

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

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

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

# **CITY OF ATWATER**

## **PLANNING COMMISSION**

### **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, CA 95301

**March 20, 2024**

CALL TO ORDER:

**6:00 PM**



INVOCATION:

**Invocation by Police Chaplain McClellan**

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

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

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

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

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

**MINUTES:**

1. February 21, 2024 – Regular meeting

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

**PETITIONS AND COMMUNICATIONS:**

**None**

**PUBLIC HEARINGS:**

2. **Public hearing to consider adopting a resolution approving Tentative Map No. 23-12-0100 located east of Heather Glen Lane and North of Fruitland Ave (APN: 150-150-025)** (Applicant: Francisco Marquez)

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

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15315, Class 15 "Minor Land Divisions;" and adopt Resolution No. 0231-23 Approving Tentative Map No. 23-12-0100 for a property located east of Heather Glen Lane and North of Fruitland Avenue, Atwater (APN: 150-150-025).

3. **Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-03-0100 located on the Northwest corner of Progress Avenue and Hazel Avenue in Atwater (APN: 003-160-026)** (Applicant: Brad Kessler)

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

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15303, Class 3 "New Construction or Conversion of Small Structures," and;

Adopt Resolution No. 0243-24 Approving Conditional Use Permit No. 24-03-0100, located at the corner of Progress Avenue and Hazel Avenue in Atwater (APN: 003-160-026).

4. **Public hearing to make a finding that the proposed exterior paint scheme for Fire Station 41, located at 699 Broadway, Atwater, CA (APN: 003-075-001), conforms with the City's policies, codes, and guidelines for government buildings pursuant to the Atwater Municipal Code 17.12.060.**

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

Close the public hearing

Make a finding that proposed exterior paint scheme is consistent with the City's policies, codes, and guidelines for government buildings pursuant to the Atwater Municipal Code 17.12.060

REPORTS AND PRESENTATION FROM STAFF:

**5. Interim 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:

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 Community Development 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 three (3) business days in advance of the meeting at [planning@atwater.org](mailto:planning@atwater.org) or (209) 812-1031. You may also send the request by email to*



# CITY OF ATWATER

---

---

## PLANNING COMMISSION

### ACTION MINUTES

**February 21, 2024**

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;*

INVOCATION:

*Invocation by Police Chaplin McClellan*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Planning Commission Member Borgwardt*

ROLL CALL:

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

**Absent:** *None*

**Staff Present:** *Chief Salvador, City Engineer Seymour, Interim City Manager / Community Development Director Thompson, City Council Member Cale, Recording Secretary Rashad .*

SUBSEQUENT NEED ITEMS:

**None**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

**ORGANIZATION OF THE PLANNING COMMISSION:**

Nomination of a Planning Commission Chair

***Recording Secretary Rashad opened the Nomination of a Chair.***

***Planning Commission Member Kadach moved to nominate Planning Commission Member Borgwardt for Chair.***

***Planning Commission Member Sanders seconded the motion to nominate Planning Commission Member Borgwardt for Chair.***

***The Nomination period was closed.***

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

Nomination of a Planning Commission Vice Chair

***Recording Secretary Rashad opened the Nomination of a Vice Chair.***

***Planning Commission Member Kadach moved to nominate Planning Commission Member Sanchez-Garcia for Vice Chair.***

***Chair Borgwardt seconded the motion to nominate Planning Commission Member Sanchez-Garcia for Vice Chair***

***The Nomination period was closed.***

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

**APPROVAL OF MINUTES:**

a) December 20, 2023 – Regular Meeting

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

**PETITIONS AND COMMUNICATIONS:**

**None**

**PUBLIC HEARINGS:**

Public hearing to consider adopting a resolution approving Conditional Use Permit No. 23-20-0100 for a cabinet shop located at 235 Business Parkway (APN: 056-330-036)

(Applicant: Albert Cisneros)

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

***Chair Borgwardt opened the public hearing.***

***Applicant Albert Cisneros spoke on the project.***

***Planning Commission Member Kadach inquired on permit requirements for painting in this business.***

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

***Chair Borgwardt closed the public hearing.***

**MOTION: Planning Commission Member Kadach moved to Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15301, Class 1 "Existing Facilities," and Adopt Resolution No. 0239-23 Approving Conditional Use Permit No. 23-20-0100. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Mokha, Kadach, Sanders, Sanchez-Garcia, Borgwardt; Noes: None; Absent: None. The motion passed.**

Public hearing to consider adopting a resolution approving Tentative Map No. 23-22-0100 and Site Plan No. 23-22-0200 and recommending the City Council approve Zone Change No. 23-22-0300 to construct a 949 square foot coffee restaurant with a drive thru located at 1085 Bellevue Road, Atwater (APN: 150-190-036)

(Applicant: Mike Fillebrown)

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

***Applicants Ken Vang and Mike Fillebrown spoke on this project.***

***The applicants expressed concern with Condition No. 21.***

***Chair Borgwardt inquired about the overflow and where it goes.***

***Planning Commission Member Mokha asked if there would be issues with underground storage with storm events.***

***Planning Commission Member Sanchez-Garcia expressed concern with traffic flow.***

***Planning Commission Member Kadach inquired about a left turn only sign at the exit of the drive thru.***

***MOTION: Planning Commission Member Kadach moved to Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32 "Infill Development Projects,". The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Mokha, Kadach, Sanders, Sanchez-Garcia, Borgwardt; Noes: None; Absent: None. The motion passed.***

***MOTION: Planning Commission Member Sanders moved to Adopt Resolution No. 0241-23 Approving Tentative Map No. 23-22-0100 and Site Plan No. 23-22-0200; and recommending the approval of Zone Change No. 23-22-0300 to the City Council for the construction of a 949 square foot coffee restaurant with a drive thru located at 1085 Bellevue Road, Atwater (APN: 150-190-036). The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Mokha, Kadach, Sanders, Sanchez-Garcia, Borgwardt; Noes: None; Absent: None. The motion passed.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

***Interim City Manager / Community Development Director Updates.***

***Interim City Manager / Community Development Director Thompson welcomed new Planning Commission Member Mokha and provided insight on the next General Plan Update Workshop on February 28<sup>th</sup>.***

**COMMENTS FROM THE PUBLIC:**

***Chair Borgwardt opened the Public Comment.***

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

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



***Chair Borgwardt closed the public comment.***

**COMMISSIONER MATTERS:**

***Planning Commission Member Mokha expressed his excitement to be a Planning Commission Member.***

***Planning Commission Member Sanders welcomed Planning Commission Member Mokha and expressed the importance of more outreach to the community as well as outreach in Spanish.***

***Planning Commission Member Kadach welcomed Planning Commission Member Mokha.***

***Planning Commission Member Sanchez-Garcia welcomed Planning Commission Member Mokha and expressed her excitement to be Vice Chair.***

***Chair Borgwardt inquired about an update on past projects. He also expressed concern with the “No Parking” signs past the canal on North Buhach Rd and them being illegible.***

**ADJOURNMENT:**

***Chair Borgwardt adjourned the meeting at 6:56 PM.***

---

Don Borgwardt, Chair

By: Kayla Rashad  
Recording Secretary



## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt      Jagandeep Mokha  
Harold Kadach        lleisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** March 20, 2024

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Interim City Manager

**SUBJECT:** Consider adopting a Resolution approving a Tentative Parcel Map No. 23-12-0100, located East of Heather Glen Lane and North of Fruitland Avenue, Atwater (APN: 150-150-025)

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

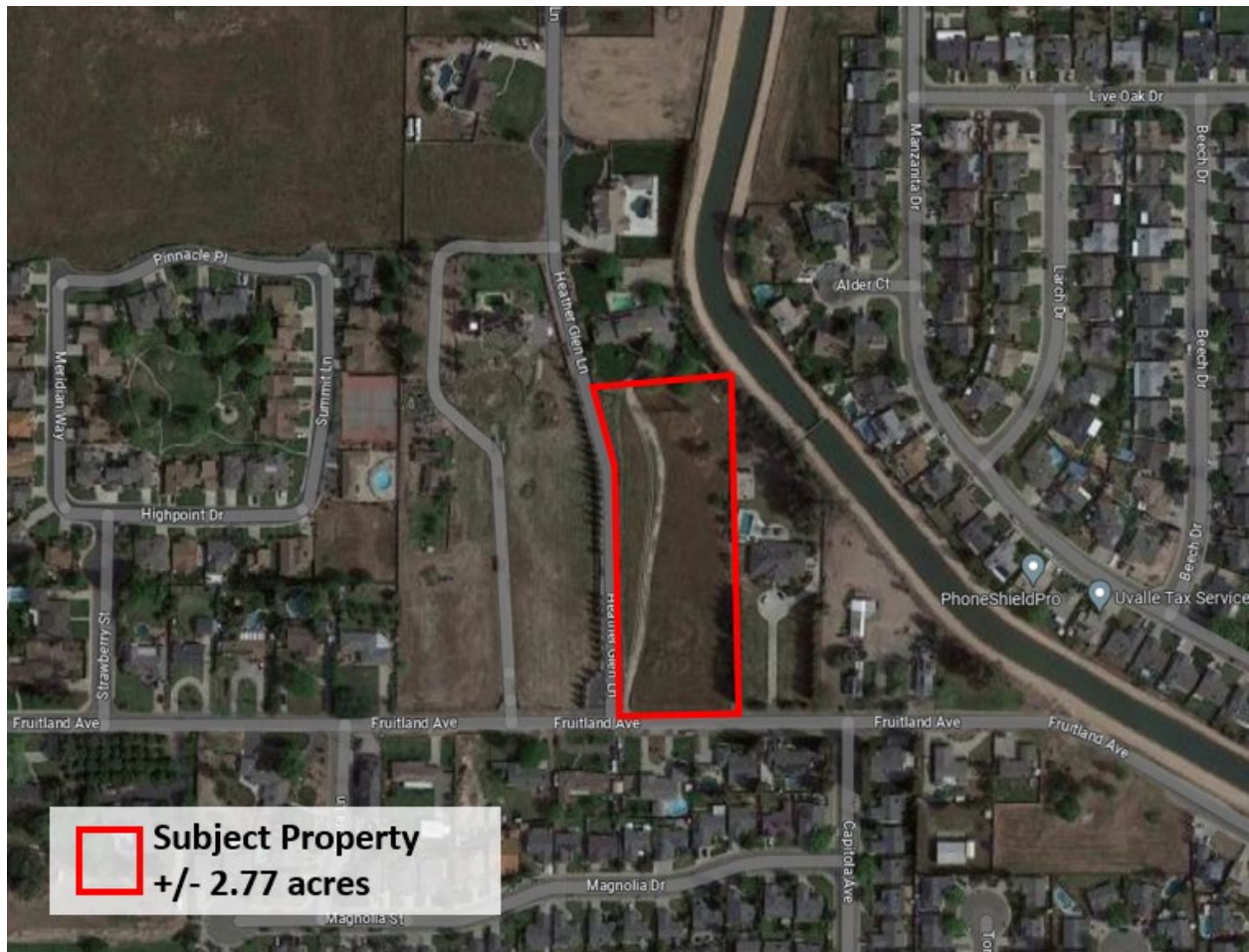
1. Open the public hearing and take any testimony from the public; and,
2. Close the public hearing; and,
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15315, Class 15, "Minor Land Divisions;" and, Adopt Resolution No. 231-23 approving Tentative Parcel Map No. 23-12-0100 for a property located east of Heather Glen Lane and North of Fruitland Avenue, Atwater (APN: 150-150-025).

### **I. BACKGROUND:**

The subject property is located east of Heather Glen Lane and north of Fruitland Avenue Accessor (refer to Figure 1) and is approximately 2.77 acres in size. The property is currently vacant with a fence along Fruitland and Heather Glen. The property appears to be used as an access and drive aisle for the estate home to the north.

The subject property has a land use designation of Very Low Density Residential and is zoned Residential Estate (R-E). The property located to the immediate north, east, south, west has the same land use designation and zone district as the subject property.

**Figure 1**



**II. ANALYSIS:**

The applicant, Francisco Marquez, is seeking approval to subdivide the subject property (+/- 2.77 acres) into three (3) equal size parcels. Each resulting parcel would be approximately 0.925 acres, or approximately 40,293 square feet. The subdivision is being proposed for residential purposes.

The parcel map proposes access via a private access easement that runs in the north/south direction along the eastern property line. Pursuant to Chapter 16.12.140, private streets may be permitted with the recommendation of the Planning Commission and approval of the City Council where the City Council finds that:

- A. There is adequate provision for their constructions and continued maintenance;

*The proposed parcel map has been conditioned to enter into a maintenance agreement that will be recorded against the property stipulating that construction and continued maintenance is the responsibility of the property owner.*

B. The welfare of the occupants of the development will be adequately served; and

*The private street is required to provide access not only to the Parcels A, B, C of the proposed parcel map, but also to give the property adjacent to the north property line (150-150-025) of the subject parcel pursuant to a previous parcel map filed as Parcel Map No. 05-4 file for record August 30, 2005 in Book 100 of Parcel Maps, Pages 26 and 27, Merced County Records. Therefore, the private street will ensure the occupants of the development will be adequately served.*

C. The public welfare will not be impaired.

*The private street will be constructed completely on the owner's property and will not require any public right-of-way but will be required to be privately maintained through an HOA Road Maintenance Agreement or other funding agreement between the three parcels being created and having access to the proposed private street. The private street will also be gated and not open to the public for use, therefore public welfare will not be impaired.*

Zoning Consistency:

The project site is currently zoned as Residential Estate (R-E) and is consistent with the zoning ordinance. Pursuant to Chapter 17.16 of the AMC, the purpose of the Low Density Residential zones is to protect the value and charm of the existing residential areas, and to promote health, safety, comfort, convenience, and the general welfare for residential districts established by Chapter 17.16 of the AMC, which includes R-E zone districts.

