

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

August 21, 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. July 17, 2024 – Regular Meeting

Staff's Recommendation: Approval of minutes as listed.

PETITIONS AND COMMUNICATIONS:

2. **Public hearing to consider approving a request from Old Town Atwater for a Fall Festival and Car Show on September 21, 2024 from 6:00am-5:00pm with temporary road closures.**

Staff's Recommendation: Approval of request from Old Town Atwater for a Fall Festival and Car Show on September 21, 2024 from 6:00am-5:00pm with temporary road closures (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 Vesting Tentative Subdivision Map No. 22-23-0100 for a site located East of Buhach Rd and immediately North and adjacent to Meadow View Estates No. 1, Atwater (APN 005-070-052).**
(Applicant: Silver Creek Crossing, LLC)

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

Close the public hearing;

Adopt Resolution No. 0216-22 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 Vesting Tentative Subdivision Map No. 22-23-0100 for a site located East of Buhach Rd and immediately North and adjacent to Meadow View Estates No. 1, Atwater (APN 005-070-052).

4. **Public Hearing to consider adopting a resolution approving Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200, for a mobile food vendor located at 860 Applegate Rd, Atwater (APN 003-170-028).**

(Applicant: Carlos Maciel)

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

Close the public hearing;

Adopt Resolution No. 0250-24 approving Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200, for a mobile food vendor located at 860 Applegate Rd, Atwater (APN 003-170-028).

5. Public Hearing to consider adopting a resolution approving Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200, for a mobile food vendor located at 1100 Shaffer Rd, Atwater (APN 004-110-005).

(Applicant: Vicente Lupian-Manzo)

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

Close the public hearing;

Adopt Resolution No. 0252-24 approving Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200, for a mobile food vendor located at 1100 Shaffer Rd, Atwater (APN 004-110-005).

6. Public Hearing to consider adopting a resolution recommending that the City Council of the City of Atwater approve Preferred Alternative Alignment No. 3 for the Bellevue Rehabilitation/Realignment Project.

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

Close the public hearing;

Adopt Resolution No. 0253-24 recommending that the City Council of the City of Atwater approve Preferred Alternative Alignment No. 3 for the Bellevue Rehabilitation/Realignment Project.

7. Public Hearing to consider adopting a resolution approving Time Extension Request No. 24-21-0100 regarding previously approved Conditional Use Permit No. 21-11-0100 and Site Plan No. 21-11-0200 for a mini storage facility located at APN: 001-146-013 & 017 West of 1619 Sycamore Avenue.

(Applicant: Jatinder Randhawa)

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

Close the public hearing;

Adopt Resolution No. 0254-24 approving Time Extension Request No. 24-21-0100 regarding previously approved Conditional Use Permit No. 21-11-

0100 and Site Plan No. 21-11-0200 for a mini storage facility located at APN: 001-146-013 & 017 West of 1619 Sycamore Avenue.

REPORTS AND PRESENTATION FROM STAFF:

8. 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

July 17, 2024

REGULAR SESSION: (Council Chambers)

The Planning Commission of the City of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California;

INVOCATION:

Invocation by Chaplain McClellan

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Vice Chair Sanchez-Garcia

ROLL CALL:

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

Absent: *Chair Borgwardt*

Staff Present: *Chief Salvador, City Manager Hoem, Deputy City Manager Thompson, Lieutenant Novetzke, Recording Secretary Rashad .*

SUBSEQUENT NEED ITEMS:

None

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

APPROVAL OF MINUTES:

a) June 20, 2024 – Regular Meeting

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

PETITIONS AND COMMUNICATIONS:

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

Deputy City Manager Thompson provided background on this project.

Vice Chair Sanchez-Garcia opened the public hearing.

Applicant Nathan Braga spoke on the project.

No one else came forward to speak.

Vice Chair Sanchez-Garcia closed the public hearing.

MOTION: *Planning Commission Member Kadach moved to approve the request from the Atwater High School for a homecoming parade on September 13, 2024, at 3:30pm with a temporary road closure. The motion was seconded by Planning Commission Member Sanders and the vote was: Ayes: Planning Commission Members Kadach, Mokha, Sanders, and Sanchez-Garcia; Noes: None; Absent: Chair Borgwardt. The motion passed.*

PUBLIC HEARINGS:

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)

Deputy City Manager Thompson provided background on this project.

Vice Chair Sanchez-Garcia opened the public hearing.

Adam Reed spoke on behalf of the applicant Moe Jawad regarding the project.

No one else came forward to speak.

Vice Chair Sanchez-Garcia closed the public hearing.

MOTION: Planning Commission Member Sanders moved to approve the request from the Atwater High School for a homecoming parade on September 13, 2024, at 3:30pm with a temporary road closure. The motion was seconded by Planning Commission Member Mokha, and the vote was: Ayes: Planning Commission Members Kadach, Mokha, Sanders, and Sanchez-Garcia; Noes: None; Absent: Chair Borgwardt. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Deputy City Manager / Community Development Director Updates.

Deputy City Manager Thompson introduced the new City Manager, Chris Hoem.

COMMENTS FROM THE PUBLIC:

Vice Chair Sanchez-Garcia opened the Public Comment.

Notice to the public was read.

No one else came forward to speak.

Vice Chair Sanchez-Garcia closed the public comment.

COMMISSIONER MATTERS:

Planning Commission Member Mokha expressed his excitement for the project just approved under Resolution No. 0238-23.

