove, relocate, or replace all obstructions, vegetation and trees, water wells, irrigation facilities and pipelines, or otherwise make all necessary arrangements to have the obstructions relocated. The obstructions are to be shown on all applicable plans and profiles.
13. **Public Utilities:** The subdivider shall construct all public utilities. Services from the public utilities, consisting of telephone, gas, electricity, water, sewer and cable tv service, shall be provided for each lot. This shall also include a street lighting system. All utilities shall be installed as required at no cost to the City of Atwater and shall be subject to the approval of the Community Development Director and the City Attorney.
14. **Rights-of-way:** Except as noted as a deviation to City standards on the vesting tentative map, streets are to meet City requirements for typical streets as approved for this subdivision. Streets with less than the typical sixty(60) foot right-of-way, except where, due to unusual conditions, as determined by the Community Development Director, it is impractical to provide for a wider right-of-way width of sixty (60) feet. Cul-de-sacs within the subdivision shall have a fifty (50) foot right-of-way with a forty five and a half (45-1/2) foot radius or as approved by the Community Development Director. A landscaping plan for the centerline median within the eighty (80) foot right-of-way shall be submitted to the

- Community Development Director for review and approval prior to construction.
15. Easements (public utility easements and tree planting easements) shall be ten (10) feet wide. A combined minimum ten (10) foot wide public utility easement and tree planting easement shall be provided across the frontage of all lots, including the exterior side yards of corner lots and shall be shown on the final map for dedication.
 16. **Street Lighting:** Street lighting within the subdivision shall be in accordance with applicable City standards and requirements. Conduits are to be placed within the joint utility trench constructed for underground utilities. All street lights are to have individual pull boxes. The “as built” plans for street light installations shall be provided to the Community Development Director upon completed construction. Street lights that are to be owned by the City of Atwater shall have numbers placed thereon. Street light numbers shall be obtained from the City prior to their installation.
 17. **Other Requirements:** That the subdivider shall pay for and obtain an encroachment permit from the City for his contractor to construct improvements within the public right-of-way.
 18. That the subdivider shall submit landscaping and irrigation plans for all the frontage improvements, medians and roundabouts to be included within the subdivision. Said plan shall be reviewed and approved by the City’s Parks and Community Development Departments.
 19. That the subdivider shall submit a copy of the most current Preliminary Title Report, including referenced recorded documents at the time of submittal of the improvement plans and final map.
 20. That the subdivider shall provide with the final map, monumentation of all lot corners and center lines. Center line monuments in cast monument boxes per City standards.
 21. That the subdivider shall comply with all conditions of approval as listed within resolutions for the Planned Development Master Plan, Planned Development Final Development Plan associated with this project. That the applicant/developer shall comply with all the mitigation measures as listed in the environmental document prepared for this project.
 22. That this vesting tentative map shall expire 30 months from the day of City Council approval.
 23. That requests for time extensions of the expiration date for this Vesting Tentative Subdivision Map shall be subject to approval by the City Council and no extension of time may be made beyond two and one-half years after the original expiration date except as provided by the Subdivision Map Act.
 24. Prior to final acceptance, the subdivider shall provide the City with copies of the Site Improvement Plans and “as built” improvements and record the construction and infrastructure drawings in an AutoCAD compatible format.
 25. That the subdivider shall pay \$1,263.00 per units for the required upgrades to the Applegate Interchange.

26. That the subdivider shall pay \$920.00 per unit for the required upgrades to the Buhach Road and Ashby Road Intersection.
27. That this subdivision shall become part of the Buhach Colony Bridge Assessment District.
28. That this subdivision shall become part of the Buhach Colony Water Well Assessment District.
29. That this subdivision shall become part of the Avenue Two Realignment District.
30. That the subdivider shall pay the Regional Transportation Impact Fee (RTIF).
31. MID requirements:
 - A. Construction of a block wall, meeting MID standards, at the outside tow of the embankment (MID right-of-way) fo Canal Creek for the full length where the proposed development and said creek interface. Provisions to accommodate storm water runoff generated between the creek and the block wall should be included in the design. Anti-graffiti landscaping would also be mutually beneficial. MID requires adequate space along the embankment for maintenance and the deposition of spoils.
 - B. Require a limitation of access from the subdivision to Canal Creek for vehicles, animals and pedestrians. No dumping of any kind or illegal disposal of any harmful or toxic material is allowed. Lots within the subdivision shall have no access rights to Canal Creek and not be allowed to install any gates or other openings in the block wall/fence common between the subdivision and Canal Creek. The above access limitations will be included as a covenant in the subdivisions CC&R's and shown as a non-access limitation on all recorded maps.
 - C. The property owner must obtain a "Non-exclusive License Agreement" for all crossings over or under any MID facilities, including bridges, utilities and pipelines. The property owner shall be responsible for the payment of all fees associated with "Joint Use Agreements" for MID facilities within proposed street right-of-ways, if any.
 - D. Owner/developer will enter into a "Construction Agreement" for all work associated with MID facilities.
 - E. A signature block to be provided for MID on all Improvement Plans and Final Map for work associated with MID facilities or storm drainage discharge to MID facilities.
 - F. Require the developer to place the Armas Lateral in an underground pipeline assembly through the entire project to MID standards when the Remainder parcel is developed.
 - G. To formally and physically abandon the Buhach Lateral deliveries to the subject property to prevent any future leakage from said facilities.
 - H. The subdivision is located within an area of the Merced Irrigation District where untreated surface water (secondary water) is available for landscape irrigation. The use of surface water for landscape irrigation will help conserve valuable groundwater