After a review of the tentative parcel map, the project is found to be consistent with the development requirements listed in Section 17.16 of the AMC, including minimum lot size and setbacks. Per 17.16.050 of the Atwater Municipal Code (AMC), the minimum lot size is 16,000 square feet. As proposed, the parcel map meets the minimum required lot configuration standards identified in the AMC for the R-E zone district. Setbacks and lot coverage will be reviewed for consistency at the time plans are submitted for building permits.

General Plan Consistency:

The project is determined to be consistent with the General Plan's Land Use Designation, goals, and policies. The site currently has a land use designation of Very Low Density Residential (VLDR). This designation accommodates the needs of residents who desire large parcels and the feeling of open space integrated with a suburban lifestyle.

Subdivision Map Act:

Based upon the review of the project and the conditions set forth in the resolution, the project complies with all applicable provisions of the Subdivision Map Act (Section 66411 of the California Government Code), in addition to the Title 16 of the Atwater Municipal Code pertaining to subdivisions.

Conclusion:

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

**III. FISCAL IMPACTS:**

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

**IV. EXISTING POLICY:**

Goal LU-16: Ensure proper and efficient administration of the General Plan Land Use Diagram.

**V. 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.

**VI. 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.

**VII. ENVIRONMENTAL REVIEW:**

The project is categorically exempt under the California Environmental Quality Act (CEQA) guideline section 15315: Class 15 “Minor Land Divisions” exemption which states, “Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20 percent.”

The parcel is proposed to be divided into 3 parcels with no exceptions or variances to the General Plan and Zoning Ordinances. The proposed use would remain residential. No new use is proposed that would need any new findings of significance. No new change in the surrounding area has occurred that would contribute to findings that would be considered significant or represent a major change to the physical environment.

**VIII. STEPS FOLLOWING APPROVAL:**

Following adoption of Resolution No. PC 231-23, the signed resolution will be forwarded to the applicant.

Prepared by: Tom Navarro, Senior Planner

Submitted by: Greg Thompson, Interim City Manager

**Attachments:**

1. Resolution No. PC 231-23
2. Operational Statement
3. Land Use Designation
4. Zoning
5. Tentative Parcel Map



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. PC 0231-23

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF ATWATER APPROVING A TENTATIVE  
PARCEL MAP LOCATED EAST OF HEATHER GLEN  
LANE AT ITS INTERSECTION WITH FRUITLAND  
AVENUE, ATWATER (APN: 150-150-025)**

**WHEREAS**, the Planning Commission of the City of Atwater reviewed Tentative Parcel Map NO. 23-12-0100, as submitted by Francisco Marquez, requesting to subdivide approximately a 2.77-acre parcel into three (3) parcels; and,

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater March 20, 2024; and,

**WHEREAS**, this project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15315, Class 15, "Minor Land Divisions;" and,

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

**WHEREAS**, the site can accommodate the proposed use and not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

**WHEREAS**, the Planning Commission finds that the following findings can be made for Tentative Parcel Map No. 23-12-0100:

1. That this application proposes to subdivide approximately 2.77 acres into 3 parcels.
2. That the site is located in a Residential Estate (R-E) Zone District and is consistent with the purpose and intent of said district.
3. That this site is designated by the Atwater General Plan as Very Low Density Residential (VLDR).
4. That the project is categorically exempt under CEQA guideline section 15315, Class 15, "Minor Land Divisions."
5. That the public hearing for this application has been adequately noticed and advertised.

6. That the project would not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Tentative Parcel Map No. 23-12-0100 subject to the following conditions:

**ENGINEERING:**

1. Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
2. Notwithstanding any grading/elevations that are shown on the tentative map, or the provisions of the City of Atwater Municipal Code, approval of this tentative map does not authorize the issuance of any grading permits.
3. The developer shall provide and show on the final map all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.
4. The subdivider shall submit plans and specifications for improvements of all public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage facilities to the Community Development Department for approval by the City Engineer.
5. The final map and all related documents shall comply with all regulations and requirements of the Atwater Municipal Code.
6. Each parcel shall be served by an individual sanitary sewer lateral. Connection shall be made to the existing 6" Sanitary Sewer Main on Heather Glen Lane.



7. Each parcel shall be served by an individual water service. Connection shall be made to the existing 8" water main on Heather Glen Lane. Individual water services shall be provided for potable and landscape purposes, of adequate size for the proposed development. All services shall be metered.
8. The developer shall install a reduced pressure principle backflow device for potable water and an approved backflow device for irrigation water. Individual services are to be provided for potable water and landscaping purposes. The services shall be metered; a Sensus "Flex-Net" radio read meter shall be used. Service shall include a backflow prevention device enclosure, mounted on a concrete pad. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including, brand names and types.
9. The subdivider shall submit a building permit which shall include grading plans, a permit application, and plan check and inspection fees and deposits to the Community Development Department. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
10. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
11. Site must have onsite detention of storm water. When developed, storm water from this project will discharge to the Livingston Canal, a facility identified within the Merced Irrigation District Improvement District No. 1 (MIDDID No. 1). The property owner will be required to enter into a "Storm Drainage Agreement with the MIDDID No. 1, paying an annual maintenance fee and any connection fees as established by the MIDDID No. 1 Board of Directors and as collected by MIDDID No. 1 and on the Merced County Tax Rolls. Existing flows and flows from proposed development are to be part of the storm drainage calculations for the development to be submitted to the City Engineer.
12. Final parcel maps shall be in substantial conformance to the approved tentative parcel map and must be submitted, in English units, to the City Engineering Division for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer or land surveyor registered in the State of California and licensed to prepare final maps.
13. All subsequent maps shall plot dedication and/or the relinquishment of all affected utility easements.
14. If applicable, all beneficiaries of record are to sign a consent statement to record with the Final Map.
15. The CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure,

roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer

16. All city streets that are being improved shall have 60' right-of-way, as stated in the City of Atwater Municipal Code, Title 16.12.030-050.
17. CC&Rs for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, parking facilities, utilities, landscaping, and irrigation as determined necessary by the City Engineer.
18. Ensure that the site allows for the maneuverability of fire trucks (see appendix D of 2022 California Fire Code, Title 24, Part 9), refuse vehicles, and any emergency service vehicles around the entirety of the site. Proper site furnishings shall be installed to maintain proper clearance for emergency vehicular turnaround where designated on plan.
19. All travel lanes on the site plan shall be dimensioned to ensure proper clearance width is met (see appendix D of 2022 California Fire Code).
20. The developer shall comply with Government Code Section 66436(a)(3) before approval of each final map and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
21. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
22. The Developer shall provide joint trenching for telephone, gas, electric, and cable TV service for every parcel in a combined utility plan submitted with the Building Permit.
23. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
24. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Plans and Specifications (to be supplemented by the Current Caltrans Standard Plans and Specifications when necessary), all applicable federal, state, and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
25. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map. The developer may apply to the City for a Subdivision Improvement Agreement or

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

26. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Atwater upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
27. Where the finished grade of the property is in excess of twelve inches (12") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the higher side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height (from base of foundation to top of wall), including surcharge, and will require a separate building permit.
28. The developer shall coordinate all grading and improvements with adjacent property owners to the satisfaction of the City if required due to an encroachment. Any grading or drainage onto adjacent properties shall require written approval of those property owners affected, with said approval provided to the City Engineer.
29. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the City Engineer, or verification shall be provided that such calculations are not needed. Applicant shall be required to detain the 100 year 24 hr storm event.
30. The subdivider shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
31. Developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.

32. The developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer. Applicant shall comply with the provisions of the City of Atwater Post-Construction Standards Plan.
33. The Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the Director of the Community Development Department.
34. Any existing damage or damage incurred during construction to the roadway, curb, gutter and/or sidewalk shall be repaired and/or replaced to the approval of the City Engineer.
35. For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1.
36. Prior to final acceptance, the developer shall provide the City with copies of the "as-built" site and off-site improvements on 4 mil minimum translucent mylar and provide the construction and infrastructure drawings in an AutoCAD compatible format. The mylar set shall include all construction changes.
37. Developer to provide water demand analysis report and calculations for the proposed development and defined on a per lot basis; shall include potable, irrigation and fire demand flows.
38. All water trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and conditions for paving included within this resolution.
39. Any water wells found during construction shall be destroyed and/or demolished in accordance with approved City Standards, requirements, and/or permits.
40. Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
41. Applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.

42. Developer shall properly abandon or relocate all utilities as necessary or required.
43. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
44. Developer shall comply with the requirements of all public utility companies.
45. Developer to provide sewer loading calculations and report for the development.
46. Fire hydrants must be provided in compliance with Fire Department specifications. A 10-foot PUE is typically required, and the fire hydrant may be located in that easement if it cannot be located within the right of way. Waivers of street improvements do not waive fire hydrant requirements.
47. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
48. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineer's Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount equal to the annual rate of inflation set forth in the Engineering News Record Construction Cost Index.
49. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
50. The applicant shall negotiate school mitigation with the appropriate School District before issuance of building permit. Applicant shall present evidence of School District compliance to the City of Atwater.
51. The project shall annex into a Community Facilities District for the on-going Public Services operations including Fire and Police services.
52. The project shall annex into a Lighting and Landscaping District for the on-going maintenance of project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
53. Where required, automatic fire sprinkler systems shall be designated and installed in compliance with NFPA (National Fire Protection Association) standards. Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
54. If required, fire hydrants shall be installed along property frontages and on-site in accordance with City of Atwater specifications. Fire hydrants shall be placed on-

site in accordance with the City of Atwater Fire Department requirements; on-site placement of fire hydrants shall be reviewed and approved by the Fire Chief. All fire hydrants shall have a minimum flow of 1,500 gallons per minute. Water lines and services shall be installed in accordance with City of Atwater City Standards and specifications. Fire protection lines shall be separate from domestic service lines and shall utilize detector check meter installations.

55. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)
56. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
57. Where applicable, NO PARKING – FIRE LANE signage and/or marking(s) shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.
58. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
59. The installation (if required) of all gas, electric, sewer, and water lines and any other below-surface utilities is to take place before the installation of any concrete curbs, gutter, sidewalks, and the surfacing of streets.
60. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
61. Developer shall ensure finished pad elevations are at a minimum one foot above the 100-year (1% chance) base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Merced County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in a Zone “A” on the FEMA Flood Insurance Rate Maps for the City of Atwater. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
62. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City’s Master Plans prior to any final

map or plan approval.

63. Sight distance requirements at all street intersections shall conform to City Standards.
64. The applicant shall submit a geotechnical report together with improvement plans to the City Engineer for review and approval. The report shall include the information and be in the form as required by the City Engineer and all applicable codes.
65. Developer shall construct curb, gutter, and sidewalks along all street frontages or Developer shall pay proportional share of street frontage improvements, if street improvements are completed by the city prior to recordation of the final map.
66. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
67. Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Public Works Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
68. The developer shall plant shade trees along street frontage in accordance with the 2017 urban forest tree master plan. All landscaping areas shall be equipped with seven-day automatic irrigation systems with battery back-up.
69. All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:  
one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
70. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and

replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.

71. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
72. Applicant is responsible for street name signs in accordance with City of Atwater Standards. The City of Atwater Police Department shall have the authority to enforce the State Vehicle Code on private streets within this subdivision. This enforcement shall commence only upon receipt of a written request from the developer or individual homeowners in the subdivision. The requesting party shall pay all costs associated with posting the private streets as required by the State Vehicle Code. The Police Department shall have the authority to enforce the State Vehicle Code and all Atwater laws on future public roads offered for dedication, but not yet accepted by the City.
73. Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all streetlights and landscaping within or adjacent to the site.
74. The subdivider shall construct, or agree to construct, the public improvements and private road improvements shown on the improvement plans as approved by the City Engineer.
75. The subdivider shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:
  - a. All fixtures shall use an LED light source.
  - b. All light standards, heads, and spacing shall be per City Standards. Proposed lights of an ornamental nature shall not to exceed 16 feet in height designed to the satisfaction of the Community Development Director and shall be spaced and located to the satisfaction of the City Engineer.
  - c. Deposit with the City of Atwater, through the Department of Public Works, a cash deposit sufficient to:
    - i. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
    - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to a City designated lighting district to operate and maintain the system.
76. Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City Engineer, the applicant shall record a letter of consent from the affected property owners permitting off-site grading, cross lot drainage, drainage



diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the City of Atwater before recordation of the letter.

77. The Final Map shall show the dedication of all on-site drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the City Engineer and/or Public Works Director, or verify that no easements are required. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
78. Upon notification by the City of Atwater that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Merced County Recorder's Office.
79. The subdivider shall accomplish the following prior to approval of the Final Map by the City Council:
  - a. Provide the Department of Public Works with letters or forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).
  - b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a 'subordination certificate" or "joint- use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.
  - c. Grant to the appropriate agency, by recorded document, all required off-site easements and all on-site water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
  - d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
  - e. If the subdivider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff

to begin eminent domain proceedings for acquisition of said property rights in accordance with all applicable City policies. The developer shall agree to pay City the full costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City.
80. Developer shall coordinate with the postmaster regarding installation of collective box units for the subdivision.
81. Developer shall comply with section 503.6 of the California Fire Code regarding security gates.

**FIRE:**

82. The owner will abide by Chapter 8.28 of the Atwater Municipal code for weed control on any open lot.
83. If the property is fenced or gated a approved Knox Box will be required.

