

***In-person participation by the public will be permitted.***

*Submit a written public comment prior to the meeting: Public comments submitted to [krashad@atwater.org](mailto:krashad@atwater.org) by 4:00 p.m. on the day of the meeting will be distributed to the Planning Commission and made part of the official minutes but will not be read out loud during the meeting.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6241.*

# **CITY OF ATWATER PLANNING COMMISSION**

## **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, CA 95301

**April 19<sup>th</sup>, 2023**

CALL TO ORDER:

INVOCATION:

**Invocation by Police Chaplin Miller**

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

**Borgwardt\_\_\_\_, Kadach\_\_\_\_, Sanchez-Garcia \_\_\_\_\_, Sanders\_\_\_\_, Daugherty\_\_\_\_\_**

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.



**6:00 PM**

APPROVAL OF MINUTES:

- a) October 19<sup>th</sup>, 2022 – Regular meeting
- b) January 18<sup>th</sup>, 2023 – Regular Meeting
- c) February 15<sup>th</sup>, 2023 – Regular Meeting
- d) March 15<sup>th</sup>, 2023 – Regular Meeting

**Staff's Recommendation:** Approval of minutes as listed.

PETITIONS AND COMMUNICATIONS:

1. **Request for “Valley Christian Church Craft Vendor Fair” and temporary road closure.** (Applicant: Sharyn Mead)

**Staff's Recommendation:** Approval of request from the Valley Christian Church to host a Craft Vendor Fair on April 29th from 7:00am-3:00pm with a road closure from the property line of Valley Christian Church on Cedar Ave to the corner of Third St and Cedar Ave. Please see the attached map.

PUBLIC HEARINGS:

2. **Public hearing to consider adopting a resolution approving a Tentative Parcel Map No. 22-09-0100 and Site Plan No. 22-09-0200 located West of Hazel Avenue, Atwater (APN: 003-160-026).** (Applicant: AG-K Properties, LLC)

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding a Tentative Parcel Map and Site Plan located west of Hazel Avenue;

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, “Infill Development,” and adopt Resolution No. 0202-22 approving Tentative Parcel Map 22-09-0100 and Site Plan No. 22-09-0200, located west of Hazel Avenue, Atwater (APN: 003-160-026).

3. **Public hearing to consider adopting a Resolution Approving a Site Plan for a garage addition located at 1370 Atwater Blvd, Atwater (APN: 003-170-002)** (Applicant: Asif and Anesha Awan)

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding a Site Plan located at 1370 Atwater Blvd, Atwater.

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15301 (L)(4), “Existing Facilities” and Adopt Resolution No. 0205-22 Approving Site Plan No. 22-

12-0100 for a garage addition; Located at 1370 Atwater Blvd, Atwater. (APN 003-170-002).

- 4. Public hearing to consider adopting a Resolution Approving a Conditional Use Permit to allow for the sale of beer, wine and distilled spirits for consumption off-premises where sold. Located at 316 E. Bellevue Rd, Atwater (APN: 004-021-001).** (Applicant: Ravinder Singh)

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding a Conditional Use Permit located at 316 E. Bellevue Rd, Atwater.

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15301, "Existing Structures," make a determination that public convenience or necessity would be served by issuance of the ABC 21 license, and adopt Resolution No. 0222-23 approving Conditional Use Permit No. 23-03-0100 for a sign located at 316 E. Bellevue Rd, Atwater (APN: 004-021-001).

- 5. Public hearing to consider adopting a Resolution recommending to the City Council of Atwater approving a General Plan Amendment from Low-Density Residential to Commercial. Located at 316 E. Bellevue Rd, Atwater (APN: 004-021-001).** (Applicant: City of Atwater)

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding a Conditional Use Permit located at 316 E. Bellevue Rd, Atwater.

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, "Review for Exemption," and adopt Resolution No. 0224-23, making a recommendation to the City Council of Atwater to approve General Plan Amendment No. 23-05-0100 to change the land use designation from Low-Density Residential to Commercial for the parcel located at 316 E. Bellevue Rd. (APN 004-021-001).

- 6. Public hearing to consider adopting a Resolution recommending to the City Council of Atwater approve an Amendment to update the Standard Plans and Specifications of the City of Atwater.** (Applicant: City of Atwater)

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding an Amendment to update the Standard Plans and Specifications of the City of Atwater

Close the public hearing;

Adopt Resolution No. PC 0228-23 making a recommendation to the City Council of Atwater to approve an amendment and update to the Standard Plans and Specifications of the City of Atwater.

**REPORTS AND PRESENTATION FROM STAFF:**

**7. Community Development Director Verbal Updates**

**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:**

**Planning Commissioner Comments**

**ADJOURNMENT:**

**CERTIFICATION:**

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

*Kayla Rashad*

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Kayla Rashad,  
Planning Commission Recording Secretary

**SB 343 NOTICE**

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the 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)812-1031. You may also send the request by email to [krashad@atwater.org](mailto:krashad@atwater.org)*



# CITY OF ATWATER

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## PLANNING COMMISSION

### ACTION MINUTES

**October 19, 2022**

REGULAR SESSION: (Council Chambers)

*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 TO THE FLAG:

*The Pledge of Allegiance was led by Planning Commission Member Sander.*

INVOCATION:

*The Invocation was led by Police Chaplin Miller.*

ROLL CALL:

**Present:** Planning Commission Members Borgwardt, Sanders,  
Daugherty, Nelson  
**Absent:** Kadach

SUBSEQUENT NEED ITEMS: None

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

***MOTION:*** Planning Commission Member Borgwardt moved to approve the agenda as posted. The motion was seconded by Planning Commission Member Sanders

**and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: None; Absent: Kadach. The motion passed.**

**APPROVAL OF MINUTES: None**

**PETITIONS AND COMMUNICATIONS:**

Request from Victory Baptist Church for “Christmas in the Park” at Ralston Park.

***Pastor Richard Miller spoke on this request and gave some background on this event. It was clarified that this event would take place at the Bloss House which was listed on their application.***

***Community Development Director Thompson would like to conditionally approve this request. He would like to take a closer look at the closure on Third Street between Cedar and First Street.***

***MOTION: Planning Commission Member Daugherty moved to conditionally approve the request from Victory Baptist Church to host “Christmas in the Park at the Bloss House from December 16<sup>th</sup>, 2022 through December 18<sup>th</sup>, 2022 from 5:00pm-8:00pm. Requesting possible road closures on Grove Avenue from Third Street to Fifth Street and on Fifth Street from Grove Avenue to Cedar Avenue subject to the Community Development Director’s Review. Planning Commission Member Sanders seconded the motion, and the vote was: Ayes: Daugherty, Borgwardt, Sanders, Nelson; Noes: None; Absent: Kadach. The motion passed.***

Request for “Annual Harvest Festival” and temporary road closure from Valley Christian Chapel

***Community Development Director Thompson spoke on this request. He would like to have conditional approval borrowing no interference with traffic in this area.***

***MOTION: Planning Commission Member Sanders moved to conditionally approve the request from Valley Christian Chapel to host an Annual Harvest Festival on October 31<sup>st</sup>, 2022, from 5:30pm-9:30pm and road closure on Third Street between Broadway and Drakeley Avenue. Planning Commission Member Borgwardt seconded the motion, and the vote was: Ayes: Daugherty, Borgwardt, Sanders, Nelson; Noes: None; Absent Kadach. The motion passed.***

Request for Grand Opening Event/Vendor Fair and road closure.

***Community Development Director Thompson spoke on this request.***

***Jeremiah Enriquez spoke on this request and his business.***

**Planning Commission Member Daugherty inquired about the time frame for the road closure.**

**Chairperson Nelson inquired about closing a few hours before 7:00pm**

**MOTION: Planning Commission Member Daugherty moved to approve the request from Silent Speed Ebikes to host a Grand Opening Event and Vendor Fair on October 22<sup>nd</sup>, 2022, with the amended hours from 7:00am to 5:00pm and road closure on Broadway Avenue between Second Street and Fourth Street. Planning Commission Member Borgwardt seconded the motion, and the vote was: Ayes: Sanders, Daugherty, Borgwardt, Nelson; Noes: None; Absent: Kadach. The motion passed as amended.**

**PUBLIC HEARINGS: None**

**REPORTS AND PRESENTATIONS FROM STAFF:**

Community Development Director Thompson Verbal Updates.

**Community Development Director Thompson spoke regarding the Request for Proposals for consultant services to prepare the General Plan Update. He also spoke regarding Bellevue Corridor Project.**

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**Albert Cisneros expressed concern with his business license application for 231 Business Parkway for an Auto Repair Shop.**

**Community Development Director Thompson spoke on this application as well as a Conditional Use Permit being required.**

**Chairperson Nelson recommended Albert Cisneros set up an appointment with the Community Development Director.**

**No one else came forward to speak.**

**COMMISSIONER MATTERS:**

**Planning Commission Member Daugherty expressed concern with the rapid flashing beacons on Winton Way. He is inquiring on the status of having them moved out of the per view of the roadway to protect the City's investments.**



***Planning Commission Member Borgwardt is inquiring about an update on signage for a new advertisement sign on Atwater Blvd and First Street. He is concerned with dead redwood trees on Juniper.***

**ADJOURNMENT:**

***Chairperson Nelson, adjourned the meeting at 6:26 PM.***

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Mike Nelson, Chairperson

By: Kayla Rashad  
Recording Secretary



# CITY OF ATWATER

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## PLANNING COMMISSION

### ACTION MINUTES

**January 18, 2023**

REGULAR SESSION: (Council Chambers)

*The Planning Commission of the City of Atwater met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Chairperson Ron Daugherty.*

INVOCATION:

*The Invocation was led by Police Chaplin McClellan.*

ROLL CALL:

**Present:** *Planning Commission Members Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty*

**Absent:** *None*

**Staff Present:** *Police Chief Salvador, Community Development Director Thompson, Senior Planner Rashe, Recording Secretary Rashad, Deputy City Clerk Martin, City Clerk Billings*

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION: Planning Commissioner Borgwardt moved to amend the agenda as posted, removing item #5. The motion was seconded by Planning Commissioner Sanders and the vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.**

**CEREMONIAL MATTERS:**

Oath of Office – Planning Commissioner

**City Clerk Billings administered the oath of office to the newly appointed Planning Commission Member Sanchez-Garcia.**

**ORGANIZATION OF THE PLANNING COMMISSION:**

Nomination of a Planning Commission Chairperson

**Deputy City Clerk Martin opened the Nomination of a Chairperson.**

**Planning Commission Member Borgwardt moved to nominate Planning Commission Member Daugherty for Chairperson.**

**The Nomination period was closed.**

**MOTION: Planning Commission Member Borgwardt nominated Planning Commission Member Daugherty as Chairperson. The roll call vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The nomination passed.**

Nomination of a Planning Commission Vice Chairperson

**Deputy City Clerk Martin opened the Nomination of a Vice Chairperson.**

**Planning Commission Member Kadach moved to nominate Planning Commission Member Borgwardt for Vice Chairperson.**

**The Nomination period was closed.**

**MOTION: Planning Commission Member Kadach nominated Planning Commission Member Borgwardt as Vice Chairperson. The roll call vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The nomination passed.**

**PETITIONS AND COMMUNICATIONS: None**

**PUBLIC HEARINGS:**

Make an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA); and consider adopting Resolution No. 0198-22 approving Site Plan for a building located at the northeast corner of Air Park Road and Industry Way, Atwater (APN:056-400-065)

***Senior Planner Rashe presented a PowerPoint and provided background information on the project.***

***Community Development Director provided background information on new projects coming to the City of Atwater.***

***Chairperson Daugherty opened the public hearing.***

***Applicant Norman Wilson came forward to speak. The applicant expressed concern over conditions #47 and #63.***

***Chairperson Daugherty closed the public hearing.***

***MOTION: Vice Chairperson Borgwardt moved to make an environmental finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, "Infill Development"; and adopt Resolution No. 0198-22 approving Site Plan No. 22-03-0100 for a building located at the northeast corner of Air Park Road and Industry Way (APN 056-400-065). The motion was seconded by Planning Commission Member Sanders and the vote was: Ayes: Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.***

Make an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA); and consider adopting Resolution No. 218-22 recommending City Council to adopt an ordinance amending Chapter 17.49.020, "Definition of mini-warehouse" of the Atwater Municipal Code.

***Senior Planner presented a PowerPoint and provided background information on this item.***

***Chairperson Daugherty opened the public hearing.***

***No one came forward to speak.***

***Chairperson Daugherty closed the public hearing.***

***MOTION: Planning Commission Member Sanders moved to make an environmental finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guideline section 15061 (b)(3); and adopt Resolution No. 218-22 recommending City Council to adopt an ordinance amending Chapter 17.49.020,***

***“Definition of mini-warehouse” of the Atwater Municipal Code. Planning Commission Member Sanchez-Garcia seconded the motion, and the vote was: Ayes: Sanders, Borgwardt, Sanchez-Garcia, Kadach, Daugherty; Noes: None; Absent: None. The motion passed.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Discussion regarding an application to the California Department of Housing and Community Development (HCD) for the Prohousing Designation Program.

***Community Development Director Thompson provided background information on this item.***

***Senior Planner Rashe presented a PowerPoint on the Prohousing Designation Program.***

Community Development Director Verbal Updates

***Community Development Director stated his appreciation of staff for their hard work and the City of Atwater obtaining 3 million dollars to develop infrastructure, facilities, and permit activities along Green Sands.***

**COMMENTS FROM THE PUBLIC:**

***Notice to the public was read.***

***No one came forward to speak.***

**COMMISSIONER MATTERS:**

***Planning Commission Member Sanders expressed concern on removing the Planning Commission Member’s responsibilities on reviewing Site Plans and Design Guidelines.***

***Planning Commission Member Sanders expressed the benefit of having more details regarding ADUs on our website, as well as a more self-efficient website.***

***Chairperson Daugherty inquired about the status of the apartment complex behind the Bowling Alley in Atwater and inquired about new committee members for the General Plan Technical Advisory Committee (GPTAC)***

**ADJOURNMENT:**

***Chairperson Daugherty adjourned the meeting at 6:55 PM.***

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Ron Daugherty, Chairperson

By: Kayla Rashad  
Recording Secretary



# CITY OF ATWATER

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## PLANNING COMMISSION

### ACTION MINUTES

**February 15, 2023**

REGULAR SESSION: (Council Chambers)

*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 Daugherty Presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Planning Commission Member Kadach.*

INVOCATION: None

ROLL CALL:

**Present:** *Planning Commission Members Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty*

**Absent:** *None*

**Staff Present:** *Senior Planner Rashe, Recording Secretary Rashad,*

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION:** *Planning Commission Member Borgwardt moved to approve the agenda as posted. The motion was seconded by Planning Commission Member Sanders*

**and the vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.**

ORGANIZATION OF THE GENERAL PLAN TECHNICAL ADVISORY COMMITTEE:

Nomination and Appointment of General Plan Technical Advisory Committee Member

**Chairperson Daugherty opened the Nomination of a Committee Member.**

**Planning Commission Member Kadach moved to nominate Planning Commission Member Borgwardt for The General Plan Technical Advisory Committee Member. The motion was seconded by Planning Commission Member Sanders.**

**The Nomination period was closed.**

**MOTION: Planning Commission Member Kadach nominated Planning Commission Member Borgwardt as the Committee Member. The motion was seconded by Planning Commission Member Sanders and the roll call vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The nomination passed.**

APPROVAL OF MINUTES:

- a) September 21, 2022 – Regular meeting
- b) November 30, 2022 – Special meeting

**MOTION: Planning Commission Member Borgwardt moved to approve the minutes as posted. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.**

PETITIONS AND COMMUNICATIONS: None

PUBLIC HEARINGS:

Public hearing to consider adopting a resolution approving a conditional use permit and site plan for a mobile food vendor to be located on 1485 Broadway Avenue. (Applicant: Juan Flores)

**Senior Planner Rashe presented a PowerPoint and provided background information on the project.**

**Chairperson Daugherty opened the public hearing.**

**Brad Pickle spoke against the project.**



***Christy Lobao spoke against the project.***

***Jessica Reed spoke against the project.***

***Adam Reed spoke against the project regarding Downtown Design Guidelines.***

***Juan Flores spoke in favor of the project and the concerns expressed by other community members.***

***Juan Flores's Daughter spoke in favor of the project.***

***Raj and his son spoke in favor of the project.***

***Planning Commission Member Kadach inquired about the generator.***

***Planning Commission Member Sanders inquired about the street parking.***

***Chairperson Daugherty spoke regarding the project.***

***Chairperson Daugherty closed the public hearing.***

***MOTION: Vice Chairperson Borgwardt moved to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15311, (c) "Accessory Structures" and adopt Resolution No. PC 219-22 and Conditional Use Permit No. 22-26-0100, and Site Plan No. 22-26-0200 with the condition that the color of the mobile food truck be changed within 6 months. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.***

Public hearing to consider adopting a resolution recommending the City Council adopt an ordinance amending certain sections of Title 17, "Zoning," of the Atwater Municipal Code to update site plan and architectural review regulations. (Applicant: City of Atwater)

***Senior Planner Rashe presented a PowerPoint and provided background information on this item.***

***Chairperson Daugherty opened the public hearing.***

***No one came forward to speak.***

***Chairperson Daugherty closed the public hearing.***

***MOTION: Planning Commission Member Sanders moved to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, (b)(3) "Review for Exemption" and adopt Resolution No.***

**PC 221-23 approving Zoning Ordinance Text Amendment No. 23-02-0100 Recommending the City Council to adopt an Ordinance amending Title 17 of the Atwater Municipal Code relating to Site Plan and Architectural Review. The motion was seconded by Planning Commission Member Sanchez-Garcia, and the vote was: Ayes: Sanders, Borgwardt, Sanchez-Garcia, Kadach, Daugherty; Noes: None; Absent: None. The motion passed.**

Public hearing to consider adopting a resolution recommending the City Council to adopt an Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report Program, Site Plan, Architectural Review, and Zone Change. (Applicant: Terry Rolfe)

**Senior Planner Rashe presented a PowerPoint and provided background information on this item.**

**Planning Commission Member Kadach inquired about the extension of two lane to four lane.**

**Chairperson Daugherty opened the public hearing.**

**Terry Rolfe provided more information on this project.**

**Planning Commission Member Kadach inquired about traffic.**

**Chairperson Daugherty closed the public hearing.**

**MOTION: Vice Chairperson Borgwardt moved to Approve Initial Study/Mitigated Negative Declaration, Mitigation Monitoring Report Program, and adopt Resolution No. PC 217-22 Recommending the City Council to approve Site Plan No. 22-24-0100, Architectural Review No. 22-24-0300, and Zone Change No. 22-24-0400. The motion was seconded by Planning Commission Member Kadach and the vote was: Ayes: Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.**

**REPORTS AND PRESENTATIONS FROM STAFF: None**

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**No one came forward to speak.**

**Chairperson Daugherty closed the public comment.**

**COMMISSIONER MATTERS:**

**Planning Commission Member Sanchez-Garcia expressed her excitement for new**

***business developments.***

**ADJOURNMENT:**

***Chairperson Daugherty, adjourned the meeting at 7:16 PM.***

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Ron Daugherty, Chairperson

By: Kayla Rashad  
Recording Secretary



# CITY OF ATWATER

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## PLANNING COMMISSION

### ACTION MINUTES

**March 15<sup>th</sup>, 2023**

REGULAR SESSION: (Council Chambers)

*The Planning Commission of the City of Atwater met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Daugherty presiding.*

INVOCATION:

**None**

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Chairperson Daugherty.*

ROLL CALL:

**Present:** *Planning Commission Members Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty*

**Absent:** *None*

**Staff Present:** *Battalion Chief Blaine, Chief Salvador, City Manager Waterman, Community Development Director Thompson, Recording Secretary Rashad, and Senior Planner Rashe.*

SUBSEQUENT NEED ITEMS:

**None**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION: Planning Commission Member Sanders moved to approve the agenda as posted. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Borgwardt, Kadach, Sanchez-Garcia, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.**

**APPROVAL OF MINUTES:**

**October 19, 2022 – Regular meeting minutes vote will be deferred to the next regularly scheduled meeting of April 19<sup>th</sup>, 2023.**

**PETITIONS AND COMMUNICATIONS:**

Request for “APC Portuguese Oxen Parade and Sunday Parade” and temporary road closure. (Applicant: Rosa Varela)

**Rosa Varela spoke regarding the outdoor event.**

**Chairperson Daugherty opened the public comment for this item.**

**No one came forward for this item.**

**Chairperson Daugherty closed the public comment.**

**MOTION: Planning Commission Member Sanchez-Garcia moved to approve the request from the Atwater Pentecost Association to host an APC Portuguese Oxen Parade and a Sunday Parade on June 24<sup>th</sup> and June 25<sup>th</sup> from 8:30am-9:30am with multiple road closures. The motion was seconded by Planning Commission Member Kadach and the vote was: Ayes: Daugherty, Borgwardt, Sanders, Kadach, Sanchez-Garcia; Noes: None; Absent: None. The motion passed.**

**PUBLIC HEARINGS:**

Public hearing to consider adopting a resolution approving a Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200 for a mini-warehouse facility located at APN: 001-146-013 & 017 west of 1619 Sycamore Avenue. (Applicant: Jatinder Randhawa)

**Senior Planner Rashe presented a PowerPoint and provided background information on this item.**

**Chairperson Daugherty opened the public hearing.**

**The applicants spoke regarding the project.**

**No one else came forward to speak.**

***Chairperson Daugherty closed the public hearing.***

***Vice Chairperson Borgwardt inquired about the location.***

***Planning Commission Member Sanchez-Garcia spoke in favor of this project.***

***MOTION: Vice Chairperson Borgwardt moved to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, "Infill Development" and adopt Resolution No. PC 0204-22 approving Conditional Use Permit No. 22-11-0100, and Site Plan No. 22-11-0200. The motion was seconded by Planning Commission Member Sanders and the vote was: Ayes: Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.***

Public hearing to consider adopting a Resolution Approving a Variance for sign placement located at 307 E. Bellevue Rd, Atwater (APN: 156-060-011) (Applicant: Mister Car Wash)

***Community Development Director Thompson provided background information on this item.***

***Jared Rodriguez spoke on behalf of Mister Carwash regarding this item.***

***Chairperson Daugherty opened the public hearing.***

***No one came forward to speak.***

***Chairperson Daugherty closed the public hearing.***

***MOTION: Planning Commission Member Sanders moved to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15311 (a), "Accessory Structures" and adopt Resolution No. PC 0220-23 approving Variance No. 23-01-0100, for a sign located at 307 E. Bellevue Rd. (APN: 156-060-011)). The motion was seconded by Planning Commission Member Kadach and the vote was: Ayes: Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

***Community Development Director Thompson spoke on the General Plan Update and the process of selecting a consultant.***

**COMMENTS FROM THE PUBLIC:**

***Chairperson Daugherty opened the Public Comment.***

***Notice to the public was read.***

***No one came forward to speak.***

***Chairperson Daugherty closed the public comment.***

**COMMISSIONER MATTERS:**

***Planning Commission Member Sanchez-Garcia expressed her gratitude towards the community members and their projects.***

***Vice Chairperson Borgwardt inquired about a Capital Improvement plan due to roads impacted by excessive rainfall.***

***Community Development Director Thompson provided background on a planned infrastructure in place for the roadwork.***

***Chairperson Daugherty inquired about recalling a Conditional Use Permit for the Flea Market on West Atwater Blvd regarding the traffic.***

***Community Development Director Thompson provided information on recalling a Conditional Use Permit and the next steps.***

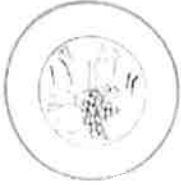
**ADJOURNMENT:**

***Chairperson Daugherty adjourned the meeting at 6:26 PM.***

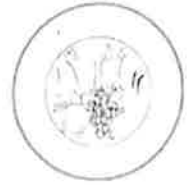
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Ron Daugherty, Chairperson

By: Kayla Rashad  
Recording Secretary



# SPECIAL OUTDOOR EVENTS APPLICATION/PERMIT STAFF APPROVAL



**CHECKLIST:**

Application Received: \_\_\_\_\_

Permit No.: \_\_\_\_\_

Prior to submitting your application, please confirm by checking (✓) the boxes below that all the following have been completed.

- Have you completed the "Description of Event" below and signed the application on Page 4? (Incomplete information may delay your application.)
- Have you allowed at least 3-4 weeks prior to the event for your application to be approved?
- Have you obtained the required insurance, and do you have proof of that insurance to submit with your application? (See "Insurance" section on Page 3 for details.)
- Has the Indemnification Agreement on Page 3 of this application been initialed by an authorized representative of the sponsoring organization?

After obtaining approval from the City, but prior to the event, please make sure you have done the following:

- Have you read the conditions of approval and is your event prepared to abide by all conditions?
- Have you arranged for "Special Event" City refuse service by calling (209) 357-6370?
- Have you made arrangements for supplying any necessary electricity to your event? (Plugging outlets into City light poles is NOT allowed unless prior approval is obtained. Please call Atwater Public Works at (209) 357-6370 for additional information.)
- If you are selling alcohol at your event, have you obtained an Alcoholic Beverage Control (ABC) license or permit for this event?

**DESCRIPTION OF EVENT:**

APPLICANT/EVENT SPONSOR Valley Christian Church  
 CONTACT PERSON Sharyn Mead PHONE 209-676-0861  
 TITLE Valley Christian Church Street Closure For Craft Fair  
 ADDRESS 1201 Cedar Ave Atwater  
 E-MAIL Sharyndawn5761@Aol.com

DESCRIPTION OF EVENT (include equipment, obstructions, etc., to be placed in the encroachment area)

Craft and Vendor Fair - Road Closure Request  
 on Cedar Ave From 3rd Street to VCC Property  
 Line



**DESCRIPTION OF EVENT (Continued):**

THIS EVENT WILL SELL OR SERVE ALCOHOL:

Yes \_\_\_\_\_ No X

ESTIMATED NUMBER OF PEOPLE IN ATTENDANCE:

approx 200

DATE(S) AND TIMES OF USE (include time for setup and takedown as well as event time): \_\_\_\_\_

Saturday April 29th 7AM-3pm

(PLEASE ATTACH A MAP AND TRAFFIC CONTROL PLAN TO IDENTIFY PARADE ROUTES, STREET CLOSURES, AND ANY OBSTRUCTIONS TO BE PLACED WITHIN THE RIGHT-OF-WAY)

**If this event requires closure of street, please see below.**

LIST ALL STREETS PROPOSED FOR CLOSURE:

Cedar Ave. From the corner of 3rd to VCC property line.

CHECK (✓) ONE BOX AND INITIAL:



City to place barricades. (By checking this box, you are acknowledging that you are responsible for actual costs associated with placing barricades if outside of normal Public Works Department operational hours.)

Please

EM (Applicant to initial)



Applicant to place barricades.

\_\_\_\_\_ (Applicant to initial)

**STANDARD CONDITIONS FOR STREET/PARKING LOT CLOSURES:**

1. Event Sponsor must remove all equipment, trash, and debris generated by the event prior to the expiration of the permit.
2. Supervision/security shall be provided by Event Sponsor to ensure the safety of event participants and the public if required by the Police Department.
3. Event Sponsor shall be responsible for insuring that all vendors involved with the event obtain a City of Atwater business license (if applicable).
4. The applicant shall arrange and pay for Special Event City refuse service by contacting Atwater Public Works at (209) 357-6370.
5. The applicant shall comply with the Indemnification and Insurance provisions as outlined on Page 3 of this application.
6. Event sponsor shall provide and maintain a minimum 22-foot-wide emergency vehicle access path into and through the closure area at all times via movable barriers. Fire hydrant access shall not be blocked at any time whatsoever.

(Additional conditions may be imposed as deemed necessary)

**INDEMNIFICATION AGREEMENT:** Event Sponsor shall indemnify, defend, and hold harmless the City, its officers, employees, agents, and volunteers ("City indemnitees") from and against any and all causes of action, claims, liabilities, obligations, judgments, or damages, including reasonable legal counsels' fees and costs of litigation ("claims"), arising out of the Event Sponsor's performance of its obligations under this agreement or out of the operations conducted by Event Sponsor, including the City's active or passive negligence EXCEPT for such loss or damage arising from the sole negligence or willful misconduct of the City. In the event the City indemnitees are made a part to any action, lawsuit, or other adversarial proceeding arising from Event Sponsor's performance of this agreement, the Event Sponsor shall provide a defense to the City indemnitees, or at the City's option, reimburse the City indemnitees their costs of defense, including reasonable legal counsels' fees, incurred in defense of such claims. Acceptance by City of insurance certificates and endorsements required for this event does not relieve Event Sponsor from liability under this indemnification and hold harmless clause. This indemnification and hold harmless clause shall apply to any damages or claims for damages whether or not such insurance policies shall have been determined to apply. SM (Applicant to initial)

**INSURANCE:** Event Sponsor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than two million dollars (\$2,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Event Sponsor's general liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed using Insurance Services Officer form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies.

The insurance policy is to contain, or be endorsed to contain, the following provisions:

Additional Insured Endorsement

The City of Atwater, its officers, officials, agents, employees, and volunteers are to be named as additional insureds on the General Liability policy via an Additional Insured Endorsement, with respect to liability arising out of the permitted event.

The Certificate of Liability must include the following language in the **Certificate Holder Box:**

City of Atwater, its officials, officers, agents, employees, and volunteers  
750 Bellevue Road  
Atwater, CA 95301

The Certificate of Liability must include the following language in the **Description Box:**

The City of Atwater, its officials, officers, agents, employees, and volunteers shall be named as an additional insured under the General Liability and Liquor Liability (if applicable) policies. All Liability policies are Primary and Non-Contributory. A 30-day notice of cancellation will be provided to the Certificate Holder.

Additional resources for obtaining one (1) day liability insurance for Special Events include, but are not limited to:

Penatta Poncy (Alliant) [rponcy@alliant.com](mailto:rponcy@alliant.com)

HUB International [www.hubinternational.com/programs-associations/event-insure](http://www.hubinternational.com/programs-associations/event-insure)

K&K Insurance [www.kandkinsurance.com](http://www.kandkinsurance.com)

Event Sponsor must submit insurance certificate and endorsements prior to event.

Please submit application and insurance certificate to:

City of Atwater  
Attn: Jeanna Del Real, Risk Manager  
Human Resources Department  
750 Bellevue Road  
Atwater, CA 95301

(209) 356-3177 (Fax)  
(Email)

**REFUSAL OR REVOCATION OF PERMIT:** Failure to comply with any law, rule, or regulation applicable to the use of said streets shall be grounds to revoke any such permit and, in such circumstances, the Chief of Police shall immediately revoke said permit. The Event Sponsor or permit holder, in such case, shall have the right to appeal said revocation to the City Council.

The undersigned declares under penalty of perjury that he/she has the authority to sign for and bind the Event Sponsor to the conditions imposed by the City upon the granting of this Application/Permit/Agreement.

Signature: 

Print Name: Sharyn Mead

Date: 4/4/23

**OFFICE USE**

APPLICATION/PERMIT/AGREEMENT APPROVED SUBJECT TO CONDITIONS

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Human Resources/Risk Management Department (357-6204)

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Police Department (357-6384)

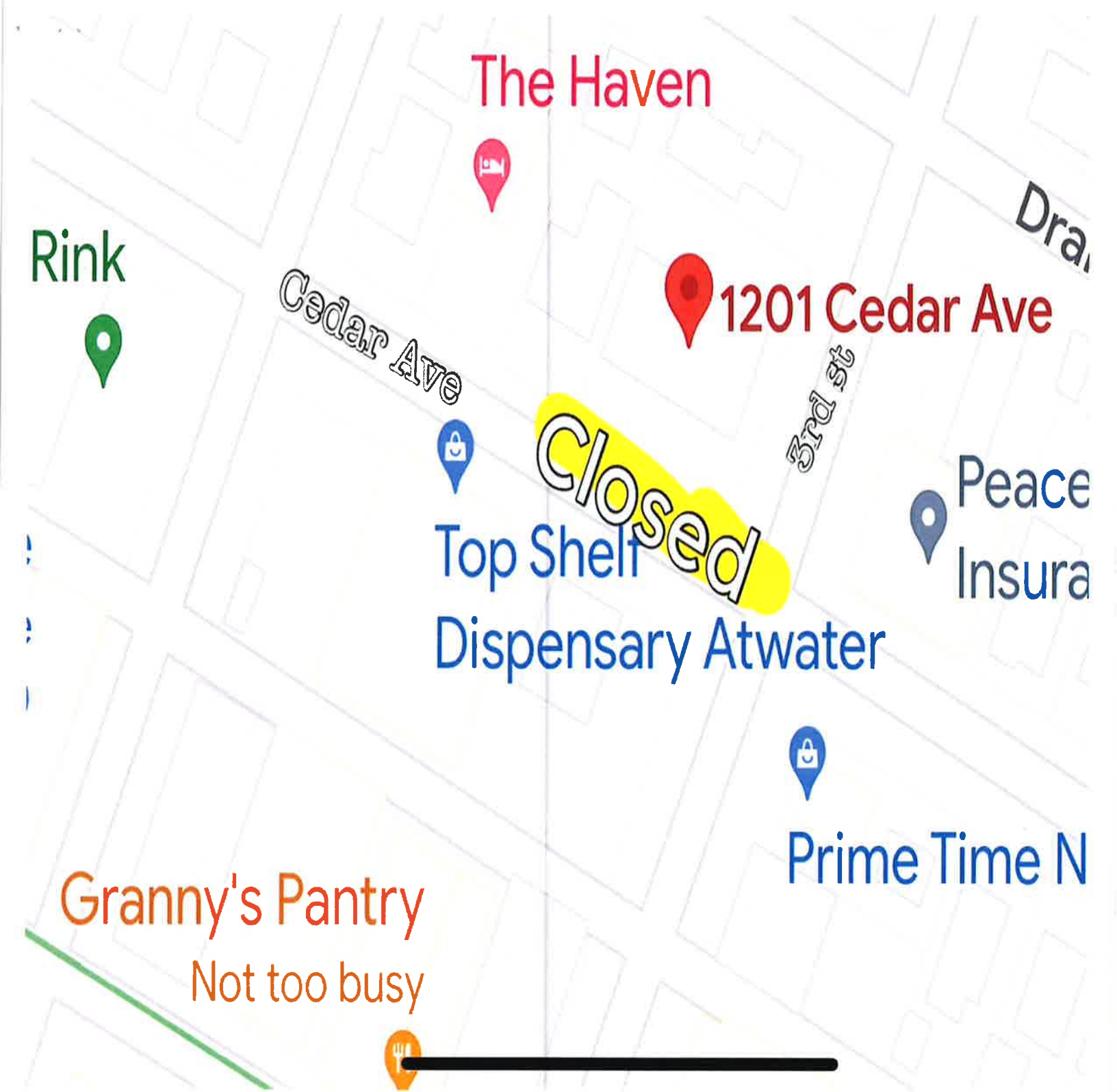
BY \_\_\_\_\_ DATE \_\_\_\_\_  
Fire Department (357-6341)

BY \_\_\_\_\_ DATE \_\_\_\_\_  
Public Works/Community Development Department (357-6370)

PLANNING COMMISSION APPROVAL DATE \_\_\_\_\_

CITY MANAGER APPROVAL DATE \_\_\_\_\_

Revised July 2020



The Haven

Rink

Cedar Ave

1201 Cedar Ave

Dra

3rd st

Closed

Top Shelf  
Dispensary Atwater

Peace  
Insura

Granny's Pantry  
Not too busy

Prime Time N

Temporary closure @ 1201 Cedar Ave from  
corner of 3rd to our property line, just in front of  
the church as to not bother our neighbors.  
Closure from 7am-3pm Saturday April 29th, 2023



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/13/2022

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b>		<b>CONTACT NAME:</b> Brandi Walker	
AGFinancial Insurance, LLC		<b>PHONE (A/C, No, Ext):</b> (866) 662-8210	<b>FAX (A/C, No):</b> (417) 447-7475
3900 S Overland Ave		<b>E-MAIL ADDRESS:</b> bwalker@agfinancial.org	
Springfield MO 65807		<b>INSURER(S) AFFORDING COVERAGE</b>	
		<b>INSURER A:</b> Philadelphia Indemnity Insurance Company	
		<b>INSURER B:</b>	
		<b>INSURER C:</b>	
		<b>INSURER D:</b>	
		<b>INSURER E:</b>	
		<b>INSURER F:</b>	
<b>INSURED</b>		<b>NAIC #</b>	
Valley Christian Center			
1201 Cedar Ave			
Atwater CA 95301			

**COVERAGES**      **CERTIFICATE NUMBER:** 090122-23/COI-GL      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b>	Y		PHPK2441482	09/01/2022	09/01/2023	EACH OCCURRENCE	\$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						MED EXP (Any one person)	\$ 5,000
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PERSONAL & ADV INJURY	\$ 1,000,000
	OTHER:						GENERAL AGGREGATE	\$ 2,000,000
	<b>AUTOMOBILE LIABILITY</b>						PRODUCTS - COMP/OP AGG	\$ 2,000,000
	<input type="checkbox"/> ANY AUTO							\$
	<input type="checkbox"/> OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident)	\$
	<input type="checkbox"/> HIRED AUTOS ONLY						BODILY INJURY (Per person)	\$
	<input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	\$
	<input type="checkbox"/> UMBRELLA LIAB							\$
	<input type="checkbox"/> EXCESS LIAB						EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR						AGGREGATE	\$
	<input type="checkbox"/> CLAIMS-MADE							\$
	DED <input type="checkbox"/> RETENTION \$							\$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>						PER STATUTE	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

The City of Atwater is shown as an additional insured per endorsement CG2026 solely with respect to general liability coverage as evidenced herein as required by written contact regarding the Named Insured's use of premises at 1201 Cedar Ave, Atwater, CA.

**CERTIFICATE HOLDER****CANCELLATION**

City of Atwater  
750 Bellevue Rd

Atwater

CA 95301

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt      Ronald Daugherty  
Harold Kadach        lleisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** April 19, 2023

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Community Development Director

**SUBJECT:** Consider adopting a resolution approving a tentative parcel map and site plan, located west of Hazel Ave, Atwater (APN: 003-160-026)

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public; and,
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, "Infill Development;" and, Adopt Resolution No. PC 0202-22 approving Tentative Parcel Map No. 22-09-0100 and Site Plan No. 22-09-0200, located west of Hazel Avenue, Atwater (APN: 003-160-026)

### **I. BACKGROUND:**

The subject property is located west of Hazel Avenue (refer to Figure 1), south of SP Avenue, and is approximately six acres. The property is vacant, has a land use designation of Business Park, and is zoned Business Park. The property located to the north has a land use designation of Downtown Residential Transition and a land use designation of Business Park to the east and west, and a land use designation of Institutional and Manufacturing to the south. The property to the north is zoned as Residential Transition, Heavy Industrial to the south and Business Park to the east and west.

**II. ANALYSIS:**

The applicant, Brad Kessler, is seeking approval to subdivide approximately six acres of vacant land into six (6) parcels ranging from 0.76 to 1.09 acres and to construct nine buildings (refer to Table 1). The maximum floor-to-area ratio permitted in the Business Park land use designation is .40. As indicated by Table 1, Parcel Four has the largest floor-to-area ratio, which is still under the .40 as required by the City of Atwater General Plan. Per 17.39.050 of the Atwater Municipal Code (AMC), the minimum lot size is 10,000 square feet. Parcel 4 is the smallest parcel and meets the AMC requirement of 10,000 square feet parcel minimum.

