

**CITY OF ATWATER**  
**COMMUNITY DEVELOPMENT AND RESOURCES**  
**COMMISSION**  
**SPECIAL AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, CA 95301

**February 28, 2018**

CALL TO ORDER: (Council Chambers)

**6:00 PM**



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

ROLL CALL:

**Dash**\_\_\_\_, **Daugherty**\_\_\_\_, **McWatters** \_\_\_\_\_, **Murphy III**\_\_\_\_, **Vacant**\_\_\_\_,  
**Warchol**\_\_\_\_, **Brice**\_\_\_\_\_

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

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

CEREMONIAL MATTERS:       None

COMMENTS FROM THE PUBLIC:

**NOTICE TO THE PUBLIC**

Citizens wishing to address the Community Development and Resources Commission of the City of Atwater regarding only the items on the agenda may do so when the item is read for consideration. Please state your name and address or community of residence and keep your comments to five minutes or less. Under the provisions of the California Government Code, the Community Development and Resources Commission may not discuss or take action on any item that is not on the agenda.

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

APPROVAL OF MINUTES:

**1. Regular Meeting of January 17, 2017**

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

PETITIONS AND COMMUNICATIONS: None

PUBLIC HEARINGS:

**2. Resolution No. CDRC 053-18 Approving Conditional Use Permit No. 551-18 for Type 20 Alcohol License (316 E. Bellevue Road)**

**Applicant: Ravinder Singh / Randhawa, LLC**

**Recommendation:** Opening the public hearing and take any testimony from the public; and adopting CDRC Resolution No. 053-18 approving Conditional Use Permit No. 551-18 for Type 20 Alcohol License (316 E. Bellevue Road).

COMMISSIONER MATTERS:

**3. Community Development and Resources Commissioners Comments**

ADJOURNMENT:

CERTIFICATION:

I, Lori Waterman, Recording Secretary for the Community Development and Resource Commission of the City of Atwater, do hereby certify that a copy of the foregoing Special Meeting agenda was posted at City Hall a minimum of 24 hours prior to the meeting.



LORI WATERMAN, CMC  
RECORDING SECRETARY

SB 343 NOTICE

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

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



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



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# COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

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## ACTION MINUTES

January 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; Chair Brice presiding.*

PLEDGE OF ALLEGIANCE:

*The pledge of allegiance was led by Chair Brice.*

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

ROLL CALL:

**Present:** Commissioners Dash, Daugherty, Murphy, Warchol, Chair Brice

**Absent:** Commissioner McWatters

**Staff Present:** Interim City Manager deWerk, Deputy City Attorney Ruppel, Interim Public Works Director Shaw, City Contract Planner Thompson, Community Development Director/Recording Secretary Waterman

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

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

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

*Notice to the public was read.*

**CHARLES VEILLEUX, Merced, spoke regarding the proposed relocation of his Smoke and Vape Shop "The Stone Bowl", from Merced to Atwater, and described the type of products sold in his business.**

**No one else came forward to speak at this time.**

APPROVAL OF MINUTES:

Regular Meeting of November 15, 2017

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

Special Meeting of January 4, 2018

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

PETITIONS AND COMMUNICATIONS:

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

**Kiwanis Club of Castle-Atwater member Van Vanderzyde, described the project as fitting to the Kiwanis motto "to serve the children of the world", he said the Kiwanis Club will build, stock, and maintain the library. They chose Heller Park for its proximity to the school, and it being a true "Neighborhood Park". There are 15,000 little library's throughout the world, and Merced has about six (6) to seven (7) successful sites.**

**Commissioner Dash recused herself, stating a conflict as a member of Castle-Atwater Kiwanis Club.**

**MOTION: Commissioner Murphy III moved to approve the request from Kiwanis Club of Castle-Atwater to install "Little Free Library" at Heller Park. The motion was seconded by Commissioner Daugherty, and the vote was: Ayes: Daugherty, Murphy III, Warchol, Brice; Noes: None; Abstain: Dash; Absent: McWatters. The motion passed.**

Request from Veterans of Foreign Wars Auxiliary (9946 to purchase and place a Memorial Bench at Veterans Park

**Chair Brice recused himself citing a conflict as a VFW Officer and stepped down from the dais. Vice Chair Murphy III took the Chair position, and resumed the discussion.**

