

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 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

October 18, 2023

CALL TO ORDER:

INVOCATION:

Invocation by Police Chaplain McClellan

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) September 20, 2023 – Regular Meeting

Staff's Recommendation: Approval of minutes as listed.

PETITIONS AND COMMUNICATIONS:

1. **Request from Valley Christian Church for a Harvest Festival on October 31, 2023, from 5:30pm-9:00pm with road closures.**

Staff's Recommendation: Approval of request from Valley Christian Church for a Harvest Festival on October 31, 2023, from 5:30pm-9:00pm with road closures. Please see the attached map.

PUBLIC HEARINGS:

2. **Actions pertaining to the summary vacation of a portion of land on the northwest corner of Elm Avenue and Winton Way:**
 - a. **Determine that the proposed vacation is consistent with the City's General Plan pursuant to Government Code Section 65402;**
 - b. **Adopt findings that the project is categorically exempt under California Environmental Quality Act (CEQA) guidelines section 15061 (b)(3), "Common Sense Exemption";**
 - c. **Recommend that the City Council approve the summary vacation of access right restrictions on a portion of the northwest corner of Elm Avenue and Winton Way.**

Staff's Recommendation: Open the public hearing and receive any testimony given;

Close the public hearing;

Adopt Resolution No. PC 0237-23 finding that the project is categorically exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), "Common Sense Exemption"; and recommend that the City Council order the summary vacation of a portion of land on the northwest corner of Elm Avenue and Winton Way.

3. **Public hearing to consider adopting a Resolution making an environmental finding that the project is exempt under California Environmental Quality ACT (CEQA) guideline section 15303: Class 3 "New Construction or Conversion of Small Structures"; and to recommend City Council approve**

Zone Change No. 23-14-0100 and Variance No. 23-14-0400 for a parcel located at 1789 Elm Street in Atwater (APN: 002-181-041).
(Applicant: Shan Singh)

Staff's Recommendation: Open the public hearing and receive any testimony given;

Close the public hearing;

Adopt Resolution No. PC 0233-23 making an environmental finding that the project is exempt under California Environmental Quality ACT (CEQA) guideline section 15303: Class 3 "New Construction or Conversion of Small Structures"; and to recommend City Council approve Zone Change No. 23-14-0100 and Variance No. 23-14-0400 for a parcel located at 1789 Elm Street in Atwater (APN: 002-181-041).

REPORTS AND PRESENTATION FROM STAFF:

4. Deputy City Manager / 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

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



CITY OF ATWATER

PLANNING COMMISSION

ACTION MINUTES

September 20, 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.

INVOCATION:

Invocation by Planning Commission Member Kadach

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Planning Commission Member Sanchez-Garcia.

ROLL CALL:

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

Absent: *None*

Staff Present: *Battalion Chief Lopes, Chief Salvador, Deputy City Manager / Community Development Director Thompson, Recording Secretary Rashad .*

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

APPROVAL OF MINUTES:

a) August 16, 2023 – Regular Meeting

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

PETITIONS AND COMMUNICATIONS:

1. Request from Atwater High School for a Football Homecoming Parade with temporary road closures. (Applicant: Atwater High School)

Staff's Recommendation: Approval of request from Atwater High School for a football Homecoming Parade on October 13, 2023, from 3:00pm-4:00pm with multiple road closures. Please see the attached map.

MOTION: Planning Commission Member Borgwardt moved to approve the request from the Atwater High School for a Football Homecoming Parade with temporary road closures. The motion was seconded by Planning Commission Member Kadach and the vote was: Ayes: Planning Commission Members Borgwardt, Kadach, Sanders, Sanchez-Garcia, Daugherty; Noes: None; Absent: None. The motion passed.

2. Request from the Atwater Elementary School District for a Red Ribbon Walk and Drugstore Project with temporary road closures. (Applicant: Atwater Elementary School District)

Staff's Recommendation: Approval of request from the Atwater Elementary School District for a Red Ribbon Walk and Drugstore Project on October 20, 2023, from 10:45am-1:30pm with multiple road closures. Please see the attached map.

MOTION: Planning Commission Member Sanders moved to approve the request from the Atwater Elementary School District for a Red Ribbon Walk and Drugstore Project with temporary road closures. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning

Commission Members Borgwardt, Kadach, Sanders, Sanchez-Garcia, Daugherty; Noes: None; Absent: None. The motion passed.

- 3. Request from Valley Christian Church for a Fall Craft and Vendor Fair on October 21, 2023, from 7:00am-3:00pm with a road closure.**

Staff's Recommendation: Approval of request from Valley Christian Church for a Fall Craft and Vendor Fair on October 21, 2023, from 7:00am-3:00pm with a small road closure. Please see the attached map.

MOTION: Planning Commission Member Borgwardt moved to approve the request from Valley Christian Church for a Fall Craft and Vendor Fair on October 21, 2023, from 7:00am-3:00pm with temporary road closures. The motion was seconded by Planning Commission Member Kadach and the vote was: Ayes: Planning Commission Members Borgwardt, Kadach, Sanders, Sanchez-Garcia, Daugherty; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

Public hearing to consider adopting a resolution approving Conditional Use Permit No. 23-13-0100 and Site Plan 23-13-0200 for a small wireless cell facility on top of an existing building located at 100 E. Bellevue Rd. in Atwater (APN: 004-022-013). (Applicant: New Cingular Wireless)

Deputy City Manager / Community Development Director Thompson provided background on this project.

Applicant Steve Pro spoke on the project.

Chairperson Daugherty opened the public hearing.

No one else 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 (c), "Accessory Structures," and Adopt Resolution No. 0232-23 Approving Conditional Use Permit No. 23-13-0100 and Site Plan No. 23-13-0200. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Kadach, Sanchez-Garcia, Borgwardt, Sanders, Daugherty; Noes: None; Absent: None. The motion passed.

Public Hearing to recommend to the City Council of the City of Atwater to approve and adopt an Initial Study and Negative Declaration (IS/ND) for Lower Shaffer Drainage Improvement Project.

(Applicant: City of Atwater)

The Applicant withdrew their item.

REPORTS AND PRESENTATIONS FROM STAFF:

Deputy City Manager / Community Development Director Thompson spoke about the Type 86 license.

Guest Speaker David Souza provided a presentation on the Type 86 license.

COMMENTS FROM THE PUBLIC:

Chairperson Daugherty opened the Public Comment.

Notice to the public was read.

Chairperson Daugherty closed the public comment.

COMMISSIONER MATTERS:

Planning Commission Member Sanchez-Garcia expressed her excitement for new events occurring within the city.

Vice Chairperson Borgwardt expressed his gratitude for the Public Works Department with the Almador Terrace repair and clean up. He mentioned Albiani Park has not been maintained and inquired about the signaling sequence at Shaffer Road and Atwater Boulevard.

Chairperson Daugherty inquired about the water schedule at Veterans Park since they are watering during hours that the City has specified to residents to not be using water.

ADJOURNMENT:

Chairperson Daugherty adjourned the meeting at 6:47 PM.

Ron Daugherty, Chairperson

By: Kayla Rashad
Recording Secretary



OUTDOOR EVENTS APPLICATION/PERMIT



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 4 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 "Outdoor 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

Contact person Glen Summerton phone 209-628-0773

Title Deacon at Valley Christian Church

Address 1201 Cedar Ave.

e-mail Jrosesummerton@gmail.com

Description of event (continued):

Description of event (include equipment, obstructions, etc., to be placed in the encroachment area):

This event requires an Amplified Sound Permit:

yes no

If yes, state type and description of amplified equipment permitted:

speakers playing gospel music

This event requires a Dance Permit: yes no

If yes, list name of Security Company, Address, and Phone: _____

If yes, number of officers required: _____

Will you sell or serve alcohol: yes no

Estimated number of people in attendance: _____

Date(s) and times of use (include time for setup and takedown as well as event time):

(Note: Dance Permits and Amplified Sound Permits require a fee, which are subject to change with yearly updated Miscellaneous Fee Schedule.)

(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: Block 3rd street between Broadway to Cedar Drakeley.

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.)

J.D. (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. JD (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 one million dollars (\$1,000,000) 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 insured 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. 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

HUB International www.hubinternational.com/programs-associations/event-

insure K&K Insurance www.kandkinsurance.com

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

Please submit application and insurance certificate to:

City of Atwater Community Center
Attn: Community Events Department
750 Bellevue Road
Atwater, CA 95301

events@atwater.org


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: Glenn Sumner
Print Name: Glenn Sumner
Date: 10-02-2023

OFFICE USE

APPLICATION/PERMIT/AGREEMENT APPROVED SUBJECT TO CONDITIONS

BY  DATE Oct 2, 2023
Justin Vinson (Oct 2, 2023 16:46 PDT)
Public Works (357-6370)

