

In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:

1. *Livestream online at www.atwater.org (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the option below).*
2. *Submit a written public comment prior to the meeting: Public comments submitted to planning@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) 812-1031.

CITY OF ATWATER

PLANNING COMMISSION

AGENDA

Council Chambers
750 Bellevue Road
Atwater, CA 95301

July 17, 2024

CALL TO ORDER:

6:00 PM



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.

MINUTES:

1. June 20, 2024 – Regular Meeting

Staff's Recommendation: Approval of minutes as listed.

PETITIONS AND COMMUNICATIONS:

2. **Public hearing to consider approving a request from Atwater H.S. for a homecoming parade and temporary road closure.**

Staff's Recommendation: Approval of request from the Atwater High School for a homecoming parade on September 13, 2024, at 3:30pm with a temporary road closure (see attached map).

PUBLIC HEARINGS:

3. **Public Hearing to recommend that the City Council of the City of Atwater adopt an Initial Study and Mitigated Negative Declaration in accordance with California Environmental Quality Act (CEQA) for the project; and approve a Tentative Parcel Map, General Plan Amendment, Zone Change, Variance and Site Plan located on the northwest corner of Sunset Drive and Matthew Drive, Atwater (APN 056-540-004).**

(Applicant: Apex Investment Group, LLC)

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

Close the public hearing;

Adopt Resolution No. 0238-23 recommending the City Council adopt an initial study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073; and approve Tentative Parcel Map No. 23-19-0300, General Plan Amendment No. 23-19-0200, Zone Change 23-19-0100, Variance No. 23-19-0400 and Site Plan No. 23-19-0500 (APN 056-540-004).

REPORTS AND PRESENTATION FROM STAFF:

4. **Deputy City Manager / Community Development Director Verbal Updates**

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. Please limit comments to a maximum of three (3) minutes.

COMMISSIONER MATTERS:

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 or (209) 812-1031. You may also send the request by email to



CITY OF ATWATER

PLANNING COMMISSION

ACTION MINUTES

June 20, 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:

None

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Chair Borgwardt

ROLL CALL:

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

Absent: *None*

Staff Present: *Chief Salvador, Code Enforcement Manager Garcia, Interim City Manager Thompson Lieutenant Novetzke, 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 Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Mokha, Sanders, Sanchez-Garcia, Kadach and Borgwardt; Noes: None; Absent: None. The motion passed.*

APPROVAL OF MINUTES:

- a) April 17, 2024 – Regular Meeting
- b) May 22, 2024 – Special 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, Sanchez-Garcia, Kadach, Mokha, and Borgwardt; 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. 24-09-0100 and Site Plan No. 24-09-0200 for a mobile food truck located at 900 Broadway Avenue in Atwater (APN: 003-074-004)

(Applicant: Jesus Bautista Jr)

Interim City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

Applicant Jesus Bautista Jr spoke 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 15311 (c), “Accessory Structures;” and, adopt Resolution No. 0246-24, Conditional Use Permit No. 24-09-0100 and Site Plan No. 24-09-0200, for a mobile food truck located at 900 Broadway Avenue in Atwater (APN: 003-074-004). The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Kadach, Mokha, Sanders, Sanchez-Garcia, and Borgwardt; Noes: None; Absent: None. The motion passed.*

Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-11-0100 and Site Plan No. 24-11-0200 for a mobile food vendor located at 1619 Sycamore Avenue (APN: 001-150-022).

(Applicant: Alejandro Bravo)

Interim City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

Applicant Alejandro Bravo spoke on the project.

Chair Borgwardt expressed concerns with mobile food vendors taking away from brick-and-mortar businesses.

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 15311 (c), “Accessory Structures;” and, adopt Resolution No. 0247-24, Conditional Use Permit No. 24-11-0100 and Site Plan No. 24-11-0200, for a mobile food vendor located at 1619 Sycamore Avenue in Atwater (APN: 001-150-022). The motion was seconded by Planning Commission Member Mokha and the vote was: Ayes: Planning Commission Members Mokha, Sanchez-Garcia, Kadach, Sanders, and Borgwardt; Noes: None; Absent: None. The motion passed.*

Public hearing recommending the City Council of Atwater adopt a resolution accepting the plans and specifications for the pre-approved Accessory Dwelling Units (ADU) and to initiate the ADU program outlined in Government Code Section 65852.2.

(Applicant: City of Atwater)

Interim City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

No one else came forward to speak.

Chair Borgwardt closed the public hearing.

MOTION: *Planning Commission Member Sanders moved to Adopt Resolution No. 0249-24 making a recommendation to the City Council of Atwater to approve the plans and specifications for the pre-approved ADU plans and initiate the ADU*

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

REPORTS AND PRESENTATIONS FROM STAFF:

Interim City Manager / Community Development Director Updates.

Interim City Manager Thompson provided the Planning Commission with some background on Mobile Food Vendors and the Atwater Municipal Code. He received feedback as to what direction the Commission would like to move in and how to address their concerns.

COMMENTS FROM THE PUBLIC:

Chair Borgwardt opened the Public Comment.

Notice to the public was read.

No one else came forward to speak.

Chair Borgwardt closed the public comment.

COMMISSIONER MATTERS:

Planning Commission Member expressed his excitement for ADUs.

Chair Borgwardt inquired about the signal light on Bridgewater being on a timer.

Planning Commission Member Kadach encouraged the use of “TextMyGov”.

Planning Commission Member Sanders promoted the ADU loan program.

Planning Commission Member Sanchez-Garcia expressed her excitement for the 4th of July event.

ADJOURNMENT:

Chair Borgwardt adjourned the meeting at 6:53 PM.

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 initialed by an authorized representative of the sponsoring organization?

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

- Have you read the conditions of approval and is your event prepared to abide by all conditions?
- Have you arranged for "Outdoor Event" City refuse service by calling (209) 357-6370?
- N/A 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.)
- N/A If you are selling alcohol at your event, have you obtained an Alcoholic Beverage Control (ABC) license or permit for this event?

DESCRIPTION OF EVENT:

Applicant/event sponsor

Contact person NATHAN BRAGA phone 325-1266

Title ACTIVITIES DIRECTOR

Address 2201 FRUITLAND AVE ATWATER, CA 95301

e-mail NBRAWA@MUTSU.ORG

Description of event (continued):

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

SEE ATTACHMENT

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:

If yes, number of officers required: _____

Will you sell or serve alcohol: yes _____ no X

Estimated number of people in attendance: _____

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

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

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

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

List all streets proposed for closure: SEE ATTACHED

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.)

AS (Applicant to initial)

Applicant to place barricades.

_____ (Applicant to initial)

STANDARD CONDITIONS FOR STREET/PARKING LOT CLOSURES:

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

(Additional conditions may be imposed as deemed necessary)

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

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

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

provisions: Additional Insured Endorsement

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

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

City of Atwater, its officials, officers, agents, employees, and volunteers:

750 Bellevue Road

Atwater, CA 95301

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

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

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

Penatta Poncy (Alliant) rponcy@alliant.com

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

insure K&K Insurance www.kandkinsurance.com

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

Please submit application and insurance certificate to:

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

events@atwater.org

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

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

Signature: Nathan Blawie

Print Name: NATHAN BLAWIE

Date: 6/8/24

OFFICE USE

APPLICATION/PERMIT/AGREEMENT APPROVED SUBJECT TO CONDITIONS

BY <u>Justin Vinson</u> (Jun 10, 2024 08:42 PDT)	DATE <u>10/06/24</u>
Public Works (357-6370)	
BY <u>Michael Salvador</u>	DATE <u>06/12/24</u>
Police Department (357-6384)	
BY <u>Blair Thompson</u> (Jun 10, 2024 09:39 PDT)	DATE <u>06/10/24</u>
Fire Department (357-6341)	
BY <u>Greg Thompson</u> (Jun 12, 2024 15:25 PDT)	DATE <u>06/12/24</u>
City Manager Approval (357-6300)	

PLANNING COMMISSION APPROVAL DATE

(If necessary) _____

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

Revised March 2024

Google Maps Atwater



Map data ©2024 500 ft
Linen & Mitchell
Start @ Foster
End @ Atwater

- Carter
- Fay
- Elm
- Fir
- Grove
- Hert
- Belle
- Tunr
- Ivy



Atwater High School

MERCED UNION HIGH SCHOOL DISTRICT

P.O. BOX 835

2201 West Fruitland Avenue

Atwater, CA 95301

Phone: (209) 325-1200

Alexie Parle, Principal

Jennifer Medeiros

Assoc. Principal

Assessment & Accountability
357-6058

Alex Gonzalez

Assoc. Principal

Athletics/Discipline- 10 & 12
357-6058

Lindsay Parker

Assoc. Principal

Guidance
357-6058

Elizabeth Phonesavanh

Assoc. Principal

Attendance/Discipline- 9 & 11
357-6058

June, 5th, 2024

Dear Mayor of Atwater & Atwater City Council,

The Student Body of Atwater High School would like to continue our tradition of starting our Football Homecoming Parade in the downtown district. We feel an afternoon parade through the city would not only be an exciting Homecoming launch for AHS students, but would also encourage positive community participation.

Our Homecoming is scheduled for Friday, September 13th, 2024 against the Hilmar Yellow Jackets. We would like to begin the parade at 3:30 in the afternoon as Varsity football game begins at 7:00 at Dave Honey Stadium. We aim to have the parade start on Mitchell Ave., turn left onto Winton Way, and continue to the high school on Fruitland Ave. We will have between twenty-five to thirty entries lined up by three o'clock. These entries will include the marching band, floats representing various classes and clubs, elementary/junior high schools fall sports teams, and the class king and queen attendants. We request the approval and assistance of the City of Atwater to continue the tradition of an AHS Homecoming Parade.

Thank you for allowing us to present the blueprint for what we feel will be a successful afternoon of hometown spirit.

Sincerely,

A handwritten signature in blue ink that reads 'Nataly Avila'.

On Behalf of the Atwater High Leadership Class
Nataly Avila
ASB President

Atwater High OEP

Final Audit Report

2024-06-12

Created:	2024-06-10
By:	Jamie Brown (jbrown@atwater.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAA7z1LHxETLQ8F5X4IBsi4O0OHoB4NjvBT

"Atwater High OEP" History

- 📄 Document created by Jamie Brown (jbrown@atwater.org)
2024-06-10 - 3:37:11 PM GMT
- ✉️ Document emailed to Justin Vinson (jvinson@atwater.org) for signature
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- ✉️ Document emailed to Blaine Lopes (blaine.lopes@fire.ca.gov) for signature
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Adobe Acrobat Sign



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Donald Borgwardt, Chair

Harold Kadach Jagandeep Mokha

Myra Sanchez-Garcia Ileisha Sanders

MEETING DATE: July 17, 2024

TO: **Chair and Commissioners**

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

SUBJECT: **Recommending that the City Council of the City of Atwater adopt an Initial Study and Mitigated Negative Declaration in accordance with California Environmental Quality Act (CEQA) for the project; and approve a Tentative Parcel Map, General Plan Amendment, Zone Change, Variance and Site Plan Review located on the northwest corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004).**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony given; and,
2. Close the public hearing; and
3. Adopt Resolution No. 0238-23 recommending the City Council adopt an initial study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073; and approve Tentative Parcel Map No. 23-19-0300, General Plan Amendment No. 23-19-0200, Zone Change 23-19-0100, Variance No. 23-19-0400 and Site Plan No. 23-19-0500 (APN 056-540-004).

I. BACKGROUND:

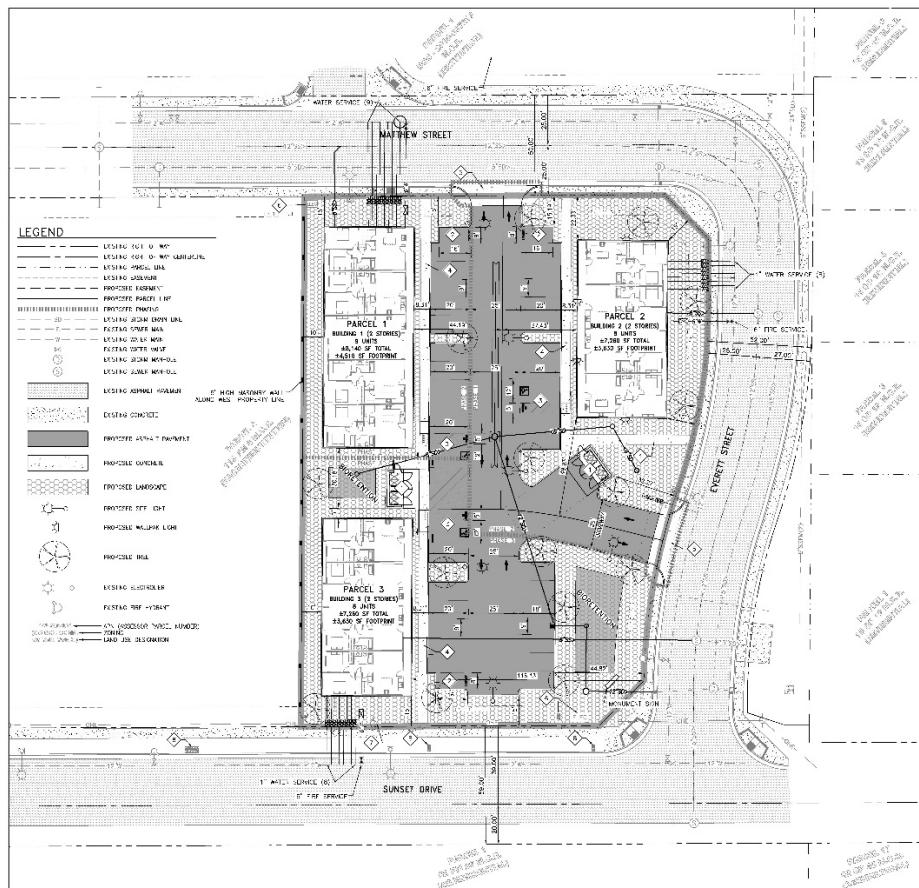
The project site was annexed in 2009 with a pre-zone of Residential Estate (R-E), Single-Family Residential. At that time, the purpose of the annexation was to provide land for the construction of a school that would accommodate 459 children from grades 9-12 and a church.

On May 29, 2009 the City of Atwater adopted the Residential Estate (R-E) pre-zoning district for the annexation area. The pre-zoning designation corresponded to the Atwater General Plan map designation of Very Low Density Residential.

The site was originally included in the Atwater Sphere of Influence in 1984. LAFCo had approved an out of boundary service annexation on December 11, 2008 in order to provide water and sewer services to the proposed school site.

In 2009, the City of Atwater processed a vesting tentative parcel map to divide the ten-acre school site from the six acre church site along with a conditional use permit to allow for the construction of a church within the Residential Estate (R-E) zone district.

The current proposal includes an approval of a Tentative Parcel Map to divide the existing 1.13 acre property into three parcels including one 0.35 acre parcel, one 0.36 acre parcel and one 0.42 acre parcel, a General Plan Amendment from Very Low Density Residential (VLDR) to High Density Residential (HDR), a Zone Change from Residential Estate (R-E) to High Density Residential, a Variance to allow a reduction in the rear yard setback from fifteen feet to ten feet, and a Site Plan Review. If approved, these entitlements would allow for the development of a two story, 25-unit apartment complex including 38 parking stalls, two bio retention areas for storm water, sidewalks, trash enclosures and the necessary landscaping and lighting required for such a development.