***VFW Officer Brice presented the request from the Ladies Auxiliary for Veterans of Foreign Wars for the purchase and placement of a Memorial Bench at Veterans Park to honor ALL Service Veterans, and place the bench facing the stones where current plaques are located. He stated that the Clampers offered to buy the concrete and pour the cement pad needed to install the bench.***

***City Council Member Creighton spoke regarding current volunteer efforts to rehab the Veterans Pavilion, and expressed his concern with vagrants and homeless using the benches to sleep on and the possibility of vandalism. He asked if there might be a better way to honor the Veterans other than with cement bench, and asked that other options be considered.***

***After discussion, VFW Officer Brice asked that this item be tabled pending security discussions and proposed time restrictions for Veterans Park from the City Council.***

***MOTION: Commissioner Murphy III moved to table this item. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, Warchol, Vice Chair Murphy III; Noes: None; Absent: McWatters; Recused: Brice. The motion passed.***

***Chair Brice returned to the dais and resumed the meeting.***

**PUBLIC HEARINGS:**

Resolution No. CDRC 052-18 approving Site Plan No. 710-18 for (APN 056-400-073 and 056-400-074) Beluga Court and provide Architectural Review, making determination of Consistency with the Commercial and Industrial Design Guidelines and that the project conforms to the General Plan

***Chair Brice opened the Public Hearing.***

***ADAM REED with VVH, representing the applicant Matt Migliazzo spoke in favor of the project and addressed questions raised by the Commission as to trash enclosures and ADA requirements and restrictions.***

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

***As a member of the Architectural Review Committee, Chief Building Official Pereida reviewed the Site Plan and had no issues.***

***MOTION: Commissioner Daugherty moved to adopt Resolution No. CDRC 052-18 approving site Plan No. 710-18 for (APN 056-400-073 and 056-400-074) Beluga Court and making determination of Consistency with the Commercial and Industrial Design Guidelines, and that the project conforms to the General Plan. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, Daugherty, Murphy III, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update reading Atwater Boulevard and Shaffer Road

***Interim Public Works Director Shaw presented a verbal update to the Commission regarding the traffic signal at Atwater Boulevard and Shaffer Road. He discussed several options which include, having a traffic engineer review the shifting of all lanes to the north about 10 feet to allow the trucks a better turning radius from SP, and start the left turn lane (coming off the freeway) about 10 to 15 feet from the signal. He is also in the process of purchasing a new camera radar system. He stated loops, cameras, and pucks have been tried, and they have all failed previously. He is working with Merced County jointly.***

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

***As a member of the Architectural Review Committee, Chief Building Official Pereida reviewed the Site Plan and had no issues.***

***MOTION: Commissioner Daugherty moved to adopt Resolution No. CDRC 050-18 making determination of conformity findings as required under California Government Code Section 65402(a) and recommending sale of Property located at 980-990 Cedar Avenue consistent with the General Plan Land Use Designation and Zoning Code. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, Murphy III, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.***

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

***MOTION: Commissioner Murphy III moved to adopt Resolution No. CDRC 051-18 making determination of conformity findings as required under California Government Code Section 65402(a) and recommending transfer of Property located at 1600 Virginia Street consistent with the General Plan Land Use Designation and Zoning Code requirements. The motion was seconded by Commissioner Daugherty, and the vote was: Ayes: Dash, Daugherty, Murphy III, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.***

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

***JESSE KENT, with Smith Development for the project, addressed questions from the commission and stated that they have committed and designated monies to cover the full cost of creating a median along Bellevue to alleviate the unsafe turning issues. He also addressed the current two (2) existing driveways, stating***

*it will be shortened to one (1) driveway. They have also committed to a full grinding and re-pave of the existing alley. He thanked staff for their responsiveness during the process.*

*As a member of the Architectural Review Committee, Chief Building Official Pereida reviewed the Site Plan and had no issues.*

***MOTION:*** *Commissioner Murphy III moved to adopt Resolution No. CDRC 044-17, making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the 7-Eleven Convenience & 76 Fuel Project conforms to the City's General Plan. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, Murphy III, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.*

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

***CHRISTINE LIM with Golden Valley Engineering, representing applicant Luis Naranjo, responded to questions from the Commission, and confirmed that the median along Winton Way will be extended and making it a right turn only out of the drive.***

*As a member of the Architectural Review Committee, Chief Building Official Pereida reviewed the Site Plan and had no issues.*

