CITY OF ATWATER

PLANNING COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

February 19, 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. January 15, 2020 (Regular Meeting)

Staff's Recommendation: Motion to approve minutes as listed

PUBLIC HEARINGS:

2. To make an environmental finding that the project is exempt under California Environmental Quality Act (CEQA); and approving Tentative Parcel Map 20-5-0100 and Site Plan 20-5-0200 for Brad Kessler; located

between Business Park Way and Industry Way, also known as Parcel 3 as shown on the Parcel Map filed in Book 113 of Parcel Map of Pages 36, Merced County Records (APN: 056-330-041).

Applicant: Brad Kessler

Staff's Recommendation: Open the public hearing regarding Resolution No. PC 089-19 and receive any testimony given;

Close the public hearing; and

Motion to make the finding that the project is exempt under provisions of the California Environmental Quality Act (CEQA) guidelines section 15315 "Minor Land Divisions" exemption; and

Motion to adopt Resolution No. PC 089-19 approving Tentative Parcel Map 20-5-0100 and Site Plan 20-5-0200.

3. To make an environmental finding that the project is categorically exempt under California Environmental Quality Act (CEQA); and approving Site Plan 20-6-0100 to construct a metal building for agricultural storage; located at 5489 Wallace Rd. (APN: 051-040-012).

Applicant: Bhupinder Sandhu

Staff's Recommendation: Open the public hearing regarding Resolution No. PC 0125-19 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 15303 "New Construction" exemption; and

Motion to adopt Resolution No. PC 0125-19 approving Site Plan 20-6-0100.

4. To make an environmental finding that the project is categorically exempt under California Environmental Quality Act (CEQA); and approving Conditional Use Permit 19-2-0100 and Site Plan19-2-0200 for Brad Kessler; located between Business Park Way and Industry Way (APNs: 056-330-045, 046).

Applicant: Brad Kessler

Staff's Recommendation: Open the public hearing regarding Resolution No. PC 0128-19 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 15304(e) "Minor Alterations to Land" and 15311(c) "Accessory Structures" exemption; and

Motion to adopt Resolution No. PC 0128-19 approving Conditional Use Permit 19-2-0100 and Site Plan 19-2-0200.

REPORTS AND PRESENTATION FROM STAFF:

5. A review by the Planning Commission acting in the capacity of the Architectural Control Committee of a proposed detached garage to be located at 970 Travertine Way. (APN: 004-422-015)

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

January 15, 2020

CALL TO ORDER:

The Planning Commission of the City of Atwater met in Regular Session this date at 6:06 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Vice Chairperson Daugherty presiding.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Vice Chair Daugherty.

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

ROLL CALL:

Present:	***Commissioners Borgwardt, Mead, Vice Chairperson Daugherty.***
Absent:	***Commissioner Warchol, Chairperson Nelson***.
Staff Present:	***City Manager Waterman, Police Chief Salvador, Public Works Director Haddix, Fire Marshall Overbay, VVH Senior Planner Thompson, Planning Commission Secretary Lopez.***

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AMENDED:

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

MINUTES:

December 18, 2019 (Regular Meeting)

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

passed.

PUBLIC HEARINGS:

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)

VVH Senior Planner Thompson requested that the item be continued to a non-specific date per City staff.

MOTION: ***Commissioner Mead moved to continue the item to a non-specific date. The motion was seconded by Commissioner Borgwardt and the vote was: Ayes: Borgwardt, Mead, Daugherty; Noes: None; Absent: Warchol, Nelson. The motion passed.***

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)

VVH Senior Planner Thompson advised that the applicant, Balbir Singh, requested that the item be continued to the next regular meeting of the Planning Commission on February 19, 2020.

MOTION: ***Commissioner Borgwardt moved to continue the item to the regular meeting of the Planning Commission on February 19, 2020. The motion was seconded by Commissioner Mead and the vote was: Ayes: Borgwardt, Daugherty, Mead; Noes: None; Absent: Warchol, Nelson. The motion passed.***

COMMENTS FROM THE PUBLIC:

Notice to the Public was read.

No one came forward to speak.

COMMISSIONER MATTERS:

Commissioner Mead asked if repair work is planned for the curb and gutter along Linden Avenue. Public Works Director Haddix responded that staff is currently working on sidewalks throughout the city. Commissioner Mead further asked if Bloss House is considered a park, and if so is it a public park? She commented that she has had several calls from people wanting access to Bloss House to take pictures but it is locked. VVH Senior Planner Thompson replied that he will review the contract between the City and the Atwater Historical Society to secure an answer to her question. Commissioner Mead noted that Albiani Park is locked and asked when it would be opened. Public Works Director Haddix responded that the park has been locked due to wet ground and traffic. Commissioner Mead

asked that the faded "U Turn" sign at Shaffer Road and Atwater Blvd be replaced. Public Works Director Haddix thanked her for the information and stated that it will be replaced.

Commissioner Borgwardt asked that Phase I Construction at 1084 Shaffer Road install privacy slats in their fence as required by their site plan and landscaping plan in the Conditional Use Permit. VVH Senior Planner Thompson responded that staff will review the Conditional Use Permit and address the requirements.

Vice Chairperson Daugherty asked about the status of car sales by Western Motors previously held at 351 E. Bellevue Road (Atwater Village) where the new Sam's Market is now open. VVH Senior Planner Thompson responded that car sales at that location are not allowed as the parking spaces are designated for use only for the businesses currently operating. Vice Chairperson Daugherty also suggested that a pedestrian gate be installed at Albiani Park instead of a fence for vehicles.

ADJOURNMENT:

The meeting adjourned at 6:26 PM.

_____

RONALD DAUGHERTY, Vice 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: **February 19, 2020**

TO: Chair and Commissioners

FROM: Mark Pereida, General Services Manager

PREPARED BY: Jacquy Lopez, Administrative Assistant – Planning Deptartment

SUBJECT: **A Resolution making an environmental finding that the project is exempt under CEQA; and approving the Tentative Parcel Map 20-5-0100 and Site Plan 20-5-0200 for Brad Kessler; located at Parcel 3 as shown on the Parcel Map filed in Book 113 of Parcel Maps at page 36. (APN: 056-330-041)**

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 exempt under the California Environmental Quality ACT (CEQA) guideline section: 15315 "Minor Land Divisions,"; and

3. Adopt Resolution No. 089-19 approving Tentative Parcel Map 20-5-0100 and Site Plan 20-5-0200.

I. BACKGROUND:

A Tentative Parcel Map and Site Plan Application have been submitted by Brad Kessler, proposing to split one parcel into four parcels and construct (3) three 10,000 square foot and (1) one 9,600 square foot light industrial shells of various sizes. The current parcel is 2+/- acre. The newly created parcels would be sized as follows: Parcel 1=0.50+/- acre, parcel 2=0.50+/- acre, parcel 3=0.50+/- acre and parcel 4=0.50+/- acre.