in the area. The developer should explore the installation of a dual water system and utilize MID surface water to irrigate landscape areas within the project.

- 32. ***Acknowledgment:*** That the applicant shall sign and return a letter that acknowledges all conditions of approval for this project within ten (10) days from the date of approval.
- 33. 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 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 25th day of September, 2006.

AYES: Faul, Frago, Rasmussen, Trevino
NOES: None
ABSENT: None
NOT VOTING: Krotik

APPROVED:



RUDY TREVINO, MAYOR

ATTEST:



JEANNA DEL REAL, CITY CLERK

"I, Lori Waterman, Assistant City Clerk of the City of Atwater and as such Ex-Officio Clerk of the City Council of the City of Atwater, hereby certify that the foregoing resolution is a true, correct, and complete copy of the original of such resolution, which is on file in my office.

Lori Waterman

Lori Waterman, Assistant City Clerk of the City of Atwater, and Ex-Officio Clerk of the City Council of the City of Atwater, State of California."

PACIFIC UNION

September 25, 2018

City of Atwater
Community Development Department
Attn: Greg Thompson
750 Bellevue Road
Atwater, CA 95301

Re: Time Extension Request for Vesting Tentative Subdivision Map 06-2 (Atwater South Remainder).

Dear Greg,

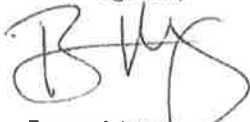
The Atwater South Remainder project is a 54 lot residential subdivision that was originally approved by the City Council on September 25, 2006. The Tentative Subdivision Map 06-2 is currently scheduled to expire on March 26, 2019.

Due to the Great Recession which began in 2007, development of the property was effectively placed on indefinite hold until economic conditions improved. The property has been actively marketed for sale, and a well-known local homebuilder has recently expressed interest in purchasing the site for construction and sale of new homes. Because development of the property will require preparation of the necessary improvement plans and final maps, and subsequent review and approval of those plans by the City, the current expiration date for the Tentative Subdivision Map needs to be extended to provide sufficient time for completion of that process.

On behalf of the property owner, Pacific Union Land Company would like to request an additional one (1) year extension of the Tentative Subdivision Map to allow the property to be developed as currently approved. No changes to the project are proposed.

Please let me know if you have any questions regarding this extension request. Thank you in advance for your consideration.

Best regards,



Bruce Myers
Vice President of Land Development
925-314-3826
bmvers@pulc.com

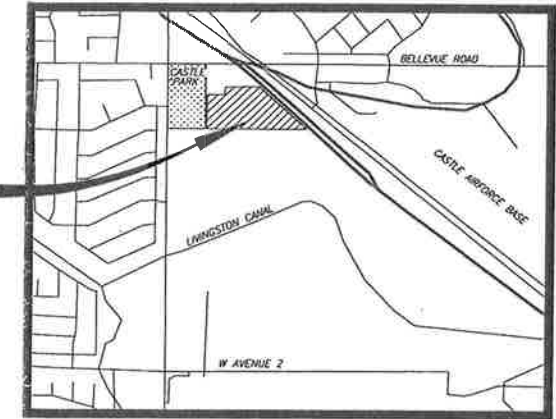
TENTATIVE SUBDIVISION MAP

MEADOW VIEW ESTATES UNIT NO.2

ATWATER, CALIFORNIA

SCALE 1" = 80'