Table 1 Parcel and Structures

	Parcel 1		Parcel 2		Parcel 3		Parcel 4		Parcel 5		Parcel 6	
Acres	0.89		0.93		0.93		0.76		0.90		1.09	
Lot Coverage	25.54%		24.44%		24.44%		35.34%		25.51%		25.27%	
Buildings SF	5,000	4,900	5,000	4,900	5,000	4,900	11,700	Null	10,000	Null	12,000	Null

Zoning Consistency:

The project site is currently zoned as Business Park (B-P) and is consistent with the zoning ordinance. Pursuant to Chapter 17.39 of the AMC, the purpose of the B-P Zoning



Figure 1: Project site

District is to encourage and allow a mixture of commercial and industrial uses. To support a “Mixed Use District,” the allowable uses that are permitted and conditionally permitted are any uses described in the base zones of Office Commercial to Industrial Districts (C-O to M-2) as defined in AMC Section 17.39.020 and 17.39.030.

The project intends to subdivide and develop the property to create a future business park that can accommodate uses that range from commercial to industrial. As the blended business park would incorporate permitted uses through the range allowed by the B-P district, it would be consistent with the zoning ordinance. However, because the site plan does not specify the type of operation occurring in each facility, it has made providing a proper parking analysis challenging.

The versatility offered in a Business Park Zone can allow for retail or industrial-type uses. For commercial use, the parking requirement is one parking space per 250 square feet which would result in the need for 254 parking spaces. If operations are light manufacturing, then the minimum parking requirement would result in 159 parking spaces. Heavy manufacturing, which has similar requirements as commercial, would also require 254 parking spaces. Warehouse operations require one parking space per 800 square feet which would require 79 parking spaces.

The parking space requirements provided are with the assumption that all the facilities on the site plan (63,400 SF) would be the same operation, which is highly unlikely. However, without designations of what the operations are for each building, it is in the best interest of the City to assume retail would be the primary use, which would require 254 parking spaces. As a result, the current parking provided does not meet the minimum requirements. To ensure parking requirements are met, the applicant will be required to increase the parking by an additional 123 parking spaces and change the existing footprints of the buildings to the associated parcels as appropriate.

After review of the tentative map and site plan, the project is found to be consistent with the development requirements listed in Section 17.39.050 of the AMC including minimum lot size and setbacks.

**General Plan Consistency:**

The project is determined to be consistent with the General Plan’s Land Use Designation, goals, and policies. The site currently has a land use designation of Business Park (BP). This designation allows for “a cluster of buildings usually in a ‘campus’ style.” The proposed project includes a cluster of shell buildings to be used for commercial and industrial uses.

**Subdivision Map Act:**

Based upon the review of the project and the conditions set forth in the resolution, the project complies with all applicable provisions of the Subdivision Map Act (Section 66411



of the California Government Code), in addition to the Title 16 of the Atwater Municipal Code pertaining to subdivisions.

**Conclusion:**

The requirements and intent of the Atwater Municipal Code, the Atwater General Plan, and other provisions, and the intended use and overall project will not, under any circumstances of the particular case in this particular location, constitute a nuisance or be detrimental to the public welfare of the community. Any additional conditions stipulated, set forth in the draft resolution, by City Staff are deemed necessary in the public interest. Staff recommends Planning Commission approve the tentative parcel map and site plan.

**III. FISCAL IMPACTS:**

No negative fiscal impacts are anticipated with the approval of this project. This item has been reviewed by the Finance Department.

**IV. LEGAL REVIEW:**

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

**V. EXISTING POLICY:**

**VI. INTERDEPARTMENTAL COORDINATION:**

An interdepartmental routing sheet was sent to all required departments and affected agencies for review and their comments and conditions have been incorporated.

**VII. PUBLIC PARTICIPATION:**

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

**VIII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt under guideline section 15332, Class 32, "Infill Development." The Categorical Exemption Environmental Assessment is attached to this report.

**IX. STEPS FOLLOWING APPROVAL:**

Following adoption of Resolution No. PC 0202-22, the signed resolution will be forwarded to the application.

Prepared by: Samuel J. Rashe, Senior Planner

Submitted by: Greg Thompson, Community Development Director

Attachments:

1. Resolution No. PC 0202-22
2. Uniform Development Application
3. Operational Statement
4. Land Use Designation
5. Zoning
6. Tentative Parcel Map
7. Site Plan



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. PC 0202-22

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING A TENTATIVE PARCEL MAP AND A SITE PLAN LOCATED WEST OF HAZEL AVENUE (APN: 003-160-026)

**WHEREAS**, the Planning Commission of the City of Atwater reviewed Tentative Parcel Map No. 22-09-0100 and Site Plan No. 22-09-0200, as submitted by Brad Kessler, requesting to subdivide approximately a six-acre parcel into six (6) parcels and develop those parcels with shell buildings; and,

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on April 19, 2023; and,

**WHEREAS**, this project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, "Infill Development;" and,

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

**WHEREAS**, the site can accommodate the 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 Tentative Parcel Map No. 22-09-0100 and Site Plan No. 22-09-0200:

1. That this application proposes to subdivide approximately six acres into six parcels and develop each with a shell building.
2. That the site is located in a Business Park (B-P) Zone District and is consistent with the purpose and intent of said district.
3. That this site is designated by the Atwater General Plan as Business Park.
4. That the project is categorically exempt under CEQA guideline section 15332, Class 32, "Infill Development."

5. That the public hearing for this application has been adequately noticed and advertised.
6. That the project would not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve TPM No. 22-09-0100 and SP No. 22-09-0200 subject to the following conditions:

**BUILDING:**

1. Project shall meet all latest California Building Codes, California Mechanical Code, California Plumbing Code, California Electrical Code, California Energy Codes, State and Federal Accessibility requirements, along with the Atwater Municipal Code.
2. As per Atwater Municipal Code 8.40.010(D)(1), automatic fire suppression is needed with structures 5,000 square feet or more.
3. Fire Department Connections (FDC) shall be installed at each structure containing automatic fire suppression and also meet Fire Department Requirements.

**CODE ENFORCEMENT:**

4. Any landscaping (shrubs) be limited to growth that would not allow concealment for persons or encampments.
5. Developer, Property Owner, or Project Manager to provide and maintain temporary perimeter security fencing and a city approved KNOX box for the duration on the project to be installed no later than 60 days from the approval of C.U.P, Building, Demolition, or Construction Permit, whichever comes first. Security fencing not to encroach onto City of Atwater sidewalks or streets without obtaining an encroachment permit or written approval from the City.
6. All trash enclosures have features (top and front closures) to minimize accessing the contents.
7. All exterior electrical outlets have features to prevent unpermitted use.
8. All exterior water outlets (faucets) have safety features to prevent unpermitted use.
9. During all phases of construction, lighting be utilized in conjunction with the exterior fencing to minimize thefts and trespassing.
10. Exterior painting be kept onsite for all graffiti events.

**FIRE:**

11. Project shall meet the latest California Fire Code.

12.A Knox box shall be installed on the exterior main access gates to the property, as per CFC 506.1, placed 5-6 foot in height within 10 feet of the main entry on the address of the building and have keys with access to all common doors and gates.

13.If building/buildings are required to be sprinkler then Fire Department Connections shall be within 50' of a closest fire hydrant.

**FINANCE:**

14. When the buildings are ready to connect to City Water and Sewer, owner must submit a Start Service Application for Water, Sewer, and Garbage services.

**PUBLIC WORKS:**

15.There is no Tree Planting Easement, therefore all trees and shrub maintenance shall be the responsibility of the landowners.

**MERCED IRRIGATION DISTRICT:**

16.If storm water runoff is to be discharged from the site into any MID facility through a new or existing drainage system, the property owner will be required to enter into a Subdivision Drainage Agreement with MID, paying all applicable fees.

**ENGINEERING:**

17.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.

18.The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

19.The applicant shall comply with all regulations and code requirements of the Community Development Director, Public Works Director, City Engineer, Building Official, Fire Official, the Police Chief, and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final maps, site plans, public improvement plans, grading plans, and building plans.

20.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 project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received

before any changes are constituted in site design, grading, building design, building colors or materials, etc.

21. Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan 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, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
22. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site, either wind or water, during the construction and operation of the project covered by this approval.
23. If construction or operation of the activity is not begun within one year, or as allowed by State of California Subdivision Map Act, as amended, then this entitlement shall lapse, and the applicant shall reapply to the City of Atwater for a new project entitlement. The applicant may not begin construction or operation of the activity until a new entitlement is granted. Reapplications for entitlement shall state the reasons why the applicant will be able to begin the activity within a year from the granting of a new entitlement, if so granted. Reapplications for entitlement may include information submitted in the initial application by reference. The zoning will not expire; however, any associated applications (except lot line adjustments, boundary adjustments, vacation and abandonment applications) will expire, unless otherwise stated in the Conditions of Approval. The application(s) will expire in one year at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date.
24. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the applicant a copy of all applicable permits.
25. All new construction requires building permits in accordance with all applicable building and fire codes and submission of a plot and grading plan prepared by a registered professional civil engineer showing property lines, building locations, topography and such other data as required by the Community Development Department.
26. All geologic hazards must be plotted on a plot plan, and habitable structures shall comply with the restrictions specified in all applicable building and fire codes.
27. Drainage, Water Capacity, Sewer Capacity, and/or Traffic Studies must be submitted and approved, and all improvements must comply with the approved studies. Further, street and storm water management dedication and/or improvements may be required.
28. If the property is located in a flood zone, then a drainage study must be submitted to and approved by the Floodplain Administrator and City Engineer prior to any permits being issued.

29. Fire hydrants must be provided in compliance with Fire Department specifications. A 10-foot PUE is typically required and the fire hydrant may be located in that easement if it cannot be located within the right of way. Waivers of street improvements do not waive fire hydrant requirements.
30. All necessary utility easements shall be retained, reserved, or dedicated.
31. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
32. All activities undertaken in accordance with this approval shall comply with the City's General Plan and Municipal Code.
33. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit(s) and/or approval(s).
34. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineer's Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount allowed by law.
35. For projects located within the Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), 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 the MIDDID No. 1 and on the Merced County Tax Rolls.
36. With respect to any claim, action of proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying entitlements of any type, the Applicant, Owner, Developer, and any Successor-in-Interest agrees to indemnify, hold harmless and defend the City and its elected and appointed councils, boards, commissions, officers, agents, employees, volunteers, and representatives from any and all claims, costs, and liability for claims of damage, for any property damage or personal injury, including death, which may arise as a result of any negligent acts or omissions by Developer or Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, or operation, of the Project. Developer agrees to indemnify, hold harmless and defend the City and its officers, agents, employees, volunteers, and representatives from any and all actions for damages caused or alleged to have been caused by Developer's activities in connection with the Project. This Agreement applies to all damages and claims for damages suffered or alleged to have been suffered arising out of or in connection to any and all Project operations, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the Project.

37. In the event any legal action or special proceeding is commenced by any person or entity challenging any agreements between Developer and City, any entitlement or component of the Project such as the Project IS/MND, or any other City approval for the Project (collectively, "Project Litigation"), the Parties agree to cooperate with each other as set forth herein. City may elect to tender the defense of any lawsuit filed and related in whole or in part to Project Litigation. Upon the commencement of Project Litigation, Developer will indemnify and hold harmless the City from all costs and expenses incurred related thereto, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. Developer shall pay all litigation fees to the City within thirty (30) days of receiving a written request and accounting of such fees and expenses from the City. Notwithstanding the aforementioned, City may request a deposit to cover City's reasonably anticipated Project Litigation fees and costs, and Developer shall provide such deposit to City within seven (7) days of any such request.
38. It is required by State Law that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil, or Structural Engineer) to design all changes of use or occupancy as well as new construction.
39. 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.
40. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
41. The applicant shall negotiate school mitigation with the appropriate School District(s) before issuance of building permit. Applicant shall present evidence of School District compliance to the City of Atwater.
42. The project shall establish or annex into a Lighting and Drainage District, as determined by the City, for on-going maintenance of the public systems.
43. The project shall establish or annex into a Landscaping District, as determined by the City, for the on-going maintenance of open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
44. Where required, automatic fire sprinkler systems shall be designated and installed in compliance with CCR Title 24 and NFPA (National Fire Protection Association) standards. Where required, Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
45. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)
46. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.



47. Where applicable, NO PARKING – FIRE LANE signage and/or marking(s) shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.
48. 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.
49. The developer shall cause On-Site 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 improvements for the proposed development. All proposed phasing of the project shall be identified on the improvement plans. 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 On-Site Improvement Plans shall be shown on Sheet 1.
50. The developer shall cause Off-Site 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, drainage, surface improvements, utilities, street lighting, pavement markings, signage, and all other off-site improvements proposed to be offered for dedication to the City of Atwater. 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 Off-Site Improvement Plans shall be shown on Sheet 1.
51. The Developer shall cause Joint Trench Utility 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, drainage, surface improvements, utilities, street lighting, and off-site improvements for the proposed improvements to be offered for dedication to the City of Atwater. All proposed phasing of the project shall be identified on the improvement plans. 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 Joint Trench Utility Plans shall be shown on Sheet 1.
52. The developer shall provide joint trenching for telephone, gas, electric, cable TV and fiber optic service for every parcel.
53. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the

City Engineer for any variations from the City's Master Plans prior to any final map or improvement plans approval.

54. Off-site public improvements shall not be phased.
55. 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 any final inspection for issuance of any certificate of occupancy for any building or structure proposed as part of the project.
56. All proposed utilities shall be installed underground in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances. The developer is responsible for complying with the requirements of this condition and shall make the necessary arrangements with each of the serving utilities for the installation of such facilities.
57. Developer shall underground all existing on-site utilities and all off-site utilities along project frontages of Railroad Ave, Hazel Ave, Progress Ave, and High St, as specified in the Municipal Code or as deemed necessary by the City Engineer. The developer is responsible for complying with the requirements of this condition and shall make the necessary arrangements with each of the utilities for the placing underground of such facilities.
58. Developer may be required to relocate any utilities that conflict with grade or cannot be installed below grade within a travel lane.
59. Right of way or easement acquisitions necessary to implement any portion of this map and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
60. Environmental and engineering studies, as directed by the Public Works/Community Development Director, must be complete and on file prior to commencement of plan checking.
61. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
62. The Applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, with existing water, sewer and utilities software simulation program that will demonstrate any remedial action necessary to abate the deficiency and shall submit for plan check and take all necessary actions at the applicant's expense.

63. All site development shall comply with all applicable provisions of the City of Atwater Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements may be made as Conditions of Approval of that permit.
64. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
65. The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Atwater Municipal Code.
66. 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.
67. 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 fee schedule at the time of application.
68. Due to Low Impact Development (LID) requirements, on-site storage, retention/detention should be permitted where possible.
69. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
70. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications, all applicable federal, state, and local laws, ordinances, codes, regulations, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
71. Developer shall ensure finished pad elevations are at a minimum one foot above the 100-year (1% chance) base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Merced County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in a Zone "A" on the FEMA Flood Insurance Rate Maps for the City of Atwater. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
72. All on- and off-site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City

Council. Any such application must be presented to the City Council on or before the City records the first final map or approves the improvement plans. The City's method of reimbursement shall not be limited, and may be memorialized through a reimbursement agreement with the Developer.

73. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the Community Development Director and the City Engineer.
74. Sight distance requirements at all street intersections and driveways shall conform to City Standards and Caltrans Standards.
75. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Community Development Department to ensure that any damage to the existing roadway is repaired in a timely manner.
76. Portland cement concrete cross gutters or culverts shall be installed where water crosses the roadways. Cross gutters shall be used only where drain inlets cannot be constructed.
77. 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.
78. Hydrologic and hydraulic calculations for determining the storm system design, with hydraulic grade line, water surface profile, and adequate field survey cross section data, shall be provided satisfactory to the City Engineer. Project shall detain the full volume of the 100yr-24hr design storm event, based on precipitation estimate from NOAA Atlas 14, Volume 6, Version 2, with no allowance for infiltration. Provide calculations to demonstrate discharge of the design volume within 48 hours. A larger detention volume may be required if limitations on the discharge rate do not allow discharge of the design volume within 48 hours. Collection and conveyance facilities (inlets, gutters, pipes, etc.) shall be sized to convey peak flows from the 10-year storm event.
79. Developer shall meet all requirements of the City of Atwater Post-Construction Standards Plan, including incorporation of Site Design Measures, Source Control Measures, Low Impact Development (LID) Standards, Treatment Control Measures, and Hydromodification Measures, as applicable. Runoff from Drainage Management Areas must be directed to one or more facilities designed to infiltrate, evapotranspire, and/or bioretain the required amount of runoff. Facilities must be demonstrated to be at least as effective as a bioretention system as outlined in the Phase II Small MS4 General Permit at Section E.12.e(ii)(f) and shall be designed in compliance with CASQA requirements.
80. The developer shall process Post-Construction Stormwater BMP Operation and Maintenance Plans for review and approval to the satisfaction of the City Engineer.
81. 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.

82. 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.
83. Where required, 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. Backflow devices shall include unions on both riser pipes for easier maintenance. All backflow devices shall be shown on the Site Improvement Plans, including types, brand names, and model numbers.
84. Fire hydrants shall be installed along property frontages and on-site in accordance with the California Fire Code and City of Atwater Standards and Specifications. Fire hydrants shall be placed on-site in accordance with the California Fire Code and 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.
85. All water trenches or excavations shall be excavated, backfilled and compacted in accordance with applicable City Standards.
86. Prior to occupancy, the developer shall supply the City with both hardcopy and electronic (Adobe PDF and AutoCAD file formats) showing plans that reflect the project as it was built (As-Builts or Record Drawings) to the satisfaction of the City Engineer. As-built hardcopy plans shall be 4-mil minimum matte Mylar film.
87. The installation of all gas, electric, telecommunications, sewer, and water lines and any other below-surface utilities is to take place before the installation of any concrete curbs, gutter, sidewalks, and the surfacing of streets.
88. Prior to the review of improvement plans or a final map, the applicant shall submit a geotechnical report to the City Engineer for review and approval. The report shall include the information and be in the form as required by the City Engineer and all applicable codes. In no case shall any permit be issued for development prior to the Applicant submitting a geotechnical report to the City Engineer for review and approval.
89. 6-inch (6") high Portland Cement Concrete curbing shall be provided between all paved areas and landscaped areas. In addition, curbing between the length of any parking space and a landscaped area shall include an additional 12" wide "courtesy curb." Curb cuts shall be allowed for LID drainage designs.

90. During construction, water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities.
91. Any water wells found during construction shall be destroyed in accordance with approved City Standards and requirements.
92. Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
93. 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.
94. Developer shall properly abandon or relocate all utilities as necessary or required.
95. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
96. Developer shall comply with the requirements of all public utility companies.
97. Developer shall construct sidewalks along all street frontages.
98. Each parcel shall be served by an individual sanitary sewer lateral.
99. 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. Applicant is responsible for street name signs in accordance with City of Atwater Standards.
100. In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer and water facilities, 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 generally accepted 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.
101. The developer shall irrevocably offer for dedication all required public rights-of-way and shall record grant deeds for all required utility easements prior to City's approval of any on-site or off-site improvement plans.
102. The developer shall construct the public improvements shown on the improvement plans as approved by the City Engineer prior to City's acceptance of any dedication of public rights-of-way.
103. The subdivider shall construct, to the satisfaction of the City Engineer and Public Works/Community Development Director, a public street lighting system that complies with the following conditions:
  - a. All fixtures shall use an LED light source, Cree XSP Series as approved by the City Engineer.
  - b. All light standards, heads, and spacing shall be per City Standards or as approved by the City Engineer.

- c. Proposed lights of an ornamental nature shall not exceed 16 feet in height designed to the satisfaction of the Community Development Director and shall be spaced and located to the satisfaction of the City Engineer.
  - d. Deposit with the City of Atwater, through the Department of Public Works, a cash deposit sufficient to:
    - i. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the subdivision/project for those purposes.
    - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, or on acceptance of the improvements, the subdivision/project shall be transferred without notice or hearing, to a City-designated lighting district to operate and maintain the system.
104. Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City Engineer, the applicant shall record a letter of consent from the affected property owners permitting off-site grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the City of Atwater before recordation of the letter.
105. Upon notification by the City of Atwater that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the document by city personnel to the Merced County Recorder's Office.
106. Applicant shall record common ingress/egress, parking, and utility easements for all parcels to allow for compliance with off-street parking and utility requirements.
107. Covenants, Conditions and Restrictions (CC&R's) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping, drainage, and irrigation as determined necessary by the City Engineer. The CC&R's will provide for a manager to be responsible for maintenance and repair, with each lot owner responsible for its pro rata share of the maintenance costs. The manager may be an owner, a third-party manager designated by the owners, or a special purpose entity such as an owners' association. The CC&R's shall be subject to the review and approval of the City Engineer, City Attorney, and Community Development Director prior to recordation.
108. 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.
109. The subdivider shall accomplish the following prior to approval of final map:
- a. Provide the City Engineer and Public Works Department with letters or forms approved by the Community Development Director and City Engineer stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the

project (including, but not necessarily limited to, water, sewer, electric, natural gas, and telecommunications services).

- b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a “subordination certificate” or “joint- use certificate” on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.
  - c. Grant to the appropriate agency, by recorded document, all required off-site easements and all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
  - d. Provide the Department of Public Works and City Engineer with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation.
  - e. If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff to begin eminent domain proceedings for acquisition of said property rights in accordance with all applicable City policies. The developer shall agree to pay City the full costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.
  - f. Record Covenants, Conditions and Restrictions (CC&R's) or other approved management agreement for any common infrastructure.
  - g. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City.
  - h. Pay all applicable development fees and all proportional share costs for identified infrastructure improvements to be constructed by City or others.
  - i. Establish or annex into a Lighting and Drainage District.
  - j. Establish or annex into a Landscaping District.
110. Developer shall dedicate, widen and improve Railroad Avenue, Hazel Avenue, Progress Avenue, and High Street to its ultimate full-width on the project frontage and provide at least a 12-foot-wide paved travel lane and graded shoulder beyond the centerline of Hazel Avenue.
111. Developer shall overlay or reconstruct any frontage pavements to remain, to the centerline. The project geotechnical report shall provide core sampling and recommendations for repair and/or reconstruction for any roadway frontage pavements to be repaired or reconstructed.



112. Except 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 City Engineering Division's Standard Plans and Specifications. Any adopted precise section not referenced in the General Plan shall be constructed as directed by the City Engineer.
113. Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Engineering Division and Public Works Department. 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. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
114. Street trees shall be planted and thereafter maintained as required to the satisfaction of the Public Works Director. Trees shall be selected from the Street Tree List within the adopted 2017 Urban Forest Master Plan. Root barriers shall be incorporated into the plans and constructed as to protect curbs, gutters, and sidewalks to the satisfaction of the City Engineer.
115. Trees shall be installed and thereafter maintained throughout all parking areas at a minimum ratio of one (1) tree for each six (6) parking spaces. The maximum spacing between trees shall not exceed sixty-five (65) feet. Placement of trees shall be coordinated with lighting.
116. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
117. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
118. All landscape areas shall be maintained in a healthy, thriving and weed free condition.
119. The site shall be maintained in a neat and clean manner free of trash and debris.
120. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) and California Building Code (CBC) accessibility regulations.
121. Developer shall comply with all applicable mandatory non-residential requirements of the current California Green Building Standards Code (CalGreen), including but not limited to grading and drainage, designated

parking, short-term and long-term bicycle facilities, and provision of electric vehicle charging spaces (EVCS) and electric vehicle supply equipment (EVSE).

122. Trash and recycling enclosure(s) shall be constructed for each parcel unless otherwise approved. All trash and recycling enclosures shall be constructed per City Standards of masonry material with solid, self-enclosing doors and a second access, and shall drain to a landscape area. Where enclosures are allowed to drain to sanitary sewer, each shall be provided with a hose bib within the enclosure for washdown and with an automatic trap primer on each drain. Refuse containers must have integral lids/covers, or the enclosure shall be constructed with a sloped roof. Enclosures must be sized for at least one refuse bin and one recycling bin. Door hardware must meet accessible design criteria where required. The enclosure shall have materials and colors consistent with the primary building. If commercial or industrial trash compactors are to be utilized, then the location(s) and screening for all equipment and bins must be shown on the Site Plan and approved by the City Engineer, Community Development Director, and Public Works Director.

**PLANNING:**

123. 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 Community Development Director.

124. If any construction is to occur associated within the project boundary 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.

125. 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 10 and part 12 of the 2019 edition of the California Code of Regulations Title 24.

126. Applicant shall comply with all conditions of the Merced County Division of Environmental Health, including the handling of all potentially hazardous material.

127. All signs related to this project shall be submitted to the Planning Department for review and approval. Applicant shall obtain all necessary permits from the Planning Department and Building Department.

128. Applicant shall equip the building with a fire extinguisher. Said fire extinguisher shall have current State Fire Marshall service tags.
129. To ensure parking space requirements are met, the applicant will be required to increase the parking by an additional 123 parking spaces and change the existing footprints of the buildings to the associated parcels as appropriate.
130. Applicant shall comply with all of the conditions of approval prior to issuance of Certificate of Occupancies.
131. The Final Map shall be in 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.
132. All public utility easements required by utility companies shall be dedicated by the final map.
133. The parcel map shall not be recorded until authorization is given by the City Council for the City Clerk to sign the parcel map.
134. The Planning Commission shall retain the right to reconsider Tentative Parcel Map No. 22-09-0100 and Site Plan No. 22-09-0200 at any time.
135. Tentative Parcel Map No. 22-09-0100 shall expire in two years from the day of approval if the final map has not been recorded.
136. Site Plan No. 22-09-0200 shall expire in six (6) months from the day of approval if the operation has not started or an application for a building permit has not been submitted.
137. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission 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.
138. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. 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 19 day of April, 2023.

**AYES:  
NOES:  
ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**RONALD DAUGHERTY,  
CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**GREG THOMPSON,  
COMMUNITY DEVELOPMENT DIRECTOR**



**City of Atwater**  
**Uniform Development Application**  
750 Bellevue road

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

**APPLICATION FORM**

**Please indicate the types of application requested**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Administrative Application   | <input type="checkbox"/> Conditional Use Permit | <input checked="" type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Amend Planned Development    | <input type="checkbox"/> Development Agreement  | <input type="checkbox"/> Time Extension           |
| <input type="checkbox"/> Amend Conditional Use Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Variance                 |
| <input type="checkbox"/> Application for Appeal       | <input type="checkbox"/> Lot Line Adjustment    | <input type="checkbox"/> Zone Change              |
| <input type="checkbox"/> Architectural Review         | <input type="checkbox"/> Lot Merger             | <input type="checkbox"/> Zoning Text Amendment    |
| <input type="checkbox"/> Certificate of Compliance    | <input checked="" type="checkbox"/> Site Plan   | <input type="checkbox"/> Other                    |

Describe Proposed Project:

Development of 5.7 acres of vacant land currently zoned B-P (business Park) . Parcel map proposes 6 parcels ranging in size from 0.89 to 1.09 acres. Each parcel proposed a single metal shell building (4,000 sf. to 12,000sf) paved drive aisle and parking, concrete sidewalks, (fencing, landscaping, and trash enclosures development of offsite improvement of High St. Progress Ave. Hazel Ave. and Railroad Ave. are proposed as shown on the site plan.

APPLICANT: AG-K Properties, LLC. PHONE NO: 209.631.4247

ADDRESS OF APPLICANT: 221 Business Parkway, Atwater, CA EMAIL: bkweld01@icloud.com

PROPERTY OWNER: AG-K Properties, LLC Brad Kessler PHONE NO:

ADDRESS OF PROPERTY OWNER: 221Business Park Way, Atwater, CA

ASSESSOR'S PARCEL NUMBER: 003-160-026-000

Address/General Location of Property: APN 003-160-026-000

EXISTING ZONING OF PROPERTY: Business Park (B-P)

GENERAL PLAN DESIGNATION OF PROPERTY: Business Park

**Indemnity Statement**

To the fullest extent permitted by law, Developer, and Developer's successor in interest, shall defend, indemnify, and hold harmless City, and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, the Development Agreement, the Conditional Use Permit, or Subsequent City Approvals. Failure by Developer to indemnify City, when required by

this condition of approval, the Development Agreement, and the Indemnification Agreement, shall constitute a material breach of the Development Agreement, the Conditional Use Permit, and Subsequent City Approvals, which shall entitle City to all remedies available under law, including, but not limited to, specific performance and damages. Failure to indemnify shall constitute grounds upon which City may rescind its approval of any applicable Conditional Use Permit. Developer's failure to indemnify City shall be a waiver by Developer of any right to proceed with the project, or any portion thereof, and a waiver of Developer's right to file a claim, action, or proceeding against City, or City's Agents, based on City's rescission or revocation of any Conditional Use Permit, Subsequent City Approvals, or City's failure to defend any claim, action, or proceeding based on Developer's failure to indemnify City. This condition may be placed on any plans or other documents pertaining to this application.

I have read, agree and accept the City Indemnity agreement

Signed:  12-15-2022

Applicant                      Date:

There are no deed restrictions on this land that would prohibit this type of use or development. I (we) AG-K PROPERTIES, LLC depose and say that I am the property owner involved in this application and the forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed:  12-15-2022

PROPERTY OWNER      DATE:

12-15-2022

PROPERTY OWNER      DATE:



# City of Atwater

## HAZARDOUS WASTE AND SUBSTANCE STATEMENT

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

This is to determine if the proposed project or any alternatives to the proposed project in this application are on the lists compiled to Section 65962.5 of the Government Code. The applicant is required to submit a signed statement, which contains the following information:

NAME OF OWNER: AG-K Properties, LLC.

ADDRESS: 221 Business Park Way, Atwater, CA

NAME OF APPLICANT: AG-K Properties, LLC. - ATT. Brad Kessler

ADDRESS: 221 Business Park Way, Atwater, CA

ADDRESS OF SITE: APN 003-160-026-000

APN: 003-160-026-000

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: \_\_\_\_\_

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: \_\_\_\_\_

APPLICANT SIGNATURE: 

Date 12-15-2022

## City of Atwater Processing Agreement

This is an agreement for payment of costs for the city of Atwater application processing

### To be completed by applicant:

This agreement is by and between the City of Atwater, California, hereafter "City," and AG-K Properties, LLC hereinafter "applicant". This is a legally binding agreement. You should ensure to read all provisions of this agreement.

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$ 1,000.00 at the time this agreement is signed, and subsequent deposits within 30 days of the date requested by the City in writing. The city will not pay interest on deposits. Applicant agrees that it knowingly and voluntarily waives, extends and continues each of the time limits imposed by California Government Code Section 65943 for the determination of a development application's completeness and the time limits imposed by California Government Code Sections 65950, 65950.1, 65951, and 65952 for the approval or disapproval of development permits for as many days as the applicant delays making a subsequent deposit from the date of written notice requesting such additional deposit until the deposit is received by City, not to exceed 90 days. Failure to make any subsequent deposits may result in denial of an application for development project or in the decision by the City to postpone action on the application.
3. If Applicant does not deposit such requested deposits or make payments on outstanding invoices within thirty (30) days after the date of the deposit request or invoice, City staff may cease work on the project until the required deposit or payment is made, subject to any other provisions of law.
4. Deposits shall be applied toward the City's costs in reviewing and processing the application. City will send monthly statements indicating the charges against the initial deposit and any subsequent deposits. The City may elect to send statements less frequently than monthly, if there is only limited monthly activity on the project.



5. In the event that the accumulated periodic charges exceed the initial deposit and any subsequent deposits previously received by City, City will invoice Applicant for the amount outstanding and may require an additional deposit. Applicant will pay any and all amounts exceeding the initial and subsequent deposits within thirty (30) days of the date of the invoice and shall make any additional deposit required by the City.
6. City statements and invoices shall provide summary information indicating the cost for employees and independent contractors, including direct and indirect charges. Original invoices from independent contractors (except attorney/client invoices) shall be available upon request by Applicant, at Applicants additional cost.
7. Applicant shall pay interest on all costs unpaid 30 days after the date of any invoice at the maximum legal rate, and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts.
8. Applicant and owner of property, if not the same, agree to and authorize City to place lien on the property subject to this application for any and all delinquent fees, Th City shall remove such a lien once the Applicant has paid all delinquent fees. For purposes of this section, an invoice amount shall become delinquent when unpaid for 30 days after the date of the invoice.
9. Any refund of amounts deposited shall be made in the name of the Applicant, to the address noted above in Section 2. Invoices are due and payable within 30 days.
10. Applicant further agrees that no building permits, Certificate of Occupancy and/or subdivision Acceptance for the project will be issued until all costs for review and processing are paid.
11. Applicant shall provide written notice to the City if any of the above information changes.
12. This Agreement shall only be executed by an authorized representative of the Applicant. The person executing this Agreement represents that he/she has the express authority to enter into agreements on behalf of the Applicant.
13. This Agreement is not assignable without written consent by the City of Atwater. The City of Atwater will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.

Applicant: AG-K Properties, LLC Date: 12/15/2022

Print Name and Title: AG-K Properties, LLC att. Brad Kessler

Owner: AG-K Properties, LLC Date: 12/15/2022

Print Name and Title: AG-K Properties, LLC

City of Atwater

By: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name and Title: \_\_\_\_\_



**COMMUNITY DEVELOPMENT  
EXISTING SITE CONDITIONS**

750 Bellevue road

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

Application: AG-K Properties, LLC

APN: 003-160-025-000

As Property Owner, I hereby acknowledge grading, land clearing, construction or any action that would alter the existing condition of the project site until approval of the final application is granted by the City of Atwater. I understand that alteration of the project site prior to approval will impact the City of Atwater's ability to review the project and could result in higher prices and require additional mitigation measures/conditions of approval to be applied or result in the denial of the application.

My agent/applicant has been instructed the importance of maintaining the current condition of the project site. The exception to the above-mentioned statement is an approval by the Planning department upon a written request.

A handwritten signature in blue ink, appearing to be "M. K.", is written over a horizontal line.

Signed

12-15-2022

Date

CITY OF ATWATER COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
ENVIRONMENTAL INFORMATION FORM

(This form to be completed by Applicant and returned with all Land Use Applications. Please note that additional environmental information may be requested as necessary. Use additional sheets as necessary.)

**GENERAL PROJECT INFORMATION** (Please type or print legibly in ink)

1. Name, Address, telephone number, and email address of land owner/applicant:

AG-K PROPERTIES, LLC 221 BUSINESS PARKWAY, ATWATER, CA 95301  
209.631.4247 bkweld01@icloud.com

2. Name, Address, telephone number, and email address of applicant if other than land owner:

AG-K PROPERTIES, LLC 221 BUSINESS PARKWAY, ATWATER, CA 95301  
209.631.4247 bkweld01@icloud.com

3. Address/General location and APN of the project:

APN 003-160-026-000

4. Existing zoning: BUSINESS PARKWAY (B-P)

5. Land use designation within the current General Plan: BUSINESS PARKWAY

6. Proposed change in use and project for the proposed application (Please provide an Operational Statement for the proposed project and/or business activity):

DEVELOPMENT OF 5.7 AC OF VACANT LAND. 6 PARCELS RANGING IN SIZE OF 0.89 AC. TO 1.09 AC. PROPOSED (1) TO (2) SHELL METAL BUILDINGS FROM 4,900 SF TO 12,000 SF. PAVED DRIVE AISLE AND PARKING, CONCRETE SIDEWALK, AND LANDSCAPING. (1) TRASH ENCLOSURES AT EACH PARCEL. DEVELOPMENT OF OFF-SITE IMPROVEMENT OF HIGH ST. PROGRESS AVE. HAZEL AVE. AND RAILROAD AVE. ARE PROPOSED AS SHOWN ON THE SITE PLAN.

7. Indicate the type of Permit(s) Application(s) to which this form pertains:

SITE PLAN APPROVAL, PARCEL MAP APPROVAL, CITY OF ATWATER BUILDING PERMIT, CITY OF ATWATER ENCROACHMENT PERMIT

8. List any other agencies and related permits or approvals that will be required for the project: TBD

9. List all adjacent uses to the project/property location:

North: DEVELOPMENT INDUSTRIAL

South: PROGRESS AVE.. STATE ROUTE 99

East: HAZEL AVE, UNDEVELOPED BUSINESS PARK (VACANT)

West: HIGH STREET, DEVELOPED INDUSTRIAL AND UNDEVELOPED BUSINESS PARK

**PROJECT DESCRIPTION** (Attached additional Sheets as Necessary)

10. Project Area: 5.70 AC (EXISTING) Parcel Size: 5.70 AC (EXISTING)

11. Proposed Structures: (New and Existing)

PROPOSED NEW (9) SHELL METAL BUILDINGS FROM 4,900 SF TO 12,000 SF. WITH A TOTAL SQUARE FOOTAGE OF 53,500 SF :  
PARCEL #1 (2) BUILDINGS : BUILDING #1 5000 SF, BUILDING #2 4900 SF  
PARCEL #2 (2) BUILDINGS : BUILDING #3 5000 SF, BUILDING #4 4,900 SF.  
PARCEL #3 (2) BUILDINGS : BUILDING #5 5000 SF, BUILDING #6 4,900 SF.  
PARCEL #4 (1) BUILDING : BUILDING #7 11700 SF.  
PARCEL #5 (1) BUILDING : BUILDING #8 10000 SF.  
PARCEL #6 (1) BUILDING : BUILDING #9 12000 SF

12. Percentage of lot coverage (before and after any construction generated from the project): PRE-PROJECT = 0% POST-PROJECT = 26.5%

13. Number of required off-street parking spaces (including Accessible):

131 PARKING STALLS INCLUDING ACCESSIBLE AND EV .

14. School district(s) that serve the project area:

ATWATER ELEM. SCHOOL DIST. AND MERCED UNION HS DIST.

15. Describe the landscaping improvements for the proposed project (please include all compliance with State mandated water conservation requirements):

LANDSCAPING WILL INCLUDES GROUND COVER SUCH AS BARK AND ROCK, SHRUBS AND TREES.  
LANDSCAPING WILL MEET THE REQUIREMENTS OF CALGREEN, MWEL0, AND THE CITY OF ATWATER MUNICIPAL CODE.

16. If the proposed project is to be a phased development, please described incremental phasing and implementation of improvements. (Use additional sheets if necessary):

NO PHASING IS PROPOSING AT THIS TIME.

17. If the proposed project will represent a change to any resource of cultural significance as defined in Public Resources Code section 21074 (Tribal Cultural Resource) Please provide a copy of your consultation letter and the name and address of the consulting authority:

NO CHANGE

18. List any and all hazardous or toxic materials, chemicals, pesticides, flammable liquids, or other similar products used as a part of the day to day operations of the project and all storage methods. (Please note that the use and storage of certain materials will require filing of a Hazardous Materials Business Plan and Spill Prevention Containment and Countermeasure Plan as may be determined. Applicants are encouraged to consult with the Merced County Environmental Health Division and local Fire Department as Administers of said plans.):

NO HAZARDOUS OR TOXIC MATERIALS ARE ANTICIPATED AT THIS TIME.