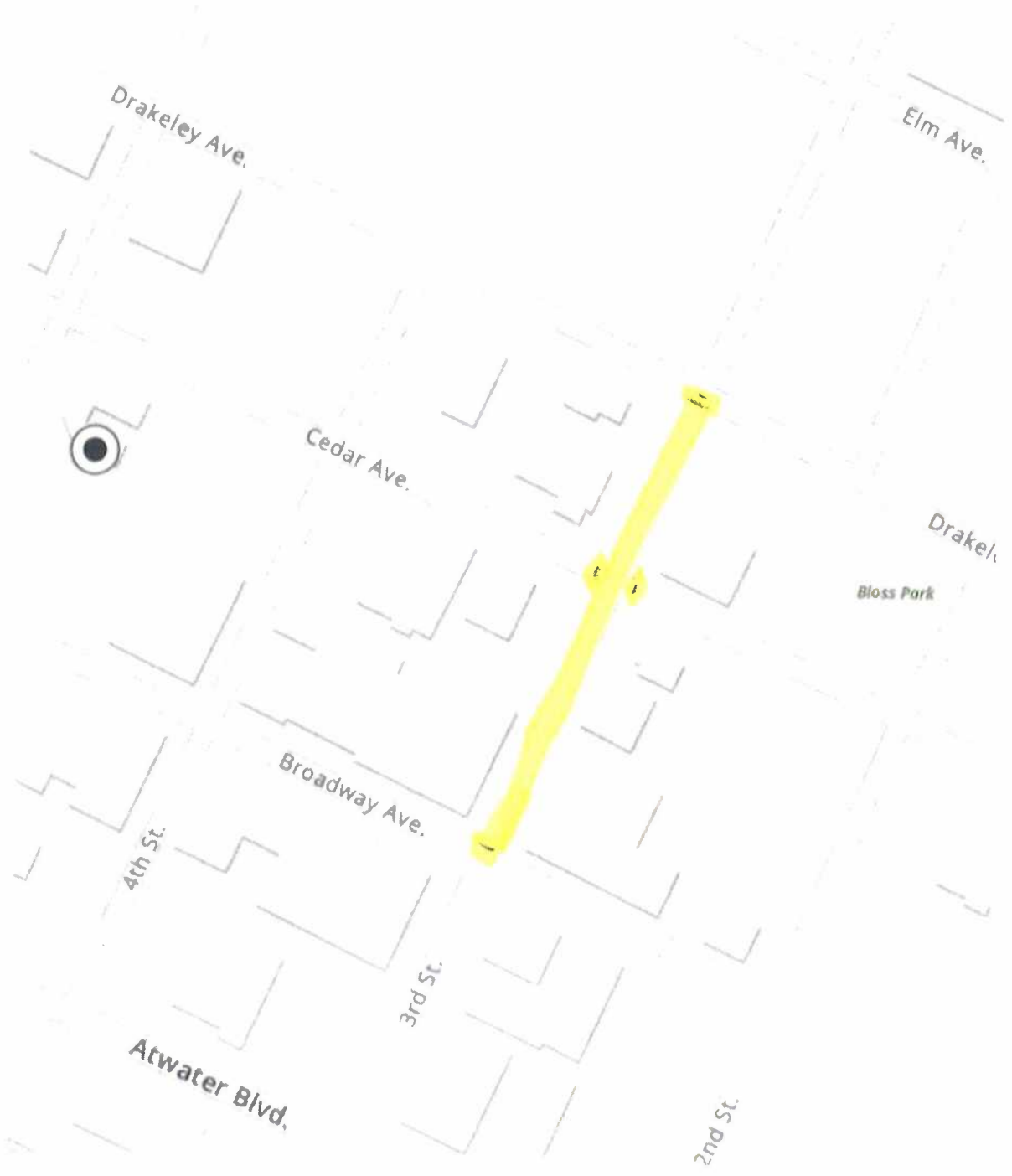
BY Michael Salvador DATE Oct 4, 2023
Police Department (357-6384)

BY  DATE Oct 4, 2023
Blaine Jones (Oct 4, 2023 13:45 PDT)
Fire Department (357-6341)

BY Lori Watersman DATE Oct 4, 2023
City Manager Approval (357-6300)

PLANNING COMMISSION APPROVAL DATE
(If necessary) _____

RETURN COMPLETED APPLICATION TO PD FOR TRACKING. kwaller@atwater.org



Drakeley Ave.

Elm Ave.

Cedar Ave.

Drakeley

Bloss Park

Broadway Ave.

4th St.

3rd St.

Atwater Blvd.

2nd St.

Valley Christian Church
1201 Cedar Ave
Atwater, Ca 95301

October 2, 2023

To: Atwater City Counsel

Sub: Road Block for Harvest Festival

Valley Christian Church will be hosting our annual Harvest Festival on October 31st. The event will consist of fun games, activities for the children and free hotdogs and nacho chips for all guests (while supplies last). We are requesting to block off 3rd street between Broadway & Cedar for approximately 3 1/2 hours from 5:30pm-9pm.

Thank you for your consideration on this matter.

Glenn Summerton

(209) 628-0773

Alfred Perez (Pastor)

(209) 658-7777



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
09/05/2023

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).

PRODUCER AGFinancial Insurance, LLC 3900 S Overland Ave Springfield MO 65807	CONTACT NAME: Brandi Walker PHONE (A/C, No, Ext): (866) 662-8210 FAX (A/C, No): (417) 447-7475 E-MAIL ADDRESS: bwalker@agfinancial.org														
INSURED Valley Christian Center 1201 Cedar Ave Atwater CA 95301	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 80%;">INSURER(S) AFFORDING COVERAGE</th> <th style="width: 20%;">NAIC #</th> </tr> <tr> <td>INSURER A : Philadelphia Indemnity Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Philadelphia Indemnity Insurance Company		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER B :															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES **CERTIFICATE NUMBER:** 090123-24/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 WVO	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		PHPK2599942	09/01/2023	09/01/2024	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ee occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:							
AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY							COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$							EACH OCCURRENCE \$ AGGREGATE \$
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N N/A If yes, describe under DESCRIPTION OF OPERATIONS below							PER STATUTE OTH-ER E.I. EACH ACCIDENT \$ E.I. DISEASE - EA EMPLOYEE \$ E.I. 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, and 1230 Drake Ave, Atwater, CA for Craft Fair fundraiser.

CERTIFICATE HOLDER City of Atwater 750 Bellevue Rd Atwater CA 95301	CANCELLATION 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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Signature: *Michael Salvador*

Email: msalvador@atwater.org



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

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

MEETING DATE: **October 18, 2023**

TO: Chair and Commissioners

FROM: Greg Thompson, Deputy City Manager / Community Development Director

PREPARED BY: Kelsey George, Planner

SUBJECT: **Actions pertaining to the summary vacation of a portion of land on the northwest corner of Elm Avenue and Winton Way:**

- 1. Determine that the proposed vacation is consistent with the City's General Plan pursuant to Government Code section 65402**
- 2. Adopt findings that the project is categorically exempt under California Environmental Quality Act (CEQA) guidelines section 15061(b)(3): "Common Sense Exemption"**
- 3. Recommend that the City Council approve the summary vacation of access right restrictions on a portion of the northwest corner of Elm Avenue and Winton Way**

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 0237-23 finding that the project is categorically exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), "Common Sense Exemption"; and recommend that the City Council order the summary vacation of a portion of land on the northwest corner of Elm Avenue and Winton Way.

I. BACKGROUND/ANALYSIS:

The City of Atwater is seeking approval for the vacation of a portion of land at the northwest corner of Elm Avenue and Winton Way. This proposed vacation will eliminate excess right-of-way that will no longer serve as a direct continuation into Elm Avenue. The portion of land is also not needed for the completion of the City's Downtown Pedestrian Improvement Project – Phase 1. Further, there are no in-place public utility facilities in use that would be affected by the vacation.

Elm Avenue was originally intended to be developed as a direct continuation through Winton Way which is why the portion of land was acquired. However, due to alterations in planned traffic patterns and the way the intersection ultimately developed, the portion of land is no longer suitable for that purpose and is not necessary for current or future public street purposes. Furthermore, the street right-of-way is not required to finish the Downtown Pedestrian Improvement Project, as this has already constructed new street improvements and provided replacement land where needed without needing to use this portion of land.

The Downtown Pedestrian Improvement Project – Phase 1, which is funded by the Congestion Mitigation and Air Quality (CMAQ) program and allocated by Merced County Association of Governments, was recently completed. The Project includes design, engineering, environmental, and construction services for new curbs/gutters, sidewalks, curb ramps, and replacement residential driveway approaches to better connect residents to the downtown core. The improvements are proposed along Fir Avenue, Elm Avenue, Drakeley Avenue, Cedar Avenue, Sixth Street, and Seventh Street.

II. FISCAL IMPACTS

This vacation is located in Council District 3 and there will be no City funds involved with this vacation. All costs associated with these vacations are funded by the project applicant.

III. LEGAL REVIEW:

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

IV. PUBLIC PARTICIPATION:

There is no hearing public hearing requirement for summary vacations.

V. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), because the vacation of this street is not a project within the meaning of the California Environmental Quality since the project has no potential to cause a significant effect on the environment.

VI. STEPS FOLLOWING APPROVAL:

FOR PC: Following adoption of Resolution No. PC 0237-23, the Recording Secretary will forward the recommending Resolution to the City Council for Consideration.

For CC: Following adoption of Resolution No. 0237-23 the City Clerk shall cause a certified copy of this Resolution of vacation, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the Merced County Recorder.

Presented by: Greg Thompson, Deputy City Manager / Community Development Director

Prepared by: Kelsey George, Planner

Attachments:

1. Resolution
2. Exhibit A
3. Exhibit B



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0237-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE SUMMARY VACATION OF A PORTION OF LAND LOCATED ON THE NORTHWEST CORNER OF ELM AVENUE AND WINTON WAY PURSUANT TO STREETS AND HIGHWAYS CODE SECTION 8330 ET SEQ., DETERMINING THAT SUCH VACATION IS CONSISTENT WITH THE CITY'S ADOPTED GENERAL PLAN, AND DETERMINING THAT THE ACTION IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, the City of Atwater holds title to that certain real property located within the City consisting of an area more specifically described and depicted in the attached Exhibit A and Exhibit B ("Property" or "Street"); and,

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

WHEREAS, the Property was originally intended to be developed as a direct, straight continuation of Elm Avenue through Winton Way, but was never developed for that purpose, and changes in the planned street patterns for the vicinity of the Property have rendered the Property unnecessary for such purposes; and

WHEREAS, there are no in-place public utility facilities that are in use and would be affected by the vacation; and

WHEREAS, the City of Atwater has no use for the Property for street purposes; and

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on October 18, 2023; and,

WHEREAS, Government Code Section 65402 provides that if a general plan has been adopted, then no street shall be vacated or abandoned, if the adopted general plan applies thereto, until the location, purpose, and extent of such street vacation or abandonment has been submitted to and reported upon by the Planning Commission as

to conformity with said adopted general plan, and that the Planning Commission shall render its report as to conformity with said adopted general plan within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the City Council; and

WHEREAS, the General Plan is silent on matters regarding the right-of-way proposed for vacation and the vacation is consistent with the General Plan Circulation Element; and,

WHEREAS, this vacation of the street on the Property is made pursuant to the requirements of California Streets and Highways Code, Section 8330 *et seq.*; and

WHEREAS, Section 8330 of the California Streets and Highways Code authorizes the City to summarily vacate a street or highway, such as the Street, that has been superseded by relocation; and

WHEREAS, Section 8330 of the California Streets and Highways Code authorizes the City to summarily vacate a street or highway, such as the portion of Elm Avenue in question, provided it does not cut off all access to a person's property which, prior to relocation, adjoined the street or highway or terminate a public service easement, unless the easement satisfies the requirements of Section 8333; and

WHEREAS, Section 8334(a) of the California Streets and Highways Code authorizes the City to summarily vacate an excess right-of-way not required for street or highway purposes; and

WHEREAS, this portion of Elm Avenue has been superseded by relocation, is no longer required for street or highway purposes, and this vacation does not cut off all access to a person's property or terminate a public service easement; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, the Planning Commission finds that the following findings can be made for Resolution No. PC 0237-23.