II. ANALYSIS:

Site Location and Description:

The project site is located on the northwest corner of Sunset Drive and Everett Street. It is approximately 0.50 miles south of SR 99 and immediately adjacent to the Atwater Valley Community School to the north. The project site is currently shown as the following Assessor's Parcel Numbers (APN): 056-540-004.

The site consists of two (2) parcels and is currently zoned as Residential Estate (R-E) with a General Plan land use designation of Very Low Density Residential (VLDR). The entire project site is presently undeveloped and does not include any structures. The primary access to the proposed development will be off Everett Street, with a secondary access point proposed for Matthew Drive along the north side of the development.

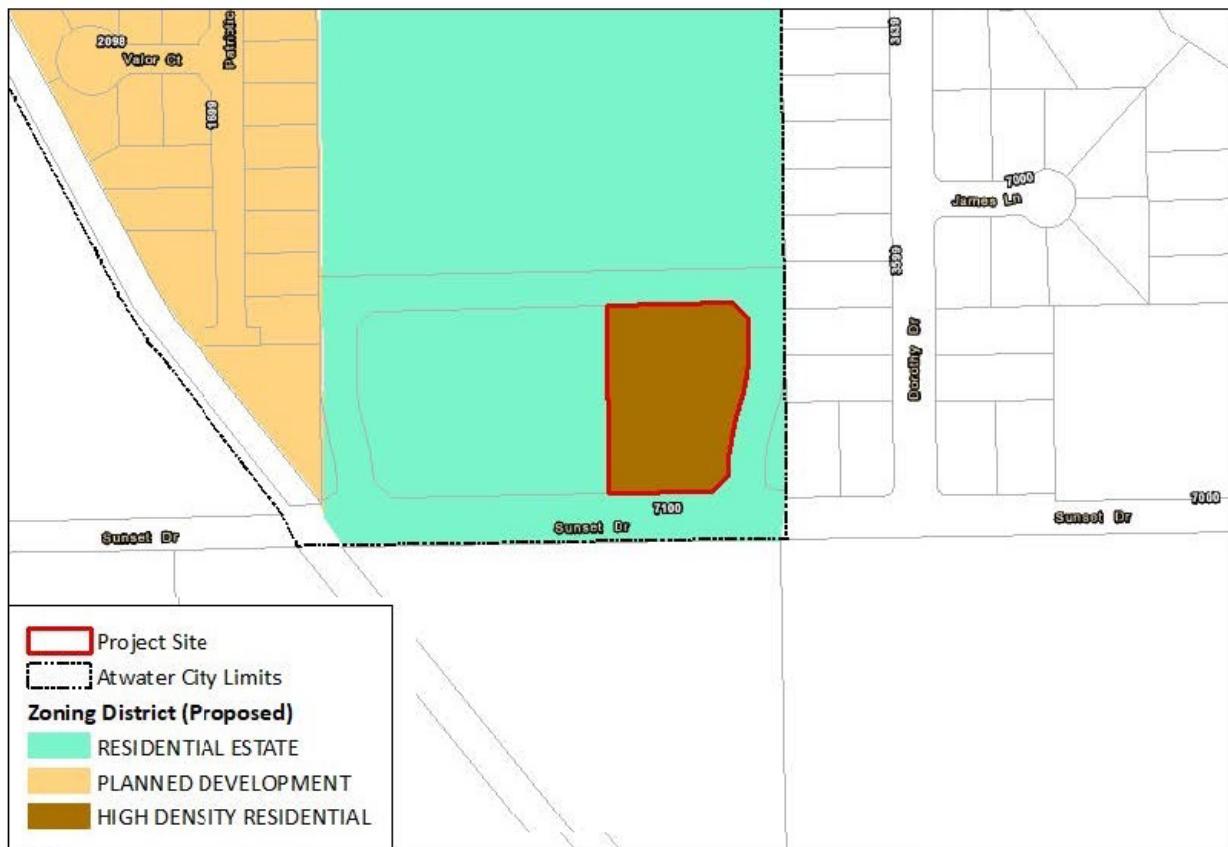
The request for the variance (to allow a reduction in the rear yard setback from fifteen feet to ten feet) is due to the geometry of Everett Street and the front yard setback that affects building 2 in the southeast and northeast building corners. The balance between the property lines (to achieve a 15' front yard setback) at the return of Everett Street and Matthew Street and the property line curvature at Everett Street require the building to be pushed west approximately 5 feet from the tangent property line along the northern alignment of Everett Street.



Zoning Consistency:

The project requires a Zone Change that would re-designate the project site from Residential Estate (R-E) to High Density Residential. This amendment would be consistent with assisting local and systematic population growth, ensure compatibility with surrounding uses and provide consistency with the goals and policies of the General Plan.

The proposed General Plan Amendment to High Density Residential would allow for the creation of a multifamily residential development. This district allows for a density range of 25 dwelling units per acre. As the project proposes to stay within the allowable range, the project would be consistent with the proposed amendment.

**General Plan Consistency:**

The General Plan land use designation is Very Low Density Residential (VLDR) for the site. The uses listed for this designation include single family residences and residential accessory uses, churches, schools, parks, community care facilities, and necessary public utility and safety facilities. The applicant is proposing an amendment to the General Plan to allow High Density Residential which allows for multi-family units such as apartments, and/or condominiums up to four stories in height, Public Facilities and Community Infrastructure.

Goal CIRC 5 states to provide sufficient parking for all residential developments including on- or off-street parking. Policy CIRC-5.2 states to require all new developments provide

sufficient parking to meet the standards of the City's Zoning Code. The project intends to include off-street parking for each residential unit with driveways. The project also includes streets wide enough for additional off-street parking if needed.

Policy CIRC-8.1 states to require new public and private development and infrastructure projects to include sidewalks or on-site pedestrian features. The proposed multi-family residential development includes existing sidewalks that surround the property.



Housing Element Consistency:

The project is determined to be in conformance with the City's Housing Element Update which was adopted as part of the City's General Plan in May of 2017; supplemented and certified by the State in 2019. This element sets goals and priorities of community housing needs based on the Regional Housing Needs Assessment (RHNA). Goal H-1 states to provide suitable and adequate sites for residential development. This site is suitable for this use and has been previously designated for residential uses. The project is to be developed into a multi-family residential development.

Furthermore, Program H-1. a. relates to the vacant and non-vacant underutilized and site inventory program. This program did not identify the project site as "Vacant or Underutilized" but the project now being proposed would rezone the site to a high-density

multi-family residential district that could contribute to future RHNA numbers for the City of Atwater.

Goal H-2 of the City's Housing Element states to accommodate a range of housing options by type, size, and other options. The project proposes to include multi-family residential lots and, through a General Plan Amendment, a multifamily development. The entire project would accommodate a different type and size of housing in the area. Individuals have a variety of needs. Allowing the amendment to a higher density will provide another type of housing that would cater to individuals of different income levels and needs.

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.

Surrounding Uses:

The existing land uses to the east and west are single-family residential. To the immediate south of the location is currently under agricultural operation with residential uses. The existing land use to the north is the Atwater Valley Community School. The proposed use of multifamily residential would be compatible with the uses described within the surrounding areas.

Conclusion:

Since the use conforms to the requirements and the intent of the Municipal Code, the Atwater General Plan and other provisions, as set forth above, that any additional conditions stipulated by the Planning Division as deemed necessary in the public interest will be met (as set forth on the resolution), and that such use 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, the Planning Commission may recommend City Council approve the Tentative Parcel Map, General Plan Amendment, Zone Change, Variance and Site Plan Review.

III. FISCAL IMPACTS:

This item would not have any significant negative fiscal impacts. This item has been reviewed by the Finance Department.

IV. LEGAL REVIEW:

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

V. EXISTING POLICY:

Under section 17.24.10 establishes the high-density residential requirements for the R-3-1.5 designation allowing single-family dwellings, duplexes, and multi-family structures.

Under Government Code 65354, the Planning Commission shall make the recommendation on any General Plan amendments and send it to the City Council.

VI. INTERDEPARTMENTAL COORDINATION:

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

VII. PUBLIC PARTICIPATION:

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

VIII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project under section 15073 and its findings were made public and available for a 30-day public comment period beginning on May 8, 2024. The public comment period closed on June 7, 2024. The City's intent to adopt a Mitigated Negative Declaration were made known under section 15070.

Furthermore, 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.

IX. STEPS FOLLOWING APPROVAL:

Following approval of Resolution No. 0238-23, the recommendation will be forwarded to the City Council for consideration.

Prepared by: Tom Navarro, Contract Planner

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

Attachments:

1. Resolution No. 0238-23
2. Uniform Development Application
3. Site Plan
4. IS/MND



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0238-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION (IS/MND) IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE PROJECT; AND APPROVE A TENTATIVE PARCEL MAP, GENERAL PLAN AMENDMENT, ZONE CHANGE, VARIANCE AND SITE PLAN LOCATED ON THE NORTHWEST CORNER OF SUNSET DRIVE AND MATTHEW DRIVE, ATWATER (APN 056-540-004).

WHEREAS, the Planning Commission of the City of Atwater reviewed Zone Change No. 23-19-0100, General Plan Amendment No. 23-19-0200, Tentative Parcel Map No. 23-19-0300, Variance No. 23-19-0400 and Site Plan No. 23-19-0500, requesting development of a 25-unit multi-family residential development that consists of three (3) residential buildings, 38 parking stalls, two (2) bioretention areas, and associated improvements. The apartment buildings are 8,140 sf., 7,260 sf., and 7,260 sf., with 9 units, 8 units, and 8 units; and,

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

WHEREAS, the environmental assessment under the provisions of the California Environmental Quality Act (CEQA) for this project resulted in the filing of a Notice of Intent to adopt a Mitigated Negative Declaration with mitigated measures being incorporated into the project; and,

WHEREAS, no person spoke in favor of the project, no person spoke in opposition of the project, and no 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 Zone Change No. 23-19-0100, General Plan Amendment No. 23-19-0200, Tentative Parcel Map No. 23-19-0300, Variance No. 23-19-0400 and Site Plan No. 23-19-0500:

1. That this application proposes to construct a multi-family residential development.
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.
4. That the project has prepared an Initial Study and Mitigated Negative Declaration submitted to the State Clearinghouse for thirty (30) day public review as required under Section 15073.
5. That the public hearing for this application has been adequately noticed and advertised.
6. That the project, with the conditions herein, would not have a detrimental effect on the healthy, safety, and welfare of the neighborhood or have any adverse effects on the community.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby recommend the City Council adopt an Initial Study and Mitigated Negative Declaration; and approve Zone Change No. 23-19-0100, General Plan Amendment No. 23-19-0200, Tentative Parcel Map No. 23-19-0300, Variance No. 23-19-0400 and Site Plan No. 23-19-0500 subject to the following conditions:

ENGINEERING

- 1) Any 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 and 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) 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.
- 7) 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.
- 8) 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.
- 9) All subsequent maps shall plot dedication and/or the relinquishment of all affected utility easements.
- 10) If applicable, all beneficiaries of record are to sign a consent statement to record with the Final Map.
- 11) 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.

- 12) Matthew Street and Everett Street shall be improved to have 60' right-of-way and Sunset Drive shall have 80' of Right-of-way, as stated in the City of Atwater Municipal Code, Title 16.12.030-050.
- 13) 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.
- 14) 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.
- 15) The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
- 16) 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.
- 17) All existing overhead utilities on-site shall be undergrounded.
- 18) 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.
- 19) 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.
- 20) 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.

- 21) 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.
- 22) It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
- 23) 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.
- 24) The project shall annex into a Community Facilities District for the on-going Public Services operations including Fire and Police services.
- 25) 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.
- 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) 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.
- 30) For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all 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.
- 31) 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.
- 32) The developer shall install a reduced pressure principle backflow device for potable water and an approved backflow device for irrigation water. Each Parcel shall be served by an individual water connection, each connection shall utilize a water manifold to serve individual water service meters. Each unit shall be served by an individual water service. Individual water services provided shall be provided for potable and landscape purposes, of adequate size for the development. All services shall be metered, a Sensus "Flex-Net" radio read meter shall be used.
- 33) The 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.
- 34) 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.
- 35) The 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.

- 36) Any water wells found during construction shall be destroyed and/or demolished in accordance with approved City Standards, requirements, and/or permits.
- 37) Site must have onsite detention of storm water. When developed, storm water from this project will discharge to the Parreira Drain, 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.
- 38) Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
- 39) 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.
- 40) 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.
- 41) The 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.
- 42) 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.
- 43) 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.

- 44) 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.
- 45) 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.
- 46) Ensure that the site allows for the maneuverability of fire trucks 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.
- 47) 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).
- 48) 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.
- 49) The project shall annex into a Community Facilities District for the on-going Public Services operations including Fire and Police services.
- 50) 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.

- 51) 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.
- 52) 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.)
- 53) 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.
- 54) 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.
- 55) Each parcel shall be served by an individual sanitary sewer lateral.
- 56) The developer is to provide sewer loading calculations and report for the development.
- 57) Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
- 58) The developer shall properly abandon or relocate all utilities as necessary or required.
- 59) The developer shall comply with the requirements of all public utility companies.
- 60) All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
- 61) 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.
- 62) The developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.

- 63) Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
- 64) The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
- 65) Sight distance requirements at all street intersections shall conform to City Standards.
- 66) 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.
- 67) Developer shall submit three (s) 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) 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.

- 73) 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.

- 74) 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.

- 75) 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.

- 76) The Final Map shall show the dedication of all on-site easements including: drainage easements, on-site lighting, landscaping, trash enclosures, and 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.
- 77) 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.
- 78) 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.

79) The developer shall coordinate with the postmaster regarding installation of collective box units for the subdivision.

PUBLIC WORKS

- 80) The applicant to have one connection to city water main for each domestic tie in for each APN. Afterwards, the applicant can branch off to separate lines (after the sidewalk but still within the city easement) with individual meters.
- 81) Each parcel shall have a separate irrigation line

FIRE

- 82) Plans shall include automatic fire sprinkler layout, fire department access roads and location of all hydrants and fire department connections (FDC).
- 83) Fire prevention systems such as automatic fire sprinklers and fire alarm systems must be in accordance with CFC 2022 Section 903 and Atwater Municipal Code 8.40.010
- 84) The Fire department connections (FDC) will be within 40 feet of a fire hydrant.
- 85) Fire Apparatus access roads shall be in accordance with Appendix D of the 2022 CFC.
- 86) Required number and spacing of fire hydrants must comply with Table C102.1 of Appendix C of the 2022 CFC.
- 87) Class A-B-C Extinguishers will be provided for each story of each building or inside each unit.

PLANNING

- 88) The developer shall comply with the Residential Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the Community Development Director.
- 89) All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
- 90) 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.
- 91) The applicant shall comply with all conditions of the Merced County Division of Environmental Health, including the handling of all potentially hazardous material.
- 92) Upon any violation of sign ordinance section 17.69 of the Atwater Municipal Code (AMC), the applicant will be cited and subject to fine.
- 93) The Planning Commission shall retain the right to reconsider Zone Change No. 23-19-0100, General Plan Amendment No. 23-19-0200, Tentative Parcel Map No. 23-19-0300, Variance No. 23-19-0400 and Site Plan No. 23-19-0500 at any time.
- 94) Site Plan shall expire in six (6) months from the day of approval if the operation has not started.
- 95) The Tentative Parcel Map shall expire within one (1) year from the day of approval if the operation has not started.
- 96) 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.
- 97) 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.

