

# CITY OF ATWATER COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**January 18, 2017**

**6:00 PM**

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain**

ROLL CALL:

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

SUBSEQUENT NEED ITEMS: (The Chair 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.)

COMMENTS FROM THE PUBLIC:

## NOTICE TO THE PUBLIC

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

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

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

APPROVAL OF MINUTES:

**1. Regular Meeting of November 16, 2016**

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

PUBLIC HEARINGS

**2. TENTATIVE PARCEL MAP NO. 17-1:** This project proposes to split one parcel of 0.68+/- acres into three parcels of 0.28+/- acres, 0.19+/- acres, 0.28+/- acres. The property is designated as Low Density Residential by the General Plan and Zoned R-1[6] Low Density Residential. This project is located on Juniper Avenue just east of Sierra Madre Drive and is known as Merced County Assessor's Parcel No. 004-170-069.

Applicant: Peter Lau

**Staff's Recommendation:** Motion to approve Tentative Parcel Map No. 17-1.

REPORTS AND PRESENTATIONS FROM STAFF

**Update on Traffic and Pedestrian Safety Items**

COMMISSIONER MATTERS:

**Comments from Community Development and Resources Commissioners**

ADJOURNMENT:

CERTIFICATION

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

/s/ Lori Waterman

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 Police Department, by the Community Development and Resources Commission Recording Secretary 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 (209) 357-6205. You may also send the request by email to [jdellreal@atwater.org](mailto:jdellreal@atwater.org)



# COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

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## ACTION MINUTES

**November 16, 2016**

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 Mead.*

ROLL CALL:

**Present:** *Commissioners Dash, Daugherty, Hylar III, McWatters, Murphy III, Reed, Chair Brice*

**Absent:** *None*

**Staff Present:** *Community Development Director McBride, Senior Planner Hendrix, Interim Police Chief Joseph, Recording Secretary Waterman*

**Staff Absent:** *Interim Public Works Director Faretta,*

SUBSEQUENT NEED ITEMS: *None*

PUBLIC COMMENT:

*Notice to the public was read.*

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

APPROVAL OF MINUTES:

Regular Meeting of October 19, 2016

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

**PUBLIC HEARINGS:**

Site Plan No. 705-15 & Conditional Use Permit No. 546-16, requesting approval to convert the old auto repair and gas station facility located at 1401 Atwater Boulevard into a convenience store and gas station facility. The CUP application is requesting approval from the Community Development and Resources Commission to submit to the Department of Alcoholic Beverage Control for a Type 21 license for use at 1401 Atwater Boulevard. Applicant: Balbir Singh

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

***No one came forward to speak and Chair Brice closed the public hearing.***

**MOTION:** Vice Chair Hyler III moved to adopt Resolution No. 021-16 approving Site Plan No. 705-16. The motion was seconded by Commissioner Dash and the vote was: Ayes: Dash, Daugherty, Hyler III, McWatters, Murphy III, Reed, Chair Brice; Noes: None; Absent: None. The motion carried.

**MOTION:** Vice Chair Hyler III moved to adopt Resolution No. 022-16 approving Conditional Use Permit No. 546-16. The motion was seconded by Commissioner Daugherty and the vote was: Ayes: Dash, Daugherty, Hyler III, McWatters, Murphy III, Reed, Chair Brice; Noes: None; Absent: None. The motion carried.

Site Plan No. 684-08 Amendment No. 1, a Site Plan Amendment requesting to amend the previously approved Site Plan which allowed for construction of a Jehovah's Witnesses Kingdom Hall on a 2.12+/- acre parcel. The amendment looks to reduce the size of the Kingdom Hall approving Site Plan No. 684-08 Amendment No. 1.

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

***No one came forward to speak and Chair Brice closed the public hearing.***

***A Condition was added regarding storm water runoff and treatment.***

**MOTION:** Chair Brice moved to approve Site Plan No. 684-08 Amendment No. 1. The motion was seconded by Commissioner Reed and the vote was: Ayes: Dash, Daugherty, Hyler III, McWatters, Murphy III, Reed, Chair Brice; Noes: None; Absent: None. The motion carried.