1. The applicant proposes a summary vacation of a portion of land on the Northwest corner of Elm Avenue and Winton Way.
2. The project is consistent with the City's General Plan
3. The project is exempt from environmental review pursuant CEQA guideline 15061 (b)(3), "Common Sense Exemption".
4. The public hearing for this application has been adequately noticed and advertised.
5. 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 recitals above are true and correct and hereby incorporated by reference. Planning Commission of the City of Atwater finds that:

1. The proposed summary vacation for a portion of land on the northwest corner Elm Avenue and Winton Way, described and depicted in the attached Exhibit A and Exhibit B, is in conformance with the General Plan.
2. The Planning Commission recommends the City Council vacate the portion of land described and depicted in the attached Exhibit A and Exhibit B as proposed.
3. The Planning Commission recommends the City Council find this action exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3), because the vacation of this street is not a project within the meaning of the California Environmental Quality since the project has no potential to cause a significant effect on the environment.

The foregoing resolution is hereby adopted this 18th day of October, 2023.

AYES:
NOES:
ABSENT:

APPROVED:

**RONALD DAUGHERTY,
CHAIRPERSON**

ATTEST:

**GREG THOMPSON,
DEPUTY CITY MANAGER /
COMMUNITY DEVELOPMENT DIRECTOR**

EXHIBIT A

LEGAL DESCRIPTION

All that portion of Elm Avenue as shown on the map of Sierra Vista Addition to the Town of Atwater, filed in Volume 5 of Official Plats, at Page 21, Merced County Records, lying in Section 1, Township 7 South, Range 12 East, Mount Diablo Meridian, in the City of Atwater, County of Merced, State of California, being more particularly described as follows:

BEGINNING at the south corner of Lot 32 as shown on the aforementioned map of Sierra Vista Addition to the Town of Atwater, also being the south corner of that certain parcel of land as described in the Grant Deed to Antoine Ousip, recorded as Document No. 2021-047939, Merced County Records, said point being on the northeasterly line of said Elm Avenue; thence, along the southwesterly line of said Lot 32, also being the northeasterly line of said Elm Avenue, North 63°54'01" West 100.41 feet, to a point on the easterly line of Winton Way as conveyed to the City of Atwater for public street purposes by Final Order of Condemnation recorded April 26, 1972 in Book 1887 of Official Records, at Page 378, Merced County Records; thence, South 17°06'24" East 25.69 feet, to the beginning of a curve, concave to the northeast, having a radius of 30.00 feet and a central angle of 96°26'27"; thence, along the arc of said curve, 50.50 feet, to the beginning of a reverse curve, concave to the south, from which a radial line bears South 23°32'51" East, having a radius of 50.00 feet and a central angle of 49°38'50"; thence, along the arc of said curve, 43.33 feet, to the point of beginning.

Containing a total of 1,494 square feet, more or less.

Subject to covenants, conditions, restrictions, reservations, rights, rights-of-way, and easements of record, if any.

See Exhibit B attached hereto and made a part hereof.

This description was prepared by me or under my direct supervision.



Michael Halterman, LS 8040

2023-09-06

Date

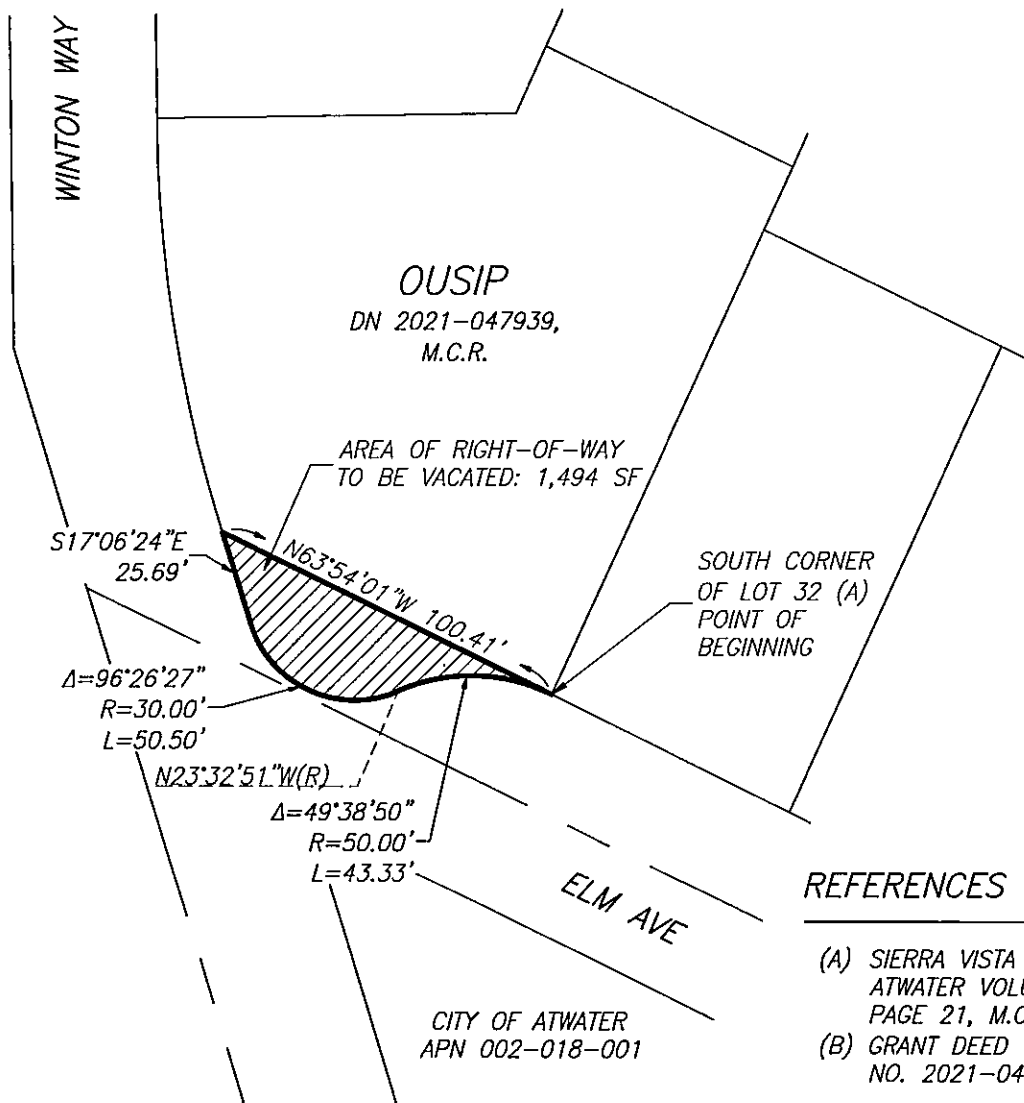


EXHIBIT B

SCALE 1" = 50'

LEGEND

- DN DOCUMENT NUMBER
- OP OFFICIAL PLATS
- (R) RADIAL BEARING
- M.C.R. MERCED COUNTY RECORDS



REFERENCES

- (A) SIERRA VISTA ADDITION TO THE TOWN OF ATWATER VOLUME 5, OFFICIAL PLATS, PAGE 21, M.C.R.
- (B) GRANT DEED TO OUSIP, DOCUMENT NO. 2021-047939, M.C.R.

DATE: 9/6/2023 15:33 FILE: M:\253802\Survey Drawings\ROW VACATE\EXHB B.dwg



BENCHMARK ENGINEERING, INC.
CIVIL ENGINEERING & LAND SURVEYING
 915 17TH STREET • MODESTO, CALIFORNIA • 95354
 (209) 948-9300 FAX: (209) 948-9305

RIGHT-OF-WAY VACATION
ELM AVENUE
 ATWATER, CALIFORNIA

DRAWN BY: SYD
 DATE: 2023-09-06
 SHEET: 1 OF 1
 JOB: 253802



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

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

MEETING DATE: **October 18, 2023**

TO: Chair and Commissioners

FROM: Greg Thompson, Deputy City Manager/Community Development
Director

SUBJECT: **Public hearing to consider adopting a Resolution making an environmental finding that the project is exempt under California Environmental Quality ACT (CEQA) guideline section 15303: Class 3 “New Construction or Conversion of Small Structures”; and to recommend City Council approve Zone Change No. 23-14-0100 and Variance No. 23-14-0400 for a parcel located at 1789 Elm Street in Atwater (APN: 002-181-041).**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public;
2. Close the public hearing;
3. Adopt Resolution No. PC 0233-23 making an environmental finding that the project is exempt under California Environmental Quality ACT (CEQA) guideline section 15303: Class 3 “New Construction or Conversion of Small Structures”; and to recommend City Council approve Zone Change No. 23-14-0100 and Variance No. 23-14-0400 for a parcel located at 1789 Elm Street in Atwater (APN: 002-181-041).

I. BACKGROUND:

The proposed Project consists of a Zone Change and Variance application that has been submitted to the City of Atwater. The Project requests authorization to change the zoning district for APN 002-181-041 from Office Commercial (C-O) to Central Commercial (C-C) and

reduce the required interior side setback from ten feet (10') to seven feet (7') for the purposes of developing a new commercial building on an existing vacant parcel.

The site plan for the proposed Project includes a 4,999 square foot building that anticipates three separate tenant spaces, ranging in size with two spaces being approximately 1,300 square feet each and one space being approximately 2,399 square feet. The 2,399 square foot tenant space is anticipated for a laundromat service, while the occupants of the other two spaces have not yet been identified. These two spaces may be consolidated into one space depending on the future tenant's requirements. However, all future uses must comply with the requirements of the Atwater Municipal Code and will be required to submit tenant improvement plans and businesses licensing applications prior to occupancy and operation.

In addition to the building, the site plan also includes the construction of on-site drive aisles, concrete curbs and sidewalks, a masonry trash enclosure, 4,418 square feet of landscaping, and parking stalls. Parking will be provided in accordance with the Atwater Municipal Code and tailored to each established use. Parking is provided consistent with the parking requirements for retail stores, personal services, professional and business offices, banks, and post offices at 1 parking stall per 250 square feet of floor area. The applicant is proposing a flexible outdoor dining area in case a food establishment occupies one of the tenant spaces. The size and operation of this food establishment will be limited by the available number of parking stalls. The outdoor dining area is designed to meet the dimensions and sizing requirements of two standard parking stalls. If the City deems it necessary to provide more parking at this site in the future, the applicant will remove the dining area and construct two parking stalls at their own expense.

The site plan has undergone site plan review at the staff level to ensure it complied with all standards for setbacks, parking, landscaping, and all other requirements defined in the Atwater Zoning Ordinance and any other applicable standards.

