

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

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

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

# **CITY OF ATWATER**

## **PLANNING COMMISSION**

### **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, CA 95301

**April 17, 2024**

**CALL TO ORDER:**

**INVOCATION:**

**Invocation by Police Chaplain McClellan**

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

**ROLL CALL:**

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

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

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

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



**6:00 PM**

MINUTES:

1. March 20, 2024 – Regular meeting

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

PETITIONS AND COMMUNICATIONS:

2. **Request from Valley Christian Church for a Craft Vendor Fair and temporary road closure.**

**Staff's Recommendation:** Approval of request from the Valley Christian Church to host a Craft Vendor Fair on April 27, 2024 from 7:00am-3:00pm with a road closure from the property line of Valley Christian Church on Cedar Ave to the corner of Third St and Cedar Ave.

PUBLIC HEARINGS:

3. **Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200 located at 231 Atwater Blvd. between Atwater Boulevard and Broadway Ave, approximately 500 feet northwest of Shaffer Road in Atwater (APN: 003-093-019)**  
(Applicant: Edith Moreno Espinosa)

**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 15311 (c), "Accessory Structures;" and, adopt Resolution No. 244-24, Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200, located at 231 Atwater Blvd., between Atwater Boulevard and Broadway Avenue, approximately 500 feet northwest of Shaffer Road in Atwater (APN: 003-093-019).

4. **Public hearing to consider approving a time extension request for Resolution No. 150-21 and Resolution No. 186-21 for development of +/- 2.4 acres of vacant land into a Mixed-Use project located West pf Redwood Avenue and North of Bellevue Road, Atwater (APN: 150-320-023)**  
(Applicant: Golden State Reality Association)

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*

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Kayla Rashad,  
Planning Commission Recording Secretary

**SB 343 NOTICE**

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the 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

**March 20, 2024**

REGULAR SESSION: (Council Chambers)

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

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:** *Battalion Chief Lopes, Battalion Chief Ayuso, Chief Building Official Pereida, Lieutenant Novetzke, Senior Planner Navarro, 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.**

**APPROVAL OF MINUTES:**

a) February 21, 2024 – Regular Meeting

**MOTION: Planning Commission Member Sanchez-Garcia moved to approve the minutes. The motion was seconded by Planning Commission Member Kadach 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 Tentative Map No. 23-12-0100 located east of Heather Glen Lane and North of Fruitland Ave (APN: 150-150-025)

(Applicant: Francisco Marquez)

**Senior Planner Navarro provided background on this project.**

**Chair Borgwardt opened the public hearing.**

**Applicant Francisco Marquez spoke on the project.**

**Joseph Weiss came forward to speak on the project.**

**Kory Billings came forth to speak on the project.**

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

**Chair Borgwardt closed the public hearing.**

**MOTION: Planning Commission Member Sanders moved to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 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). The**

***motion was not seconded. The motion did not pass due to the lack of a second motion.***

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

(Applicant: Brad Kessler)

***Senior Planner Navarro provided background on this project.***

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

***Applicant Brad Kessler spoke on this project.***

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

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

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

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.

(Applicant: City of Atwater)

***Battalion Chief Ayuso provided background on the project.***

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

***Chief Building Official Pereira stated this project was reviewed by the Design and Review Committee.***

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

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

***Chair Borgwardt stated the Planning Commission Members would approve the color palette, but the design is up to the applicant.***

**MOTION: Planning Commission Member Sanders moved to make a finding that the 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. 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.***

***Recording Secretary provided the Planning Commission Members with a list of updates on projects approved for the year of 2023.***

**COMMENTS FROM THE PUBLIC:**

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

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

***Brad Kessler provided the Planning Commission Members with an update on the Digital Billboard located at five corners which was previously approved.***

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

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

**COMMISSIONER MATTERS:**

***Planning Commission Member Sanchez-Garcia thanked the Fire Station for their services and cost reduction on their project.***

***Planning Commission Member Sanders stated the Applicant Francisco Marquez does have the right to appeal. She also congratulated the City Public Works Sewer team on their work.***

***Chair Borgwardt stated the Applicant Francisco Marquez should have some communication with the other residents on Heather Glen so he can move forward with his project. Also that for the public noticing we should expand the radius to include the residents on Heather Glen.***

ADJOURNMENT:

***Chair Borgwardt adjourned the meeting at 7:23 PM.***

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Don Borgwardt, Chair

By: Kayla Rashad  
Recording Secretary





## OUTDOOR EVENTS APPLICATION/PERMIT



**CHECKLIST:**

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

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

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

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

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

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

**DESCRIPTION OF EVENT:**

Applicant/event sponsor Valley Christian Church Craft Fair  
 Contact person Sharyn Meud phone 209-676-0861  
 Title \_\_\_\_\_  
 Address 1201 Cedar Ave Atwater  
 e-mail SMEAD27@AOL.Com

**Description of event (continued):**

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

Annual (Spring) Fall Craft Fair

This event requires an Amplified Sound Permit:

yes \_\_\_\_\_ no X

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

This event requires a Dance Permit: yes \_\_\_\_\_ no X

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

If yes, number of officers required: \_\_\_\_\_

Will you sell or serve alcohol: yes \_\_\_\_\_ no X

Estimated number of people in attendance: 200

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

Saturday April 27th 7AM - 3pm

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

(Attach a map and traffic control plan to identify parade routes, street closures, and any obstructions to be placed within the right-of-way)

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

List all streets proposed for closure: Cedar Ave From 3rd Street Stop sign to VCC property line (see map)

CHECK (✓) ONE BOX AND INITIAL:

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

SM (Applicant to initial)

Applicant to place barricades. \_\_\_\_\_ (Applicant to initial)

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

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

(Additional conditions may be imposed as deemed necessary).