**REPORTS AND PRESENTATIONS FROM STAFF: None**

COMMISSIONER MATTERS:

***Commissioner Daugherty asked that the closure of the Atwater Blvd. right turn on Applegate be placed on the agenda for the next meeting. He also asked staff to check on Olive Avenue at Winton Way NO parking zone signage on north side of Olive Avenue.***

***Community Development Director McBride reminded the Commissioners that their role is to make recommendations on issues. Staff received recommendation from Traffic Engineer to eliminate right hand truck turns at Atwater Blvd. to Applegate, and signage has been ordered and will be installed. He also stated that the median will not be replaced in that area, and the Railroad has been notified.***

***Commissioner Dash thanked Mr. Singh for doing everything requested by the Commissioners at Atwater Blvd. and 5<sup>th</sup> Street. She questioned issues with the median by 5<sup>th</sup> and Atwater Blvd. regarding gas trucks coming in, stating staff should address before it becomes an issue, and utilize signs stating no left turns in that area.***

***Community Development Director McBride responded that the medians were put in as a safety measure created by left turn accidents and a stacking issue in that area, and removing will be creating an issue we spent money to eliminate.***

***Interim Police Chief Joseph confirmed the fact that signage is not a deterrent.***

***Chair Brice thanked Vice Chair Hyler III for his service on the commission, and stated that if there are no items for the December meeting, that it be cancelled.***

ADJOURNMENT:

***The meeting adjourned at 6:29 PM.***

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Gary Brice, Chairperson

**ATTEST:**

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Lori Waterman, CMC

**RECOMMENDATION TO OPEN THE HEARING, RECEIVE  
TESTIMONY FROM THE PUBLIC AND ADOPT COMMUNITY  
DEVELOPMENT AND RESOURCES COMMISSION  
RESOLUTION NO. 026-17 APPROVING VESTING TENTATIVE  
PARCEL MAP NO. 17-1 (LAU)**

**RECOMMENDATION:**

It is recommended that the Community Development & Resources Commission:

1. Open the hearing to obtain testimony from the public;
2. Adopt Community Development and Resources Commission Resolution No. 026-17 approving Vesting Tentative Parcel Map No. 17-1.

**BACKGROUND:**

Staff has received a Vesting Tentative Parcel Map application from Peter Lau. This project is located near the south east corner of Juniper Avenue and Sierra Madre Drive on the property identified by Merced County Assessor Parcel Number APN 004-170-069.

This same map was approved by the former Planning Commission back in 2005. Staff is not aware of the reasons but the former map was never recorded and the approvals expired.

**ANALYSIS:**

This Tentative Parcel Map application proposes to split one parcels into three parcels. The current parcel is 0.68+/- acres in size. The newly created parcels would be sized as follows: Parcel 1= 0.20+/- acres, Parcel 2= 0.19+/- acres, Parcel 3= 0.28+/- acres.

The area is zoned Low Density Residential and all of the newly created lots would exceed the minimum lot size of 6,000 square feet or 0.13+/- acres.

**ENVIRONMENTAL:**

This project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15315 (Minor Land Divisions).

**CONCLUSION:**

Staff recommends that the Community Development and Resources Commission adopt Resolution No. 026-17 approving Vesting Tentative Parcel Map No. 17-1.

Respectfully submitted,

/s/ Justin D. Hendrix

Justin D. Hendrix  
Senior Planner  
City of Atwater





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

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**RESOLUTION NO. CDRC 026-17**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION OF THE CITY OF  
ATWATER APPROVING VESTING TENTATIVE PARCEL  
MAP NO. 17-1. (LAU)**

**WHEREAS**, the Community Development and Resources Commission of the City of Atwater has reviewed Tentative Parcel Map No. 17-1 as submitted by Peter Lau, requesting approval to split one parcel of 0.68+/- acres into three parcels of 0.20+/- acres, 0.19+/- acres, 0.28+/- acres. The site is located on the south side of Juniper Avenue East of Sierra Madre Drive and is currently known as Merced County Assessor Parcel Number APN 004-170-069; and,

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, January 18, 2017, being noticed and advertised in accordance with the requirements of the Subdivision Map Act and the City of Atwater Municipal Code; 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 has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section §15315; and,

**WHEREAS**, the Community Development and Resources Commission finds that the following findings can be made for this Vesting Tentative Parcel Map:

1. That the proposed map is consistent with the applicable general and specific plans.
2. That the site is physically suitable for this type of development.
3. That the site is located on the south side of Juniper Avenue East of Sierra Madre Drive and is currently known as Merced County Assessor Parcel Number APN 004-170-069.
4. That the City of Atwater's General Plan designates this area as Low Density Residential.
5. That the City of Atwater's Zoning Map designates this property as Low Density Residential (R-1).
6. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section §15315.