98) 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 17th day of July, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIR**

ATTEST:

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



City of Atwater

Uniform Development Application

750 Bellevue road

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

Fax: (209) 357-6348

APPLICATION FORM

Please indicate the types of application requested

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

Describe Proposed Project:

Subdivision and High density multi-family development of +/-1.13 acres of vacant land requiring Tentative Parcel Map, Site Plan Review, General Plan Amendment, and Zone Change. Development will include 3 structures on 3 parcels. Structures are two story each and range in size from 7,260 sf to 8,140 sf, parcel sizes range from 15,464 sf to 18,133 sf. Development will include paved drive aisles and parking areas, sidewalks, trash enclosures, landscaping and underground utilities.

APPLICANT: Apex Investment Group, LLC

PHONE NO: 209-201-5839

ADDRESS OF APPLICANT: 3319 M Street, Merced, CA 95348

EMAIL: mjawad@kw.com

PROPERTY OWNER: Same as Applicant

PHONE NO:

ADDRESS OF PROPERTY OWNER:

ASSESSOR'S PARCEL NUMBER:

Address/General Location of Property: 7212 Sunset Drive

EXISTING ZONING OF PROPERTY: R-E, Residential Estate

GENERAL PLAN DESIGNATION OF PROPERTY: Very Low Density Residential

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:  10/9/2022

Applicant

Date:

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

Signed:  10/9/2022

PROPERTY OWNER

DATE:



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 an 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 an 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 an 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 _____

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;

N/A 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: Apex Investor Group, LLC

ADDRESS: 3319 M Street, Merced, CA 95348

NAME OF APPLICANT: Apex Investor Group, LLC

ADDRESS: 3319 M Street, Merced, CA 95348

ADDRESS OF SITE: 7212 Sunset Drive, Atwater, CA 95301

APN: 056-540-004

LOCAL AGENCY: COUNTY OF MERCED

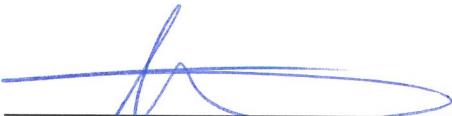
NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: N/A

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: 10/09/2023

APPLICANT SIGNATURE: 

Date 10/9/2023

City of Atwater Processing Agreement

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

To be completed by applicant:

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

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$_____ 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: Apex Investor Group, LLC Date: _____

Print Name and Title: _____

Owner: Same as Applicant Date: _____

Print Name and Title: _____

City of Atwater

By: _____ Date: _____

Print Name and Title: _____



COMMUNITY DEVELOPMENT EXISTING SITE CONDITIONS

750 Bellevue road

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

Fax: (209) 357-6348

Tentative Parcel Map/Site
Application: Plan Design Review APN: 056-540-004

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

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:
Apex Investment Group, LLC, 3319 M Street, Merced, CA 95348, 209-201-5839
2. Name, Address, telephone number, and email address of applicant if other than land owner:
N/A
3. Address/General location and APN of the project:
7212 Sunset Drive, Atwater, CA 95301, 056-540-004
4. Existing zoning: R-E, Residential Estate
5. Land use designation within the current General Plan: Very Low Density Residential
6. Proposed change in use and project for the proposed application (Please provide an Operational Statement for the proposed project and/or business activity):
Rezone and General Plan Amendment to R-3-1.5 (High Density Residential) / High Density Residential (HDR).
7. Indicate the type of Permit(s) Application(s) to which this form pertains:
Rezone, General Plan Amendment, Site Plan Design Review
8. List any other agencies and related permits or approvals that will be required for the project: None anticipated
9. List all adjacent uses to the project/property location:
North: Developed Institution (High School)
South: Agricultural/Residential
East: Vacant/Developed Institution (Church)
West: Developed Low Density Residential

PROJECT DESCRIPTION (Attached additional Sheets as Necessary)

10. Project Area: +/-1.13 acres Parcel Size: +/-1.13 acres

11. Proposed Structures: (New and Existing) No existing structures
3 proposed multi-family structures; Building 1- 8,140 sf, Building 2- 7,260 sf, Building 3- 7,260 sf.

12. Percentage of lot coverage (before and after any construction generated from the project): Existing 0%, Proposed; Parcel 1- 23.49%, Parcel 2- 22.92%, Parcel 3- 20.02%

13. Number of required off-street parking spaces (including Accessable):
Project total- 38spaces; Parcel 1- 12, Parcel 2- 11, Parcel 3- 15

14. School district(s) that serve the project area:
Atwater Elementary School District, Merced Union High School District

15. Describe the landscaping improvements for the proposed project (please include all compliance with State mandated water conservation requirements):
Landscaping design will be in coformance with City of Atwater Code 8.36, Water Efficient Landscaping and Irrigation, and CalGreen MWELO.

16. If the proposed project is to be a phased development, please described incremental phasing and implementation of improvements. (Use additional sheets if necessary): Phase one will include construction of two driveways and connecting drive aisle and construction of building two, phase two will include construction of building 1, and phase three will construct building three and complete the parking area.

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:

None

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.):

None

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: 4,750 gpd Gallons per day; Sewage: 3,000 gpd Gallons per day; Storm water: 10,622 cf

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.): City of Atwater public water system

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.): City of Atwater waste water system

22. Provide a "Can-and-will" serve letter for the project for any/all outside agencies or service districts that are anticipated to serve the project including any discharge agreement that may be necessary from the offices of The Merced Irrigation District. (Attach as necessary) N/A

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:
6.29lb per day per unit / 157.25lb per day entire project
Solid waste disposal will be contracted with City of Atwater refuse services.

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.): The existing site is flat with sufficient earth to balance the finish graded site. Import of fill for building sites should be expected. BMP's will be implemented with the project to control erosion and dust.

26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:
Matthew Street, Everett Street, Sunset Drive
Average Daily Trips: 4.5 per unit / 112.5 entire project

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.	—	—	X
28. Any change in quantity, direction of flow of groundwater.	—	—	X
29. Change in quality or alteration of drainage patterns to any lake, stream, Natural or man-made water body.	—	—	X
30. Change in absorption rates, drainage patterns, or the rate or amount of surface runoff. Conversion of existing permeable area into impervious surfaces. Stormwater from impervious areas will be collected in storm drain pipe network and conveyed to bioretention areas for infiltration.	X	—	—
31. Discharge into any surface water, or any alteration of surface water quality, i.e., temperature, dissolved oxygen, turbidity, etc.	—	—	X
32. Change in amount of surface water in any water body. Stormwater not infiltrated onsite will be discharged to existing storm drainage system in Everett Street and be conveyed to existing City storm drainage basin.	—	X	—
33. Change in scenic views of vistas from existing residential areas, public lands or roads.	—	—	X
34. Change in pattern, scale or character of the general area of the project.	—	—	X
35. Will the project affect existing housing or create a demand for additional housing.	—	—	X
36. Will the project result in a substantial alteration of the present or planned land use of the area. The project requests a change in zoning and land use from very low density residential to high density residential	X	—	—
37. Will significant amounts of solid waste (garbage, spoils, manure) or litter be generated as a result of the project.	—	—	X

PROJECT DESCRIPTION CONT.

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

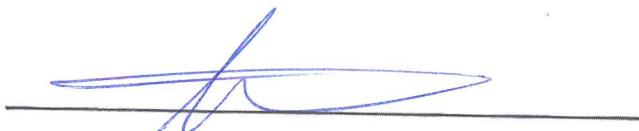
PROJECT DESCRIPTION CONT.

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

The existing project site was developed as a part of a previous project with all streets and underground utilities installed. Topography is flat in the adjacent area and well as the project site. The property is regularly cleared by mowing and/or disc for fire protection.

CERTIFICATION

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

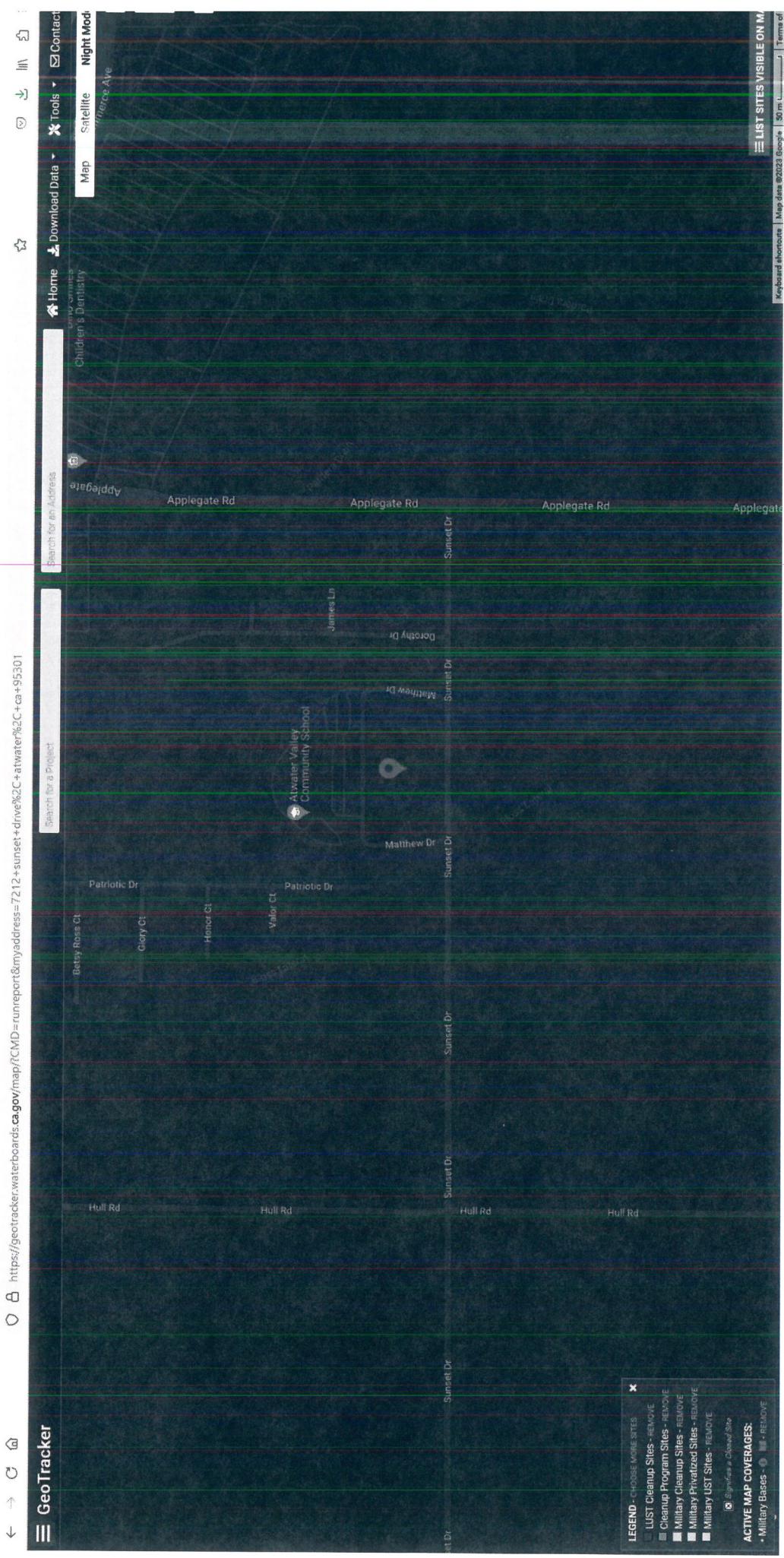


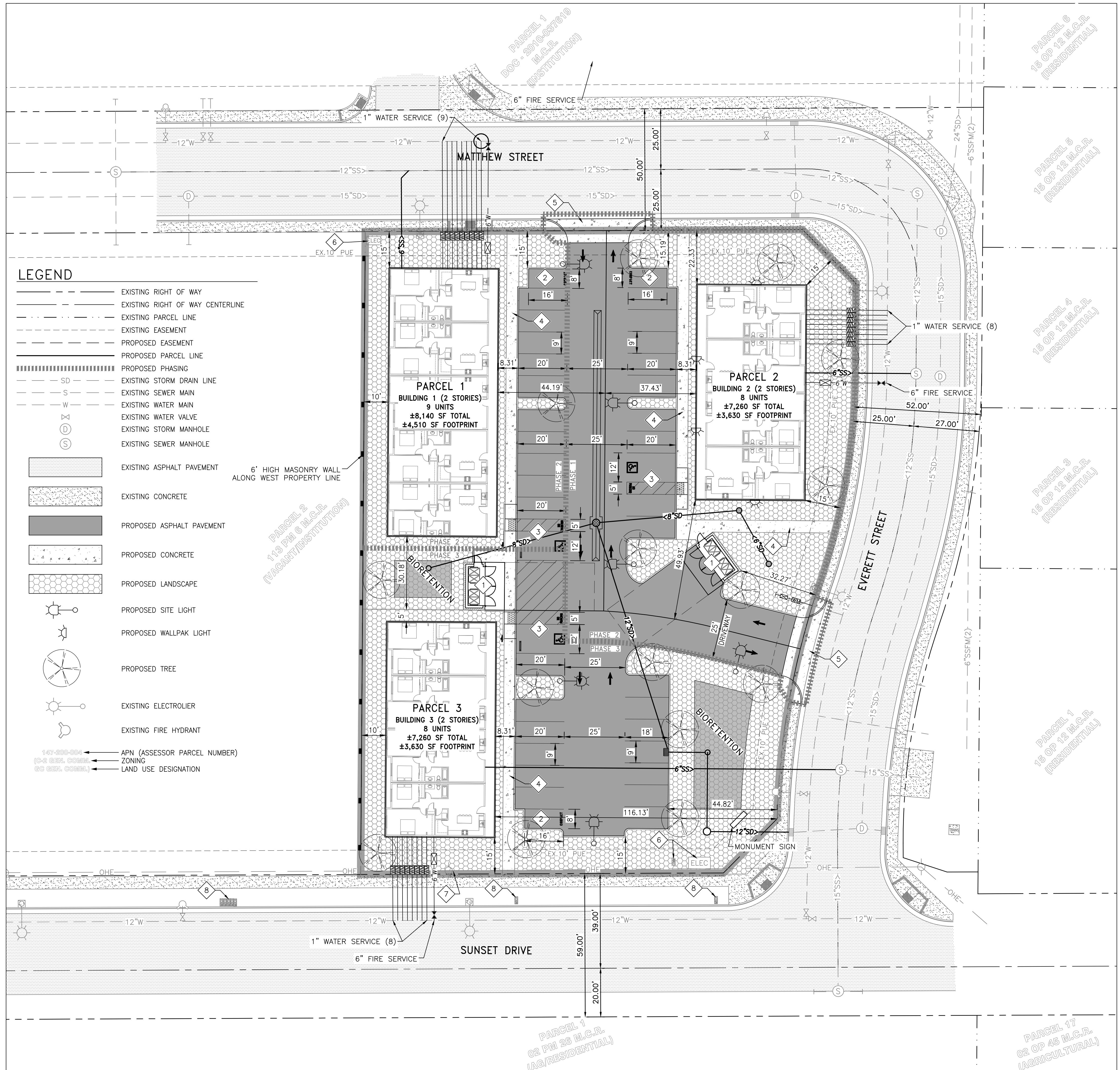
Dated: 10/19/2023

(Original signature required)

LIST OF ATTACHMENTS

1.
2.
3.
4.
5.
6.
7.
8.
9.
10.