**PLANNING:**

84. The parcel map shall not be recorded until authorization is given by the City Council for the City Clerk to sign the parcel map.
85. The Planning Commission shall retain the right to reconsider Tentative Parcel Map No. 23-12-0100 at any time.
86. Tentative Parcel Map No. 23-12-0100 shall expire two years from the day of approval if the final map has not been recorded.
87. A minimum twenty-foot setback from the 30' wide public utility and access easement (per 100 PM 26-27) will be required to construct any primary or accessory structure.
88. Construction of any single-family dwelling unit will be subject to the Residential Design Guidelines and require a building permit.
89. The development of the parcel is subject to the requirements in Chapter 17.16M-1, Low Density Residential Zone for R-E Residential Estate of the City Municipal Code.
90. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission as affirmed to by the applicant. Any variation from these

plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.

91. All properties must be served by public sewer and water.
92. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

#### **MERCED IRRIGATION DISTRICT**

93. Ensure adequate fencing along the portion adjacent to the Livingston Canal. Access gates that could allow pedestrian, vehicular or animal traffic onto MID property are prohibited. Provisions to accommodate storm water runoff generated between the inside crown of the canal and the existing fences should be addressed.
94. If storm water runoff is to be discharged from the site into any MID facility, the property owner would be required to enter into a "Subdivision Drainage Agreement" with Merced Irrigation District Drainage Improvement District No. 1 (MIDDID No. 1), paying all applicable fees.
95. The property owner must obtain an "Encroachment Agreement" for all crossings over or under any MID facilities, including bridges, utilities and pipelines.
96. That septic system leach fields be a minimum of 50 feet from the MID's Livingston Canal to protect the facility from contamination and to protect the septic system from leakage from MID facilities.
97. MID's fee strip roadway embankments are not to be used for ingress or egress purposes.

The foregoing resolution is hereby adopted this 20th day of March, 2024.

**AYES:**

**NOES:**

**ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**DONALD BORGWARDT,  
CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**GREG THOMPSON,  
INTERIM CITY MANAGER**

**Marquez 3 parcel subdivision—Fruitland Ave.**

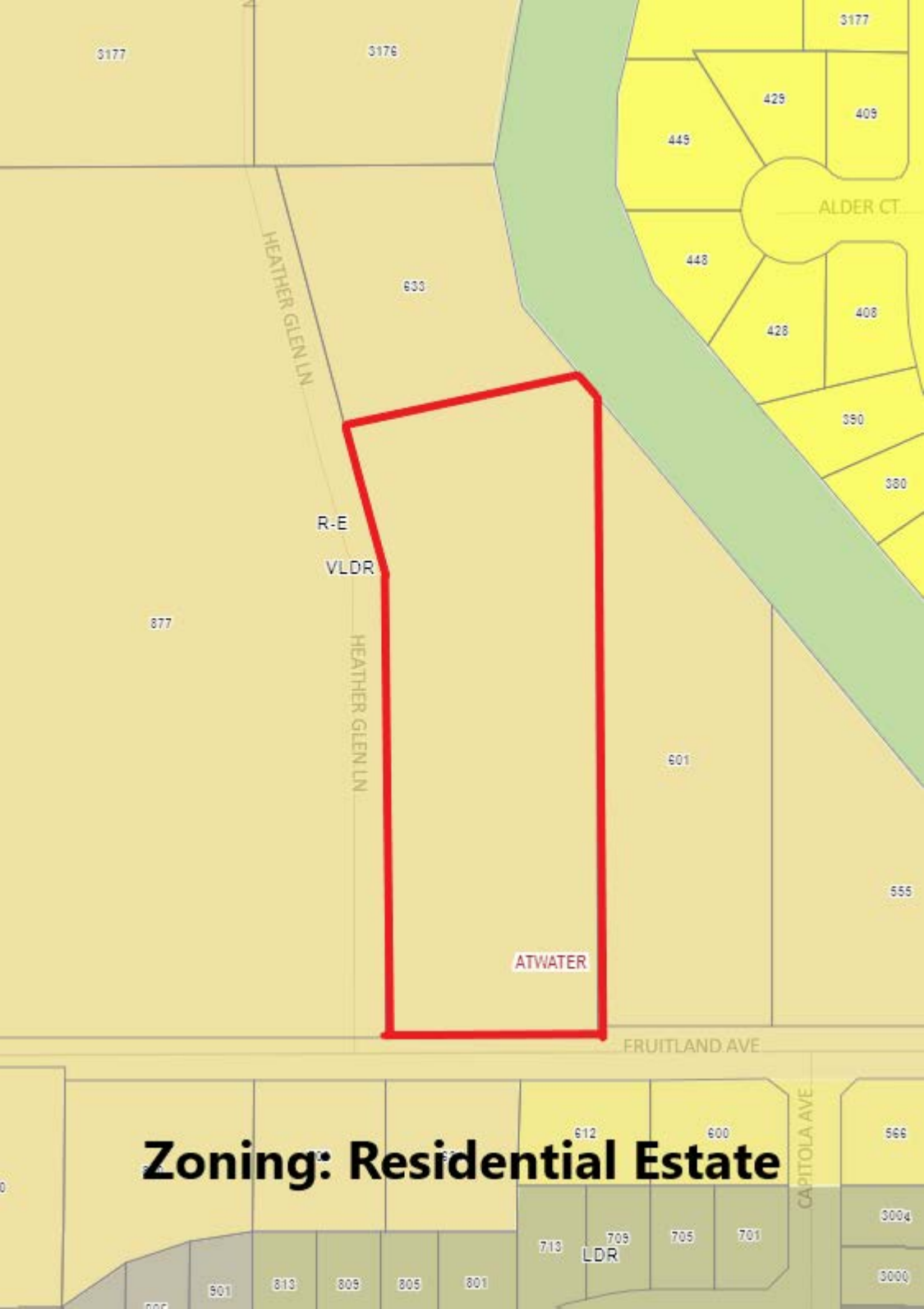
APN 150-150-25

This project proposes a minor subdivision of 3 lots of equal size intended to be used for residential purposes.



VLDR

**General Plan:  
Very Low Density Residential**



R-E  
VLDR

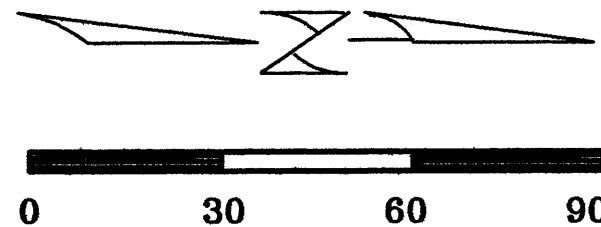
ATWATER

**Zoning: Residential Estate**

LDR

FOUND 3/4" IRON PIPE WITH PLUG L.S. 2612 IN MON. BOX

SCALE: 1" = 30'



FOUND 3/4" L.P. WITH PLUG L.S. 7621  
CELESTIAL ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

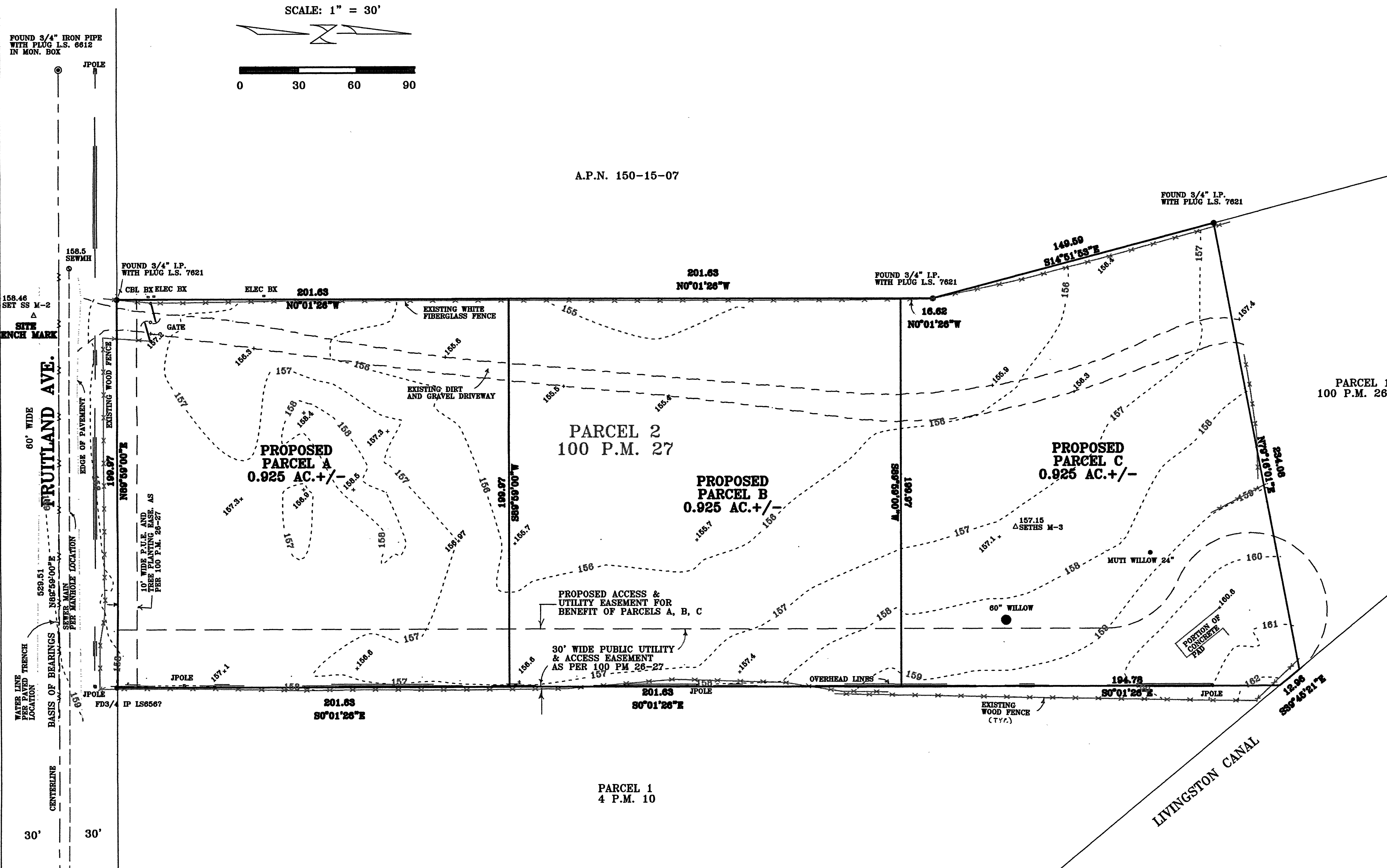
FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

FOUND 3/4" L.P. WITH PLUG L.S. 7621  
ELECTRIC EX

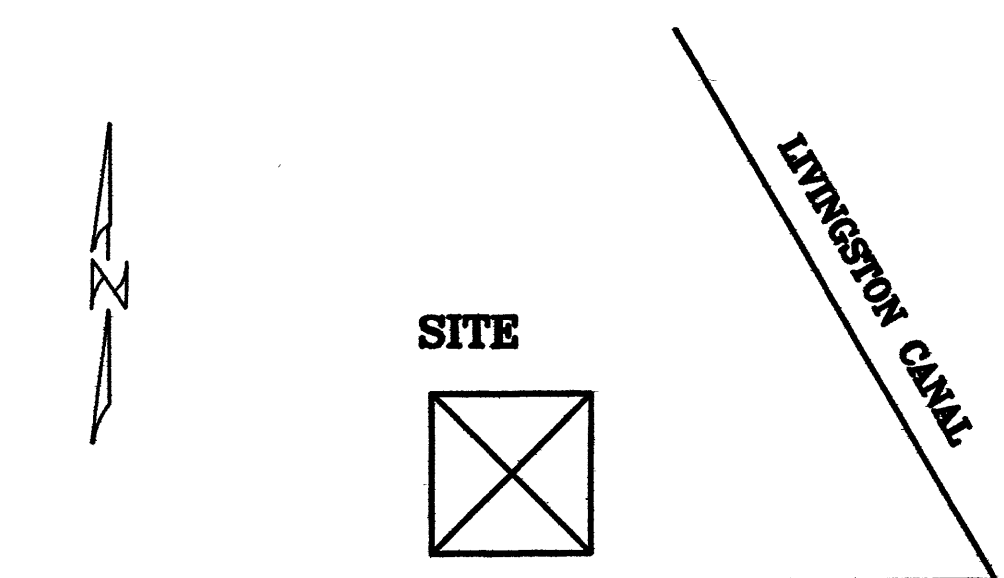
A.P.N. 150-15-07



FOUND 3/4" L.P. WITH PLUG L.S. 4403 IN MON. BOX

**NOTES:**

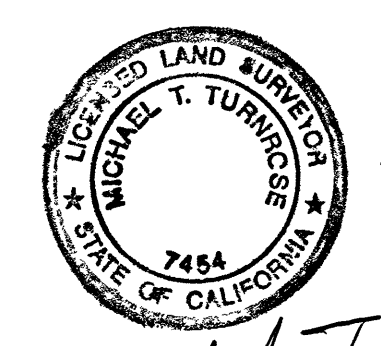
1. ELEVATIONS AND CONTOURS SHOWN WERE BASED UPON THE CITY OF ATWATER BENCHMARK BEING A CHISEL SQUARE (BM 211) NEAR THE INTERSECTION OF CHARDONNAY DRIVE AND FRUITLAND AVENUE WITH AN ELEVATION OF 159.59 FEET. DATUM IS ASSUMED TO BE NGVD 29. SITE BENCHMARK IS A SPIKE AND SHINER SHOWN AS M-2 WITH AN ELEVATION OF 158.46 FEET.
2. CONTOUR INTERVAL = 1'.
3. EASEMENTS SHOWN WERE TAKEN FROM A PRELIMINARY REPORT PREPARED BY TRANS COUNTY TITLE COMPANY DATED MAY 15, 2023 WITH ORDER NUMBER 23-00439-CN.  
ALSO EASEMENTS WERE TAKEN FROM BOOK 100 OF PARCEL MAPS AT PAGES 26-27.
4. TRIANGLE SYMBOLS INDICATE CONTROL POINTS.
5. A FINAL BOUNDARY SURVEY TO BE DONE AT TIME OF PREPARATION OF FINAL PARCEL MAP.
6. PROPERTY INFORMATION:  
ZONING = RE (RESIDENTIAL ESTATE)  
LAND USE = VERY LOW DENSITY RESIDENTIAL  
FIRE DISTRICT = ATWATER CITY FIRE DEPARTMENT  
SCHOOL DISTRICT = ATWATER SCHOOL DISTRICT  
TOTAL ACREAGE = 2.77 ACRES  
NUMBER OF LOTS = 3  
UTILITY INFORMATION:  
WATER = CITY OF ATWATER  
SEWAGE = CITY OF ATWATER  
ELECTRICITY/GAS = P.G.&E.  
SURROUNDING PROPERTIES ARE ZONED RE (RESIDENTIAL ESTATE) AS WELL.  
PROPOSED PARCELS ARE PLANNING ON USING CITY WATER AND SEWER LINES ALONG FRUITLAND AVENUE.