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

**INSURANCE:** Event Sponsor shall maintain commercial general liability insurance with coverage at least as broad as Insurance Services Office form CG 00 01, in an amount not less than one million dollars (\$1,000,000) per occurrence for bodily injury, personal injury, and property damage, including without limitation, blanket contractual liability. Event Sponsor's general liability policies shall be primary and shall not seek contribution from the City's coverage and be endorsed using Insurance Services Officer form CG 20 10 (or equivalent) to provide that City and its officers, officials, employees, and agents shall be additional insureds under such policies.

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

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

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

City of Anavate, its officials, officers, agents, employees, and volunteers;

750 Dallas Road

Anavate, CA 92301

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

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

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

Penalta Poney (Alliant) [tponey@alliant.com](mailto:tponey@alliant.com)

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

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

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


**Please submit application and insurance certificate to:**

City of Alwater Community Center  
Attn: Community Events Department  
760 E Bellevue Road  
Alwater, CA 95301

[events@alwater.org](mailto:events@alwater.org)


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

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

Signature:   
Print Name: Sharyn Mead  
Date: 4-8-24

**OFFICE USE**

**APPLICATION/PERMIT/AGREEMENT APPROVED SUBJECT TO CONDITIONS**

BY <u>Justin Vinson</u> <small>Justin Vinson (Apr 9, 2024 07:16 PDT)</small>	DATE <u>04/09/24</u>
Public Works (357-6370)	
BY <u>Michael Salvador</u>	DATE <u>04/09/24</u>
Police Department (357-6384)	
BY <u></u> <small>Blaine Jones (Apr 8, 2024 16:30 PDT)</small>	DATE <u>04/08/24</u>
Fire Department (357-6341)	
BY <u>Greg Thompson</u> <small>Greg Thompson (Apr 8, 2024 16:06 PDT)</small>	DATE <u>04/08/24</u>
City Manager Approval (357-6300)	

PLANNING COMMISSION APPROVAL DATE  
(if necessary) \_\_\_\_\_

RETURN COMPLETED APPLICATION TO PD FOR TRACKING. [kwallor@alwater.org](mailto:kwallor@alwater.org)

Revised March 2024

# The Haven



1201 Cedar Ave

← Valley Christian Church

Drake

Cedar Ave



Closed

Top Shelf Dispensary Atwater

← Barracade

3rd st

Peace & Insuran



Granny's Pantry

Not too busy

Prime Time Nu





# CERTIFICATE OF LIABILITY INSURANCE

0016 0000000000  
10/1/2002

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

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

<b>Insurer</b> ACF Insurance, LLC 1600 S. Overland Ave Springfield MO 65807	<b>Solicitor</b> Branch Office <b>Phone</b> (660) 662-6210 <b>Fax</b> (417) 667-7673 <b>E-Mail</b> twalker@acfi.com
<b>Insured</b> Vasey Christian Center 6001 Cedar Ave Amber CA 95301	<b>Underwriting Company</b> Philadelphia Indemnity Insurance Company <b>Address</b> Philadelphia Indemnity Insurance Company <b>City</b> Philadelphia <b>State</b> PA <b>Zip</b> 19103

COVERAGES: CERTIFICATE NUMBER: 090122-23-001-01 REVISION NUMBER:

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

CLASS	TYPE OF INSURANCE	POLICY NUMBER	POLICY PERIOD	INSURER	COVERAGE	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> GLASS/PAINT <input checked="" type="checkbox"/> BOILER  <input type="checkbox"/> POLICY <input type="checkbox"/> PERM <input type="checkbox"/> GEN <input type="checkbox"/> OTHER	09-0122-23-001-01	10/1/02	ACF INSURANCE, LLC	COMMERCIAL GENERAL LIABILITY	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED EQUIPMENT \$ 500,000 AUTO \$ 500,000 PERSONAL & ADV. GILTY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 OCCIDENTAL OCCURRENCE \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED <input type="checkbox"/> AUTOMOBILE <input type="checkbox"/> HOUSHOLD <input type="checkbox"/> AUTOMOBILE					COMBINED SINGLE LIMIT \$ 500,000 BODILY INJURY \$ 500,000 PROPERTY DAMAGE \$ 500,000
	<input type="checkbox"/> UNEMPLOYMENT <input type="checkbox"/> EXCESS LMB <input type="checkbox"/> LMB <input type="checkbox"/> UNEMPLOYMENT					EACH OCCURRENCE \$ 500,000 AGGREGATE \$ 500,000
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS LIABILITY <input type="checkbox"/> ANY PROVISION FOR FUTURE CLAIMS <input type="checkbox"/> EXCLUSIONS EXCLUDED BY <input type="checkbox"/> (MEMBERSHIP OF OPERATING UNIT)					\$ 1,000,000 \$ 1,000,000 \$ 1,000,000

DESCRIPTION OF OPERATIONS LOCATIONS, VEHICLES, EQUIPMENT, AGREEMENTS, ENDORSEMENTS, MAY BE SHOWN IN OTHER POLICIES ATTACHED.  
The City of Amber is shown as an additional insured for endorsement 000006 with respect to general liability coverage as endorsed herein as required by written contract regarding the named insured's use of premises at 1231 Cedar Ave, Amber, CA.

