

CITY OF ATWATER

PLANNING COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

January 15, 2020

CALL TO ORDER

6:00 PM



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan

ROLL CALL:

Borgwardt_____, **Mead**_____, **Warchol**_____, **Daugherty**_____, **Nelson**_____

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

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

Staff's Recommendation: Motion to approve agenda as posted or as amended.

MINUTES:

1. December 18, 2019 (Regular Meeting)

Staff's Recommendation: Motion to approve minutes as listed

PUBLIC HEARINGS:

2. A Resolution making the environmental finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA); and approving Time Extension Request (TER) No. 19-3-

0200 under CUP No. 562-19 and Site Plan No. 717-19 for the operation of a cannabis dispensary, distribution and cultivation facility; located 1780 Bell Lane (APN: 001-260-002)

Applicant: Bang Mingo

Staff's Recommendation: Open the public hearing regarding Resolution No. PC 0129-19 and receive any testimony given;

Close the public hearing; and

Motion to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemption; and

Motion to adopt Resolution No. PC 0129-19 recommending the Planning Commission approve Time Extension Request 19-3-0200.

- 3. A Resolution making an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA); approving Conditional Use Permit No. 569-19 and Site Plan No. 727-19 for Type 21 alcohol license, a retail gasoline outlet and convenience store; located between Shaffer Road and First Street (APN: 003-211-010)**

Applicant: Balbir Singh

Staff's Recommendation: Open the public hearing regarding Resolution No. PC 0122-19 and receive any testimony given;

Close the public hearing; and

Motion to make a finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15061(b)(3) "General Rule" exemption; and

Motion to adopt Resolution No. PC 0122-19 recommending the Planning Commission approve Conditional Use Permit No. 569-19 and Site Plan No. 727-19.

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. Please limit comments to a maximum of three (3) minutes.

COMMISSIONER MATTERS:

ADJOURNMENT:

CERTIFICATION:

I, Jacquy Lopez, Planning Commission Secretary, do hereby certify that a copy of the foregoing Agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



Jacquy Lopez, Planning
Commission 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 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 Planning Commission meeting due to a disability, please contact the Planning 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



PLANNING COMMISSION

ACTION MINUTES

December 18, 2019

CALL TO ORDER:

The Planning Commission of the City 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; Chairperson Nelson presiding.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Commissioner Borgwardt.

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

ROLL CALL:

Present: Commissioners Borgwardt, Warchol, Vice Chairperson Daugherty, Chairperson Nelson.

Absent: Mead.

Staff Present: General Services Manager Pereida, Public Works Director Haddix, Fire Marshall Overbay, Planning Commission Secretary Lopez.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

MOTION: *Vice Chairperson Daugherty moved to approve the agenda as posted. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Daugherty, Borgwardt, Warchol, Nelson; Noes: None; Absent: Mead. The motion passed.*

MINUTES:

November 20, 2019 (Regular Meeting)

MOTION: *Commissioner Warchol moved to approve the minutes as listed. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Daugherty, Warchol, Borgwardt, Nelson; Noes: None; Absent: Mead. The motion*

passed.

PUBLIC HEARINGS:

A Resolution making an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA); approving Conditional Use Permit No. 569-19 and Site Plan No. 727-19 for Type 21 alcohol license, a retail gasoline outlet and convenience store; located between Shaffer Road and First Street (APN: 003-211-010)

Chairperson Nelson reported that Applicant, Balbir Singh, asked that the item be continued to the January 15, 2020 regular Planning Commission meeting.

COMMENTS FROM THE PUBLIC:

No one came forward to speak.

COMMISSIONER MATTERS:

An information update regarding homeless encampments was requested by the Planning Commission at their last meeting. General Service Manager Pereida reported on findings related to homeless encampments throughout the city. He noted that a presentation was provided to the City Council at their last meeting and efforts toward remediation continue; the Commissioners were given the same report. He added that citations are being sent to property owners.

Commissioner Daugherty commented that the crosswalk at Bellevue and Osborn Park needs some overhead lighting.

Chairperson Nelson expressed concern about the repair to Mitchell Street as being inadequate. General Services Manager Pereida explained that Mitchell Street repairs are supported by grant funds and that funds allowed for only 300 feet of repairs to be done. He added that future grant funds will be sought to eventually complete Mitchell Street.