II. ANALYSIS:

Site Location: The subject property is near the northeast corner of Elm Avenue and N Winton Way at 1789 Elm Avenue in Atwater (refer to Figure 1) and is identified by Merced County as APN 002-181-041.

Figure 1



Description of Surrounding Uses: The parcels immediately to the north of the subject property are zoned Office Commercial (C-O) and High Density Residential (R-3). The parcel to the west of the subject property is zoned Neighborhood Commercial (C-N). The parcels to the east and south of the subject property are zoned High Density Residential (R-3). It should be noted that although zoned R-3, the parcel to the south has a General Plan land use designation of Park.

Land Use Designation: The subject property has a land use designation of Commercial and is zoned as Office Commercial (C-O). The applicant is requesting a zone change from Office Commercial (C-O) to Central Commercial (C-C), which will remain consistent with the existing land use designation.

Commercial land uses are intended to accommodate a wide range of commercial activities ranging from regional commercial facilities to general and neighborhood commercial uses. Establishments may range from retail to service and entertainment uses. Further, the land use allows development to occur as a single structure, group of commercial uses, or regional mall type facility. The Project is proposed to facilitate the development of a multi-tenant commercial building that would be consistent with the land use designation.

Zoning: The subject property is zoned Office Commercial (C-O) and primarily permits medical, dental, business and professional offices, as well as public and quasi-public uses. The Project is requesting a zone change to Central Commercial (C-C) which is consistent with the existing land use designation. The Central Commercial (C-C) zone district was established to facilitate the development of the central commercial core as an area of “pedestrian priority” by encouraging a broad mix of retail, service, financial office, and specialty uses and maintain and enhance the physical and economic vitality of the central City. A zone change to Central Commercial (C-C) supports the City’s Downtown Pedestrian Improvement Project. The Downtown Pedestrian Improvement Project – Phase 1, which is funded by the Congestion Mitigation and Air Quality (CMAQ) program and allocated by Merced County Association of Governments, was recently completed. It included design, engineering, environmental, and construction services for new curbs/gutters, sidewalks, curb ramps, and replacement residential driveway approaches to better connect residents to the downtown core.

Variance: Development of the subject property as proposed is subject to an approved variance application. The purpose of a variance is to allow for deviations from the development standards of the Zoning Ordinance when the property is subject to exceptional narrowness, lowness, unusual shape, exceptional topographic conditions, or other extraordinary conditions that would warrant the property undevelopable if subject to adherence of all development standards. In no case can a variance be granted to for over 50% of any requirement.

The shape of the subject property is unusual and eligible for a variance. Because of the shape, the development cannot meet parking and the interior setback requirement. The deviation being requested is to reduce the interior side setback from ten feet (10’) to seven feet (7’) resulting in a 30% reduction, which would not result in a deviation of more than 50%.

Further, the variance request has been reviewed for public safety and the Fire Department and Building Division did not see any issues with the reduction.

Pursuant to section 17.74.040, the Planning Commission may grant a variance by majority vote when all the following conditions are found:

- A. That a hardship peculiar to the property and not created by any act of the owner exists. In this context, personal, family, or financial difficulties, loss of prospective profits, and neighboring violations are not hardships justifying a variance. Further, a previous variance can never have a set precedent, for each case must be considered on its individual merits.
 - The subject property is an irregular shape which makes the placement of the building disproportionately difficult. The parcel cannot accommodate the required on-site circulation, parking, and accessible paths of travel while also maintaining the required 10' interior side yard setback. It should be noted that the proposed 7' setback has been routed to both the Fire Department and Building Department for comment and it was deemed sufficient for public health and safety. Further, under the existing zone district of C-O, 5' is the required setback and the proposed building exceeds this requirement.
- B. That the variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and vicinity, and that a variance would not constitute a special privilege of the recipient not enjoyed by his neighbors.
 - The purpose of the variance is to allow the building to encroach into the standard required interior side setback, so the building does not encroach on other on-site elements such as accessible pathways and drive aisles, which allows the site to operate and serve the community in a safer manner.
- C. That the authorizing of such a variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the zoning regulations or the public interest.
 - The site is currently zoned for C-O with a 5-foot interior yard setback. The project, although proposing a zone change, is providing a 7-foot interior side yard setback with a masonry wall to buffer the adjacent residential property. As such, the project will not be a detriment to adjacent property or materially impair the purposes of the zoning regulations or the public interest because the resulting interior side setback is greater than what is currently required.
- D. That the condition or situation of the specific piece of property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for that condition or situation.
 - Due to the shape of the subject property and the nature of the infill lot with built out development surrounding it, the project warrants the request of a

variance application. It is a singular event that has created the need for the variance and is unique to the applicant's situation.

III. FISCAL IMPACTS:

No negative fiscal impacts are anticipated. 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:

LU-2: Ensure that the appearance of non-residential development contributes positively to the community's image.

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 15303: Class 3 "New Construction or Conversion of Small Structures", which states "Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel." The Section also lists up to four commercial buildings that do not exceed 10,000 square feet as an example of a use that would fall under this exemption.

The Project is proposing a single 4,999 square foot commercial building in an urbanized area on an infill lot planned for commercial uses. The Project will have access to public services and facilities; therefore, a Class 3 exemption applies to the Project.

IX. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 0233-23 the Recording Secretary will forward the recommending Resolution to the City Council for Consideration.

Prepared by: Kelsey George, Planner

Submitted by: Greg Thompson, Deputy City Manager / Community Development Director

Attachments:

1. Resolution PC No. 0233-23
2. Uniform Development Application
3. Site Plan



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0233-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER CONSIDER ADOPTING A RESOLUTION MAKING AN ENVIRONMENTAL FINDING THAT THE PROJECT IS EXEMPT UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINE SECTION 15303: CLASS 3 “NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES”; AND TO RECOMMEND CITY COUNCIL APPROVE ZONE CHANGE NO. 23-14-0100 AND VARIANCE NO. 23-14-0400 FOR A PARCEL LOCATED AT 1789 ELM STREET IN ATWATER (APN: 002-181-041).

WHEREAS, the Planning Commission of the City of Atwater reviewed Zone Change No. 23-14-0100 and Variance No. 23-14-0400, as submitted by Shan Singh, requesting to change the zone district from Office Commercial (O-C) and Central Commercial (C-C) and reduce the interior side yard setback from ten feet (10') to seven feet (7'); and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on October 18, 2023; and,

WHEREAS, this project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15303, Class 3, “New Construction or Conversion of Small Structures;” and,

WHEREAS, __ person(s) spoke in favor of the Zone Change, __ person(s) spoke in opposition of the Zone Change, and __ written comment(s) have been submitted either in opposition or in favor of the Zone Change; and,

WHEREAS, __ person(s) spoke in favor of the Variance, __ person(s) spoke in opposition of the Variance, and __ written comment(s) have been submitted either in opposition or in favor of the Variance; 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 Zone Change 23-14-0100:

1. That this application proposes for a land designation zone change from Office Commercial (C-O) to Central Commercial (C-C).
2. That this site is designated by the Atwater General Plan as Commercial.
3. That this use is consistent with the purpose and intent of the General Plan for this use.
4. That the public hearing for this application has been adequately noticed and advertised.
5. That this action is consistent with provisions of Section 17.44.060 (D)(1) of the Atwater Municipal Code.
6. That the development of this project will not adversely affect the surrounding properties.

WHEREAS, the Planning Commission has determined that the following findings can be made for Variance No. 23-01-0400 in support of the Project:

1. A hardship peculiar to the property and not created by any act of the owner exists.
2. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and vicinity, and that a variance would not constitute a special privilege of the recipient not enjoyed by his neighbors.
3. Authorizing of such a variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of the zoning regulations or the public interest.
4. The condition or situation of the specific piece of property for which the variance is sought is not so general or recurrent in nature as to make reasonably practicable the formulation of a general regulation for that condition or situation.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Zone Change No. 23-14-0100 and Variance No. 23-14-0400 subject to the following conditions:

FIRE DEPARTMENT:

1. All Projects shall meet the latest Atwater Municipal Code and California Fire Code.

PLANNING:

2. The Planning Commission shall retain the right to reconsider Zone Change 23-14-0100 and Variance No. 23-14-0400.

3. 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.
4. That the development of this property or any subdivision thereof shall be subject to Site Plan approval as delineated in the Central Commercial Zoning District.
5. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officer and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the city fails to do so, the applicant or applicants' successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 18th day of October, 2023.

AYES:
NOES:
ABSENT:

APPROVED:

RONALD DAUGHERTY,
CHAIRPERSON

ATTEST:

GREG THOMPSON,
DEPUTY CITY MANAGER /
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 checked="" type="checkbox"/> Variance |
| <input type="checkbox"/> Application for Appeal | <input type="checkbox"/> Lot Line Adjustment | <input checked="" type="checkbox"/> Zone Change |
| <input checked="" 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 checked="" type="checkbox"/> Other |
- Right of Way Abandonment
-Parking Reduction with Reservation

Describe Proposed Project:

Rezone & Development of a vacant commercial property, existing zoning of Office Comm. (C-O) to be rezoned to Central Comm. (C-C), construction of approx. 4,999 square foot commercial building with the intent of dividing into three units. Once unit is anticipated to be a laundry mat and the other unit to be developed as a shell with no anticipated user at this time. The development will include construction of parking areas and drive aisles, sidewalks, trash enclosure, masonry walls adjacent to residential uses, underground utilities, and landscaping. Request for reduction of 2 parking spaces to use for outdoor seating and a variance for the structure setback along the north and east property lines from 10 feet to 7 feet.

APPLICANT: Shan Singh

PHONE NO: 209-678-8094

ADDRESS OF APPLICANT: 1385 Winton Way, Atwater, CA 95301

EMAIL: nishan_1981@yahoo.com

PROPERTY OWNER: Narinderpal Singh

PHONE NO: 209-678-8094

ADDRESS OF PROPERTY OWNER: 1063 Briarwood Drive, Livingston, CA 95334

ASSESSOR'S PARCEL NUMBER: 002-181-041

Address/General Location of Property: 1789 Elm Street, Atwater, CA 95301

EXISTING ZONING OF PROPERTY: Office Commercial (C-O)

GENERAL PLAN DESIGNATION OF PROPERTY: Commercial

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

CITY OF ATWATER UNIFORM DEVELOPMENT APPLICATION CHECKLIST

PROJECT APPLICATION: ALL ITEMS ON THE CHECKLIST MUST BE SUBMITTED WITH YOUR APPLICATION AND ALL MAPS PROPERLY FOLDED OTHERWISE IT WILL NOT BE ACCEPTED!