19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.  
Water: 2,500 domest. /12,000 landscape Gallons per day; Sewage: 1550 Gallons per day; Storm water: TBD
20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.):  
WATER FROM CITY OF ATWATER PUBLIC WATER SYSTEM. IS NOT NECESSARY ON-SITE WATER TREATMENT
21. Provide a description of the proposed sanitary sewer system(s) including any on-site treatment necessary for the proposed project. (Include any capture and waste water treatment needs in the Operational Statement for the Project.):  
SEWER CONNECTED TO CITY OF ATWATER PUBLIC SEWER SYSTEM.
22. Provide a "Can-and-will" serve letter for the project for any/all outside agencies or service districts that are anticipated to serve the project including any discharge agreement that may be necessary from the offices of The Merced Irrigation District. (Attach as necessary) DEFERRED LETTER AFTER, SITE PLAN APPROVE
23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division. DEFERRED LETTER AFTER SITE PLAN APPROVE
24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:  
Garbage Bins (1-8 cubic yard bins).  
We proposed (9) Trash enclosure, approximately ( 8 cy bins  
X 9 trash enclosure ) 72 cy weekly
25. Describe any earthwork (grading) that will be necessary for the project including all work associated with access roads or improvements located on adjacent lands or City owned/managed improvements. (please also list dust control methods and any compliance or permits necessary for the local Air Pollution Control District.):  
SITE IS FLAT AND GENERALLY AT THE SAME GRADE AS ADJACENT PROPERTIES AND RIGHT OF WAYS. THE PROJECT WILL BE DESIGNED TO ACHIEVE A BALANCED GRADING.
26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:  
HAZEL AVE., PROGRESS AVE., HIGH STREET, AND RAILROAD AVE.  
Average Daily Trips:  
AVERAGE PER CITY OF ATWATER TRAFFIC LOCATIONS (see attached document average are from close street):  
STREET CLOSE TO HAZEL AVE. & PROGRESS AVE. = +/- 180

**PROJECT DESCRIPTION CONT.**

Please indicate below the response that most applies to the described project. Should the answer indicated differ from the information provided in the General Project Information shown above or from information already obtained from the offices of the City of Atwater, the applicant(s) will be required to provide evidence or documentation to support the answers shown. (Please attach additional sheets as may be necessary)

	Yes	Maybe	No
27. Change to existing features of any vegetation, lakes, streams, rivers, hills, or substantial alteration of ground contours.	_____	_____	<u>X</u>
28. Any change in quantity, direction of flow of groundwater.	_____	_____	<u>X</u>
29. Change in quality or alteration of drainage patterns to any lake, stream, Natural or man-made water body.	_____	_____	<u>X</u>
30. Change in absorption rates, drainage patterns, or the rate or amount of surface runoff.	<u>X</u>	_____	_____
31. Discharge into any surface water, or any alteration of surface water quality, i.e., temperature, dissolved oxygen, turbidity, etc.	_____	_____	<u>X</u>
32. Change in amount of surface water in any water body.	_____	_____	<u>X</u>
33. Change in scenic views of vistas from existing residential areas, public lands or roads.	_____	_____	<u>X</u>
34. Change in pattern, scale or character of the general area of the project.	<u>X</u>	_____	_____
35. Will the project affect existing housing or create a demand for additional housing.	_____	_____	<u>X</u>
36. Will the project result in a substantial alteration of the present or planned land use of the area.	_____	_____	<u>X</u>
37. Will significant amounts of solid waste (garbage, spoils, manure) or litter be generated as a result of the project.	_____	_____	<u>X</u>

**PROJECT DESCRIPTION CONT.**

	Yes	Maybe	No
38. Will substantial air emissions or deterioration of ambient air quality be a result of the project.	_____	_____	<u>  X  </u>
39. Will there be a change in dust, ash, smoke, fumes, or odors in the vicinity.	_____	_____	<u>  X  </u>
40. Creation of objectionable odors.	_____	_____	<u>  X  </u>
41. Change in existing noise or vibration levels in the vicinity, or exposure of people to major noise sources.	_____	<u>  X  </u>	_____
42. Will the project produce new light or glare.	_____	<u>  X  </u>	_____
43. Site on filled land or on a slope of 10 percent or more.	_____	_____	<u>  X  </u>
44. Substantial disruptions, displacements, compaction or over covering of soil.	<u>  X  </u>	_____	_____
45. Any uses of disposable or potential hazardous materials, toxic substances, flammables or explosives.	_____	_____	<u>  X  </u>
46. Substantial change in demand for municipal services such as police, fire, water, waste water treatment, City maintenance, etc.	_____	_____	<u>  X  </u>
47. Substantial increase in demand on fossil fuel consumption.	_____	_____	<u>  X  </u>
48. Relationship to larger project(s) or planning areas.	_____	_____	<u>  X  </u>
49. Impacts to plant or animal species or any species as may be State or Federally listed as a sensitive or endangered species.	_____	_____	<u>  X  </u>
50. Impacts to areas designated for use by agriculture.	_____	_____	<u>  X  </u>

**PROJECT DESCRIPTION CONT.**

**GENERAL ENVIRONMENTAL SETTING:** Please provide a brief description of any special environmental conditions present on the project site and include photographs depicting the site and the surrounding area:

PROPERTY IS CURRENTLY VACANT LAND WITH WEEDS AND EXPOSED SOILS. THE PROPERTY IS MOWED 2-3 TIMES PER YEAR TO CLEAR HIGH WEEDS AND BRUSH FOR FIRE PREVENTION. THE PROPERTY IS LEVEL AND AT THE SAME GRADE AS ADJACENT PROPERTIES AND RIGHT OF WAYS. PLEASE SEE PICTURES ATTACHED.

**CERTIFICATION**

I hereby certify that I/We are the legal owners of the property and project shown and described herein and that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.



Dated: 01/04/2023

(Original signature required)

**LIST OF ATTACHMENTS**

1. ( \_\_\_\_\_ )
2. ( \_\_\_\_\_ )
3. ( \_\_\_\_\_ )
4. ( \_\_\_\_\_ )
5. ( \_\_\_\_\_ )
6. ( \_\_\_\_\_ )
7. ( \_\_\_\_\_ )
8. ( \_\_\_\_\_ )
9. ( \_\_\_\_\_ )
10. ( \_\_\_\_\_ )





**PLANNING AND COMMUNITY  
DEVELOPMENT DEPARTMENT**

**Mark J. Hendrickson**  
*Director*  
2222 "M" Street  
Merced, CA 95340  
(209) 385-7654  
(209) 726-1710 Fax  
www.co.merced.ca.us  
Equal Opportunity Employer

**ENVIRONMENTAL EVALUATION STANDARDS**  
**LAND USE GENERATION FACTORS**

**WEEKDAY SELECTED TRIP END GENERATION RATES**  
**ASSUMING 100% OCCUPANCY**  
**(FROM TRIP GENERATION MANUAL, 5<sup>TH</sup> EDITION)**

Single Family	9.5 trips / DU
Patio Homes / Duplexes	9.5 trips / DU
Townhouses	5.9 trips / DU
Condominiums	5.9 trips / DU
Apartments	6.5 trips / DU
Mobile Homes	4.8 trips / DU
Retirement Communities	3.3 trips / DU
Motel	10.2 trips / room
Fast Food Restaurant	632 / trips / 1000 sq. ft. building area with drive thru
Specialty Retail Center	40.7 trips / 1000 sq. ft. building area
Sit-down Restaurant	205 trips / 1000 sq. ft. building area
Single Tenant Office Building	11.5 trips / 1000 sq. ft. building area
Elementary School	1.1 trips per student
High School	1.4 trips per student
Churches	9.3 trips / 1000 sq. ft. building area
Light Industry	7 trips / 1000 sq. ft. building area
Mini Warehouse	2.6 trips / 1000 sq. ft. building area

**ESTIMATED WATER CONSUMPTION RATES – (GALLONS / DAY)**  
**(FROM CITY OF MERCED AND VARIOUS WATER DISTRICTS WITHIN MERCED COUNTY)**

Single – Family Residential	606 / DU / metered or 1000 / DU / not metered or 190 / resident (includes landscaping)
-----------------------------	--

**STRIVING FOR EXCELLENCE**

Multi – Family Residential	240 / DU or 125 / resident
Offices	120 gallons / day / 1000 sq. ft. floor area
Retail Commercial	120 gallons / day / 1000 sq. ft. floor area or 2000 gallons / acre / day
Other Land Uses	Estimate amount

**ESTIMATED SEWAGE GENERATION RATES – (GALLONS / DAY)**  
**(FROM CITY OF MERCED)**

Single - Family Residential	354 gallons / DU or 111 gallons / day / resident
Multi - Family Residential	213 gallons / DU or 111 gallons / day / resident
Commercial	108 gallons / day / 1000 sq. ft. floor area
Office	108 gallons / day / 1000 sq. ft. floor area
Industrial	Variable - Please describe the sewage requirements for any industrial uses in your project. (General projection = 2500 gallons / day / acre.

**ESTIMATED SOLID WASTE GENERATION RATES – (POUNDS / DAY)**  
**(FROM COUNTY SOLID WASTE DIVISION AND CITY OF MERCED)**

Single - Family Residential	11.2 / DU
Multi - Family Residential	5.3 / DU
Retail Commercial	21 lbs / 550 sq. ft. area
Industrial / Heavy Commercial	Variable - Please describe the projected solid waste to be generated by your project.
Poultry or Dairy	Please consult with the Environmental Health Division (209) 381-1100.

**POPULATION PER HOUSEHOLD = 3.3**  
**(FROM STATE DEPARTMENT OF FINANCE, 1990)**

**NOTE: IF YOU HAVE INFORMATION THAT DIFFERS WITH THESE STANDARDS, PLEASE PROVIDE US WITH YOUR FIGURES AND THE SOURCE OF YOUR INFORMATION. THANK YOU!**

**PROJECT: RAILROAD PARKWAY**

**APN: 003-160-026-000**

**ESTIMATE SOLID WASTE USING MERCED COUNTY WASTE SOLID ESTIMATION (SEE ATTACHED)**

**PROPOSED (9) BUILDING:**

BUILDING #1 5000 SF / 550 SF = 9 (FACTOR/DAILY)x 21 LBS SOLID WASTE/DAILY = 189 LBS/DAY

BUILDING #2 4900 SF/ 550 SF = 8.9 x 21 LBS = 186.90 LBS/DAY

BUILDING #3 5000 SF / 550 SF = 9 (FACTOR/DAILY)x 21 LBS SOLID WASTE/DAILY = 189 LBS/DAY

BUILDING #4 4900 SF/ 550 SF = 8.9 x 21 LBS = 186.90 LBS/DAY

BUILDING #5 5000 SF / 550 SF = 9 (FACTOR/DAILY)x 21 LBS SOLID WASTE/DAILY = 189 LBS/DAY

BUILDING #6 4900 SF/ 550 SF = 8.9 x 21 LBS = 186.90 LBS/DAY

BUILDING #7 11700 SF/ 550 SF = 21.27 x 21 LBS = 446.72 LBS/DAY

BUILDING #8 10000 SF/ 550 SF = 18.18 x 21 LBS = 381.82 LBS/DAY

BUILDING #9 12000 SF/ 550 SF = 21.82 x 21 LBS = 458.18 LBS/DAY

---

**TOTAL POUNDS = 2414.42 LBS / SOLID WASTE = 1.21 TON/SOLID WASTE / DAILY**

---

**1.21 TON / 1.4 CY / TON = 0.86 CY SOLID WASTE DAILY.**

City of Atwater  
750 Bellevue Rd.  
Atwater, CA 95301

Tuesday, January 17, 2023

Attn: Planning Department  
Re: Railroad Parkway (B-P)  
APN: 003-160-026-000

OPERATIONAL STATEMENT:

I am Brad Kessler, President of AG Properties LLC, owner of this vacant lot. The zoning per City of Atwater at this area permit allows for a proposed metal building for light-industrial use. The City of Atwater's zoning plan currently permits parcel APN: 003-160-026-000 to have buildings for warehouse, storage, and light-industrial activities.

We are proposing to subdivide this lot into six parcels and to build one to two metal buildings on each new parcel with a singular trash enclosure on each parcel. Each building area would range from 4,900 square feet to a maximum size of 12,000 square feet. The number of people allowed to work in each building would depend on the minimum occupancy load per building; however, we are estimating that we would have 15 persons per building with a proposed total of nine buildings. Based on similar buildings, the peak hours will not affect the buildings much as they are not dedicated to sales stores with big occupational loads and/or traffic. Note that the hours scheduled in these buildings would be between 8:00 am to 5:00 pm Monday through Saturday.

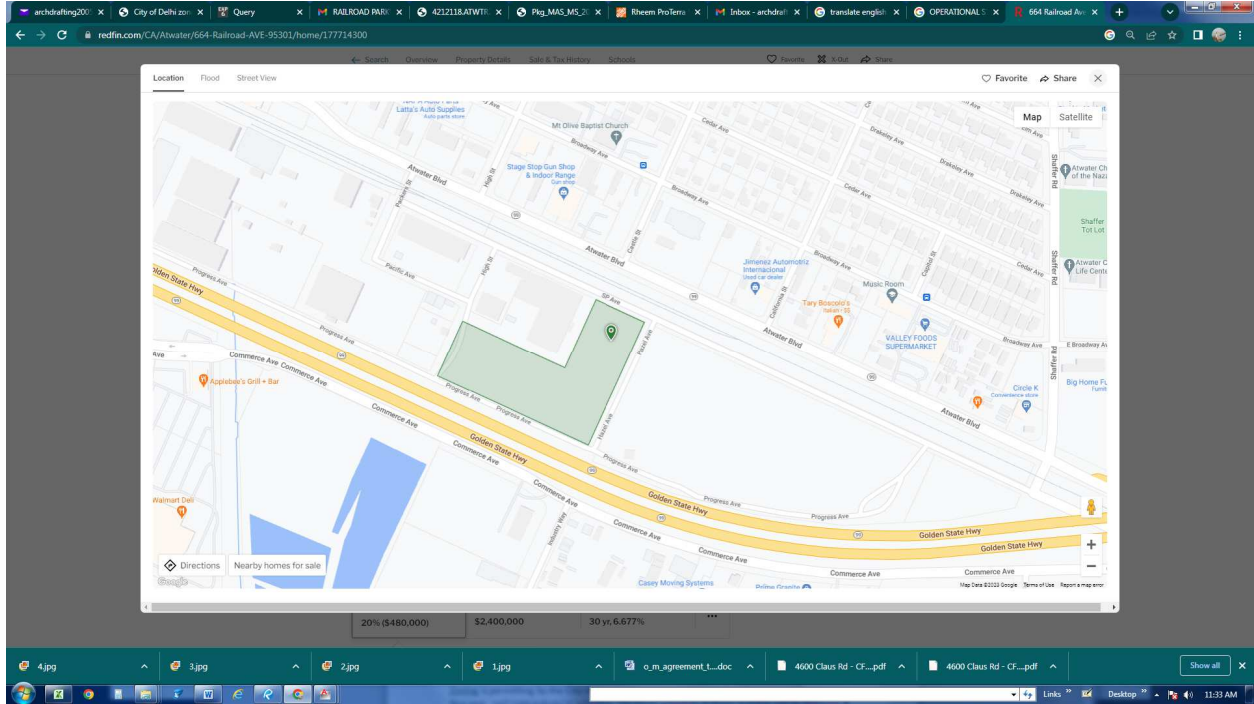
Attached you'll find:

- the proposed traffic route and pictures showing the street access.
- a snapshot of the parcel location (on the following page), and
- a Site Plan Package, which will include: site plan, floor plan standards, and elevations standards.

This project will develop into (around) an industrial building that will not interfere with the different actives in this zoning and help cultivate more jobs for the community.

Thank You

# SITE LOCATION MAP



**PICTURE #1**



**PICTURE #2**



**PICTURE #3**

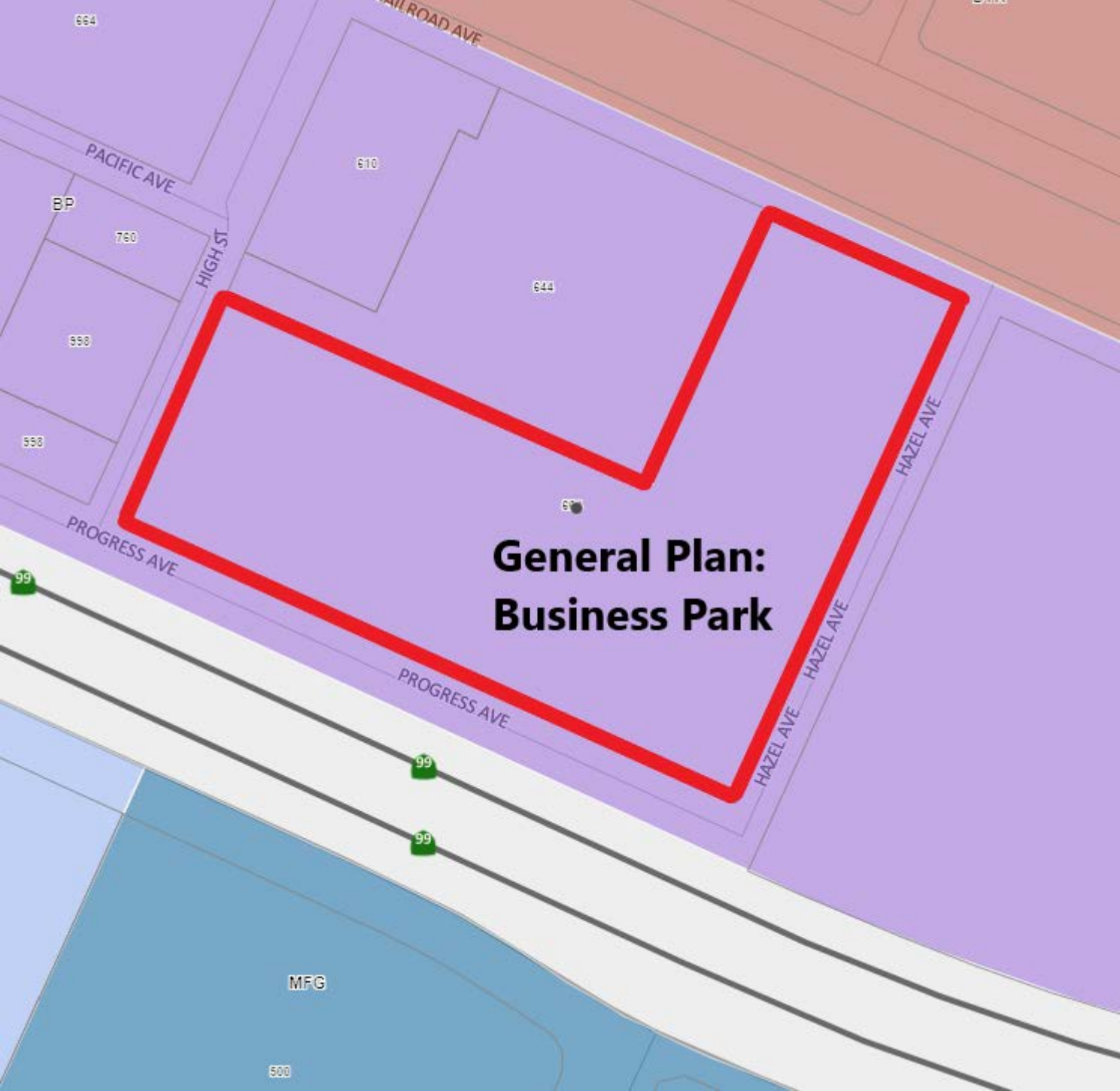




**PICTURE #4**



**AG-K Properties, LLC.  
Brad Kessler  
President**



# General Plan: Business Park

PROGRESS AVE

HAZEL AVE

HAZEL AVE

HIGH ST

PACIFIC AVE

RAILROAD AVE

664

610

644

600

BP

760

558

558

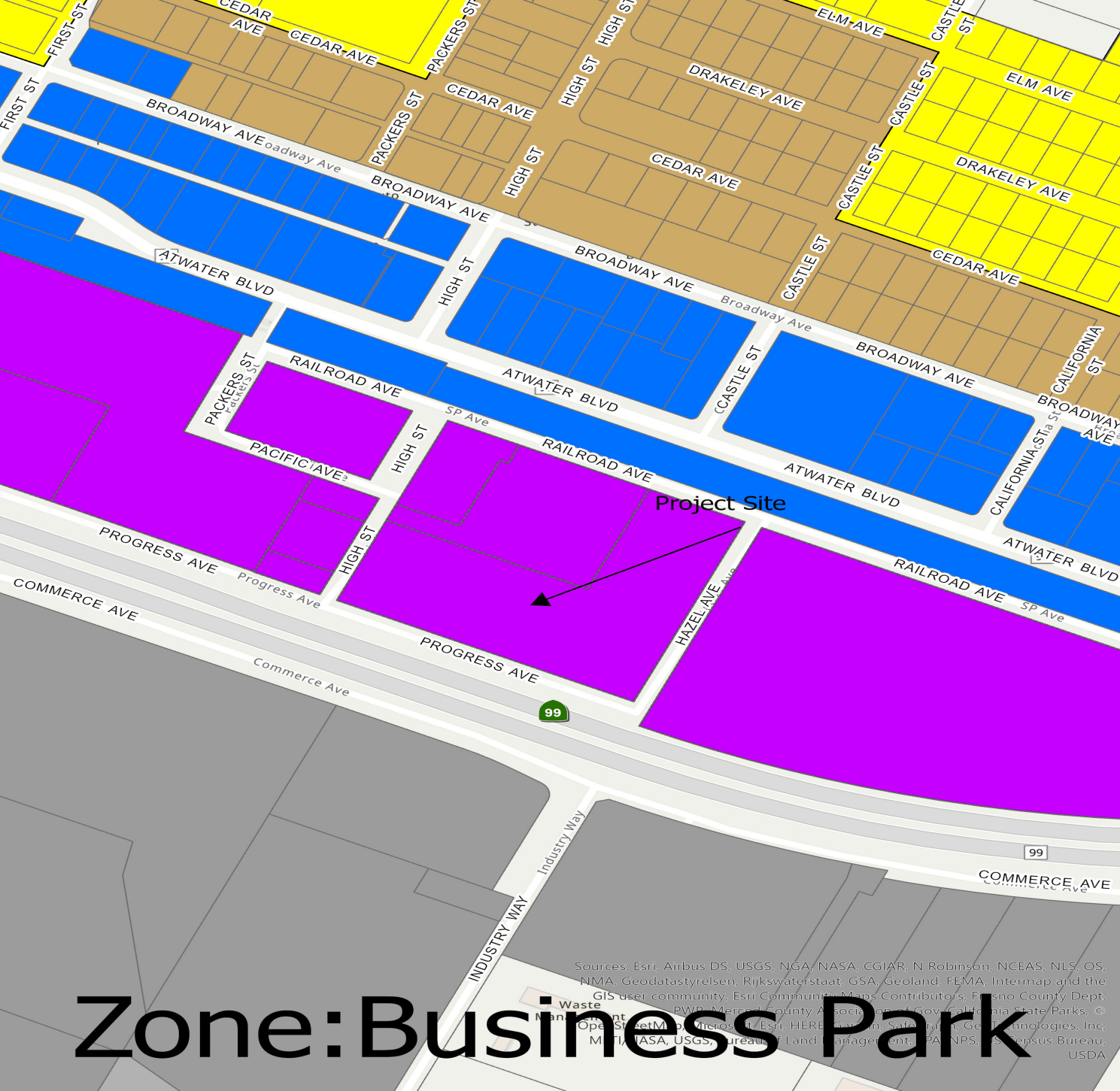
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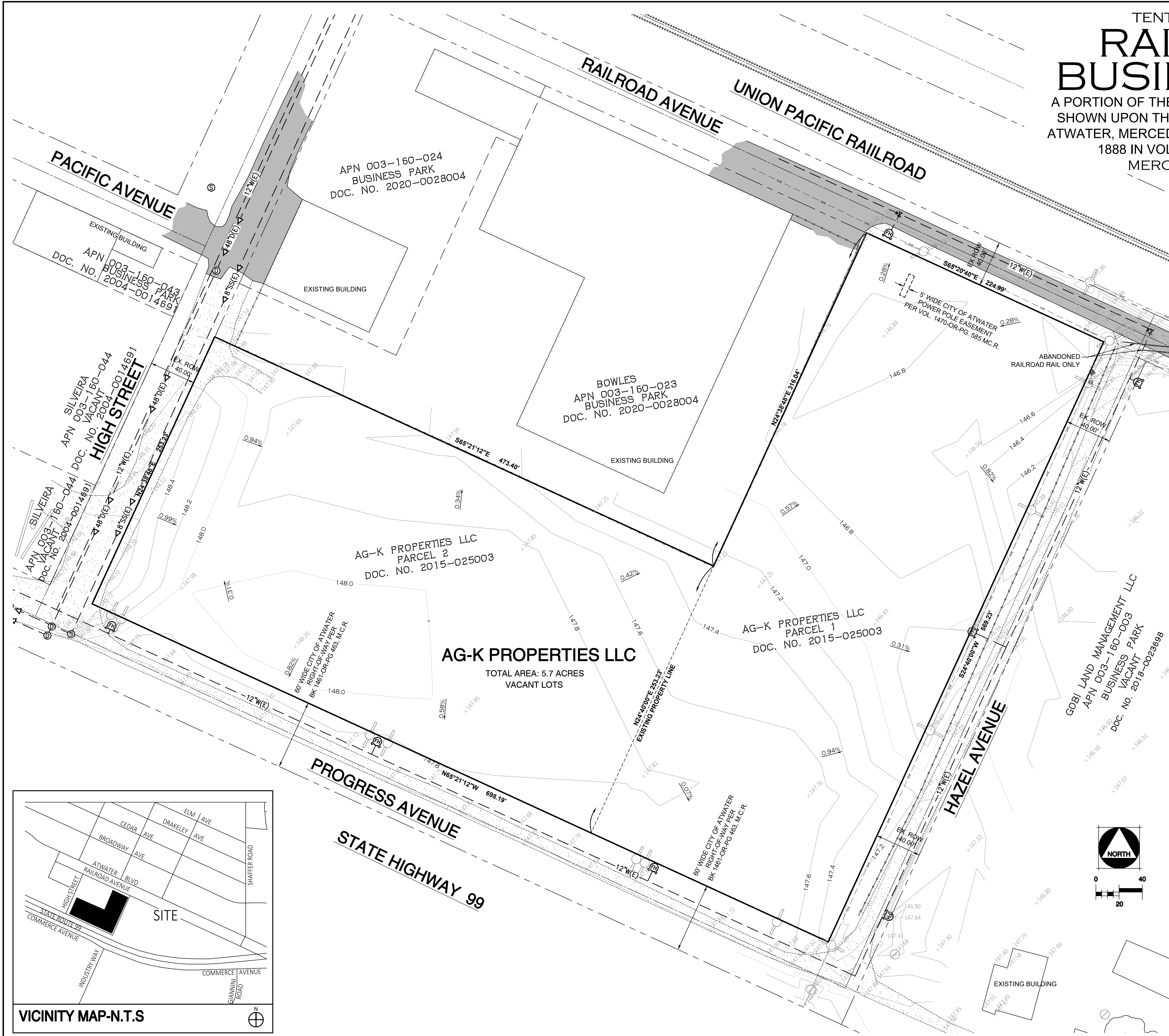
Project Site

# Zone: Business Park

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Esri, Sno County Dept. of Planning and Development, Esri, Merced County Association of Government, California State Parks, © 2019 Esri, HERE, DeLorme, Swire, Sina, GeoIntelligence, Inc., Mapbox, Landsat, USDA, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

REVISION DATE	BY

TENTATIVE PARCEL MAP  
**RAILROAD BUSINESS PARK**  
 A PORTION OF THE TOWN OF ATWATER AS SAID TOWN IS SHOWN UPON THAT CERTAIN MAP ENTITLED "TOWN OF ATWATER, MERCED COUNTY, CAL." RECORDED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, MERCED COUNTY RECORDS



**PROJECT INFO**

- OWNER: AG-K PROPERTIES, LLC  
221 BUSINESS PARKWAY  
ATWATER, CA. 95301
- APPLICANT: OWNER
- ENGINEER: EDUARDO MUSANTE R.C.E.  
305 E. RUMBLE ROAD  
MODESTO, CA. 95350
- NO. OF LOTS: 6
- LAND USE: EXISTING: VACANT  
PROPOSED: BUSINESS PARK
- EXISTING ZONING: (B-P) BUSINESS PARK  
PROPOSED ZONING: (B-P) BUSINESS PARK
- EXISTING GENERAL PLAN  
LAND USE DESIGNATION: BUSINESS PARK  
PROPOSED GENERAL PLAN  
LAND USE DESIGNATION: BUSINESS PARK
- UTILITIES: WATER: CITY  
SEWER: CITY  
TELEPHONE: ATT  
GAS: PGE  
ELECTRIC: MID  
CABLE/BROADBAND: COMCAST & ATT
- APN: 003-160-026
- THIS SUBDIVISION WOULD RESULT IN 6 LOTS CONTAINING 5.7 ACRES +
- BOUNDARY LINES ARE BASED ON RECORD INFORMATION
- EXISTING UTILITIES BASED ON RECORD INFORMATION AND TOPOGRAPHIC SURVEY
- PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL STREET FRONTAGES
- UTILITIES TO BE LOCATED WITHIN PUBLIC UTILITY EASEMENTS AND SHALL BE MAINTAINED BY GOVERNING AGENCIES
- STORM DRAINAGE SHALL BE BY COLLECTION SYSTEM PER CITY OF ATWATER MASTER PLAN
- DOMESTIC WATER BY CONNECTION TO CITY WATER SYSTEM
- SEWAGE DISPOSAL BY CONNECTION TO CITY SEWER SYSTEM
- EASEMENTS SHOWN PER TITLE REPORT BY TRANSCOUNTY TITLE CO. ORDER NUMBER 21-01552-AMH, DATED 9-13-2021.



03/20/2023  
 EDUARDO MUSANTE R.C.E.  
 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No 35172  
 (209) 578-4624

**RAILROAD BUSINESS PARK**

TOPOGRAPHIC SURVEY MAP AND NOTES

**PROJECT ADDRESS:**  
 664 RAILROAD AVE.  
 ATWATER, CA 95301

North : RAILROAD AVE.  
 South : PROGRESS AVE.  
 East : HAZEL AVE.  
 West : HIGH STREET

**PROJECT OWNER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

**SUBDIVIDER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

**DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC**

E. EDUARDO MORAN  
 3933 SHADY OAK CT  
 TURLOCK, CA. 95382  
 (209) 620-2208

ARCHDRAFTING2008@YAHOO.COM

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**PRINTED DATE:** 03/14/2023

**DATE:** 06/17/2022

**SCALE:** As Shown

**DRAWN:** E.E. MORAN

**JOB:** 2022-223

**SHEET #:** TPM.1

1 OF 4 SHEETS

**LEGEND**

ITEM	EXISTING	ITEM	EXISTING
WATER VALVE		CHAIN LINK FENCE	
FIRE HYDRANT		PAVEMENT	
SEWER MANHOLE		CONCRETE	
STORM DRAIN MANHOLE		GRAVEL	
WATER LINE		UTILITY POLE & GUY WIRE	
SANITARY SEWER		COUNTOUR	
STORM DRAIN LINE		RAILROAD TRACKS	
PROJECT BOUNDARY			
RIGHT-OF-WAY			
CENTERLINE			
EXISTING PROPERTY LINE			

**GENERAL NOTE**

SEE SHEET TPM.2 FOR SITE LEGAL DESCRIPTION

**BENCHMARK**

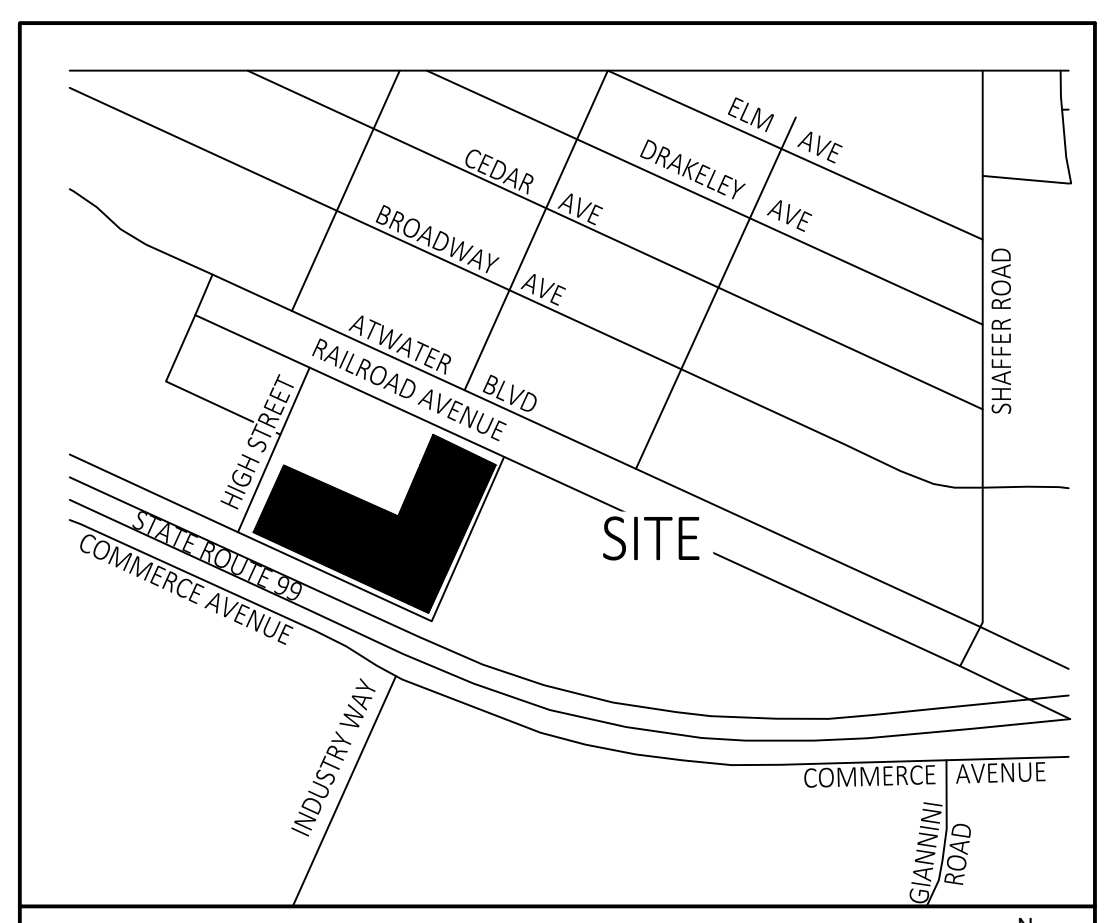
BASIS OF ELEVATIONS:

ELEVATIONS IN THIS DRAWING ARE BASED UPON NGS MONUMENT PID HS1558, DESIGNATION V 745, WITH A PUBLISHED ELEVATION OF 170.20 NAVD88 BENCHMARK DISK SET IN TOP OF CONCRETE MONUMENT WITH STAMPING V 745 1945.

LOCATED AT CASTLE AIR FORCE BASE. IN R13E, T6S, S32. ABOUT 551 FEET NORTHEAST OF THE MAIN GATE. IN LINE WITH A FLAG POLE AT THE ADMINISTRATION BUILDING AND THE CENTER OF THE MAIN GATE. 3 FEET SOUTHWEST OF A SMALL PALM TREE. 1.3 FEET NORTHEAST OF THE NORTHEAST CONCRETE CURB OF A CIRCULAR DRIVE. 1 FOOT NORTHWEST OF A SAFETY CAMPAIN SIGN. ABOUT IN LINE WITH THE CENTER LINE OF THE ENTRANCE ROAD. ABOUT LEVEL WITH THE CONCRETE CURB. AND SET IN THE TOP OF A CONCRETE POST FLUSH WITH THE GROUND.

**SHEET INDEX**

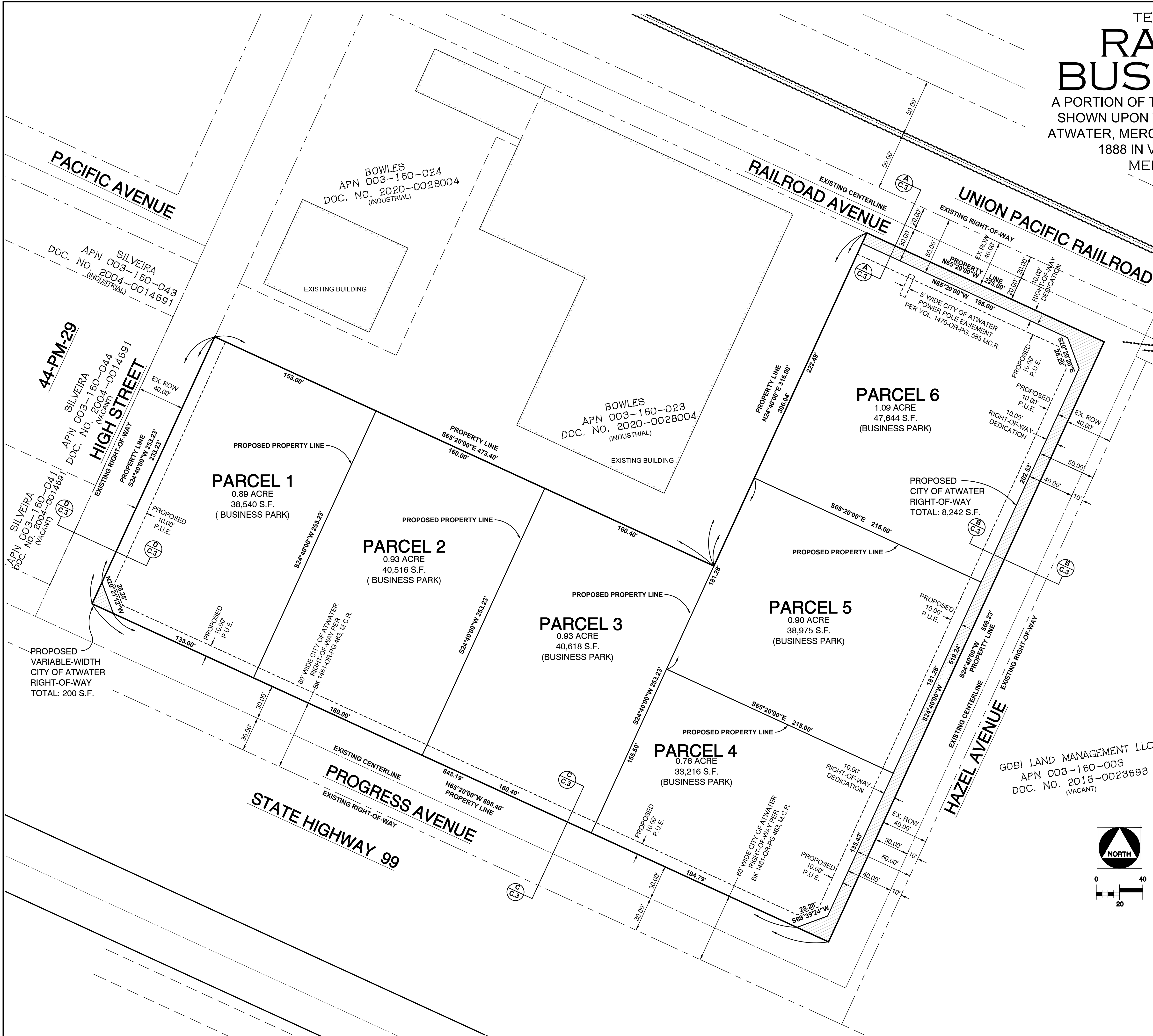
TPM.1	TOPOGRAPHIC SURVEY MAP AND NOTES
TPM.2	PROPOSED PARCEL LAYOUT AND LEGAL DESC.
TPM.3	PRELIMINARY STREET CROSS SECTIONS
TPM.4	PRELIMINARY UTILITY LAYOUT



VICINITY MAP-N.T.S

TENTATIVE PARCEL MAP  
**RAILROAD BUSINESS PARK**  
 A PORTION OF THE TOWN OF ATWATER AS SAID TOWN IS SHOWN UPON THAT CERTAIN MAP ENTITLED "TOWN OF ATWATER, MERCED COUNTY, CAL." RECORDED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, MERCED COUNTY RECORDS

REVISION DATE	BY



**LEGAL DESCRIPTION**

**PARCEL 1:**  
 ALL THAT PORTION OF THE TOWN OF ATWATER AS SAID TOWN IS SHOWN UPON THAT CERTAIN MAP ENTITLED "TOWN OF ATWATER, MERCED COUNTY, CAL." RECORDED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, DESCRIBED AS FOLLOWS, TO-WIT:

COMMENCING AT A POINT THAT IS SOUTH 24 DEG. 40' WEST 40.0 FEET FROM THE INTERSECTION OF THE CENTER LINE OF HAZEL AVENUE WITH THE NORTHEASTERLY LINE OF RAILROAD AVENUE, AS SAID AVENUES ARE SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF THE BUHACH COLONY, MERCED COUNTY, CAL.", FILED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 8; THENCE SOUTH 24 DEG. & 40' WEST 629.23 FEET ALONG THE CENTER LINE OF SAID HAZEL AVENUE PARALLEL TO AND 10.0 FEET NORTHWESTERLY FROM THE NORTHWESTERLY SIDE OF THE 20.0 FOOT STRIP ABANDONED OFF THE SOUTHEASTERLY SIDE OF SAID HAZEL AVENUE TO THE NORTHEASTERLY LINE OF THE STATE OF CALIFORNIA HIGHWAY RIGHT OF WAY; THENCE NORTH 65 DEG. 20' WEST 255.0 FEET ALONG THE NORTHEASTERLY LINE OF PARCEL NO. 23, CONVEYED TO THE STATE OF CALIFORNIA BY FINAL ORDER OF CONDEMNATION RECORDED DECEMBER 27, 1956 IN VOL. 1295 OF OFFICIAL RECORDS, PAGE 335, MERCED COUNTY RECORDS; THENCE NORTH 24 DEG. 40' EAST 629.23 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF "RAILROAD AVENUE", 40 FEET IN WIDTH, AS CONVEYED TO MERCED COUNTY BY DEED RECORDED MAY 19, 1900 IN VOL. 34 OF DEEDS, PAGE 564, MERCED COUNTY RECORDS; THENCE SOUTH 65 DEG. 20' EAST 255.0 FEET ALONG THE SOUTHWESTERLY LINE OF SAID RAILROAD AVENUE TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTIONS THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND: A 60.0 FOOT STRIP TO BE USED FOR PUBLIC STREET RIGHT OF WAY THROUGH THE PROPERTY OF WALTER R. AND MARJORIE H. SWENSON, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS NORTH 65 DEG. 20' WEST 923.35 FEET AND SOUTH 24 DEG. 40' WEST 638.27 FEET FROM THE INTERSECTION OF THE CENTER LINE OF HAZEL AVENUE (A 60 FOOT STREET) AND THE SOUTHWESTERLY LINE OF A 100 FOOT RIGHT OF WAY OF THE CENTRAL PACIFIC RAILROAD (NOW THE SOUTHERN PACIFIC), AS SHOWN ON THE MAP ENTITLED "TOWN OF ATWATER", RECORDED MARCH 15, 1888 IN VOL. 2, PAGE 9 OF OFFICIAL MERCED COUNTY RECORDS. SAID POINT OF BEGINNING IS ON THE NORTHWESTERLY BOUNDARY OF SAID SWENSON PROPERTY AND 30 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF US 99 BYPASS RIGHT OF WAY; THENCE SOUTH 65 DEG. 25' EAST PARALLEL TO AND 30 FEET NORTHWESTERLY FROM SAID NORTHEASTERLY LINE OF BYPASS, 893.33 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID SWENSON PROPERTY, CONTAINING 1.230 ACRES, MORE OR LESS, AS GRANTED TO THE CITY OF ATWATER BY DEED RECORDED FEBRUARY 11, 1960 IN BOOK 1461 OF OFFICIAL RECORDS, PAGE 463.