Public Review Draft Initial Study/Mitigated Negative Declaration

Vesting Tentative Subdivision Map No. 216-22: Silver Creek Crossings

Prepared by
City of Atwater
Planning Department
750 Bellevue Road
Atwater, California 95301



Prepared with the assistance of
J.B. Anderson Land Use Planning
139 S. Stockton Avenue
Ripon, California 95366

May, 2024

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APPENDICES**72**

- A. Air Quality Modeling Results, dated November 1, 2023
- B. Cultural Resources Report, dated September 6, 2023, prepared by Central California Information Center
- C. Traffic Technical Memorandum, dated October 18, 2023, prepared by GHD

NEGATIVE DECLARATION

Lead Agency:

City of Atwater

750 Bellevue Road

Atwater, California 95301

PROJECT NAME:

Vesting Tentative Subdivision Map No. 216-22 – Silver Creek Crossings Subdivision

PROJECT PROPOSER AND LEAD AGENCY:

Project Proposer: Silver Creek Crossing, LLC.

3811 Crowell Road

Turlock, CA 95382

Lead Agency: City of Atwater
750 Bellevue Road
Atwater, CA 95301

PROJECT LOCATION:

The Proposed Project is located on one (1) parcel equaling approximately 15.13 acres and is bounded by Purely Storage, a commercial self-storage facility to the north, the Meadow View Estates single-family residential subdivision to the south, Santa Fe Avenue to the east, and North Buhach Road to the west.

The Merced County Assessor's Office has assigned the Proposed Project parcel as APN No. 005-070-052.

PROJECT DESCRIPTION:

The Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots, and an existing storm water detention basin located within the Meadow View Estates Unit One, to be expanded for the Proposed Project. Expansion of the existing detention basin will also accommodate Purely Self-Storage via two (2) 24" stubs at project boundary at proposed Lots 25, 26, and 35.

Physical development of the individual lots is not proposed at this time, but it can be assumed that future development within the Project site will conform to the City's Zoning Ordinance, including Section 17.16 and Section 17.44. Ultimately, the Proposed Project will consist of uses consistent with the City's Zoning Ordinance, and specifically, permitted uses within the Planned Development (P-D 29) Zone.

Typical lot size of new parcels created as part of the Proposed Project are approximately 5,000 square feet in size. Primary access to the Project site will be provided via Nebela Drive, Rondel Road, and Nina

Drive. The Proposed Project will be served domestic utilities by the City of Atwater. Connections to existing water and sewer lines located on Nina Drive and Rondel Road will be installed. All storm drainage to be conveyed to an on-site retention basin and all storm drain to be detained on site by way of expansion of existing detention basin.

The proposed VTSM can be found in this Initial Study as Figure 4.

ENVIRONMENTAL DETERMINATION:

The Lead Agency has prepared an Initial Study, the following, which considers the potential environmental effects of the Proposed Project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the Lead Agency, that the Proposed Project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the Proposed Project.

MITIGATION MEASURES:

Mitigation Measure Air-1: Prior to the commencement of construction activities for each phase of construction, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3.

Mitigation Measure Air-2: During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.
4. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

7. Limit traffic speeds on unpaved roads to 5 mph; and Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

Mitigation Measure Bio-1: Within fourteen (14) days of the start of the Proposed Project activities a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species.

Mitigation Measure Noise-1: Construction of only single-story homes along the eastern portion of the Project site abutting the Burlington Northern Railroad.

Mitigation Measure Noise-2: Construction of a seven (7) foot tall wall along the eastern portion of the Project site abutting the Burlington Northern Railroad.

Interim City Manager

5/31/2024

Date

INITIAL STUDY

1. PROJECT TITLE

Vesting Tentative Subdivision Map No. 216-22 – Silver Creek Crossings Subdivision

2. LEAD AGENCY NAME AND ADDRESS

City of Atwater
750 Bellevue Road
Atwater, CA 95301

3. CONTACT PERSON AND PHONE NUMBER

Mr. Mark Niskanen, Contract Planner
(209) 599-8377

4. PROJECT LOCATION

The Project site is located east of Buhach road and immediately north of and adjacent to Meadow View Estates Unit one (1) and includes Assessor Parcel Number 005-070-023. Figure one (1) provides an illustration of the Project site's location.

5. PROJECT SPONSOR'S NAME AND ADDRESS

Silver Creek Crossing, LLC.
3811 Crowell Road
Turlock, CA 95382

6. EXISTING SETTING

The Silver Creek Crossings Subdivision Project site is presently vacant and undeveloped with no structures existing on site. The Project site occupies a single parcel, with an approximate size of 15.13 acres. The Project site abuts an already developed subdivision, the Meadow View Estates, located just south of the Proposed Project site. The Project site is adjacent to Veteran's Memorial Park, Veteran's Park Atwater BMX which appears to have been abandoned some time ago, and a Self-Storage commercial facility.

7. EXISTING GENERAL PLAN DESIGNATION

The Project site is designated for Residential land uses per the City's General Plan, dated July 24, 2000.

8. EXISTING ZONING

The Proposed Project site is located within the Planned Development (P-D 29) zone.

9. SURROUNDING LAND USES AND SETTING

The Project is bounded by existing commercial development to the north, Meadow View Estates Unit one (1) to the south, Santa Fe Avenue to the east, and north Buhach Road to the west. Table 1, below, provides the Project site's surrounding uses, General Plan land use designations, and zoning districts.

Table 1 Surrounding Land Uses and Setting

	Existing Use	General Plan Land Use Designation	Zoning Classification
North	Purely Self-Storage	Business Park	PD-10
South	Single-Family Dwellings	Low-Density Residential	PD-29
East	Castle AFB Football Field	County	County
West	Veteran's Park Atwater BMX	Park	PD-22

10. DESCRIPTION OF THE PROJECT

The Proposed Project consists of the Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots, and expansion of an existing storm water detention basin located within the Meadow View Estates Unit one, to be expanded for the Proposed Project. Expansion of the existing detention basin will also accommodate Purely Self-Storage via two (2) 24" stubs at project boundary at Lots 25, 26, and 35.

Physical development of the individual lots is not proposed at this time, but it can be assumed that future development within the Project site will conform to the City's Zoning Ordinance, including Section 17.16 and Section 17.44. Ultimately, the Proposed Project will consist of uses consistent with the City's Zoning Ordinance, and specifically, permitted uses within the Planned-Development (P-D 29) Zone.

Typical lot size of new parcels created as part of the Proposed Project are approximately 5,000 square feet in size. Primary access to the Project site will be provided via Nebela Drive, Rondel Road, and Nina Drive

The Proposed Project will be served domestic utilities by the City of Atwater. Connections to existing water and sewer lines located on Nina Drive and Rondel Road will be installed. All storm drainage to be conveyed to an on-site retention basin and all storm drain to be detained on site by way of expansion of existing detention basin.

The proposed VTSM can be found in this Initial Study as Figure 4.

11. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

There are no other public agencies whose approval is required for the Proposed Project.

12. HAVE CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROJECT AREA REQUESTED CONSULTATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.3.1?

In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area for the City of Atwater. Tribal representatives were advised of the Proposed Project and invited to request formal consultation with the City of Atwater regarding the Proposed Project within thirty (30) days of receiving the notification letters. On January 4, 2023, notification letters were sent to representatives of the following tribes –

- (1) Southern Sierra Miwuk Nation
- (2) Amah Mutsun Tribal Bank
- (3) North Valley Yokuts Tribe

As of the preparation of this Initial Study/Mitigated Negative Declaration, more than thirty (30) days following the City's transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the Proposed Project site.