Planning Commission Member Sanders inquired about any new upcoming planning commission member trainings.

ADJOURNMENT:

Vice Chair Sanchez-Garcia adjourned the meeting at 6:25 PM.

Don Borgwardt, Chair

By: Kayla Rashad
Recording Secretary



SPECIAL OUTDOOR EVENTS APPLICATION/PERMIT STAFF APPROVAL



CHECKLIST:

Application Received: _____

Permit No.: _____

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

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

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

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

DESCRIPTION OF EVENT:

APPLICANT/EVENT SPONSOR

CONTACT PERSON Adam Reed PHONE 209-628-0729

TITLE Vice-President, Old Town Atwater

ADDRESS PO Box 734, Atwater, CA 95301

E-MAIL oldtownatwater@gmail.com

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

Car Show on Broadway Ave from Winton Way to Third Street and Third Street from Broadway Ave to Grove Ave and Vendor fair in Ralston park on Sept. 21, 2024 from 6am thru 5 pm

DESCRIPTION OF EVENT (Continued):

THIS EVENT WILL SELL OR SERVE ALCOHOL: Yes _____ No X _____

ESTIMATED NUMBER OF PEOPLE IN ATTENDANCE: +/1,500

DATE(S) AND TIMES OF USE (include time for setup and takedown as well as event time): Event will be Sept. 21, 2024 from 8am thru 4pm. Setup will start at 6am and tear down will end at 5pm

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

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

LIST ALL STREETS PROPOSED FOR CLOSURE: Broadway Ave from Winton Way to Third Street, Third Street from the Broadway Ave to Grove Avenue, and Grove avenue from the west side of Third Street to 100 yards east of Fifth Street.

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.) AL (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.

APL (Applicant to initial)

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

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

Additional Insured Endorsement

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

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

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

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

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

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

Penatta Poncy (Alliant)	rponcy@alliant.com
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
Attn: Jeanna Del Real, Risk Manager
Human Resources Department
750 Bellevue Road
Atwater, CA 95301

(209) 356-3177 (Fax)
jdreal@atwater.org (Email)

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

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

Signature: 