**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 Parcel Map No. 17-1 subject to the following conditions:

1. That the final parcel map shall be in substantial compliance with the Tentative Parcel Map, except for any minor modifications. The applicant shall submit the final parcel map 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 City contracted Engineer prior to recordation. The final parcel map shall show all existing easements and dedications for streets, easements and provide all additional easements or right-of-ways as required by the City of Atwater or other utility companies.
2. That the Parcel Map shall comply with all local and state requirements. Said map shall be submitted for City Engineer's review and approval prior to recordation.
3. That the applicant shall provide monuments in accordance with City Standards and Policies. Monuments shall be placed at all proposed lot corners and on the boundary of the proposed Parcels. Existing monuments shall be preserved (if needed), and if disturbed or damaged, they shall be replaced.
4. That all public utility easements required by utility companies shall be dedicated by the final map.
5. That the applicant shall provide new driveway approaches for each newly created parcel. The applicant/developer shall pay for and obtain an encroachment permit from the City for construction improvements within the public right-of-way.
6. That all parcels shall connect to public water and sewer as approved by the City Engineer and pay all required fees.
7. That the parcel map shall not be recorded until authorization is given by the City Engineer for the City Clerk to sign the parcel map.

8. That this Parcel Map shall expire 24 months from the date of approval by the Community Development and Resources Commission.
9. That the applicant shall contact Merced Irrigation District to execute a Quit Claim Deed covering the easement located across the subject property. The applicant will also need to discuss annual maintenance fees for storm drainage runoff. Proof of these items shall be submitted to the City prior to recordation of the final map.
10. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 18th day of January, 2017.

**AYES:**  
**NOES:**  
**ABSENT:**

**APPROVED:**

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

**ATTEST:**

\_\_\_\_\_  
**JUSTIN D. HENDRIX, SECRETARY**

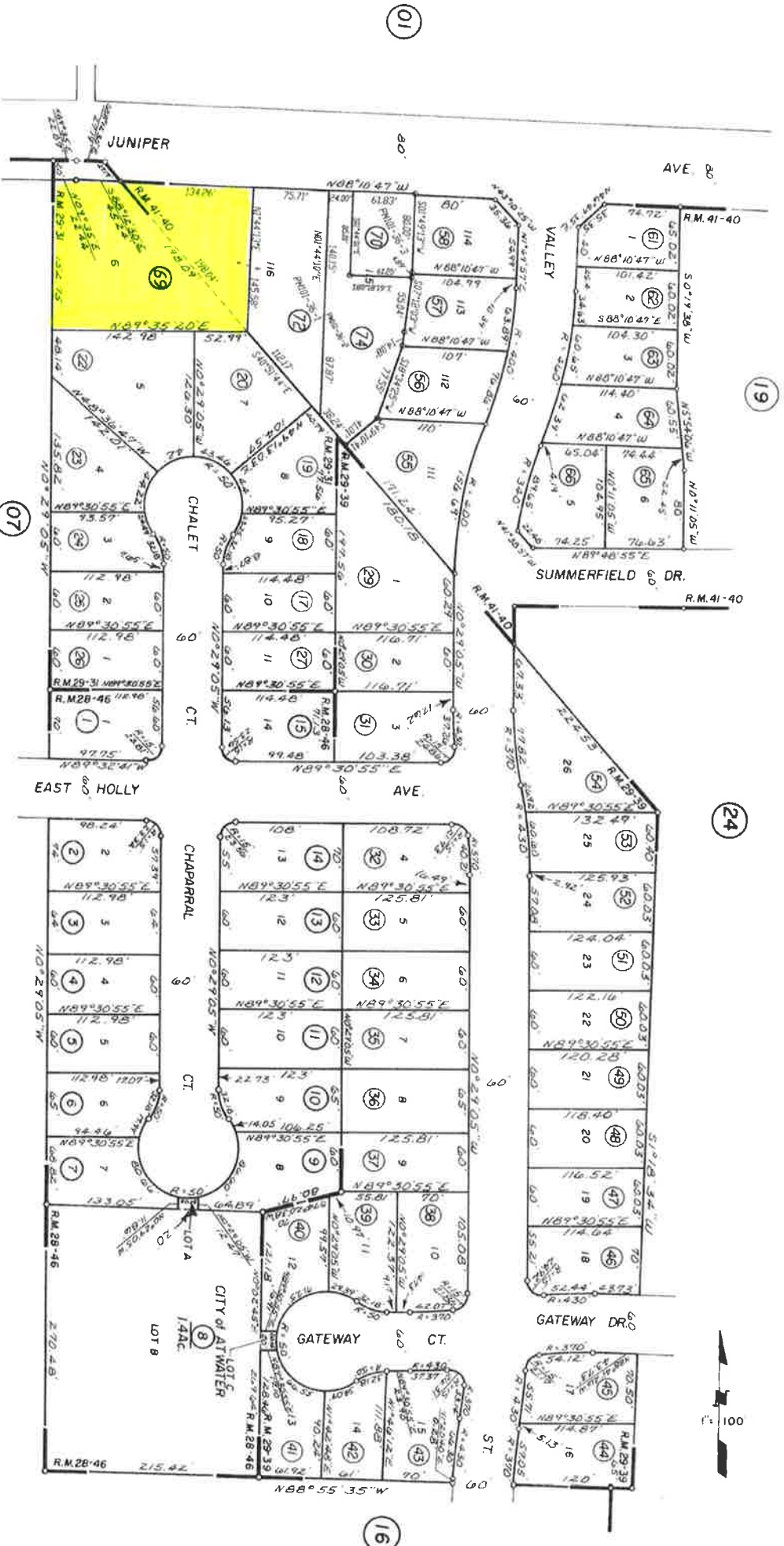
NOTE - This map is for Assessment purposes only. It is not to be construed as providing legal ownership or divisions of land for purposes of zoning or subdivision law.