Submitted by: _____
Mark Pereida, General Services Manager

Approved by: _____
Lori Waterman, City Manager

Attachments:

1. Draft Resolution
2. Tentative Parcel Map

PLANNING COMMISSION
OF THE
CITY OF ATWATER

RESOLUTION NO. PC 089-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER MAKING ENVIRONMENTAL FINDING THAT THE PROJECT IS EXEMPT UNDER CEQA; AND TO APPROVE TENTATIVE PARCEL MAP AND SITE PLAN LOCATED AT PARCEL 3 AS SHOWN ON THE PARCEL MAP FILED IN BOOK 113 OF PARCEL MAPS AT PAGE 36. (APN 056-330-041)

WHEREAS, the Planning Commission of the City of Atwater reviewed Tentative Parcel Map 20-5-0100 and Site Plan 20-5-0200 as submitted by Brad Kessler requesting to split the existing parcel of 2+/- acres into four parcels of 0.50+/- each. This site is located Parcel 3 as shown on the Parcel Map filed in Book 113 of Parcel Maps at page 36 and is currently shown as Merced County Assessor Parcel Number (APN) 056-330-041; and

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on February 19, 2020; being noticed and advertised in accordance with the requirements of the Subdivision Map Act and the City of Atwater Municipal Code; and

WHEREAS, this project is found to be exempt from the provisions of the California Environmental Quality Act (CEQA) guidline section: 15315 “Minor Land Divisions”; and,

WHEREAS, one ____ 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 to 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 has determined that the following findings can be made for this Tentative Parcel Map and Site Plan:

1. That the project is found to be a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15315.
2. That this proposed map is consistent with the general plan.
3. That the site is physically suitable for this type of development.
4. That the subject property is located Parcel 3 as shown on the Parcel Map filed in Book 113 of Parcel Maps at page 36 and is identified as Merced County Assessor's Parcel Number (APN) 056-330-041.
5. That the City of Atwater's General Plan designates this area as Manufacturing.
6. That the City of Atwater's Zoning Map designates this property as Light Industrial (M-1).
7. The proposed project conforms to Title 16 subdivisions of the Atwater Municipal Code and Section 17.74.070 of the Zoning Code.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Tentative Parcel Map 20-5-0100 and S.P. 20-5-0200 subject to the following conditions:

General

1. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning 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.

2. 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.

3. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.

4. All on and offsite development and improvements shall be designed and constructed at the sole expense of the developer.

Engineering Division

5. Onsite retention of storm water. When developed, storm water from this project will discharge to the Atwater Drain, a facility identified within the

Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), through existing facilities of the City of Atwater storm drainage facility. The property owner will be required to enter into a "Storm Drainage Agreement" with the MIDDID No. 1, paying an annual maintenance fee and any connection fees as established by the MIDDID No. 1 Board of Directors and as collected by MIDDID No. 1 and on the Merced County Tax Rolls.

6. Final parcel maps shall be in substantial conformance to the approved tentative parcel map and must be submitted, in English units, to the City Engineering Division for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer or land surveyor registered in the State of California and licensed to prepare final maps.

7. All subsequent maps shall plot dedication and/or the relinquishment of all affected utility easements.

8. If applicable, all beneficiaries of record to sign a consent statement to record with the Final Map.

9. Except as shown on the approved tentative map or as modified by the conditions contained herein, all street, thoroughfare or highway improvements shall be constructed as required in the Atwater Municipal Code and the Improvement Standards and Specifications. Any precise or cross section not referenced in the General Plan or the Improvement Standards and Specifications shall be constructed as directed by the City Engineer.

10. In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer, water, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer. This specifically applies to the proposed 8-inch water amin going through the project Parcel from north to south.

11. The developer shall comply with Government Code Section 66436(a)(3) before approval of each final map and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.

12. Notwithstanding any grading/elevations that are shown on the tentative map, or the provisions of the City of Atwater Municipal Code, approval of this tentative map does not authorize the issuance of any grading permits.

13. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

14. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map.

    The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City. Any such agreement shall include the required improvements to be constructed along the project boundaries, including, but not limited to, curb, gutter, sidewalk, street paving, street lighting, storm drain, water, sewer and landscaping. These improvements shall be at the developer's expense and constructed when deemed necessary by the City.

15. Where required, the developer shall provide joint trenching for telephone, gas, electric, and cable TV service for every parcel.

16. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.

17. 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.

18. 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.

19. Grading and drainage plans shall be submitted to the City for review and approval. Plans must be prepared by a civil engineer registered in the State of

California. A deposit for plan checking charges per the current Miscellaneous Fee Schedule shall be required at the time of first submittal.

20. The developer shall submit a grading plan to the City Engineer for approval which reflects the recommendations of a final Geotechnical study, including construction procedures and/or design criteria. Construction plans submitted to the City Engineer shall conform to the City of Atwater Standard Improvements and Specifications and include specifications necessary to minimize potential impacts resulting from soil conditions on the project site. The City Engineer or his representative shall verify in the field that all conditions have been satisfied.

21. Where the finished grade of the property is in excess of six inches (6") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the higher side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height, including surcharge, and will require a separate building permit.

22. The developer shall coordinate all grading and improvements with adjacent property owners to the satisfaction of the City. Any grading or drainage onto adjacent properties shall require written approval of those property owners affected, with said approval provided to the City Engineer.

23. 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.

24. 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.

25. The developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer.

26. The Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the General Services Manager.

27. 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 storm water quality standards.

28. Developer shall reconstruct frontage roadway Aviator Drive to centerline. The pavement structural section shall be based on the R-Value determined by the Project's Geotechnical Study (not to exceed a value of 50) and a Traffic Index to be determined by the City Traffic Engineer.

29. Any existing damage or damage incurred during construction to the curb, gutter and/or sidewalk shall be repaired and/or replaced to the approval of the City Engineer.

30. 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 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.

31. Prior to final acceptance, the developer shall provide the City with copies of the "as-built" site and off-site improvements on 5 mil mylar and record the construction and infrastructure drawings in an AutoCAD compatible format. The mylar set shall include all construction changes.

32. The developer shall install water services to the proposed development. Individual water services shall be provided for potable and landscape purposes, of adequate size for the proposed development. All services shall be metered.

33. The developer shall construct a 10-inch water main in Aviator Drive along the parcel frontage.

34. 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 Senses "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.

35. 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 1,500 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

36. 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.

37. For each parcel 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.

38. Any water wells found during construction shall be destroyed in accordance with approved City Standards and requirements.

39. Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.

40. Applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.

41. Developer shall property abandon or relocate all utilities as necessary or required.

42. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

43. Developer shall comply with the requirements of all public utility companies.

44. 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.

45. 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.

46. 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 2019 edition of the California Code of Regulations Title 24.

47. Developer shall submit three (s) 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 back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer.

48. The developer shall plant shade trees along street frontage as approved by the Public Works Director. All landscaping areas shall be equipped with seven-day automatic irrigation systems with battery back-up.

49. 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.

50. All onsite graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti ordinances.

51. Developer shall construct sidewalks along all street frontages. Installation off sidewalks may be phased as each parcel developes.