Figure 1 – Project Location Map

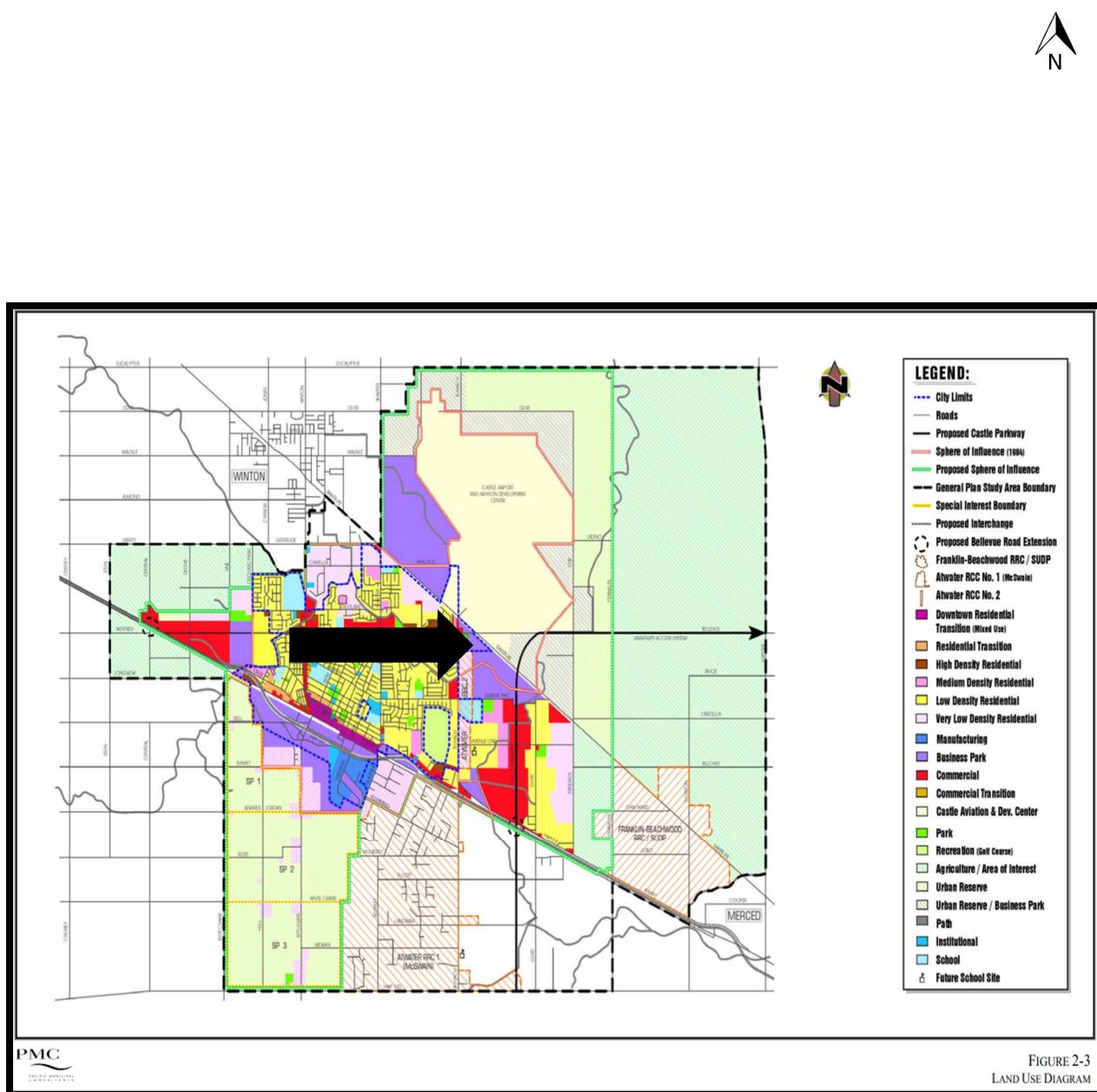


Figure 2 – Existing General Plan

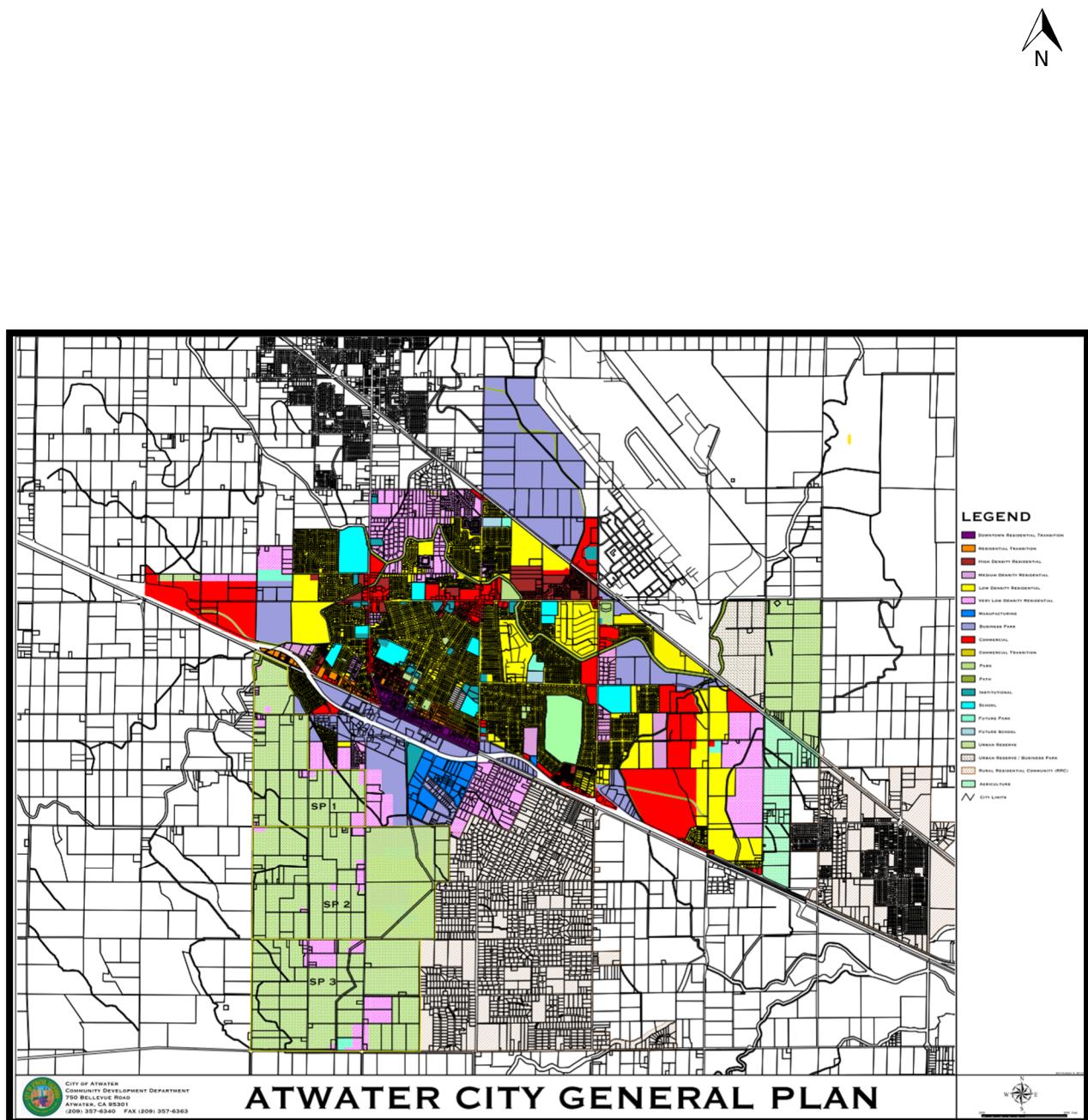


Figure 3 – Existing Zoning

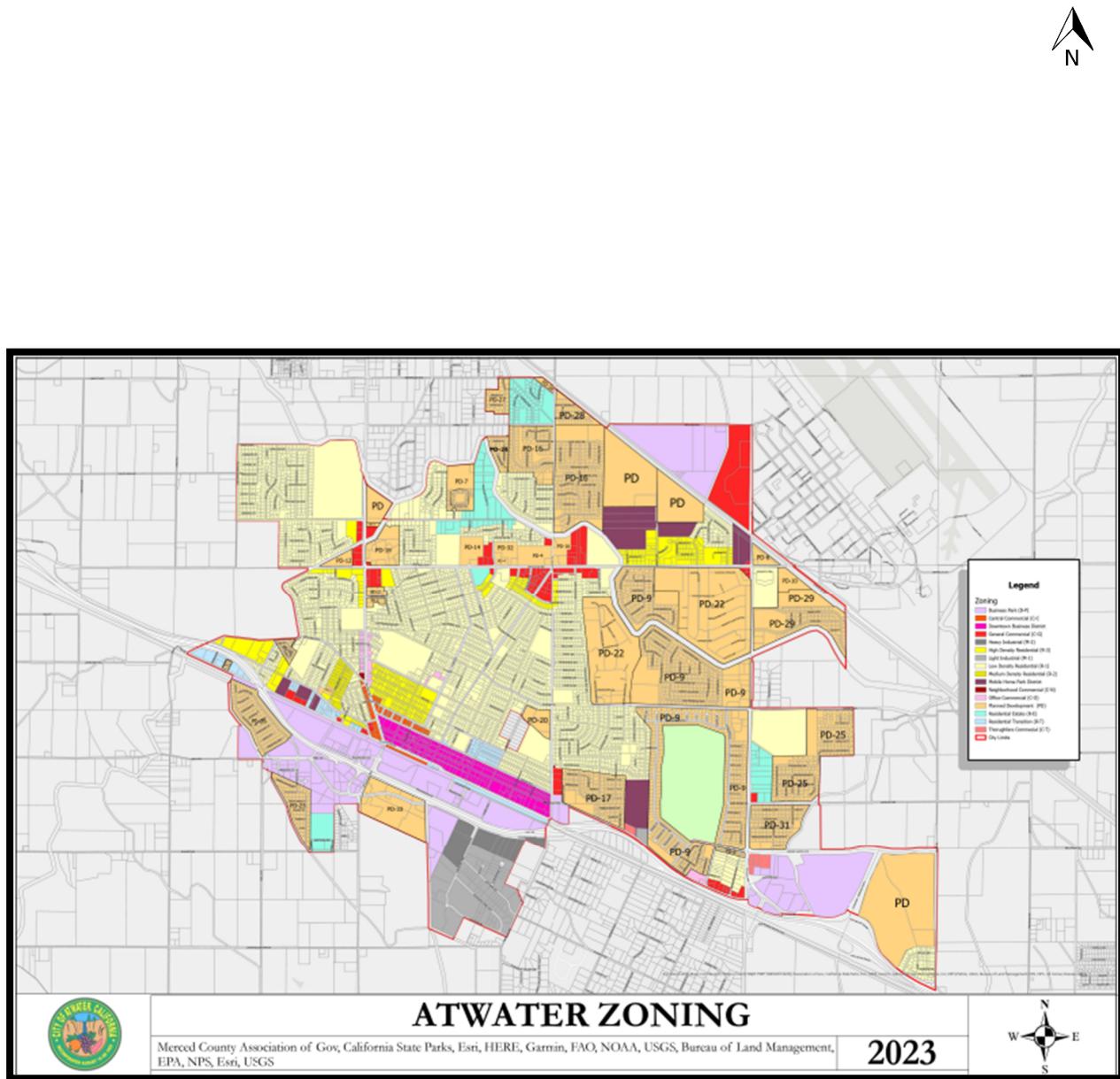
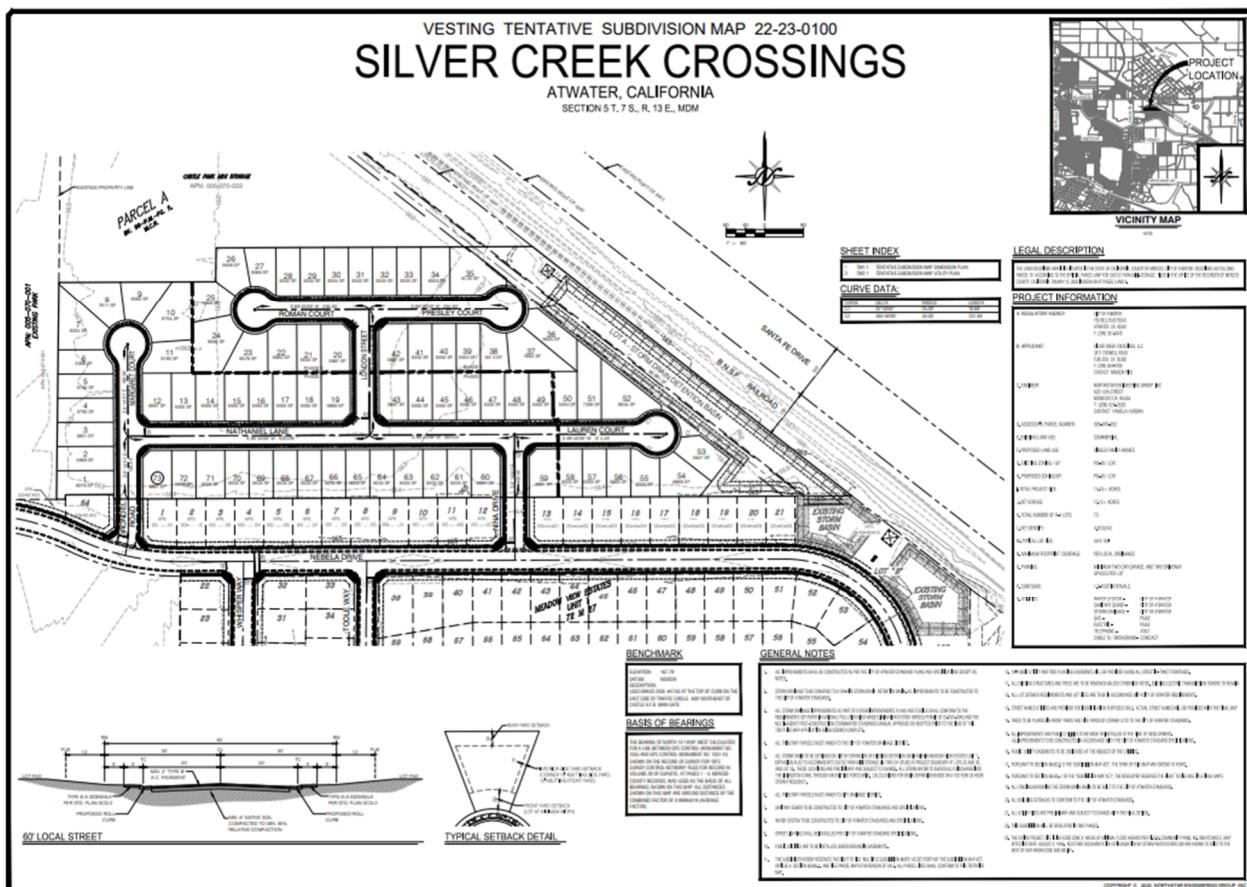


Figure 4 – Vesting Tentative Subdivision Map



13. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

Aesthetics	Agriculture and Forestry Resources	Air Quality
Biological Resources	Cultural Resources	Energy
Geology and Soils	Greenhouse Gas Emissions Materials	Hazards and Hazardous
Hydrology and Water Quality	Land Use and Planning	Mineral Resources
Noise	Population and Housing	Public Services
Recreation	Transportation/Traffic	Utilities and Service Systems
Wildfire	Mandatory Findings of Significance	

14. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

	I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project Proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.
<hr/> <p>_____, City Planner</p>	
<hr/> <p>_____, Date</p>	

SECTION 2.0 EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

1. AESTHETICS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project have a substantial adverse effect on a scenic vista?*
- b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?*

The City of Atwater does not have any designated scenic vistas; however, the city has identified the following as scenic corridors:

Atwater Boulevard; First Street; Bellevue Road; Shaffer Road; Winton Way; Broadway, from Winton Way to First Street; Buhach Road; Third Street; part of Grove Avenue; all entrances to the city.

The Proposed Project is bounded by Bellevue Road, Santa Fe Avenue, Nebela Drive and north Buhach Road. The project site is zoned Planned Development (P-D) 29 and is adjacent to a variety of different

land uses, but most importantly, the Proposed Project is consistent with and a continuation of existing single-family homes immediately south of the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact** on scenic vistas or scenic resources.

c. *Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

Although vacant, the project site is located within an urbanized area. The Proposed Project consists of seventy-three (73) single-family residential lots and internal circulation. Implementation of the Proposed Project would continue the pattern of residential development in accordance with the City's General Plan and Zoning designation of the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Exterior street lighting and lights from adjacent commercial and residential areas already exist near the Project site. The new source of lighting generated by the Proposed Project would include lights from inside and outside homes, entrance lighting, accent lights and streetlights typical of single-family residential neighborhoods. The proposed lighting would be directed, oriented, and shielded to prevent light from shining onto adjacent properties. Little to no light exists on the project site under current conditions as the site is mostly vacant. Once developed, new light sources will be similar to those of the surrounding uses and would not adversely affect day or nighttime views in the area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

2. AGRICULTURE AND FORESTRY RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
<p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

IMPACT ANALYSIS

a. *Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

According to the California Department of Conservation – 2018 Farmland Mapping and Monitoring Program, the Project site is considered *Farmland of Local Importance*. The site itself is vacant without any productive agricultural resources and is not being utilized for active agricultural production. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

The Proposed Project site is zoned Planned Development (P-D 29). The project site has a General Plan designation of Low-Density Residential; it is not zoned for agriculture use and is not subject to a Williamson Act contract. Therefore, the Proposed Project would have **No Impact** under this threshold.

The following discussion is an analysis for criteria (c) and (d):

- c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*
- d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The Public Resource Code Section 12220 (g) and Section 4526 defines Forest Land as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetic, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The project site is not identified as forest land. Therefore, implementation of the Proposed Project would not conflict with any existing zoning for forest land, timberland, or timberland zoned Timberland Production. **No Impact** would occur under this threshold.

- e. Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The project site is not designated for agricultural or forest use. There are no known changes to the existing environment that would result in the conversion of farmland to non-agricultural use or the conversion of forest land to non-forest use. The Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

3. AIR QUALITY -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

REGULATORY SETTING

The Proposed Project is located within the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD), which includes Merced County, has jurisdiction over most air quality matters in the Air Basin.

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as “criteria” air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect the public health; secondary standards are established to protect the public welfare. The attainment statuses of the SJVAB for Merced County with respect to the applicable AAQS are shown in the table below.

The SJVAB is considered non-attainment for ozone and particulate matter (PM10 and PM2.5), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

- Regulation VIII (Fugitive Dust Rules)
- Rule 4101 (Visible Emissions)
- Rule 9510 (Indirect Source Review)

SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards^a	State Standards^b
Ozone, 1-hour	No Federal standard ^f	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme ^e	Nonattainment
PM10	Attainment ^c	Nonattainment
PM2.5	Nonattainment ^d	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation/Classification	Attainment
Hydrogen Sulfide	No Federal standard	Unclassified
Sulfates	No Federal standard	Attainment
Visibility-Reducing Particles	No Federal standard	Unclassified
Vinyl Chloride	No Federal standard	Attainment

^aSee 40 CFR Part 81

^bSee CCR Title 17 Sections 60200-60210

^cOn September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

^dThe Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

^eThough the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the Valley to extreme nonattainment in the Federal Register on May 2010 (effective June 4, 2010).

^fEffective June 15, 2005, the EPA revoked the Federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
		Emissions (tpy)	Emissions (tpy)
CO	100	100	100
NO _x	10	10	10
ROG	10	10	10
SO _x	27	27	27
PM ₁₀	15	15	15
PM _{2.5}	15	15	15

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. Furthermore, within the GAMAQI, the SJVAPCD has established and outlined a three-tiered approach to determining significance related to a project's quantified ozone precursor emissions. Each tier or level requires a different degree of complexity of emissions calculation and modeling to determine air quality significance. The three tiers established to date (from least significant to most significant) are: *Small Project Analysis Level (SPAL)*, *Cursory Analysis Level (CAL)*, and *Full Analysis Level (FAL)*. In each of the tiers, the SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds. Table 1 of the GAMAQI, dated November 13, 2020, includes the threshold for single-family residential projects as resulting in less than 155 dwelling units and less than 800 Average Daily One-Way Trips for all fleet types (except Heavy-Heavy Duty Trucks (HHDT)).

In accordance with Table 1 of the GAMAQI, the Proposed Project is considered to be a SPAL, as it would not cross the SJVAPCD adopted threshold of 155 dwelling units and not exceed 800 daily trips, as indicated in the Traffic Technical Memorandum, dated October 18, 2023, prepared by GHD (688 daily trips). Because the Proposed Project qualifies as SPAL, GAMAQI notes it is reasonable to conclude that the Proposed Project would not exceed applicable thresholds of significance for criteria pollutants.

Lastly, the California Emissions Estimator Model (CALEEMOD) was used to estimate both construction and operational emissions from the Proposed Project. A detailed report of the complete CALEEMOD results is shown in Appendix A of this document. The table below shows the maximum project construction emissions in a calendar year, the annual operational emissions, and the SJVAPCD Significance Thresholds.

SJVAPCD Significance Thresholds and Proposed Project Emissions

	ROG	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
SJVAPCD Significance Threshold	10	10	100	27	15	15
Construction Emissions	0.52	1.39	1.74	<0.005	0.17	0.10
<i>Above Threshold?</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>
Operational Emissions	1.23	0.87	4.89	0.01	0.84	0.30
<i>Above Threshold?</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>

IMPACT ANALYSIS

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

SJVAPCD has attainment plans for ozone and particulate matter, while the State has a CO attainment plan. As indicated in the table above, construction and operational emissions will not exceed the applicable SJVAPCD significance threshold for any criteria pollutant. The Proposed Project will be subject to SJVAPCD Rule 9510, which requires NO_x and PM₁₀ reductions from construction exhaust and operational emissions for projects required to comply with the rule. With the application of Rule 9510, project NO_x and PM₁₀ construction and operational emissions would be further reduced. Since the Proposed Project emissions are estimated to be well below the respective SJVAPCD significance thresholds, the Proposed Project will be consistent with the adopted reduction plans for ozone, particulate matter, and CO. Thus, the Proposed Project will have a **Less Than Significant Impact**.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?