**PARCEL 2:**  
 ALL THAT PORTION OF THE TOWN OF ATWATER ACCORDING TO MAP ENTITLED "TOWN OF ATWATER MERCED COUNTY CAL.", RECORDED MARCH 15, 1888 IN BOOK 2 OF MAPS, PAGE 9, MERCED COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS SOUTH 24 DEG. 40' WEST 669.23 FEET AND NORTH 65 DEG. 20' WEST 728.40 FEET FROM THE INTERSECTION OF THE CENTER LINE OF HAZEL AVENUE WITH THE NORTHEASTERLY LINE OF RAILROAD AVENUE, AS SAID AVENUES ARE SHOWN UPON THAT CERTAIN MAP ENTITLED "MAP OF THE BUHACH COLONY MERCED COUNTY CAL." RECORDED MARCH 15, 1888 IN BOOK 2 OF MAPS, PAGE 8, MERCED COUNTY RECORDS; THENCE NORTH 24 DEG. 40' EAST 313.23 FEET, THENCE SOUTH 65 DEG. 20' EAST 473.40 FEET, THENCE SOUTH 24 DEG. 40' WEST 313.23 FEET, THENCE NORTH 65 DEG. 20' WEST 473.40 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ANY PORTIONS THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT OF LAND: A 60.0 FOOT STRIP TO BE USED FOR PUBLIC STREET RIGHT OF WAY THROUGH THE PROPERTY OF WALTER R. AND MARJORIE H. SWENSON, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT A POINT WHICH IS NORTH 65 DEG. 20' WEST 923.35 FEET AND SOUTH 24 DEG. 40' WEST 638.17 FEET FROM THE INTERSECTION OF THE CENTER LINE OF HAZEL AVENUE (A 60 FOOT STREET) AND THE SOUTHWESTERLY LINE OF A 100 FOOT RIGHT OF WAY OF THE CENTRAL PACIFIC RAILROAD (NOW THE SOUTHERN PACIFIC), AS SHOWN ON THE MAP ENTITLED "TOWN OF ATWATER", RECORDED MARCH 15, 1888 IN VOL. 2, PAGE 9 OF MERCED COUNTY RECORDS. SAID POINT OF BEGINNING IS ON THE NORTHWESTERLY BOUNDARY OF SAID SWENSON PROPERTY AND 30 FEET NORTHEASTERLY OF THE NORTHEASTERLY LINE OF US 99 BYPASS RIGHT OF WAY; THENCE SOUTH 65 DEG. 25' EAST PARALLEL TO AND 30 FEET NORTHWESTERLY FROM SAID NORTHEASTERLY LINE OF BYPASS, 893.33 FEET TO A POINT ON THE SOUTHEASTERLY BOUNDARY OF SAID SWENSON PROPERTY, CONTAINING 1.230 ACRES, MORE OR LESS, AS GRANTED TO THE CITY OF ATWATER BY DEED RECORDED FEBRUARY 11, 1960 IN BOOK 1461 OF OFFICIAL RECORDS, PAGE 463.

**GENERAL NOTES**

**OWNER TO PROVIDE MAINTENANCE / ACCESS AND UTILITY AGREEMENTS SET FOR ALL PARCELS FOR BELOW ITEMS.**

**NONEXCLUSIVE BLANKET EASEMENTS OVER ALL COMMON AREAS AS DEFINED IN AGREEMENT FOR MAINTENANCE, INGRESS, EGRESS, DRIVEWAY USE, PARKING, UTILITIES, LOADING AND UNLOADING OF COMMERCIAL AND OTHER VEHICLES, CUSTOMERS, INVITEES, LICENSEES, TENANTS AND EMPLOYEES OF ALL BUSINESSES.**



03/20/2023  
**EDUARDO MUSANTE R.C.E.**  
 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No 35172  
 (209) 578-4624

**RAILROAD BUSINESS PARK**

PROPOSED  
 PARCEL LAYOUT  
 & LEGAL DESC.

**PROJECT ADDRESS:**  
 664 RAILROAD AVE.  
 ATWATER, CA 95301

**North :** RAILROAD AVE.  
**South :** PROGRESS AVE.  
**East :** HAZEL AVE.  
**West :** HIGH STREET

**PROJECT OWNER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

**SUBDIVIDER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

**DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC**  
 E. EDUARDO MORAN  
 3933 SHADY OAK CT  
 TURLOCK, CA. 95382  
 (209) 620-2208

ARCHDRAFTING2008@YAHOO.COM

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**PRINTED DATE :** 03/14/2023

**DATE :** 06/17/2022

**SCALE :** As Shown

**DRAWN :** E.E. MORAN

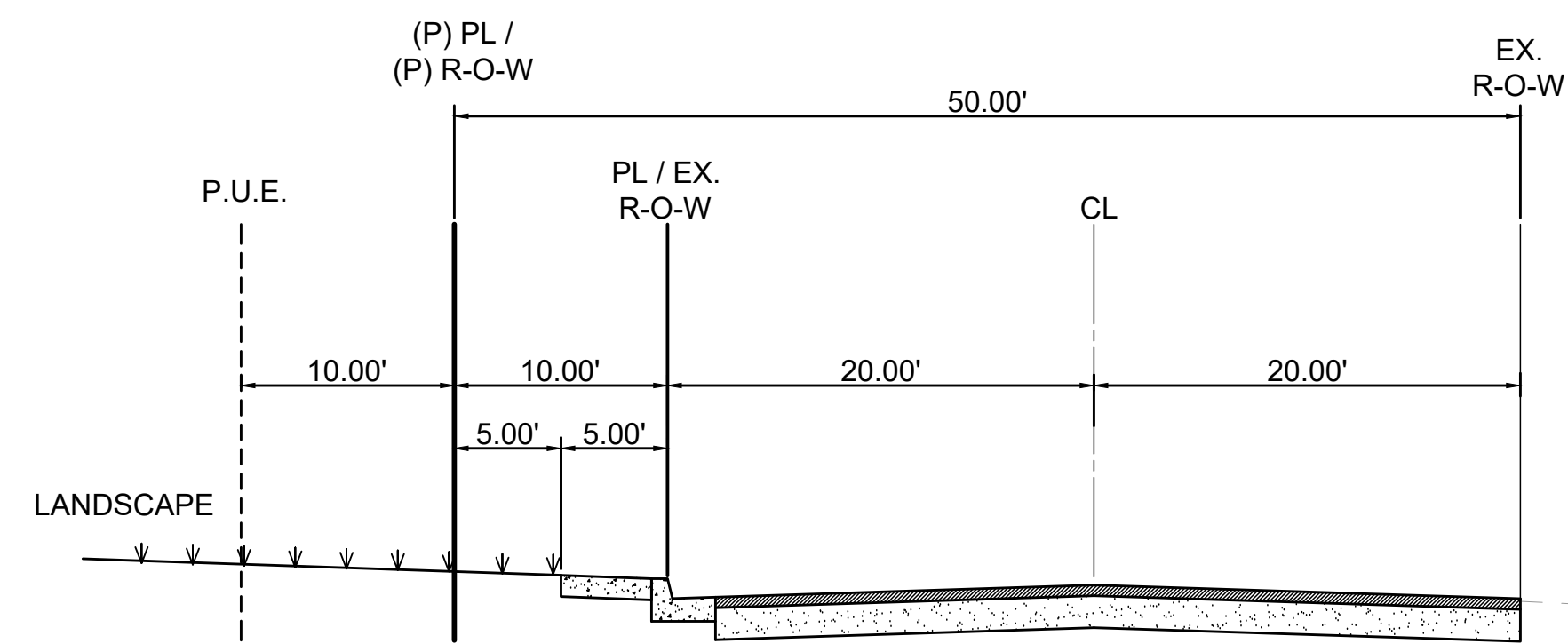
**JOB :** 2022-223

**SHEET #:**

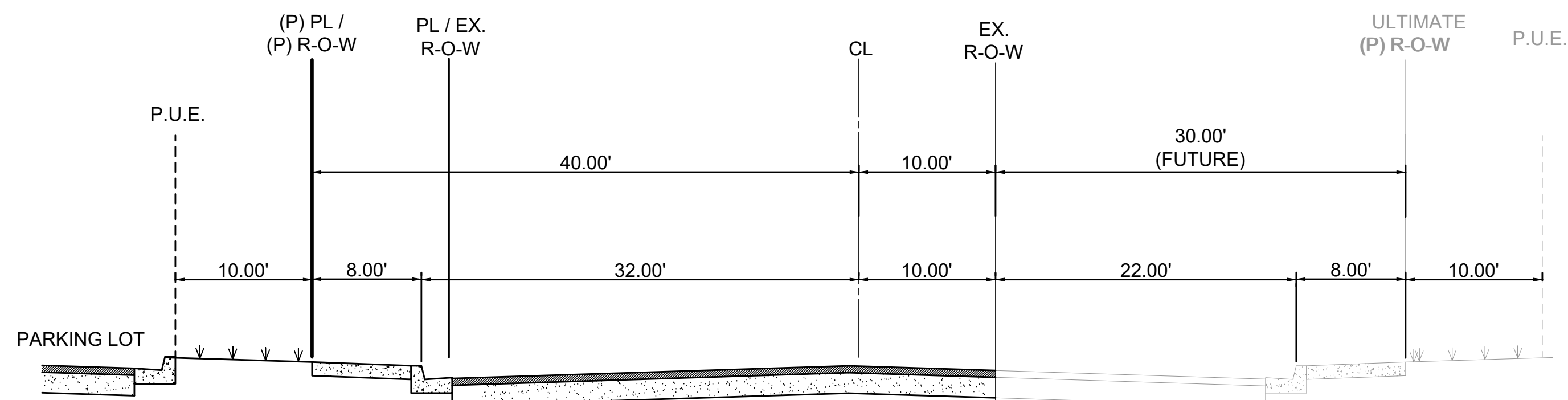
**TPM.2**

TENTATIVE PARCEL MAP  
**RAILROAD BUSINESS PARK**  
 A PORTION OF THE TOWN OF ATWATER AS SAID TOWN IS SHOWN UPON THAT CERTAIN MAP ENTITLED "TOWN OF ATWATER, MERCED COUNTY, CAL." RECORDED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, MERCED COUNTY RECORDS

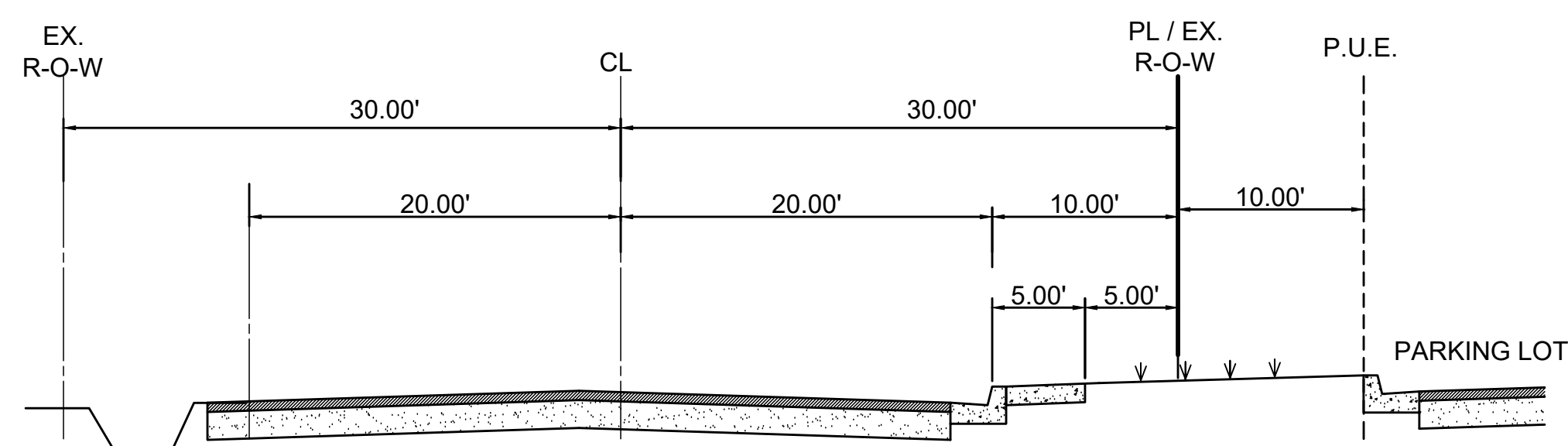
REVISION DATE	BY



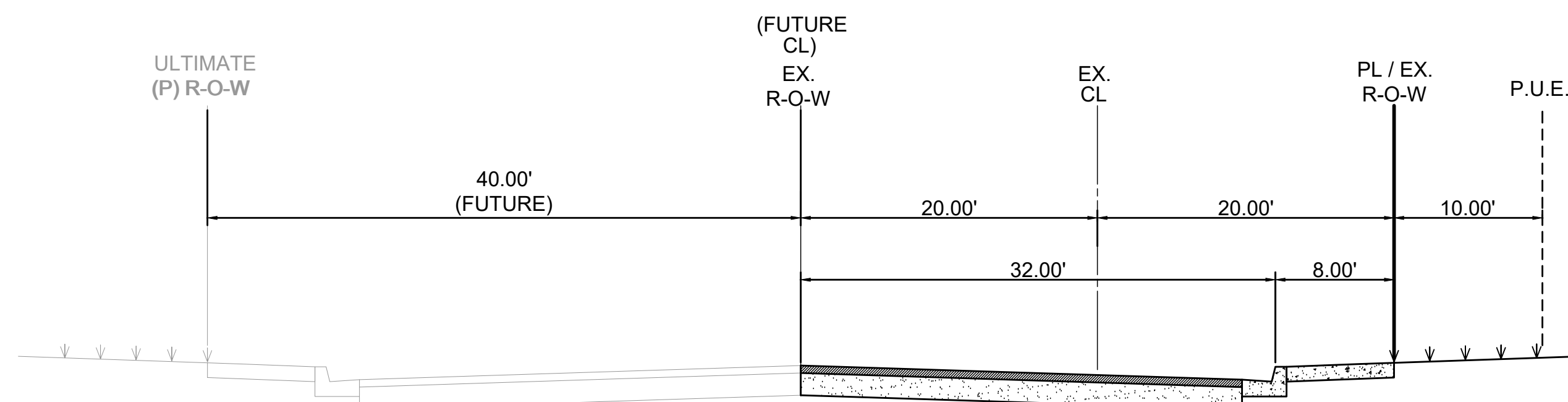
**A** 50'-WIDE RAILROAD AVENUE  
 NOT TO SCALE



**B** 80'-WIDE HAZEL AVENUE  
 NOT TO SCALE



**C** 60'-WIDE PROGRESS AVENUE  
 NOT TO SCALE



**D** 80'-WIDE HIGH STREET  
 NOT TO SCALE



03/20/2023  
 EDUARDO MUSANTE R.C.E.  
 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No 35172  
 (209) 578-4624

**RAILROAD BUSINESS PARK**

PRELIMINARY STREET CROSS SECTIONS

PROJECT ADDRESS:  
 664 RAILROAD AVE.  
 ATWATER, CA 95301

North : RAILROAD AVE.  
 South : PROGRESS AVE.  
 East : HAZEL AVE.  
 West : HIGH STREET

PROJECT OWNER:  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

SUBDIVIDER:  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC  
 E. EDUARDO MORAN  
 3933 SHADY OAK CT  
 TURLOCK, CA. 95382  
 (209) 620-2208

ARCHDRAFTING2008@YAHOO.COM

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PRINTED DATE : 03/14/2023

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SCALE : As Shown

DRAWN : E.E. MORAN

JOB : 2022-223

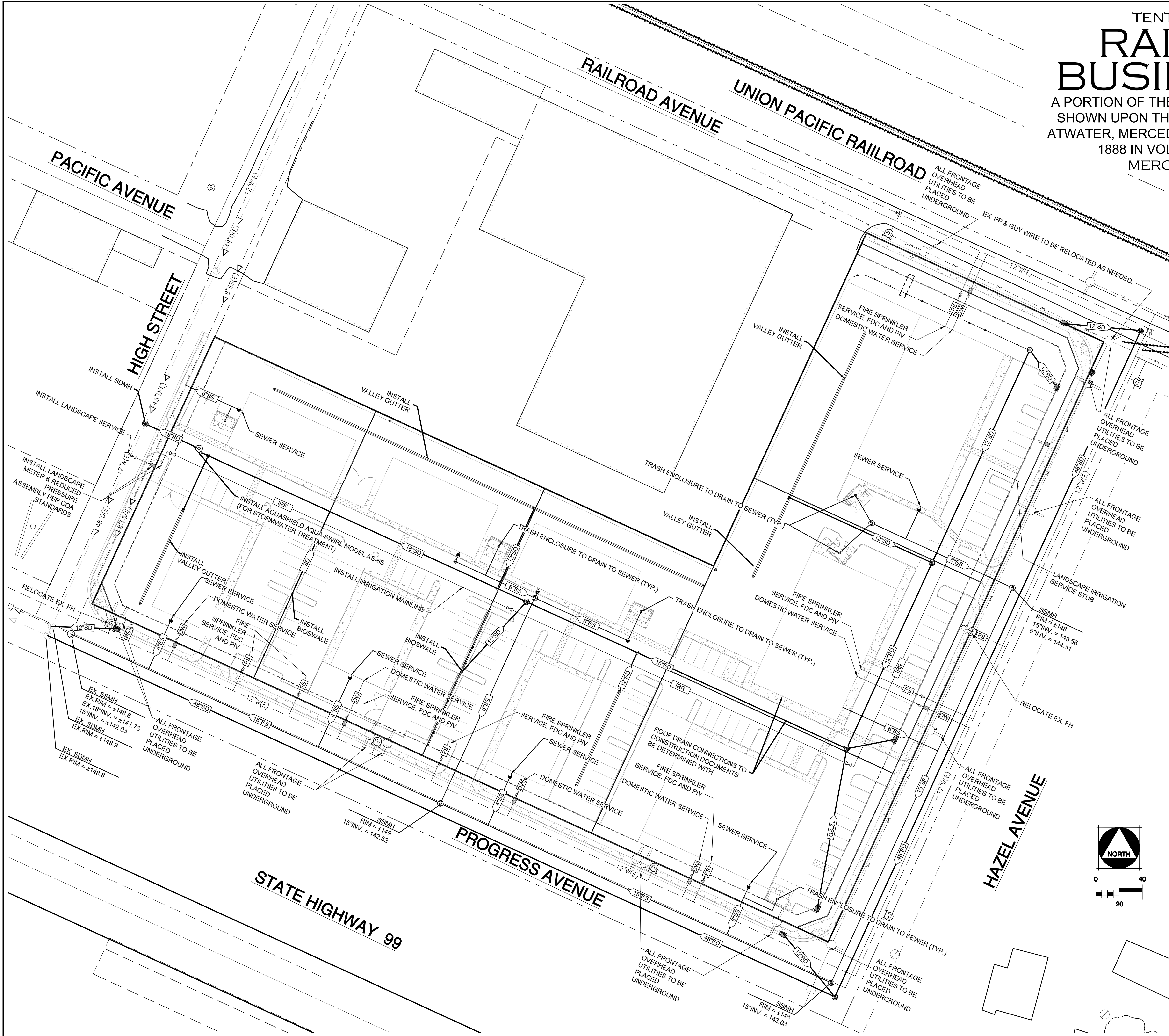
SHEET #:

TPM.3

3 OF 4 SHEETS

TENTATIVE PARCEL MAP  
**RAILROAD BUSINESS PARK**  
 A PORTION OF THE TOWN OF ATWATER AS SAID TOWN IS SHOWN UPON THAT CERTAIN MAP ENTITLED "TOWN OF ATWATER, MERCED COUNTY, CAL." RECORDED MARCH 15, 1888 IN VOL. 2 OF OFFICIAL PLATS, PAGE 9, MERCED COUNTY RECORDS

REVISION DATE	BY



03/20/2023  
 EDUARDO MUSANTE R.C.E.  
 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No 35172  
 (209) 578-4624

ITEM	PROPOSED
WATER VALVE	
FIRE HYDRANT	
WATER METER	
SEWER MANHOLE	
STORM MANHOLE	
DRAIN INLET	
IN-LINE CURB CATCH BASIN	
CLEANOUT	
WATER LINE	
SANITARY SEWER	
STORM DRAIN	
IRRIGATION SERVICE	
DOMESTIC WATER SERVICE	
FIRE WATER SERVICE	

**RAILROAD BUSINESS PARK**

PRELIMINARY UTILITY LAYOUT

**PROJECT ADDRESS:**  
 664 RAILROAD AVE.  
 ATWATER, CA 95301

North : RAILROAD AVE.  
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 West : HIGH STREET

**PROJECT OWNER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

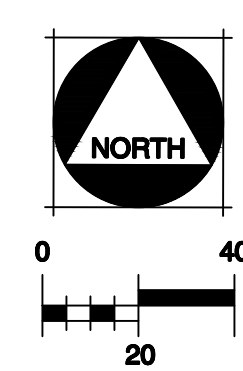
**SUBDIVIDER:**  
 AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301

(209) 631-4247

**DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC**  
 E. EDUARDO MORAN  
 3933 SHADY OAK CT  
 TURLOCK, CA. 95382  
 (209) 620-2208  
 ARCHDRAFTING2008@YAHOO.COM

- GRADING NOTES**
- MAX 2% CROSS SLOPE ACROSS PATH OF TRAVEL(S)
  - DIRECTION OF TRAVEL SLOPE SHALL NOT EXCEED 5.0% AND CROSS SLOPE NOT TO EXCEED 2%.
  - SAWCUT AND REMOVE CONCRETE CURBS AND PAVEMENT AS NECESSARY. PAVEMENT CONFORM TRANSITION NOT TO EXCEED 5%.
  - THE SLOPE OF ACCESSIBLE AISLES SHALL HAVE A MAXIMUM CROSS SLOPE OF 2% IN ALL DIRECTIONS, PER CBC 11B-502.4

- GENERAL NOTES**
- WATER QUALITY WILL BE IMPLEMENTED WITH PROJECT MS4 PLAN DURING CONSTRUCTION DOCUMENTS.
  - HYDROMODIFICATION WILL BE IMPLEMENTED WITH PROJECT MS4 PLAN DURING CONSTRUCTION DOCUMENTS.
  - SANITARY SEWER AND STORM DRAIN SIZING HAS BEEN CONFIRMED FOR CONCEPTUAL UTILITY PLAN ONLY.



PRINTED DATE : 03/14/2023

DATE : 06/17/2022

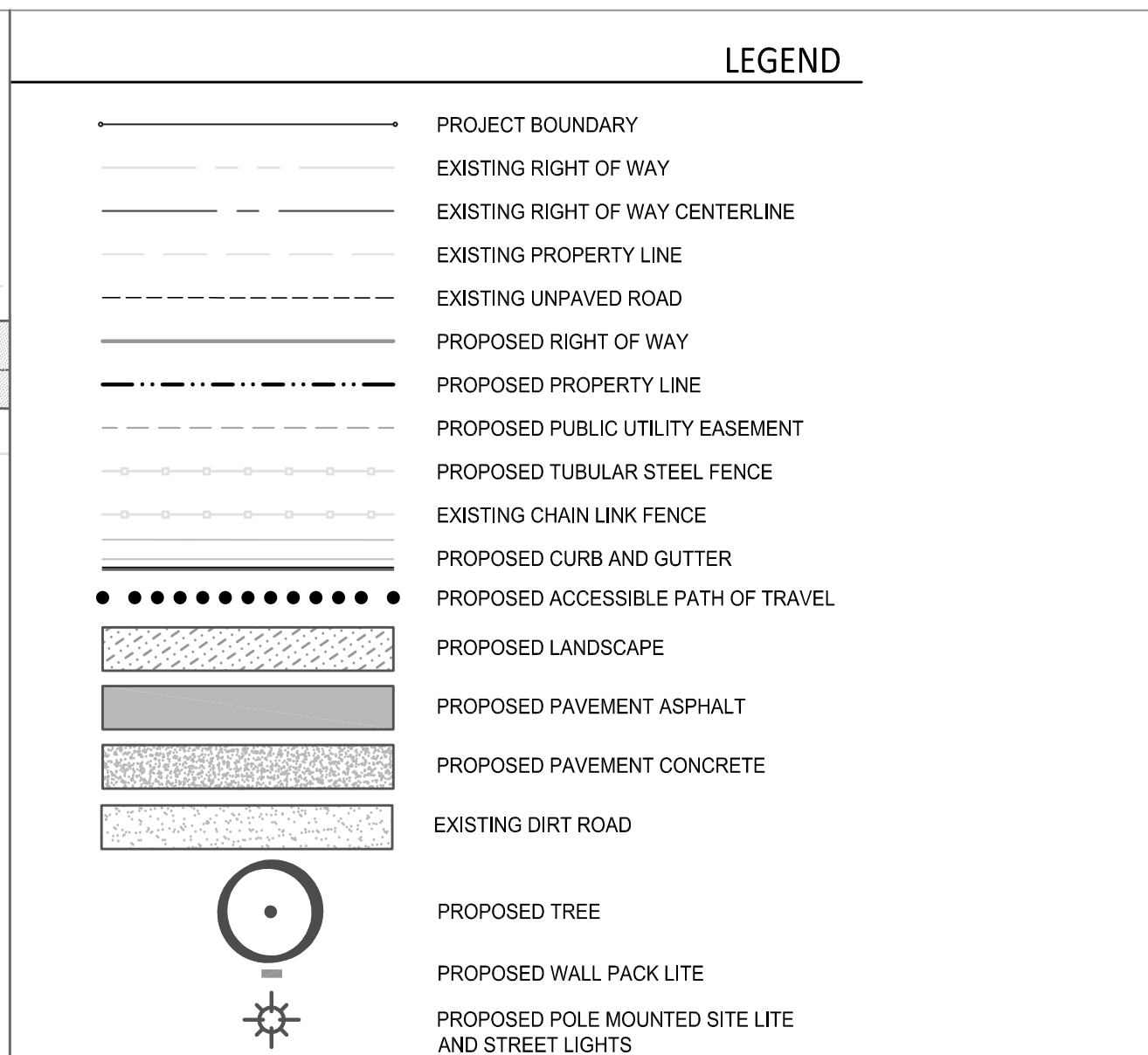
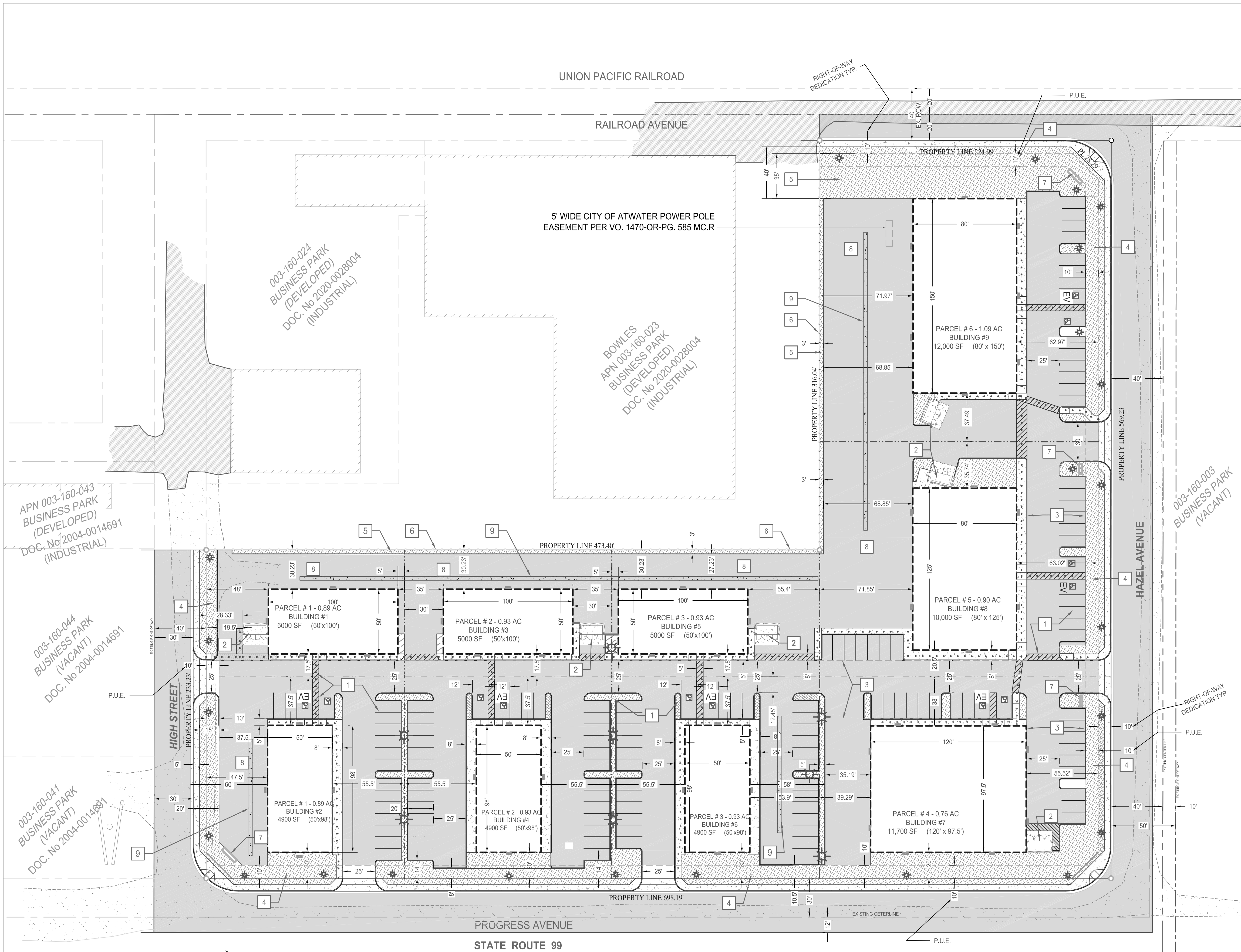
SCALE : As Shown

DRAWN : E.E. MORAN

JOB : 2022-223

SHEET # : TPM.4

4 OF 4 SHEETS



REVISION DATE	BY

**PROPERTY INFORMATION**

**PROPERTY OWNER:** AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301  
 209-631-4247

**APPLICANT:** AG-K PROPERTIES, LLC  
 221 BUSINESS PARKWAY  
 ATWATER, CA 95301  
 209-631-4247  
 archdrafting2005@yahoo.com

**PROPERTY ADDRESS:** 664 RAILROAD AVENUE  
 003-160-026-000

**APN:** 003-160-026-000  
**PARCEL SIZE:** 5.70 ACRES  
**FLOOD ZONE:** ZONE X AREA OF MINIMAL FLOOD HAZARD  
 AREA No. 06047C0405G, DATE: 12/02/2008

**EXISTING ZONING:** BUSINESS PARK (B-P)  
**EXISTING LAND USE DESIGNATION:** BUSINESS PARK  
**OCCUPANCY TYPE:** P = Low Hazards S = Warehouse/Storage B = Small Office (Office Commercial)

**WAREHOUSE AND STORAGE:** PARCEL 1, 4, 5, & 6  
**LIGHT MANUFACTURING:** PARCEL 2, & 3

**EXISTING STRUCTURES:** NONE  
**FUTURE CONSTRUCTION TYPE:** I/H-B  
**STRUCTURE COVERAGE:** 63,400 SQ. FT.



**03-21-2023**  
**EDUARDO MUSANTE R.C.E.**  
 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No 35172  
 (209) 578-4624

**RAILROAD BUSINESS PARK**

**SITE PLAN**

PARCEL	ACRES	BUILDING #	SQ. FT.	COVERAGE
PARCEL 1	0.89	BUILDING 1	38,768.4	25.54%
PARCEL 2	0.93	BUILDING 2	40,510.8	24.44%
PARCEL 3	0.93	BUILDING 3	40,510.8	24.44%
PARCEL 4	0.76	BUILDING 4	33,105.6	35.34%
PARCEL 5	0.90	BUILDING 5	39,204.0	25.51%
PARCEL 6	1.09	BUILDING 6	47,480.4	25.27%
<b>TOTAL</b>				<b>239,580.00</b>

**TOTAL DEVELOPMENT:** 63,400 SQ. FT. (PERMITTED 50%)  
 40,539 SQ. FT. (POST-DEVELOPMENT)  
**LANDSCAPE AREA:** 165,867 SQ. FT. (POST-DEVELOPMENT)

**PROPOSED PARKING:** 131 TOTAL, 119 STANDARD SPACES, 6 VAN ACCESSIBLE SPACES, 6 EV ACCESSIBLE STALLS

(SEE SHEET C.2 FOR PARKING STALLS REQUIRED PER PARCEL)

**PERMEABLE AREA:** 248,292 SF (PRE-DEVELOPMENT)  
 82,625 SF (POST-DEVELOPMENT)

**IMPERVIOUS AREA:** 0 SF (PRE-DEVELOPMENT)  
 165,867 SF (POST-DEVELOPMENT)

**PROJECTS DATA**  
**TYPE OF CONSTRUCTION:** I/H-B  
**FIRE SPRINKLERS:** YES  
**STORY:** 1  
**SETBACK:** 20'-0"  
**ALLOWABLE HEIGHT - AREA - STORES ANALYSIS TO THE MAXIMUM HEIGHT AND AREA BUILDING:** ALLOWABLE BUILDING HEIGHT PER 2019 CBC TABLE 504.3 (NS) = 55 FEET, PROPOSED 20'-0" +/- FEET = **OK**  
**ALLOWABLE NUMBER OF STORIES ABOVE GRADE:** 2019 CBC TABLE 504.4 (NS) (2) STORIES, PROPOSED 1 STORY = **OK**  
**ALLOWABLE AREA FACTOR PER 2019 CBC TABLE 506.2:** 19,000 SQ. FEET, PROPOSED 12,000 SF = **OK**

**CITY OF ATWATER MUNICIPAL CODE:**  
 CHAPTER 17.29 - B-P BUSINESS PARK DISTRICT OVERLAY (MIXED USE DISTRICT)  
 17.39.020 - Permitted uses:  
 Any permitted uses in each of the following base zones as long as they do not have an adverse environmental impact upon surrounding uses:

A. C-O, Office Commercial;  
 B. C-T, Throughfare Commercial;  
 C. C-G, General Commercial;  
 D. M-1, Light Industrial;  
 E. M-2, Industrial District.