<b>CERTIFICATE HOLDER</b> City of Amber 1231 Cedar Ave Amber CA 95301	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE SHALL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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# SPRING CRAFT FAIR

PLEASE  
SUPPORT  
OUR  
LOCAL  
VENDORS

COME BY FOR  
HANDMADE  
HOME-GOODS,  
CLOTHING,  
TOYS, BAKED  
GOODS,  
JEWELRY,  
PLANTS, FOOD  
AND SO MUCH  
MORE

April  
27th

7:30AM-  
3:00PM

## VCC

1201 CEDAR  
ATWATER CA 95301  
CONTACT  
LAURA THORNHILL  
FOR MORE INFORMATION  
209-325-5626







## PLANNING COMMISSION AGENDA REPORT

### PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

**MEETING DATE:** April 17, 2024

**TO:** Chair and Commissioners

**FROM:** Tom Navarro, Contract Senior Planner

**SUBJECT:** Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200 located at 231 Atwater Blvd between Atwater Boulevard and Broadway Avenue, approximately 500 feet northwest of Shaffer Road in Atwater (APN: 003-093-019).

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### **RECOMMENDED COMMISSION ACTION:**

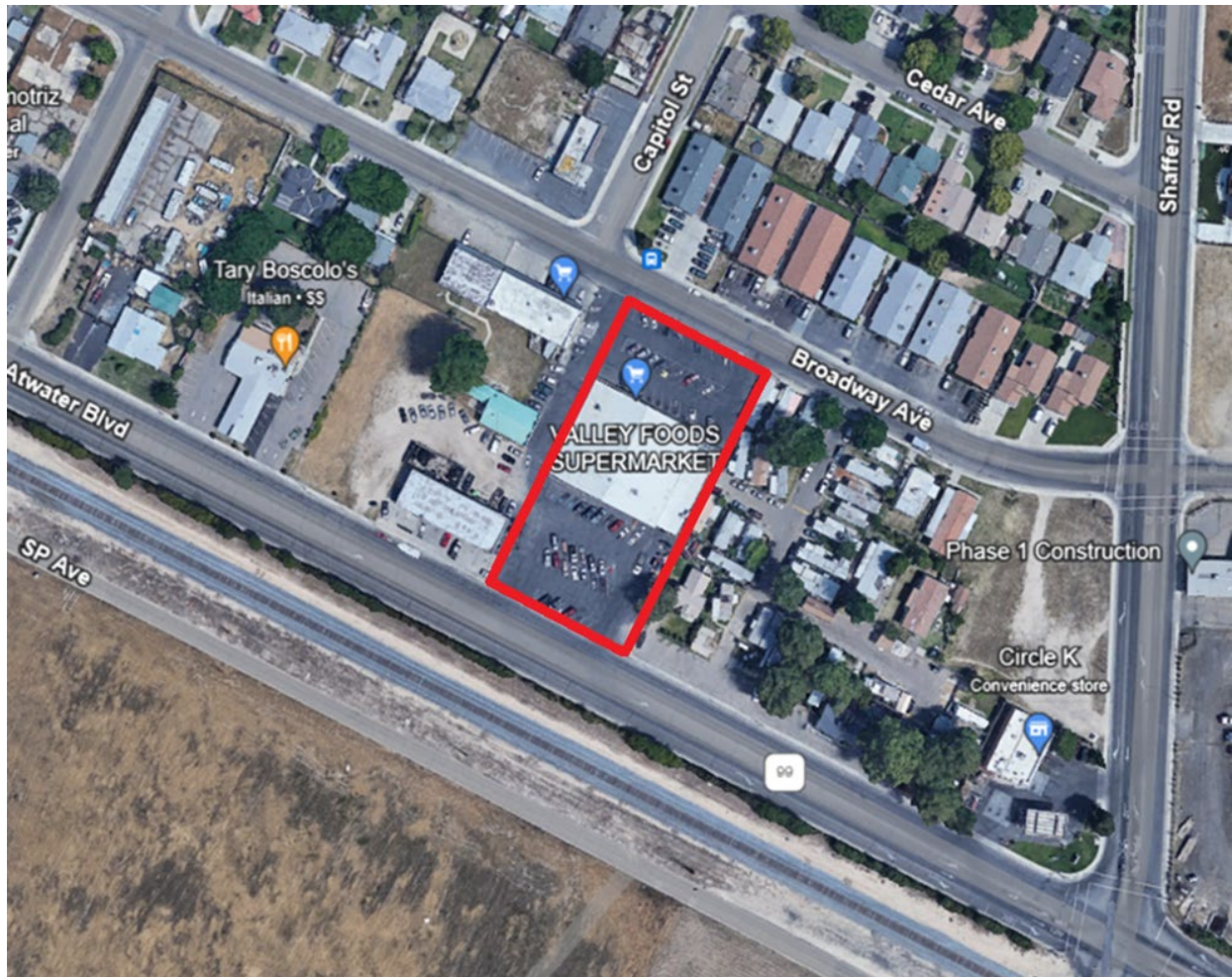
It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15311 (c), "Accessory Structures;" and, adopt Resolution No. 244-24, Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200, located at 231 Atwater Blvd., between Atwater Boulevard and Broadway Avenue, approximately 500 feet northwest of Shaffer Road in Atwater (APN: 003-093-019).