**VICINITY MAP**  
NOT TO SCALE

**TENTATIVE PARCEL MAP**

REFLECTING A 3 PARCEL SUBDIVISION OF PARCEL 2 AS SHOWN ON THAT CERTAIN PARCEL MAP FOR FRANZ J. REHFELD FILED IN BOOK 100 OF PARCEL MAPS AT PAGES 26 & 27 BEING MORE COMMONLY KNOWN AS A.P.N. 150-150-025, MERCED COUNTY, CALIFORNIA.



5/24/23

*Michael T. Turnrose*

--FOR--  
FRANCISCO & VELIA MARQUEZ  
3916 MIRA SOL DRIVE  
CERES, CA 95307  
209.450.1650

CITY OF ATWATER, MERCED COUNTY CALIFORNIA  
SCALE: 1" = 30' DATE OF SURVEY: APRIL 27, 2023

**TURNROSE LAND SURVEYING**

125 EAST MAIN ST.--SUITE 4  
RIPON, CA 95366  
209.599.5100

BAY AREA 650.324.3316

JOB NO. 23-12





## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

**MEETING DATE:** March 20, 2024

**TO:** Chair and Commissioners

**FROM:** Tom Navarro, Senior Planner

**SUBJECT:** Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-03-0100 located on the northwest corner of Progress Avenue and Hazel Avenue in Atwater (APN: 003-160-026).

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public; and,
2. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15303, Class 3 "New Construction or Conversion of Small Structures;" and,
3. Adopt Resolution No. 243-24 and Conditional Use Permit No. 24-03-0100, located at the corner of Progress Avenue and Hazel Avenue, Atwater (APN: 003-160-026)

### **I. BACKGROUND:**

The subject property is located at the corner of Progress Avenue Street and Hazel Avenue, Atwater APN 003-160-026. The proposed request for a freestanding digital sign is part of a light industrial development reviewed and approved by city staff as a site plan review (PN 23-24-0100). The overall development includes seven (7) shell buildings totaling approximately 240,000 square feet proposed to support a mixture of light industrial uses. Part of the project includes the development of Progress Avenue and Hazel Avenue as well as the establishment of water, sewer and storm drainage utilities necessary to serve the development. The proposed request for the freestanding digital sign is intended to help support the newly established development and potentially provide other advertising opportunities for businesses within the Atwater community.

**II. ANALYSIS:**

The applicant, BK Industries, Inc is requesting to construct a freestanding digital message board located at the corner of Progress Avenue and Hazel Avenue. The electronic message board, including supporting structure, will be approximately forty-nine feet and in height have an envelope of 1,000 square feet and consist of one pillar. The electronic message board will be constructed of metal and have two sides with each side containing an electronic message board 34-feet and 6-inches from the finished ground surface and no higher than 49-feet. The two electronic message boards will each contain a display of approximately 480 square feet per side (960 square feet total). The sign structure will sit one pillar located approximately 55-feet from the curb on Progress Avenue and 30-feet from curb on Hazel Avenue. The general character and aesthetic of the structure will metal construction with a natural quartzite wall tile at the base of the structure. The electronic message boards will be used to provide advertising opportunities to the local business market as well as provide a place for creating awareness for community events.

The project is located at the intersection of Progress Avenue and Hazel Avenue, APN 003-160-026 (see Figure 1). The subject property is zoned B-P (Business Park) has a Land Use Designation of Business Park per the Atwater General Plan. Per the Atwater Municipal Code (AMC) 17.69.240, businesses located within 300 feet of the Freeway 99 right-of-way may have one freestanding sign up to 50 feet in height measured from the finished grade to the top of the sign and may exceed 250 square feet in area subject to the approval of a conditional use permit.

1. The Electronic Message Board is consistent with Sections 17.69.500(A), 17.69.240, 17.69.050(Q) and 17.69.120(H) of this Code.
2. The orientation of the face of the Electronic Message Board is not detrimental to the character of development in the immediate neighborhood and does not pose a safety risk to motorists or pedestrians.
3. The Electronic Message Board is consistent with the City's General Plan, the City's Zoning Code, City Municipal Code and all other applicable codes and regulations.

AMC 17.69.500(A) provides guidelines for several different types of signage such as monument signs, Freestanding Reader Board, Electronic Message Boards, and freestanding signs to name a few for example. The majority of the municipal code that provides guidance regarding the Freestanding Electric Message board will be located in 17.69.500 (A)(2) which is identified above and AMC 17.69.500(A)(5). AMC 17.69.500(A)(5) states all monument signs, freestanding signs, and directional signs shall be placed within the landscaped area to be equipped with a seven-day automatic irrigation system which is one of the conditions required by the applicant.

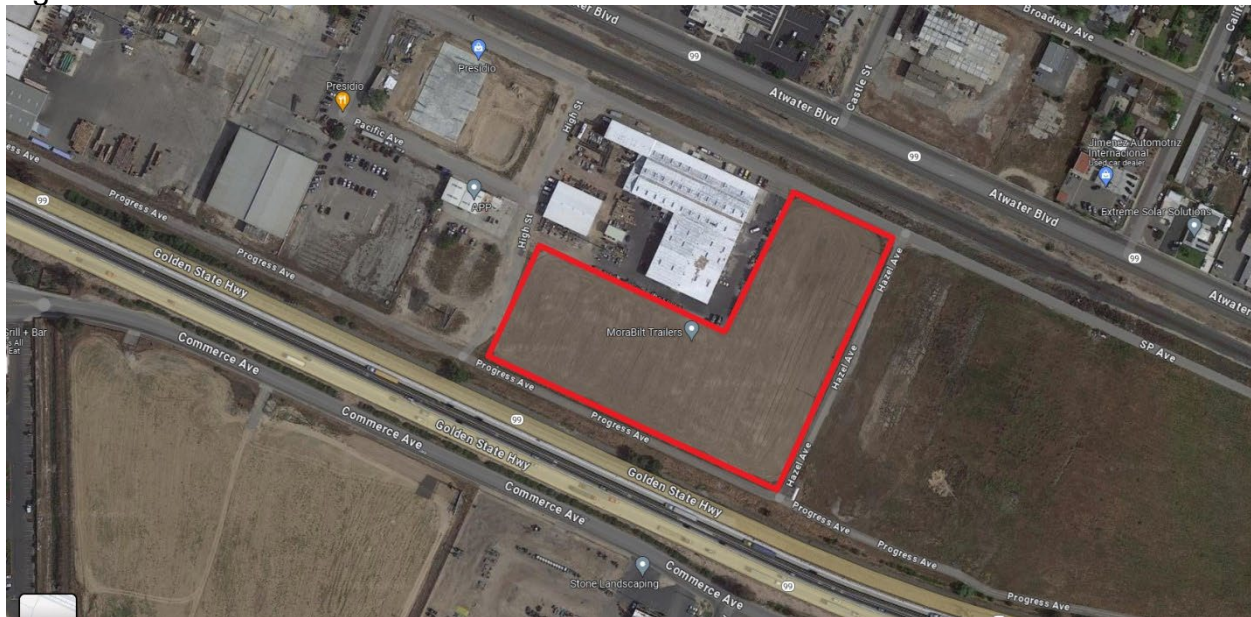
AMC 17.69.240 provides guidelines to freestanding signs within freeway corridors. For purposes of this specific request, AMC 17.69.240 provides the provision for free standing signs to exceed 250 square feet in advertising space with the approval of a conditional use permit if within 300 feet of the State Route 99 right-of-way. The proposed sign is

confirmed to meet that requirement and as designed is subject to approval by the Planning Commission.

17.69.050 defines Electronic Message an Board, which states “A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. The duration of a message shall be displayed for a period no less than 20 of seconds. The transition from one message to another shall be instantaneous as perceived from the human eye and each electronic message board message shall be complete in itself and shall not continue by fading, scrolling, or other manner to a subsequent message. No electronic message board shall display animated messages, including flashing, blinking, fading, rolling, dissolving, or any other effect that gives the appearance of movement. No electronic message board shall include or emit an audio message, which is also included as part of the conditions of approval and as a result the project meets the requirements outlined in item number one of section.

With the approval of the Conditional Use Permit the project will be consistent with the zoning ordinance and general plan with the adoption of Resolution No. 243-24.

Figure 1

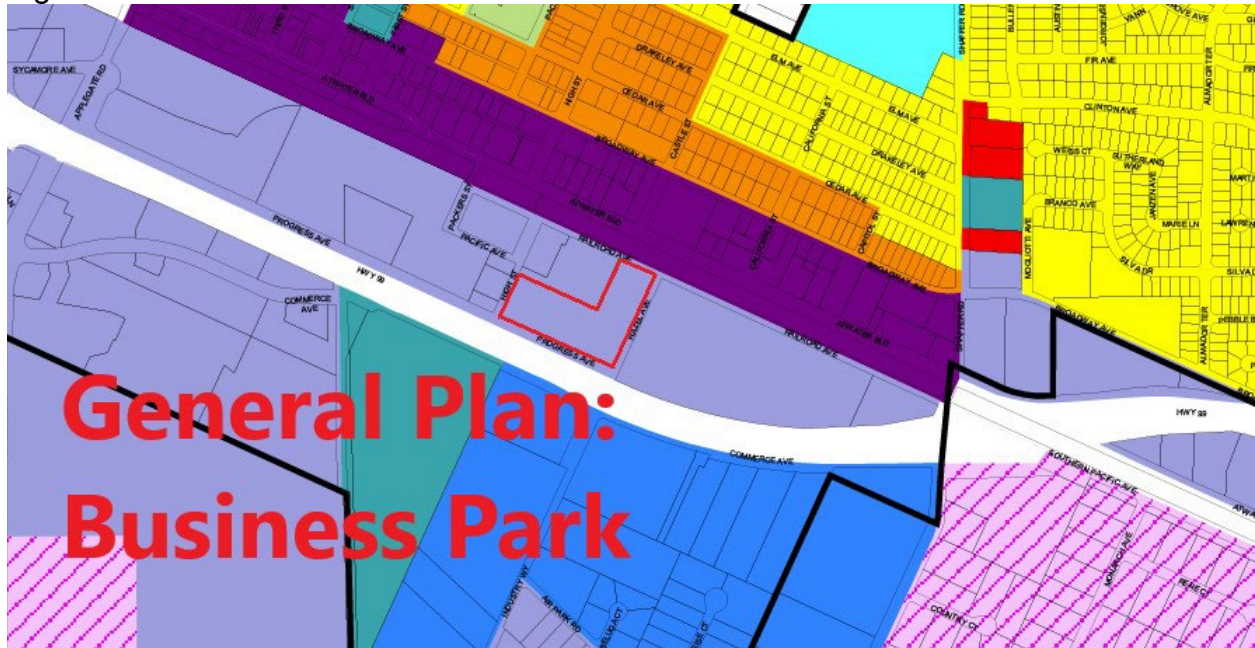


**Description of Surrounding Uses:** The parcels immediately to the north of the subject property include the Southern Pacific Rail line followed by light industrial facilities along Atwater Boulevard. The parcels to the east include established light industrial facilities. West of the subject property is currently undeveloped and the parcels to the south of the subject property is CALTRANS right-of-way (See Figure 1).