**PROJECT ADDRESS:**  
 664 RAILROAD AVE.  
 ATWATER, CA 95301

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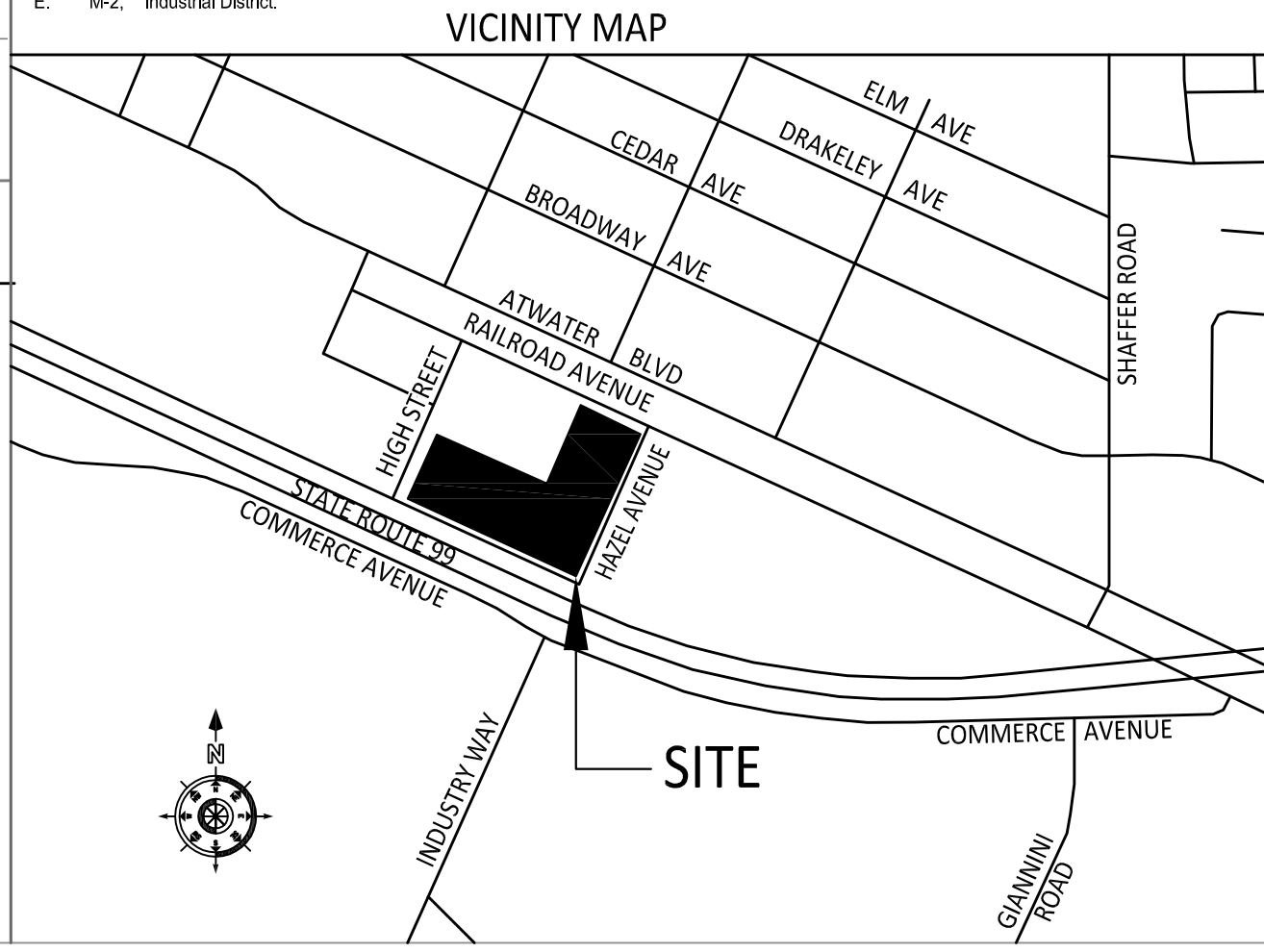
**PROJECT OWNER:**  
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 221 BUSINESS PARKWAY  
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 (209) 631-4247

**CONTRACTOR:**  
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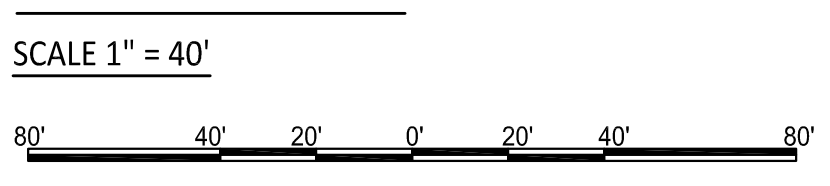
**DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC.**  
 E. EDUARDO MORAN  
 3933 SHADY OAK CT  
 TURLOCK, CA, 95382  
 (209) 620-2208  
 ARCHDRAFTING2005@YAHOO.COM

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**DRAWN:** E.E. MORAN  
**JOB:** 2022-223  
**SHEET #:** C.1  
**OF SHEETS:** 1

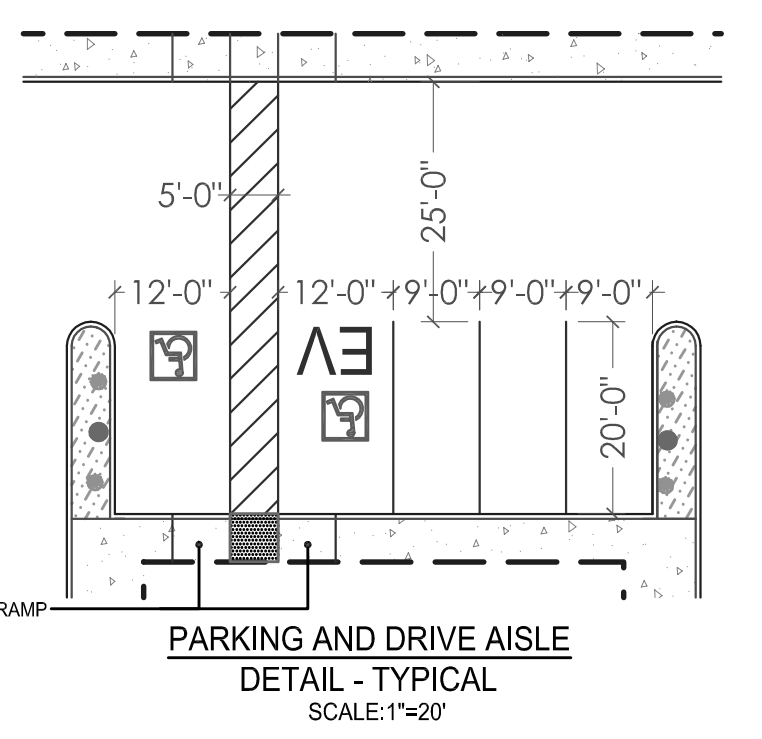


**SITE PLAN**



**INDEX**

C.1	SITE PLAN - INDEX - VICINITY MAP - PROPERTY INFORMATION
C.2	PARKING STALL ANALYSIS
C.3	CONCEPTUAL ELEVATIONS



**SITE PLAN NOTES**

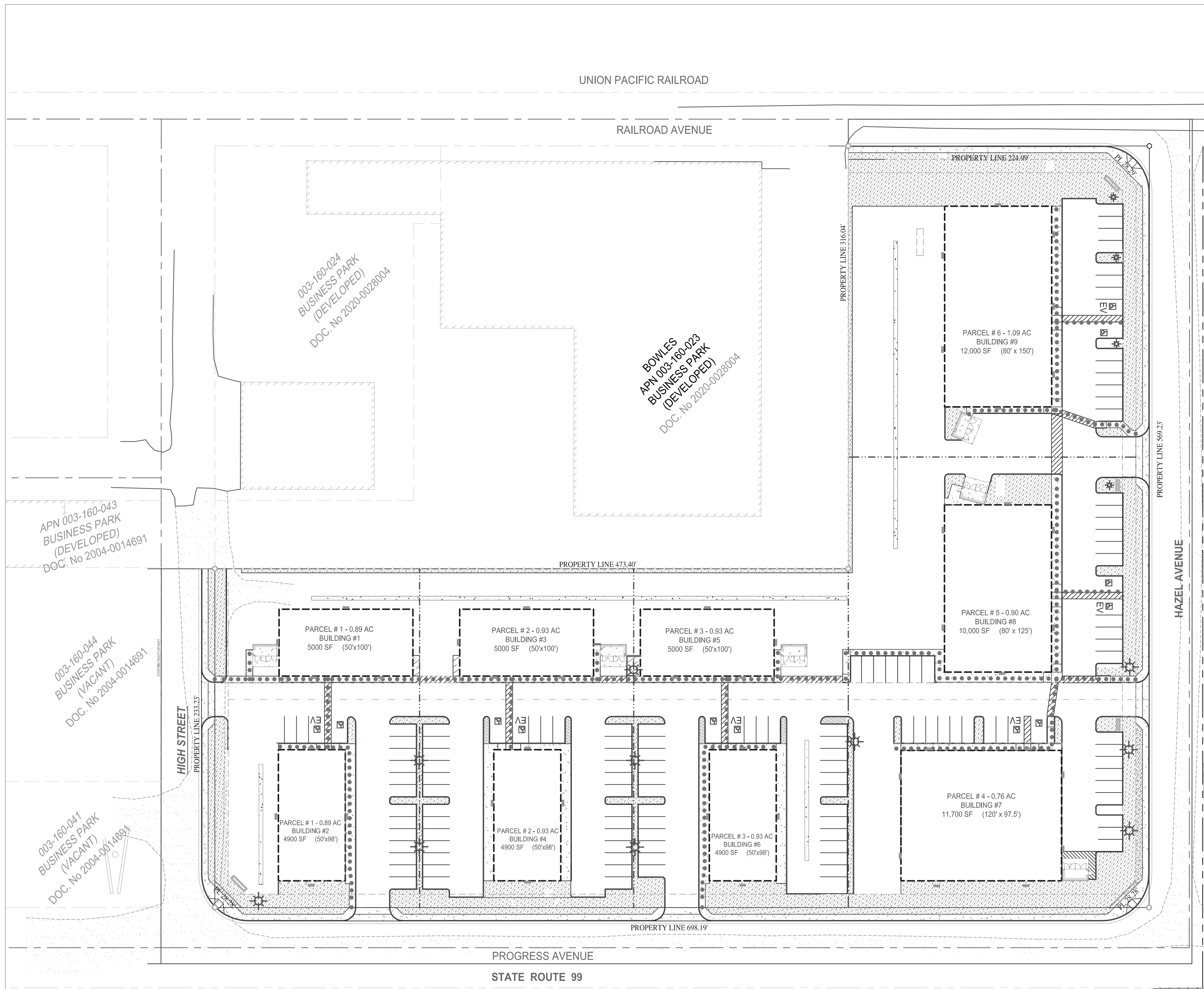
- PROPERTY LINES SHOWN ARE BASED ON AVAILABLE INFORMATION FROM COUNTY RECORDS OF SURVEY, PARCEL MAPS, SUBDIVISION MAPS AND SITE INVESTIGATIONS.
- BUILDING ADDRESSES WILL BE PROVIDED ON EACH BUILDING AND SHALL BE A MINIMUM 6" TALL AND BE VISIBLE FROM THE PUBLIC RIGHT OF WAY.
- DEVELOPMENT AND BUILDING SIGNAGE SHALL BE SUBMITTED TO THE PLANNING DIRECTOR FOR APPROVAL PRIOR TO ISSUANCE OF THE BUILDING PERMIT. SIGNAGE SHOWN ON THE SITE PLAN IS FOR APPROVAL OF SIGNAGE PLACEMENT ONLY AND FOR SIGNS NOT LOCATED ON THE BUILDING.
- ALL ROOF MOUNTED AND OTHER MECHANICAL EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW AS SPECIFIED IN THE ATWATER MUNICIPAL CODE.
- ALL LANDSCAPING SHALL MEET THE MINIMUM REQUIREMENTS OF THE CALGREEN CODE.
- ALL LANDSCAPE IRRIGATION SHALL MEET THE MINIMUM REQUIREMENTS OF CALGREEN CODE SECTION 5.304.6 AND THE MODEL WATER EFFICIENCY LANDSCAPE ORDINANCE (MWELO).
- LANDSCAPING SYMBOLS USED ON THIS SITE PLAN ARE FOR ILLUSTRATION PURPOSES ONLY AND SHOULD NOT BE MISCONSTRUED AS THE DEVELOPER'S COMMITMENT TO PROVIDE ANY SPECIFIC LANDSCAPE THEME. FINAL DESIGN DRAWINGS SHALL BE SUBMITTED TO THE PARKS DEPARTMENT FOR APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.
- STORMWATER BEST MANAGEMENT PRACTICES (BMP'S) AND LOW-IMPACT DEVELOPMENT DEVICES & BIORETENTION FACILITIES DEPICTED ON THIS SITE PLAN ARE FOR VISUAL REPRESENTATIONS AND THE FINAL DESIGN WILL BE PREPARED AND SUBMITTED WITH THE CIVIL IMPROVEMENT CONSTRUCTION DRAWINGS.
- EXISTING WATER, SEWER AND STORM DRAIN UTILITIES HAVE BEEN TAKEN FROM RECORD INFORMATION AND SHOULD BE CONSIDERED APPROXIMATE UNTIL FIELD VERIFIED BY THE ENGINEER OR CONTRACTOR. PROPOSED ON-SITE UTILITIES ARE SHOWN FOR REFERENCE. FINAL DESIGN, LOCATION AND SIZE WILL BE INCLUDED IN THE CIVIL IMPROVEMENT CONSTRUCTION DRAWINGS.
- THE DEVELOPER RESERVES THE RIGHT TO ADD COMPACT PARKING SPACES IF NEEDED DURING DESIGN PHASE. COMPACT PARKING SPACES WILL BE ALLOCATED AS ALLOWED BY THE CITY OF ATWATER MUNICIPAL CODE.
- PURSUANT TO GOVERNMENT CODE SECTION 66456.1, THE DEVELOPER RESERVES THE RIGHT TO DEVELOP THE PROJECT IN PHASES.
- ALL SITE LIGHTING WILL BE DESIGNED TO MINIMIZE LIGHT POLLUTION AND GLARE MEETING THE REQUIREMENTS OF CALGREEN.
- DEVELOPER SHALL RECORD SHARED PARKING/ACCESS DECLARATION AT THE TIME OF FINAL MAP RECORDATION.

**KEYNOTES**

- PARKING SPACES AND DRIVE AISLE PER TYPICAL DETAIL. SEE THIS SHEET
- TRASH ENCLOSURE PER CITY OF ATWATER STANDARD DETAIL R-4. ALL TRASH ENCLOSURES SHOULD DRAIN TO LANDSCAPE AREA.
- RECIPROCAL ACCESS AND PARKING EASEMENT, SEE CIVIL DRAWINGS
- 10' PUBLIC UTILITY EASEMENT, SEE CIVIL DRAWINGS
- LANDSCAPE AREA
- CHAIN LINK FENCE AT PROPERTY LINE
- PROPOSED MONUMENT SIGN LOCATION BUILDING PERMIT REQUIRED
- LOADING AREA FOR FUTURE BUSINESS
- PROPOSED CONCRETE VALLEY GUARD 3'-0" WIDE.



REVISION DATE	BY



ATWATER MUNICIPAL CODE:  
CHAPTER 17.63 - PARKING REQUIREMENTS  
17.63.050 - Industrial uses.  
A.Warehouse and Storage: One space per 800 square feet of floor area or one space per employee for the largest shift and one space for each vehicle used in the conduct of the business, whichever is greater.B.Light Manufacturing: One space per 400 square feet of floor area or one space per employee for the largest shift and one space for each vehicle used in the conduct of the business, whichever is greater.C.Heavy manufacturing: One space per 250 square feet of floor area or one space per employee for the largest shift and one space for each vehicle used in the conduct of the business, whichever is greater.D.Industrial uses containing commercial activities as a part of the business shall provide additional off street parking as specified in Section 17.63.040.  
(Prior Code § 10-3.1804; Ord. CS 407, § 1, 1979; Ord. CS 598, 1985)

PARCEL #1  
BUILDING STRUCTURE 9,900 SQ. FT / 800 SQ/FLOOR AREA - WAREHOUSE & STORAGE = 12 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (15) REGULAR PARKING SPACE.  
SUB-TOTAL: 17 PARKING STALLS

PARCEL #2  
BUILDING STRUCTURE 9,900 SQ. FT / 400 SQ/FLOOR AREA - LIGHT MANUFACTURING = 25 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (29) REGULAR PARKING SPACE  
SUB-TOTAL: 31 PARKING STALLS

PARCEL #3  
BUILDING STRUCTURE 9,900 SQ. FT / 400 SQ/FLOOR AREA - LIGHT MANUFACTURING = 25 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (28) REGULAR PARKING SPACE  
SUB-TOTAL: 30 PARKING STALLS

PARCEL #4  
BUILDING STRUCTURE 11,700 SQ. FT / 800 SQ/FLOOR AREA - WAREHOUSE & STORAGE = 15 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (17) REGULAR PARKING SPACE  
SUB-TOTAL: 19 PARKING STALLS

PARCEL #5  
BUILDING STRUCTURE 10,000 SQ. FT / 800 SQ/FLOOR AREA - WAREHOUSE & STORAGE = 13 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (17) REGULAR PARKING SPACE  
SUB-TOTAL: 19 PARKING STALLS

PARCEL #6  
BUILDING STRUCTURE 12,000 SQ. FT / 800 SQ/FLOOR AREA - WAREHOUSE & STORAGE = 15 PARKING SPACE MIN.

PROVIDE (1) VAN ACCESSIBLE SPACE  
PROVIDE (1) EV ACCESSIBLE SPACE  
PROVIDE (13) REGULAR PARKING SPACE  
SUB-TOTAL: 15 PARKING STALLS

**TOTAL: 131 PARKING STALLS**

**NOTE:**  
SEE SHEET C.1 FOR LEGEND.



03-21-2023  
**EDUARDO MUSANTE R.C.E.**  
305 E. Rumble Rd.  
Modesto, CA 95350  
Lic. No 35172  
(209) 578-4624

**RAILROAD BUSINESS PARK**

**SITE PLAN**

PROJECT ADDRESS:  
664 RAILROAD AVE.  
ATWATER, CA 95301

North : HIGH STREET  
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East : RAILROAD AVE.  
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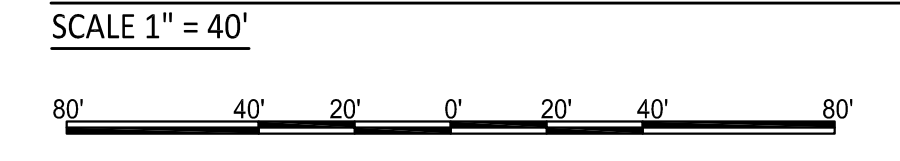
DRAWN: E.E. MORAN

JOB: 2022-223

SHEET #: C.2.

OF SHEETS

**SITE PLAN : parking stalls per parcel**



REVISION DATE	BY



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 305 E. Rumble Rd.  
 Modesto, CA 95350  
 Lic. No. 35172  
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**RAILROAD  
 BUSINESS PARK**

**CONCEPTUAL  
 ELEVATIONS**

**PROJECT ADDRESS:**  
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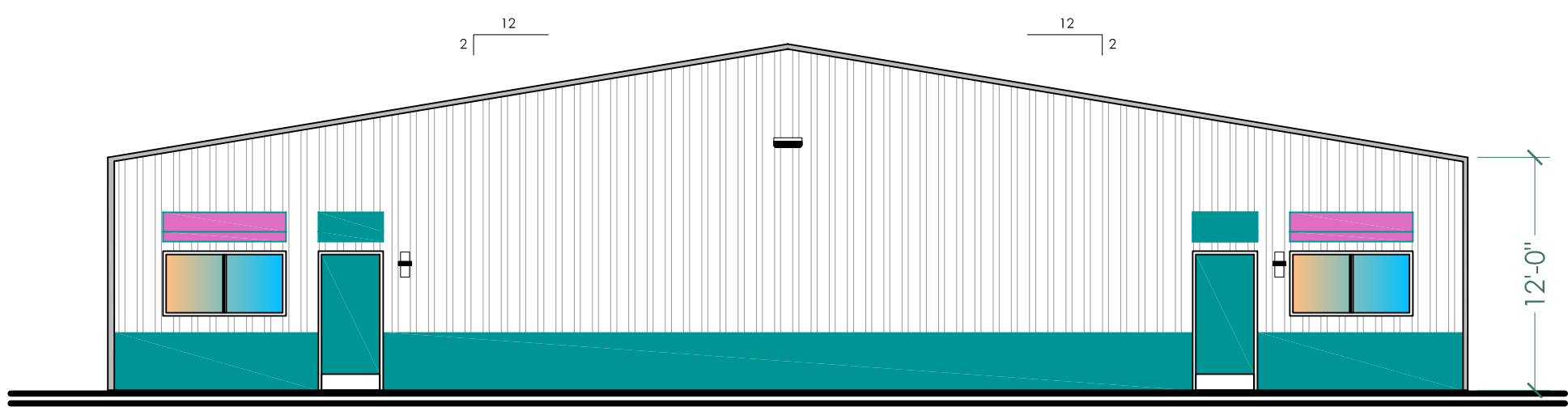
**JOB:** 2022-223

**SHEET #:** C.3

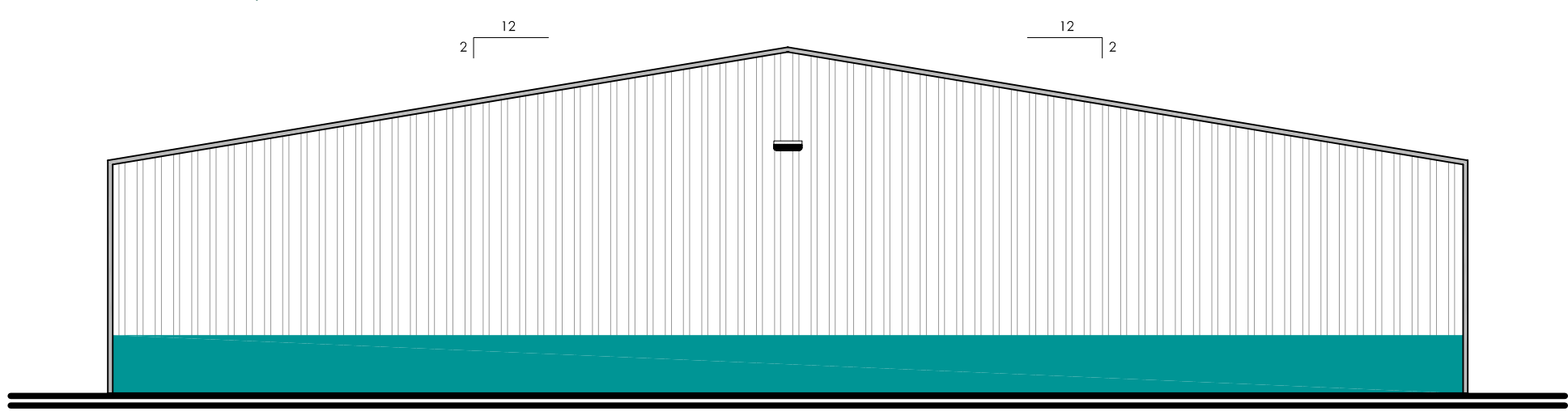
**OF SHEETS**

**KEY NOTES:**

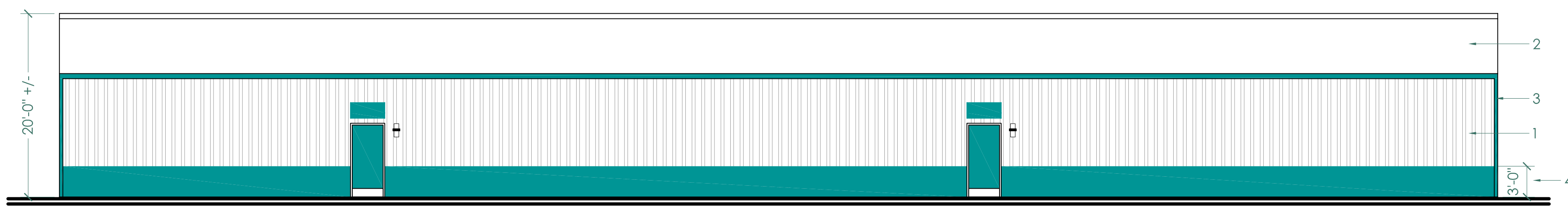
- |                               |                                 |
|-------------------------------|---------------------------------|
| 1. WALL EXTERIOR METAL PANEL: | COLOR FOX GRAY                  |
| 2. ROOF :                     | COLOR POLAR WHITE               |
| 3. TRIM :                     | COLOR CHARCOAL                  |
| 4. WAINSCOT:                  | COLOR CHARCOAL                  |
| 5. ROLL-UP DOORS              | COLOR DARK CHARCOAL IF REQUIRED |
| 6. MAN DOORS                  | COLOR DARK CHARCOAL             |



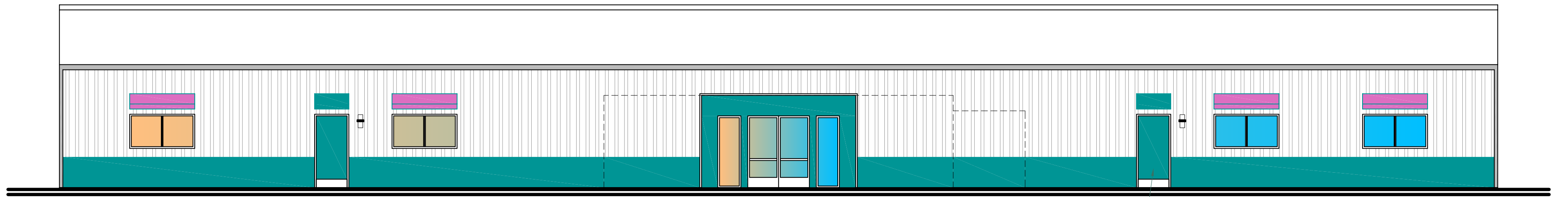
1. INTERIOR (PARCEL) ELEVATION  
 SCALE 1/8" = 1'-0"



2. INTERIOR (PARCEL) ELEVATION  
 SCALE 1/8" = 1'-0"



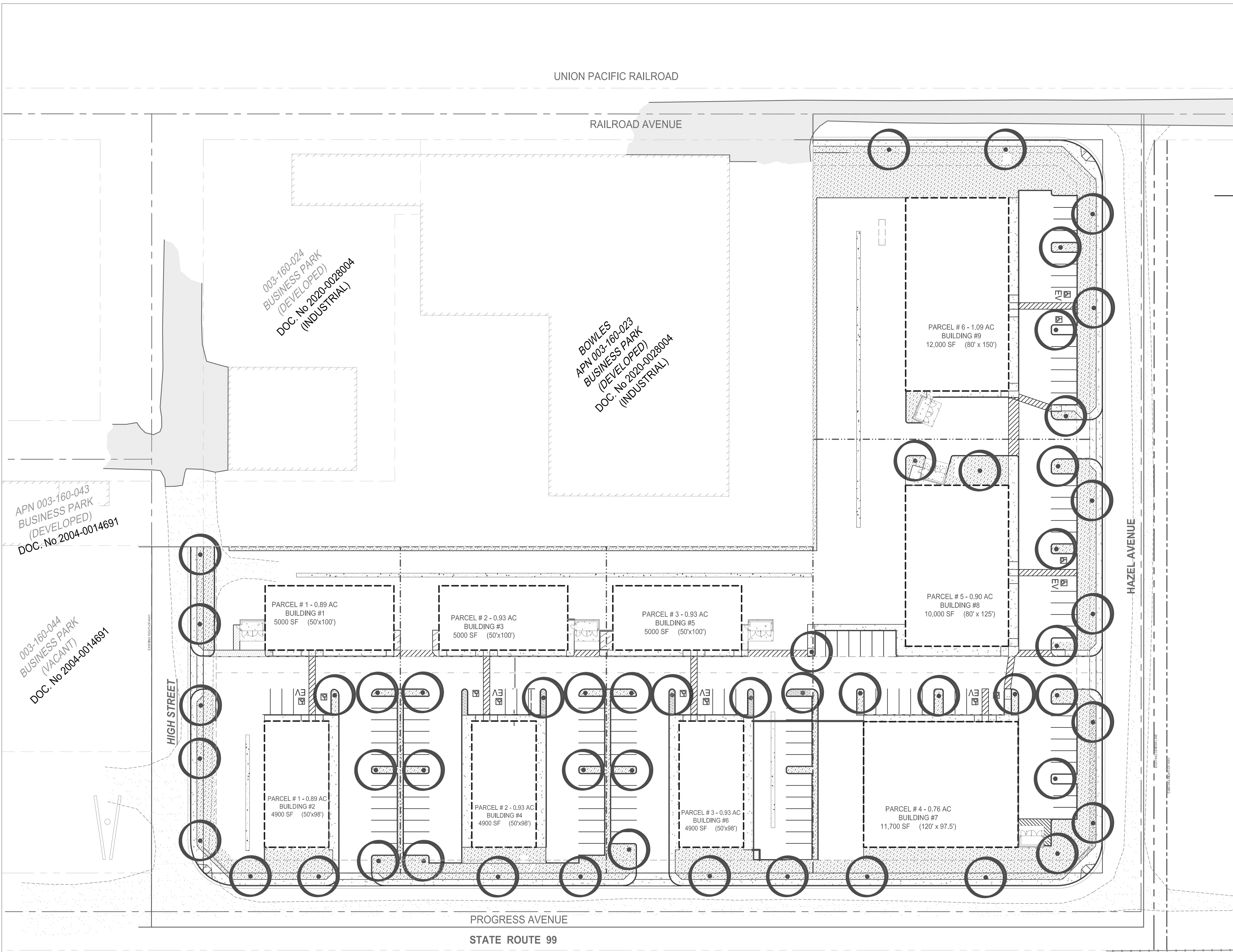
4. REAR SIDE (PARCEL) ELEVATION  
 SCALE 1/8" = 1'-0"



3. INTERIOR (PARCEL) ELEVATION  
 SCALE 1/8" = 1'-0"

**NOTE:**  
 THIS SHEET SHOWS DESIGN & EXTERIOR FINISH FOR ALL BUILDINGS.  
 SEE SHEET C.2 FOR EACH BUILDING DIMENSIONS.

REVISION DATE	BY



**LEGEND**

	PROJECT BOUNDARY
	EXISTING RIGHT OF WAY
	EXISTING RIGHT OF WAY CENTERLINE
	EXISTING PROPERTY LINE
	EXISTING UNPAVED ROAD
	PROPOSED RIGHT OF WAY
	PROPOSED PROPERTY LINE
	PROPOSED PUBLIC UTILITY EASEMENT
	PROPOSED TUBULAR STEEL FENCE
	EXISTING CHAIN LINK FENCE
	PROPOSED CURB AND GUTTER
	PROPOSED ACCESSIBLE PATH OF TRAVEL
	PROPOSED LANDSCAPE
	PROPOSED PAVEMENT ASPHALT
	PROPOSED PAVEMENT CONCRETE
	EXISTING DIRT ROAD
	PROPOSED TREE



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**RAILROAD BUSINESS PARK**

**LANDSCAPE PLAN TREE PALETTE**

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SHEET #:	L.1
OF	SHEETS

**TREES**

	(52 UNITS) 15 GAL. BOX PISTACIA CHINENSIS CHINESE PISTACHE ACCENT TREE MATURE HEIGHT: 25' - 35' MATURE SPREAD: 30' WATER USE: MEDIUM
--	--

Soil Type	Adaptable, Well Drained
Sunlight	Full
Drought Tolerance	Good
Mature Height	20-30 Feet
Mature Width	20-30 Feet
Fall Color Red	Fall Color Red

**TREE SHADING AREA CALCULATION**

30 Feet Width Spread (diameter) = 707 SQ. FT.

**TREE SHADING CALCULATION**

**CANOPY SHADE PROPOSED**

(52) X 707 SQ. FT. CANOPY SHADE = TOTAL 36,764 SQ. FT.

PROPOSED:  
 TOTAL CANOPY SHADE = 36,754 SQ. FT. = 15% +/-  
 TOTAL LOT AREA = 239,580 SQ. FT.

**CITY OF ATWATER MUNICIPAL CODE CHAPTER 17.42 - M-2 INDUSTRIAL ZONE**

17.42.080 - Landscaping requirements.  
 A minimum of ten percent of the property shall be landscaped. Landscaping and irrigation plans shall be submitted to and approved by the Parks and Recreation Director. One shade tree of 15 gallon minimum size shall be planted in parking areas for every ten spaces.

(Ord. CS 583, 1984)

**NOTE:**

PROJECT LANDSCAPING SHALL CONFORM TO THE MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWEL0) TITLE 24, PART 11, CHAPTER 4 AND 5 OF THE CALGREEN BUILDING CODE AND CHAPTER 8.36 OF THE ATWATER MUNICIPAL CODE.



## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt      Ronald Daugherty  
Harold Kadach        lleisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** April 19, 2023

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Community Development Director

**SUBJECT:** Public hearing to consider adopting a Resolution Approving a Conditional Use Permit to allow for the sale of beer, wine and distilled spirits for consumption off-premises where sold. Located at 316 E. Bellevue Rd, Atwater (APN: 004-021-001)

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15301, "Existing Structures," make a determination that public convenience or necessity would be served by issuance of the ABC Type 21 license and adopt Resolution No. 0222-23 approving Conditional Use Permit No. 23-03-0100 for a sign located at 316 E. Bellevue Rd. (APN 004-021-001).

### **I. BACKGROUND:**

The subject property is located at 316 E. Bellevue Rd. Assessor's Parcel Number (APN) 004-021-001 (refer to figure 1). The project site was a former music store that was converted into a beer and wine establishment. The beer and wine establishment first began its operations without the approval of the City. On November 2, 1977, Conditional Use Permit (CUP) No. 152 was submitted and approved to allow continued beer and wine operations. On January 14, 1981, CUP No. 204 was submitted to the Planning Commission seeking approval to amend CUP No. 152 and to include the sale of hard liquor to the existing CUP. The sale of this additional type of alcoholic beverages required a special use permit, which required both Planning Commission and City Council approval. On January 26, 1981, CUP No. 204 was brought before City Council and was

approved to allow for the continued operations with the amendment to allow for the sale of hard liquor.

The applicant is requesting that the Planning Commission now make a determination that the public convenience or necessity would be met by issuance of a Type 21 license at the store and forward its recommendation to the State of California Department of Alcoholic Beverage Control.

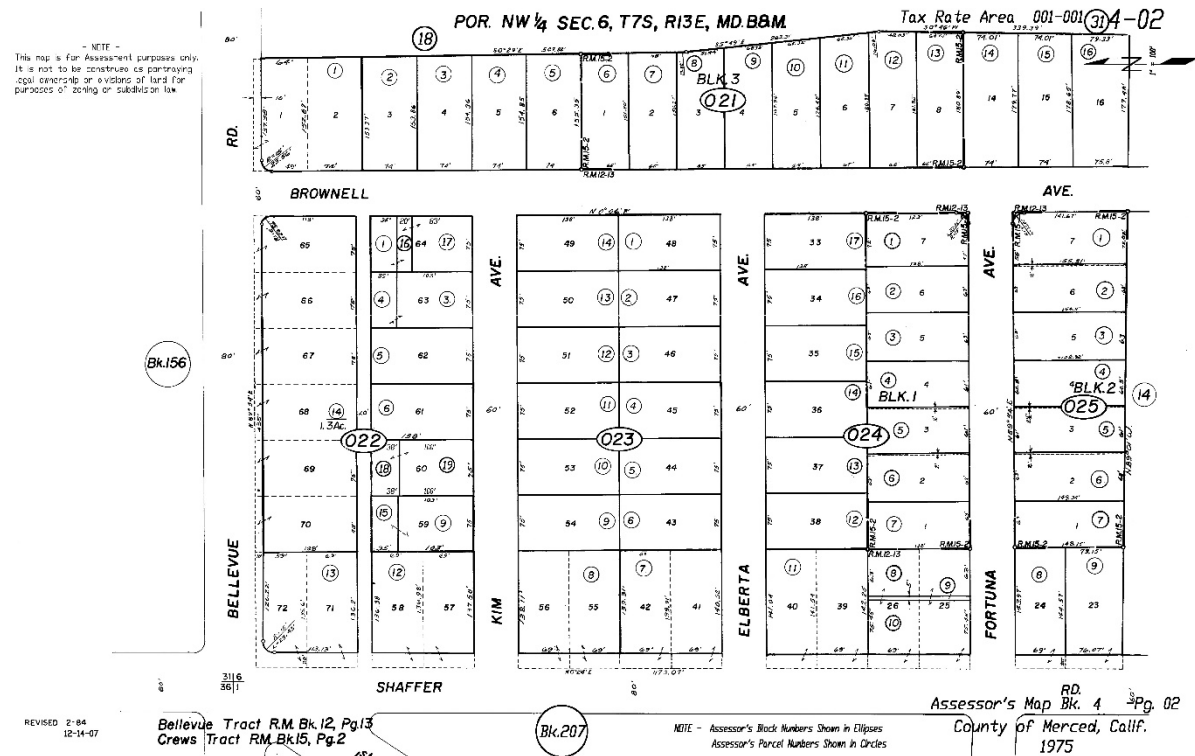


Figure 1: Site Location

II. ANALYSIS:

The parcel is located on the south side of Bellevue Road at its intersection with Brownell Street, 316 E Bellevue Road (APN: 004-021-001). The parcel currently has an existing shopping center consisting of several retail and personal service establishments. The project site is located in an area with a land use designation of low-density residential and has a zoning of General Commercial (C-G). There are currently seven businesses offering alcohol sales that are located along the Bellevue Road corridor within the City of Atwater. The Bellevue Road Corridor is approximately 2.32 miles long, which means there are approximately three businesses that offer ABC 21-type services for every mile along the Bellevue Corridor in the City of Atwater. The applicant currently operates under an Alcoholic Beverage Control (ABC) Type 20 license, which allows for the sale of beer and wine for consumption off the premises where they are sold. The hours of operation are from 8:00 am to 10:00 pm, and it is open seven days a week. As previously stated, the applicant is requesting that the Planning Commission make a determination that the

public convenience or necessity would be met by issuance of a Type 21 license at the store and forward its recommendation to the State of California Department of Alcoholic Beverage Control. Business and Professions Code section 23958 requires ABC to deny an application for a license if the issuance of that license would tend to create a law enforcement problem or if issuance would result in or add to an undue concentration of that type of license in the area. ABC can still issue the license if, among other things, the City Council or its designated subordinate officer or body (i.e., the Planning Commission) makes a determination that public convenience or necessity would be served by issuance of the license. The application has been reviewed by the City of Atwater staff, which determined that it can make a finding that the public convenience or necessity would be served by the approval of this Type 21 licenses, because the proposed use is not detrimental to the character of development in the immediate neighborhood; the economic benefit to the City and the applicant outweighs any negative impacts to the community as a whole; and City law enforcement staff does not feel approval would result in significant additional risk to the community or use of policing resources.

**Land Use Designation:**

The project site has a land use designation of Low-Density Residential. The Low-Density Residential land use designation is to allow for residential development at densities that are typical for existing single-family residential subdivisions within the City. Typical land uses include single-family residences and residential accessory uses, churches, schools, parks, community care facilities, and necessary public utility and safety facilities. Secondary dwelling units may be permitted consistent with state and local regulations.

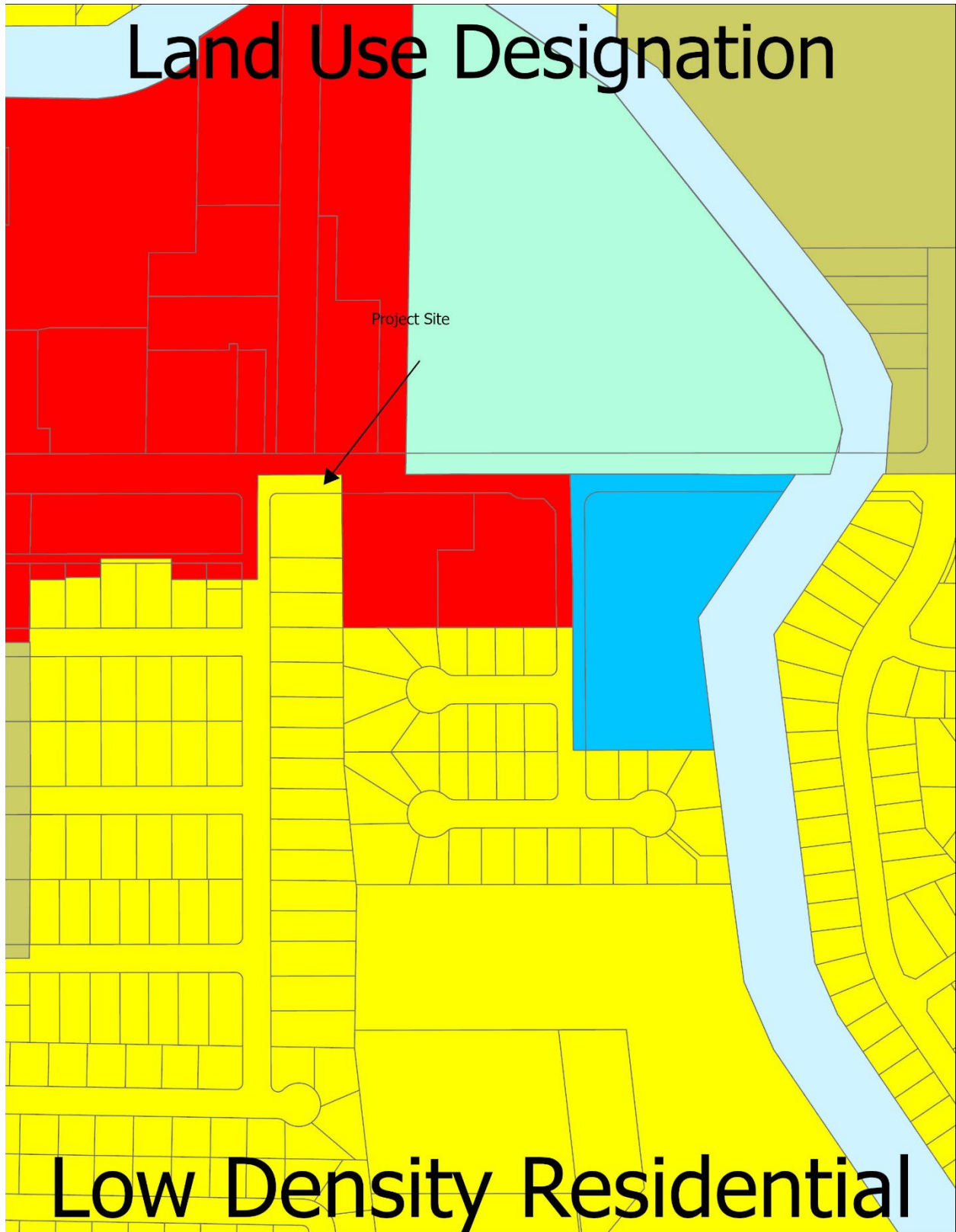


Figure 2

**Zoning:**

The project is located in a General Commercial zone. General Commercial is to provide a location for the retail, wholesale, and heavy commercial uses and services necessary within the City.