POR. S.W. 1/4 SEC. 6, T.7S., R.13E., M.D.B.8M.

Tax Rate Area

1-01

4-17

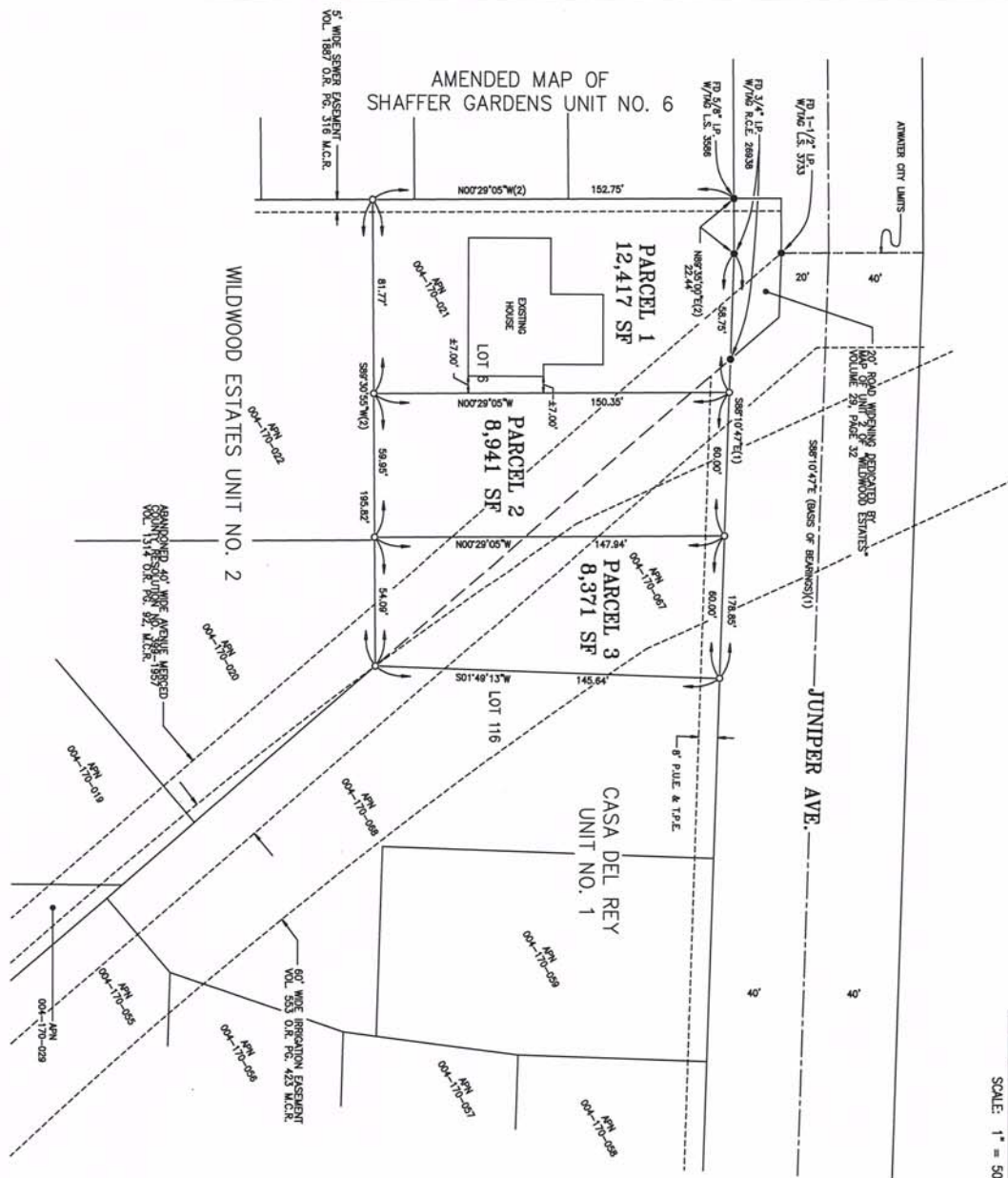


DRAWN 9-83  
 REVISED 6-84  
 12-84  
 11-92  
 9-83  
 12-29-83

12-18-86 **Casa Del Rey Unit No. 1, R.M. Vol. 41, Pg. 40**  
**Wildwood Estates Unit No. 1, R.M. Vol. 28, Pg. 46**  
**Wildwood Estates Unit No. 2, R.M. Vol. 29, Pg. 31**  
**Wildwood Estates Unit No. 3, R.M. Vol. 29, Pg. 39**

NOTE - Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 4 - Pg. 17  
 County of Merced, Calif.  
 1983



**DESCRIPTION**

A DIVISION OF LOT 6, AS SHOWN ON THE MAP OF "UNIT NO. 2 OF WILDWOOD ESTATES" VOL. 29 O.P. PG. 32 M.C.R. & A PORTION OF LOT 116, AS SHOWN ON THE MAP OF "CASA DEL REY UNIT NO. 1" VOL. 41 O.P. PG. 43 M.C.R. MERCED COUNTY, CALIFORNIA

**BASES OF BEARINGS:**

S 88°10'10" E for the Centerline of East Juniper Avenue, as shown on the Map of Casa Del Rey Unit No. 1, filed for record in Volume 41, of Official Plats, Page 42, Merced County Records.

**REFERENCES:**

- (1) "Map of Casa Del Rey Unit No. 1", Vol. 41 O.P. Pg. 42 M.C.R.