52. Each parcel shall be served by an individual sanitary sewer lateral.

Planning Division

In a review of the submitted Tentative Subdivision Map, there were some aspects noticeably missing based on the requirements of the City of Atwater Tentative Subdivision Map Application checklist. Please ensure to add the following to the map:

- Tract number as obtained from the City Engineer and name of subdivision and
- (If adjoining land has been subdivided) Recordation data

All the information included on the checklist is **required** and must either be made visible on the map or be included in a separate written statement. If applicable, in a separate written statement please provide detail of the:

- Dimensions of reservations;
- The proposed lots are below the minimum allowable parcel size for this zone. However, per the City of Atwater Municipal Code (or Subdivision or Zoning Code), parcels with 5% of the minimum size can be allowed. This is stated on the TPM; the code section also needs to be stated.
- Approximate location and areas subject to inundation of storm water overflow and location, width and direction of flow of all water courses;
- Proposed protective covenants regarding use of property and building lines;
- Proposed tree planting which shall conform substantially as to species and location with the street tree plan adopted by the City and otherwise in conformance with regulation of Chapter 12.32 of Master Street Tree Plan;
- Proposed public areas and use;
- Contours with maximum interval of two fee, unless waived by the City Engineer;
- Existing use of surrounding property;
- Proposed land use of lots;
- Method of maintenance and financing of maintenance for any proposed private streets;
- Description of proposed fencing to provide physical and visual barrier between proposed subdivision and all open ditches, drains, and canals;

- If the subdivision will be constructed in phased development, describe the boundary lines for each phase of development.

Although not on the checklist, it is advised that the applicant provide a driveway cross access agreement, detail emergency accessiblity, designate landscaping, and provide encroachment permits.

Below is a list of conditions that need to be in the resolution for the approval of the Tentative Subdivision Map.

53. That the final parcel map shall be substantial compliance with the approved 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 Engineer, prior to recordation. The Final parcel map shall show all existing easements of rights-of-way, required by the City of Atwater or other utility companies.

54. The development of the parcel is subjecdt to the requirements in Chapter 17.40 M-1, Light Industrial Zone of the City Municipal Code.

55. That the Parcel Map shall comply with all federal, state, and local requirements. Said map shall be submitted for the City Engineer's review and approval prior to recordation

56. 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

57. That all public utility easements required by utility companies shall be dedicated by the final map.

58. That the applicant shall record common ingress/egress, parking, and utility easement between newly developed parcels to allow for compliance with off-street parking and utility requirements.

59. That the parcel map shall not be recorded until authorization is given by the City Council for the City Clerk to sign the parcel map.

60. That the Planning Commission shall retain the right to reconsider Tentative Map 20-5-0100 and Site Plan 20-5-0200 at any time.

61. That this Tentative Map shall expire in twelve (12) months from the day of approval if the operation has not started.

62. 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 19th day February of 2020.

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

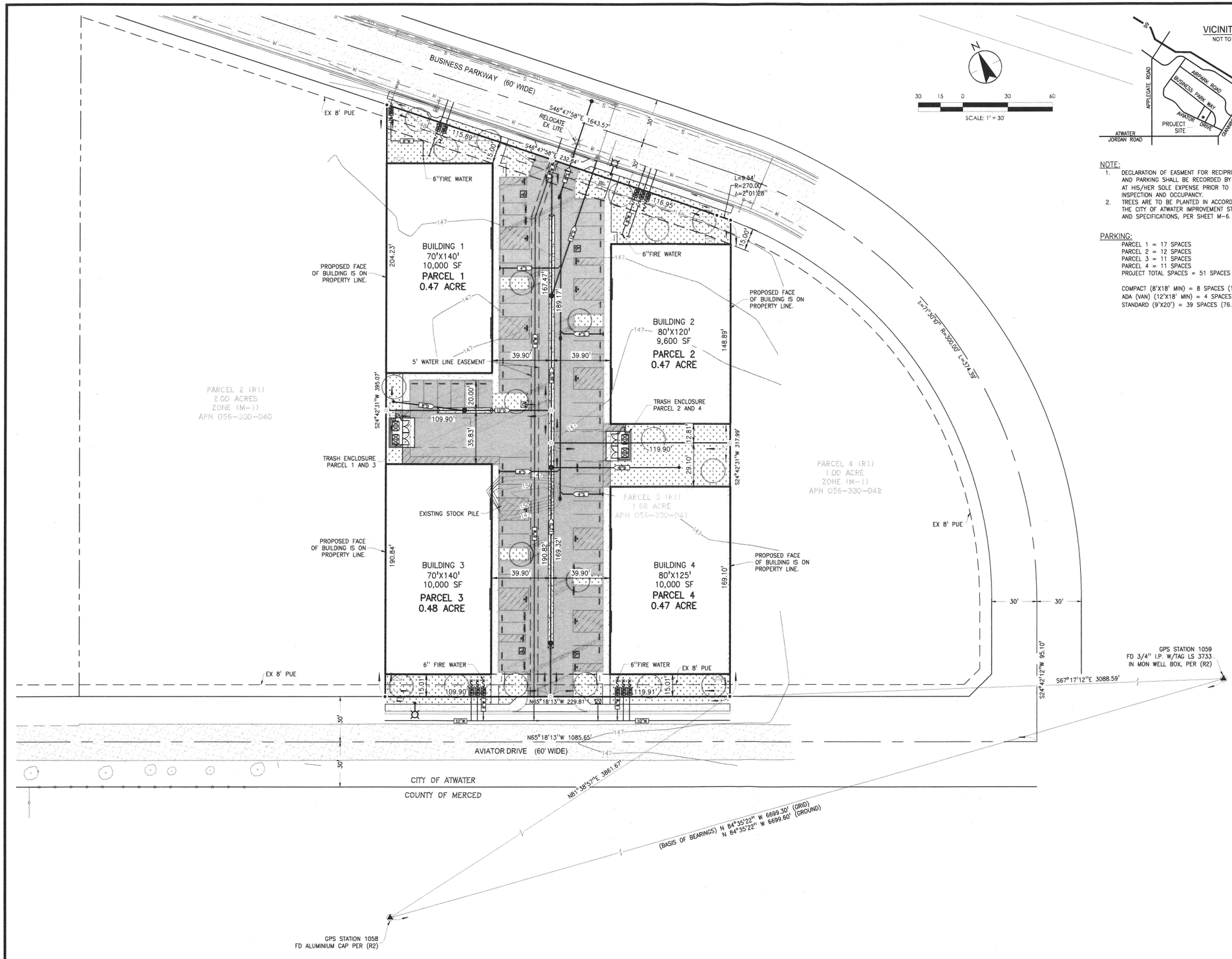
_____
MIKE NELSON, CHAIRPERSON

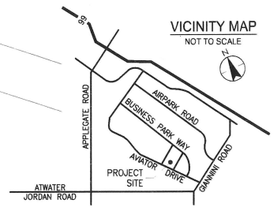
ATTEST:

_____
MARK PEREIDA, SECRETARY

TENTATIVE PARCEL MAP

BEING A SUBDIVISION OF PARCEL 3 AS SHOWN ON THE PARCEL MAP FILED IN BOOK 113 OF PARCEL MAPS AT PAGE 36, MERCED COUNTY RECORDS, LYING IN SECTION 12, TOWNSHIP 7 SOUTH, RANGE 12 EAST, MOUNT DIABLO BASE AND MERIDIAN
CITY OF ATWATER, MERCED COUNTY, CALIFORNIA
JANUARY 31, 2019





NOTE:
1. DECLARATION OF EASMENT FOR RECIPROCAL ACCESS AND PARKING SHALL BE RECORDED BY THE OWNER AT HIS/HER SOLE EXPENSE PRIOR TO FINAL INSPECTION AND OCCUPANCY.
2. TREES ARE TO BE PLANTED IN ACCORDANCE WITH THE CITY OF ATWATER IMPROVEMENT STANDARDS AND SPECIFICATIONS, PER SHEET M-6.