Print Name: Adam Reed

Date: 07/16/2024

OFFICE USE

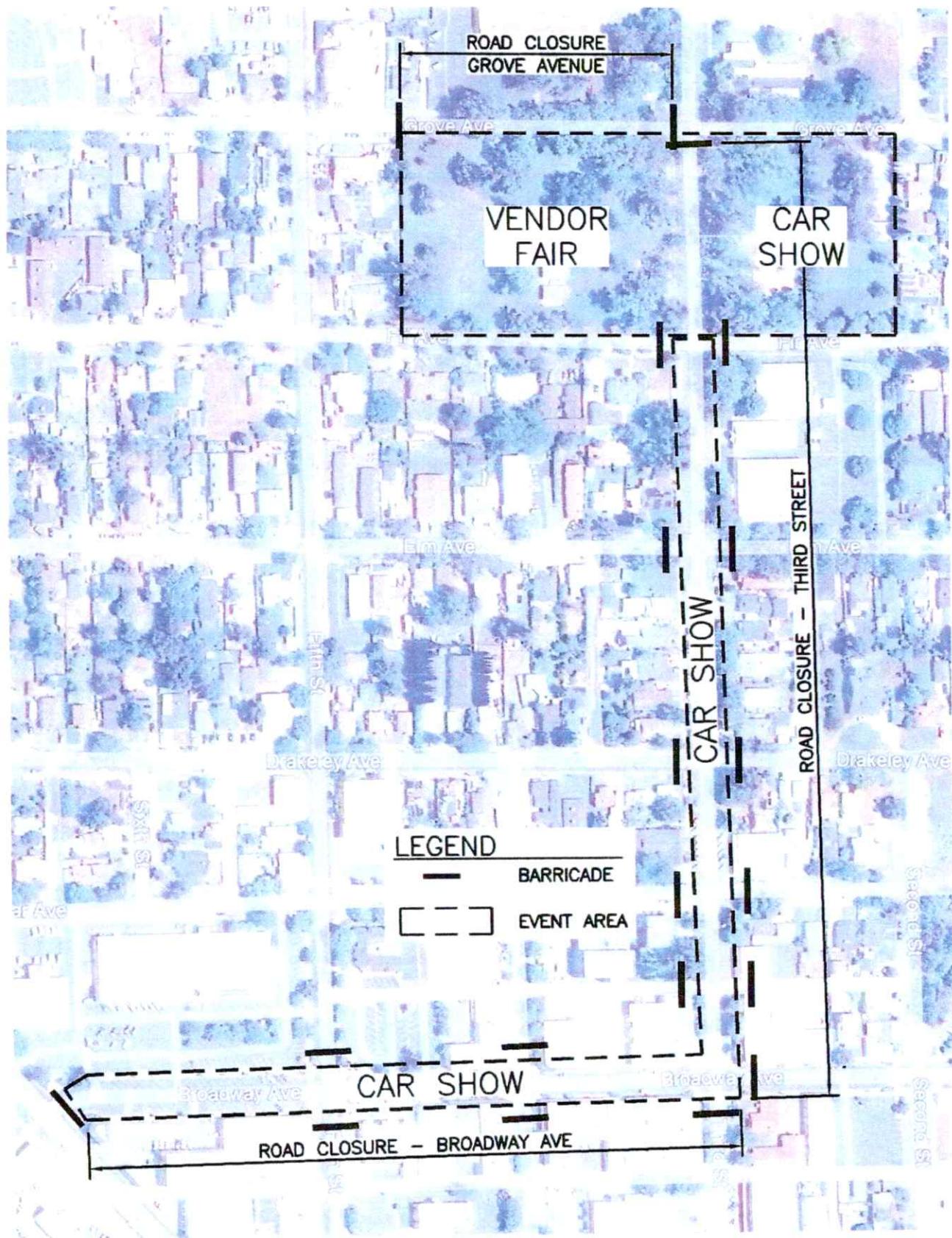
APPLICATION/PERMIT/AGREEMENT APPROVED SUBJECT TO CONDITIONS

BY	<i>Chris Hoem</i> <small>Chris Hoem (Aug 9, 2024 08:04 PDT)</small>	DATE	08/09/24
	Human Resources/Risk Management Department (357-6204)		
BY	<i>Michael Salvador</i> <small>Michael Salvador (Aug 7, 2024 07:22 PDT)</small>	DATE	26/07/24
	Police Department (357-6384)		
BY	<i>Blair Barnes</i> <small>Blair Barnes (Aug 7, 2024 07:22 PDT)</small>	DATE	08/02/24
	Fire Department (357-6341)		
BY	<i>Justin Vinson</i> <small>Justin Vinson (Aug 25, 2024 11:59 PDT)</small>	DATE	25/07/24
	Public Works/Community Development Department (357-6370)		

PLANNING COMMISSION APPROVAL DATE _____

CITY MANAGER APPROVAL DATE _____

Revised July 2020





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
7/24/2024

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

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

PRODUCER
Leap/Carpenter/Kemps Insurance Agency
3187 Collins Dr.
Merced CA 95348

INSURED
Old Town Atwater
Jason Hoogenhous
PO Box 734
Atwater CA 95301

CONTACT NAME: Dallas Arnaudo	
PHONE (A/C, No. Ext): 209-386-5072	FAX (A/C, No): 209-384-0401
E-MAIL ADDRESS: dallas.arnaudo@onedigital.com	
INSURER(S) AFFORDING COVERAGE	
INSURER A: Sentinel Insurance Company	
NAIC # 11000	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

COVERAGES

CERTIFICATE NUMBER: 464084345

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADD'L SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS				
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	51SBMBB3459	9/1/2024	9/1/2025	EACH OCCURRENCE	\$ 1,000,000			
	GENERAL AGGREGATE LIMIT APPLIES PER:									
	POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC								DAMAGE TO RENTED PREMISES (Ex occurrence)	\$ 1,000,000
	OTHER:								MED EXP (Any one person)	\$ 10,000
	AUTOMOBILE LIABILITY								PERSONAL & ADV INJURY	\$ 1,000,000
	ANY AUTO								GENERAL AGGREGATE	\$ 2,000,000
	OWNED AUTOS ONLY					<input checked="" type="checkbox"/> SCHEDULED AUTOS			PRODUCTS - COMP/OP AGG	\$ 2,000,000
	Hired AUTOS ONLY					NON-OWNED AUTOS ONLY				\$
	UMBRELLA LIAB					<input type="checkbox"/> OCCUR			COMBINED SINGLE LIMIT (Ex accident)	\$
	EXCESS LIAB					<input type="checkbox"/> CLAIMS-MADE			BODILY INJURY (Per person)	\$
DIED	RETENTIONS			BODILY INJURY (Per accident)	\$					
WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				PROPERTY DAMAGE (Per accident)	\$					
ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/>	Y/N	N/A	1							
(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below				PER STATUTE	OTHE					
	E.I. EACH ACCIDENT			\$						
	E.I. DISEASE - EA EMPLOYEE	\$								
	E.I. DISEASE - POLICY LIMIT	\$								

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

RE: Event - 9/21/2024 - Fall Festival Car Show
Certificate holder is named as additional insured where required by written contract with respect to General Liability.

CERTIFICATE HOLDER

CANCELLATION

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

AUTHORIZED REPRESENTATIVE



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Donald Borgwardt, Chair

Harold Kadach Jagandeep Mokha

Myra Sanchez-Garcia Illeisha Sanders

MEETING DATE: August 21, 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 Vesting Tentative Subdivision Map; located on the north side of Nebela Drive, approximately 0.15 miles east of North Buhach Road, Atwater (APN 005-070-052)**

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. 0216-22 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 Vesting Tentative Subdivision Map No. 22-23-0100 (APN: 005-070-052).

I. BACKGROUND:

The applicant has proposed a Vesting Tentative Subdivision Map to subdivide the existing 15.13-acre parcel into 73 single-family residential lots. The project also includes the expansion of an existing storm water detention basin currently located within the Meadow View Estates Unit One, immediately south of the proposed project site. Physical development of the individual lots is not proposed at this time.

Initial applications for the project were submitted in December of 2022. The project required the preparation of a Mitigated Negative Declaration which was completed by J.B. Anderson in January of 2024.