The Proposed Project would not generate operational emissions above SJVAPCD established significance threshold. The application of SJVAPCD Rule 9510 would further reduce NO_x and PM₁₀ operational emissions. The significance thresholds are applied to evaluate regional impacts of project-specific emissions of air pollutants. Regional impacts of a project can be characterized in terms of total annual emissions of criteria pollutants and their impact on SJVAPCD's ability to reach attainment of criteria pollutant standards. As such, the Proposed Project will not result in a considerable contribution to a significant cumulative air quality impact in the Air Basin. Consequently, the Proposed Project impacts related to cumulative emissions will have a **Less Than Significant Impact**.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Sensitive Receptors, as defined in the Guide for Assessing and Mitigating Air Quality Impacts, include residences, schools, parks and playgrounds, day care centers, nursing homes, and hospitals (SJVAPCD March 2015). Potential sensitive receptors near the Proposed Project site include the single-family residences to the south, Meadow View Estates Unit 1 (one), as well as visitors of Veteran's Memorial Park. However, as noted, Project construction and operational emissions would be below SJVAPCD significance threshold for criteria pollutants. Further, implementation of applicable SJVAPCD rules and regulations, especially Regulation VIII and Rule 9510, would further reduce the emissions that could potentially reach the residential area.

According to the CALEEMOD analysis for the Proposed Project, construction activities would generate approximately 197 pounds of exhaust PM_{2.5} for the estimated twelve-month construction period, or approximately 0.54 pounds per day. This amount is readily dissipated and likely would not be concentrated such that nearby sensitive receptors would be affected. Construction impacts would cease at the completion of the Proposed Project, and the length of time nearby properties experiencing exposure would be relatively short. Additionally, per the CALEEMOD analysis, Project operations would generate markedly less emissions. Consequently, neither Project construction nor Project operations would generate particulate matter emissions in quantities that would present a significant health risk to nearby properties. Further, assumptions utilized in the CALEEMOD analysis provided mitigation measures to curb the impact to surrounding receptors by limiting any heavy-duty diesel vehicle idling, and ensuring exposed surfaces are watered on a regular basis.

Therefore, implementation of the Proposed Project will not be anticipated to result in an increase in exposure of sensitive receptors to localized concentrations of criteria pollutants that would exceed the relevant standards or thresholds established by the SJVAPCD. Thus, implementation of the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) single-family residential lots. As such, residential development typically does not generate substantial odors that would affect nearby land uses or a substantial number of people, nor would the Proposed Project generate substantial amounts of any other emissions such as TACs. The Proposed Project will have a **Less Than Significant Impact** related to odors or other emissions.

MITIGATION MEASURES:

Mitigation Measure Air-1: Prior to the commencement of construction activities for each phase of construction, the Project Proponent shall prepare and submit a Dust Control Plan that meets all of the applicable requirements of APCD Rule 8021, Section 6.3.

Mitigation Measure Air-2: During all construction activities, the project proponent shall implement the following dust control practices identified in Tables 6-2 and 6-3 of the GAMAQI (San Joaquin Valley APCD, 2002):

1. All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
3. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall control fugitive dust emissions by application of water or by presoaking.
4. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.
5. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.
6. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
7. Limit traffic speeds on unpaved roads to 5 mph; and
Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.

4. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

IMPACT ANALYSIS

a. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?*

Figure 4-7, found in the 2000 General Plan, does not identify any special-status Wildlife Species or Special-Status Plant Species within the Project site. Although it is unlikely that the project would not impact the habitat of species with special status, it cannot be completely ruled out. Therefore, the Proposed Project is considered to have a potentially significant impact and mitigation measures must be implemented. Thus, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Riparian habitats are defined as vegetative communities that are influenced by a river or stream, specifically the land area that encompasses the water channel and its current or potential floodplain. No riparian habitat occurs on the project site or within the immediate vicinity. There are no sensitive natural communities occurring on or near the project site; therefore, the Proposed Project will have a **Less Than Significant Impact**.

c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

There are no federally protected wetlands including, but not limited to, marsh, vernal pools, coastal water, etc., surrounding the project site or in close or near proximity to the Proposed Project. Therefore, the Proposed Project will have a **Less Than Significant No Impact** on federally protected wetlands.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Wildlife movement corridors are routes that provide shelter and sufficient food supplies to support regular movement of wildlife species. A movement corridor is a continuous geographic extent of habitat that either spatially or functionally links ecosystems across fragmented, or otherwise inhospitable, landscapes. Faunal movement may include seasonal or migration movement, life cycle links, species dispersal, re-colonization of an area, and movement in response to external pressures. Movement corridors typically include riparian habitats, ridgelines, and ravines, as well as other contiguous expanses of natural habitats.

The Project site and surrounding area does not occur within a known migration route, significant wildlife corridor, or linkage area as identified in the Recovery Plan for Upland Species in the San Joaquin Valley or by the Essential Habitat Connectivity Project. Thus, the project will not restrict, eliminate, or significantly alter wildlife movement corridor, or impede the use of native wildlife nursery sites. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The Project site is located within the City of Atwater boundaries and must comply with provisions contained in the City of Atwater General Plan. The Proposed Project will not conflict with any local policies or ordinances protecting biological resources that the project would conflict with, and implementation of the Proposed Project will have a **Less Than Significant Impact** related to policies or ordinances protecting biological resources.

f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The Proposed Project will not conflict with any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approval local, regional, or state Habitat Conservation Plan. The Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

The following mitigation measure shall be incorporated into the Proposed Project:

Mitigation Measure Bio-1: Within fourteen (14) days of the start of the Proposed Project activities a pre-activity survey shall be conducted by a qualified biologist knowledgeable in the identification of these species.

5. CULTURAL RESOURCES -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*
- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

Implementation Program CO-9.a of the city of Atwater's 2000 General Plan Goal CO-9 to protect and enhance historical and culturally significant resources applies the following standard condition to development projects to minimize any impact on historical resources: If a previously unknown archaeological site is uncovered during the course of development, all development activity in the vicinity of the project site shall cease until a qualified archaeologist completes an investigation. The archaeologist shall submit a report to the City that includes a determination of the significance of the site and recommendations on its disposition. Additional studies may include avoidance, testing, and evaluation or data recovery excavation. Application of the mitigation measures below would ensure that the Proposed Project would not cause a substantial adverse change in the significance of a historical resource. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity." Public Resources Code section 5097.98 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation. Additionally, CO-9.a of the 2000 General Plan Environmental Impact Report, provides that development projects shall retain the services of a qualified archaeologist to determine

the presence and extent of any historic, archaeological, or paleontological resources. The recommendations of said studies shall be incorporated into development plans. Therefore, the Proposed Project will have **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

6. ENERGY -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; and,*
- b. *Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

While the Proposed Project consists of a Vesting Tentative Subdivision Map to allow for the subdivision of approximately 15.13 acres into seventy-three (73) residential lots, it can be assumed that future physical development and build out of the residential sites will occur. Thus, the current Proposed Project and future development would consume energy primarily in one of two ways: first, future construction activities would consume energy via various heavy equipment, machines, trucks, and worker traffic; and, secondly, future residential uses would cause long-term energy consumption from electricity and gas consumption, energy used for water conveyance, and motor vehicle operations to and from the project site, etc.

To combat potentially significant environmental impacts due to inefficient and wasteful use of energy resources, California has implemented numerous energy efficiency and conservation programs that result in substantial energy savings. The State has adopted comprehensive energy efficiency standards as part of its Building Standards Code, California Codes of Regulations, Title 24.

The Proposed Project would be required to comply with the building energy efficiency standards of California Code of Regulations Title 24, Part 6, also known as the California Energy Code. Compliance with these standards would reduce energy consumption associated with the Project operations, although reductions from compliance cannot be readily quantified at this time. Overall, project construction and operations would not consume energy resources in a manner considered wasteful, inefficient, or unnecessary; the project would also not conflict or obstruct any state or local plans for renewable energy efficiency. Thus, the Proposed Project would have a **Less Than Significant Impact** related to energy consumption.

MITIGATION MEASURES:

Mitigation is not required for this topic.

7. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a.1, a.2, a.3):

- a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

The Proposed Project is not located within the current Alquist-Priolo Earthquake Fault Zone and there are no known active faults located in the immediate area. The nearest Alquist-Priolo Special Studies Zone is the Ortigalita Fault Zone located in the southwestern portion of Merced County, approximately thirty-eight miles from the city of Atwater. The last known activity from the Ortigalita Fault was approximately more than 10,000 years ago.

Although there are no specific liquefaction hazard areas identified in Merced County, the potential for liquefaction is recognized in the Atwater General Plan Environmental Impact Report (EIR). However, the site does not have high potential for liquefaction. Liquefaction typically requires a significant sudden decrease of shearing resistance in cohesionless soils and a sudden increase in water pressure, which is typically associated with an earthquake of high magnitude. The soils in the project site, Atwater loamy sand and Atwater sand, are considered to have low potential for liquefaction. Based on these conditions, the risk for ground failure during a strong earthquake ground shaking is low. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

The City of Atwater lies within the San Joaquin Valley. The Valley is characterized by predominantly flat terrain with few elevated features. Elevations within the City vary little, with the range of elevation going from 145-feet and 170-feet above sea level, but the official elevation of the city is 150-feet above sea level. Given the flat terrain of the area, the construction, operation, and use of the project site would not provoke a landslide to occur. The risk of damage or loss due to landslides is low; thus, the Proposed Project will have a **Less Than Significant Impact**.

- b. Would the project result in substantial soil erosion or the loss of topsoil?*

Project proponents will be required to submit a notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit prior to construction. The SWPPP will include Best Management Practices (BMPs) to control erosion and siltation on the site in order to prevent water quality degradation. Due to the relatively flat nature of the project site, the BMPs provided via the SWPPP, and the NPDES, the Proposed Project will result in a **Less Than Significant Impact**.

c. *Would the project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Lateral spreading is a form of horizontal displacement of soil toward an open channel which can result from either the slump of low cohesion and unconsolidated material. More commonly, lateral spreading can result from liquefaction of either the soil layer or a subsurface layer underlying soil material on a slope, resulting in gravitationally driven movement.

The Project site and surrounding areas are in a relatively topographically flat area, and it is highly unlikely that would result in a landslide of any measure. Lateral spreading, subsidence, and collapse are not common in Merced County. Since the Proposed Project site is not located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, there is little to no potential for result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, under this threshold, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code, creating substantial risks to life or property?*

The Project site is not located in an area known for unstable soils, since the city of Atwater's 2000 General Plan does not identify the project area as a high shrink-well potential (i.e., expansive soils). Further, volume change is influenced by the quantity of moisture, the kind and amount of clay in the soil, and the original porosity of the soil. Per the U.S. Department of Agriculture, Natural Resources Conservation Services Web Soil Survey*, soil identified on the project site is Atwater loamy sand; this type of soil has a low level of plasticity and expansion potential when subjected to fluctuations in moisture and a low potential for liquefaction or ground failure. As a result of the soil conditions found on the project site, risk to life or property as a consequence of expansive soils are not substantial and the impact of expansive soil on future Proposed Project site development will be a **Less Than Significant Impact**.

e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project will not be installing septic tanks or an alternative wastewater disposal system; rather, the Proposed Project will be served by sewer infrastructure. Therefore, the Proposed Project will have **No Impact**.

f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

* <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

Although it is unlikely that a paleontological resource or resources would be encountered during the buildup of the Proposed Project, some construction activities have the potential to disturb and thus directly or indirectly damage these resources. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

8. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

REGULATORY SETTING:

California Air Resources Board (CARB) is responsible for the coordination and oversight of state and local air pollution control programs in California. California has numerous regulations aimed at reducing the State's GHG emissions. These initiatives are summarized below:

Assembly Bill 1943

Assembly Bill (AB) 1943 (2002), California's Advanced Clean Cars program (referred to as "Pavley"), requires CARB to develop and adopt regulations to achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles." On June 30, 2009, U.S. EPA granted the waiver of Clean Air Act preemption to California for its greenhouse gas emission standards for motor vehicles beginning with the 2009 model year. Pavley I took effect for model years starting in 2009 to 2016 and Pavley II, which is now referred to as "LEV (Low Emission Vehicle) III GHG" will cover 2017 to 2025. Fleet average emission standards would reach 22 percent reduction from 2009 levels by 2012 and 30 percent by 2016. The Advanced Clean Cars program coordinates the goals of the Low Emission Vehicles (LEV), Zero Emissions Vehicles (ZEV), and Clean Fuels Outlet programs and would provide major reductions in GHG emissions. By 2025, when rules will be fully implemented, new automobiles will emit 34 percent fewer GHGs and 75 percent fewer smog-forming emissions from their model year 2016 levels.

Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA]). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report") (CalEPA 2006). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty

truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015 the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in Assembly Bill 32 (AB 32), the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 (essentially a 15 percent reduction below 2005 emission levels; the same requirement as under S-3-05), and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. California is on track to meet or exceed the current target of reducing GHG emission to 1990 levels by 2020, as established by AB 32.

Senate Bill 97

Senate Bill (SB) 97, signed in August 2007, acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Resources Agency (Resources Agency) adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHGs and climate change impacts.

CARB Resolution 07-54

CARB Resolution 07-54 establishes 25,000 MT of GHG emissions as the threshold for identifying the largest stationary emission sources in California for purposes of requiring the annual reporting of emissions. This threshold is just over 0.005 percent of California's total inventory of GHG emissions for 2004.

Senate Bill 375

Senate Bill (SB) 375, signed into law in September 2008, builds on AB 32 by requiring CARB to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035; these regional targets will help achieve the goals of AB 32 and the Scoping Plan through changed land use patterns and improved transportation systems. The Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) adopted a Sustainable Community Strategies in July 2013 that meets greenhouse gas reduction targets. The *Plan Bay Area* is the SCS document for the Bay Area, which is an integrated long-range plan that discusses climate protection, housing, healthy and safe communities, open space and agricultural preservation, equitable access, economic vitality, and transportation system effectiveness within the San Francisco Bay Area. The document is updated every four years and most recently, the update, *Plan Bay Area 2040* was adopted on July 26, 2017.

Executive Order S-13-08

Executive Order S-13-08 indicates that “climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California’s economy, to the health and welfare of its population and to its natural resources.” Pursuant to the requirements in the order, the 2009 California Climate Adaptation Strategy (California Natural Resources Agency 2009) was adopted, which is the “...first statewide, multi-sector, region-specific, and information-based climate change adaption strategy in the United States.” Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Senate Bill 2X

In April 2011, the governor signed SB2X requiring California to generate 33 percent of its electricity from renewable energy by 2020.

Senate Bill 32

On September 8, 2016, the governor signed Senate Bill 32 (SB 32) into law, which requires the State to further reduce GHGs to 40 percent below 1990 levels by 2030. SB 32 is an extension of AB 32. The other provisions of AB 32 remain unchanged. CARB adopted the 2017 Climate Change Scoping Plan Update on December 14, 2017 for achieving California’s 2030 greenhouse gas target.

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The Proposed Project consists of a seventy-three (73) lot residential subdivision. A consequence of the project will be the generation of short-term and long-term Greenhouse Gas emissions. In the short-term, construction related activities will be the main driver of GHG emissions through site preparation, grading, heavy-duty construction vehicles, equipment hauling, and motor vehicles going to and from the project site. The level of emissions resulting from construction activities will vary day-to-day dependent on the level of intensity each day.