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

The subject property is located at 231 Atwater Boulevard (APN: 003-093-019) between Atwater Boulevard and Broadway Avenue, approximately five-hundred feet from its intersection with Shaffer Road (refer to Figure 1). The parcel is approximately 1.10 acres and currently has Valley Foods Supermarket, including fifty-seven (57) parking spaces (five parking spaces are designated as ADA parking spaces). The existing supermarket is approximately a 15,500 sq-ft facility with approximately 13,000 sq-ft dedicated to sales and 2,500 sq-ft dedicated to storage.

Figure 1: Site Location



**ANALYSIS:**

The applicant requests a Conditional Use Permit to allow it to operate a mobile food trailer at 231 Atwater Boulevard (APN: 003-093-019) in the Downtown Business District. The food trailer is approximately 16 x 8 (128 sq-ft) and will be located on the Southwest side of the property, with the serving area facing North. The food truck will have a twelve-gallon garbage can located on-site with the supermarket for dedicate waste from the food trailer operation. The food trailer will be powered by a gas-powered generator. The food truck will operate with a total of two employees (owners) between the hours of 9:00 am – 8:00 pm, Tuesday through Saturday. The proposed food truck will occupy three parking spaces during its operation. However, the parking for the Valley Foods Supermarket will still comply with its parking requirements while the food trailer is operating.

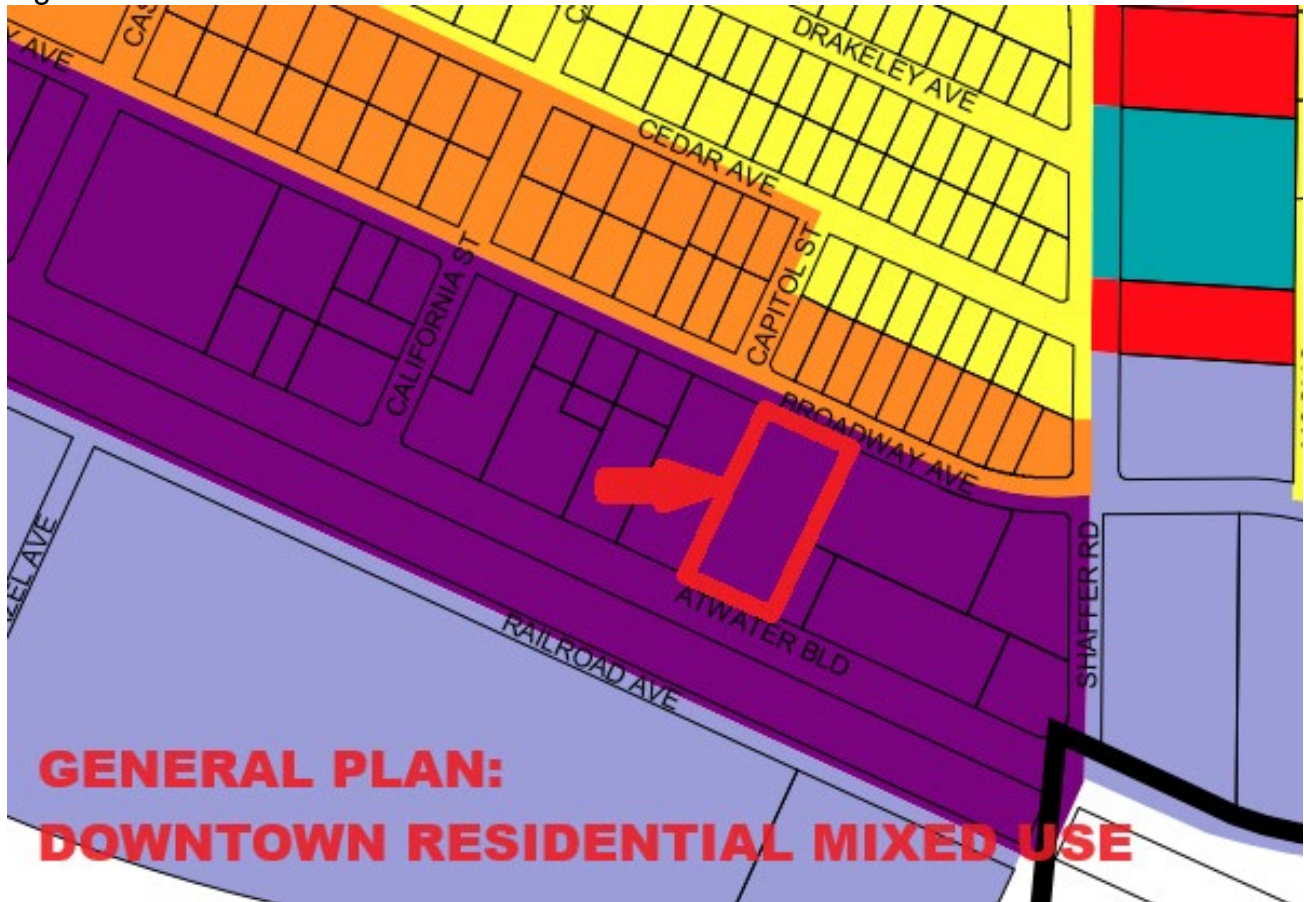
As previously stated, the Valley Foods Supermarket, where the food trailer will be located, has fifty-seven (57) parking spaces (including five ADA parking spaces). The food trailer will utilize three parking spaces leaving fifty-four (54) parking spaces available, the

minimum requirement per the Atwater Municipal Code. Per the Atwater Municipal Code (AMC). Per AMC section 17.63.040, the following parking requirements apply to commercial uses:

- A. Retail stores, personal services, professional and business offices, banks, and post offices: one space for every 500 square feet of floor area. However, uses which do not generate significant traffic, including but not limited to furniture stores, may convert part of the required parking into landscaping at the discretion of the Planning Commission; this landscaped area is to be converted if the need arises or the land use changes.
  