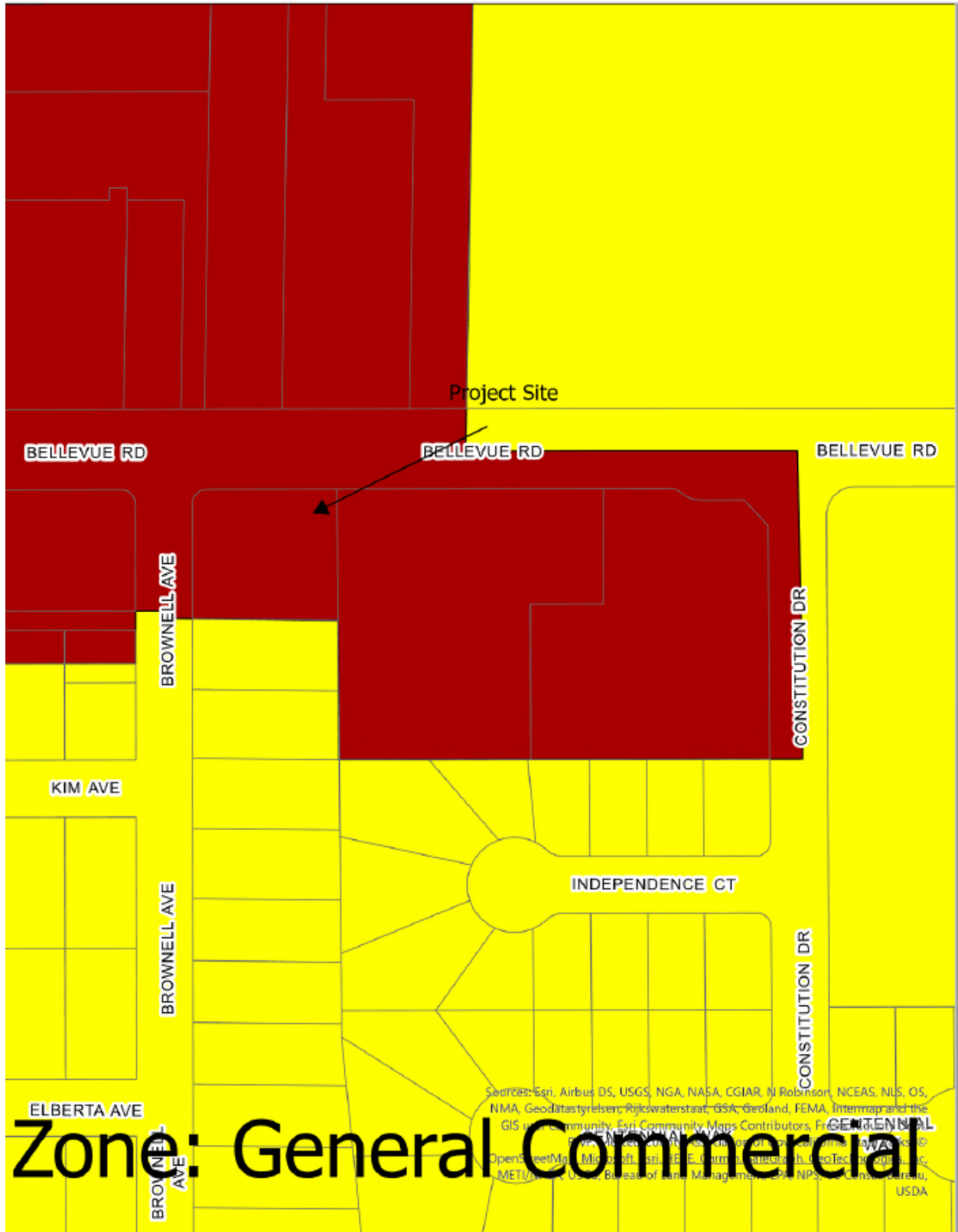


Figure 3

**Surrounding Uses:**

The immediate area to the north, east, and west is zoned General Commercial (G-C), which consists of retail and personal service establishments such as Dominos, Carwash, and an insurance group. To the immediate south of the project site, it is zoned Low-Density Residential (LDR), which does have an existing residential neighborhood.

**Zoning Consistency:**

As previously stated, the project is located at 316 E. Bellevue Road (APN: 004-021-001), which is in the C-G (General Commercial Zone). The purpose of the C-G zone is to provide a location for the retail, wholesale, and heavy commercial uses and services necessary within the City, but not suited to other commercial districts and too small for the M-1 area. This type of Zoning is not consistent with the current land use designation of Low-Density Residential, which provides for residential development.

**Recommendation:**

As previously stated, the project site lacks consistency with the land use designation and the current zoning. However, according to CUP Application No. 152, 316 E. Bellevue Road has been zoned C-G and has been used for retail since 1977. The Site has a history of being used as a commercial establishment ever since. Staff recommends that the Planning Commission:

- Find that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15301, “Existing Structures,”
- Find that the public convenience or necessity would be served by issuance of the ABC 21 license; and
- Adopt Resolution No. 0222-23 approving Conditional Use Permit No. 23-03-0100, with the caveat that the applicant cannot operate until the land use designation and zoning are consistent.

**III. FISCAL IMPACTS:**

No negative fiscal impacts are anticipated with the approval of this project. This item has been reviewed by the Finance Department.

**IV. LEGAL REVIEW:**

This item has been reviewed by the City Attorney’s Office

**V. EXISTING POLICY:**

**VI. INTERDEPARTMENTAL COORDINATION:**

An interdepartmental routing sheet was sent to all required departments and affected agencies for review, and their comments and conditions have been incorporated.

**VII. PUBLIC PARTICIPATION:**

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

**VIII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), this project is categorically exempt under guideline section 15301, “Existing Structures”.

**IX. STEPS FOLLOWING APPROVAL:**

Following the adoption of Resolution No. PC 0222-23, the Recording Secretary will forward the signed Resolutions to the applicant.

Prepared by: Samuel J. Rashe, Senior Planner

Submitted by: Greg Thompson, Community Development Director

Attachments:

1. Resolution
2. Application
3. Operational Statement
4. Land Use Map
5. Zoning Map
6. Assessors Map
7. Previous Use Permit



## PLANNING COMMISSION OF THE CITY OF ATWATER

---

### RESOLUTION NO. PC 0222-23

#### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT NO. 23-03-0100 TO ALLOW FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR CONSUMPTION OFF-PREMISES WHERE SOLD LOCATED AT 316 E. BELLEVUE RD. ATWATER (APN: 004-021-001)**

**WHEREAS**, at a duly noticed public hearing on April 19, 2023, the Planning Commission of the City of Atwater reviewed a request for a Conditional Use Permit to allow for the sale of beer, wine and distilled spirits for consumption off-premises where sold located at 316 E. Bellevue Road (APN: 004-021-001); and,

**WHEREAS**, this project is statutorily exempt under California Environmental Quality Act (CEQA) guideline 15301, "Existing Structures;" and,

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

**WHEREAS**, the proposed Conditional Use Permit No. 23-03-0100 would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community, as the site is currently operated as a business engaged in the sale of alcohol, and there have not been any adverse community effects reported by citizens or law enforcement staff; and,

**WHEREAS**, the Planning Commission has determined that the following findings can be made for Conditional Use Permit No. 23-03-0100 in support of the Project:

1. That applicant proposes to change the operations of the convenience store from a Department of Alcoholic Beverage Control (ABC) Type 20 license, which allows the sale of beer and wine for consumption off-premises where sold, to an ABC Type 21 license, which will also include the sale of distilled spirits for consumption off-premises where sold.

2. Per section 17.38.020(M) of the Atwater Municipal Code, off-site beverage sales shall require a use permit by the planning commission.
3. Per the Business and Professions Code section 23958, if there is already an “undue concentration” of this type of license in the area, ABC can only issue a license if, the City Council or its designated subordinate officer or body (i.e. the Planning Commission) makes a determination that public convenience or necessity would be served by issuance of the license.
4. Because there are already approximately 3 business offering Type 21 license services for every mile along the Bellevue Corridor, there is an “undue concentration” of this type of license, and the applicant is requesting that the Planning Commission make a finding that the license will nevertheless serve the public convenience or necessity, which allows ABC to issue the license despite the finding of undue concentration.
5. The Planning Commission can make a finding of public convenience or necessity, because this proposed use is not detrimental to the character of development in the immediate neighborhood; the economic benefit to the City and the applicant outweighs any negative impacts to the community as a whole; and City law enforcement staff does not feel approval would result in significant additional risk to the community or use of policing resources.
6. That this project is exempt from CEQA review under CEQA guideline section 15301, “Existing Structures”, because section 15301 applies to the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures.
7. The public hearing for this use permit was adequately noticed and advertised.
8. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 23-03-0100 to allow for the sale of Beer, Wine, and Distilled Spirits for consumption off-premises where sold, located at 316 E. Bellevue Rd. Atwater (APN: 004-021-001), and makes a finding that the public convenience or necessity would be served by the issuance of an ABC Type 21 license, subject to the following conditions:

**POLICE**

1. All external utility connections, Electrical and Water, must be enclosed in lockable boxes.

**PLANNING**

1. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
2. Applicant shall comply with the Atwater Municipal Code, Zoning, Chapter 17.38
3. 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 10 and part 12 of the 2019 edition of the California Code of Regulations Title 24.

4. Applicant shall comply with all Commercial and Industrial Design Guidelines.
5. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 23-03-0100.
6. The applicant cannot begin the operation of entitlements of the ABC 21 license until the Land Use Designation and Zoning are consistent.
7. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, and Planning Commission 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.
8. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. 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 19th day of April, 2023.

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

**RONALD DAUGHERTY, CHAIRPERSON**

**ATTEST:**

**GREG THOMPSON, COMMUNITY  
DEVELOPMENT DIRECTOR**



# City of Atwater

Uniform Development Application  
750 Bellevue road

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

*RSO 0222-23  
Amend CUP 23-3-01a*

## APPLICATION FORM

RECEIVED  
JAN 24 2023  
BY: *[Signature]*

Please indicate the types of application requested

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Administrative Application              | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Tentative Map         |
| <input type="checkbox"/> Amend Planned Development               | <input type="checkbox"/> Development Agreement  | <input type="checkbox"/> Time Extension        |
| <input checked="" type="checkbox"/> Amend Conditional Use Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Variance              |
| <input type="checkbox"/> Application for Appeal                  | <input type="checkbox"/> Lot Line Adjustment    | <input type="checkbox"/> Zone Change           |
| <input type="checkbox"/> Architectural Review                    | <input type="checkbox"/> Lot Merger             | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Certificate of Compliance               | <input type="checkbox"/> Site Plan              | <input type="checkbox"/> Other                 |

Describe Proposed Project:

I OWN A BUSINESS BEER CAFE AT 316 EAST BELLEVUE RD. ATWATER CA 95301. CURRENTLY I HAVE 20 OFFSALE BEER AND WINE LICENSE. I WANT TO UPGRADE THAT TO 21 OFF SALE LIQUOR LICENSE.

APPLICANT: RAVINDER SINGH (RANDHAWA LL) PHONE NO: 209-777-9091

ADDRESS OF APPLICANT: 316 EAST BELLEVUE RD EMAIL: RICKRANDHAWA28@YAHOO.COM

PROPERTY OWNER: DEAN LOUIS PHONE NO: 209-357-7767

ADDRESS OF PROPERTY OWNER: 302 EAST BELLEVUE RD.

ASSESSOR'S PARCEL NUMBER: APN: 004-020-001

Address/General Location of Property: 316 EAST BELLEVUE RD.

EXISTING ZONING OF PROPERTY: GENERAL COMMERCIAL (C-6) ZONE DISTRICT.

GENERAL PLAN DESIGNATION OF PROPERTY: ATWATER GENERAL PLAN

### Indemnity Statement

To the fullest extent permitted by law, Developer, and Developer's successor in interest, shall defend, indemnify, and hold harmless City, and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, the Development Agreement, the Conditional Use Permit, or Subsequent City Approvals. Failure by Developer to indemnify City, when required by



this condition of approval, the Development Agreement, and the Indemnification Agreement, shall constitute a material breach of the Development Agreement, the Conditional Use Permit, and Subsequent City Approvals, which shall entitle City to all remedies available under law, including, but not limited to, specific performance and damages. Failure to indemnify shall constitute grounds upon which City may rescind its approval of any applicable Conditional Use Permit. Developer's failure to indemnify City shall be a waiver by Developer of any right to proceed with the project, or any portion thereof, and a waiver of Developer's right to file a claim, action, or proceeding against City, or City's Agents, based on City's rescission or revocation of any Conditional Use Permit, Subsequent City Approvals, or City's failure to defend any claim, action, or proceeding based on Developer's failure to indemnify City. This condition may be placed on any plans or other documents pertaining to this application.

I have read, agree and accept the City Indemnity agreement

Signed:  1-23-2023  
Applicant                      Date:

There are no deed restrictions on this land that would prohibit this type of use or development. I (we) Dean Louis depose and say that I am the property owner involved in this application and the forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed:  01/04/23  
PROPERTY OWNER      DATE:

\_\_\_\_\_  
PROPERTY OWNER      DATE:



# City of Atwater

## HAZARDOUS WASTE AND SUBSTANCE STATEMENT

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

This is to determine if the proposed project or any alternatives to the proposed project in this application are on the lists compiled to Section 65962.5 of the Government Code. The applicant is required to submit a signed statement, which contains the following information:

NAME OF OWNER: DEAN LOUIS

ADDRESS: 302 EAST BELLEVUE RD.

NAME OF APPLICANT: RAVINDER SINGH (RANDHAWA LLC)

ADDRESS: 316 EAST BELLEVUE RD. ATWATER CA

ADDRESS OF SITE: 316 EAST BELLEVUE RD. ATWATER CA

APN: 004-020-001

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: \_\_\_\_\_

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: \_\_\_\_\_

APPLICANT SIGNATURE:  Date 1-23-2023

### City of Atwater Processing Agreement

This an agreement for payment of costs for the city of Atwater application processing

To be completed by applicant:

This agreement is by and between the City of Atwater, California, hereafter "City," and RAVINDER SINGH RAWDHAWA LLC hereinafter "applicant". This is a legally binding agreement. You should ensure to read all provisions of this agreement.

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$ 2,000<sup>00</sup> at the time this agreement is signed, and subsequent deposits within 30 days of the date requested by the City in writing, The city will not pay interest on deposits. Applicant agrees that it knowingly and voluntarily waives, extends and continues each of the time limits imposed by California Government Code Section 65943 for the determination of a development application's completeness and the time limits imposed by California Government Code Sections 65950, 65950.1, 65951, and 65952 for the approval or disapproval of development permits for as many days as the applicant delays making a subsequent deposit from the date of written notice requesting such additional deposit until the deposit is received by City, not to exceed 90 days. Failure to make any subsequent deposits may result in denial of an application for development project or in the decision by the City to postpone action on the application.
3. If Applicant does not deposit such requested deposits or make payments on outstanding invoices within thirty (30 days after the date of the deposit request or invoice, City staff may cease work on the project until the required deposit or payment is made, subject to any other provisions of law.
4. Deposits shall be applied toward the City's costs in reviewing and processing the application. City will send monthly statements indicating the charges against the initial deposit and any subsequent deposits. The City may elect to send statements less frequently than monthly, if there is only limited monthly activity on the project.

5. In the event that the accumulated periodic charges exceed the initial deposit and any subsequent deposits previously received by City, City will invoice Applicant for the amount outstanding and may require an additional deposit. Applicant will pay any and all amounts exceeding the initial and subsequent deposits within thirty (30) days of the date of the invoice and shall make any additional deposit required by the City.
6. City statements and invoices shall provide summary information indicating the cost for employees and independent contractors, including direct and indirect charges. Original invoices from independent contractors (except attorney/client invoices) shall be available upon request by Applicant, at Applicants additional cost.
7. Applicant shall pay interest on all costs unpaid 30 days after the date of any invoice at the maximum legal rate, and the City is entitled to recover its costs, including attorney's fees, in collecting unpaid accounts.
8. Applicant and owner of property, if not the same, agree to and authorize City to place lien on the property subject to this application for any and all delinquent fees, Th City shall remove such a lien once the Applicant has paid all delinquent fees. For purposes of this section, an invoice amount shall become delinquent when unpaid for 30 days after the date of the invoice.
9. Any refund of amounts deposited shall be made in the name of the Applicant, to the address noted above in Section 2. Invoices are due and payable within 30 days.
10. Applicant further agrees that no building permits, Certificate of Occupancy and/or subdivision Acceptance for the project will be issued until all costs for review and processing are paid.
11. Applicant shall provide written notice to the City if any of the above information changes.
12. This Agreement shall only be executed by an authorized representative of the Applicant. The person executing this Agreement represents that he/she has the express authority to enter into agreements on behalf of the Applicant.
13. This Agreement is not assignable without written consent by the City of Atwater. The City of Atwater will not consent to assignment of this Agreement until all outstanding costs have been paid by Applicant.

Applicant: RSB Date: 1-23-2023

Print Name and Title: RAVINDER SINGH (MANAGING MEMBER RANDHAWA LLC)

Owner: Dean Louis Date: 01/24/23

Print Name and Title: DEAN LOUIS

City of Atwater  
By: Scott Ruffalo Date: 2-2-2023

Print Name and Title: Scott Ruffalo Planning Technician



**COMMUNITY DEVELOPMENT  
EXISTING SITE CONDITIONS**

750 Bellevue road

**Phone: (209) 357-6342/357-6349**

**Fax: (209) 357-6348**

Application: \_\_\_\_\_

APN: 004-020-001

As Property Owner, I hereby acknowledge grading, land clearing, construction or any action that would alter the existing condition of the project site until approval of the final application is granted by the City of Atwater. I understand that alteration of the project site prior to approval will impact the City of Atwater's ability to review the project and could result in higher prices and require additional mitigation measures/conditions of approval to be applied or result in the denial of the application.

My agent/applicant has been instructed the importance of maintaining the current condition of the project site. The exception to the above-mentioned statement is an approval by the Planning department upon a written request.

  
\_\_\_\_\_

Signed

1-23-2023

Date

Project Checklist Continued

Hazardous Waste and Substances Site List Disclosure form completed and signed. The California Government Code requires that applicants for all development projects, excluding building permits, must check the Comprehensive Hazardous Waste and Substances Statement list to determine if the site of the proposed project is on the list. This is to be completed as part of the application materials, The Purpose of this is to provide information to be verified and used in the environmental Review of the project.

Operational Statement, which should be printed on its own sheet of paper and have the following information: Nature of the proposal including all types of uses-sales, processing, manufacturing etc, detail existing, proposed, and future operations, brief summary of operation hours to include peak hours, estimated number of personal during peak hours, vicinity map with highlighted truck routes, proposed method of waste removal and disposal (show on plot plan trash receptacle), how is the proposed project consistent with nearby uses, uses of all structures, size of buildings.

Staff Initials 

Date received 2.2.2023

CITY OF ATWATER COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
ENVIRONMENTAL INFORMATION FORM

(This form to be completed by Applicant and returned with all Land Use Applications. Please note that additional environmental information may be requested as necessary. Use additional sheets as necessary.)

GENERAL PROJECT INFORMATION (Please type or print legibly in ink)

1. Name, Address, telephone number, and email address of ~~land owner~~/applicant:  
applicant → RAVINDER SINGH, 316 E. BELLEVUE RD. 209-777-9091  
RICKRANDHAWA28@YAHOO.COM
2. Name, Address, telephone number, and email address of applicant if other than land owner:  
owner → DEAN LOUIS, 302 E. BELLEVUE RD. - 209-357-7767
3. Address/General location and APN of the project:  
316 East BELLEVUE RD.  
APN: 004-020-001
4. Existing zoning: GENERAL COMMERCIAL (G-G) ZONE DISTRICT
5. Land use designation within the current General Plan: ATWATER GENERAL PLAN
6. Proposed change in use and project for the proposed application (Please provide an Operational Statement for the proposed project and/or business activity):  
UPGRADE 20 OFF SALE BEER WINE to 21 OFF SALE  
LIQUOR LICENSE
7. Indicate the type of Permit(s) Application(s) to which this form pertains:  
AMEND CONDITIONAL USE PERMIT
8. List any other agencies and related permits or approvals that will be required for the project: ABC
9. List all adjacent uses to the project/property location:  
North: COMMERCIAL  
South: RESIDENTIAL  
East: COMMERCIAL  
West: COMMERCIAL

**PROJECT DESCRIPTION** (Attached additional Sheets as Necessary)

10. Project Area: 316 E. BELLEVUE Parcel Size: \_\_\_\_\_

11. Proposed Structures: (New and Existing) NA

12. Percentage of lot coverage (before and after any construction generated from the project): NO CHANGES IN THE LOT

13. Number of required off-street parking spaces (including Accessible):  
NA

14. School district(s) that serve the project area:  
ATWATER SCHOOL DISTRICT

15. Describe the landscaping improvements for the proposed project (please include all compliance with State mandated water conservation requirements):  
NO LANDSCAPING CHANGES

16. If the proposed project is to be a phased development, please described incremental phasing and implementation of improvements. (Use additional sheets if necessary): NO CHANGES

17. If the proposed project will represent a change to any resource of cultural significance as defined in Public Resources Code section 21074 (Tribal Cultural Resource) Please provide a copy of your consultation letter and the name and address of the consulting authority:  
NO CHANGE

18. List any and all hazardous or toxic materials, chemicals, pesticides, flammable liquids, or other similar products used as a part of the day to day operations of the project and all storage methods. (Please note that the use and storage of certain materials will require filing of a Hazardous Materials Business Plan and Spill Prevention Containment and Countermeasure Plan as may be determined. Applicants are encouraged to consult with the Merced County Environmental Health Division and local Fire Department as Administrators of said plans.):  
NA



19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.  
 Water: NA Gallons per day; Sewage: NA Gallons per day; Storm water: NA
20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.): NA
21. Provide a description of the proposed sanitary sewer system(s) including any on-site treatment necessary for the proposed project. (Include any capture and waste water treatment needs in the Operational Statement for the Project.): NA
22. Provide a "Can-and-will" serve letter for the project for any/all outside agencies or service districts that are anticipated to serve the project including any discharge agreement that may be necessary from the offices of The Merced Irrigation District. (Attach as necessary) NA
23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division. NA
24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:  
NA
25. Describe any earthwork (grading) that will be necessary for the project including all work associated with access roads or improvements located on adjacent lands or City owned/managed improvements. (please also list dust control methods and any compliance or permits necessary for the local Air Pollution Control District.): NA
26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:  
NA  
 Average Daily Trips: NA

**PROJECT DESCRIPTION CONT.**

Please indicate below the response that most applies to the described project. Should the answer indicated differ from the information provided in the General Project Information shown above or from information already obtained from the offices of the City of Atwater, the applicant(s) will be required to provide evidence or documentation to support the answers shown. (Please attach additional sheets as may be necessary)

	Yes	Maybe	No
27. Change to existing features of any vegetation, lakes, streams, rivers, hills, or substantial alteration of ground contours.	___	___	<u>NO</u>
28. Any change in quantity, direction of flow of groundwater.	___	___	<u>NO</u>
29. Change in quality or alteration of drainage patterns to any lake, stream, Natural or man-made water body.	___	___	<u>NO</u>
30. Change in absorption rates, drainage patterns, or the rate or amount of surface runoff.	___	___	<u>NO</u>
31. Discharge into any surface water, or any alteration of surface water quality, i.e., temperature, dissolved oxygen, turbidity, etc.	___	___	<u>NO</u>
32. Change in amount of surface water in any water body.	___	___	<u>NO</u>
33. Change in scenic views of vistas from existing residential areas, public lands or roads.	___	___	<u>NO</u>
34. Change in pattern, scale or character of the general area of the project.	___	___	<u>NO</u>
35. Will the project affect existing housing or create a demand for additional housing.	___	___	<u>NO</u>
36. Will the project result in a substantial alteration of the present or planned land use of the area.	___	___	<u>NO</u>
37. Will significant amounts of solid waste (garbage, spoils, manure) or litter be generated as a result of the project.	___	___	<u>NO</u>

PROJECT DESCRIPTION CONT.

	Yes	Maybe	No
38. Will substantial air emissions or deterioration of ambient air quality be a result of the project.	___	___	<u>NO</u>
39. Will there be a change in dust, ash, smoke, fumes, or odors in the vicinity.	___	___	<u>NO</u>
40. Creation of objectionable odors.	___	___	<u>NO</u>
41. Change in existing noise or vibration levels in the vicinity, or exposure of people to major noise sources.	___	___	<u>NO</u>
42. Will the project produce new light or glare.	___	___	<u>NO</u>
43. Site on filled land or on a slope of 10 percent or more.	___	___	<u>NO</u>
44. Substantial disruptions, displacements, compaction or over covering of soil.	___	___	<u>NO</u>
45. Any uses of disposable or potential hazardous materials, toxic substances, flammables or explosives.	___	___	<u>NO</u>
46. Substantial change in demand for municipal services such as police, fire, water, waste water treatment, City maintenance, etc.	___	___	<u>NO</u>
47. Substantial increase in demand on fossil fuel consumption.	___	___	<u>NO</u>
48. Relationship to larger project(s) or planning areas.	___	___	<u>NO</u>
49. Impacts to plant or animal species or any species as may be State or Federally listed as a sensitive or endangered species.	___	___	<u>NO</u>
50. Impacts to areas designated for use by agriculture.	___	___	<u>NO</u>

**PROJECT DESCRIPTION CONT.**

**GENERAL ENVIRONMENTAL SETTING:** Please provide a brief description of any special environmental conditions present on the project site and include photographs depicting the site and the surrounding area: N/A

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION**

I hereby certify that I/We are the legal owners of the property and project shown and described herein and that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_

Dated: 01/29/03

(Original signature required)

**LIST OF ATTACHMENTS**

1. ( \_\_\_\_\_
2. ( \_\_\_\_\_
3. ( \_\_\_\_\_
4. ( \_\_\_\_\_
5. ( \_\_\_\_\_
6. ( \_\_\_\_\_
7. ( \_\_\_\_\_
8. ( \_\_\_\_\_
9. ( \_\_\_\_\_
10. ( \_\_\_\_\_

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING  
DIVISION  
750 BELLEVUE RD  
ATWATER, CA 95301

### OPERATIONAL STATEMENT

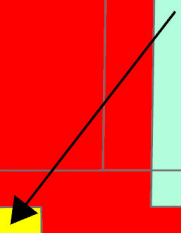
MY NAME IS RAVINDER SINGH, THE OWNER OF  
BEER CAVE (RANDHAWA LLC). MY BUSINESS IS  
LOCATED AT 316 E. BELLEVUE RD. ATWATER CA.  
BEER CAVE IS A CONVENIENCE STORE CURRENTLY  
RUNNING WITH 20 OFF SALE BEER + WINE LICENCE.  
I WANT TO UPGRADE THAT TO 21 OFF SALE  
LIQUOR LICENCE. MY HOURS ARE 7 DAYS  
A WEEK 8AM - 10PM. THERE, I WORK MYSELF  
ALONG WITH ONE EMPLOYEE.

RAVINDER SINGH  
BEER CAVE (RANDHAWA LLC)  
316 E. BELLEVUE RD.  
ATWATER CA 95301

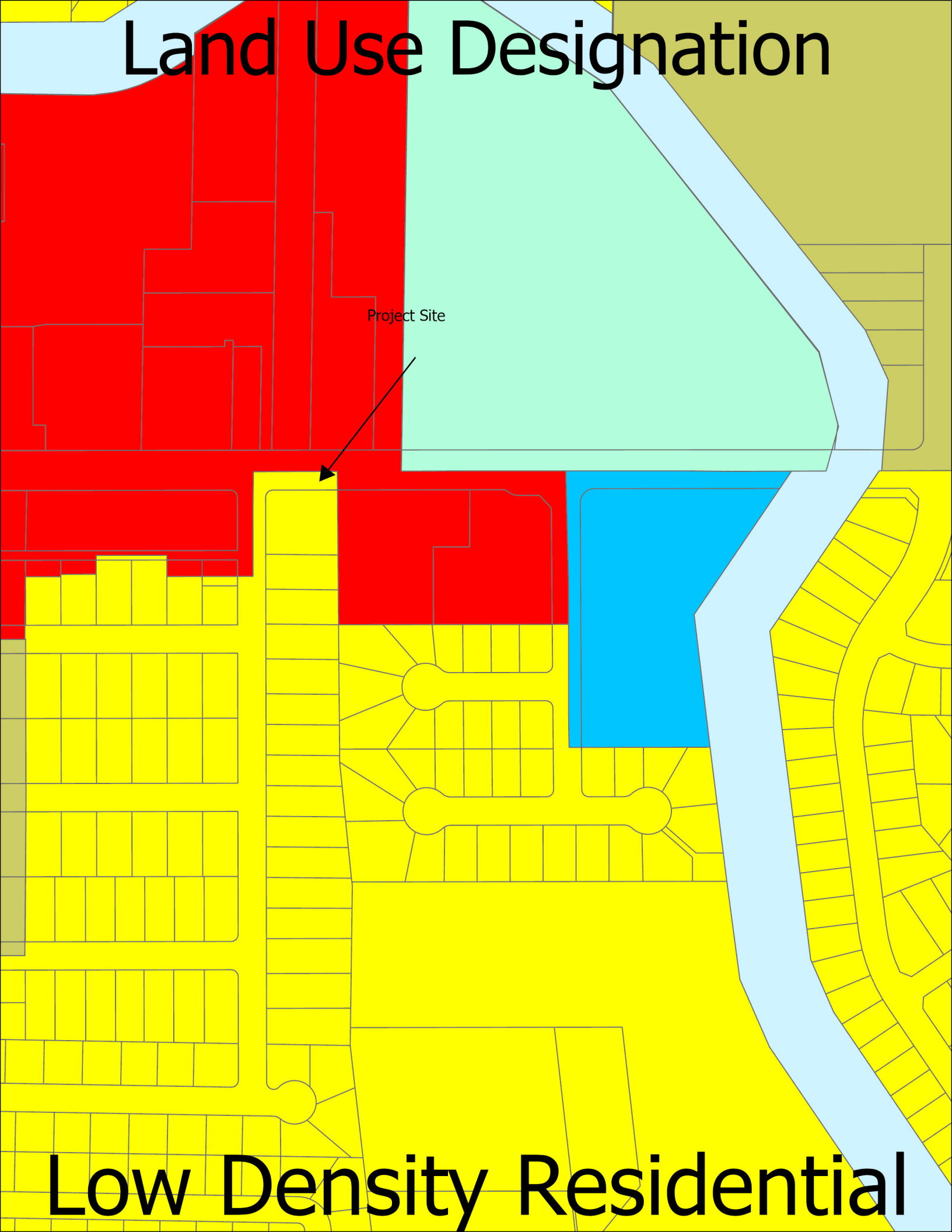
 2-6-2023

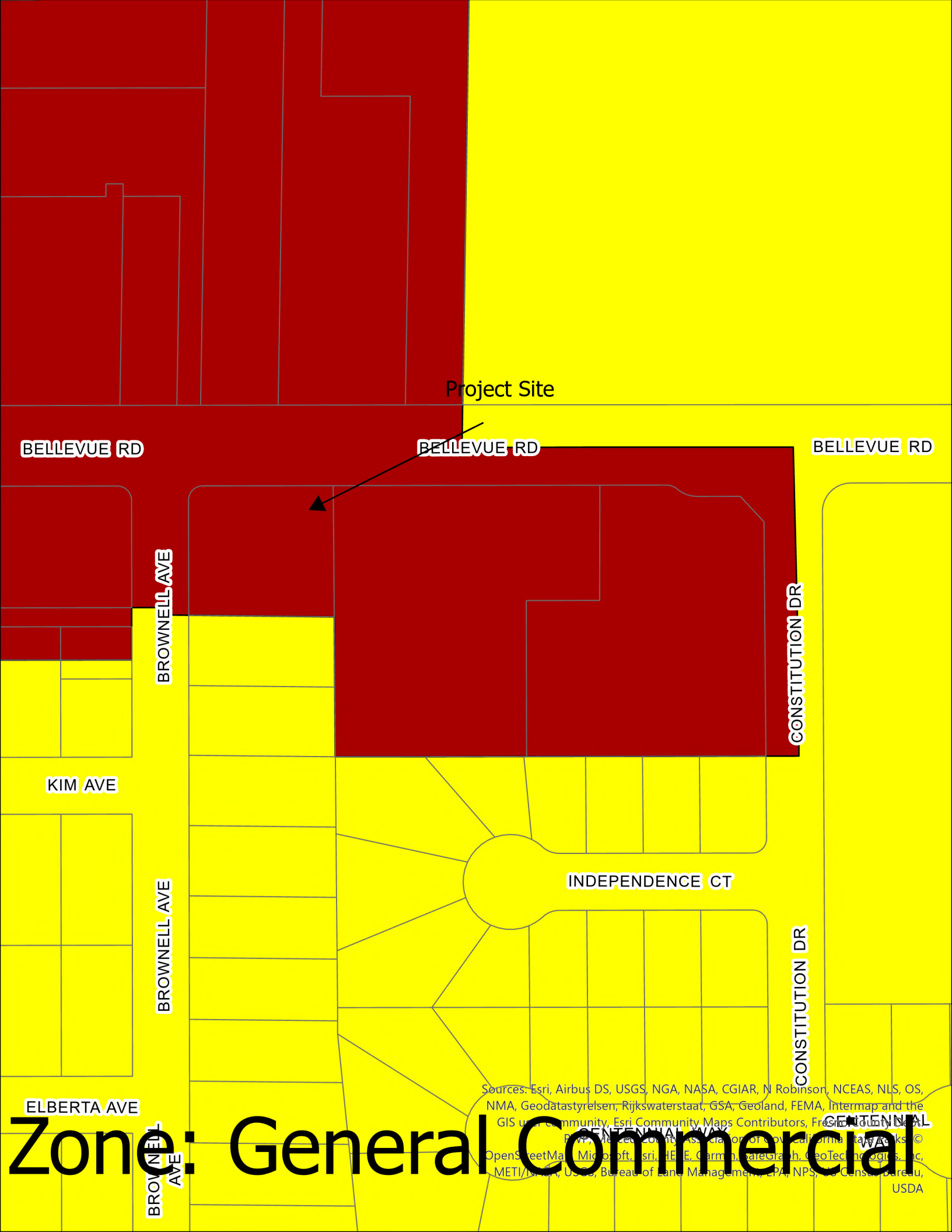
# Land Use Designation

Project Site



Low Density Residential





Project Site

BELLEVUE RD

BELLEVUE RD

BELLEVUE RD

BROWNELL AVE

CONSTITUTION DR

KIM AVE

BROWNELL AVE

INDEPENDENCE CT

CONSTITUTION DR

ELBERTA AVE

BROWNELL AVE

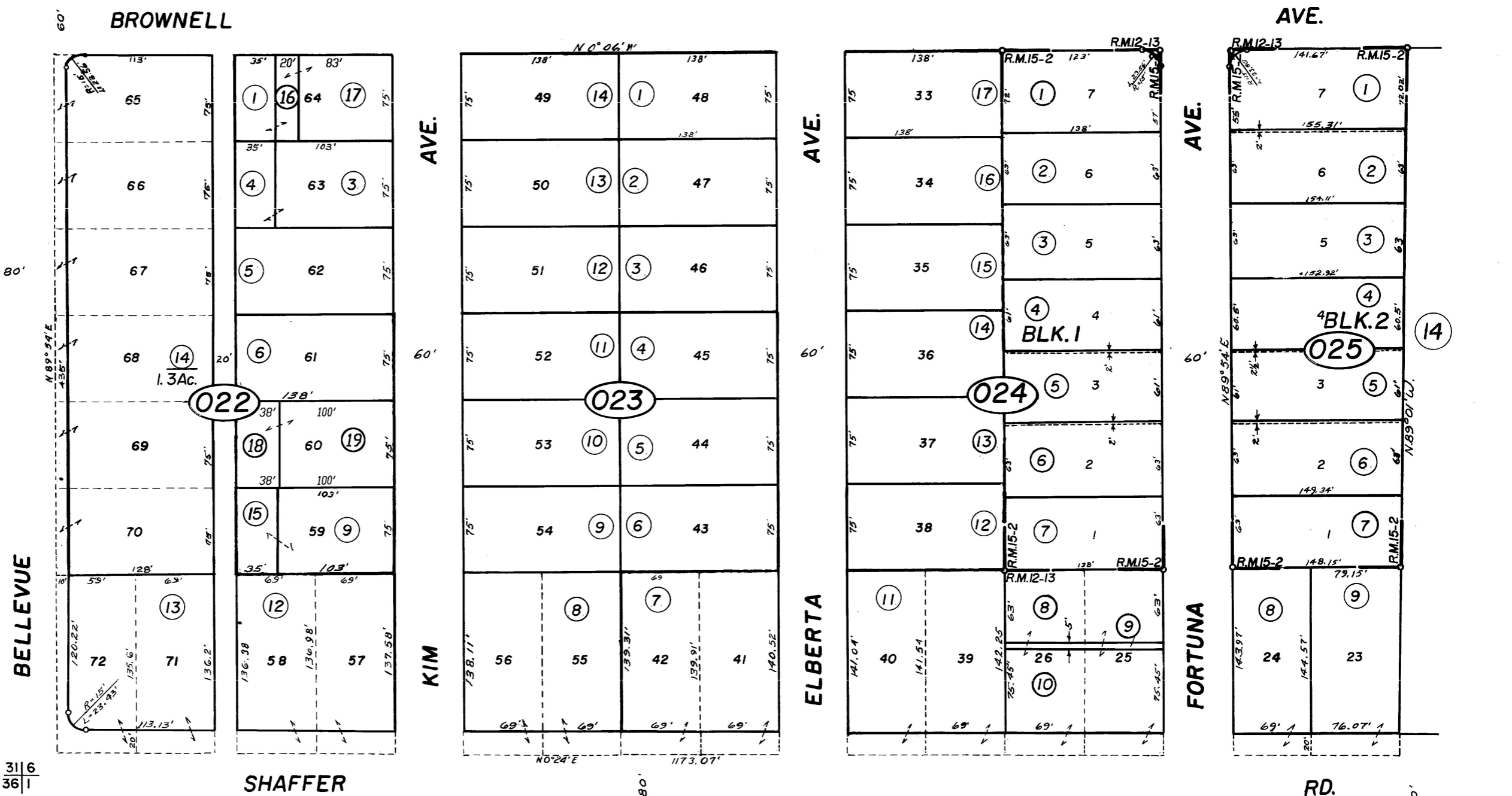
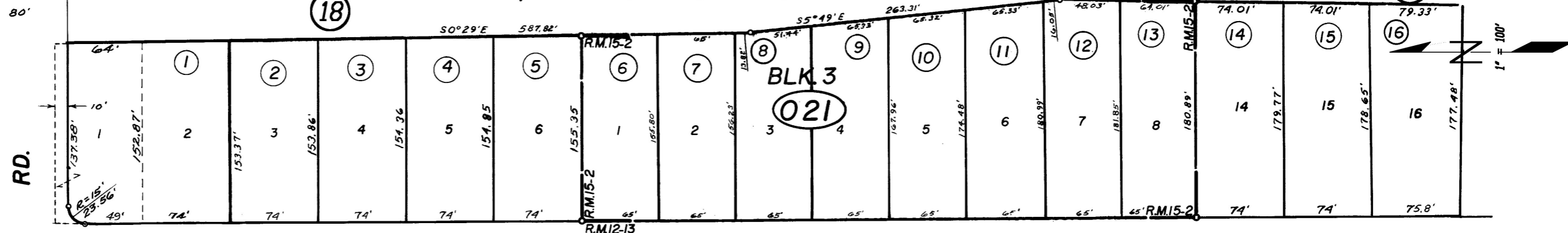
Zone: General Commercial

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Fresno County Dept. of Public Works, California State Parks, OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swire, GeoTechnology, Inc., METI/NICTA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

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

POR. NW 1/4 SEC. 6, T7S, R13E, MD. B&M.