PROJECT LOCATION



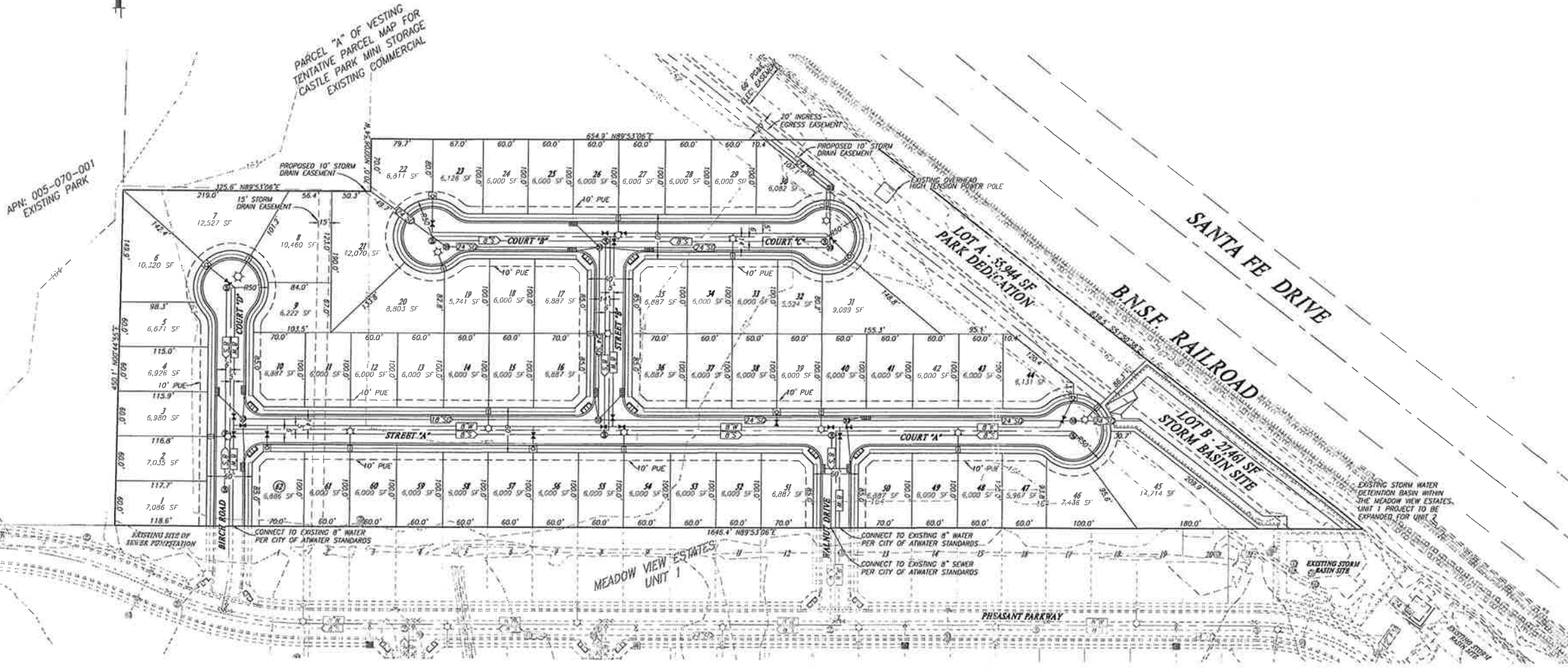
VICINITY MAP

OWNER
 CASTLE PARK MINI STORAGE
 1680 E. BELLEVUE ROAD
 ATWATER, CA 95301
 PHONE (209) 357-1451

DEVELOPER
 KEMP LAND COMPANY
 30 VILLAGE DRIVE
 BRENTWOOD, CA 94513
 PHONE (925) 516-3171

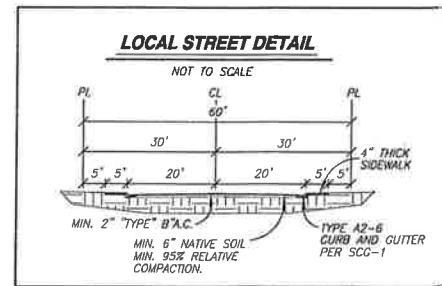
ENGINEER
 NORTHSTAR ENGINEERING GROUP, INC.
 909 14TH STREET
 MODESTO, CA 95354
 PHONE (209) 524-3525
 ATTN: ANTHONY GANNELLA