The Proposed Project is consistent with the City of Atwater’s General Plan which ensures compliance with the Greenhouse Gas emission reduction strategies employed by the City of Atwater, which in turn, support City-wide efforts to meet statewide GHG emission reduction goals consistent with

Assembly Bill (AB) 32, the Global Warming Solutions Act. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

9. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?*

The Proposed Project consists of a seventy-three (73) lot residential subdivision. The residential development in and of itself will not pose a significant hazard to the public or environment through the routine transport, use or disposal of hazardous materials. Typical construction materials would be utilized during development. Construction may include the use of hazardous materials given that construction activities involve the use of heavy equipment, which uses marginal amounts of oils and fuels and other potentially flammable substances. The level of risk associated with the accidental release of hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials used during construction. The project proponent would be required to implement standard construction controls and safety procedures that would avoid and minimize the potential for accidental release of such substances into the environment.

Should the release of hazardous materials occur, or if hazardous materials need to be used, transported, or disposed of, the Project Proponent must comply with all applicable Federal, State, and local policies and regulations related to hazardous materials. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

No existing or proposed schools have been identified within one-quarter mile of the project site. The nearest school to the project site is Bellevue Elementary School, located at 1020 East Bellevue Road, which is approximately one (1) half mile from the project site. Therefore, under this threshold the project will have **No Impact**.

- d. *Would the project be located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

The Project is not located on a site which is included on a list of hazardous materials sites compiled pursuant to California Government Code §65962.5. A review of the State hazardous material site databases* found one record near the project site: Castle Air Force Base – BLDG #3372; case opened 1/1/1990 and closed 1/9/1997.

An online search was also conducted on the Department of Toxic Substances Control (DTSC) website. It was discovered that there were no hazardous or toxic sites in the vicinity of the project. There are only two facilities on the Cortese List within Merced County; one site sits in the city of Dos Palos and the other is located in the city of Gustine. As a result, the Proposed Project would not create a hazard to the public or the environment; therefore, the Proposed Project will have a **Less Than Significant Impact**.

* https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0609900380

e. For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

In order to determine if the Proposed Project is within an airport land use plan, the Merced County Airport Land Use Compatibility Plan (MCALUCP, 2012) was consulted. The Project site is within two (2) miles of the Merced County Castle Airport, but the Proposed Project sits just outside of Zone D and as such is not located within the boundaries of an airport land use plan. As a result, the Proposed Project will have a **Less Than Significant Impact**.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Per the City's 2000 General Plan, response procedures are outlined in the City of Atwater's Emergency Plan. The Emergency Plan outlines the responsibilities for the management of hazards and the management of incidents involving hazardous materials. Responsibility for day-to-day emergencies response falls to the Atwater Police and Atwater Fire Departments. In the event of larger, more extreme emergencies, other city departments may become involved, along with state, county, and private agencies as needed.

The public roadway system, owned and maintained by the city, is critical for providing emergency access and evacuation to and through the city. The Proposed Project would not prevent or inhibit the ability of local roadways to continue to accommodate emergency response and evacuation activities. Therefore, the Proposed Project will have a **Less Than Significant Impact** on emergency response and evacuation plans.

g. Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The Project site is currently vacant land with varied uses neighboring the property including single-family residential properties to the south and commercial uses to the north; while the project site is vacant, undeveloped land, the neighboring properties are developed.

Per the city of Atwater's 2000 General Plan, grass and brush lands are the most likely places for wildland fires to occur within Merced County; because the city of Atwater's relatively distant location to these areas, the risk of loss, injury, or death involving wildland fires is low.

Although the Proposed Project would not create a huge risk of wildland fire, the Project will add seventy-three (73) new single-family dwellings. The currently undeveloped site would be developed and would increase demand for fire protection services. The implementation of the mitigation

measures from the General Plan EIR would reduce the overall impact to a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

10. HYDROLOGY AND WATER QUALITY -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) Result in substantial on- or offsite erosion or siltation;			X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

IMPACT ANALYSIS

a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

The Proposed Project would be required to meet all water quality standards and requirements. During construction related activities, specific erosion control and surface water protection methods for each construction activity would be implemented on the project site. The type and number of measures implemented would be based upon location specific characteristics (slope, soil type, weather conditions, etc.). Additionally, new development is required to adopt Best Management Practices (BMPs) to minimize grading and control runoff, which pollutes storm drains and can eventually lead to the pollution of groundwater sources. Thus, the Proposed Project will have a **Less Than Significant Impact**.

b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

Table 4-3 – Demands for Potable and Non-Potable Water – Actual (DWR Table 4-1)

Submittal Table 4-1 Retail: Demands for Potable and Non-Potable ¹ Water - Actual			
Use Type	2020 Actual		
Drop down list May select each use multiple times These are the only Use Types that will be recognized by the WUEdata online submittal tool	Additional Description (as needed)	Level of Treatment When Delivered Drop down list	Volume ²
Add additional rows as needed			
Single Family		Drinking Water	4,068
Multi-Family		Drinking Water	844
Commercial		Drinking Water	2,174
Other		Drinking Water	1,474
		TOTAL	8,559

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.

² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES: Volumes for single family, multi-family, and commercial were estimated because these use types are only partially metered. Volumes were increased based on the ratio of total service connections and the number of metered service connections for each use type.

Table 4-4 – Use for Potable and Non-Potable Water – Projected (DWR Table 4-2)

Submittal Table 4-2 Retail: Use for Potable and Non-Potable ¹ Water - Projected						
Use Type	Additional Description (as needed)	Projected Water Use ² Report To the Extent that Records are Available				
		2025	2030	2035	2040	2045 (opt)
Add additional rows as needed						
Single Family		4,582	4,907	5,254	5,626	
Multi-Family		951	1,018	1,090	1,167	
Commercial		2,449	2,622	2,808	3,007	
Other		1,660	1,777	1,903	2,038	
TOTAL		9,642	10,324	11,056	11,838	0

¹ Recycled water demands are NOT reported in this table. Recycled water demands are reported in Table 6-4.

² Units of measure (AF, CCF, MG) must remain consistent throughout the UWMP as reported in Table 2-3.

NOTES:

The City of Atwater extracts its water supply from groundwater aquifers via a series of wells scattered throughout the city. The City's existing system facilities include nine wells (eight are active and one is drilled but not equipped) with a total rated pumping capacity of approximately 15,000 Gallons Per Minute (GPM). Atwater is located in the San Joaquin River Hydrologic Region (groundwater basin) and extracts its groundwater from the Merced Subbasin, Basin Number 5-22.04. The Merced Subbasin is a high priority basin and is critically over drafted. Table 4-4 illustrates the projected demand for Single-Family Residential properties; demand for water is projected to increase for each interval.

The city of Atwater is a member of the Merced-Irrigation-Urban GSA (MIUGSA – one of three GSAs within the Merced Subbasin region) and is made up of agencies including Merced Irrigation District, City of Merced, City of Atwater, City of Livingston, Le Grand Community Services District, Planada Community Services District, and Winton Water and Sanitary District. With the adoption of the Merced Subbasin GSP, the participating GSAs adopted a goal of achieving sustainable groundwater management on a long-term average basis by increasing recharge and/or reducing groundwater pumping, while avoiding undesirable results. This goal will be achieved by allocating a portion of the estimated Merced Subbasin sustainable yield to each of the three participating GSAs and coordinating the implementation of programs and projects to increase both direct and in-lieu groundwater recharge which will in turn increase the groundwater available. Separately, the city of Atwater employs a number of Demand Management Measures (DMMs) that promote conservation and reduce the water supply demand.

Therefore, any direct impacts of the Proposed Project will be properly mitigated so as to have a **Less Than Significant Impact**.

c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i. *Result in substantial on- or offsite erosion or siltation;*
- ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
- iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or*
- iv. *Impede or redirect flood flows?*

The Proposed Project will not alter the course of a stream or river, as it is not located near a stream or river. The Project site is located on a site that is currently vacant and unimproved. Compliance with construction and operation-phase storm water requirements would ensure that development of the Proposed Project would not result in substantial erosion or siltation on or off site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project be located in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation?*

The Proposed Project is not located adjacent to the ocean or other large body of water; the city of Atwater is not at risk from tsunami due to its inland location. The Project site, therefore, is not susceptible to flooding or seiches, and as a result, the Proposed Project would not result in a risk of pollutant release during a flood hazard, tsunami or seiche event. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The Project site is provided domestic water from the city of Atwater. The City of Atwater is located within the Merced Groundwater Basin, which is governed by three Groundwater Sustainability Agencies (GSAs): the Merced Irrigation-Urban GSA (MIUGSA), the Merced Subbasin GSA, and the Turner Island Water District GSA. The Merced Subbasin GSP was adopted by the MIUGSA in December 2019. The Proposed Project will be required to comply with the Groundwater Sustainability Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

11. LAND USE AND PLANNING -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

IMPACT ANALYSIS

a. *Would the project physically divide an established community?*

The Proposed Project would physically connect an established neighborhood, the Meadowview Unit Phase number one (1) subdivision, to the Proposed Silver Creek Crossing Subdivision. The Proposed Vesting Tentative Subdivision Map would have no impact because the Proposed Project would be a continuation of an adjoining neighborhood rather than a division of a community. **No Impact.**

b. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The Proposed Project is consistent with the City of Atwater's Zoning and Municipal Code along with its' General Plan land use designation. The Proposed Project is within a Planned Development (P-D 29) Zone and has a General Plan land use designation of Low-Density Residential (LDR). Further, any impact to the environment which results from the Proposed Project is subject to applicable mitigation, and is subject to local, state, and federal regulations. These measures ensure that if a conflict with any land use plan, policy, or regulation were to occur, the impact would be marginal. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

12. MINERAL RESOURCES -- WOULD THE PROJECT RESULT IN:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- b. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

The Proposed Project site is absent of any mineral extraction activities nor are there any mineral extraction activities included in the Proposed Project. Public Resources Code Section 2762(a) requires that local governments establish mineral resource management policies within their General Plan if any mineral resources of statewide or regional significance are designated within their jurisdiction. According to the City of Atwater's 2000 General Plan, no such areas have been designated or established within the City of Atwater. As a result, the Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

13. NOISE -- WOULD THE PROJECT RESULT IN:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?		X		
b) Generation of excessive ground borne vibration or ground borne noise levels?		X		
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*
- b. *Would the project result in generation of excessive ground borne vibration or ground borne noise levels?*

The Proposed Project is situated between existing residential development, existing commercial development, and the Burlington Northern Railroad. The Proposed Project would increase ambient noise levels; however, they would be minimal in nature and would have a less than significant impact. The construction activities, which are temporary in nature, would involve heavy equipment for grading, excavation, paving, and building construction which would increase ambient noise levels, ground borne vibrations, and noise when in use. Noise levels would vary depending on the equipment used, how it is operated, and how well it is maintained. However, with the implementation of Chapter 8.44, Noise Control, of the City of Atwater's Municipal Code which allows construction activities between the hours of 7:00 AM and 7:00 PM, Monday through Friday, and the hours of 9:00 AM and 5:00 PM on Saturday and Sunday the level of impact resulting from the Proposed Project would be curtailed. Additionally, in conjunction with the constraints placed on the construction activities allowed the Project Proponent in working with City Staff, has agreed to only construct single-story homes along the eastern portion of the project site abutting the railroad and erecting a wall seven (7) feet in height in order to mitigate the noise originating and emanating out from the Burlington

Northern Railroad. Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated.**

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The Project site is within two (2) miles of the Merced County Castle Airport, but the Proposed Project sits just outside of Zone D and as such is not located within the boundaries of an airport land use plan. Therefore, the Proposed Project will have a **Less Than Significant Impact.**

MITIGATION MEASURES:

The following mitigation measures shall be incorporated into the Proposed Project:

Mitigation Measure Noise-1: Construction of only single-story homes along the eastern portion of the Project site abutting the Burlington Northern Railroad.

Mitigation Measure Noise-2: Construction of a seven (7) foot tall wall along the eastern portion of the Project site abutting the Burlington Northern Railroad.

14. POPULATION AND HOUSING -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

IMPACT ANALYSIS

c. *Would the project induce substantial population growth in one area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The Proposed Project would allow for the development of seventy-three (73) single-family dwellings. Per the United States Census Bureau, persons per household (2017 – 2021) in the city of Atwater equaled 3.03; based on this statistic, the Proposed Project would increase the City's population by approximately 191 persons. With the addition of 191 new residents, the Proposed Project would increase the City's population by a marginal amount. The Proposed Project is consistent with the Low-Density Residential land use designation established under the General Plan, and implementation of the Proposed Project would not directly contribute to a substantial unplanned increase in population within the City of Atwater. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The project site is presently a vacant, undeveloped piece of land with no structures currently existing on site, residential or otherwise. Thus, the Proposed Project would not displace existing individuals or housing as none currently exist. Therefore, the Proposed Project will have **No Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

15. PUBLIC SERVICES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

IMPACT ANALYSIS

a. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?*

The City of Atwater transitioned fire protection services by executing a service contract with the State of California, Cal Fire. The contract began in October 2008. There are two (2) fire stations within two (2) miles of the Proposed Project site: 1) Atwater station 42 sits approximately 1.2 miles from the project site; and 2) Cal-Fire Castle Crew sits approximately 1.8 miles away from the project site. The Proposed Project would not substantially impact the City's response time in addressing calls for assistance.

The City of Atwater's 2000 General Plan outlines goals, policies and implementation programs in order to facilitate planned, orderly and strategic growth while minimizing the impact on response times and quality of service delivered to the residents of Atwater. Policy LU-17.1 makes clear the city will not sacrifice response times for more development. Finally, Policy LU-17.2 requires all new development to contribute funding toward necessary fire facilities and fire equipment. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

c. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?*

Police protection services in Atwater are provided by the Atwater Police Department. The Police Department is located at 750 Bellevue Road approximately one and a half miles away from the Proposed Project site. Police staffing levels are generally based on the population and police officer ratio, and an increase in population is typically the result of an increase in housing. Since the Proposed Project includes residential uses, it can be assumed that the marginal increase in population that results from this Project would be expected to generate a slight increase in the demand for law enforcement services. In this instance, General Plan Policy LU-18.2 requires all new development to contribute funding toward necessary law enforcement facilities and equipment. However, as previously stated, the Proposed Project is not expected to generate substantial population growth in the area that would result in the need for additional police services. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

c. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

The Proposed Project and the residential neighborhood that will result from the Proposed Project will not be served by the Atwater Elementary School District. The Proposed Project site will be served by the Merced City School District for grades elementary through eight (8) and the Merced Union High School District for grades nine (9) – twelve (12). The closest schools in proximity to the Proposed Project are:

Merced City School District

- Franklin Elementary School located at 2736 Franklin Road, Merced, 95340
- Stefani Elementary School located at 2768 Ranchero Lane, Merced, 95340

Merced Union High School District

- Buhach High School located at 1800 Buhach Road, Atwater, 95301
- Atwater High School located at 2201 Fruitland Avenue, Atwater, 95301

The Merced City School District has nineteen (19) schools, with an enrollment of 10,922 students for the 2023 school year with a student to teacher ratio of twenty-six (26) to one (1). Similarly, the Merced Union High School District has nine (9) schools serving a student body of 11,177 students for the 2023

school year with a student to teacher ratio of twenty-one (21) to one (1). In order to continue to support the collection of school fees consistent with the maximum allowable amount permitted under state law, the City of Atwater established the General Plan Policy LU-21.2 to ensure adequate funds are collected. The Proposed Project would ultimately result in the construction of seventy-three (73) new residences and an incremental increase in population which could impact demand for school services within the school districts listed above. In order to mitigate this impact, Government Code 65996 requires the payment of impact fees to the school districts at the time of construction to offset increased student enrollment. As provided in the Government Code, payment of these fees constitutes adequate mitigation of impacts to the provision of school facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

Increase in the demand for recreational facilities is typically associated with increases in population. As discussed in section 14.A (*Population and Housing*), the Proposed Project will not generate substantial growth in the local population such that it will be in excess, inconsistent, and out of conformance with the City's General Plan. The incremental growth spurred by the Proposed Project is unlikely to warrant new park facilities. The design for the Silver Creek Crossings Tentative Subdivision Map is congruent with the City's General Plan Policy LU-23.2. Finally, approval of the Proposed Project and subsequent residential build out would require payment of development fees to off-set any increase in demand for park services. Thus, the Proposed Project will have a **Less Than Significant Impact**.