- (2) "Map of Unit No. 2 of Wildwood Estates", Vol. 29 O.P. Pg. 32 M.C.R.

**LEGEND**

- ( ) According to that certain reference (see references)
- P.U.E Public Utility easement
- T.P.E Tree Planting easement
- (R) Radial
- C.R. calculated from reference
- M.C.R. Merced County Records
- O.R. Official Records
- O.P. Official Plats
- Monument found and accepted 3/4" Iron Pipe
- Monument set, 3/4" iron pipe with L.S. tag 6944 attached, unless otherwise noted.
- Survey boundary

Note: All distances are ground and in feet and/ or decimal parts  
All distances are shown from true corners.

J.N. 16-186

**VESTING TENTATIVE  
PARCEL MAP**

NOTE: PLEASE USE BLACK INK OR DARK PENCIL

FOR PETER LAU

SCALE: 1" = 50 FEET

APPLICATION TYPE TENTATIVE PARCEL MAP	NUMBER	A.P.N.	DATE
PROPERTY OWNER(S): Peter Lau	PREPARED BY: Golden Valley Engineering, Inc.	004-170-021, 067	10/04/16
ADDRESS: 239 Harbor Drive, Atwater, CA 95301	ADDRESS: 405 W. 19th Street		
TELEPHONE: 209-201-7161	TELEPHONE: (209) 722-3200		