PARKING:
PARCEL 1 = 17 SPACES
PARCEL 2 = 12 SPACES
PARCEL 3 = 11 SPACES
PARCEL 4 = 11 SPACES
PROJECT TOTAL SPACES = 51 SPACES

COMPACT (8'X18' MIN) = 8 SPACES (15.69%)
ADA (VAN) (12'X18' MIN) = 4 SPACES (7.84%)
STANDARD (9'X20') = 39 SPACES (76.47%)

OWNER INFORMATION:

UNCLE BUCK'S BLAZIN BBQ & CATERING, LLC
AND CHEM SELECT INC, A CALIFORNIA CORPORATION
C/O BRAD KESSLER
301 BUSINESS PARK WAY
ATWATER, CA 95301
PHONE NUMBER: (209) 631-4247

PROPERTY INFORMATION:

TOTAL AREA OF THE PROPERTY = 1.88 ACRES
PARCEL 1 = 0.48 ACRE 96% OF 0.5 ACRE
PARCEL 2 = 0.46 ACRE 92% OF 0.5 ACRE
PARCEL 3 = 0.48 ACRE 96% OF 0.5 ACRE
PARCEL 4 = 0.46 ACRE 92% OF 0.5 ACRE

ZONING INFORMATION:

EXISTING ZONING IS LIGHT INDUSTRIAL (M-1)
NO CHANGE NEEDED

UTILITY OWNERSHIP:

GAS – PACIFIC GAS & ELECTRIC
ELECTRIC – MERCED IRRIGATION DISTRICT
SANITARY SEWER – CITY OF ATWATER
WATER – CITY OF ATWATER
STORM DRAIN – CITY OF ATWATER AND MERCED IRRIGATION DISTRICT

BASIS OF BEARINGS:

THE BEARING OF N 84°35'22" W FOR THE LINE BETWEEN GPS STATION 1058 AND GPS STATION 1059, AS PER (R2) WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

REFERENCES:

(R1) BOOK 113 OF PARCEL MAPS, PAGE 37, MCR
(R2) BOOK 28 OF SURVEYS, PAGE 1, MCR

LEGEND:

- EXISTING ELECTROLIER
- EXISTING UNDERGROUND SANITARY SEWER LINE
- EXISTING SANITARY SEWER MANHOLE
- EXISTING STORM DRAIN CURB INLET
- EXISTING UNDERGROUND STORM DRAIN LINE
- EXISTING STORM DRAIN MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING WATER VALVE
- EXISTING WATER METER
- EXISTING UNDERGROUND WATER LINE
- EXISTING WATER UTILITY BOX
- EXISTING CONTOUR ELEVATION LABEL
- PROPOSED BACKFLOW PREVENTER
- PROPOSED WATER METER
- PROPOSED WATER VALVE
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN INLET
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN LINE
- PROPOSED SANITARY SEWER CLEAN OUT
- PROPOSED SANITARY SEWER LINE
- PROPOSED TREE

W:\10490300\survey\drawing\sheet files\10490300_TPM.dwg mcruz 10/1/19 15:54

PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

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

MEETING DATE: February 19, 2020

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: A Resolution of the Planning Commission of the City of Atwater making an environmental finding that the project is categorically exempt under CEQA and to approve Site Plan No. 20-6-0100; located at 5489 Wallace Rd. (APN: 051-040-012)

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 from the provisions of the California Environmental Quality Act (CEQA) section 15303 “New Construction” exemption; and,

3. Adopt Resolution No. PC 0125-19 approving Site Plan 20-6-0100; and,

I. BACKGROUND:

The Applicant intends on constructing a 5,000 sq. ft. metal building for the storage of agricultural products.

The proposed project will be located at 5489 Wallace Rd. Assessor Parcel Number (APN) 051-040-012 and consists of a 5,000 sq. ft. metal warehouse.

II. ANALYSIS:

Staff has reviewed the application for the Site Plan for Bhupinder Sandhu which is zoned Business Park (B-P) and find not in conflict with the City's General Plan and Zoning Ordinance and provisions of the Atwater Municipal Code.

III. FISCAL IMPACTS:

The proposed item has no fiscal impacts.

IV. EXISTING POLICY:

The site has been used regularly and continuously for Ag prior to annexation.

V. INTERDEPARTMENTAL COORDINATION:

An interdepartmental routing sheet was sent to all required departments.

VI. 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.

VII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) section 15303 "New Construction" exemption.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 0125-19 approving Site Plan No. 20-6-0100 the Recording Secretary will record the 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. Site Plan 20-6-0100

PLANNING COMMISSION
OF THE CITY OF ATWATER

RESOLUTION NO. PC 0125-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER MAKING AN ENVIRONMENTAL FINDING THAT THE PROPERTY IS CATEGORICALLY EXEMPT UNDER CEQA AND TO APPROVE SITE PLAN NO. 20-6-0100 LOCATED AT 5489 WALLACE RD. (APN: 051-040-012)

WHEREAS, the Planning Commission of the City of Atwater reviewed Site Plan No. 20-6-0100 as submitted by Bhupinder Sandhu, requesting to construct a metal building for storage located at 5489 Wallace Rd. Assessor Parcel Number (APN) 051-040-012.

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on February 19, 2020; and,

WHEREAS, this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) section 15303 “New Construction” exemption; and,

WHEREAS, __ person(s) spoke in favor of the SP, __ person(s) spoke in opposition of the SP, 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 Planning Commission has determined that the following findings can be made for this Site Plan:

1. That this application proposes to metal building for agricultural storage.
2. That the site is located in a Business Park (BP) Zone District.
3. That this site is designated by the Atwater General Plan as Business Park (BP).
4. That this use is consistent with the purpose and intent of Business Park (BP) Zone District.
5. That all the mandatory findings set forth in section 17.71.010 of the Atwater Zoning Ordinance can be made.

6. That the public hearing for this application has been adequately noticed and advertised. That the project is found to be categorically exempt under Sections, and 15303 of the CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Site Plan No. 20-6-0100 subject to the following conditions:

1. If any construction is to occur associated with the business the applicant shall submit Tenet Improvement (T.I.) plans to address the changes to the interior of the building. Plans 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 there shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.

4. That the applicant shall comply with all conditions of the Merced County Division of Environmental Health including the handling of all potentially hazardous material.