- One (1) completed copy of the combined Development Application form.
- Appropriate Schedule Fees (make checks payable to the City of Atwater).
- One (1) completed and signed copy of Agreement to Pay Processing Costs. (Attached)
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the elevation drawings and copies of site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the floor plans and copies of site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.
- Copies of the Tentative Parcel Map/Tentative Subdivision Map and will require to contain the information outlined in the Atwater Municipal Code Chapter 16 Section 16.20.020 attached to this form (See tentative map requirements).
- A letter signed by the property owner authorizing representation by a person or agency other than him/herself
- Legal description of the entire project site in a metes and bounds format.
- Preliminary title report, chain of title guarantee or equivalent documentation not older than (6) months which shows any and all easements affecting the project site.
- Ten (10) 18x24-inch site plans and five (5) 8-1/2x11 identifying the proposed Lot Line Adjustment, Parcel merger or Parcel Unmerge, and all existing features, including but not limited to easements, utilities, and structures.
- Vicinity Map
- Identification of existing and proposed lot area(s).

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 _____

Site Plan Checklist

- Address and County Assessor's Parcel Number.
- Name, address and telephone number of applicant, architect and/or engineer.
- Summary legend describing project information including zoning and lot size. For new construction provide summary of units permitted and proposed building coverage permitted and proposed off-street parking permitted and proposed, unit square footage breakdown.
- Vicinity Map (showing property location to major roads and major landmarks).
- Scale of plot plan, north arrow, existing property lines and dimensions.
- Names and full widths of all adjacent streets and alleys (indicate location of any medians and curb cuts).
- Show location of existing and proposed structures and walls (identify existing as a dashed line and proposed as a solid line).
- Label the use of all existing and proposed structures and areas
- Indicate setbacks, yard areas, distances between structures (setbacks to be measured from ultimate property lines if dedication is required).
- Show square footage of the structure(s) and percentage of structure coverage in relationship to the entire lot.
- Show location and dimensions of adjacent street rights-of-way, property lines, building setback lines, sidewalks and easements.
- Show off-street parking. Designate open parking, carports, and garages, include dimensions of parking stalls, maneuvering areas, driveways, specify paving materials; identify all curbing and wheel stops.
- Show loading areas, including dimensions and screening
- Show location of trash enclosures and indicate materials.
- Show location and size of all existing proposed signs, walls, and fences.
- Indicate existing and proposed landscape areas. Preliminary landscaping should include trees and major planting areas (specific materials, sizes, and numbers will be required on detail plans following Planning Commission or City Council approval).
- Show proposed exterior lighting

Site Plan Checklist Continued

- Show location and general dimensions of any existing irrigation facilities, natural drainage ways and storm drainage facilities on the site, including any proposed modifications.
- Show size and species of all trees 6 inches and greater in diameter at 3 feet. Indicate whether to be removed or retained.
- Show location of curb cuts on neighboring properties; and, in commercial and industrial zones, within 300 feet of adjacent properties and properties across the street.
- Location of buildings on adjacent properties (sides and rear) within 25 feet of the project site.
- Include development-phasing schedule (if proposed and/or applicable), including those portions of the project included in each phase, and estimated start and completion dates.
- Include a table of impervious areas showing pre and post development values.



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: Narinderpal Singh

ADDRESS: 1063 Briarwood Drive, Livingston, CA 95334

NAME OF APPLICANT: Shan Singh

ADDRESS: 1385 Winton Way, Atwater, CA 95301

ADDRESS OF SITE: 1789 Elm Street, Atwater, CA 95301

APN: 002-181-041

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: N/A

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: 06/09/2023

APPLICANT SIGNATURE: Narinderpal Singh

Date 6/20/23

City of Atwater Processing Agreement

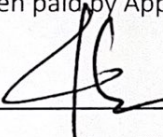
This an agreement for payment of costs for the city of Atwater application processing

To be completed by applicant:

This agreement is by and between the City of Atwater, California, hereafter "City," and Shan Singh 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 \$_____ 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:  Date: 6/20/23

Print Name and Title: Shan Singh, Developer

Owner:  Date: 6/20/23

Print Name and Title: Narinderpal Singh / Owner

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: Site Plan A/ Arch Review / Rezone

APN: 002-181-041

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.

David L. Smith

Signed

6/20/23

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:

Narinderpal Singh, 1063 Briarwood Drive, Livingston, CA 95334

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

Shan Singh, 1385 Winton Way, Atwater, CA 95301

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

1789 Elm Street, Atwater, CA 95301

4. Existing zoning: Office Commercial (C-O)

5. Land use designation within the current General Plan: Commercial

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

See Operational Statement (Attached)

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

Site Plan and Architectural Review

8. List any other agencies and related permits or approvals that will be required for the project: City of Atwater building permit and encroachment permit

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

North: Developed High Density Residential

South: Elm Street, City of Atwater Park

East: Developed High Density Residential

West: Winton Way, Developed Commercial

PROJECT DESCRIPTION (Attached additional Sheets as Necessary)

10. Project Area: 19,458 gross / 20,952 net Parcel Size: 19,458 gross / 20,952 net
11. Proposed Structures: (New and Existing) _____
no structures existing on the property, 1 new structure of approx. 4,999 square feet is proposed
-
12. Percentage of lot coverage (before and after any construction generated from the project): Pre-Development lot coverage - 0%, Post-Development lot coverage - 21.02%
13. Number of required off-street parking spaces (including Accessable):
20 spaces including 1 van accessible
14. School district(s) that serve the project area:
Atwater Elementary School District, Merced Union High School District
15. Describe the landscaping improvements for the proposed project (please include all compliance with State mandated water conservation requirements):
Landscaping will be designed to meet MWELO and City of Atwater municipal code standards.
-
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 project phasing is anticipated.
-
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:
The project will not change any resources of cultural significance.
-
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.):
The project does not anticipate any hazardous or toxic materials.
-

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: 2,454 Gallons per day; Sewage: 766 Gallons per day; Storm water: 3,758.58 ft³
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.): Project water system will connect to the City of Atwater public water system, no on-site treatment will be required.
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.): Project sanitary sewer system will connect to the City of Atwater public sanitary sewer system, no on-site treatment will be required.
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:
project is estimated to generate 4 cubic yards of solid waste a week, solid waste will be collected in a dumpster located in an on-site trash enclosure. Project will contract with City of Atwater garbage hauler to remove and dispose of solid waste.
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.): Project site is flat and approximately 0.33' higher that adjacent sidewalks on Winton Way and Elm Street. Adjacent properties are approximately 0.50' lower that project site. Earthwork will consist of normal grading activities to create a building pad and prepared subgrade for paved areas. Approximately 70 cy of export is estimated.
26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:
Winton Way and Elm Street
 Average Daily Trips: 204 Vehicle Trips

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> </u>	<u> </u>	<u> X </u>
28. Any change in quantity, direction of flow of groundwater.	<u> </u>	<u> </u>	<u> X </u>
29. Change in quality or alteration of drainage patterns to any lake, stream, Natural or man-made water body.	<u> </u>	<u> </u>	<u> X </u>
30. Change in absorption rates, drainage patterns, or the rate or amount of surface runoff.	<u> X </u>	<u> </u>	<u> </u>
31. Discharge into any surface water, or any alteration of surface water quality, i.e., temperature, dissolved oxygen, turbidity, etc.	<u> </u>	<u> </u>	<u> X </u>
32. Change in amount of surface water in any water body.	<u> </u>	<u> </u>	<u> X </u>
33. Change in scenic views of vistas from existing residential areas, public lands or roads.	<u> </u>	<u> </u>	<u> X </u>
34. Change in pattern, scale or character of the general area of the project.	<u> </u>	<u> X </u>	<u> </u>
35. Will the project affect existing housing or create a demand for additional housing.	<u> </u>	<u> </u>	<u> X </u>
36. Will the project result in a substantial alteration of the present or planned land use of the area.	<u> </u>	<u> </u>	<u> X </u>
37. Will significant amounts of solid waste (garbage, spoils, manure) or litter be generated as a result of the project.	<u> </u>	<u> </u>	<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.	_____	_____	_____X_____
39. Will there be a change in dust, ash, smoke, fumes, or odors in the vicinity.	_____	_____	_____X_____
40. Creation of objectionable odors.	_____	_____	_____X_____
41. Change in existing noise or vibration levels in the vicinity, or exposure of people to major noise sources.	_____	_____	_____X_____
42. Will the project produce new light or glare.	_____X_____	_____	_____
43. Site on filled land or on a slope of 10 percent or more.	_____	_____	_____X_____
44. Substantial disruptions, displacements, compaction or over covering of soil.	_____	_____	_____X_____
45. Any uses of disposable or potential hazardous materials, toxic substances, flammables or explosives.	_____	_____	_____X_____
46. Substantial change in demand for municipal services such as police, fire, water, waste water treatment, City maintenance, etc.	_____	_____	_____X_____
47. Substantial increase in demand on fossil fuel consumption.	_____	_____	_____X_____
48. Relationship to larger project(s) or planning areas.	_____	_____	_____X_____
49. Impacts to plant or animal species or any species as may be State or Federally listed as a sensitive or endangered species.	_____	_____	_____X_____
50. Impacts to areas designated for use by agriculture.	_____	_____	_____X_____

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: The site and vicinity do not present and special environmental conditions. The existing site has been cleared of 2 existing structures that sustained extensive fire damage. The existing site topography is generally flat and between 0.25'-.050' higher than adjacent sites.

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. (_____
5. (_____
6. (_____
7. (_____
8. (_____
9. (_____
10. (_____

Operational Statement

Project is to rezone and develop a vacant parcel of land comprised of approximately 19,458 sf. The application includes the vacation of approximately 1,949 sf of public right of way known as Elm Avenue. The net project area including the vacated right of way would be 20,952 sf. The existing zoning is Office Commercial (C-O) with a land use designation of Commercial.

The existing zoning of Commercial Office (C-O) is requested to be rezoned to Central Commercial (C-C). The City of Atwater has made great efforts in the downtown area surrounding the property to increase walkability between existing residential and commercial uses. Commercial office uses are not as desirable for walkability to the surrounding community as Central Commercial uses, such as laundromats and quick serve restaurants with outdoor dining options. The developer would like to provide services such as these to the community and requests the zone change to do this. This zone change would be consistent with the current General Plan Land Use.