**Land Use Designation:** The project site has a land use designation of B-P, Business Park District Overlay (Mixed Use District) this designation is intended to accommodate a wide range of business uses and may include manufacturing operations within completely enclosed buildings, associated offices, trade schools, and supporting childcare and retail

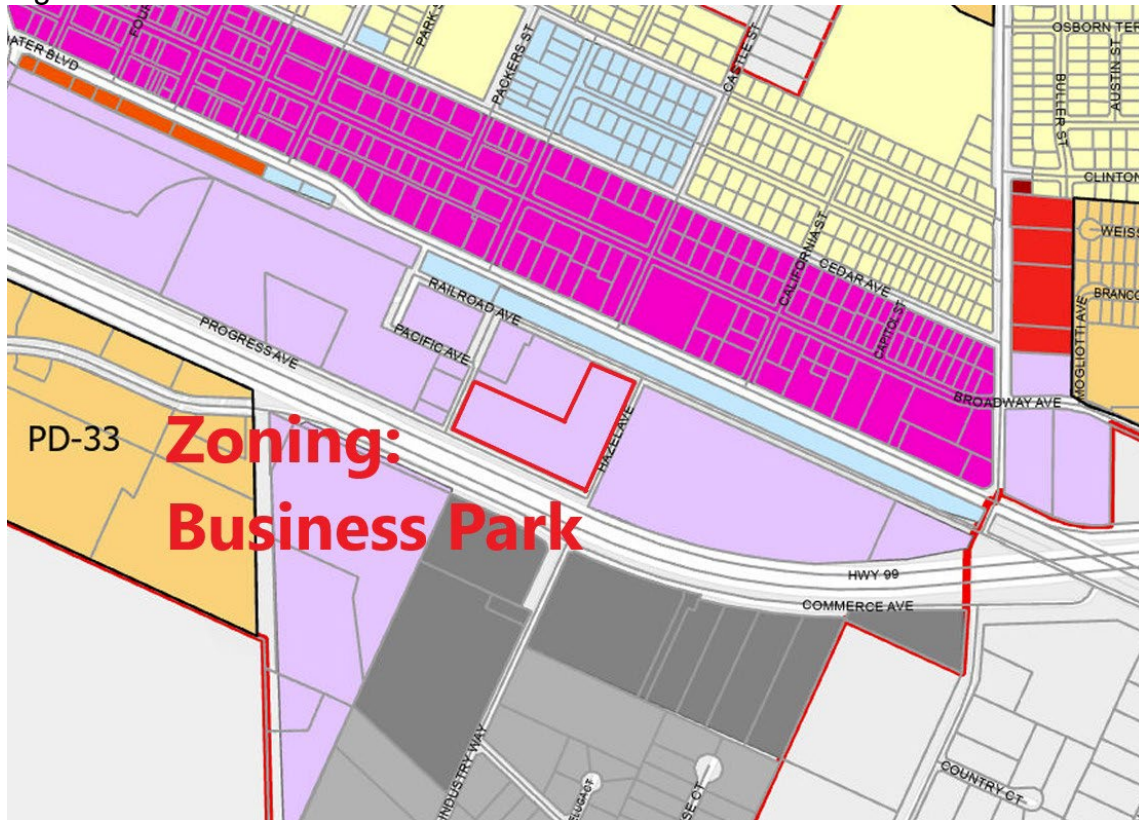
activities. The applicant is requesting a conditional use permit to allow a freestanding digital sign board to support an approved light industrial development located at the northwest corner of Progress Avenue and Hazel Avenue. The Project is proposed to facilitate the development of a seven (7) light industrial buildings would be consistent with the land use designation.

Figure 2



**Zoning:** The subject property is zoned Business Park (B-P) (See Figure 3). The purpose of the B-P zone is to provide a location for Mixed Uses necessary within the City, but not suited to other commercial districts. Development of a light industrial facility is allowed through approval of a site plan review but associated signage under this zoning designation must be approved by the Planning Commission under a Conditional Use Permit Application.

Figure 3



**III. FISCAL IMPACTS:**

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

**IV. LEGAL REVIEW:**

This item has been reviewed by the City Attorney.

**V. EXISTING POLICY:**

None

**VI. INTERDEPARTMENTAL COORDINATION:**

The Planning Commission could affirm the staff’s recommendation or make another recommendation consistent with the Atwater Municipal Code.

**VII. PUBLIC PARTICIPATION:**

The public will have an opportunity to provide comments on this item prior to Planning Commission action. 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.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures.

**IX. STEPS FOLLOWING APPROVAL:**

Following adoption of Resolution No. PC 0243-24, Conditional Use Permit No. 24-03-0100 and a five-day appeal period, the signed resolutions will be given to the applicant.

Prepared by: Tom Navarro, Senior Planner

Submitted by: \_\_\_\_\_  
Greg Thompson, Interim City Manager

**Attachments:**

1. Resolution No PC 0243-24
2. City of Atwater Uniform Development Application
3. Operational Statement
4. Site Plan
5. Elevation



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. PC 0243-24

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER TO CONSIDER ADOPTING A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 24-03-0100 LOCATED ON THE NORTHWEST CORNER OF PROGRESS AVENUE AND HAZEL AVENUE IN ATWATER (APN: 003-160-026).**

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on March 20, 2024; and,

**WHEREAS**, this project is statutorily exempt under California Environmental Quality Act (CEQA) guideline 15303, Class 3 “New construction of Conversion of Small Structures;” and,

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

**WHEREAS**, the proposed Conditional Use Permit No. 24-03-0100 would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

**WHEREAS**, the Planning Commission finds that the following findings can be made for Conditional Use Permit No. 24-03-0100

1. That this application proposes to operate an electronic message board.
2. The project is consistent with the City’s General Plan and Zoning Ordinance.
3. That the project is exempt under CEQA guideline 15303, Class “3 “New Construction or Conversion of Small Structures.
4. That the public hearing for this application has been adequately noticed and advertised.
5. That the resolution would not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 24-03-0100 subject to the following conditions:

**BUILDING**

1. All off-site improvements plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the City of Atwater standards and specifications.
2. If property is located within a FEMA flood zone. Prior to approval of a grading plan, the developer shall apply to FEMA and receive a Letter of Map Amendment (LOMA) issued from FEMA. The developers engineer shall provide the required supporting data to justify the application.
3. All plan submittals and calculations and all other required documentation shall be submitted to the Building Division. Documents will be routed to proper departments for review and sent out to third party plan checking services.
4. Apply for a permit application in person or online.
5. Plan Check fee payment (based on valuation of the project) contact Building Division.
6. Five (5) sets of plans including three (3) wet stamped by a registered California Design .
7. Professional, unless noted accordingly per the “Professional Engineers Act” of 2001.
8. Three (3) sets of Energy, Structural, Soils Report, California Green Code Documents, Special Inspection form (filled out by designer), and any other applicable calculations/specifications or documents.
9. Building plans shall reflect the most recent California Building Codes (Title 24) which consist of the Building Code volume 1 & 2, Wind Speed: Risk Category I: 100, Category II:  $V_{ult}$  110,  $V_{asd}$  85, Category III  $V_{ult}$  115,  $V_{asd}$  85
  - a. Wind Exposure: B Urban and Suburban, C in any quadrant for a distance of more than 600 feet
  - b. Seismic Design Category: DO
  - c. Weathering: Negligible, Winter design temp. 25 degrees F
  - d. Air Freezing Index: 1500, mean annual temp 60 degrees F



10. Green Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code including Appendix C, Appendix D, Appendix I, Appendix J, California Energy Commission requirements, State and Federal Accessibility requirements, Atwater Municipal Codes (AMC), requirements from Atwater Fire Department, Engineering, Planning and Public Works Departments respectively.
11. Once plans are approved by the City of Atwater the Building Division will contact the applicant with fee totals and approximate time when plans will be ready for pick up.
12. Building Permits cards and city approved plans and calculations shall be on site at all times when an inspection is called in.
13. The construction site shall have an address posted that will be easy for inspectors, and emergency services to see.
14. All conditions of approval (including conditions from Caltrans) for this project shall be written by the Developer on all building permit plan check sets, including tenant improvements, submitted for review and approval. These conditions of approval shall be on, at all times, all construction plans kept on the project site. It is the responsibility of the building Developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the City Planner or City Engineer, as applicable, must be received before any changes are constituted in site design, grading, building design, building colors or material, etc.

## **CALTRANS**

15. All off-premise commercial advertising displays visible from the National Highway System are subject to the provisions of the California Outdoor Advertising Act (Bus. & Prof. Code Section 5200 et. seq.) and must obtain an ODA Permit from the Office of Encroachment and Outdoor Advertising Permits (OEOAP) prior to placement.

## **ENGINEERING**

16. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
17. The Developer shall submit a building permit application package which shall include grading plans, a permit application, and plan check and inspection fees and deposits to the Community Development Department. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.

18. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Standards and Specifications and the most recent edition of the Caltrans Standard Plans and Specifications, all applicable federal, state, and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
19. The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
20. An encroachment permit shall be required for any construction to be done in the public right of way or in easements. Please note for any public improvement required sufficient warranty may be required by the city. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
21. Where the finished grade of the property is in excess of twelve inches (12") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the lower side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height (from base of foundation to top of wall), including surcharge, and will require a separate building permit.
22. The developer shall coordinate all grading and improvements with adjacent property owners to the satisfaction of the City if required due to an encroachment. Any grading or drainage onto adjacent properties shall require written approval of those property owners affected, with said approval provided to the City Engineer.
23. All broken, cracked or otherwise damaged public improvements, such as curb, gutter, and sidewalk, shall be saw cut, removed and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
24. For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1. Separate On-Site and Off-site Improvement plan sets shall be submitted for City review.

25. Prior to occupancy, the developer shall supply the City with both hardcopy and electronic (Adobe PDF and AutoCAD file formats) showing plans that reflect the project as it was built (As-Builts or Record Drawings) to the satisfaction of the City Engineer. Off-Site Improvement Plans hardcopy shall be on 4-mil minimum thickness translucent mylar film.
26. All utility trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and with any conditions for paving structural sections included within this resolution.
27. Applicant shall abandon and remove from the site any existing irrigation lines and other structures found. Lines shall be plugged at the property line with concrete.
28. Developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the Development and all surface water that may flow onto the Development from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance, developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.
29. Developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer. Applicant shall comply with the provisions of the City of Atwater Post-Construction Standards Plan.
30. Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the Director of the Community Development Department.
31. Developer shall properly abandon or relocate all utilities as necessary or required.
32. Developer shall comply with the requirements of all public utility companies.
33. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
34. The installation (if required) of all gas, electric, sewer, and water lines and any other below-surface utilities is to take place before the construction of any concrete curbs, gutters, sidewalks, and the surfacing of streets.

35. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
36. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
37. Sight distance requirements at all street intersections shall conform to City Standards.
38. The applicant shall submit a geotechnical report together with improvement plans to the City Engineer for review and approval. The report shall include the information and be in the form as required by the City Engineer and all applicable codes.
39. Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Public Works Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
40. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to ensure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to ensure continued regular watering of landscape areas, and health and vitality of landscape materials.
41. All Conditions of Approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These Conditions of Approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the project developer to ensure that the project contractor is aware of, and abides by, all Conditions of Approval. Prior approval from the Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.

**FIRE**

42. All plans, calculations and supporting documentation are routed through the Building Division.
43. Plans, calculations and supporting documentation shall reflect the latest California Building Codes (Title 24) Focusing on the Fire Code, CCR Title 24, NFPA, ASTM, California Fire Marshal requirements, and the Atwater Municipal Code (AMC).

**PLANNING**

44. All signs shall be erected in compliance with adopted City codes and standards.
45. All signs shall be properly maintained.
46. All signs shall remain out of the City's recognized clear zones, as defined in section 17.12.120 and public rights-of-way, and in no way shall any sign constitute a vehicular traffic hazard by distracting or confusing a motorist.
47. No sign shall be attached to any City Street tree, utility pole, street signal, street light, street name sign, traffic warning sign, bus shelter, or similar device or facility.
48. Outdoor advertising signs may be permitted in the M-1 and M-2 zones provided the signs are located within 300 feet of the Freeway 99 right-of-way.
49. Maximum sign area is 600 square feet and 50 feet in height measured from the finished grade to the top of the sign.
50. The duration of a message shall be displayed for a period no less than 20 seconds.
51. The transition from one message to another shall be instantaneous as perceived from the human eye and each electronic message board message shall be complete in itself and shall not continue by fading, scrolling, or other manner to a subsequent message.
52. No electronic message board shall display animated messages, including flashing, blinking, fading, rolling, dissolving, or any other effect that gives the appearance of movement.
53. No electronic message board shall include or emit an audio message.
54. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 24-03-0100
55. 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.

56. Applicant must provide a Commercial Conditional Use Permit General Plan Update Fee in accordance with the Miscellaneous Fee Schedule.

57. Applicant must provide an annual Conditional Use Permit Monitoring fee in accordance with the Miscellaneous Fee Schedule.

58. The applicant or applicant’s successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. The City of Atwater shall promptly notify the applicant or applicant’s successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant’s successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 20th day of March, 2024.

**AYES:  
NOES:  
ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**DON BORGWARDT,  
CHAIRPERSON**

**ATTEST:**

\_\_\_\_\_  
**GREG THOMPSON,  
INTERIM CITY MANAGER**



# City of Atwater

Uniform Development Application  
750 Bellevue road

RECEIVED  
JAN 22 2024

BY: 

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

Fax: (209) 357-6348

RSO 243-24  
CUP 24-03-0100

## APPLICATION FORM

Please indicate the types of application requested

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

Describe Proposed Project:

BILLBOARD SIGN AT PROGRESS AVE. & HAZEL AVE. CORNER

APPLICANT: BK INDUSTRIES. INC.

PHONE NO: 209.631.4247

ADDRESS OF APPLICANT: 221 Business Parway Atwater

EMAIL: bkweld01@icloud.com

PROPERTY OWNER: BK INDUSTRIES INC.