***MOTION:*** *Commissioner Murphy III moved to adopt Resolution No. CDRC 047-17, making finding of consistency with the Commercial and Industrial Design Guidelines and making the determination that the proposed Office/Retail Building Project at 1049 Winton Way conforms to the City's General Plan. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, Murphy III, Warchol, Brice; Noes: None; Absent: McWatters. The motion passed.*

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

***Commissioner Murphy III questioned the timeframe for the Winton Way traffic signal synchronization.***

***Commissioner Warchol asked that an item be placed on the next agenda regarding how CDRC information and decisions are delivered to the City Council. He spoke regarding the different types of minutes that can be taken, action, summary and verbatim. His concern is that the CDRC has changed from using summary minutes to action minutes which he feels limits the ability for presenting the reasoning behind actions taken by the commission.***

***Commissioner Dash has concern regarding the quick changing traffic signals in front of Bellevue School and Crest Road. She also commented that a lot of money is being put into Veterans Park and if nothing is done to prevent vandalism; all their hard work and money will be in vein. She asked that this***



**concern be taken to the City Council to address, and possibly consider closing the park at dusk and locking the gates.**

**Commissioner Daugherty had no comments.**

**Chair Brice stated the meeting was a productive meeting.**

**ADJOURNMENT:**

**The meeting adjourned at 7:07 PM.**

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Gary Brice, Chairperson

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Lori Waterman, CMC  
Recording Secretary



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**COMMUNITY DEVELOPMENT  
AND RESOURCES  
COMMISSION  
SPECIAL AGENDA REPORT**

**COMMISSIONERS**

Gary Brice, Chair  
Ron Daugherty      Mary McWatters  
Jim Murphy, III      Fred Warchol  
Vacant

**MEETING DATE: February 28, 2018**

**TO:** Chair and Commissioners

**FROM:** Lori Waterman, Interim Community Development Director

**PREPARED BY:** Lori Waterman, Interim Community Development Director  
[lwaterman@atwater.org](mailto:lwaterman@atwater.org) , (209)357-6206

**SUBJECT: Resolution No. CDRC 053-18 Approving Conditional Use Permit No. 551-18 for Type 20 Alcohol License (316 E. Bellevue Road)**

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**RECOMMENDED COUNCIL ACTION:**

Staff recommends Commission open the public hearing and take any testimony from the public; and adopt Resolution No. CDRC 053-18 approving Conditional Use Permit No. 551-18 for Type 20 Alcohol License (316 E. Bellevue Road).

**I. BACKGROUND:**

Staff received a Conditional Use Permit application from Ravinder Singh on behalf of Randhawa, LLC, requesting approval to submit an application to The State of California Department of Alcoholic Beverage Control for a Type 20 License.

**II. ANALYSIS:**

The proposed location is within an existing building located at 316 E. Bellevue Road. This site is located in the commercial center located at the south east corner of Brownell Street and Bellevue Road.

The site is located within a General Commercial (C-G) Zone District and has a General Plan land use designation of Commercial. City ordinance requires that the applicant obtain a Conditional Use Permit for the sale 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 20 (Off Sale Beer) license. A Type 20 alcohol license is described as follows:

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

The proposed site is located within Census Tract No. 8.01 Census Tract 8.01 is bounded by Juniper Avenue to the south, Shaffer Road to the west, Bellevue Road to the north and Santa Fe to the east. The current population for Census Tract 8.01 is 4,444.

Currently ABC allows 1,267 On Sale Licenses and 1,114 Off Sale Licenses for the entire County. When calculated the following number of On Sale and Off Sale Licenses are allowed within Censes Tract 8.01.

4,444/1,114=3.9 (3 Off Sale allowed by the State) (2 current Off Sale approved)

Currently the State allows a total of three (3) Off Sale Licenses within Census Tract 8.01. Currently the State has issued two (2) Off Sale Licenses within Census Tract 8.01 which is not an undue concentration (EXHIBIT "A").

**III. PUBLIC PARTICIPATION:**

The Public Hearing notice was published one (1) time in the Merced Sun Star on February 21, 2018.

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 053-18 approving CUP No. 551-18, the Recording Secretary will record the CUP with Merced County Recorders' Office and the ABC application shall be completed and returned to ABC.