The development will include a single building fashioned in an "L" shape with a total square footage of 4,999 sf, which will be divided into 3 suites ranging from 1,300 sf to 2,399 sf. The developer is requesting a variance to the structure setback on the north and east property lines. The adjacent uses are residential and require a 10 foot structure setback. The developer requests to reduce the 10 foot setback to 7 feet. The parcel is an irregular shape and without the reduction in the structure setback the development would not be able to occur. On-site development will be construction of 25' drive aisles, 20 paved parking spaces, concrete curbs and sidewalks, masonry trash enclosure, and approximately 4,418 sf of landscape areas for a lot coverage of 80% (permeable area/impervious area). Landscaping will include trees meeting the adopted City of Atwater Urban Forest Master Plan, low-water use ground vegetation, landscape rocks and barks. Landscape irrigation system will meet the requirements of CalGreen Building Code Title 24, Part 11, Chapters 4 and 5, and the City of Atwater Municipal Code Chapter 8.36.

Off-Street parking required for the development would be calculated at 1 space for every 250 square feet, equaling 20 spaces. The applicant requests consideration of a parking reduction of 2 spaces. The spaces would be constructed as outdoor seating and would be held as a parking reserve if the City or Developer ever deems a necessity for the parking spaces exists. In that case the developer would remove the outdoor seating area and construct parking spaces at his expense.

Off-site development will include removal of two existing driveways on Winton Way and one driveway on Elm Avenue, relocation of overhead utilities and utility poles, relocation of some existing underground utilities, the construction of one driveway on Winton Way and one driveway on Elm Avenue along with some concrete sidewalk realignments, water service laterals, sewer service lateral, dry utility service connections and joint trench.

Water utility exists in Elm Avenue and is anticipated to be the point of connection, sewer utility exists within an existing easement on the north side of the development and will be the point of connection. Dry utilities exist along Elm Avenue and it is anticipated this will be the point of connection. Storm drainage will be treated and contained on-site in bio-retention areas and an infiltration trench with overflow thru curb drains to allow for a release point from the site.

The building will be approximately 4,999 sf and divided into 3 suites sized at 1,300 sf, 1,300 sf, and 2,399 sf. The two smaller suites do not have an identified end user at this time and may be consolidated into one suite depending on tenant requirements. Plans will be submitted for tenant improvements and business licensing at the time a tenant is identified. The anticipated end user of the 2,399 sf suite will be a laundromat.

Walkability has improved in the downtown area and this project will offer services that will complement the adjacent residential community in the downtown area with services residents can access without having to use vehicle transportation.

ENVIROSTOR

Sites and Facilities

Cleanup Sites

- Federal Superfund
- State Response
- Voluntary Cleanup
- School Cleanup
- Evaluation
- School Investigation
- Military Evaluation
- Tiered Permit
- Corrective Action
- Field Points

STATUS

[All Statuses](#)

Permitted Sites

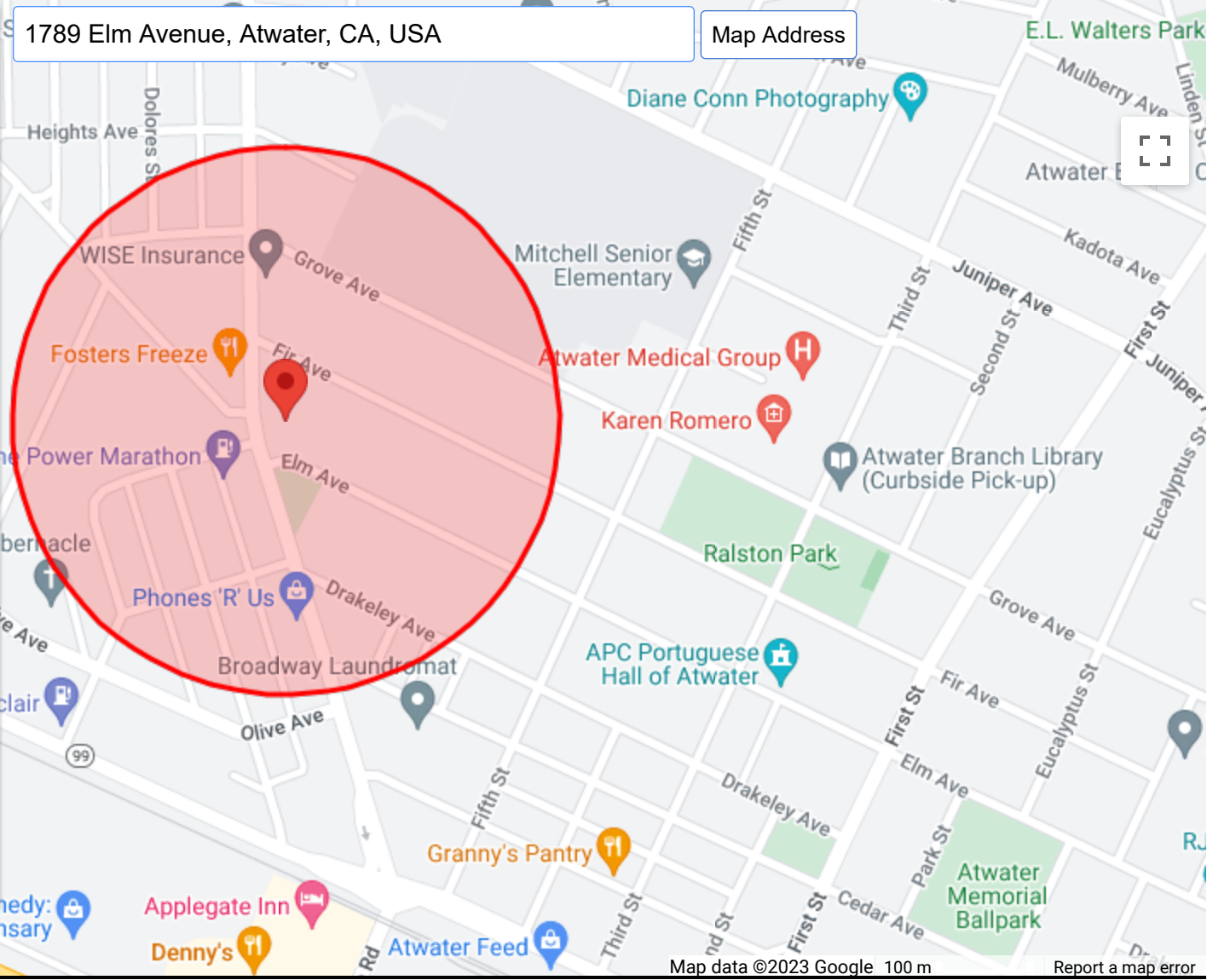
- Operating
- Post-Closure
- Non-Operating

Other Sites

GIS Layers

Tools

[TAKE A TOUR](#) [SHARE THIS MAP](#)

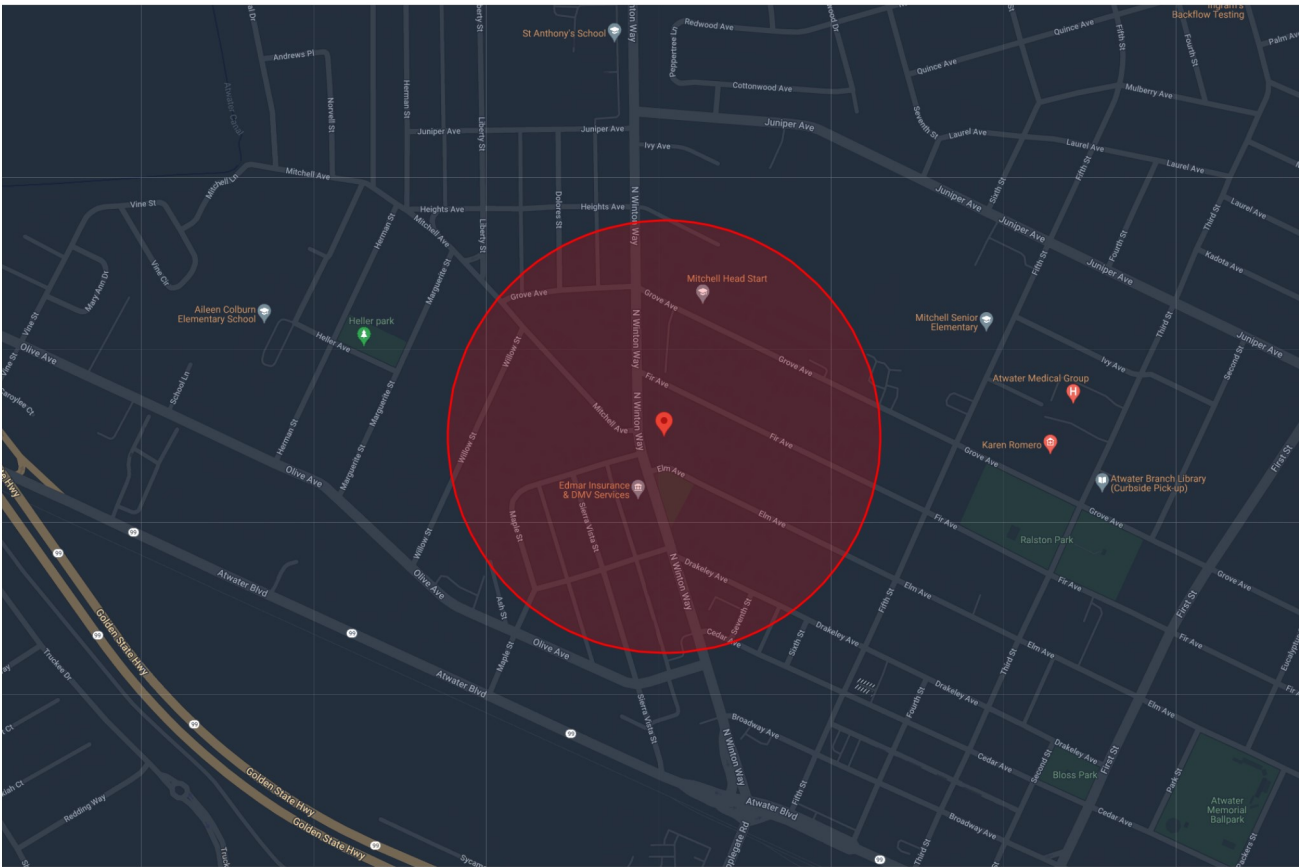


SITES FOUND IN SEARCH RADIUS

0 SITES LISTED

[EXPORT THIS LIST TO EXCEL](#)

PROJECT NAME	STATUS	PROJECT TYPE	ADDRESS	CITY
------------------------------	------------------------	------------------------------	-------------------------	----------------------