Tax Rate Area 001-001 (314)-02



REVISED 2-84  
12-14-07

Bellevue Tract R.M. Bk.12, Pg.13  
Crews Tract R.M. Bk.15, Pg.2

Bk.207

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

Assessor's Map Bk. 4 Pg. 02  
County of Merced, Calif.  
1975



CITY OF ATWATER  
PLANNING COMMISSION STAFF REPORT  
November 2, 1977

Subject: Use Permit Application #152  
Applicant: James Beard  
Location: 316 E. Bellevue Road  
Environmental Status: Negative Declaration

Existing Conditions:

316 E. Bellevue Road is the site of a former music store that has recently been converted to a beer and wine establishment. The site is bounded on the north by single family homes, on the east by vacant R-1 property, on the south by single family homes, and on the west by commercial buildings. The site itself is zoned C-2, and the zoning ordinance requires a use permit for any alcoholic beverage establishment located within 300' of a residential area.

Authority:

Sec. 10-3.2301. Commission Requirements for Granting Use Permits. The findings of the Commission, except as otherwise provided in this Article, need include in addition to those findings required elsewhere in this Chapter, only that the establishment, maintenance and/or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvement in said neighborhood, or have an adverse effect on the inherent residential character and beauty of the city.

Findings:

This particular site has been the subject of some controversy in that a beer and wine establishment has been built at this location without City approval. This applicant proposes to use this structure for strictly beer and wine, and no grain alcohol will be served.

All public utilities are available to the site, and nearby streets appear adequate to handle the potential traffic flow created by this use. The present building was originally designed with adequate lighting, 7 parking spaces, and two drive entrances.

Staff Recommendation:

Because of the controversy created by the proposed use of this site in the past, it might be appropriate to establish some conditions regarding this site now. The use proposed by the applicant is, indeed, suitable for this site. Care must be taken, however, to insure that the area is screened from the adjacent R-1 property and does not present a problem to surrounding residences. Staff recommends that you approve use permit application #152 with the conditions as follows:

1. That the application should be reviewed at the end of one year.
2. That the adjacent vacant R-1 property should be screened from the proposed use by a 6' solid fence.

DATE: May 12, 1980  
TO: Ray Blake, Chief of Police  
FROM: Timothy A. Miller, Assistant Planner  
SUBJECT: Use Permit No. 152 - Bar

The following information is provided, as requested, concerning Use Permit No. 152:

The original Use Permit application was submitted by James Beard. The request was to allow the operation of a beer and wine establishment at 316 E. Bellevue Road. This permit is required because the business is located within 300 feet of residentially-zoned property. The application was reviewed and approved by the City Council on November 15, 1977. A follow-up review was conducted by the Planning Commission on November 15, 1978. The permit was granted an indefinite extension. However, any use permit can be scheduled for review and, if conditions warrant, revoked by action of the Planning Commission.

If the present owner/operator is allowing the establishment to be used as a meeting place for various clubs, as you described, then this activity exceeds the approval originally granted when the Use Permit was issued. If this type of activity continues, the Planning Commission may wish to reevaluate the existing Use Permit.

  
Timothy A. Miller  
Assistant Planner

TAM:pmm

# City of Atwater



*file*

CIVIC CENTER  
750 BELLEVUE ROAD  
ATWATER, CALIFORNIA 95301  
PHONE (209) 358-5606

January 28, 1981

Mr. Frank Mogliotti  
1849 Second Street  
Atwater, CA 95301

Dear Mr. Mogliotti:

This letter is to inform you that on Monday, January 26, 1981, the City Council of the City of Atwater approved Use Permit No. 204 to allow general alcohol sales at 316 East Bellevue Road. This approval is subject to the conditions of Planning Commission Resolution 2-81 as attached. Further, the City Council attached a condition that if the adjoining City property developed and the determination was made that fencing was necessary, then you would be responsible for that construction along the common property line.

If I can be of any further assistance in this matter, please do not hesitate to contact me at City Hall, 750 Bellevue Road or by telephoning, 358-5606, ext. 27.

Sincerely yours,

TIMOTHY A. MILLER  
Associate Planner

TAM:pmm

Motion: Cupples moved, seconded by Olzack to donate \$50.00 for the ad as requested. The vote was: Ayes--Dash, Cupples, Mitchell, Olzack; Noes--Zimmerman. The motion carried.

PUBLIC HEARINGS:

Use Permit No. 204,  
Frank and Leona Mogliotti

Request is to allow on-premises general alcohol sales at 316 E. Bellevue Road. Associate Planner, Tim Miller gave the Staff Report and stated that one letter had been received from Doris Kirby, stating that she has no objection to the proposed use.

The Mayor opened the Public Hearing.

No one came forward to speak.

The Mayor closed the Public Hearing.

Council Member Zimmerman wants the condition which is attached to the present Beer and Wine license carried forward to this "Hard Liquor" license. The condition states that if the city owned property adjacent to this property develops and the new owners want a fence between the properties it will be constructed. Council Member Mitchell then asked Police Chief Blake if there had been any problems with the existing use. Chief Blake replied that there had not.

Motion: Cupples moved, seconded by Olzack to approve Use Permit No. 204 with the conditions of Staff. The vote was: Ayes:--Cupples, Olzack; Noes:--Dash, Mitchell, Zimmerman. The motion failed. Motion: Zimmerman moved, seconded by Dash to approve Use Permit No. 204 with the conditions of Staff, as per Resolution P.C. 2-81 and that a fence be constructed between this and the adjoining city owned property when it develops, if so requested by the new owner. The vote was: Ayes:--Dash, Zimmerman, Olzack; Noes:--Cupples, Mitchell. The motion carried. Council Member Cupples wished to go on record that he had voted "no" on the motion because he was opposed to the condition that a fence be constructed on request, if and when the adjoining city-owned property develops, since this may not happen. Council Member Zimmerman stated that she felt that this was necessary for good planning.

CITY MANAGER REPORTS:

Tentative Parcel Map No.  
79-13, Bellevue Properties

Request is for a one-year time extension for this Tentative Map due to lack of a storm drainage plan for this area. The City Manager presented

RESOLUTION NO. PC 2-81

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ATWATER RECOMMENDING APPROVAL  
OF USE PERMIT NO. 204

WHEREAS, the Planning Commission of the City of Atwater has reviewed Use Permit No. 204 in accordance with local ordinances; and

WHEREAS, the determination has been made that the proposed use does not have an adverse impact on the environment and as such is exempt from the California Environmental Quality Act under Section 15060; and

WHEREAS, no written comments have been received, either in support or opposition to the application, in response to the notices mailed and the public hearing advertisement; and

WHEREAS, the requested use is allowed by a conditional use permit in the zone district of the proposed location; and

WHEREAS, the Planning Commission makes the finding that the proposed use will not be detrimental to the residential zone or park within 300 feet of the subject property;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atwater does hereby recommend approval of Use Permit No. 204 to the City Council;

BE IT FURTHER RESOLVED that Use Permit No. 204 will be subject to the following condition:

- a. That the Use Permit will be reviewed at the end of one year and reissued if the Planning Commission can still make the required finding.

The foregoing resolution is hereby adopted this 14th day of January, 1981.

AYES: Wiley, Effinger, Browner, Ayers

NOES: Dandy

ABSENT: None

APPROVED:

  
\_\_\_\_\_  
BOB AYERS, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
TRUDI MESTNIK, SECRETARY

DATE: January 26, 1981  
TO: Honorable Mayor and Members of the City Council  
FROM: Timothy A. Miller, Associate Planner  
SUBJECT: Use Permit No. 204 - Mogliotti - 316 E. Bellevue Road

The applicants are proposing to modify the business operation at the Double M Tavern, 316 E. Bellevue Road, formerly doing business as "The Club House". At present, the existing use permit allows the sale of beer and wine. The applicants are proposing to sell hard liquor if an on-site general alcohol permit can be obtained. Since the subject property is within 300 feet of a residential zone and a City Park, and the applicants are proposing a modification to the existing use, a new use permit must be obtained.

The sale of alcoholic beverages requires a special use permit granted upon approval by the City Council after hearings at the Planning Commission and City Council levels. The approval requires an expressed finding that the proposed use will not be detrimental to any surrounding residential zone, public school, park or church.

This business is located in an area where there is a mixture of residential and commercial uses. Staff does not feel the granting of this permit will impact the residential neighborhood, given the following conditions:

1. The only change is the type of alcoholic beverages served and not the use or associated activities;
2. Bellevue Road, as a major thoroughfare, provides access; and
3. The building has no openings to the south where the adjoining residences are located.

PLANNING COMMISSION RECOMMENDATION:





The Planning Commission recommended approval of Use Permit No. 204 as per the attached Resolution No. PC 2-81.

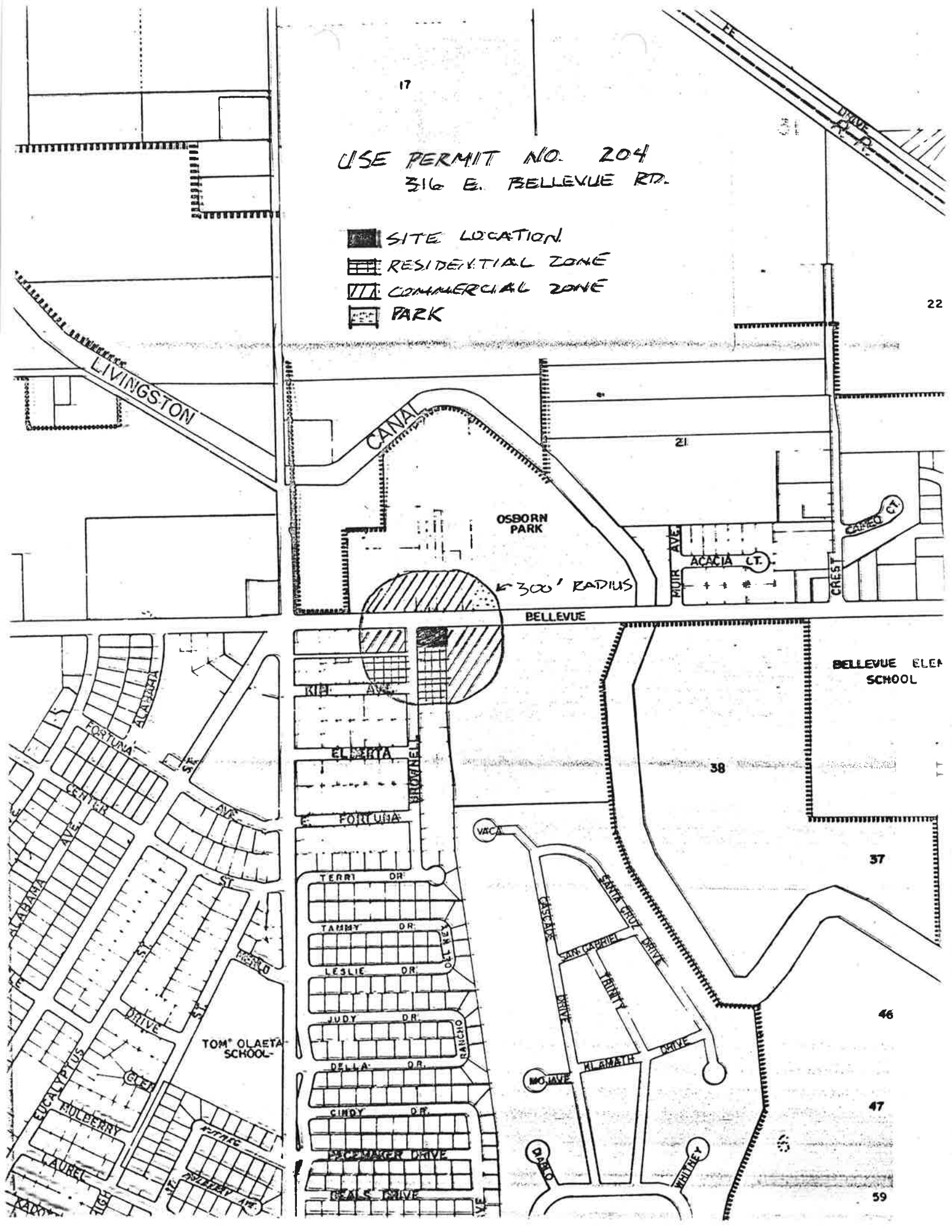
STAFF RECOMMENDATION:

That the City Council, by motion, approve Use Permit No. 204 as per the Planning Commission recommendation contained in Resolution PC 2-81.

TAM:br

USE PERMIT NO. 204  
316 E. BELLEVUE RD.

-  SITE LOCATION
-  RESIDENTIAL ZONE
-  COMMERCIAL ZONE
-  PARK



BELLEVUE ELEM SCHOOL

TOM OLAETA SCHOOL

← 300' RADIUS

37

46

47

59

21

38

CITY OF ATWATER  
PLANNING COMMISSION  
JANUARY 14, 1981

The Planning Commission of the City of Atwater met in regular session this date at 7:30 PM in the Council Chambers, 750 Bellevue Road, as provided by the Atwater Municipal Code; Chairman Art Browner presiding.

ROLL CALL:

Members present: Effinger, Ayers, Browner,  
Dandy, Wiley  
Members absent: None  
Staff present: Mestnik, Miller, Logan, Mar-  
tin, Doggett, Randall

Appointment of Chairman  
and Vice-Chairman

Elections were held for the 1981 Chairman  
and Vice-Chairman.

MOTION: On a motion by Effinger, seconded by  
Dandy, Bob Ayers was nominated to serve as  
Chairman of the Planning Commission for 1981.  
The motion passed unanimously.

MOTION: On a motion by Ayers, seconded by  
Effinger, Tom Dandy was nominated to serve  
as Vice-Chairman. The motion passed unani-  
mously.

The new officers took their respective chairs.

MINUTES:

Commissioner Dandy stated that "oversight" was  
misspelled in the second to the last line on the  
first page of the minutes for the meeting of  
December 10, 1980.

MOTION: On a motion by Dandy, seconded by  
Wiley, the minutes for the regular meeting of  
December 10, 1980, were approved as amended.  
The motion passed unanimously.

MOTION: On a motion by Wiley, seconded by  
Effinger, the minutes for the special meeting  
of December 29, 1980, were approved as pre-  
sented. The motion passed unanimously.

PUBLIC HEARINGS:

Use Permit No. 204  
Frank Mogliotti  
316 E. Bellevue Road

Staff Report was presented by the Associate  
Planner. The applicant's request is to sell  
hard liquor if an on-site general alcohol  
permit can be obtained. Presently they  
possess a permit to sell only beer and wine.



Staff recommended approval of Use Permit No. 204 by adopting Resolution No. 2-81. No comments regarding this application, either for or against, were received.

The Public Hearing was opened. No one came forward to speak on this matter, so the Public Hearing was closed.

MOTION: Wiley moved, seconded by Browner, to recommend approval of Use Permit No. 204 with staff's recommendations and conditions as per Resolution No. PC 2-81. The Roll Call vote was: Ayes--Wiley, Effinger, Browner, Ayers; Noes--Dandy. Motion passed 4:1.

Adjustment Permit No. 91  
for Site Plan No. 323 -  
Cupples - 1701 Elm Avenue

Staff Report was presented by the Associate Planner. Given the similar nature of these applications, these adjustment permit requests were presented concurrently.

Adjustment Permit No. 92  
for Site Plan No. 325 -  
Cupples for Taves -  
1643 Fir Avenue

Each applicant's request is to allow the drive approach providing access to the rear of the property where the off-street parking is located be allowed to encroach into the side yard. It was the recommendation of staff that, if the Planning Commission finds that a practical difficulty exists for the applicant, that a motion be made to recommend approval of Adjustment Permits No. 91 and 92 allowing paving to encroach into the side yard at 1701 Elm Avenue and 1643 Fir Avenue.

Commissioner Dandy inquired what the practical difficulty was for the applicants. Miller stated that the applicant wishes to provide paving in the rear of the development to best utilize the lot. It has been customary to grant a this kind of request in the past. Other options the applicant has would be smaller units, 2-story units, or some other configuration of parking.

The Public Hearing was opened. No one came forward to speak on these applications so the Public Hearing was closed.

Commissioner Ayers and Effinger were in agreement with the applicant's request since 2-story units would be less aesthetic and reducing the court yard area would be unfavorable as well.

MOTION: Effinger moved to recommend acceptance of Adjustment Permits No. 91 and 92. The

DATE: January 14, 1981  
 TO: Planning Commission  
 FROM: Timothy A. Miller, Associate Planner *TAM*  
 SUBJECT: Use Permit No. 204 - Mogliotti - 316 E. Bellevue Road

The applicants are proposing to modify the business operation at the Double M Tavern, 316 E. Bellevue Road, formerly doing business as "The Club House". At present, the existing use permit allows the sale of beer and wine. The applicants are proposing to sell hard liquor if an on-site general alcohol permit can be obtained. Since the subject property is within 300 feet of a residential zone and a City Park, and the applicants are proposing a modification to the existing use, a new use permit must be obtained.

The sale of alcoholic beverages requires a special use permit granted upon approval by the City Council after hearings at the Planning Commission and City Council levels. The approval requires an expressed finding that the proposed use will not be detrimental to any surrounding residential zone, public school, park or church.

This business is located in an area where there is a mixture of residential and commercial uses. Staff does not feel the granting of this permit will impact the residential neighborhood, given the following conditions:

1. The only change is the type of alcoholic beverages served and not the use or associated activities;
2. Bellevue Road, as a major thoroughfare, provides access; and
3. The building has no openings to the south where the adjoining residences are located.

STAFF RECOMMENDATION:

That the Planning Commission approve Use Permit No. 204 by adopting Resolution No. PC 2-81.

TAM:br



## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt      Ronald Daugherty  
Harold Kadach        lleisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** April 19, 2023

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Community Development Director

**SUBJECT:** Public hearing to consider adopting a Resolution recommending that the City Council of Atwater approve a General Plan Amendment from Low-Density Residential to Commercial. Located at 316 E. Bellevue Rd, Atwater (APN: 004-021-001)

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, "Review for Exemption," and adopt Resolution No. 0224-23, making a recommendation that the City Council of Atwater approve General Plan Amendment No. 23-05-0100 to change the land use designation from Low-Density Residential to Commercial for the parcel located at 316 E. Bellevue Rd. (APN 004-021-001).

#### **I. BACKGROUND:**

The subject property is located at 316 E. Bellevue Rd. Assessor's Parcel Number (APN: 004-021-001) (refer to figure 1). The project site has a land use designation of Low-Density Residential and a zoning of General Commercial. The subject property has conducted operations since before 1977 as a music store. On November 2, 1977, a Conditional Use Permit (CUP) was submitted to operate a beer and wine establishment. The CUP addressed the zoning; however, it did not discuss the land use designation in its analysis. As a result, the subject property has been used as a retail establishment ever since.

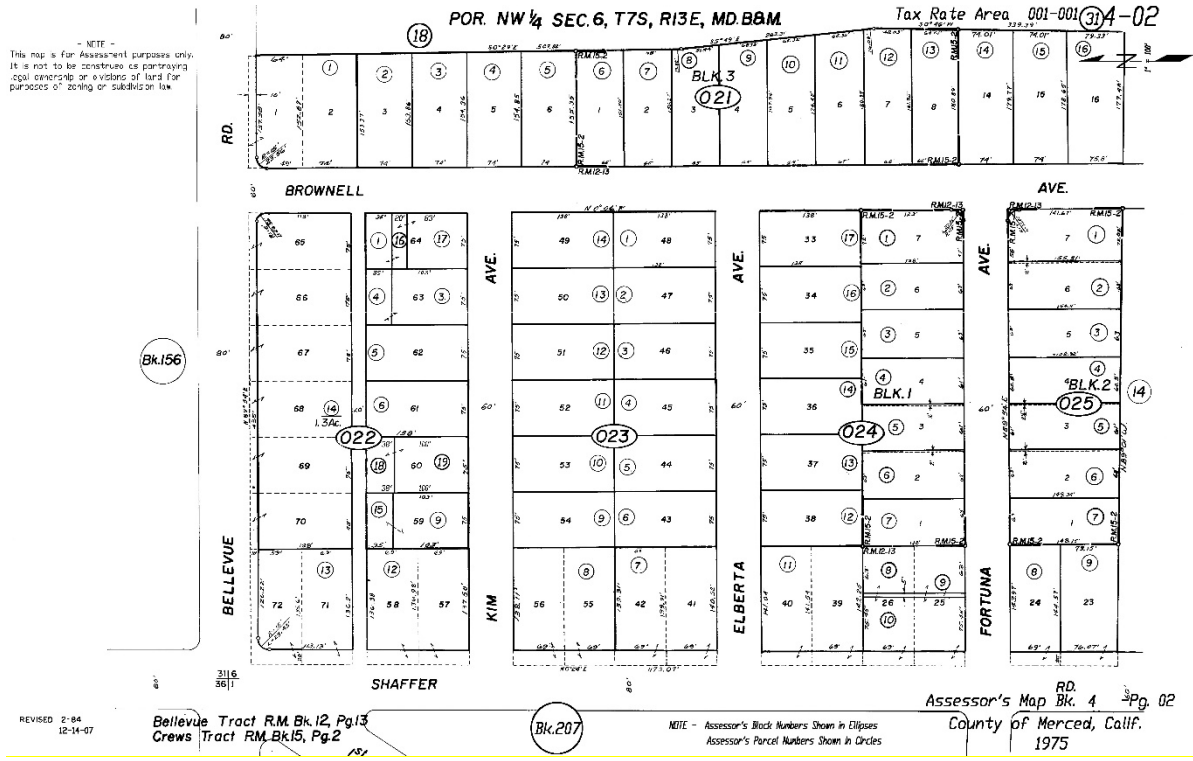


Figure 1: Site Location

**II. ANALYSIS:**

The parcel is located on the south side of Bellevue Road at its intersection with Brownell Street, 316 E Bellevue Road (APN: 004-021-001). The parcel currently has an existing shopping center consisting of several retail and personal service establishments. The project site has a land use designation of Low-Density Residential and a zoning of General Commercial (C-G). Commercial operations on this property have been allowed for over forty years, and as a result, the current land use designation and zoning are not consistent.

The purpose of the General Plan is to serve as a blueprint for future developments and to help in guiding policymakers in making land use decisions. As previously stated, the subject property has had a zoning of General Commercial (C-G) for over forty years. To rectify the inconsistency between the zoning ordinance and the General Plan's land use designation, a General Plan Amendment to the land use designation of Low-Density Residential to Commercial would be appropriate. The land use designation of Commercial allows for a wide range of commercial activities ranging from regional commercial facilities to general and neighborhood commercial use. Establishments may range from retail to service and entertainment uses. The change in the land use designation would not have a negative effect on the environment or the community since the subject property has been operated as a commercial site for some time.

### **Land Use Designation**

As previously stated, the current project site has a land use designation of Low-Density Residential. The Low-Density Residential land use designation is to allow for residential development at densities that are typical for existing single-family residential subdivisions within the City. Typical land uses include single-family residences and residential accessory uses, churches, schools, parks, community care facilities, and necessary public utility and safety facilities. Secondary dwelling units may be permitted consistent with state and local regulations.

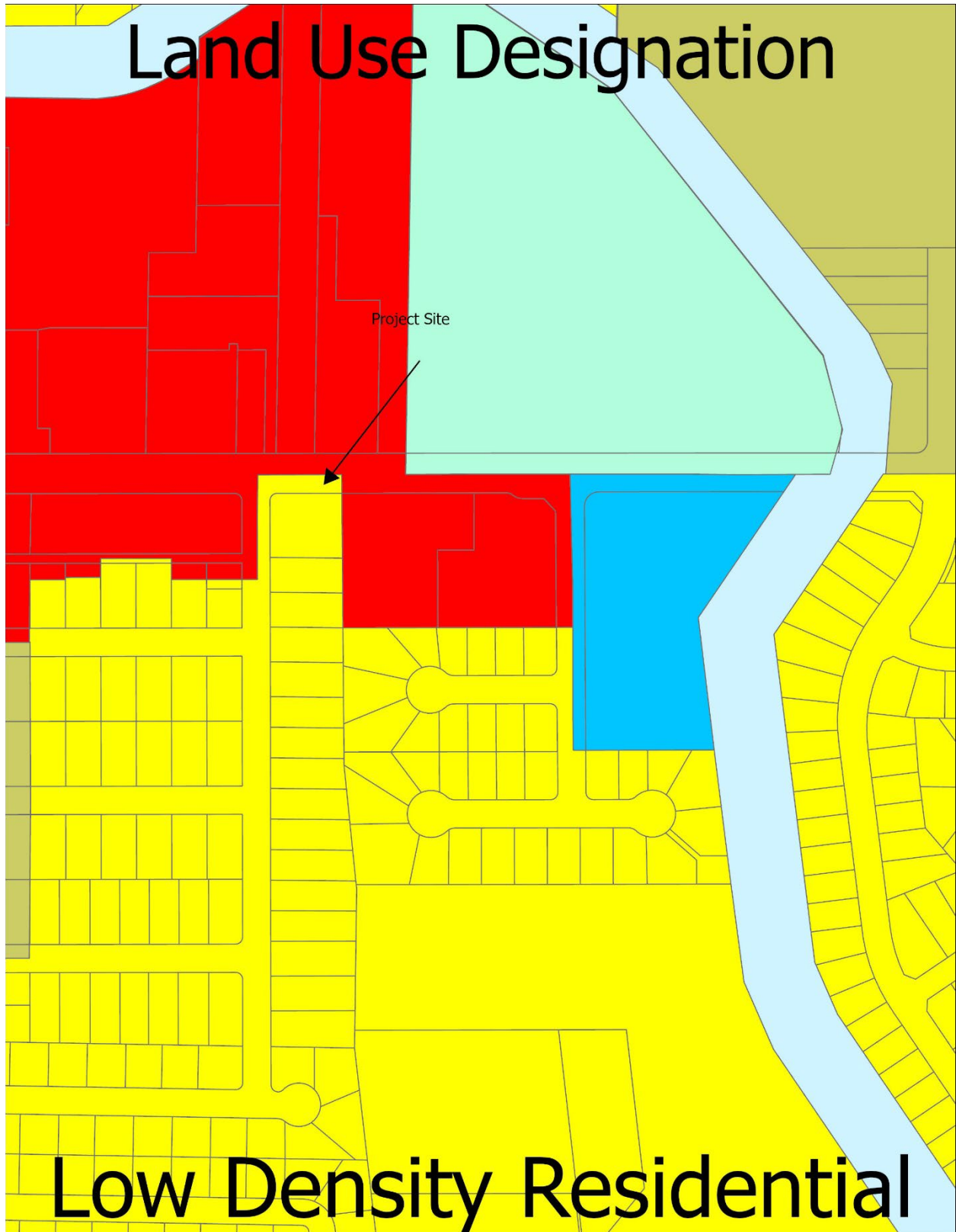


Figure 2

**Zoning:**

The project is located in a General Commercial zone. General Commercial is to provide a location for the retail, wholesale, and heavy commercial uses and services necessary within the City.

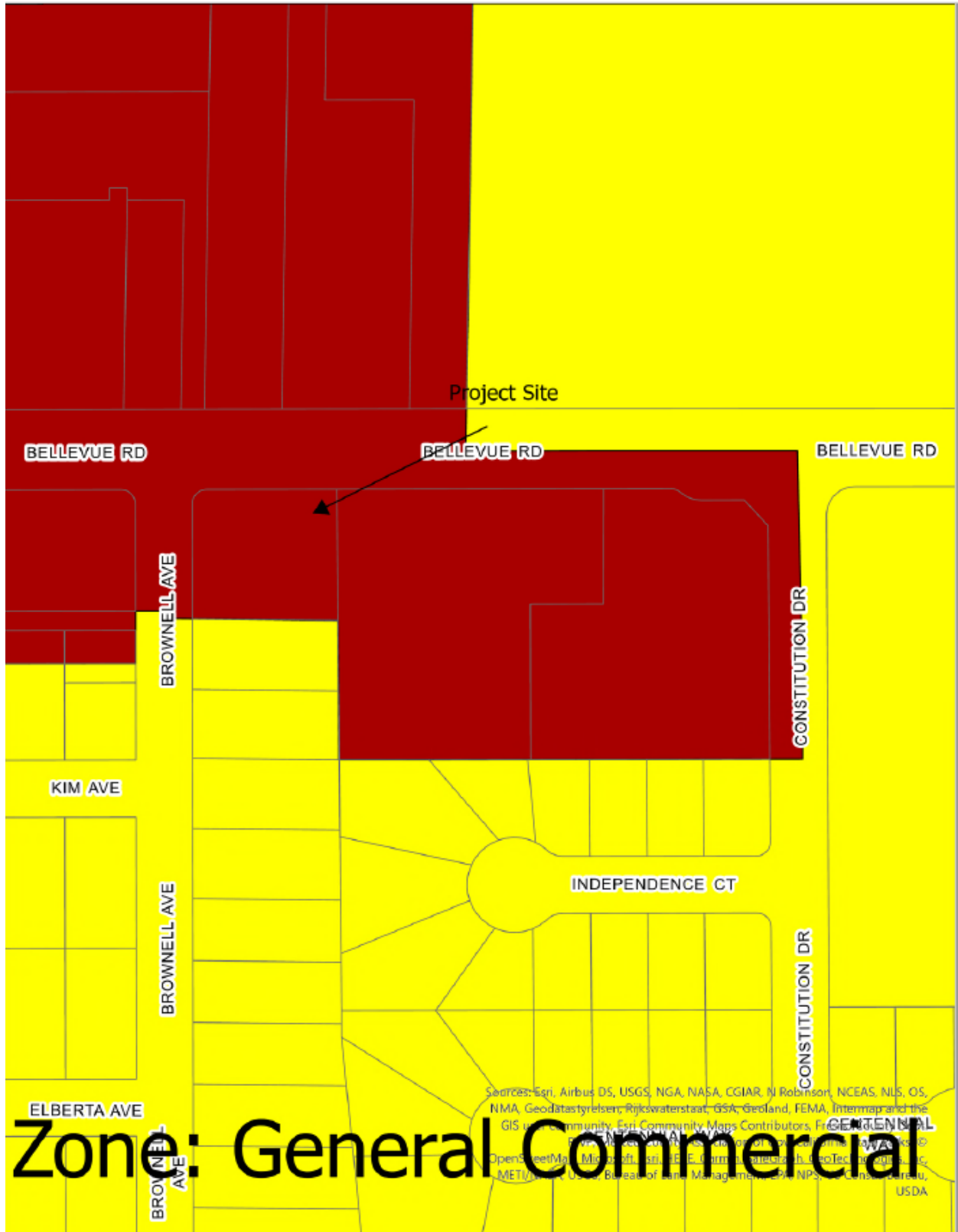


Figure 3



**Surrounding Uses:**

The immediate area to the north, east, and west is zoned General Commercial (G-C), which consists of retail and personal service establishments such as Dominos, Carwash, and an insurance group. To the immediate south of the project site, it is zoned Low-Density Residential (LDR), which does have an existing residential neighborhood.

**Zoning Consistency:**

As previously stated, the project is located at 316 E. Bellevue Road (APN: 004-021-001), which is in the C-G (General Commercial Zone). The purpose of the C-G zone is to provide a location for the retail, wholesale, and heavy commercial uses and services necessary within the City, but not suited to other commercial districts and too small for the M-1 area. This type of Zoning is not consistent with the current land use designation of Low-Density Residential, which provides for residential development.

**Recommendation:**

As previously stated, the project site lacks consistency with the land use designation and the current zoning. Staff recommends a General Plan Amendment changing the current land use designation from Low-Density Residential to Commercial.

**III. FISCAL IMPACTS:**

No negative fiscal impacts are anticipated with the approval of this project. This item has been reviewed by the Finance Department.

**IV. LEGAL REVIEW:**

This item has been reviewed by the City Attorney’s Office

**V. EXISTING POLICY:**

ED-3.1. Provide opportunities for a full range and scale of retail development within Atwater.

**VI. INTERDEPARTMENTAL COORDINATION:**

An interdepartmental routing sheet was sent to all required departments and affected agencies for review, and their comments and conditions have been incorporated.

**VII. PUBLIC PARTICIPATION:**

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

**VIII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), this project is categorically exempt under guideline section 15061(b)(3), "Review for Exemption,".

**IX. STEPS FOLLOWING APPROVAL:**

Following the adoption of Resolution No. PC 0224-23, the Recording Secretary will forward the signed Resolution to the applicant.

Prepared by: Samuel J. Rashe, Senior Planner

Submitted by: Greg Thompson, Community Development Director

Attachments:

1. Resolution
2. Application
3. Environmental Form
4. Operational Statement
5. Land Use Map
6. Zoning Map
7. Assessors Map
8. Previous Use Permit



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. PC 0224-23

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THAT THE CITY COUNCIL OF ATWATER APPROVE GENERAL PLAN AMENDMENT NO. 23-05-0100 TO CHANGE THE LAND USE DESIGNATION FROM LOW-DENSITY RESIDENTIAL TO COMMERCIAL. LOCATED AT 316 E. BELLEVUE RD. ATWATER (APN: 004-021-001)**

**WHEREAS**, at a duly noticed public hearing on April 19, 2023, the Planning Commission of the City of Atwater reviewed a General Plan Amendment to change the land use designation from Low-Density Residential to Commercial to recommend to the City Council of Atwater to approve General Plan Amendment No. 23-05-0100 to change the land use designation from Low-Density Residential to Commercial located at 316 E. Bellevue Road (APN: 004-021-001); and,

**WHEREAS**, this project is statutorily exempt under California Environmental Quality Act (CEQA) guideline 15061(b)(3), "Review for Exemption," and,

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

**WHEREAS**, the proposed General Plan Amendment No. 23-05-0100 would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community, because the change in land use designation would simply reflect the actual usage of the parcel over the last forty years, and would not result in direct changes to the existing uses on the site; and,

**WHEREAS**, the Planning Commission has determined that the following findings can be made for the General Plan Amendment No. 23-05-0100 in support of the Project:

1. That this project is exempt from CEQA review under CEQA guideline section 15061, "Review for Exemption".

2. The public hearing for this General Plan Amendment was adequately noticed and advertised.
3. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Resolution No. 0224-23 recommending that the City Council of Atwater approve General Plan Amendment No. 23-05-0100 to change the Land Use designation from Low-Density Residential to Commercial at 316 E. Bellevue Rd. Atwater (APN: 004-021-001).

The foregoing resolution is hereby adopted this 19th day of April, 2023.

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

**APPROVED:**

**RONALD DAUGHERTY, CHAIRPERSON**

**ATTEST:**

**GREG THOMPSON, COMMUNITY  
DEVELOPMENT DIRECTOR**



# City of Atwater

## Uniform Development Application

750 Bellevue road

Phone: (209) 357-6342/357-6349

Fax: (209) 357-6348

### APPLICATION FORM

**Please indicate the types of application requested**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Administrative Application   | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Tentative Map         |
| <input type="checkbox"/> Amend Planned Development    | <input type="checkbox"/> Development Agreement  | <input type="checkbox"/> Time Extension        |
| <input type="checkbox"/> Amend Conditional Use Permit | <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Variance              |
| <input type="checkbox"/> Application for Appeal       | <input type="checkbox"/> Lot Line Adjustment    | <input type="checkbox"/> Zone Change           |
| <input type="checkbox"/> Architectural Review         | <input type="checkbox"/> Lot Merger             | <input type="checkbox"/> Zoning Text Amendment |
| <input type="checkbox"/> Certificate of Compliance    | <input type="checkbox"/> Site Plan              | <input type="checkbox"/> Other                 |

Describe Proposed Project:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS OF APPLICANT: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PROPERTY OWNER: \_\_\_\_\_ PHONE NO: \_\_\_\_\_

ADDRESS OF PROPERTY OWNER: \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER: \_\_\_\_\_

Address/General Location of Property: \_\_\_\_\_

EXISTING ZONING OF PROPERTY: \_\_\_\_\_

GENERAL PLAN DESIGNATION OF PROPERTY: \_\_\_\_\_

### Indemnity Statement

To the fullest extent permitted by law, Developer, and Developer's successor in interest, shall defend, indemnify, and hold harmless City, and its agents, elected and appointed officials, officers, employees, consultants, and volunteers (collectively, "City's Agents") from any and all liability arising out of a claim, action, or proceeding against City, or City's Agents, to attack, set aside, void, or annul an approval concerning the project, the Development Agreement, the Conditional Use Permit, or Subsequent City Approvals. Failure by Developer to indemnify City, when required by

Project Checklist Continued

Hazardous Waste and Substances Site List Disclosure form completed and signed. The California Government Code requires that applicants for all development projects, excluding building permits, must check the Comprehensive Hazardous Waste and Substances Statement list to determine if the site of the proposed project is on the list. This is to be completed as part of the application materials, The Purpose of this is to provide information to be verified and used in the environmental Review of the project.

Operational Statement, which should be printed on its own sheet of paper and have the following information: Nature of the proposal including all types of uses-sales, processing, manufacturing etc, detail existing, proposed, and future operations, brief summary of operation hours to include peak hours, estimated number of personal during peak hours, vicinity map with highlighted truck routes, proposed method of waste removal and disposal (show on plot plan trash receptacle), how is the proposed project consistent with nearby uses, uses of all structures, size of buildings.

Staff Initials \_\_\_\_\_

Date received \_\_\_\_\_

CITY OF ATWATER COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
ENVIRONMENTAL INFORMATION FORM

(This form to be completed by Applicant and returned with all Land Use Applications. Please note that additional environmental information may be requested as necessary. Use additional sheets as necessary.)