ADJOURNMENT:

The meeting adjourned at 6:30 PM.

MIKE NELSON, Chairperson

By: Lesa Rasmussen
P-M Transcription Services



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Mike Nelson, Chair
Donald Borgwardt Ronald Daugherty
Sharyn Mead Fred Warchol

MEETING DATE: January 15, 2020

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: **A Resolution making the environmental finding that the project is categorically exempt under provisions of the California Environmental Quality Act (CEQA); and approving Time Extension Request (TER) No. 19-3-0200 under CUP No. 562-19 and SP 717-19 for the operation of a cannabis dispensary, distribution and cultivation facility located at 1780 Bell Lane (APN: 001-260-002)**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public; and
2. Make the finding that the project is categorically exempt under provisions of the California Environmental Quality ACT (CEQA) Guidelines section 15301 "Existing Facilities"; and
3. Adopt Resolution No. PC 0129-19 approving Time Extension Request 19-03-0200.

I. BACKGROUND:

On November 13, 2018 the City Council of the City of Atwater adopted Ordinance No. CS 999 allowing businesses under Conditional Use Permit and under provisions of Title 5 Chapter 5.60 to operate a Commercial Cannabis Business in the (M-1) Light Industrial and (M-2) Heavy Industrial Zones. The application has complied with the provisions of the Request for Proposal as defined in Chapter 5.60 of the Municipal Code and the negotiations of the Development Agreement have been completed.

II. ANALYSIS:

Staff has reviewed the application for the TER No. 19-3-0200 allowing the applicant to extend the time under CUP No. 562-19, and SP 717-19 for Bang Mingo located at 1780 Bell Lane which is zoned (B-P) Business Park and find it to be consistent with the City's General Plan and Zoning Ordinance and provisions of the Atwater Municipal Code. City Council adopted the Ordinance No. CS 1003 approving the Development Agreement between Bang Mingo, LLC and the City of Atwater allowing Bang Mingo to operate a cultivation, distribution and dispensary. The Atwater Planning Commission approved Bang Mingo's Conditional Use Permit May 6, 2019. This Conditional Use Permit Extension shall expire in six (6) months from the day of approval if the operation has not commenced unless otherwise extended.

III. FISCAL IMPACTS

This item has no fiscal impacts and has been reviewed by the Finance Department.

IV. EXISTING POLICY:

Bang Mingo, LLC conditional use permit was approved pursuant to chapter 17 section 17.39.020 and section 17.40.030 of the Atwater Municipal Code.

V. PUBLIC PARTICIPATION:

The public hearing was adequately noticed and advertised for the regularly scheduled Planning Commission hearing. The public will have an opportunity to provide comments on this item prior to Planning Commission action.

VI. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality ACT (CEQA) the project is categorically exempt under Section 15301 CEQA Guidelines (Existing Facilities). 15301 Existing Facilities: Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The key consideration is whether the project involves negligible or no expansion of an existing use.

VII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 129-19 approving Time Extension Request No. 19-3-0200 the Recording Secretary will file the notice of exemption with Merced County Clerk's Office.

Prepared by: 

Scott Ruffalo, Planning Technician

Submitted by: 

Greg Thompson, Senior Planner

Approved by: _____
Lori Waterman, City Manager



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0129-19

A RESOLUTION MAKING THE ENVIRONMENTAL FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND APPROVING TIME EXTENSION REQUEST (TER) NO. 19-3-0200 UNDER CUP NO. 562-19 AND SP 717-19 FOR THE OPERATION OF A CANNABIS DISPENSARY, DISTRIBUTION AND CULTIVATION FACILITY LOCATED AT 1780 BELL LANE (APN: 001-260-002)

WHEREAS, the Planning Commission of the City of Atwater reviewed Time Extension Request (TER) No. 19-3-0200, as submitted by Bang Mingo, and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on Wednesday, January 15, 2020; and,

WHEREAS the Planning 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 original CUP 5625-19 with the proposed condition 4 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 15301; and,

WHEREAS, the Planning Commission finds that the following findings can be made for this Time Extension Request:

1. That the site is located within a Business Park (BP) Zone District.
2. That the site is designated as Business Park 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 condition 4 of the original Conditional Use Permit No. 562-19
6. That this project has been found to be exempt under the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15301.