Approved by:   
Lori Waterman, Interim Community Development Director

Attachments:

1. Supporting Documents
2. Resolution

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

1. APPLICANT'S NAME <b>RANDHAWA, LLC</b>		
2. PREMISES ADDRESS (Street number and name, city, zip code) <b>316 EAST BELLEVUE RD, ATWATER, CA 95301</b>		3. LICENSE TYPE <b>20</b>
4. TYPE OF BUSINESS		
<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine
<input type="checkbox"/> Wine only	<input type="checkbox"/> All	<input type="checkbox"/> Private Club
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input checked="" type="checkbox"/> Convenience Market
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline
<input type="checkbox"/> Other - describe:		<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Drive-in Dairy		
5. COUNTY POPULATION <b>4,444</b>	6. TOTAL NUMBER OF LICENSES IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale	7. RATIO OF LICENSES TO POPULATION IN COUNTY <input type="checkbox"/> On-Sale <input type="checkbox"/> Off-Sale
8. CENSUS TRACT NUMBER <b>CT 0008.01</b>	9. NO. OF LICENSES ALLOWED IN CENSUS TRACT <input type="checkbox"/> On-Sale <input checked="" type="checkbox"/> Off-Sale	10. NO. OF LICENSES EXISTING IN CENSUS TRACT <input type="checkbox"/> On-Sale <input checked="" type="checkbox"/> Off-Sale
11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)		
<input type="checkbox"/> Yes, the number of existing licenses exceeds the number allowed		
<input checked="" type="checkbox"/> No, the number of existing licenses is lower than the number allowed		
12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?		
<input type="checkbox"/> Yes (Go to Item #13) <input checked="" type="checkbox"/> No (Go to Item #20)		
13. CRIME REPORTING DISTRICT NUMBER	14. TOTAL NUMBER OF REPORTING DISTRICTS	15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS
16. AVERAGE NO. OF OFFENSES PER DISTRICT	17. 120% OF AVERAGE NUMBER OF OFFENSES	18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT
19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)		
<input type="checkbox"/> Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17		
<input type="checkbox"/> No, the total number of offenses in the reporting district is lower than the total number in item #17		
20. CHECK THE BOX THAT APPLIES (check only one box)		
<input type="checkbox"/> a. If "No" is checked in both item #11 <u>and</u> item #19, <u>Section 23958.4 B&amp;P does not apply</u> to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.		
<input type="checkbox"/> b. If "Yes" is checked in either item #11 <u>or</u> item #19, <u>and</u> the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the <u>applicant to complete Section 2</u> and bring the completed form to ABC when filing the application or as soon as possible thereafter.		
<input type="checkbox"/> c. If "Yes" is checked in either item #11 <u>or</u> item #19, <u>and</u> the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the <u>applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3.</u> The completed form will need to be provided to ABC in order to process the application.		

Governing Body/Designated Subordinate Name:

**N/A - NOT OVER CONCENTRATED**

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

**AMARQUEZ**



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

### RESOLUTION NO. CDRC 553-18

#### A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT NO. 551-18 ALLOWING FOR A TYPE 20 ALCOHOL LICENSE (316 E. BELLEVUE ROAD)

**WHEREAS**, the Community and Development and Resources Commission of the City of Atwater reviewed Conditional Use Permit No. 551-18, as submitted by Ravinder Singh Randhawa, LLC, requesting approval to submit to The Department of Alcoholic Beverage Control for a Type 20 Alcohol License; and

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, February 28, 2018; and

**WHEREAS**, the Community Development and Resources Commission held a duly noticed public hearing on February 28, 2018 as required by law to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and

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

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

**WHEREAS**, this project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(3); and

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

1. That the site is located within a General Commercial (C-G) Zone District.
2. That the side is designated as Commercial by the Atwater General Plan.

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

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

**NOW, THEREFORE, BE IT RESOLVED**, that the Community Development and Resources Commission of the City of Atwater does hereby approve Conditional Use Permit No. 551-18 subject to the following conditions:

1. That applicant is approved to submit to the Department of alcoholic Beverage Control (ABC) for a Type 20 alcohol license.
2. That the applicant shall comply with all requirements of The Department of Alcoholic Beverage Control.
3. That the Community Development and Resources Commission shall retain the right to reconsider Conditional Use Permit No. 550-17 at anytime.
4. That this CUP shall expire in six (6) months from the day of approval if the business has not started. A six (6) month extension may be granted by the Community Development and Resources Commission.
5. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 28<sup>th</sup> day of February, 2018.

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**GARY BRICE, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**LORI WATERMAN, CMC  
ACTING SECRETARY**