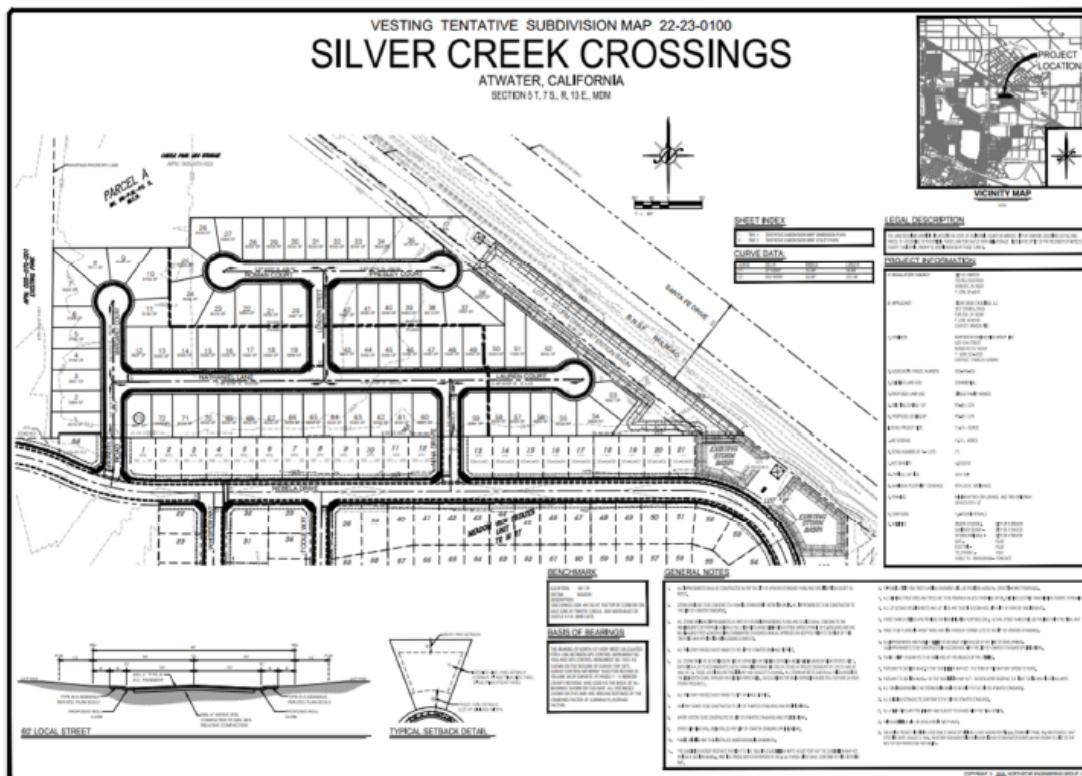
The City submitted the project for public review to the Office of Planning and Research on June 3, 2024. During this review period, one comment was received from the Department of Toxic Substances and Control. Those comments and responses are detailed as part of the Environmental Review section of this report. The comment period for the project closed on July 2, 2024.

II. ANALYSIS:

Site Location and Description:

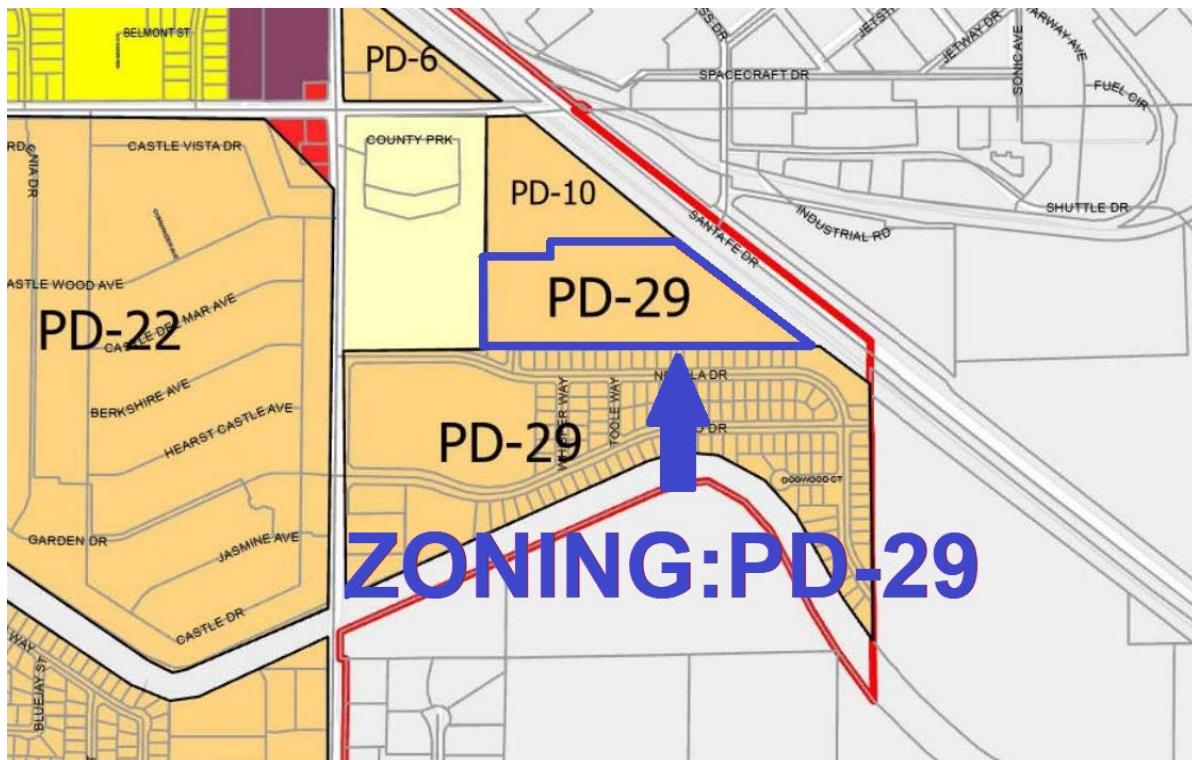
The project site is located on the north side of Nebela Drive, approximately 0.15 miles east of North Buhach Road. The project site is currently shown as Assessor's Parcel Number (APN) 005-070-052.