5. That the applicant shall comply with all requirements of any State-required licensing.

6. That the applicant shall equip the building with a fire extinguisher. Said fire extinguisher shall have current State Fire Marshall service tags.

7. That the applicant shall store all materials and parts related to the use indoors.

8. That the applicant shall comply with all of the conditions of approval prior to issuance of a Business license.

9. That the Planning Commission shall retain the right to reconsider Site Plan No. 20-6-0100 at any time.

10. That any violation of the Atwater Municipal Code shall be grounds for revocation of the Site Plan.

11. That this Site Plan approval shall expire in six (6) months from the day of approval if the operation has not started.

12. That the proposed structure shall only be used for the storage of agricultural materials.

13. 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 _____, 2020.

AYES:
NOES:
ABSENT:

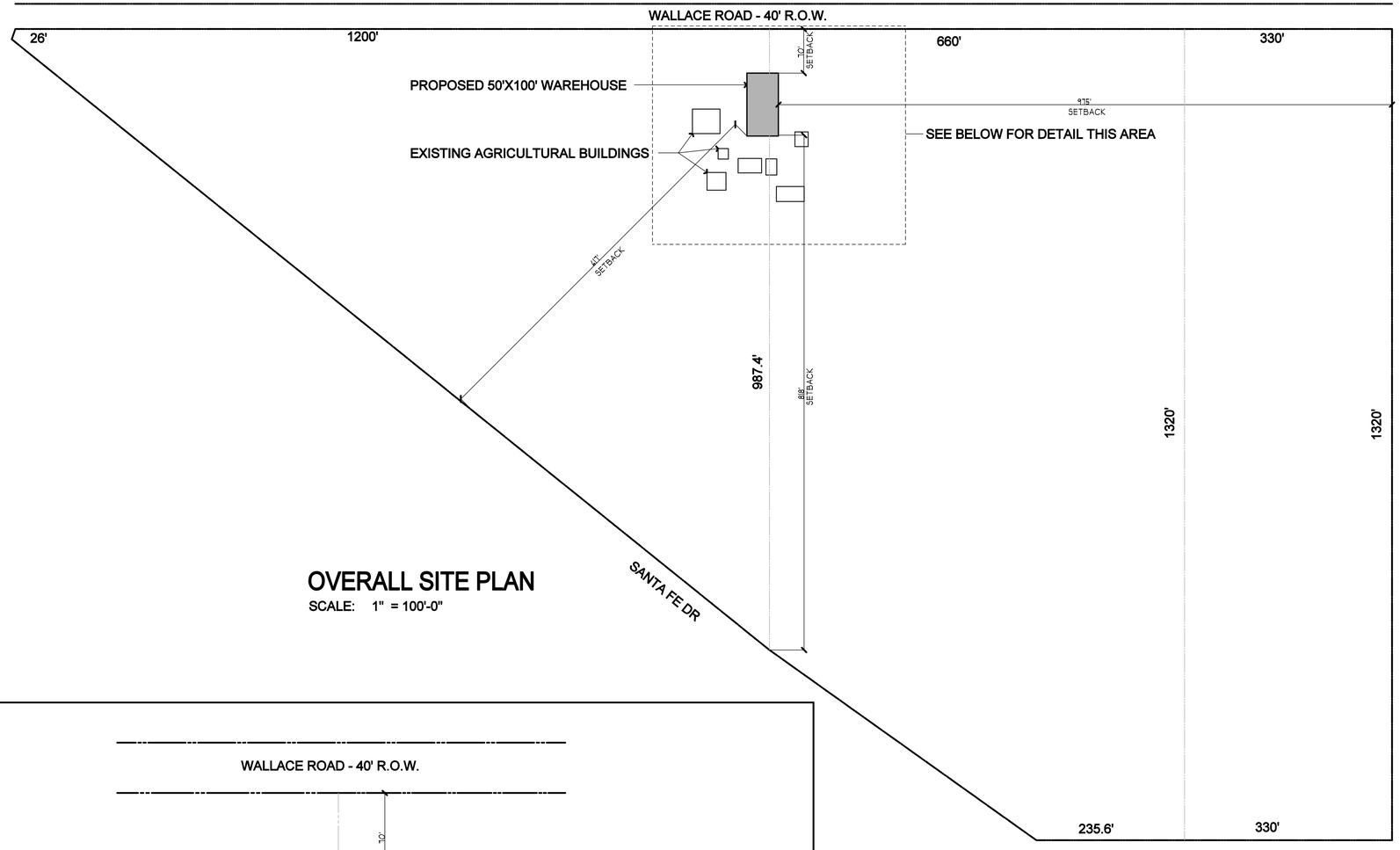
APPROVED:

_____
MIKE NELSON, CHAIRPERSON

ATTEST:

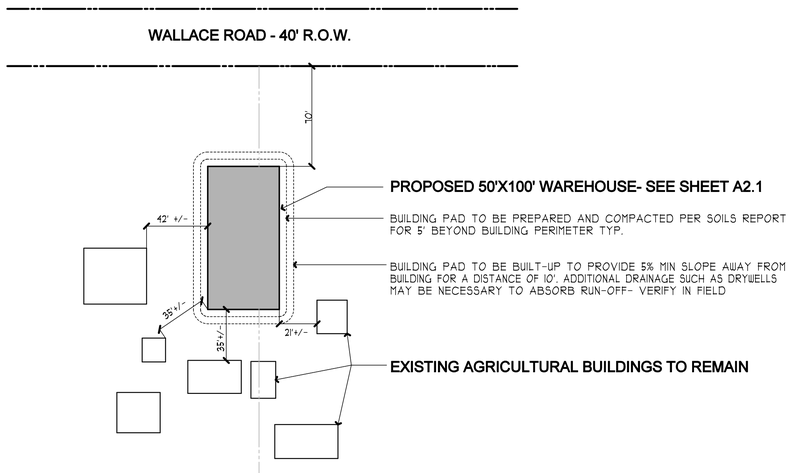
_____

MARK PEREIDA, SECRETARY



OVERALL SITE PLAN

SCALE: 1" = 100'-0"



ENLARGED AREA SITE PLAN SCALE: 1" = 50'-0"

NORTH

DONALD JOSEPH INC.
ARCHITECTURE • INTERIOR DESIGN
2620 21st Street Sacramento, CA 95818 • 916.456.2300
www.donaldjoseph.com

SANDHU BROTHERS GROWERS AG. WAREHOUSE

5511 WALLACE ROAD
ATWATER, CA.

SITE PLAN NOTES

1. THE ARCHITECT HAS NOT BEEN PROVIDED A SITE SURVEY AND ASSUMES NO RESPONSIBILITY FOR ANY INFORMATION ON DIMENSIONS ON THIS DRAWING EXCEPT FOR THAT WHICH IS SPECIFICALLY NOTED AND DIMENSIONED
CONTRCTOR TO VERIFY ALL DIMENSIONS IN FIELD

SITE INFORMATION

SITE AREA:	41.74 ACRES
SITE ZONING:	.
A.P.N. NUMBER:	051-040-012

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REVISIONS:

1.
2.
3.