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 approve TER No. 19-3-0200 subject to the following conditions:

1. At all times while the Conditional Use Permit is in effect, the Developer shall comply with the terms and conditions as set forth in the approved Development Agreement, and original CUP approved May 6, 2019 for this project site.
2. Approval of this Conditional Use Permit for Time Extension Request does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
3. This approval may be recalled to the PC for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, other adverse operating characteristics, or Developer's failure to comply with any of terms or requirements in the Development Agreement. At such time, the Commission may revoke the approval or add/modify conditions approval.
4. The Planning Commission shall retain the right to reconsider PC Resolution No. 095-19 at any time.
5. This Conditional Use Permit Extension shall expire in six (6) months from the day of approval if the operation has not commenced unless otherwise extended.

The foregoing resolution is hereby adopted this 15th day of January 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

MIKE NELSON, CHAIRPERSON

ATTEST:

MARK PEREIDA, SECRETARY



PLANNING COMMISSION AGENDA REPORT

COMMISSIONERS

Mike Nelson, Chair
Donald Borgwardt Ron Daugherty
Sharyn Mead Fred Warchol

MEETING DATE: January 15, 2020

TO: Planning Commission

FROM: Mark Pereida, General Services Manager
Greg Thompson, Senior Planner

SUBJECT: Resolution making the environmental finding that the project is categorically exempt under California Environmental Quality Act (CEQA); approving Conditional Use Permit No. 570-19 and Site Plan No. 730-19 for Type 21 Alcohol License, retail gasoline outlet and convenience store; located between Shaffer Road and First Street (APN: 003-211-010)

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public; and
2. Make a finding that the project is categorically exempt under the California Environmental Quality ACT ("CEQA") Guideline, 15061, (b)(3) "General Rule"; and
3. Adopt Resolution No. PC 0122-19 approving Conditional Use Permit No. 570-19 and Site Plan No. 730-19.

I. BACKGROUND:

The Applicant intends on developing the property as a retail gasoline outlet and convenience store.

The proposed project will be located on APN 003-211-010 and consists of a three-thousand square foot retail gasoline outlet, and convenient store. Hours of operation will be between the hours of 5:00 AM and 2:00 AM with no more than two employees at one time.

II. ANALYSIS:

Staff has reviewed the application for the Conditional Use Permit and Site Plan for Five Corners Mini Mart which is zoned (C-G) General Commercial and find it consistent with the City's General Plan and Zoning Ordinance and provisions of the Atwater Municipal Code.

III. FISCAL IMPACTS:

This item has no fiscal impacts and has been reviewed by the Finance Department.

IV. LEGAL REVIEW:

This item has been reviewed by the Interim City Attorney's Office.

V. EXISTING POLICY:

Under Chapter 17.38 – C-G, general commercial district (Atwater Municipal Code) provides for the anticipated use upon the approval of a C.U.P. by the planning commission.

VI. INTERDEPARTMENTAL COORDINATION:

An interdepartmental routing sheet was sent to all required departments

VII. PUBLIC PARTICIPATION:

The public hearing was adequately noticed and advertised for the regularly scheduled Planning Commission hearing. The public will have an opportunity to provide comments on this item prior to Planning Commission action.

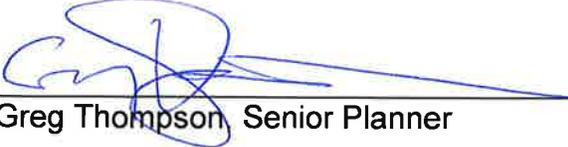
VIII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act, the project is categorically exempt under Section 15061 (b)(3) of the California Environmental Quality Act (CEQA) Guidelines, (General Rule),

IX. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 0122-19 approving Conditional Use Permit 570-19 and Site Plan No. 730-19 the Recording Secretary will record the Conditional Use Permit and Site Plan with the Merced County Recorders Office.