The site consists of one (1) parcel and is currently zoned as Planned Development with a General Plan land use designation of Low Density Residential. The entire project site is presently undeveloped and does not include any structures. The proposed development would be accessed by two points off of Nebela Drive, Rondel Road and Nina Drive, along the south side of the development.

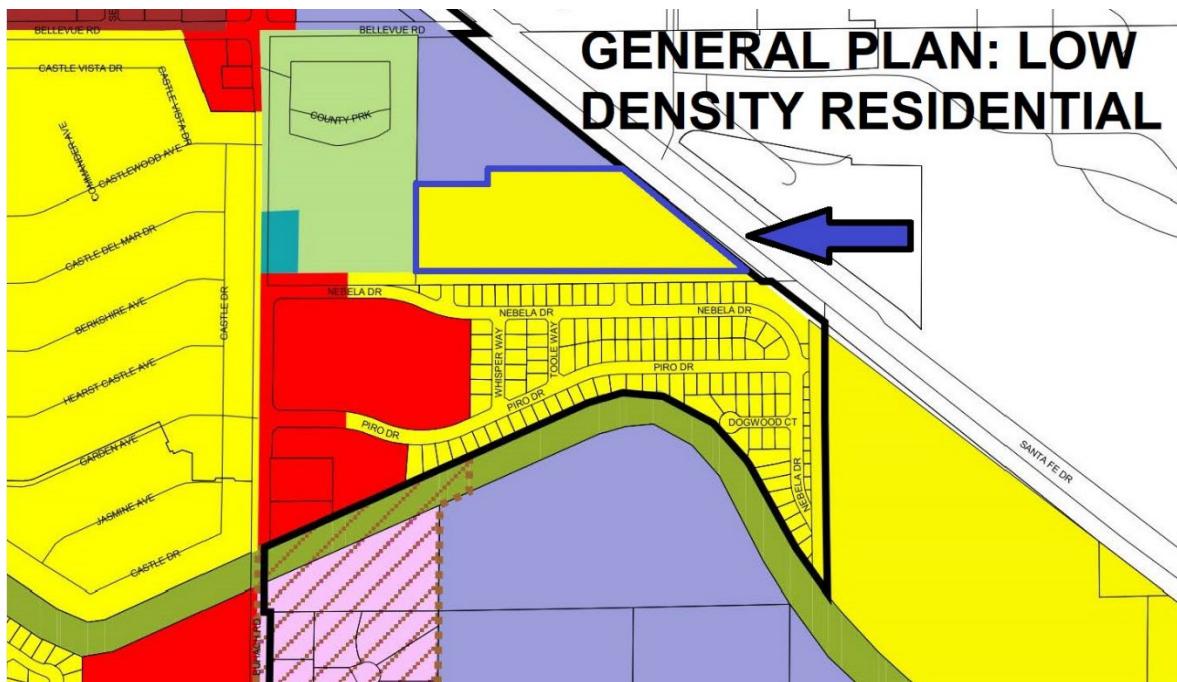


Zoning Consistency:

The project is located within a Planned Development (PD 29) zone district. The applicant has designed the project to be consistent with the existing Zoning. Under the PD-29 Zoning Designation, any and all land uses can be considered for development so long as they are consistent with the underlying General Plan Designation. As a residential project, the density for this development is allowed 3.1 to 7.0 units per acre with parcel sizes ranging from 5,000 square feet to 11,000 square feet. The current design is consistent with these parameters at 4.86 units per acre.

General Plan Consistency:

The General Plan Land Use designation is Low Density Residential. The applicant has designed the project to be consistent with the existing General Plan Land Use Designation. As such, no plan amendment is required to allow the proposed use.



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 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 single-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 could contribute to future RHNA numbers for the City of Atwater.

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 project site is surrounded by existing commercial development to the north, single family dwellings to the south, Veteran's Park to the west, and Castle AFB Football Field. The proposed use of single-family residential would be compatible with the uses described within the surrounding areas.

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 17.44.020 of the A.M.C – Planned Development Districts, "Any and all types of land uses may be considered for approval...if the uses are consistent with the underlying General Plan land use designation and zoning for the property.

Under Section 17.44.070 of the A.M.C. - The Planning Commission shall recommend, and the City Council shall approve or conditionally approve the master plan for the PD zone upon making the following findings:

- A. The master plan will provide for a higher standard or quality of development than typically found in the other zones and will meet the intent of the purposes of Planned Development zone.
- B. Deviations from the requirements in the other zones of the zoning code that would normally apply are justified by compensating benefits of the master plan.
- C. The master plan is consistent with and furthers the policies of the General Plan and any applicable community specific plan and adopted design guidelines.
- D. The master plan includes adequate provisions for public facilities and services including water, sewer, drainage, traffic circulation, and access.
- E. Public service demands will not exceed the capacity of existing and planned systems.

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. Resolution 0216-22 includes all comments and conditions as received from internal and external department and agencies.