LICENSED ARCHITECT DONALD FUGINA JR. C17449 Exp. 10-31-21 STATE OF CALIFORNIA

SITE PLAN

SCALE: AS NOTED
DATE: OCTOBER 17, 2019
JOB: 19071
SHEET: A1.1

N:\Projects\Open\Residential\Sandhu Res\metal building\Site Plan.aec

PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

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

MEETING DATE: **February 19, 2020**

TO: Chair and Commissioners

FROM: Greg Thompson, Senior Planner

SUBJECT: **A Resolution of the Planning Commission of the City of Atwater making an environmental finding that the project is categorically exempt under CEQA and approving Conditional Use Permit No.19-2-0100 and Site Plan No. 19-2-0200 for Brad Kessler; located between Business Park Way and Industry Way (APNs 056-330-045, 046)**

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 Sections 15304(e), and 15311(c) of the California Environmental Quality Act (CEQA) Guidelines, (Minor Alterations to Land, and Accessory Structures); and,

3. Adopt Resolution No. PC 0128-19 approving Conditional Use Permit No. 19-2-0100; and Site Plan No. 19-2-0200.

I. BACKGROUND:

The applicant intends on developing the property as a Food Truck Venue on two existing parcels.

The proposed project will be located between Business Park Way and Industry Way (APNs 056-330-045,046). This site will be designed to sustain seven food trucks, customer seating, and provide two ADA bathrooms. All food trucks will be able to operate during the following business hours: Monday thru Sunday, 6:00AM-11:00PM.

II. ANALYSIS:

Staff has reviewed the application for the Conditional Use Permit and Site Plan for the proposed Food Truck Venue which is zoned Light Industrial (M-1) and find it consistent with the City's General Plan and Zoning Ordinance and provisions of the Atwater Municipal Code.

III. FISCAL IMPACTS:

The proposed item has no fiscal impacts.

IV. EXISTING POLICY:

Under Chapter 17.40 M-1 Light Industrial District (Atwater Municipal Code) provides for the anticipated use upon the approval of a CUP and SP by the Planning Commission.

V. INTERDEPARTMENTAL COORDINATION:

An interdepartmental routing sheet was sent to all required departments.

VI. 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.

VII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act, the Planning Commission has determined that the project is categorically exempt under Sections 15304(e), and 15311(c) of the California Environmental Quality Act (CEQA) Guidelines, (Minor Alterations to Land, and Accessory Structures).

VIII. STEPS FOLLOWING APPROVAL:

Upon adoption of Resolution No. PC 0128-19 approving CUP No. 19-2-0100 and SP No. 19-2-0200 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 0128-19
2. Site Plan No. 19-2-0300

PLANNING COMMISSION
OF THE CITY OF ATWATER

RESOLUTION NO. PC 0128-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER MAKING AN ENVIRONMENTAL FINDING THAT THE PROJECT IS CATEGORICALLY EXEMPT AND APPROVING CONDITIONAL USE PERMIT NO. 19-2-0100 AND SITE PLAN NO. 19-2-0200 FOR BRAD KESSLER; LOCATED BETWEEN BUSINESS PARK WAY AND INDUSTRY WAY (APNS 056-330-045, 046)

WHEREAS, the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 19-2-0100; and Site Plan No. 19-2-0200 as submitted by Brad Kessler, requesting to allow the establishment of a Food Truck Venue; and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on February 19, 2020; and,

WHEREAS, the City of Atwater has adopted an ordinance dated November 20, 2019 Amending Title 17 of the Atwater Municipal Code to provide for Food Trucks in the M-1 Light Industrial, M-2 Industrial, and BP or Business Park Zoned areas of the City; and,

WHEREAS, pursuant to the California Environmental Quality Act, the Planning Commission has determined that the project is categorically exempt under Sections 15304(e), and 15311(c) of the California Environmental Quality Act (CEQA) Guidelines, (Minor Alterations to Land, and Accessory Structures); and,

WHEREAS, __ person(s) spoke in favor of the CUP, and SP, __ person(s) spoke in opposition of the CUP, and SP, 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 Planning Commission has determined that the proposed project is compatible within the existing uses and conditional uses and conditions in this zone or district.:

1. That this application proposes to operate Food Truck Venue
2. That the site is located in a Light Industrial (M-1) Zone District. A Food Truck Venue is permitted in the Light Industrial (M-1) Zone District with an approved Conditional Use Permit.
3. That this site is designated by the Atwater General Plan as Manufactoring.
4. That this use is consistent with the purpose and intent of Light Industrial Zone District.
5. That all the mandatory findings set forth in section 17.71.010 of the Atwater Zoning Ordinance can be made.
6. That the public hearing for this application has been adequately noticed and advertised.
7. That the project is found to be categorically exempt under Sections 15304(e), and 15311(c) of the CEQA Guidelines.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Resolution No. PC 0128-19 subject to the following conditions:

Engineering Division:

1. All driving and parking surfaces shall be asphalt or concrete pavement per City standard.

2. 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.

3. Applicant shall construct the deferred improvements on Aviator Dr. as shown on the approved Tentative Map, consisting of a new 10” water main, curb and gutter, and pavement.
4. Water services shall connect to the new 10” water main in Aviator Dr. Separate services are required for domestic, landscape, and fire protection.

5. A common ingress/egress, parking, and utilities easement shall be recorded for the reciprocal benefit of each parcel, appurtenant to each parcel and to run with the land. It appears that this requirement of the previously approved Tentative Map and recorded Final Map has not been completed.

6. 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 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.

7. No grading shall begin until the Grading Plan within the Site Improvement Plan is complete and approved by the City Engineer.

8. 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.

9. 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.

10. 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.

11. Developer shall properly abandon or relocate all utilities as necessary or required.

12. Developer shall comply with the requirements of all public utility companies.

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. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.

17. All on and off-site development and improvements shall be designed and constructed at the sole expense of the developer.

18. 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.

19. 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.

Planning Division:

20. 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

21. All onsite graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti ordinances.

22. 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.

23. Construction plans shall be generated by an Architect or Engineer licensed within the State of California.

Public Works Department:

24. Developer shall furnish and install 8" double detector check assembly in a traffic-rated vault for the existing 8" water line constructed on site. Alternatively, the owner(s) shall dedicate a public utility easement over the existing 8" water line to the satisfaction of the City Engineer and the Public Works Director.

25. 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.

Fire Department:

26. Must follow Atwater Municipal Code (AMC) and current California Fire Code as well as access for fire equipment.

27. Relocate fire hydrant to curb area near driveway entrance on either side.

General Conditions:

28. Conditional Use Permit 19-2-0100 is approved to establish a Mobile Food Vendor at the described location in accordance with the approved Site-Plan No. 19-2-0200 and the submitted Operational Statement based on the business activity and hours of operation defined therein. At all times while the Conditional Use Permit is in effect, the applicant shall comply with the terms and conditions as set forth for this project site.

29. That this Condition Use Permit is non-transferable and a copy of which shall be posted with the business during the hours of operation.