Prepared by: 
Scott Ruffalo, Planning Technician

Submitted by: 
Greg Thompson, Senior Planner

Approved by: _____
Lori Waterman, City Manager

Attachments:

1. Resolution No. PC 0122-19
2. Site Plan No. 730-19



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0122-19

RESOLUTION MAKING THE ENVIRONMENTAL FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); APPROVING CONDITIONAL USE PERMIT NO. 570-19 AND SITE PLAN NO. 730-19 FOR TYPE 21 ALCOHOL LICENSE, RETAIL GASOLINE OUTLET AND CONVENIENCE STORE; LOCATED BETWEEN SHAFFER ROAD AND FIRST STREET (APN: 003-211-010)

WHEREAS, the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 570-19 and Site Plan No. 730-19 as submitted for Five (5) Corners Mini Mart, requesting to operate a retail gasoline outlet and convenience store with alcohol sales under a type 21 license located between Shaffer Road and First Street (APN: 003-211-010).

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on January 15, 2020; and,

WHEREAS, this project is exempt from the provisions of the California Environmental Quality Act (CEQA) section 15601 (b)(3) "General Rule" exemption; and,

WHEREAS, () person(s) spoke in favor of the CUP and SP, () person(s) spoke in opposition of the CUP and SP, and no 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 Planning Commission finds that the following findings can be made for this Conditional Use Permit and Site Plan:

1. That the project is found to be exempt under Section 15601 (b)(3) of the CEQA guidelines.
2. That this application proposes to operate a gasoline outlet and convenience store.
3. That the site is located in a General Commercial (C-G) Zone District. This use is permitted in the General Commercial Zone District with an approved Conditional Use Permit.
4. That this site is designated by the Atwater General Plan as Commercial.
5. That this use is consistent with the purpose and intent of the General Commercial Zone District.
6. That all the mandatory findings set forth in section 17.71.010 of the Atwater Zoning Ordinance can be made.
7. That the public hearing for this application has been adequately noticed and advertised.
8. That a finding of public convenience and necessity can be made for alcohol sales under a type 21 license.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 570-19 and Site Plan No. 730-19 subject to the following conditions:

Engineering Division:

1. The developer shall retain or provide a plan for the relocation of any and all existing street signs in accordance with the most recent edition of the California Manual of Uniform Traffic Control Devices (CAMUTCA).
2. For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the 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. 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.
3. No grading shall begin until the Grading Plan within the Site Improvement Plan is complete and approved by the City Engineer.
4. The developer shall install a reduced pressure principle backflow device for potable water and an approved backflow device for irrigation water. Individual

services are to be provided for potable water and landscaping purposes. The services shall be metered; a Sensus “Flex-Net” radio read meter shall be used. Service shall include a backflow prevention device enclosure, mounted on a concrete pad. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including, brand names and types.

5. If required, fire hydrants shall be installed along property frontages and on-site in accordance with City of Atwater specifications. Fire hydrants shall be placed on-site in accordance with the City of Atwater Fire Department requirements; on-site placement of fire hydrants shall be reviewed and approved by the Fire Chief. All fire hydrants shall have a minimum flow of 1,000 gallons per minute. Water lines and services shall be installed in accordance with City of Atwater City Standards and specifications. Fire protection lines shall be separate from domestic service lines and shall utilize detector check meter installations.
6. All broken, cracked or otherwise damaged public improvements, such as curb, gutter, and sidewalk, shall be saw cut, removed and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
7. All water trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and conditions for paving included within this resolution.
8. Applicant shall provide a soils report to the Engineering Division for review with the Site Improvement Plans.
9. The developer shall construct a refuse enclosure consistent with the City Policies, City of Atwater Improvement Plans and Specifications, and the requirements of the current contracted refuse service provider. The enclosure shall include a concrete slab at the entrance to the refuse container 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 container. The enclosures shall have locking gates. The gates shall be constructed of approved solid materials. The enclosure shall be accessible to refuse trucks. Landscaping shall be provided that, when mature, limits the visibility of the refuse enclosure. This can be accomplished with vining plants or appropriate types of bushes.

10. Developer shall properly abandon or relocate all utilities as necessary or required.
11. Developer shall comply with the requirements of all public utility companies.
12. Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Parks Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery backup. All landscaping shall be maintained at all times and said maintenance shall be the responsibility of the developer.
13. Lighting shall be provided within the development and installed and shielded in a manner so as not to impact vehicular traffic-utilizing adjoining public streets or the adjacent properties. The developer shall install street lighting in accordance with City standards.
14. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Community Development Resources Commission, and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
15. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the City Planner or City Engineer, as applicable, must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
16. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.

17. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
18. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.
19. All on and off-site development and improvements shall be designed and constructed at the sole expense of the developer.
20. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Plans and Specifications, all applicable federal, state, and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
21. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Atwater upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
22. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross-section data, shall be provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed.
23. Developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.
24. Developer shall construct 6-inch-high Portland Cement Concrete curbing between all paved areas and landscaped areas. In addition, curbing between the length of any parking space and a landscaped area shall include a 12-inch-wide "Courtesy Curb." Curb cuts shall be allowed where required and as approved by the City Engineer for compliance with stormwater quality standards.

Planning Division – Retail Gasoline Outlet and Convenience Store

25. Developer shall comply with the Industrial and Commercial Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the City Planner.
26. All onsite graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti ordinances.
27. Developer shall submit a sign application prior to installation of all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the City Planner.
28. All mechanical, irrigation, ground and/or roof-mounted equipment such as transformers and air conditioning units shall be screened from public view from all rights-of-way to issuance of a certificate of occupancy.
29. Construction plans shall be generated by an Architect or Engineer licensed within the State of California.
30. Applicant shall store all materials and parts related to the use indoors.
31. Applicant shall pay a one-time, two hundred (\$200.00) dollar General Plan Update fee as approve in the miscellaneous fee schedule for the City of Atwater.
32. Applicant shall pay an annual monitoring fee of one hundred and forty (\$140.00) dollars as approved in the miscellaneous fee schedule for the City of Atwater.

Planning Division – Alcohol License;

33. The applicant is approved to submit to the Department of Alcoholic Beverage Control (ABC) for a Type 21 Alcohol License.
34. The applicant shall at all times comply with all requirements of the ABC.
35. That no outdoor seating shall be permitted for the project.

Building Division;

36. 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, 2020, shall comply with parts 1 through 12 of the 2020 edition of the California Code of Regulations Title 24.
37. Applicant shall equip the building with a fire extinguisher. Said fire extinguisher shall have current State Fire Marshall service tags.
38. Applicant/developer shall submit building plans and obtain all necessary permits prior to commencement of construction

General;

39. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
40. Applicant shall comply with all conditions of the Merced County Division of Environmental Health including the handling of all potentially hazardous material.
41. Applicant shall comply with all requirements of any State-required licensing.
42. Applicant shall pay all required fees prior to issuance of a Building Permit.
43. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD)
44. Applicant shall comply with all of the conditions of approval prior to issuance of a Business license.
45. The Planning Commission shall retain the right to reconsider Resolution No. PC 0122-19 at any time.
46. That any violation of the Atwater Municipal Code shall be grounds for revocation of the Conditional Use Permit.

47. This Conditional Use Permit shall expire in six (6) months from the day of approval if the operation has not started unless extended.
48. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Community Development Resources Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
49. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the City Planner or City Engineer, as applicable, must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
50. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.
51. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
52. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.
53. All on and off-site development and improvements shall be designed and constructed at the sole expense of the developer.
54. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, employees, and volunteers 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 15th day of January 2020.

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

MIKE NELSON, CHAIRPERSON

ATTEST:

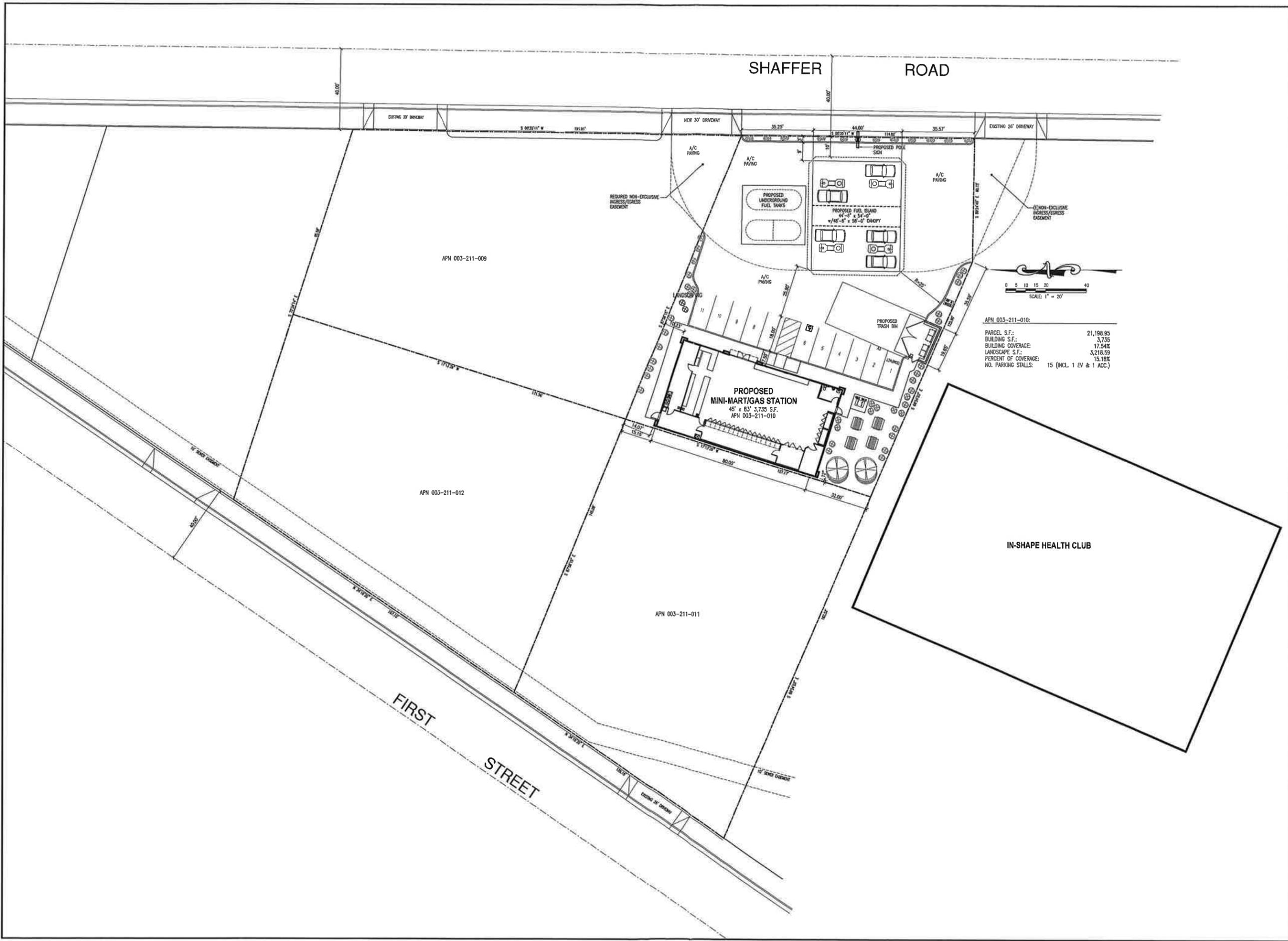
MARK PEREIDA, SECRETARY

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No.	Date	Description

It is the client's responsibility to verify the accuracy of all data and conditions to which the Engineer is relying. The Engineer is not responsible for the accuracy of the data and conditions provided by the client. The Engineer is not responsible for the accuracy of the data and conditions provided by the client. The Engineer is not responsible for the accuracy of the data and conditions provided by the client.



APN 003-211-010:

PARCEL S.F.:	21,198.95
BUILDING S.F.:	3,735
BUILDING COVERAGE:	17.54%
LANDSCAPE S.F.:	3,218.59
PERCENT OF COVERAGE:	15.18%
NO. PARKING STALLS:	15 (INCL. 1 EV & 1 ACC.)

A NEW MINI-MART / GAS STATION
FOR

BOBBI'S G&G STOP-N-GO

APN: 003-211-010
Atwater, Ca. 95301

CALIFORNIA

ATWATER



SHEET CONTENTS
- Preliminary Site Plan

PREPARED FOR:
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PROJECT DATA
Date: OCTOBER 2019
Scale: AS SHOWN
Drawn By: PRL
Job No.: 19-044,00

SHEET NUMBER
C1.0

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