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, 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 June 3, 2024. The public comment period closed on July 2, 2024. The City's intent to adopt a Mitigated Negative Declaration was made known under Section 15070.

On June 19th, 2024, the City received comments from the Department of Toxic Substances Control. Four items were listed in their response including 1) the presence of contaminants due to agricultural practices and the need for further studies 2) potential chemicals where farming practices may have occurred including farm houses, irrigation ditches, and other out buildings that may require additional sampling 3) the need for a potential soils assessment and/or a Phase I Site Assessment and 4) the further testing of soils that could contain contamination within potential fill material for the site.

A response to this letter was provided by the J.B. Anderson stating that no new environmental issues have been raised that had not already been adequately identified and addressed as part of the Initial Study – Mitigated Negative Declaration (ISMND). The project site is not known to contain hazardous materials as identified under Section 65862.5 of the California Government Code.

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. 0216-22, and a five-day appeal period, the recording secretary will supply a signed copy to the applicant.

Prepared by: Tom Navaro, Contract Planner

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

Attachments:

1. Resolution No. 0216-22
2. Vesting Tentative Subdivision Map No. 22-23-0100
3. Master Plan
4. Initial Study



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0216-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER CERTIFYING THE MITGATED NEGATIVE DECLARATION UNDER CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND APPROVING A VESTING TENTATIVE SUBDIVISION MAP; LOCATED ON THE NORTH SIDE OF NEBELA DRIVE, APPROXIMATELY 0.15 MILES EAST OF NORTH BUHACH ROAD, ATWATER (APN: 005-070-052)

WHEREAS, the Planning Commission of the City of Atwater reviewed Vesting Tentative Subdivision Map No. 22-23-0100 as submitted by Silver Creek Crossing, LLC requesting to subdivide one parcel of approximately ±15.13 acres into 73 parcels located north of Nebela Drive and east of Buhach Road; and,

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on August 21, 2024; and,

WHEREAS, the determination has been made under the provisions of the California Environmental Quality Act (CEQA) that this project qualifies for a Initial Study and Mitigated Negative Declaration (ISMND) with mitigation measures being incorporated into the project; and,

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

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

WHEREAS, the Planning Commission finds that the following findings can be made for Vesting Tentative Subdivision Map No. 22-23-0100:

1. That the site is located in a Planned Development (PD-29) Zone District and conforms with the use and intent of said zone.
2. That this site is designated by the Atwater General Plan as Low Density Residential.
3. That all the mandatory findings set forth in section 16.04.010 of the Atwater Zoning Ordinance can be made.
4. That this project has prepared an Initial Study and Mitigated Negative Declaration with mitigation measures being incorporated and is in compliance with the provisions of the California Environmental Quality Act (CEQA).
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 approve Vesting Tentative Map No. 22-23-0100 subject to the following conditions:

BUILDING:

1. All plan submittals and calculations and all other required documentation shall be submitted to the Building Division. Documents will be routed to proper departments for review and also sent out to third party plan checking services.
2. Apply for a permit application in person or online.
3. Plan Check fee payment (based on valuation of the project) contact Building Division
4. Five (5) sets of plans including three (3) wet stamped by a registered California Design Professional, unless noted accordingly per the "Professional Engineers Act" of 2001.
5. Three (3) sets of Energy/Title 24, California Green Code Documents, Special Inspection form (filled out by designer), Ventilation designs, approval of dust collection system from San Juaquin Valley Air Pollution Control Board, Waste Management Plan, and any other applicable calculations/specifications or documents.
6. Building plans shall reflect the most recent California Building Codes (Title 24) which consist of the Building Code volume 1 & 2, Wind Speed: Risk Category I: 100, Category II: V_{ult} 110, V_{asd} 85, Category III V_{ult} 115, V_{asd} 85
 - a. Wind Exposure: B Urban and Suburban, C in any quadrant for a distance of more than 600 feet
 - b. Seismic Design Category: DO
 - c. Weathering: Negligible, Winter design temp. 25 degrees F

- d. Air Freezing Index: 1500, mean annual temp 60 degrees F
- 7. Green Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code including Appendix C, Appendix D, Appendix I, Appendix J, California Energy Commission requirements, State and Federal Accessibility requirements, Atwater Municipal Codes (AMC), requirements from Atwater Fire
- 8. Department, Engineering, Planning and Public Works Departments respectively. Once plans are approved by the City of Atwater the Building Division will contact the applicant with fee totals and approximate time when plans will be ready for pick up.
- 9. Building Permits cards and city approved plans and calculations shall always be on site when an inspection is called in.
- 10. The construction site shall have an address posted that will be easy for inspectors and emergency services to see.
- 11. No sitework is to start until fees are paid and Building Permit is issued, failure to adhere to this will result in a STOP WORK ORDER being issued

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE:**Swainson's Hawk(SWHA)**

- 12. SWHA exhibit high nest-site fidelity year after year in the San Joaquin Valley (CDFW2016). The Project as proposed may involve noise, groundwork, and movement of workers that could affect nests and has the potential to result in nest abandonment, significantly impacting local nesting SWHA. Without appropriate avoidance and minimization measures for SWHA, potential significant impacts that may result from Project activities include nest abandonment, and reduced nesting success (loss or reduced health or vigor of eggs or young)from loss of foraging habitat. CDFW recommends the CEQA document prepared for this Project address potential impacts to SWHA by including the following avoidance and minimization measures.
- 13. The Project will convert of 15.13 acres of open land into 63 residential lots. CDFW recommends compensation for the loss of Swainson's hawk foraging habitat as described in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks(Staff Report)(CDFG,1994) to reduce impacts to foraging habitat to less than significant. The Staff Report recommends that mitigation for habitat loss occur within a minimum distance of 10 miles from known nest sites. CDFW has the following recommendations based on the Staff Report:
 - a. For projects within 1 mile of an active nest tree, a minimum of one acre of habitat management (HM) land for each acre of development is advised.
 - b. For projects within 5 miles of an active nest but greater than 1 mile, a minimum of 0.75 acres of HM land for each acre of development is advised.