LEGEND - CHOOSE MORE SITES

- LUST Cleanup Sites - REMOVE
- Cleanup Program Sites - REMOVE
- Military Cleanup Sites - REMOVE
- Military Privatized Sites - REMOVE
- Military UST Sites - REMOVE
- Signifies a Closed Site

ACTIVE MAP COVERAGES:

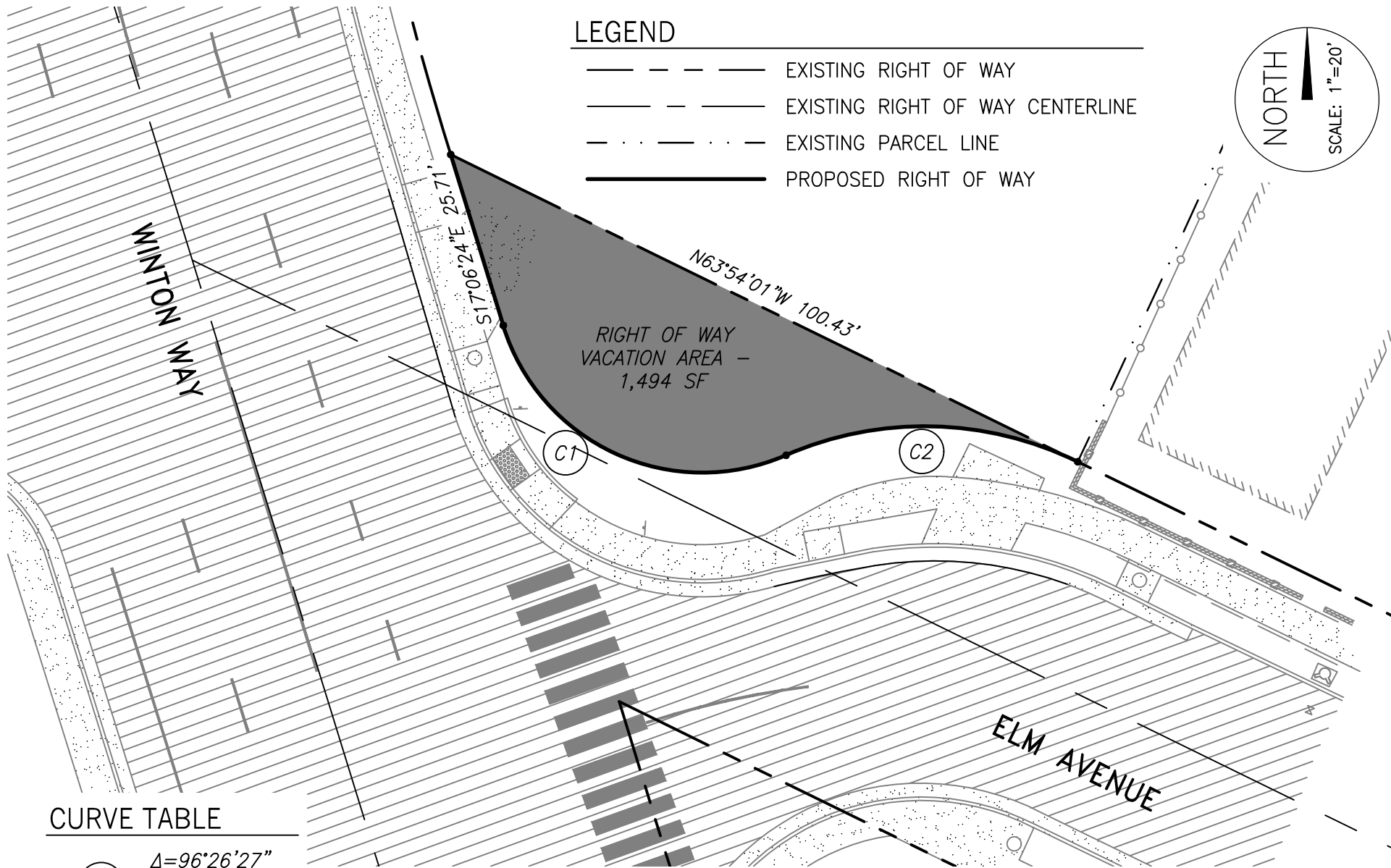
- Military Bases - REMOVE

SITES VISIBLE ON MAP - CHOOSE FIELDS

SITE NAME	STATUS
BRIDGE SCHOOL DISTRICT	COMPLETED - CASE CLOSED
SMELLTOWN	COMPLETED - CASE CLOSED

Map data ©2023 Google 50m


Sites Shown on Map: 10 Total Sites 0 Open Sites 10 Closed Sites 0 Sites w/Water Quality Data

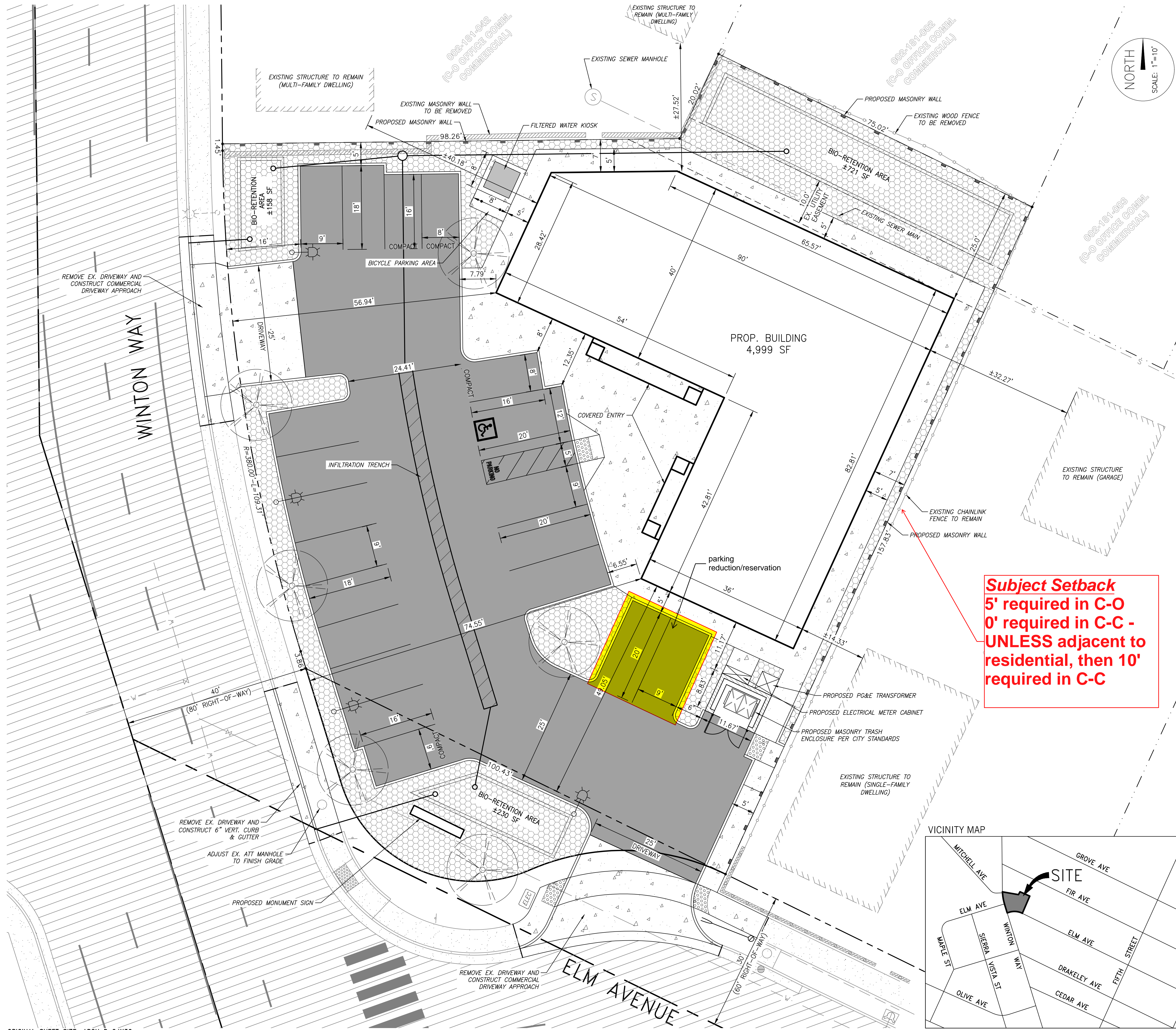


CURVE TABLE

- C1** $\Delta=96^{\circ}26'27''$
 $R=30.00'$
 $L=50.50'$
- C2** $\Delta=49^{\circ}38'50''$
 $R=50.00'$
 $L=43.33'$

ELM AVENUE RIGHT OF WAY VACATION EXHIBIT

		PROJECT:	SINGH	 221 AIR PARK ROAD, SUITE A, ATWATER, CA 95301
DRAWN BY:	APR	DATE:	06/23/2023	
PAGE:	1 OF 1	SCALE:	1"=20'	



OWNER INFORMATION

OWNER: KAMALJIT KAUR
 OWNER ADDRESS: 1063 BRIARWOOD DRIVE, LIVINGSTON, CA 95334
 OWNER PHONE NUMBER: 209-203-9313

APPLICANT INFORMATION

APPLICANT: SHAN SINGH
 APPLICANT ADDRESS: 1385 WINTON WAY, ATWATER, CA 95301
 APPLICANT PHONE NUMBER: 209-678-8084
 SITE PLAN PREPARED BY: JIM BRISCO ENTERPRISES, INC.
 ATTN: ADAM REED
 ADDRESS: 221 AIR PARK ROAD, SUITE A, ATWATER, CA 95301

EXISTING PROPERTY INFORMATION

SITE ADDRESS: 1789 ELM AVENUE
 ASSESSOR PARCEL NUMBER: 002-181-041
 PARCEL SIZE: 19,458 SF GROSS / 20,952 SF NET (1,494 SF ROW VACATION)
 ZONING: C-O / OFFICE COMMERCIAL
 LAND USE (WINTON COMMUNITY PLAN): COMMERCIAL
 EXISTING USE: VACANT
 EXISTING STRUCTURES: NONE
 FLOOD ZONE: ZONE X (OUTSIDE THE 0.2% ANNUAL CHANGE OF FLOOD HAZARD)
 MAP 06047C04056, DATED 12/02/2008

SURROUNDING LAND USES:

NORTH: DEVELOPED HIGH DENSITY RESIDENTIAL
 SOUTH: ELM STREET, CITY PARK
 EAST: WINTON WAY, DEVELOPED COMMERCIAL
 WEST: DEVELOPED HIGH DENSITY RESIDENTIAL