- NOTES**
- TRACT NUMBER TO BE ASSIGNED BY CITY ENGINEER.
 - ASSESSOR'S PARCEL NUMBER: 005-070-021
 - SITE ADDRESS: NO ADDRESS ASSIGNED AT THIS TIME.
 - LEGAL DESCRIPTION: PARCEL "B" OF VESTING TENTATIVE PARCEL MAP FOR CASTLE PARK MINI STORAGE
 - APPROXIMATE ACREAGE OF PROJECT SITE - 15.15± AC.
 - UTILITY PROVIDERS
 WATER - CITY OF ATWATER
 SEWER - CITY OF ATWATER
 PHONE - SBC
 ELECTRIC - PG&E
 GAS - PG&E
 - EXISTING USE: COMMERCIAL
 - PROPOSED LAND USE: 62 SINGLE FAMILY RESIDENCES, STORM DRAIN DETENTION BASIN, PARK DEDICATION
 - STREET NAMES UTILIZED ARE PROVIDED FOR IDENTIFICATION PURPOSES ONLY. ACTUAL STREET NAMES WILL BE PROVIDED WITH THE FINAL MAP.
 - ALL STORM DRAIN TO BE OBTAINED ON SITE BY EXPANSION OF EXISTING DETENTION BASIN WITHIN MEADOW VIEW ESTATES UNIT 1. EXPANSION ALSO TO ACCOMMODATE CASTLE PARK MINI STORAGE VIA TWO 24" STUBS AT PROJECT BOUNDARY, LOT 21/22 AND LOT 30. THESE LOCATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE. ALL STORM WATER TO EVENTUALLY DISCHARGE INTO LIVINGSTON CANYON THROUGH EXISTING FORCE MAIN. CALCULATIONS FOR BASIN EXPANSION BASED ON 50 YEAR STORM.
 - TREES TO BE PLANTED IN FRONT YARDS AND SIDE YARDS OF CORNER LOTS TO THE CITY OF ATWATER'S STANDARDS
 - EXISTING ZONING DESIGNATION - PD-10
 PROPOSED ZONING DESIGNATION - PD-29
 - EXISTING GENERAL PLAN DESIGNATION - BUSINESS PARK
 PROPOSED GENERAL PLAN DESIGNATION - LDR
 - ALL IMPROVEMENTS AND PUBLIC UTILITIES TO BE MADE OR INSTALLED AT THE TIME OF DEVELOPMENT. ALL IMPROVEMENTS TO BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF ATWATER STANDARD SPECIFICATIONS.
 - PUBLIC UTILITY EASEMENTS TO BE DEDICATED AT THE REQUEST OF THE UTILITIES.
 - PURSUANT TO SECTION 66452.6 OF THE "SUBDIVISION MAP ACT", THE TERM OF THIS MAP MAY EXTEND 10 YEARS.
 - PURSUANT TO SECTION 66456.1 OF THE "SUBDIVISION MAP ACT", THE DEVELOPER RESERVES THE RIGHT TO FILE MULTIPLE FINAL MAPS FOR THIS PROJECT.
 - ALL FENCING BORDERING STORM BASIN TO BE BUILT TO THE CITY OF ATWATER AND M.I.D. STANDARDS.
 - ALL BUILDING SETBACKS TO CONFORM TO THE CITY OF ATWATER'S STANDARDS.
 - ALL UTILITY SIZES ARE PRELIMINARY AND SUBJECT TO CHANGE WITH FINAL DESIGN.
 - THIS SUBDIVISION MAY BE DEVELOPED IN PHASES.



LEGEND

SYMBOL	DEFINITION
[Symbol]	CATCH BASIN
[Symbol]	FIRE HYDRANT
[Symbol]	ELECTROLYTIC
[Symbol]	WATER LINE
[Symbol]	STORM DRAIN
[Symbol]	SEWER
[Symbol]	SEWER MANHOLE
[Symbol]	STORM DRAIN MANHOLE
[Symbol]	EXISTING IMPROVEMENTS SHOWN WITH DASHED LINES



REVISIONS

NO.	DATE	DESCRIPTIONS

TENTATIVE SUBDIVISION MAP
 MEADOW VIEW ESTATES UNIT 2
 ATWATER, CALIFORNIA



JOB #: 04-277
 DATE: NOVEMBER 2004
 SCALE: 1" = 40'
 DRAWN: DJP
 DESIGN: BJ
 CHK'D: BJ

SHEET NUMBER
01

100: 07/13/05 11:25 P:\03070 MP_048
 100: 07/13/05 11:25 P:\03070 MP_048