- B. Further, for Mobile Food Vendors, the following specific parking requirements apply:
  - 1. If the mobile food vendor shares a site with an established use, any parking spaces occupied by patrons of the mobile food vendor shall not be counted against the established use's parking requirements. If the established use notifies the City that parking has become an issue for its own patrons as a result of the mobile food vendor's operations, the Planning Commission shall hold a hearing to determine whether to revoke or modify the mobile food vendor's conditional use permit.

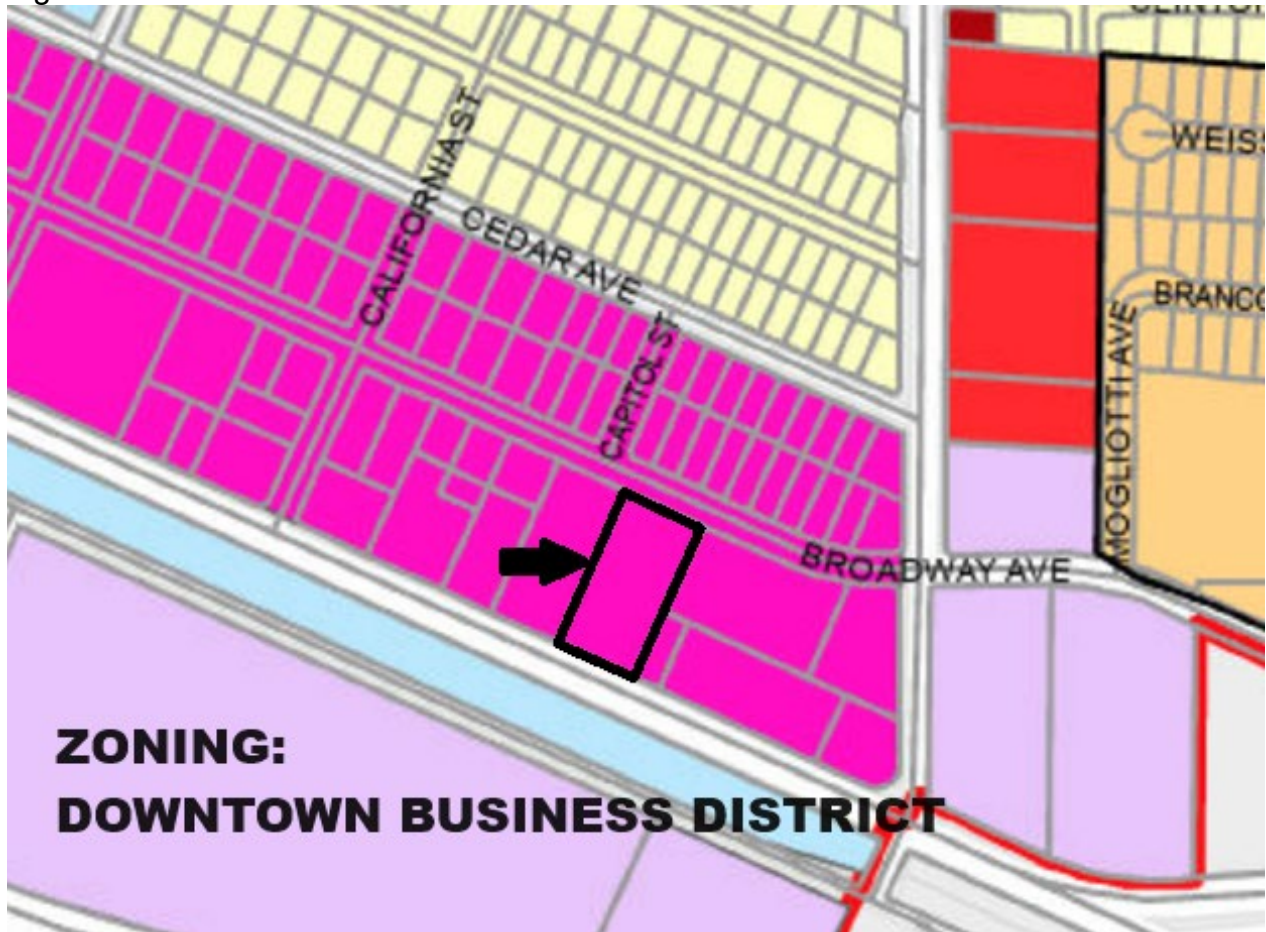
**Description of Surrounding Uses:** The parcels immediately to the south/southwest of the subject property include the Southern Pacific Rail line and vacant land that is within the Business Park (B-P) zone district. Parcels to the north/northeast of the proposed project include an established residential neighborhood. The parcels to the southeast include an established mobile home park and parcels to the northwest of the subject property include retail commercial and auto repair establishments.

Figure 2



**Land Use Designation:** The project site has a land use designation of Downtown Residential Mixed Use (DMU); this designation is intended to provide for a full range of uses in Downtown Atwater including retail stores, eating, and drinking establishments, commercial recreation, entertainment and cultural facilities, hospitals, hotels and motels, educational and social services, and government offices. The project intends to operate a food trailer that is consistent with the designated use of the Atwater General Plan land use designation.