PHONE NO: same above

ADDRESS OF PROPERTY OWNER: same above

ASSESSOR'S PARCEL NUMBER: Recorder process 003-160-026

Address/General Location of Property: City of Atwater

EXISTING ZONING OF PROPERTY: Industrial


GENERAL PLAN DESIGNATION OF PROPERTY: Industrial

### Indemnity Statement

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

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

I have read, agree and accept the City Indemnity agreement

Signed:   
Applicant                      Date: 1-19-24

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

Signed:   
PROPERTY OWNER      DATE: 1-19-24

  
PROPERTY OWNER      DATE: 1-19-24



## **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 \_\_\_\_\_

1-25-2024

## 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.
- N/A**  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.
- N/A**  Show loading areas, including dimensions and screening
- N/A**  Show location of trash enclosures and indicate materials.
- Show location and size of all existing proposed signs, walls, and fences.
- N/A**  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).
- N/A**  Show proposed exterior lighting

### Site Plan Checklist Continued

- N/A**  Show location and general dimensions of any existing irrigation facilities, natural drainage ways and storm drainage facilities on the site, including any proposed modifications.
- N/A**  Show size and species of all trees 6 inches and greater in diameter at 3 feet. Indicate whether to be removed or retained.
- N/A**  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.
- N/A**  Location of buildings on adjacent properties (sides and rear) within 25 feet of the project site.
- N/A**  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.
- N/A**  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: BK Industries Inc

ADDRESS: 221 Business Parkway, Atwater, Ca 95301

NAME OF APPLICANT: BK Industries Inc - ATT. Brad Kessler

ADDRESS: 221 Business Parkway, Atwater Ca 95301

ADDRESS OF SITE: 664 Railroad Ave

APN: 003-160-026-000

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

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

Pursuant to section 65962.5 of the Government Code

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

APPLICANT SIGNATURE: [Signature] Date 1-29-24

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 BK Industries Inc hereinafter "applicant". This is a legally binding agreement. You should ensure to read all provisions of this agreement.

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

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

Applicant: BK Industries Inc Date: 01-18-2024

Print Name and Title: BK Industries Inc ATT: Brad Kessler

Owner: BK Industries Inc Date: 01-18-2024

Print Name and Title: BK Industries Inc

City of Atwater

By:  Date: 1-25-2024

Print Name and Title: Scott Ruffalo, Planning Technician



**COMMUNITY DEVELOPMENT  
EXISTING SITE CONDITIONS**  
750 Bellevue road

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

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

Application: BK Industries Inc

APN: 003-1160-026-000

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

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

Signed

1-19-24

Date



CITY OF ATWATER  
750 BELLEVUE RD.  
ATWATER, CA 95301

TUESDAY, JANUARY 23, 2024

ATTENTION: PLANNING DEPARTMENT: SCOTT RUFFALO  
RE: DIGITAL BILLBOARD ON HAZEL & PROGRESS

OPERATIONAL STATEMENT

I, BRAD KESSLER, THE PRESIDENT OF BK INDUSTRIES INC. & AG-K PROPERTIES AM THE OWNER OF THE VACANT PROPERTY LOCATED AT: 033-160-026-000. THIS PROPERTY IS CURRENTLY ZONED (BP) WHICH ALLOWS FOR THIS PROPOSED DIGITAL BILLBOARD.

I AM PROPOSING TO CONSTRUCT A TWO SIDED DIGITAL BILLBOARD ON THE CORNER OF HAZEL AND PROGRESS. THIS BILLBOARD WILL PROVIDE A NEW FEATURE FOR THIS CORRIDOR OF ATWATER. THIS PROJECT WILL PROVIDE THE SAME COHESIVE DESIGN SIMILAR TO THE CLOCK TOWER ON BROADWAY & THE 5 CORNERS DIGITAL BILLBOARD PROJECT. WE PLAN ON OFFERING DIGITAL ADVERTISEMENT SPACE ALL WHILE PROVIDING ANOTHER FEATURE TO ATWATER.

THE HOURS OF OPERATION OF THIS BILLBOARD WILL BE 24 HOURS A DAY AND 7 DAYS A WEEK. WE PLAN FOR OUR BILLBOARD TO BE THE SAME SIZE AS THE 3 EXISTING BILLBOARDS WITH IN THE AREA. OUR DOUBLE SIDED STRUCTURE WILL OFFER ADVERTISING SPACE ON BOTH NORTH BOUND HWY 99 AND SOUTH BOUND HWY 99.

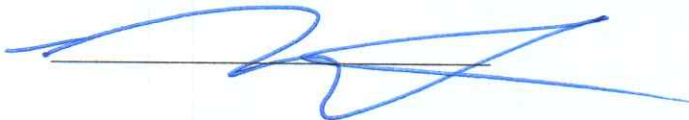
ATTACHED:

- THE PROPOSED DESIGN DRAWINGS
- AERIAL VIEW PICTURES OF EXISTING PROPERTY
- SITE LOCATION MAP
- SITE RENDERINGS

THIS PROJECT WILL NOT INTERFERE WITH ANY OF THE ACTIVITIES/BUSINESS WITHIN THE AREA. THIS BILLBOARD WILL CULTIVATE MORE JOBS AND REVENUE FOR THE COMMUNITY OF ATWATER

THANK YOU FOR YOUR CONSIDERATION,

BRAD KESSLER



**GENERAL NOTES:**

This building complies with TITLE 24 and the following model codes:

- 2022 California Building Codes (CBC)
- 2022 California Plumbing Codes (CPC)
- 2022 California Mechanical Codes
- 2022 California Fire Codes (CFC)
- 2022 California Electrical Codes
- 2022 California Energy Code
- 2022 California Green Building Code

**SCOPE OF WORK:**

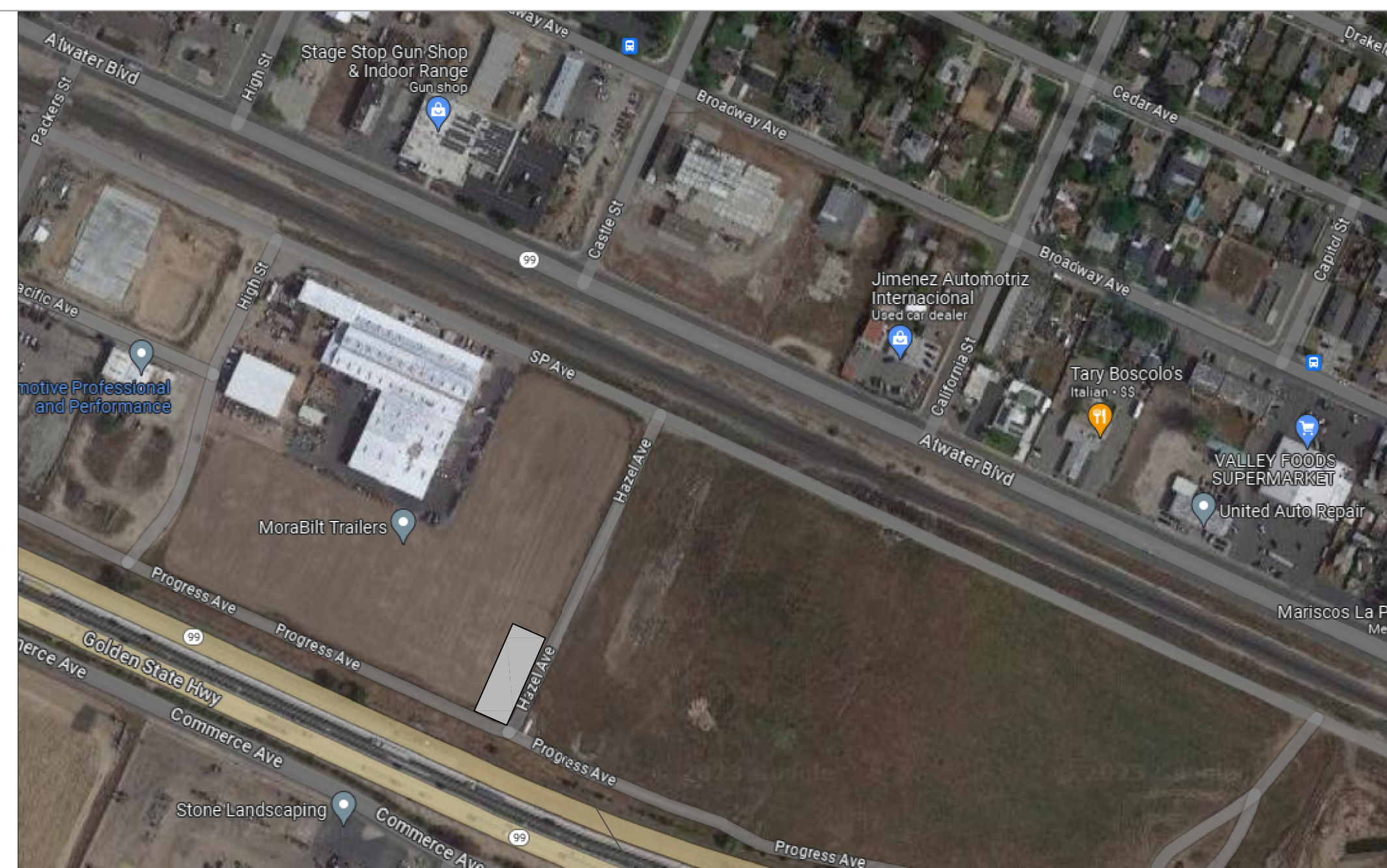
- PROPOSED STEEL STRUCTURE FOR A NEW DIGITAL BILLBOARD
- ELECTRICAL SERVICE
- DIGITAL BILLBOARDS SCREENS INSTALLATION BY OTHERS

**BUILDING MATERIALS**

1. FOOTING: CONCRETE PIER FOOTING
2. STEEL STRUCTURE GRADE 500

**SUMMARY LEGEND:**

BK CONSTRUCTION INC. PROPOSES TO BUILD A TOWER TO SUPPORT A ELECTRONIC BILLBOARD LOCATED AT THE CITY OF ATWATER, AT THE BUSINESS PARK ZONING AT SOUTH-EAST CORNER OF THIS LOT APN 003-150-026-00, CREATING AN EASEMENT OF 20 FEET WIDE BY 50 FEET LONG, AREA OF 1,000 SQUARE FEET ADDRESSED JUST FOR THE BILLBOARD PURPOSE.  
BK CONSTRUCTION INC. WILL RESPONSIBLE OF THE MAINTENANCE OF THIS SITE AND BILLBOARD SYSTEM.



**1. VICINITY MAP**  
NTS

**JOB SITE**

**SPECIAL INSPECTION REQUIRED:**

YES	NO	
	X	INSPECT BOLTS TO BE INSTALLED IN CONCRETE PRIOR TO AND DURING PLACEMENT OF CONCRETE WHERE ALLOWABLE LOADS HAVE BEEN INCREASED PER B.C. CBC 1911.5
X		SHOP AND FIELD STRUCTURAL WELDING PER CBC 1704.3.1
	X	INSPECTION OF HIGH-STRENGTH BOLTING: a. Bearing-type connections. b. Slip-critical connections. PER CBC 1704.3.3
X		CONCRETE CONSTRUCTION REQUIREMENTS PER CBC 1706.3

**ALL INSPECTIONS REQUIRED BY NRCS WILL BE DONE BY:**

NATS  
NORTH AMERICAN TECHNICAL SERVICES  
4713 ENTERPRISE WAY #4  
MODESTO, CA 95356  
JUSTIN HASLEY AWS#0004191

**CONDITIONS:**

THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS, GRADES AND OTHER JOB SITE CONDITIONS AND SHALL REPORT ANY DISCREPANCIES TO THE DESIGNER OR ENGINEER FOR CLARIFICATION PRIOR TO COMMENCING WORK.

**CONCRETE:**

1. 1904.1 Structural Concrete  
Structural concrete shall conform to the durability requirements of ACI 318.2.
2. ALL PLACEMENT OF CONCRETE SHALL MEET REQUIREMENTS OF THE CURRENT CBC.
3. ALL SURFACES TO RECEIVE CONCRETE SHALL BE WATERED DOWN 24 HOURS IN ADVANCE OF POURING CONCRETE.
4. ALL CONCRETE SURFACES SHALL BE PROTECTED AND CURED IN ACCORDANCE WITH ACCEPTED BUILDING PRACTICES.
5. WHERE AREA CONCRETE SLAB EXCEEDS 500 SQUARE FEET, PROVIDE EXPANSION CONTROL JOINTS, ONLY ON NEW CONSTRUCTIONS.

**SPECIFICATIONS:**

CONCRETE: 3000 PSI AT 28 DAYS, TYPE II FCC,  
1901.2 Plain and Reinforced Concrete  
REINFORCING: Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 as amended in Section 1905 of this code. STRUCTURAL STEEL: CBC 2019 Section 2205 Structural Steel 2205.1 General. The design, fabrication and erection of structural steel elements in buildings, structures and portions thereof shall be in accordance with AISC 360.

CONCRETE NOTE: Concrete above 2500 psi required special inspection. See Special Inspection Form Attache: Table 1705.3 - Concrete Construction Item "F".

List soil parameter capacities for Passive and Bearing Pressure:

- 2000 psi Vertical Pressure
- Lateral Bearing Pressure Value Taken as per Table 1808.2 is 150 ps/ft below natural grade.
- Lateral Force resisting System used for design: Modification Factor R=3.5 Used for Seismic Load Generation
- Lateral Force Resisting System Used for desing is Steel Ordinary Moment Frame.

CONSTRUCTION MUST MEET ALL LOCAL, STATE AND FEDERAL DEPARTMENT REGULATIONS.

**INDEX**

- S.1 TITLE SHEET - PROJECT DATA - VICINITY MAP - CODE - FOUNDATION - BILLBOARD SCREEN SPEC.
- S.2 SITE PLAN
- S.3 BILLBOARD DESIGN

# DIGITAL BILLBOARD BY BK INDUSTRIES, INC.

PROJECT ADDRESS:

CORNER OF PROGRESS AVE. &  
HAZEL AVE.