PROPOSED DEVELOPMENT INFORMATION

PROPOSED USE: COMMERCIAL LAUNDROMAT, COMMERCIAL SHELL
 PROPOSED STRUCTURES: 4,999 SF
 PROPOSED ZONING: NO CHANGE
 PROPOSED LAND USE: NO CHANGE
 PARCEL AREA: 19,458 SF (GROSS) / 20,952 SF (NET) (1,494 SF ROW VACATION)
 LANDSCAPE AREA: 4,418 SF
 LOT COVERAGE: 21.02%
 SETBACKS: EXTERIOR: 65' FROM WINTON WAY CL, INTERIOR: 5'

VEHICLE PARKING

REQUIRED: 4,999/250 = 20(20 SPACES)
 PROVIDED: STANDARD - 15 SPACES, COMPACT - 4 SPACES, ACCESSIBLE - 1 SPACES, TOTAL - 20 SPACES

IMPERVIOUS AREA: PRE-CONSTRUCTION: 19,366 SF, POST-CONSTRUCTION: 4,418 SF

LEGEND

- EXISTING RIGHT OF WAY
- - - EXISTING RIGHT OF WAY CENTERLINE
- EXISTING PARCEL LINE
- PROPOSED RIGHT OF WAY
- - - PROPOSED RIGHT OF WAY CENTERLINE
- PROPOSED PARCEL LINE
- PROPOSED VERTICAL CURB
- PROPOSED MASONRY WALL
- S - EXISTING SEWER MAIN
- W - EXISTING WATER MAIN

- [Pattern] EXISTING ASPHALT PAVEMENT
- [Pattern] EXISTING ASPHALT PAVEMENT
- [Pattern] PROPOSED ASPHALT PAVEMENT
- [Pattern] PROPOSED CONCRETE
- [Pattern] PROPOSED LANDSCAPE
- [Symbol] PROPOSED SITE LIGHT
- [Symbol] PROPOSED TREE
- [Symbol] EXISTING ELECTROLIER
- [Symbol] EXISTING FIRE HYDRANT

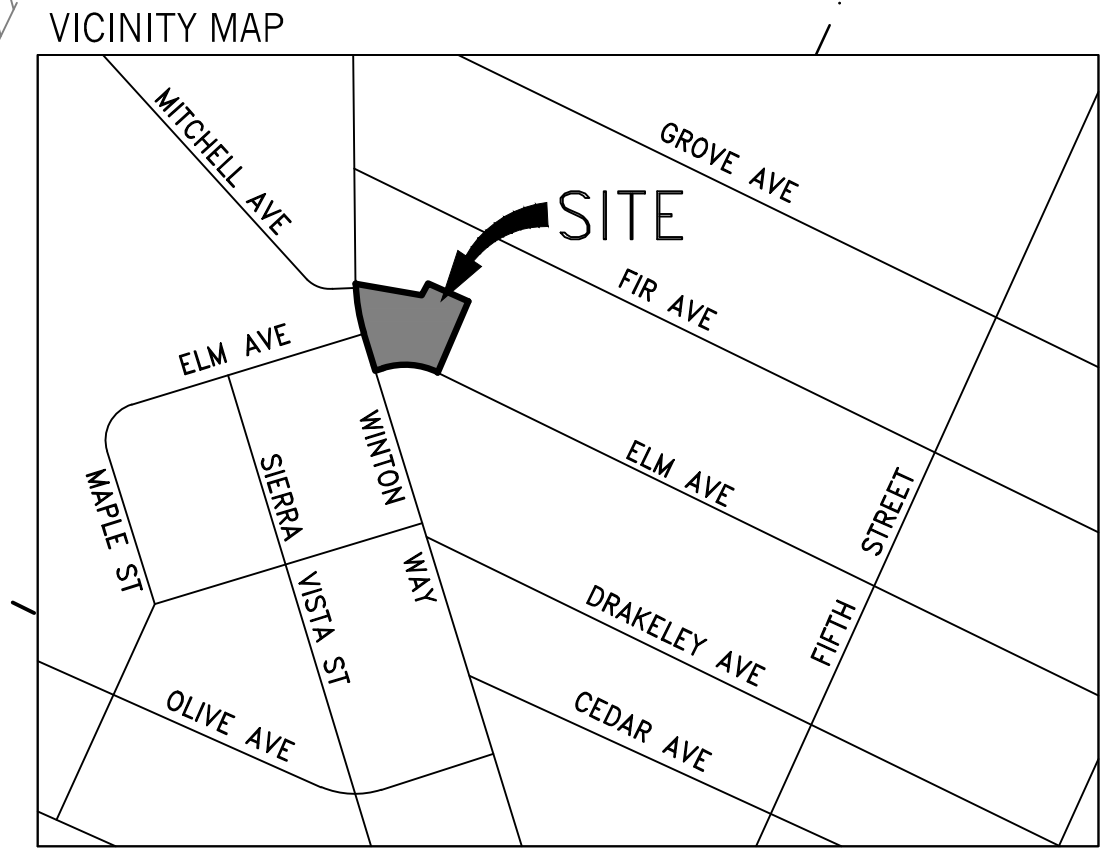
147-000-004 ← APN (ASSESSOR PARCEL NUMBER)
 (C-O OFF. COMM.) ← ZONING
 (C-C OFF. COMM.) ← LAND USE DESIGNATION

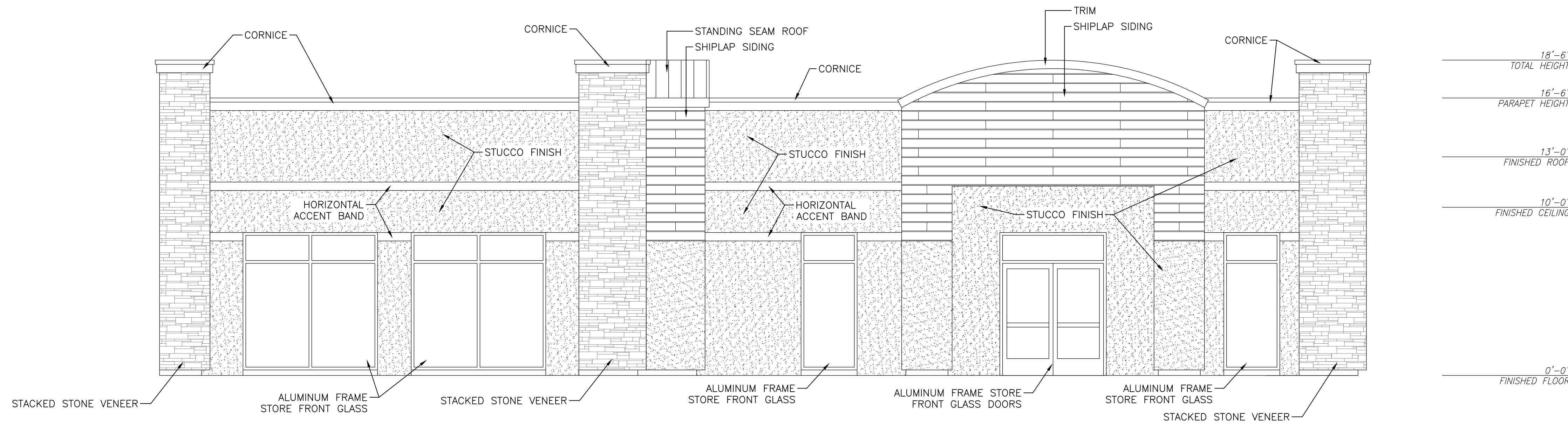
NOTES

1. ALL EXISTING UTILITIES IN RIGHT OF WAY ALONG PROJECT FRONTAGE WILL BE RELOCATED OR REMOVED AS DIRECTED BY UTILITY OWNER AND CITY.
2. ALL LANDSCAPING WILL MEET MWEO REQUIREMENTS OF THE CALGREEN BUILDING CODE.
3. NO TREES EXIST WITHIN THE PROJECT AREA WITH A TRUNK DIAMETER OF 6"DBH OR 3" IN HEIGHT.

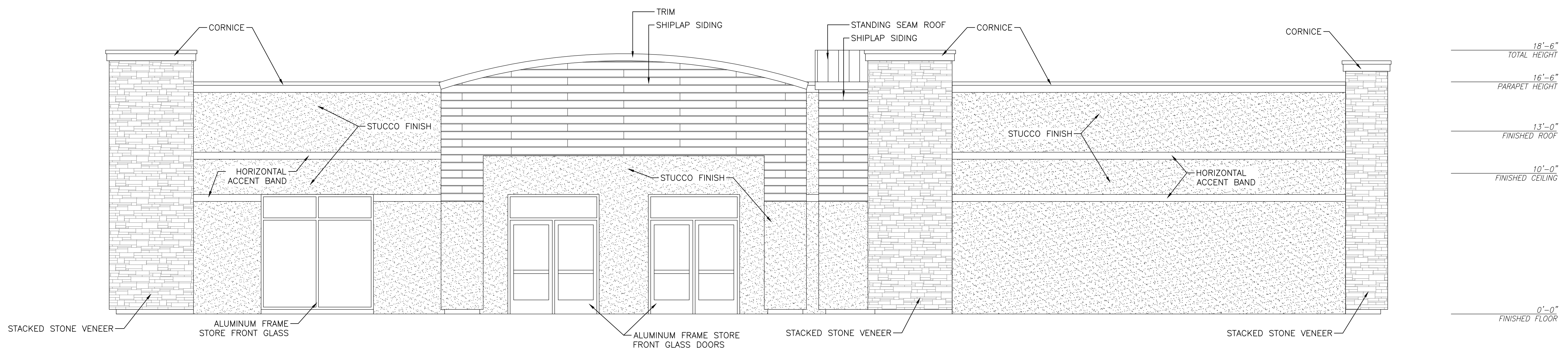
REVISIONS	NO.	DESCRIPTION	DATE

PROJECT: COMMERCIAL DEVELOPMENT
 1789 ELM AVENUE - ATWATER, CA 95301
 APN: 002-181-041





WEST BUILDING ELEVATION
SCALE: 1/4"=1'



SOUTH BUILDING ELEVATION
SCALE: 1/4"=1'

REVISIONS	NO.	DESCRIPTION	DATE

PROJECT
COMMERCIAL DEVELOPMENT
1789 ELM AVENUE - ATWATER, CA 95301
APN: 002-181-041

SHEET TITLE
BUILDING ELEVATIONS

FILE:
DRWN: ADAM REED
DATE: 03.31.2023
SHEET 2 OF 2