Figure 3



**Zoning:** The subject property is zoned Downtown Business District D-BD) (See Figure 3). The purpose of the Downtown Business District zone is to provide a mix 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. Establishment of mobile food vendor in the Downtown Business District (D-BD) is allowed by review and approval of the Planning Commission under a Conditional Use Permit Application.

**Recommendation:**

The applicant’s request for a conditional use permit to operate a food truck/mobile food vendor located at 231 Atwater Boulevard is consistent with the land use designation and the AMC 17.39.030. Staff recommends Planning Commission approve the use permit.

**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.

**IV. EXISTING POLICY:**

General Plan Policies:

Policy LU-3.3. Accommodate a variety of uses in Downtown Atwater that operate beyond standard business hours to increase activity within the City core.

**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 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.

**VII. ENVIRONMENTAL REVIEW:**

Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt under guideline section 15311 (c), "Accessory Structures".

Class 11 consists of construction, or replacement of minor structures accessory to existing commercial, industrial, or institutional facilities, including but not limited to:

- (a) On-premise signs;
- (b) Small parking lots;
- (c) Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

**VIII. STEPS FOLLOWING APPROVAL:**

Following adoption of Resolution No. PC 0244-24, Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200 and a five-day appeal period, the signed resolutions will be given to the applicant.

Prepared by: Tom Navarro, Contract Senior Planner

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

Attachments:

1. Resolution No PC 0244-24
2. City of Atwater Uniform Development Application
3. Operational Statement
4. Site Plan



## PLANNING COMMISSION OF THE CITY OF ATWATER

### RESOLUTION NO. PC 0244-24

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER TO CONSIDER ADOPTING A RESOLUTION APPROVING CONDITIONAL USE PERMIT NO. 24-06-0100 AND SITE PLAN REVIEW NO. 24-06-0200 LOCATED AT 231 ATWATER BLVD, BETWEEN ATWATER BOULEVARD AND BROADWAY AVENUE, APPROXIMATELY 500 FEET NORTHEAST OF SHAFFER ROAD IN ATWATER (APN: 003-093-019).**

**WHEREAS**, at a duly noticed public hearing held on April 17<sup>th</sup>, 2024, the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 24-06-0100 and Site Plan Review No. 24-06-0200.

**WHEREAS**, said application was reviewed by the Planning Commission of the City of Atwater on April 17, 2024; and,

**WHEREAS**, this project is statutorily exempt from environmental review under California Environmental Quality Act (CEQA) guideline 15311(c), "Accessory Structures;" and,

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

**WHEREAS**, the proposed Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200 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. 24-06-0100 and Site Plan No. 24-06-0200, in accordance with Atwater Municipal Code Section 17.71:

1. The applicant proposes to operate as a Mobile Food Trailer in compliance with all applicable City regulations.



2. The project is consistent with the City's General Plan and Zoning Ordinance.
3. The project is exempt from environmental review pursuant CEQA guideline 15311(c), "Accessory Structures".
4. The public hearing for this application has been adequately noticed and advertised.
5. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

**NOW THEREFORE BE IT RESOLVED**, that the recitals above are true and correct and are hereby incorporated by reference. Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 24-06-0100 and Site Plan No. 24-06-0200 for a mobile food vendor located at 231 Atwater Blvd., located between Atwater Boulevard and Broadway Avenue, approximately 500 feet northwest of Shaffer Road in Atwater (APN: 003-093-019).

#### **ENGINEERING**

1. Ensure parking requirements are met with the reduction of parking on site, including without limitation, AMC 17.63.040.

#### **FIRE**

2. Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials or as prescribed by the AHJ.
3. Commercial Class A, B, C extinguisher will be installed and clearly visible for Kitchen cooking areas in accordance with NFPA 10 and 2022 CFC

#### **PLANNING**

4. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
5. Project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments. All building permit applications received by the City of Atwater Building Division on or after January 1, 2020, shall comply with parts 1 through 10 and part 12 of the 2019 edition of the California Code of Regulations Title 24.

6. The Mobile Food Trailer will operate Monday through Saturday between the hours of 9:00 am and 8:00 pm.
7. Provide an annual Conditional Use Permit Monitoring fee in accordance with the Miscellaneous Fee Schedule.
8. Applicant shall pay the Commercial Conditional Use Permit General Plan Update Fee in accordance with the Miscellaneous Fee Schedule, upon approval of this Conditional Use Permit.
9. Applicant shall comply with all the conditions of approval prior to issuance of a business license.
10. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 24-06-0100.
11. Applicant shall comply with all Commercial and Industrial Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the Planning Department.
12. Applicant shall submit a sign application prior to installation of all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the Planning Department.
13. This Conditional Use Permit is non-transferrable and a copy of which shall be posted with the business during the hours of operation.
14. The Mobile Food Trailer's business equipment shall be appropriately placed as to not interfere with sight triangles, on-site circulation, vehicular, bicycle, ADA, or pedestrian pathways, emergency access, fire lanes, drive aisles, required setbacks, landscaping requirements, parking, drainage, or any other requirements that have been imposed as part of the site plan approval for the premises or property on which the business is located, and shall be located in a manner that will not constitute a safety hazard.
15. The Mobile Food Trailer's business equipment shall be placed only on a paved, concrete, or other impervious surface or approved equivalent.
16. The Mobile food vendors shall vacate the premises upon closing of the posted hours of operation.
17. The site of the business shall always be kept clean and free of litter. Trash and garbage shall be removed from the site at the end of each day.

18. Wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system.
19. Grease and other waste products shall be disposed of per the requirements of the Merced County Division of Environmental Health (MCDEH).
20. Approval of this Conditional Use Permit application does not constitute approval for any other entitlement or any necessary permit, license, or approval.
21. The applicant shall comply with all City, County, State and Federal regulations.
22. Prior to commencement of operations, the applicant, if required shall obtain a mobile food facility permit from MCDEH and thereafter operate within the parameters of the permit and the applicable sections of the California Retail Food Code.
23. The mobile food vehicles (to include self-contained trucks, trailers, and carts) shall be located within 200 feet travel distance of an MCDEH approved restroom facility to include a hand washing station. The mobile food staff shall always have access to this restroom during operation of the business. If the restrooms are locked, the food vendors staff must have a key in their possession.
24. The mobile food vendors shall not obtain any water from the premises, nor shall any wastewater from the food facility be drained to on-site sewer connection or to the ground surface. No solid waste (trash, etc.) from the mobile food vendors shall be disposed of on the premises.
25. Should the water supply or sanitary sewer service to the restrooms of the premises become interrupted, then the operation of the mobile food vendors shall cease until said time that service returns.
26. The mobile food vendors must report to its approved commissary at least once every day for cleaning, discharge of wastewater, restocking of fresh potable water supply, food, and other consumable supplies.
27. Any extension cords used to supply power to the mobile food vendors equipment shall be rated for outdoor use. The cord must be one continuous cord that will not interfere with any paths of travel, including emergency access or accessible.
28. Vendors shall comply with all requirements of the San Joaquin Valley Air Pollution District (SJVAPCD) for all equipment used in association with the mobile food vendors, equipment, accessories, and any mobile power generation.

- 29. This Conditional Use Permit shall expire within six (6) months from the day of approval if the operation has not started.
- 30. 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.
- 31. 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.

**POLICE**

- 32. Any external electricity is secured to prevent theft of utilities.
- 33. Addition of adequate lighting to prevent unwanted access or camping on the property.
- 34. Any external; water is secured to prevent theft of utilities.

The foregoing resolution is hereby adopted this 17th day of April, 2024.

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

**APPROVED:**

\_\_\_\_\_  
**DON BORGWARDT,**  
**CHAIR**

**ATTEST:**

\_\_\_\_\_  
**GREG THOMPSON,**

**INTERIM CITY MANAGER**



# City of Atwater

## Uniform Development Application

750 Bellevue road

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

Fax: (209) 357-6348

RSD 244-24  
CUP NO. 24-06-0100  
SP NO. 24-06-0200

### 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: Food Truck

APPLICANT: Edith Moreno Espinosa PHONE NO: 650 716 8109

ADDRESS OF APPLICANT: 1782 N Buhach Rd, Atwater EMAIL: em632562@gmail.com

PROPERTY OWNER: Yaseen Saleh PHONE NO: 209-358-7161

ADDRESS OF PROPERTY OWNER: 231 Atwater Blvd. Atwater, CA 95301

ASSESSOR'S PARCEL NUMBER: 003-093-019

Address/General Location of Property: 231 Atwater Blvd, Atwater CA

EXISTING ZONING OF PROPERTY: ~~R-T~~ Downtown Business Dist.

GENERAL PLAN DESIGNATION OF PROPERTY: COM'L BLDG

### 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: Edith ~~Mareno~~  
Applicant                      Date: 02/06/24

There are no deed restrictions on this land that would prohibit this type of use or development. I (we) Yaseen 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: Yaseen 1/9/24  
PROPERTY OWNER      DATE:

Yaseen Saleh 1/9/24  
PROPERTY OWNER      DATE:

## 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 SON

Date received 3-11-2024

## Atwater Municipal Code Chapter 16 Section 16.20.020 Tentative Map Requirements

The following information shall be delineated on the tentative map or contained in a written statement to accompany each map:

- Tract number as obtained from the City Engineer and name of the subdivision, if the subdivider so desires;
- Sufficient legal description of the land to describe the location of the proposed subdivision;
- Name and address of the owner and subdivider;
- Name and address of the person preparing the map;
- If adjoining land has been subdivided, the recordation data of the map shall be shown;
- Approximate acreage and boundary lines of the subdivision;
- North point, scale and date;
- Location, width and proposed names of all streets within the boundaries of the subdivision;
- Location and width of easements;
- Approximate street centerline radii of curves;
- Names of utility companies and location of existing and proposed public utilities;
- Existing culverts and drain pipes;
- Watercourses and channels including proposed facilities for control of storm waters;
- Railroads and other rights and other rights-of-way;
- Dimensions of reservations;
- Adjoining property and lot lines;
- Lot lines and approximate dimensions;
- The approximate location of areas subject to inundation of storm water overflow and the location width and direction of flow of all water courses;
- Location of all existing buildings, structures and trees;
- Proposed source of water supply;
- Proposed method of sewage disposal and storm water drainage;
- Proposed street improvements;
- Proposed protective covenants regarding use of property and building lines;

Tentative Map Requirement Continued

- Proposed tree planting which shall conform substantially as to species and location with the street tree plan of the City and otherwise with the regulations of Chapter 12.32 Trees;
- Proposed public areas; location, names and widths of existing and proposed streets, highways, alleys, easements, railroads, and other open spaces in adjacent areas;
- Contours with maximum interval of two feet, unless waived by the City Engineer;
- Existing use of property immediately surrounding;
- Proposed land use of lots;
- Existing zoning and proposed zoning;
- If private streets are proposed, the method of maintenance and financing such maintenance;
- A description of the proposed fencing to provide a physical and visual barrier between the subdivision and all open ditches, drains and canals;
- Proposed unit boundary lines, if the subdivision is to be developed in more than one unit.