- c. For projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree, a minimum of 0.5 acres of HM land for each acre of development is advised.

14. SWHA are known to travel for miles to forage. Therefore, CDFW recommends surveys be conducted as part of the biological technical studies conducted in support of the CEQA document by a qualified biologist with knowledge of SWHA natural history and behaviors, following the survey methods developed by the Swainson's Hawk Technical Advisory Committee (SWHATAC 2000). Regardless of the results of the initial survey, CDFW recommends that the survey be conducted by a qualified wildlife biologist again within the survey season immediately prior to project implementation. CDFW recommends a minimum no-disturbance buffer of 0.5-mile delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If an active SWHA nest is detected during surveys and a 0.5-mile buffer is not Kayla Rashad, Administrative Assistant City of Atwater Community Development Department February 8, 2023 Page 4

15. feasible, consultation with CDFW is warranted to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) is necessary to comply with CESA.

Nesting birds

16. CDFW encourages that Project implementation occur outside of the bird nesting season (February 1 through September 15); however, if ground-disturbing or vegetation-disturbing activities must occur during the nesting season, the Project applicant is responsible for ensuring that implementation of the Project does not result in violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above.

17. To evaluate Project-related impacts on nesting birds, CDFW recommends that a habitat assessment for nesting birds be conducted as part of the biological technical studies in support of the CEQA document. If nesting birds or suitable habitat are identified, CDFW further recommends that focused surveys be conducted at biologically appropriate times during the nesting season as part of the biological technical studies in support of the CEQA document. CDFW also recommends that a qualified wildlife biologist conduct pre-activity surveys for active nests within 10 days prior to the start of ground or vegetation disturbing activities to maximize the probability that nests that could potentially be impacted are detected. CDFW also recommends that surveys cover a sufficient area around the Project site to identify nests and determine their status. A sufficient area means any area potentially affected by the Project. In addition to direct impacts (i.e. nest destruction), noise, vibration, and movement of workers or

equipment could also affect nests. Prior to initiation of construction activities, CDFW recommends that a qualified biologist conduct a survey to establish a behavioral baseline of all identified nests. Once construction begins, CDFW recommends having a qualified biologist continuously monitor nests to detect behavioral changes resulting from the Project. If behavioral changes occur, CDFW recommends halting the work causing that change and consulting with CDFW for additional avoidance and minimization measures.

18. If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, CDFW recommends a minimum no-disturbance buffer of 250feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors. These buffers are advised to remain in place until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or on-site parental care for survival. Variance from these no-disturbance buffers is possible when there is compelling biological or ecological reasons to do so, such as when the construction area would be concealed from nest site by topography. CDFW recommends that a qualified wildlife biologist advise and support any variance from these buffers and notify CDFW in advance of implementing a variance.

ENGINEERING:

19. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
20. The developer shall provide and show on the Master Plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City. 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.
21. 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.
22. 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.

- 23.** Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted to the City Engineering Division for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
- 24.** 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.
- 25.** The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
- 26.** The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Atwater Municipal Code.
- 27.** 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/final 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.
- 28.** 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.

- 29.** All on- and off-site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited and may be memorialized through a reimbursement agreement with the Developer.
- 30.** All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
- 31.** 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.
- 32.** 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.
- 33.** If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
- 34.** The Final Map shall show the dedication of all on-site drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the City Engineer and/or Public Works Director, or verify that no easements are required. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
- 35.** Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on the Final Map shall be in substantial conformance to that shown on the Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.
- 36.** 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.

37. 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.G
- 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.

38. The Developer shall submit a building permit application package for each individual lot 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.

39. The Developer shall provide joint trenching for telephone, gas, electric, and cable TV service for the Development in a combined utility plan submitted with the Building Permit.

40. All existing overhead utilities on-site shall be undergrounded.

41. 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.

42. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the City of Atwater Improvement Standards and Specifications and the most recent edition of the Caltrans Standard Plans and Specifications, all applicable federal, state, and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.

43. Developer shall construct complete dedicated public improvements throughout the development, including, but not limited to, curbs, gutters, sidewalks, roadway construction, street lighting, storm drain, water, sewer, and landscaping. The design and construction of all future public improvements shall be at the developer's sole expense and shall be constructed prior to issuance of any certificate of occupancy.

44. 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 fees may be adjusted over time according to an index approved by City Council or as allowed by law.

45. Developer shall create assessment district for construction of traffic signal at the intersection of Buhach Road and Piro Drive per letter dated 8/7/2006 to the City of Atwater.

46. The applicant shall secure and comply with all applicable federal, state and local

licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.