30. That any Mobile Food Vendors or any accessory uses associated with this permit shall not occupy property owned by the City.

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. That the business shall pay a one-time monitoring fee of $140 payable upon the issuance of this permit.

33. The applicant shall comply with requests from the City of Atwater Fire Department for a fire extinguisher(s). Said fire extinguisher(s) shall have current State Fire Marshall service tags Certified Fire Prevention Plan, including annual certification as may be necessary.

34. 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.

35. Applicant/developer shall submit building plans and obtain all necessary permits prior to commencement of construction.

36. That the Mobile Food Vendor's business equipment, i.e., truck, cart, etc. shall be appropriately placed as to not interfere with sight triangles, on-site circulation, vehicular, bicycle, ADA or pedestrian pathways, emergency access, fire lanes, drive aisles, required setbacks, landscaping requirements, parking, drainage, or any other requirements that have been imposed as part of the site plan approval for the premises or property on which the business is located, and shall be located in a manner that will not constitute a safety hazard,.

37. That the Mobile Food Vendor's business equipment, i.e., truck, cart, etc. shall be placed only on a paved, concrete, or other impervious surface or approved equivalent.

38. That the Mobile Food Vendor's business equipment, i.e., truck, cart, etc. shall not be placed in any on-site parking stall in a manner that would violate requirements that have been imposed as part of a previously approved site plan or necessary for the primary business activities of the premises on which the business is located.

39. The Mobile Food Vendors shall vacate the premises upon closing of the posted hours of operation.

40. There shall be adequate trash receptacle on site to service the Mobile Food Vendor's patrons.

41. The site of the business shall always be kept clean and free of litter. Trash and garbage shall be removed from the site at the end of each day.

42. Wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system

43. Grease and other waste products shall be disposed of per requirements of the Merced County Division of Environmental Health (MCDEH).

44. Approval of this Conditional Use Permit application does not constitute approval of any other entitlement or any other necessary permit, license, or approval. Including but not limited to individual CUP for food trucks.

45. The applicant shall comply with all applicable City, County, State, and Federal regulations.

46. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.

47. Applicant shall pay all required fees prior to issuance of a Building Permit.

48. 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.

49. 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, other adverse operating characteristics, or Applicant's failure to comply with its terms or requirements. At such time, the Commission may revoke the approval or add/modify conditions approval.

50. No additional advertising sign except a sign attached to the Mobile Food Vendor may be placed on or around the premises without the prior approval of the Planning Department.

51. Prior to commencement of operations, the applicant if required shall obtain a, mobile food facility permit from MCDEH and thereafter operate within the parameters of the permit and the applicable sections of the California Retail Food Code.

52. The mobile food vehicles (to include self-contained trucks, trailers, and carts) shall be located within 200 feet travel distance of an MCDEH approved restroom facility to include hand washing station. The mobile food staff shall have access to this restroom at all times during operation of the business. If the restrooms are locked, the food vendors staff must have a key in their possession.

53. In addition to written permission to occupy the premises (i.e., lease or rental agreement), the mobile food vendors must have written permission from the owner of the property to use the restroom facilities during business hours.

54. The mobile food vendors shall not obtain any water from the premises, nor shall any wastewater from the food facility be drained to on-site sewer connection or to the ground surface. No solid waste (trash, etc.) from the mobile food vendors shall be disposed on the premises.

55. Should the water supply or sanitary sewer service to the restrooms of the premises become interrupted, then the operation of the mobile food vendors shall cease until said time that service returns.

56. The mobile food vendors must report to its approved commissary at least once every day for cleaning, discharge of wastewater, restocking of fresh potable water supply, food, and other consumable supplies.

57. Any extension cords used to supply power to the mobile food vendors equipment shall be rated for outdoor use. The cord must be one continuous cord that will not interfere with any paths of travel, including emergency access or accessible.

58. Developer and individual vendors shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD) for all equipment used in association with the mobile food vendors, equipment, accessories, and any mobile power generation.

59. Developer shall comply with all of the conditions of approval prior to issuance of a Business license.

60. That this Conditional Use Permit and Site Plan shall expire in six (6) months from the day of approval if the operation has not started.

61. 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 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 _____ day of _____, 2020.

AYES:
NOES:
ABSENT:

APPROVED:

_____
MIKE NELSON, CHAIRPERSON

ATTEST:

_____

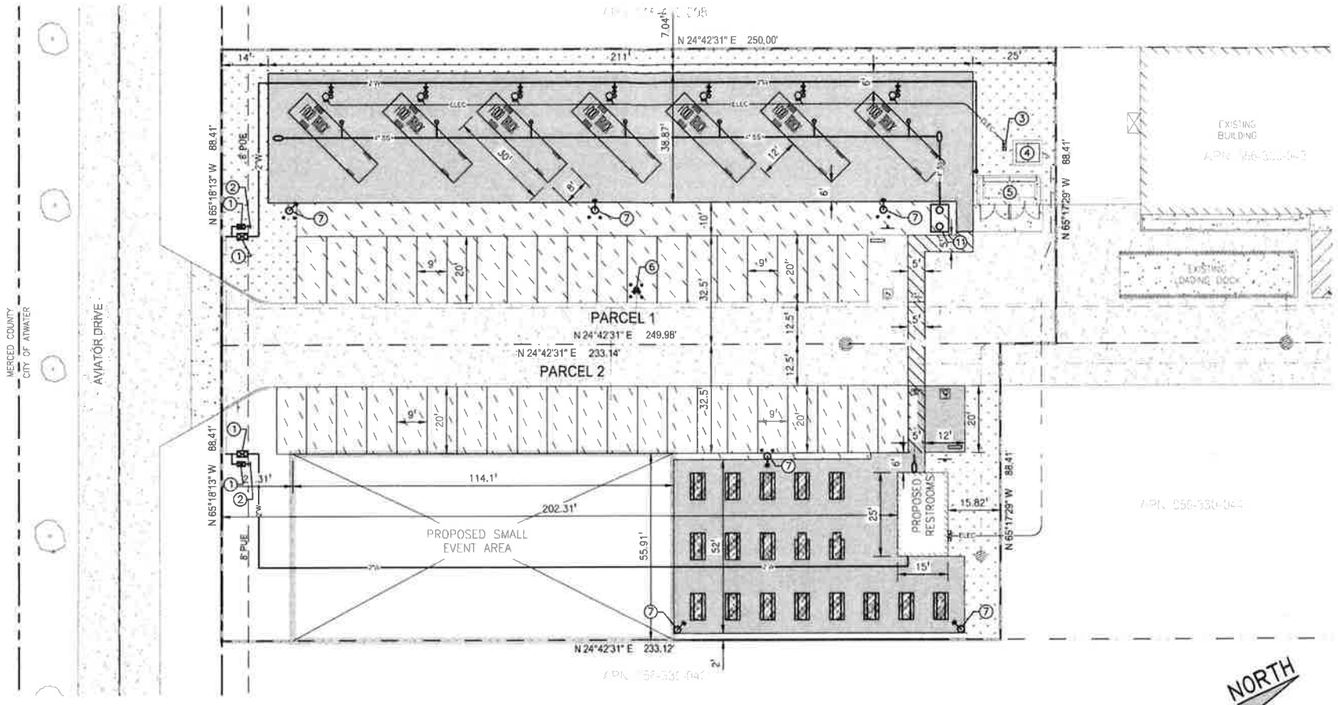
MARK PEREIDA, SECRETARY

BRAD KESSLER

FOOD TRUCK COURT AND SMALL EVENT VENUE

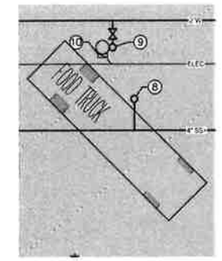
AVIATOR DRIVE, ATWATER, CALIFORNIA

DECEMBER, 2019



SITE PLAN

SCALE: 1"=20'