**GENERAL PROJECT INFORMATION** (Please type or print legibly in ink)

1. Name, Address, telephone number, and email address of land owner/applicant:

\_\_\_\_\_

\_\_\_\_\_

2. Name, Address, telephone number, and email address of applicant if other than land owner:

\_\_\_\_\_

\_\_\_\_\_

3. Address/General location and APN of the project:

\_\_\_\_\_

\_\_\_\_\_

4. Existing zoning: \_\_\_\_\_

5. Land use designation within the current General Plan: \_\_\_\_\_

6. Proposed change in use and project for the proposed application (Please provide an Operational Statement for the proposed project and/or business activity):

\_\_\_\_\_

\_\_\_\_\_

7. Indicate the type of Permit(s) Application(s) to which this form pertains:

\_\_\_\_\_

8. List any other agencies and related permits or approvals that will be required for the project: \_\_\_\_\_

9. List all adjacent uses to the project/property location:

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

**PROJECT DESCRIPTION** (Attached additional Sheets as Necessary)

10. Project Area: \_\_\_\_\_ Parcel Size: \_\_\_\_\_

11. Proposed Structures: (New and Existing) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. Percentage of lot coverage (before and after any construction generated from the project): \_\_\_\_\_

13. Number of required off-street parking spaces (including Accessable): \_\_\_\_\_  
\_\_\_\_\_

14. School district(s) that serve the project area: \_\_\_\_\_  
\_\_\_\_\_

15. Describe the landscaping improvements for the proposed project (please include all compliance with State mandated water conservation requirements): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

16. If the proposed project is to be a phased development, please described incremental phasing and implementation of improvements. (Use additional sheets if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

17. If the proposed project will represent a change to any resource of cultural significance as defined in Public Resources Code section 21074 (Tribal Cultural Resource) Please provide a copy of your consultation letter and the name and address of the consulting authority: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. List any and all hazardous or toxic materials, chemicals, pesticides, flammable liquids, or other similar products used as a part of the day to day operations of the project and all storage methods. (Please note that the use and storage of certain materials will require filing of a Hazardous Materials Business Plan and Spill Prevention Containment and Countermeasure Plan as may be determined. Applicants are encouraged to consult with the Merced County Environmental Health Division and local Fire Department as Administers of said plans.): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.  
 Water: \_\_\_\_\_ Gallons per day; Sewage: \_\_\_\_\_ Gallons per day; Storm water: \_\_\_\_\_
20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.): \_\_\_\_\_  
 \_\_\_\_\_
21. Provide a description of the proposed sanitary sewer system(s) including any on-site treatment necessary for the proposed project. (Include any capture and waste water treatment needs in the Operational Statement for the Project.): \_\_\_\_\_  
 \_\_\_\_\_
22. Provide a "Can-and-will" serve letter for the project for any/all outside agencies or service districts that are anticipated to serve the project including any discharge agreement that may be necessary from the offices of The Merced Irrigation District. (Attach as necessary)
23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division.
24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:  
 \_\_\_\_\_  
 \_\_\_\_\_
25. Describe any earthwork (grading) that will be necessary for the project including all work associated with access roads or improvements located on adjacent lands or City owned/managed improvements. (please also list dust control methods and any compliance or permits necessary for the local Air Pollution Control District.): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:  
 \_\_\_\_\_  
 Average Daily Trips: \_\_\_\_\_

**PROJECT DESCRIPTION CONT.**

**GENERAL ENVIRONMENTAL SETTING:** Please provide a brief description of any special environmental conditions present on the project site and include photographs depicting the site and the surrounding area: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CERTIFICATION**

I hereby certify that I/We are the legal owners of the property and project shown and described herein and that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

\_\_\_\_\_

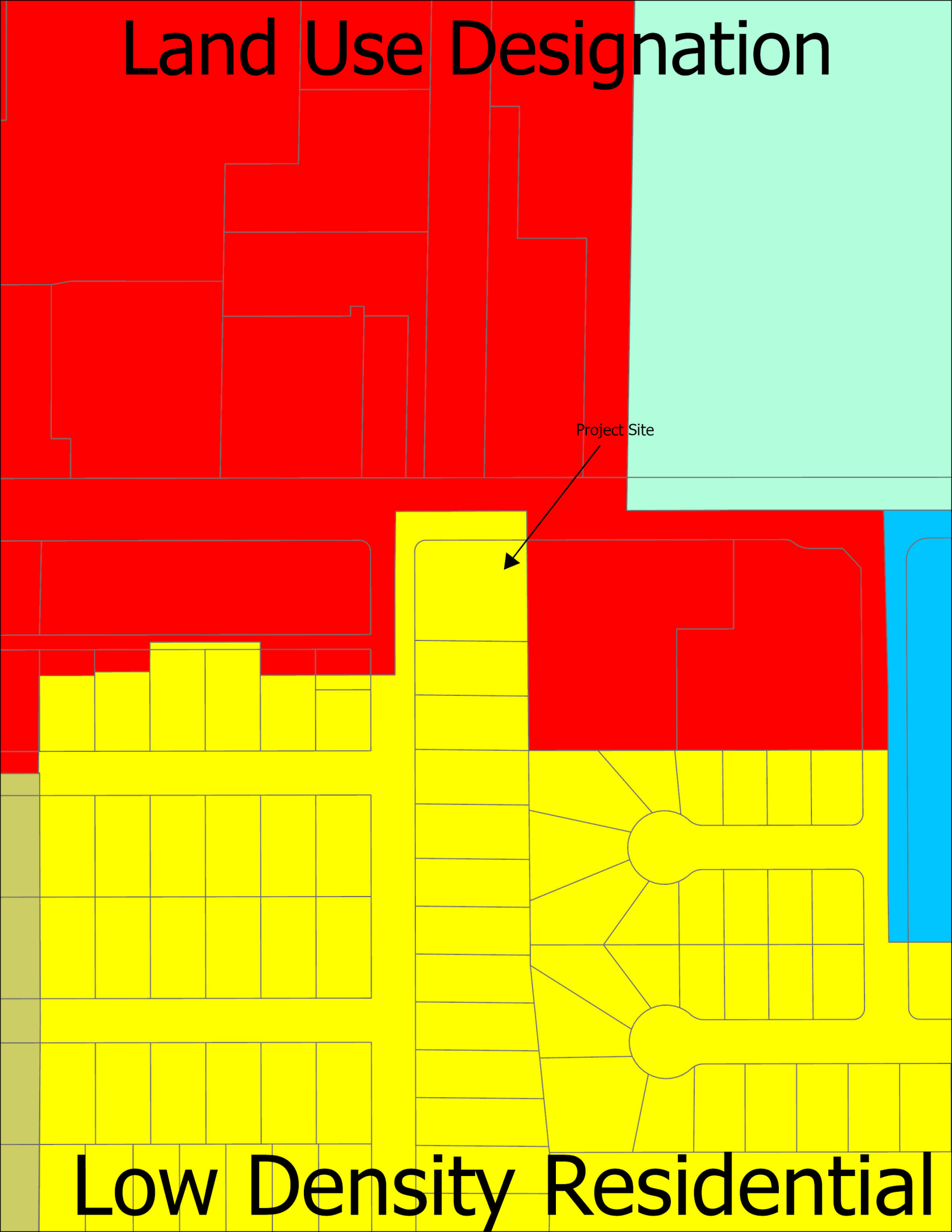
Dated: \_\_\_\_\_

(Original signature required)

**LIST OF ATTACHMENTS**

1. ( \_\_\_\_\_
2. ( \_\_\_\_\_
3. ( \_\_\_\_\_
4. ( \_\_\_\_\_
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# Land Use Designation



Project Site

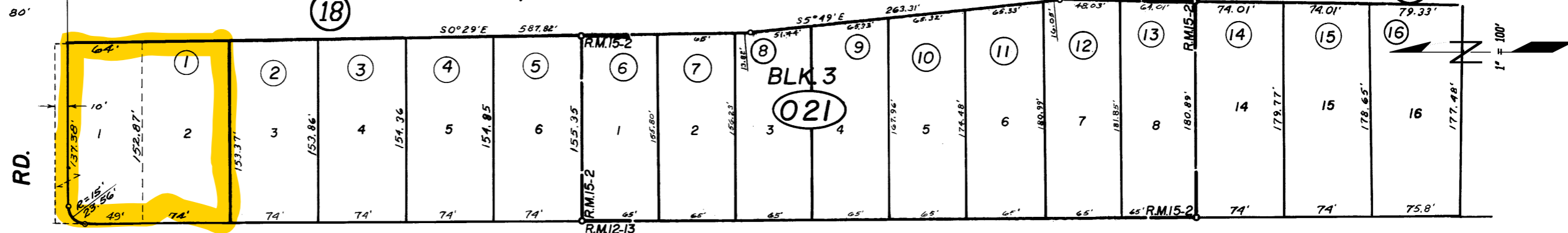
# Low Density Residential



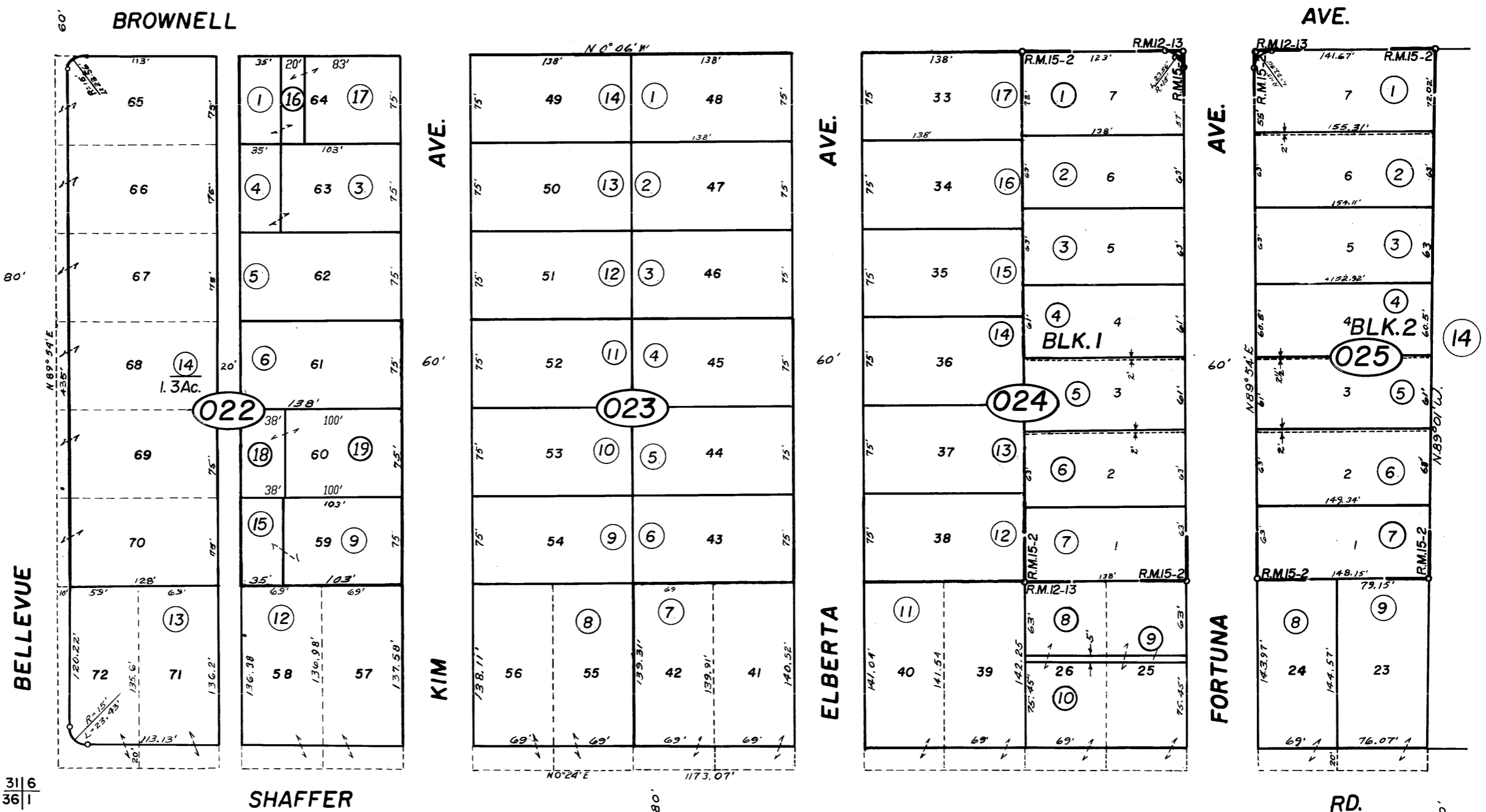
- NOTE -  
This map is for Assessment purposes only.  
It is not to be construed as portraying  
legal ownership or divisions of land for  
purposes of zoning or subdivision law.

POR. NW 1/4 SEC. 6, T7S, R13E, MD. B&M

Tax Rate Area 001-001 (314)-02



Bk.156



REVISED 2-84  
12-14-07

Bellevue Tract R.M. Bk. 12, Pg. 13  
Crews Tract R.M. Bk. 15, Pg. 2

Bk. 207

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

RD.  
Assessor's Map Bk. 4 Pg. 02  
County of Merced, Calif.  
1975

CITY OF ATWATER  
PLANNING COMMISSION STAFF REPORT  
November 2, 1977

Subject: Use Permit Application #152  
Applicant: James Beard  
Location: 316 E. Bellevue Road  
Environmental Status: Negative Declaration

Existing Conditions:

316 E. Bellevue Road is the site of a former music store that has recently been converted to a beer and wine establishment. The site is bounded on the north by single family homes, on the east by vacant R-1 property, on the south by single family homes, and on the west by commercial buildings. The site itself is zoned C-2, and the zoning ordinance requires a use permit for any alcoholic beverage establishment located within 300' of a residential area.

Authority:

Sec. 10-3.2301. Commission Requirements for Granting Use Permits. The findings of the Commission, except as otherwise provided in this Article, need include in addition to those findings required elsewhere in this Chapter, only that the establishment, maintenance and/or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvement in said neighborhood, or have an adverse effect on the inherent residential character and beauty of the city.

Findings:

This particular site has been the subject of some controversy in that a beer and wine establishment has been built at this location without City approval. This applicant proposes to use this structure for strictly beer and wine, and no grain alcohol will be served.

All public utilities are available to the site, and nearby streets appear adequate to handle the potential traffic flow created by this use. The present building was originally designed with adequate lighting, 7 parking spaces, and two drive entrances.

Staff Recommendation:

Because of the controversy created by the proposed use of this site in the past, it might be appropriate to establish some conditions regarding this site now. The use proposed by the applicant is, indeed, suitable for this site. Care must be taken, however, to insure that the area is screened from the adjacent R-1 property and does not present a problem to surrounding residences. Staff recommends that you approve use permit application #152 with the conditions as follows:

1. That the application should be reviewed at the end of one year.
2. That the adjacent vacant R-1 property should be screened from the proposed use by a 6' solid fence.

DATE: May 12, 1980  
TO: Ray Blake, Chief of Police  
FROM: Timothy A. Miller, Assistant Planner  
SUBJECT: Use Permit No. 152 - Bar

The following information is provided, as requested, concerning Use Permit No. 152:

The original Use Permit application was submitted by James Beard. The request was to allow the operation of a beer and wine establishment at 316 E. Bellevue Road. This permit is required because the business is located within 300 feet of residentially-zoned property. The application was reviewed and approved by the City Council on November 15, 1977. A follow-up review was conducted by the Planning Commission on November 15, 1978. The permit was granted an indefinite extension. However, any use permit can be scheduled for review and, if conditions warrant, revoked by action of the Planning Commission.

If the present owner/operator is allowing the establishment to be used as a meeting place for various clubs, as you described, then this activity exceeds the approval originally granted when the Use Permit was issued. If this type of activity continues, the Planning Commission may wish to reevaluate the existing Use Permit.

  
Timothy A. Miller  
Assistant Planner

TAM:pmm

# City of Atwater



*file*

CIVIC CENTER  
750 BELLEVUE ROAD  
ATWATER, CALIFORNIA 95301  
PHONE (209) 358-5606

January 28, 1981

Mr. Frank Mogliotti  
1849 Second Street  
Atwater, CA 95301

Dear Mr. Mogliotti:

This letter is to inform you that on Monday, January 26, 1981, the City Council of the City of Atwater approved Use Permit No. 204 to allow general alcohol sales at 316 East Bellevue Road. This approval is subject to the conditions of Planning Commission Resolution 2-81 as attached. Further, the City Council attached a condition that if the adjoining City property developed and the determination was made that fencing was necessary, then you would be responsible for that construction along the common property line.

If I can be of any further assistance in this matter, please do not hesitate to contact me at City Hall, 750 Bellevue Road or by telephoning, 358-5606, ext. 27.

Sincerely yours,

TIMOTHY A. MILLER  
Associate Planner

TAM:pmm



Motion: Cupples moved, seconded by Olzack to donate \$50.00 for the ad as requested. The vote was: Ayes--Dash, Cupples, Mitchell, Olzack; Noes--Zimmerman. The motion carried.

PUBLIC HEARINGS:

Use Permit No. 204,  
Frank and Leona Mogliotti

Request is to allow on-premises general alcohol sales at 316 E. Bellevue Road. Associate Planner, Tim Miller gave the Staff Report and stated that one letter had been received from Doris Kirby, stating that she has no objection to the proposed use.

The Mayor opened the Public Hearing.

No one came forward to speak.

The Mayor closed the Public Hearing.

Council Member Zimmerman wants the condition which is attached to the present Beer and Wine license carried forward to this "Hard Liquor" license. The condition states that if the city owned property adjacent to this property develops and the new owners want a fence between the properties it will be constructed. Council Member Mitchell then asked Police Chief Blake if there had been any problems with the existing use. Chief Blake replied that there had not.

Motion: Cupples moved, seconded by Olzack to approve Use Permit No. 204 with the conditions of Staff. The vote was: Ayes:--Cupples, Olzack; Noes:--Dash, Mitchell, Zimmerman. The motion failed. Motion: Zimmerman moved, seconded by Dash to approve Use Permit No. 204 with the conditions of Staff, as per Resolution P.C. 2-81 and that a fence be constructed between this and the adjoining city owned property when it develops, if so requested by the new owner. The vote was: Ayes:--Dash, Zimmerman, Olzack; Noes:--Cupples, Mitchell. The motion carried. Council Member Cupples wished to go on record that he had voted "no" on the motion because he was opposed to the condition that a fence be constructed on request, if and when the adjoining city-owned property develops, since this may not happen. Council Member Zimmerman stated that she felt that this was necessary for good planning.

CITY MANAGER REPORTS:

Tentative Parcel Map No.  
79-13, Bellevue Properties

Request is for a one-year time extension for this Tentative Map due to lack of a storm drainage plan for this area. The City Manager presented

RESOLUTION NO. PC 2-81

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ATWATER RECOMMENDING APPROVAL  
OF USE PERMIT NO. 204

WHEREAS, the Planning Commission of the City of Atwater has reviewed Use Permit No. 204 in accordance with local ordinances; and

WHEREAS, the determination has been made that the proposed use does not have an adverse impact on the environment and as such is exempt from the California Environmental Quality Act under Section 15060; and

WHEREAS, no written comments have been received, either in support or opposition to the application, in response to the notices mailed and the public hearing advertisement; and

WHEREAS, the requested use is allowed by a conditional use permit in the zone district of the proposed location; and

WHEREAS, the Planning Commission makes the finding that the proposed use will not be detrimental to the residential zone or park within 300 feet of the subject property;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Atwater does hereby recommend approval of Use Permit No. 204 to the City Council;

BE IT FURTHER RESOLVED that Use Permit No. 204 will be subject to the following condition:

- a. That the Use Permit will be reviewed at the end of one year and reissued if the Planning Commission can still make the required finding.

The foregoing resolution is hereby adopted this 14th day of January, 1981.

AYES: Wiley, Effinger, Browner, Ayers

NOES: Dandy

ABSENT: None

APPROVED:

  
\_\_\_\_\_  
BOB AYERS, CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
TRUDI MESTNIK, SECRETARY

DATE: January 26, 1981  
TO: Honorable Mayor and Members of the City Council  
FROM: Timothy A. Miller, Associate Planner  
SUBJECT: Use Permit No. 204 - Mogliotti - 316 E. Bellevue Road

The applicants are proposing to modify the business operation at the Double M Tavern, 316 E. Bellevue Road, formerly doing business as "The Club House". At present, the existing use permit allows the sale of beer and wine. The applicants are proposing to sell hard liquor if an on-site general alcohol permit can be obtained. Since the subject property is within 300 feet of a residential zone and a City Park, and the applicants are proposing a modification to the existing use, a new use permit must be obtained.

The sale of alcoholic beverages requires a special use permit granted upon approval by the City Council after hearings at the Planning Commission and City Council levels. The approval requires an expressed finding that the proposed use will not be detrimental to any surrounding residential zone, public school, park or church.

This business is located in an area where there is a mixture of residential and commercial uses. Staff does not feel the granting of this permit will impact the residential neighborhood, given the following conditions:

1. The only change is the type of alcoholic beverages served and not the use or associated activities;
2. Bellevue Road, as a major thoroughfare, provides access; and
3. The building has no openings to the south where the adjoining residences are located.

PLANNING COMMISSION RECOMMENDATION:





The Planning Commission recommended approval of Use Permit No. 204 as per the attached Resolution No. PC 2-81.

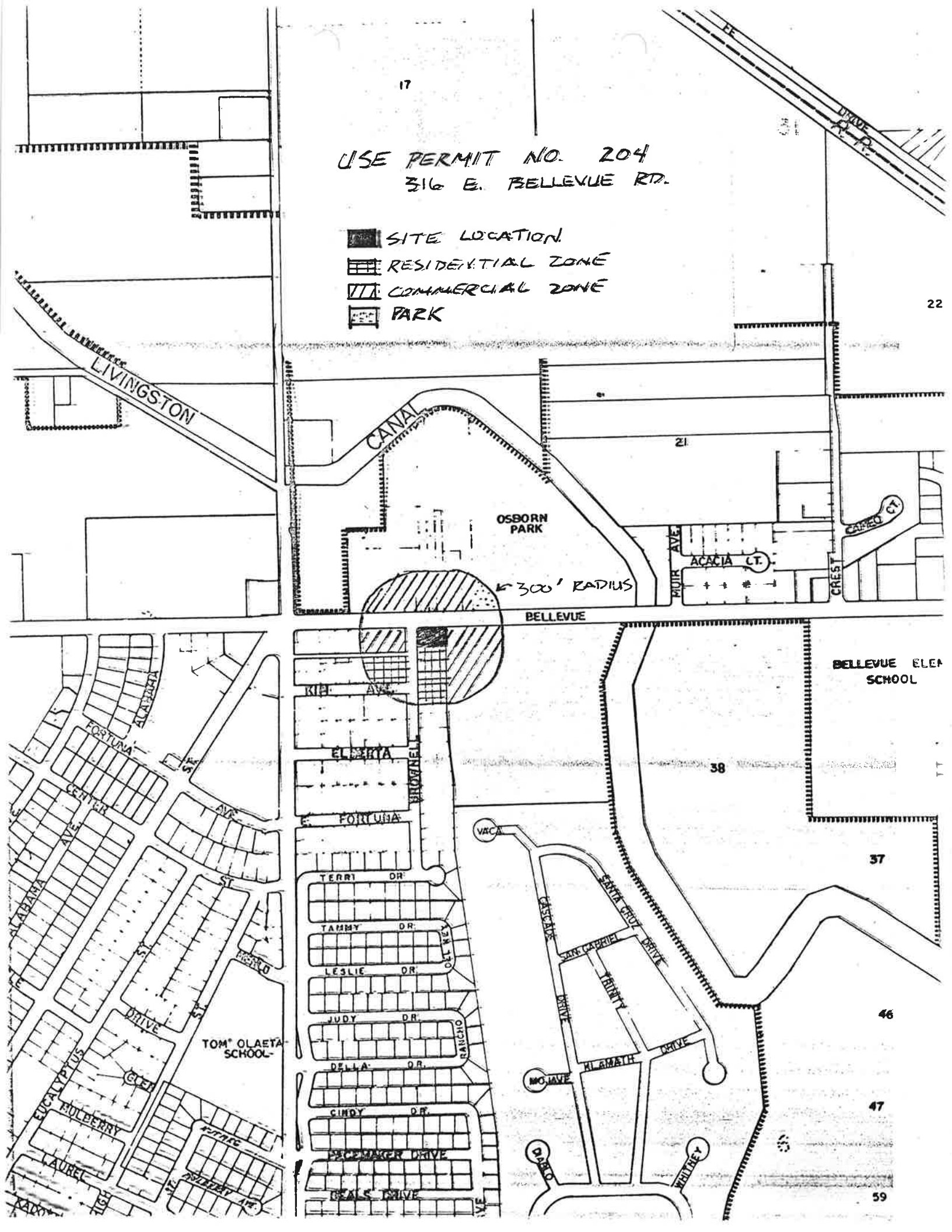
STAFF RECOMMENDATION:

That the City Council, by motion, approve Use Permit No. 204 as per the Planning Commission recommendation contained in Resolution PC 2-81.

TAM:br

# USE PERMIT NO. 204 316 E. BELLEVUE RD.

-  SITE LOCATION
-  RESIDENTIAL ZONE
-  COMMERCIAL ZONE
-  PARK



CITY OF ATWATER  
PLANNING COMMISSION  
JANUARY 14, 1981

The Planning Commission of the City of Atwater met in regular session this date at 7:30 PM in the Council Chambers, 750 Bellevue Road, as provided by the Atwater Municipal Code; Chairman Art Browner presiding.

ROLL CALL:

Members present: Effinger, Ayers, Browner,  
Dandy, Wiley  
Members absent: None  
Staff present: Mestnik, Miller, Logan, Mar-  
tin, Doggett, Randall

Appointment of Chairman  
and Vice-Chairman

Elections were held for the 1981 Chairman  
and Vice-Chairman.

MOTION: On a motion by Effinger, seconded by  
Dandy, Bob Ayers was nominated to serve as  
Chairman of the Planning Commission for 1981.  
The motion passed unanimously.

MOTION: On a motion by Ayers, seconded by  
Effinger, Tom Dandy was nominated to serve  
as Vice-Chairman. The motion passed unani-  
mously.

The new officers took their respective chairs.

MINUTES:

Commissioner Dandy stated that "oversight" was  
misspelled in the second to the last line on the  
first page of the minutes for the meeting of  
December 10, 1980.

MOTION: On a motion by Dandy, seconded by  
Wiley, the minutes for the regular meeting of  
December 10, 1980, were approved as amended.  
The motion passed unanimously.

MOTION: On a motion by Wiley, seconded by  
Effinger, the minutes for the special meeting  
of December 29, 1980, were approved as pre-  
sented. The motion passed unanimously.

PUBLIC HEARINGS:

Use Permit No. 204  
Frank Mogliotti  
316 E. Bellevue Road

Staff Report was presented by the Associate  
Planner. The applicant's request is to sell  
hard liquor if an on-site general alcohol  
permit can be obtained. Presently they  
possess a permit to sell only beer and wine.

Staff recommended approval of Use Permit No. 204 by adopting Resolution No. 2-81. No comments regarding this application, either for or against, were received.

The Public Hearing was opened. No one came forward to speak on this matter, so the Public Hearing was closed.

MOTION: Wiley moved, seconded by Browner, to recommend approval of Use Permit No. 204 with staff's recommendations and conditions as per Resolution No. PC 2-81. The Roll Call vote was: Ayes--Wiley, Effinger, Browner, Ayers; Noes--Dandy. Motion passed 4:1.

Adjustment Permit No. 91  
for Site Plan No. 323 -  
Cupples - 1701 Elm Avenue

Staff Report was presented by the Associate Planner. Given the similar nature of these applications, these adjustment permit requests were presented concurrently.

Adjustment Permit No. 92  
for Site Plan No. 325 -  
Cupples for Taves -  
1643 Fir Avenue

Each applicant's request is to allow the drive approach providing access to the rear of the property where the off-street parking is located be allowed to encroach into the side yard. It was the recommendation of staff that, if the Planning Commission finds that a practical difficulty exists for the applicant, that a motion be made to recommend approval of Adjustment Permits No. 91 and 92 allowing paving to encroach into the side yard at 1701 Elm Avenue and 1643 Fir Avenue.

Commissioner Dandy inquired what the practical difficulty was for the applicants. Miller stated that the applicant wishes to provide paving in the rear of the development to best utilize the lot. It has been customary to grant a this kind of request in the past. Other options the applicant has would be smaller units, 2-story units, or some other configuration of parking.

The Public Hearing was opened. No one came forward to speak on these applications so the Public Hearing was closed.

Commissioner Ayers and Effinger were in agreement with the applicant's request since 2-story units would be less aesthetic and reducing the court yard area would be unfavorable as well.

MOTION: Effinger moved to recommend acceptance of Adjustment Permits No. 91 and 92. The

DATE: January 14, 1981  
 TO: Planning Commission  
 FROM: Timothy A. Miller, Associate Planner *TAM*  
 SUBJECT: Use Permit No. 204 - Mogliotti - 316 E. Bellevue Road

The applicants are proposing to modify the business operation at the Double M Tavern, 316 E. Bellevue Road, formerly doing business as "The Club House". At present, the existing use permit allows the sale of beer and wine. The applicants are proposing to sell hard liquor if an on-site general alcohol permit can be obtained. Since the subject property is within 300 feet of a residential zone and a City Park, and the applicants are proposing a modification to the existing use, a new use permit must be obtained.

The sale of alcoholic beverages requires a special use permit granted upon approval by the City Council after hearings at the Planning Commission and City Council levels. The approval requires an expressed finding that the proposed use will not be detrimental to any surrounding residential zone, public school, park or church.

This business is located in an area where there is a mixture of residential and commercial uses. Staff does not feel the granting of this permit will impact the residential neighborhood, given the following conditions:

1. The only change is the type of alcoholic beverages served and not the use or associated activities;
2. Bellevue Road, as a major thoroughfare, provides access; and
3. The building has no openings to the south where the adjoining residences are located.

STAFF RECOMMENDATION:

That the Planning Commission approve Use Permit No. 204 by adopting Resolution No. PC 2-81.

TAM:br



## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt      Ronald Daugherty  
Harold Kadach        lleisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** April 19, 2023

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Community Development Director

**SUBJECT:** Public hearing to consider adopting a Resolution recommending that the City Council of Atwater approve an Amendment to Update the Standard Plans and Specifications of the City of Atwater.

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Adopt Resolution No. PC 0228-23 making a recommendation to the City Council of Atwater to approve an amendment and update to the Standard Plans and Specifications of the City of Atwater.

### **I. BACKGROUND:**

On June 28, 1982, the City of Atwater established a set of Public Improvement Standards (PIS). The PIS is comprised of designs applicable to engineering structures that are commonly installed as part of infrastructure improvements or new developments within the City of Atwater. The PIS was based on the State of California Department of Transportation's "Standards and Specifications." The PIS has been amended several times since its establishment as the industry standards and the City of Atwater's needs change. staff is proposing to amend the City's Major Street (ST-2) cross-section standards to allow the construction of a class IV bikeway and more closely align with the current state standards.

### **ANALYSIS:**



As previously stated, Staff is looking to amend the cross-section standards for Major streets (ST-2). The current Major Street cross-section standard was implemented on 5/18/1982 (Figure 1) and currently requires sixteen feet of curb, sixty-eight feet of roadway, and sixteen feet of sidewalk, resulting in a 100-foot width. The amendment will require an additional ten feet of land to act as a buffer for the pedestrians on the sidewalk and bicyclists, changing the Major Street cross-section from a 100-foot width to a 110-foot width and allowing for a Class IV Bikeway.

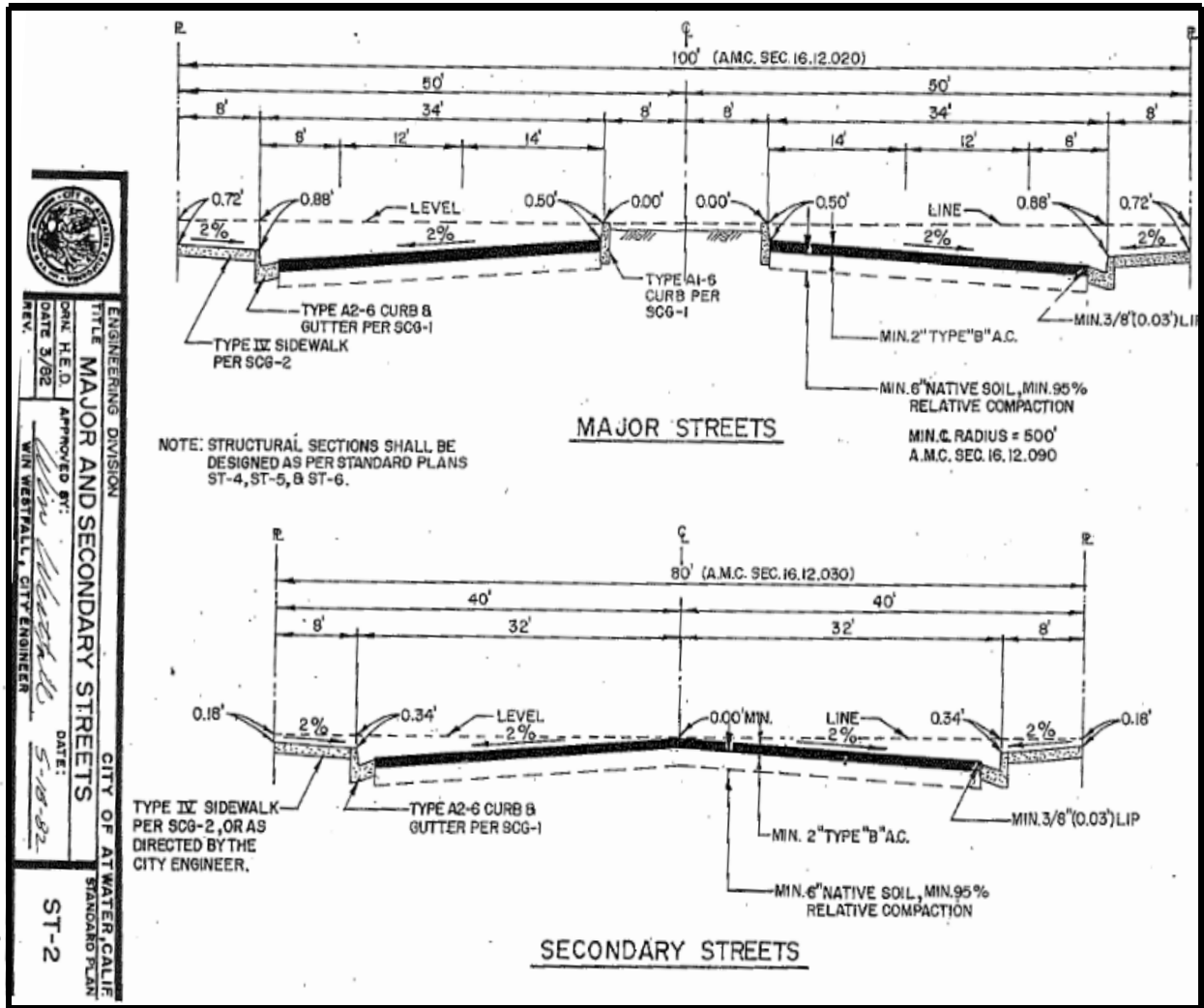


Figure 1

A class IV bikeway (refer to Figure 2) is for the exclusive use of bicycles and includes a separation between the bikeway and vehicular traffic. The separation may include but is not limited to grade separation, flexible posts, or inflexible posts. The class IV bikeway will provide members of the community with a greater sense of safety when bicycling, thus promoting the number of bicyclists on the roadway and

assisting the city in meeting the goals and objectives outlined in the Regional Transportation Plan/Sustainable Communities Strategy regarding Active Transportation.



Figure 2

**II. FISCAL IMPACTS:**

No negative fiscal impacts are anticipated with the approval of this project. This item has been reviewed by the Finance Department.

**III. LEGAL REVIEW:**

This item has been reviewed by the City Attorney’s Office

**IV. EXISTING POLICY:**

None

**V. ALTERNATIVES:**

None

**VI. INTERDEPARTMENTAL COORDINATION:**

An interdepartmental routing sheet was sent to all required departments and affected agencies for review and their comments and conditions have been incorporated.

**VII. PUBLIC PARTICIPATION:**

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

**VIII. ENVIRONMENTAL REVIEW:**

This item is not a “project” under the California Environmental Quality Act (CEQA) as this activity does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to Public Resources Code section 21065.

**IX. STEPS FOLLOWING APPROVAL:**

Following adoption of Resolution No PC. 0228-23, the Recording Secretary will forward the recommended resolutions to the City Council for consideration.

Prepared by: Christina Thurman, Executive Assistant

Submitted by: Greg Thompson, Community Development Director

Attachments:

1. Resolution No. PC 0228-23
2. Exhibit A: Cross-Section-bikeway



## PLANNING COMMISSION OF THE CITY OF ATWATER

---

### RESOLUTION NO. PC 0228-23

#### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL OF ATWATER APPROVE AN AMENDMENT TO UPDATE THE STANDARD PLANS AND SPECIFICATIONS OF THE CITY OF ATWATER.

**WHEREAS**, at a duly noticed public hearing on April 19, 2023, the Planning Commission of the City of Atwater reviewed an Amendment to Update the Standard Plans and Specifications of the City of Atwater; and,

**WHEREAS**, this action consists of amending the City's Major Street (ST-2) cross-section standards from a 100-foot width to a 110-foot width and allowing for a Class IV bikeway; and,

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

**WHEREAS**, the proposed Standard Plans and Specifications Amendment and Update would 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 the Amendment and Update to the Standard Plans and Specifications in support of the project:

1. The public hearing for this Amendment and Update was adequately noticed and advertised.
2. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Resolution No. 0228-23 recommending the City Council of Atwater approve an amendment to update the Standard Plans and Specifications of the City of Atwater.

The foregoing resolution is hereby adopted this 19th day of April, 2023.

**AYES:  
NOES:  
ABSENT:**

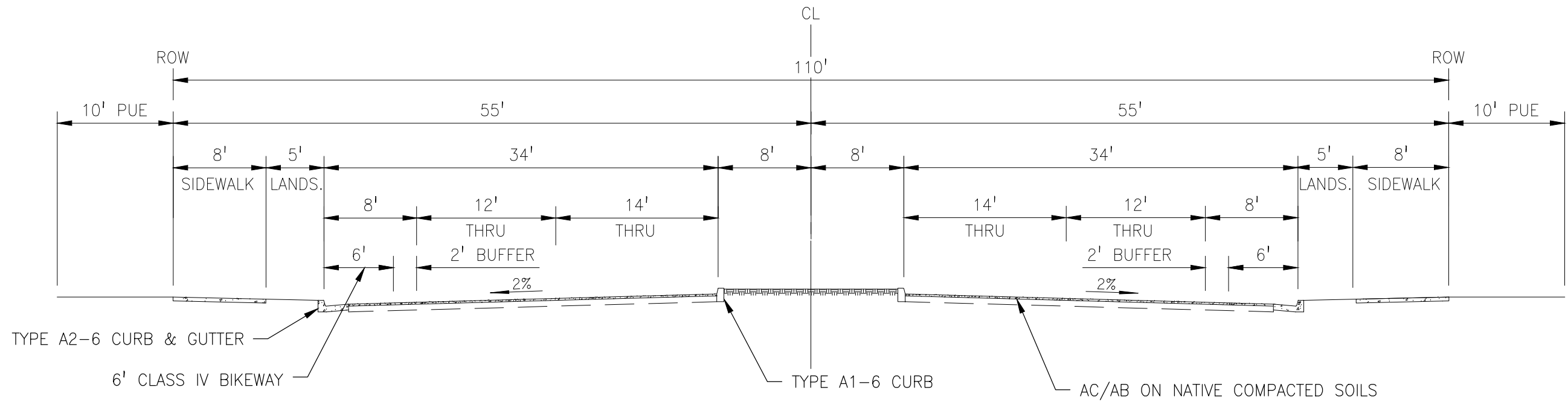
**APPROVED:**

**\_\_\_\_\_  
RONALD DAUGHERTY, CHAIRPERSON**

**ATTEST:**

**\_\_\_\_\_  
GREG THOMPSON, COMMUNITY  
DEVELOPMENT DIRECTOR**

W:\10930200\civil\exhibits\20230221\_bike Path Cross-section\202302021\_cross-section.dwg  
2023-02-21 14:27 By: jvasquez



# MAJOR STREET SECTION

ORIGINAL SHEET - ANSI B

FEBRUARY, 2023  
1093-0200



430 10th Street  
Modesto, CA 95354  
Tel.: 209.568.4477  
Fax: 209.568.4478

Client/Project  
CITY OF ATWATER

Figure No.  
1.0

Title  
MAJOR STREET SECTION