## Site Plan Checklist

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

Site Plan Checklist Continued

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



# City of Atwater

## HAZARDOUS WASTE AND SUBSTANCE STATEMENT

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

Fax: (209) 357-6348

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

NAME OF OWNER: Yaseen Saleh

ADDRESS: 231 Atwater Blvd Atwater, CA 95301

NAME OF APPLICANT: Edith Moreno Espinosa

ADDRESS: 1782 N Buhach Rd Atwater

ADDRESS OF SITE: 231 Atwater Blvd Atwater

APN: 003-093-019

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: Edith ~~moreno~~ Date 02/06/24

### 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 Edith Moreno 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 t 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 at the time this agreement is signed, and subsequent dep0osits 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: Edith ~~Moreno~~ Date: 02/06/24

Print Name and Title: Edith Moreno Espinosa

Owner: Yaseen Saleh Date: 1/9/24

Print Name and Title: Yaseen Saleh / owner

City of Atwater

By: [Signature] Date: 3-11-2024

Print Name and Title: Scott Buffalo, Planning Technician





**COMMUNITY DEVELOPMENT  
EXISTING SITE CONDITIONS**

750 Bellevue road

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

Fax: (209) 357-6348

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

APN: 003-093-019

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.

Yas Sun

Signed

1/9/24

Date

CITY OF ATWATER COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
ENVIRONMENTAL INFORMATION FORM

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

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

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

Yaseen Saleh, 231 Atwater Blvd Atwater, 209 358-7161

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

Edith Moreno Espinosa (650) 716-8109, em632562@gmail.com

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

231 Atwater Blvd Atwater  
003-093-019

4. Existing zoning: ~~R-F~~ D-B Dist.

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

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

Food Truck, Mexican Food

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

Has - Health Permit to Operate

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

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

North: Multi-Family (zoned D B)

South: Railroad Southern Pacific

East: ~~Super Market~~ Mobile Home Park (zoned D B)

West: Auto Motive Repair, Commercial Use (zoned D B)

City

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

10. Project Area: \_\_\_\_\_ Parcel Size: 49,664 sq ft

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

12. Percentage of lot coverage (before and after any construction generated from the project): N/A

13. Number of required off-street parking spaces (including Accessible):  
5

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

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

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

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

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

19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.  
Water: \_\_\_\_\_ Gallons per day; Sewage: \_\_\_\_\_ Gallons per day; Storm water: Food truck has 30 gallon tank
20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.): N/A
21. Provide a description of the proposed sanitary sewer system(s) including any on-site treatment necessary for the proposed project. (Include any capture and waste water treatment needs in the Operational Statement for the Project.): N/A
22. Provide a "Can-and-will" serve letter for the project for any/all outside agencies or service districts that are anticipated to serve the project including any discharge agreement that may be necessary from the offices of The Merced Irrigation District. (Attach as necessary)
23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division.
24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:  
12 gallons, store dumpster
25. Describe any earthwork (grading) that will be necessary for the project including all work associated with access roads or improvements located on adjacent lands or City owned/managed improvements. (please also list dust control methods and any compliance or permits necessary for the local Air Pollution Control District.): N/A
26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:  
N/A  
Average Daily Trips: \_\_\_\_\_

**PROJECT DESCRIPTION CONT.**

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

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

**PROJECT DESCRIPTION CONT.**


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

**PROJECT DESCRIPTION CONT.**


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

**CERTIFICATION**

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

  
\_\_\_\_\_

 (Original signature required)

 Dated: 2-6-24

**LIST OF ATTACHMENTS**

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

# Operational Statement

## Gran Sabor Veracruzano

- 1) Number of employees will be 2, Edith Moreno and Antonio V. Alvarado. (owners)
2. Hours of operation will be Monday-Saturdays 9:00am-8pm.
- 3.) Commissary's Facility name is Carniceria Don Goyo-Jose Barriga Located at 1103 Martin Luther King Jr. way, Merced, CA 95341.
- 4.) Generator Name: Honda 550hp has outlets of 120 & 220.



Broadway Avenue 85'

apronch 36'

Sidewalk

sign post

apronch 28'

Oriental Market

Pedestrian Crossing

Entry Door

ADA

ADA

Sidewalk 8' 6"

15,300 sq ft  
\* 31.93% structure coverage in relation to the entire lot.

sign parked here

Valley Food Market

313'

313'

Entry door

Sidewalk 8' 6"

Trash

ADA

ADA

114'

Pedestrian Crossing

United Auto Repair

wood fence



APN 003-093-019

Property Line

Property Line

82'

48'

apronch

Sidewalk

apronch

Atwater Blvd

Food Truck

sign

34'

Tel: [REDACTED]

CATERING AVAILABLE

*Follow us!*



# El Capitan Sabor



California Permit Trailer  
4MD7040







Tel: (209) 230-1708

CATERING AVAILABLE

Follow us!



# El Gran Sabor

**GRAN SABOR VERACRUZANO**  
EDITH MORENO  
MERCED, CA. 95340  
(209) 230-1708

California Free Plates  
4MB7040

Tel: *Gran Sabor Veracruzano*  
*209-230-1708*  
CATERING AVAILABLE *Follow us!*

GRAN SABOR VERACRUZANO  
CENTRO MARIACHI  
MEXICO, D.F. 06500  
CASA 728-1911