ATWATER, CA 95301

APN 003-160-026-000

PROPERTY OWNER & BUILDING PERMIT APPLICANT:

BK INDUSTRIES INC.  
BRAD KESSLER, PRESIDENT  
221 BUSINESS PARKWAY  
ATWATER, CA 95301  
209.631.4247

All adVISION LED sign come with:  
Sign Package Includes -  
**Dedicated Laptop**  
Premium 14in Dedicated Laptop:  
Core i5-6300U / 4GB, 8GB DDR4 SDRAM,  
256GB SSD Solid State, Wifi and Ethernet Network Connectivity, Windows 10 Pro 64bit preconfigured for communication to your LED sign. Optimized settings and content including Clip Art Images and animation templates. Content Creation software comes preloaded for easy-to-use designing on advertising slides.  
**On-Board Controller**  
On-Board High Speed Processor All Solid state Components. 1.5 GHz eight-core processor  
Support for H.265 4K high-definition video hardware decoding playback  
Support for 1080P video hardware decoding  
2 GB operating memory  
8 GB on-board internal storage space with 4 GB available for users  
Controller offers 650,000 pixel loading capacity, synchronous or asynchronous playing mode, powerful processing capability, omnidirectional control plan, dual-Wi-Fi mode, supports 4G module (not included), redundant backup, and redundant backup.  
**Wireless**  
High performance High data rate Dual Polarization long range Antenna featuring the latest Wireless N specification for worry free communication with our tech dept.  
Features a two mile free - of - site coverage at speeds up to mbps.  
**ADV Software**  
Comes Pre-Loaded With Our Content Creation Software That Will Work In Conjunction With The Sign Performance Software. This Software Will Allow You To Edit Movies, Pictures And Group Them Together For A Dynamic Screen Presentation. Comes With 5000 Fonts 800 SBI And 1800 Video Backgrounds + 2000 Clip Art Images Allowing For Immediate Content Creation.  
**Installation Brackets**  
Installation brackets 2" x 3" x 1/4" angle iron are pre-mounted to rear of sign for easy installation  
**Warranty**  
5 Year Parts Warranty  
**Tech Support**  
Lifetime Tech Support Our technicians are available 24/7 to solve any technical issues that may arise  
  
Aaron Soares  
[www.advisionledsign.com](http://www.advisionledsign.com)  
Toll Free: 877-522-5582 ext#1  
Direct: 209-631-9655  
Fax: 209-644-0333

**BILLBOARD SCREEN SPEC.**

REVISION DATE	BY

CONSULTANT ENGINEER:

**DIGITAL BILLBOARD  
by  
BK INDUSTRIES, INC.**

**TITLE SHEET  
PROJECT DATA  
VICINITY MAP  
BILLBOARD SPEC.**

**PROJECT ADDRESS:**  
AT THE CORNER OF  
PROGRESS AVE. & HAZEL AVE.  
ATWATER, CA 95301

**OWNER:**  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301

**CONTRACTOR:**  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301

(209) 631-4247

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

ARCHDRAFTING2005@YAHOO.COM

THESE DOCUMENTS ARE PROPERTY OF DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC. AND ARE NOT TO BE REPRODUCED, CHANGED OR COPIED WITHOUT THE EXPRESSED WRITTEN CONSENT OF DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC.

**PRINTED DATE:** 01-22-2024

**DATE:** 12-01-2023

**SCALE:** As Shown

**DRAWN:** E.E. MORAN

**JOB:** 2023-153

**SHEET #:**

**S.1**

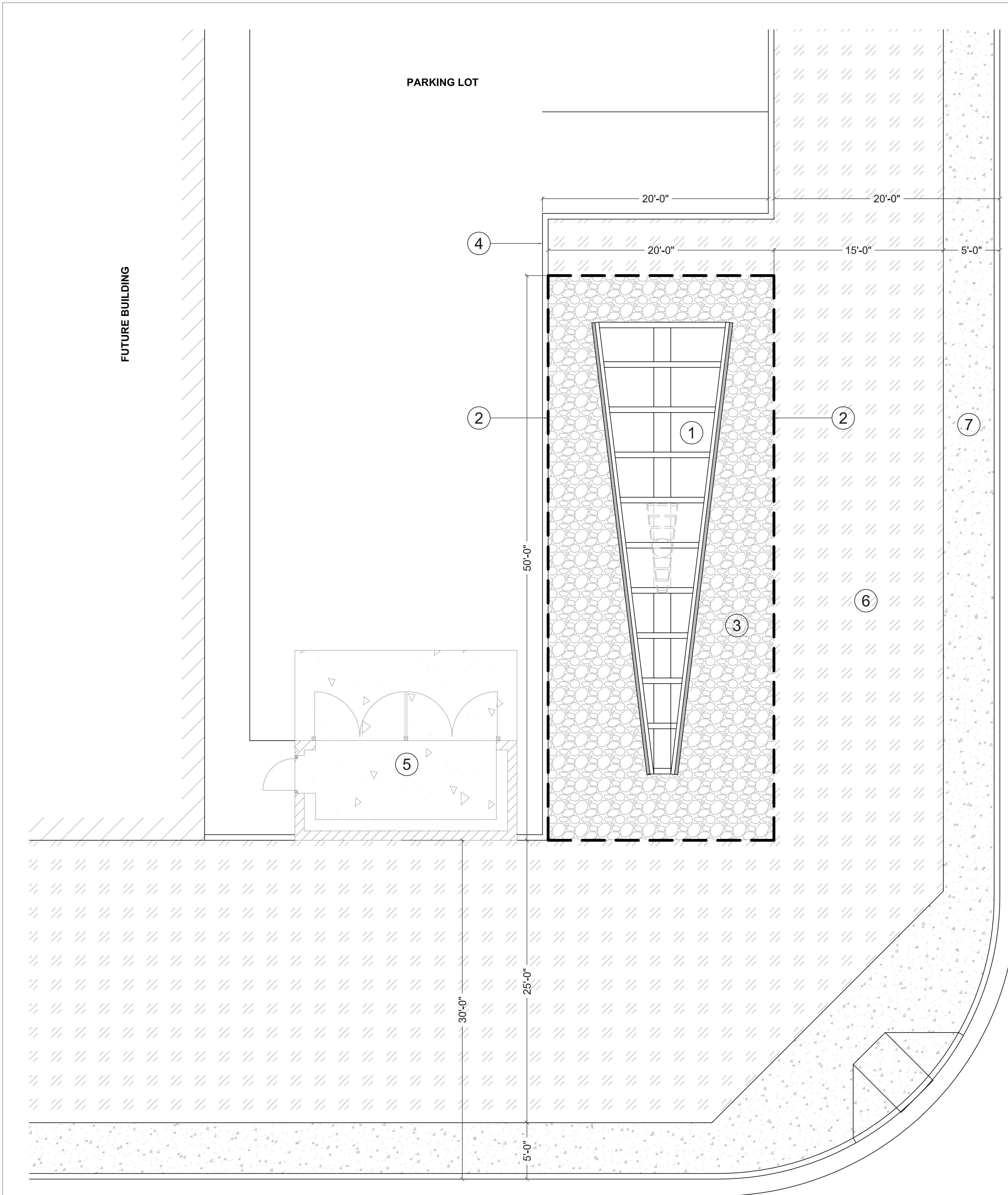
**OF SHEETS**

REVISION DATE	BY

CONSULTANT ENGINEER:

**KEY NOTES**

- 1 PROPOSED DOUBLE ELECTRONIC BILLBOARD SIGN
- 2 EASEMENT PROPERTY LINE
- 3 PROVIDE Rain Forest "Rainforest Large Creek Stone River Rock" OVER DOUBLE LAYER OF LANDSCAPE FABRIC.
- 4 CONCRETE CURB BY OTHERS
- 5 TRASH ENCLOSURE BY OTHERS
- 6 LANDSCAPE BY OTHERS
- 7 CONCRETE SIDEWALK BY OTHERS



**HAZEL AVE. 60'**

**PROGRESS AVE. 60'**

**1. SITE PLAN**  
SCALE 1" = 10'

**DIGITAL BILLBOARD**  
by  
**BK INDUSTRIES, INC.**

**SITE PLAN**

**PROJECT ADDRESS:**  
AT THE CORNER OF  
PROGRESS AVE. & HAZEL AVE.  
ATWATER, CA 95301

**OWNER:**  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301

**CONTRACTOR:**  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301  
  
(209) 631-4247

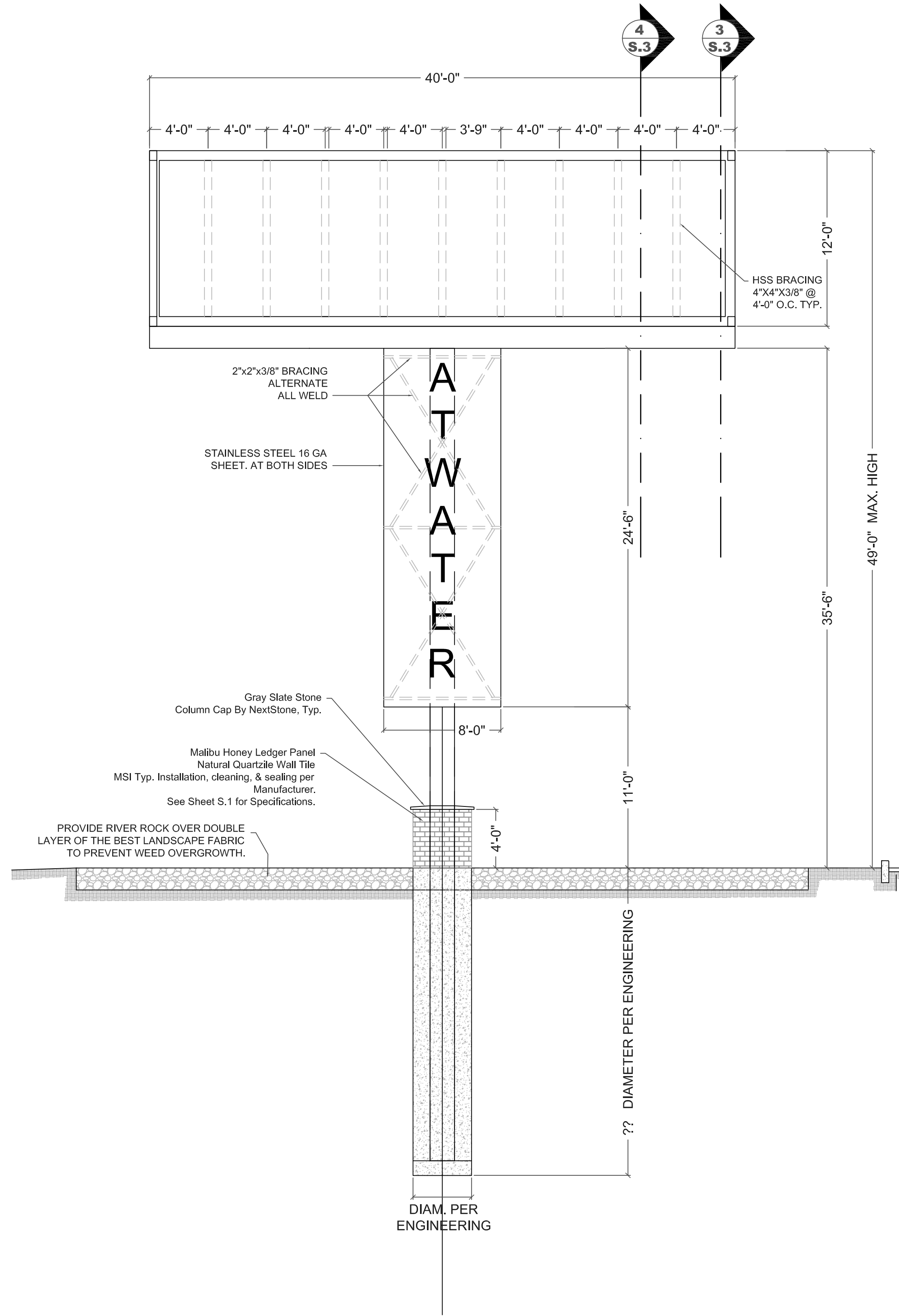
**DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC.**  
E. EDUARDO MORAN  
3933 SHADY OAK CT  
TURLOCK, CA. 95382  
(209) 620-2208  
ARCHDRAFTING2005@YAHOO.COM

THESE DOCUMENTS ARE PROPERTY OF DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC. AND ARE NOT TO BE REPRODUCED, CHANGED OR COPIED WITHOUT THE EXPRESSED WRITTEN CONSENT OF DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC.