FOOD TRUCK SPACE DETAIL

SCALE: 1"=10'

NORTH

PARCEL AND DEVELOPMENT OVERVIEW

PARCEL DATA

	EXISTING	PROPOSED
OWNER:	LANE AND CATHLEEN CLARK	NO CHANGE
DEVELOPER:	AG-K PROPERTIES, LLC 288 BUSINESS PARK WAY ATWATER, CA 95301 209-631-4247	
PARCEL NUMBER:	056-330-045 0.90 ACRES (PARCEL 1) 056-330-046 0.47 ACRES (PARCEL 2)	NO CHANGE
ADDRESS:	056-330-045 NOT ASSIGNED 056-330-046 NOT ASSIGNED	TO BE ASSIGNED TO BE ASSIGNED
GENERAL PLAN:	BUSINESS PARK (BP)	NO CHANGE
ZONING:	LIGHT INDUSTRIAL (M-1)	NO CHANGE
USE OF PROPERTY:	VACANT WITH NO STRUCTURES	FOOD TRUCK COURT AND SMALL EVENT VENUE
ADJACENT USES:	NORTH: INDUSTRIAL (DEVELOPED) SOUTH AGRICULTURAL/RESIDENTIAL (MERCED COUNTY) EAST: INDUSTRIAL (UNDEVELOPED) WEST: INDUSTRIAL (DEVELOPED)	

DEVELOPMENT DATA

STRUCTURES:	PARCEL 1 -	NONE
	PARCEL 2 -	300 SF RESTROOMS
PARKING SPACES	PARCEL 1 -	18 STANDARD 1 VAN ACCESSIBLE
	PARCEL 2 -	19 STANDARD 1 VAN ACCESSIBLE
	PROJECT TOTAL-	39
LANDSCAPE AREA	PARCEL 1 -	3,680 SF (16.7%)
	PARCEL 2 -	3,801 SF (18.4%)

UTILITY DATA

WATER	CITY OF ATWATER
SEWER	CITY OF ATWATER
ELECTRIC	PG&E
GAS	PG&E
TELEPHONE	AT&T
CABLE:	COMCAST

LEGEND

- EXISTING RIGHT OF WAY
- EXISTING PROPERTY LINE
- PROPOSED PROJECT AREA
- EXISTING SANITARY SEWER LINE
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY CLEAN-OUT
- EXISTING WATER LINE
- PROPOSED WATER LINE
- PROPOSED BACKFLOW PREVENTER
- PROPOSED FIRE HYDRANT
- PROPOSED WATER VALVE
- PROPOSED BOLLARD
- EXISTING ELECTRICAL CONDUIT
- PROPOSED ELECTRICAL CONDUIT
- PROPOSED 400 AMP MAIN PANEL
- EXISTING VALLEY GUTTER

- EXISTING ASPHALT PAVEMENT
- PROPOSED COMPACTED GRAVEL SURFACE
- PROPOSED ASPHALT PAVEMENT
- PROPOSED LANDSCAPE AREA

KEYNOTES

1. INSTALL BACKFLOW PREVENTER AND WATER METER
2. P.O.C. 1" LANDSCAPE SERVICE
3. PROPOSED 400 AMP ELECTRICAL MAIN PANEL
4. EXISTING TRANSFORMER
5. EXISTING TRASH ENCLOSURE
6. PROPOSED FIRE HYDRANT WITH BOLLARD PROTECTION
7. PROPOSED SITE LITE
8. PROPOSED P.O.C. FOOD TRUCK SEWER (GREY WATER ONLY)
9. PROPOSED P.O.C. FOOD TRUCK DOMESTIC WATER
10. PROPOSED P.O.C. FOOD TRUCK ELECTRICAL (70 AMP SUB PANEL)
11. PROPOSED GREASE INTERCEPTOR

ARCHITECTURAL CONTROL COMMITTEE

AGENDA REPORT

ARCHITECTURAL DESIGN COMMITTEE

Mike Nelson	Ron Daugherty
Fred Warchol	Sharyn Mead
Donald Borgwardt	Mark Pereida

MEETING DATE: **February 19, 2020**

TO: Members of the Architectural Control Committee

FROM: Mark Pereida – General Services Manager

PREPARED BY: Greg Thompson – Senior Planner

SUBJECT: **A review by the Planning Commission acting in the capacity of the Architectural Control Committee of a proposed detached garage; located at 970 Travertine Way. (APN: 004-422-015)**

RECOMMENDED/REQUESTED ACTION:

It is recommended/requested that the Architectural Control Committee:

1. Review and discuss the plot plan as submitted to the Building Department of the City of Atwater for a detached garage structure; and

2. Make a determination that the proposed architecture is consistent with the Residential Design Guidelines for the City of Atwater and other provision of the Atwater Municipal Code.

I. BACKGROUND:

Pursuant to Section 17.12.090 of the Atwater Municipal Code, on occasion it is required of the applicant to request for a building permit plot plan be reviewed by the Architectural Control Committee. The Committee shall be composed of the City Planning Commission together with the Building Inspector.

II. ANALYSIS:

On December 23, 2019 Marcus Jackson submitted a request for building permit to the City of Atwater building department. The plot plan showed proposed construction of a detached garage with a location that deviate from the normal streetscape architecture. An inspection of the site was performed by the City Chief Building Official and Senior Planner. A determination was made to request review by the Architectural Control Committee.

III. FISCAL IMPACTS:

No negative fiscal impacts are anticipated by this action.

IV. EXISTING POLICY:

This request is made pursuant to Section 17.12.090 of the Atwater Municipal Code.

V. PUBLIC PARTICIPATION:

The Architectural Control Committee may welcome public comment but not required.

VI. ENVIRONMENTAL REVIEW:

The review requested is derived from the request for a building permit. Building permits are a ministerial action and therefore not subject to review under provision of the California Environmental Quality Act.

VII. STEPS FOLLOWING APPROVAL:

If a finding of consistency can be made, staff will be directed to complete processing of a building permit.

Should a finding not be made, staff shall be directed to suspend the permit processing.

Submitted by: _____
Greg Thompson – Senior Planner

Approved by: _____
Mark Pereida – General Services Manager

Attachments:

1. Plot plan from permit application no. A4870