- e. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

The marginal population increase generated by the Proposed Project would result in an incremental increase in use of public facilities; this impact would be negligible. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

16. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Development of the Proposed Project will generate marginal population growth and may increase demand for recreational facilities. Due to the Proposed Project's location being in close proximity it is reasonable to assume residents of Silver Creek Crossings Subdivision will increase the use of the neighboring 17.9-acre Veterans Park. However, whether this use would result in substantial physical deterioration of the park and facility occurring or being accelerated cannot be fully determined because the amount of park activity use from the Proposed Project's residents would be purely speculative in nature. Regardless of which park and/or recreation facility is impacted, payment of impact fees by Project Proponent would help off-set any increase in demand, use, or physical deterioration such that the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

17. TRANSPORTATION/TRAFFIC – WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

The following is based on the Technical Memorandum that was completed for the Proposed Project by GHD (October 2023).

IMPACT ANALYSIS

a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The Proposed Project is consistent with the City of Atwater's General Plan land use designation, is located within the City of Atwater and is zoned Planned Development, allowing for Low-Density Residential uses. Since the quality of traffic flow is often governed by the operation of intersections, consistent with the July 2000 City of Atwater General Plan Circulation Element and the most recent Merced County Association of Governments (MCAG) guidelines, various traffic scenarios were analyzed. The primary intersection analyzed is adjacent to and provides access to the Proposed Project site: the North Buhach Road and Piro Road/Garden Drive intersection. The analysis included existing 2023 conditions, existing 2023 plus Project conditions, cumulative 2046 conditions, and cumulative 2046 plus Project conditions and the Proposed Project peak hour trip assignment was based on the existing traffic flows occurring at this intersection. Per the City of Atwater's General Plan Circulation Element, the City of Atwater designates LOS D as their minimum standard. Based on the analysis provided, the Proposed Project would generate approximately 688 daily trips with 51 weekday AM peak hour trips and 69 weekday PM peak hour trips. With the Proposed Project trips added to existing volumes at the N Buhach Road and Piro Drive intersection, both AM and PM peak hour LOS would be acceptable; this intersection would be operating at LOS C during both weekday peak hours. As such, the Proposed Project will not conflict with a program, plan, ordinance or policy

addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The CEQA Guidelines provided in Section 15064.3, subdivision (b) establish criteria for analyzing transportation impacts of a project based on Vehicle Miles Traveled (VMT) instead of the previous, now superseded Level of Service (LOS) methodology. Regarding Land Use Projects, the guidelines state, “Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact” ...while “projects that decrease vehicle miles traveled in the project area compared to existing conditions should be presumed to have a less than significant impact.”

To date, the City of Atwater has not developed criterion to determine if it can be assumed a project will have a less than significant impact. However, the Merced County Association of Governments has adopted regional screening criteria for development projects; the criterion concludes that if a project generates less than 1,000 daily trips and is consistent with the jurisdiction’s General Plan it can be assumed said project will have a less than significant impact. As discussed above and based on the analysis provided, the Proposed Project will generate approximately 688 daily trips, well short of the 1,000 daily trip threshold established by the Merced County Association of Governments. Consequently, the Proposed Project will not conflict with or be inconsistent with the CEQA guidelines established, and as a result, the Proposed Project will have a **Less Than Significant Impact**.

c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

A review of the Proposed Project’s site design clearly illustrates no increase in hazards due to a geometric design feature or incompatible uses. The Proposed Project does not introduce new curves or hazardous intersections. Access to the Project site will be provided directly from Nebela Road via two (2) future north-south road extensions (Rondel Road and Nina Drive). To ensure there will be no increase in hazards, all internal roadways and connections to existing roadways would be required to meet existing City roadway design standards. Further, the Proposed Project site traffic and vehicles visiting the site during the construction phase will be comprised of automobiles and trucks which are permitted under the California Vehicle Code. The Proposed Project does not introduce incompatible uses or users (i.e., farm equipment) to roadways or transportation facilities not intended for the established use. As such, the Proposed Project will have a **Less Than Significant Impact**.

d. *Would the project result in inadequate emergency access?*

As discussed above, the Proposed Project-related traffic would not cause a significant increase in congestion and would not reduce the existing LOS on area roads, which could indirectly affect emergency access. All Project lots to be developed will have direct access to an existing or proposed street allowing for adequate emergency access throughout the entirety of the proposed development. The Proposed Project site will be accessible off N. Buhach Road, as N. Buhach Road

currently functions as a major arterial street with four travel lanes in the Proposed Project area. As stated in the Technical Memorandum provided and based on direction from NorthStar Engineering staff (Applicant Representative), the intersection of N. Buhach Road and Piro Drive/Garden Drive is planned for signalization. Given the current conditions of the Proposed Project area, the anticipated level of project related trips generated, the Proposed Project related planned improvements, and the objective design standards by which the Project Proponent must adhere, the Proposed Project will not result in inadequate emergency access. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

18. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision l of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision l of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the Proposed Project may have a significant impact on a Tribal Cultural Resource. Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes. Section 21074(a) of the Public Resource Code defines Tribal cultural resources for the purpose of CEQA as:

- c) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or

- b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Section 5024.1. In applying the criteria set forth in subdivision I of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA (see Section 5 of this document), a Tribal Cultural Resource may also require additional (and separate) consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached, whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

IMPACT ANALYSIS

- c. *Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 - 1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
 - 2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision I of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision I of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

In accordance with Public Resources Code Section 21080.3.1, notification letters were sent to tribal representatives of California Native American tribes that have requested to be notified of projects within the project area for the City of Atwater. Tribal representatives were advised of the Proposed Project and invited to request formal consultation with the City of Atwater regarding the Proposed Project within thirty (30) days of receiving the notification letters. On January 4, 2023, notification letters were sent to representatives of the following tribes –

- (4) Southern Sierra Miwuk Nation
- (5) Amah Mutsun Tribal Bank
- (6) North Valley Yokuts Tribe

As of the preparation of this Initial Study/Mitigated Negative Declaration, more than thirty (30) days following the City's transmittal of notification letters, no tribal representatives requested consultation. No tribal cultural resources have been identified associated with the Proposed Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

19. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?			X	

IMPACT ANALYSIS

a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

The current site of the Proposed Project is vacant and unimproved. The Project Proponent will be required to bring the property up to current City standards, and will be required to connect to the existing utilities such as electricity, natural gas, water, wastewater, etc. These services exist in the vicinity of the Proposed Project site. Connections can be made for water and sewer on Nina Drive and

connection to an existing water line can be made on Rondel Road. A new storm drain retention basin is proposed on the northeast side of the Proposed Project on Lot A, while the two existing storm basins are proposed to be expanded further to accommodate the increased demand for these utility services.

Development of the Proposed Project would increase the demand for water in the city due to human consumption and irrigation for landscaping. Water distribution lines would be installed and looped through the Proposed Project site in order to provide adequate water supply to each of the single-family residential units.

Finally, during the development period the Proposed Project, Project Proponent will be required to submit a Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board to obtain a National Pollutant Discharge Elimination System (NPDES) General Construction Permit. The SWPPP will include Best Management Practices (BMPs) to prevent water quality degradation and to control erosion and siltation. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

The City of Atwater extracts its water supply from groundwater aquifers via a series of wells throughout the city. The City's existing system facilities include nine active water wells with a total pumping capacity of 13,688 gallons per minute, a distribution system that is nearly ninety-seven (97) miles in length with line sizes ranging from four (4) to fourteen (14) inches in diameter, two (2) five-hundred-thousand (500,000) gallon ground level tanks, and an elevated tank with a capacity of one-million (1,000,000) gallons. Based upon the preceding criteria, the Proposed Project will have sufficient water supplies available to serve the Proposed Project now and foreseeable future development during normal, dry, and multiple dry years. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?*

The City of Atwater completed construction of a new regional Wastewater Treatment Facility (WWTF) in 2012. The WWTF is located just south of the city on Bert Crane Road. The new WWTF has a capacity of six million gallons per day (MGD). Wastewater is collected through a gravity flow system with approximately twenty (20) lift stations spread throughout the city. The existing sewer system consists of pipes which range from six (6) inches to thirty-six (36) inches in diameter. The new facility meets the Regional Water Quality Control Board's (RWQCB) waste discharge requirements by providing improved treatment quality. Most notably, the WWTF is expandable in modules up to a capacity of twelve million gallons per day to handle the flow from future development. The majority of wastewater returning to the WWTF would be from normal residential uses by future residents of the subdivision. While the current wastewater treatment methods are adequate to meet the needs of the

Proposed Project, the Project Proponent is subject to the payment of wastewater impact fees. Additionally, the Proposed Project was referred to pertinent departments for their input; the city's Public Works department expressed no concern related to adequate capacity or insufficient capacity to meet the Proposed Projects projected demand. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The following discussion is an analysis for criteria (d) and I:

- d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

Per the City of Atwater's 2000 General Plan, no solid waste disposal sites exist within the city's planning area. Solid waste generated within the city is collected by Allied Waste, a private contractor, and transported directly to the Merced County Landfill located off State Highway 59, approximately one and one-half miles north of Old Lake Road. The County of Merced is the contracting agency for landfill operations and maintenance. Solid waste generated from the Proposed Project will be disposed of at the County Landfill. The Proposed Project will not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Additionally, the Proposed Project will comply with all federal, state, local statutes, and regulations relating to solid waste. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

20. WILDFIRE -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), and (d):

- Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- Would the project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Proposed Project site is a vacant, undeveloped parcel characterized by its' flat topography. The Proposed Project is located within a Local Responsibility Area (LRA) and there do not appear to be any State Responsibility Areas (SRA) in close proximity to the site, per Cal-Fire's State Responsibility Area

(SRA) Viewer. Similarly, the site is not located within or designated as a Very High Fire Hazard Severity Zone (VHFHSZ). As stated by the Fire Marshall via the project referral period, the materials have been reviewed and there are no special conditions or considerations that would cause the Proposed Project to impair or interfere with an emergency response. Further, the physical development of the Proposed Project and all construction related activities shall comply with current California Fire Code, California Building Code, and City Standards thereby reducing potential fire hazards. In the event that a fire of any intensity occurs, whether during the physical development or after construction activities have completed, the Proposed Project site sits nearly equidistant between Atwater Fire Station 42 and Cal-Fire Castle Crew Station. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

21. MANDATORY FINDINGS OF SIGNIFICANCE –

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

IMPACT ANALYSIS

a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

This Initial Study includes analysis of the Proposed Project impacts related to aesthetics, agricultural resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, wildfire, and utilities and service systems. The analysis covers a broad spectrum of topics relative to the potential for the Proposed Project to have environmental impacts; this includes the potential for the Proposed Project to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict of a rare or endangered plant or animal or eliminate important examples of the major

periods of California history or prehistory. Through this analysis, it was found that the Proposed Project would have either no impact, a less than significant impact, or a less than significant impact with the implementation of mitigation measures. For the reasons presented throughout this Initial Study, the Proposed Project would not substantially degrade the quality of the environment. With the implementation of mitigation measures presented in this Initial Study, the Proposed Project will have a **Less Than Significant Impact**.

b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in the connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

As described in this Initial Study, the potential environmental effects of the Proposed Project will either be less than significant or will have no impact at all when compared to baseline conditions. Where the Proposed Project involves potentially significant effects, these effects would be reduced to a less than significant level with proposed mitigation measures and compliance with required permits and applicable regulations.

The potential environmental effects Identified in this Initial Study have been considered in conjunction with each other as to their potential to generate other potentially significant effects. The various potential environmental effects of the Proposed Project would not combine to generate any potentially significant cumulative effects. There are no other known, similar projects with which the Proposed Project might combine to produce adverse cumulative effects. Thus, the Proposed Project will have a **Less Than Significant Impact**.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

This Initial Study has considered the potential environmental impacts of the Proposed Project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the Proposed Project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, were considered. Potential adverse effects on human beings were discussed in Section 3, Air Quality; Section 4, Biological Resources; and Section 13, Noise. No significant adverse effects were identified in these sections that could not be mitigated to a level that would be less than significant.

The construction phase of the Proposed Project could have an effect on surrounding neighbors through an increase in traffic and noise; however, the effects experienced through the construction phase are temporary, not substantial, and implementation of Chapter 8.44, Noise Control, of the City of Atwater’s Municipal Code combined with mitigation measures will curtail the level of impact experienced by surrounding neighbors. The operational phase of the Proposed Project could also affect surrounding neighbors through increased air emissions, noise, and traffic; however, mitigation measures have been incorporated into the Proposed Project that would reduce the impacts to a less

than significant level. Thus, the Proposed Project will not cause substantial adverse effects on human beings. Therefore, implementation of the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporated**.

REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been referenced and/or cited in the discussion included in the Initial Study Checklist:

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- CAL FIRE (2023). Merced County Fire Hazard Severity Zones in State Responsibility Area Map. Retrieved from: <https://osfm.fire.ca.gov/fire-hazard-severity-zone-maps-2022/>.
- Central California Information Center, California Historical Resources Information System; Records Search File Number: 126391.
- City of Atwater – City of Atwater General Plan (July 2000).
- City of Atwater – City of Atwater General Plan Update Draft Environmental Impact Report.
- Department of Conservation – California Alquist-Priolo Earthquake Fault Zones. Retrieved from: <https://www.conservation.ca.gov/cgs/alquist-priolo>.
- City of Atwater – City of Atwater 2020 Urban Water Management Plan (Black Water Consulting Engineers, March 2022).
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- Merced County Airport Land Use Compatibility Plan (MCALUCP, June 2012).
- Merced County. Merced County General Plan (2030). Retrieved from: <https://countyofmerced.com/DocumentCenter/View/6766/2030-Merced-County-General-Plan?bidId=>.
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- United States Department of Agriculture. Web Soil Survey. Retrieved from Natural Resources Conservation Services: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>.
- University of California, Davis, Agriculture and Natural Resources, Soil Web. Retrieved from: <https://casoilresource.lawr.ucdavis.edu/gmap/>.

Appendices