PRINTED DATE :	01-22-2024
DATE :	12-01-2023
SCALE :	As Shown
DRAWN :	E.E. MORAN
JOB :	2023-153
SHEET #:	S.2
OF	SHEETS

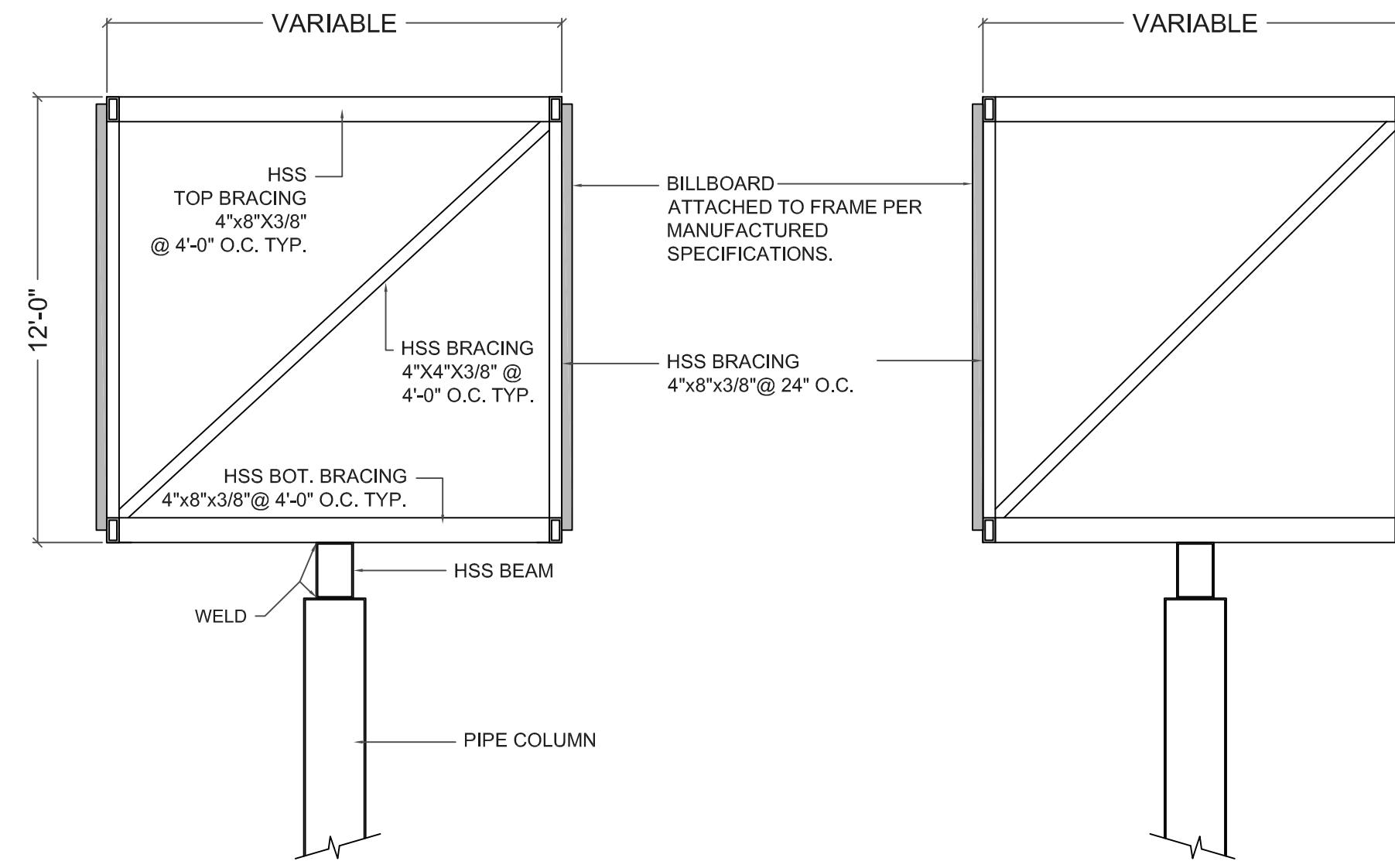
REVISION DATE	BY

CONSULTANT ENGINEER:



**1. BILLBOARD ELEVATION VIEW**

SCALE 3/16" = 1'-0"

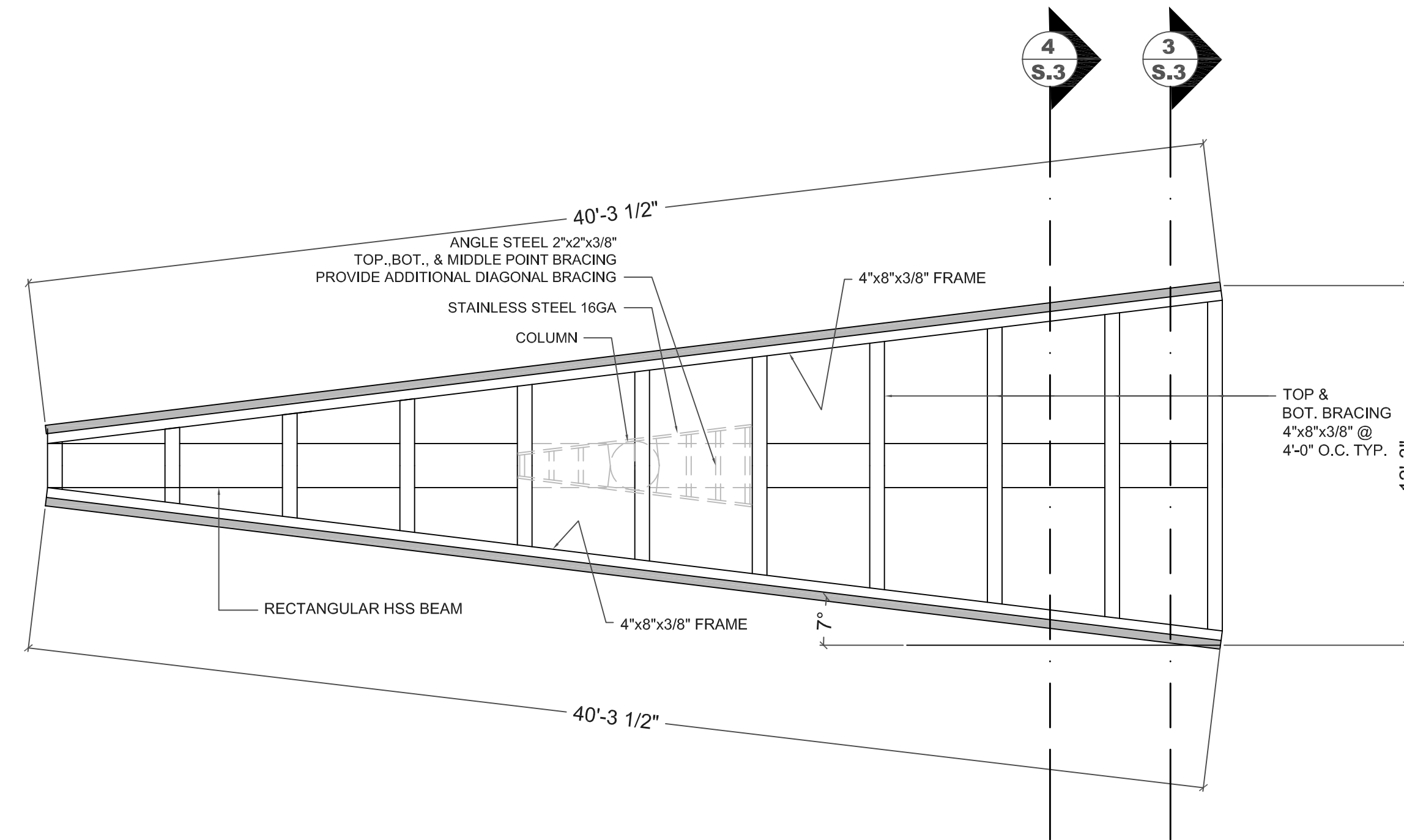


**3. FRAME VIEW**

SCALE 1/4" = 1'-0"

**4. FRAME VIEW**

SCALE 1/4" = 1'-0"



**2. BILLBOARD TOP VIEW**

SCALE 1/4" = 1'-0"

DIGITAL BILLBOARD  
by  
BK INDUSTRIES, INC.

ONE POLE  
BILLBOARD

PROJECT ADDRESS:  
AT THE CORNER OF  
PROGRESS AVE. & HAZEL AVE.  
ATWATER, CA 95301

OWNER:  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301

CONTRACTOR:  
BK INDUSTRIES, INC.  
221 BUSINESS PARKWAY  
ATWATER, CA 95301

(209) 631-4247

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

ARCHDRAFTING2005@YAHOO.COM

THESE DOCUMENTS ARE PROPERTY OF DIGITAL  
DRAFTING TECHNOLOGY SERVICES, LLC, AND ARE NOT  
TO BE REPRODUCED, CHANGED OR COPIED WITHOUT  
THE EXPRESSED WRITTEN CONSENT OF DIGITAL  
DRAFTING TECHNOLOGY SERVICES, LLC.

PRINTED  
DATE : 01-22-2024

DATE : 12-01-2023

SCALE : As Shown

DRAWN : E.E. MORAN

JOB : 2023-153

SHEET #:

S.3

OF SHEETS



## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Donald Borgwardt Jagandeep Mokha  
Harold Kadach Ileisha Sanders  
Mayra Sanchez-Garcia

**MEETING DATE:** March 20, 2024

**TO:** Chair and Commissioners

**FROM:** Greg Thompson, Interim City Manager / Community Development Director

**SUBJECT:** Public hearing to make a finding that the proposed exterior paint scheme for Fire Station 41, located at 699 Broadway, Atwater, CA (APN: 003-075-001), conforms with the City's policies, codes, and guidelines for government buildings pursuant to the Atwater Municipal Code 17.12.060.

---

### **RECOMMENDED COMMISSION ACTION:**

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that proposed exterior paint scheme is consistent with the City's policies, codes, and guidelines for government buildings pursuant to the Atwater Municipal Code 17.12.060

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

The subject property is located at 699 Broadway Avenue (APN: 003-075-001) on the North side of Broadway Avenue, approximately seventy-five feet from its intersection with High Street (refer to Figure 1). The parcel is approximately .83 acres and currently has City Fire Station No. 41 located on it and with approximately twenty-one parking spaces, as well as six bay doors. The existing Fire Station is approximately a 12,600 sq-ft facility.

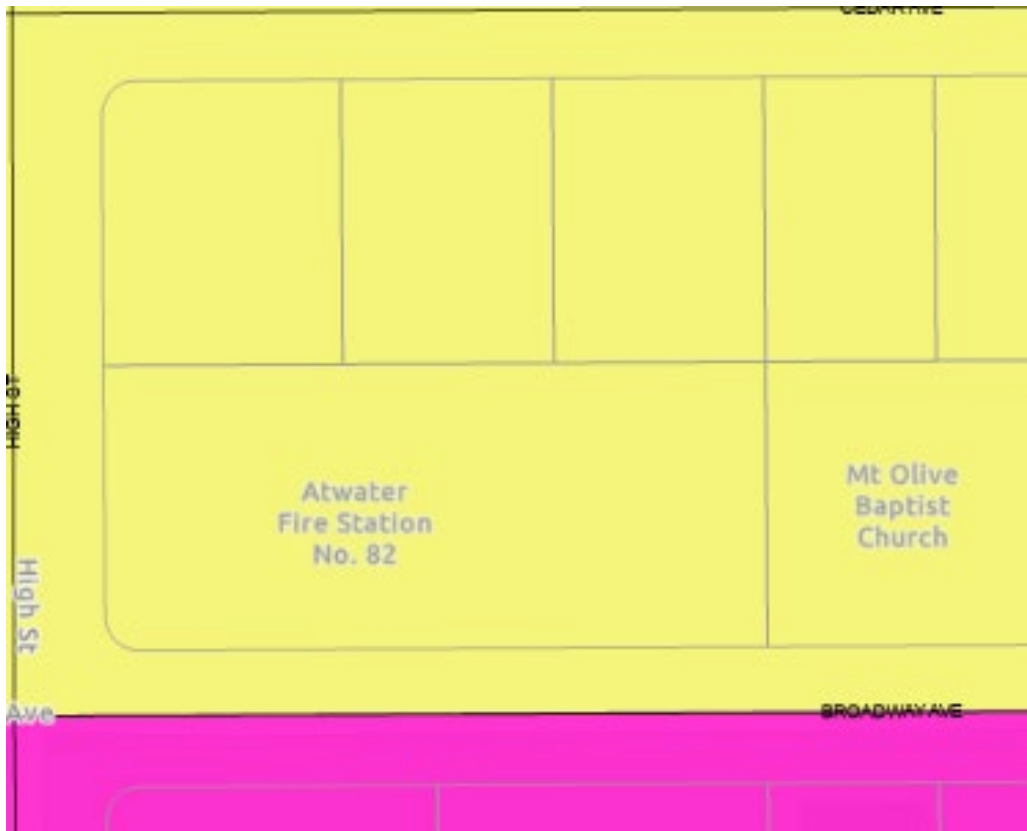


Figure 1: Site Location

**ANALYSIS:**

The applicant requests approval to change the exterior paint color scheme at 699 Broadway Avenue (APN: 003-075-001) in the Downtown Business District. Per the Atwater Municipal Code Section 17.12.060, no public or government structure can be altered without the approval from the Planning Commission. Altering the exterior paint scheme will conform with the City of Atwater’s Policies, Codes, and Guidelines.

# Land Use Designation



## Residential Transition (RT)

### Land Use Designation:

The project site has a land use designation of Residential Transition (RT); this designation is intended to provide a transition between commercial development and adjacent residential neighborhoods. The project intends to change the exterior paint scheme of Fire Station 41 which is consistent with the designated use of the Atwater General Plan land use designation.

# Zoning



## Downtown Business District (D-BD)

### Surrounding Uses:

The properties immediately to the north, south, east, and west also have a land use designation of Downtown Business District.

### Zoning Consistency:

The Downtown Business District zone is intended to provide a mixture of public and private uses designated to create a downtown shopping experience and pedestrian friendly environment. Emphasis on a mix of small-scale commercial and retail businesses and locally oriented professional and personal services are encouraged. Other supported businesses are to include mixed or multiple use developments, higher density loft type housing units, and civic and governmental offices. High quality design and signage requirements are key features to this district. Fire Station 41 is consistent with the current zoning designation.



**II. FISCAL IMPACTS:**

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

**III. LEGAL REVIEW:**

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

**IV. EXISTING POLICY:**

Per the Atwater Municipal Code Section 17.12.060 No public and/or governmental building, fountain, monument, wall, arch, or other structure shall be erected, placed on or upon, removed from, relocated or materially altered on or upon any public land or allowed to extend over or upon any street, avenue, square, park, recreation ground, or other public property unless plans for the same and the location thereof have first been submitted to the Planning Commission to ensure consistency with the City of Atwater's Policies, Codes, and guidelines.

**V. INTERDEPARTMENTAL COORDINATION:**

N/A

**VI. 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.

**VII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Public Resources Code PRC § 21065 this is not considered a project.

**VIII. STEPS FOLLOWING APPROVAL:**

Following the approval of Planning No. 24-07-0100, the Recording Secretary will forward the signed Minutes to the applicant.

Prepared by: Kayla Rashad, Administrative Assistant

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