- 47.** The project shall establish or annex into an existing Community Facilities District for the on-going Public Services operations including Fire and Police services
- 48.** The project shall establish or annex into an existing Lighting and Drainage District along with a Landscaping Maintenance 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.
- 49.** An encroachment permit shall be required for any construction to be done in the public right of way or in easements. Please note for any public improvement required sufficient warranty may be required by the city. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted Miscellaneous Fee Schedule.
- 50.** Where the finished grade of the property is in excess of twelve inches (12") higher or lower than the abutting property or adjacent lots, a retaining wall or other suitable solution acceptable to the City Engineer shall be required, and any fence or wall shall be measured from the top of grade on the lower side of the retaining wall or slope. Retaining walls shall be shown on grading plans, shall be structurally engineered if over four (4) feet in height (from base of foundation to top of wall), including surcharge, and will require a separate building permit.
- 51.** 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.
- 52.** All broken, cracked or otherwise damaged public improvements, such as curb, gutter, and sidewalk, shall be saw cut, removed and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
- 53.** For the proposed on-site improvements and off-site improvements, the developer shall cause Improvement Plans to be prepared. The plans shall be prepared by a Licensed Civil Engineer or under his/her direction. The plans shall be prepared on 24" X 36" plan sheets and to a reasonable scale. The plans shall be in a format to be approved by the City Engineer and shall show all of the proposed grading and on-site and off-site improvements for the proposed development. The title of the plan shall be shown at the top of Sheet No. 1. Sheets shall be numbered in consecutive order. An index showing the sheets contained within and as a part of the Site Improvement Plan shall be shown on Sheet 1. Separate On-Site and Off-site Improvement plan sets shall be submitted for City review.

- 54.** Prior to occupancy, the developer shall supply the City with both hardcopy and electronic (Adobe PDF and AutoCAD file formats) showing plans that reflect the project as it was built (As-Builts or Record Drawings) to the satisfaction of the City Engineer. Off-Site Improvement Plans hardcopy shall be on 4-mil minimum thickness translucent mylar film.
- 55.** The developer shall install water services to the proposed development. Individual water services shall be provided for each individual lot. All services shall be metered.
- 56.** Developer shall install a reduced pressure principle (RPP) backflow device for potable water. All services shall be metered, a Sensus “Flex-Net” radio read meter shall be used. The RPP device shall include unions on both riser pipes for easier maintenance. RPP devices shall be shown on the Site Improvement Plan including, brand names and types.
- 57.** All utility trenches or excavations shall be excavated, backfilled, and compacted in accordance with applicable City Standards and with any conditions for paving structural sections included within this resolution.
- 58.** 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.
- 59.** Any water wells found during construction shall be destroyed and/or demolished in accordance with approved City Standards, requirements, and/or permits.
- 60.** Site design and construction shall include the detention of storm water runoff. Storm drainage facilities in the project area discharge into facilities of the Merced Irrigation District (MID). If necessary, Owner will enter into “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.
- 61.** Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
- 62.** Hydrologic 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 full runoff volume of a 100 year 24 hour storm event.
- 63.** Developer shall provide for a drainage system capable of handling and disposing of all surface water originating within the Development and all surface water that may flow onto the Development from adjacent lands. Said drainage

system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.

- 64.** 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.
- 65.** 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.
- 66.** 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.
- 67.** 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.
- 68.** Ensure that the site allows for the maneuverability of fire trucks, refuse vehicles, and any emergency service vehicles around the entirety of the site. Permanent site furnishings shall be installed to maintain proper clearance for emergency vehicular turnaround where designated on plan.
- 69.** 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.)
- 70.** 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.
- 71.** Developer to provide sewer loading calculations and report for the development.

Sewer service laterals shall be provided for each individual lot.

- 72.** Any septic systems found during construction shall be destroyed in accordance with approved Merced County Environmental Health requirements.
- 73.** Developer shall properly abandon or relocate all utilities as necessary or required.
- 74.** Developer shall comply with the requirements of all public utility companies.
- 75.** All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
- 76.** The installation (if required) of all gas, electric, sewer, and water lines and any other below-surface utilities is to take place before the construction of any concrete curbs, gutters, sidewalks, and the surfacing of streets.
- 77.** Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
- 78.** The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
- 79.** Sight distance requirements at all street intersections shall conform to City Standards.
- 80.** 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.
- 81.** Developer shall submit three (3) sets of landscaping and irrigation plans to be reviewed and approved by the City of Atwater Public Works Division. Said plans shall be prepared by a landscape architect licensed in the State of California. All landscaped areas shall be equipped with seven-day automatic irrigation systems with battery back-up. All landscaping shall always be maintained and said maintenance shall be the responsibility of the developer. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
- 82.** The developer shall plant shade trees along the street frontage areas in accordance with the 2017 Urban Forest Master Plan.
- 83.** 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:

- a. 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.
- b. 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.

84. Developer shall provide Park access utilizing APN 005-481-001 west of the property. The access point must have an ADA compliant pedestrian gate and ADA path of travel to the southern portion of the park.

85. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.

86. The Developer 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 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:
- d. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the Development for those purposes.
- e. Pay the cost to process lighting district administration of this project

87. Applicant shall submit a complete area water pressure availability study for the Project prior to approval of improvement plans. If the study indicates that the present system is inadequate, Applicant must provide water system modelling prepared with a software simulation program that identifies any remedial action.

- 88.** necessary to abate the deficiency, and shall submit improvement plans for plan check and take all necessary actions at the applicant's expense.
- 89.** Applicant shall submit a study addressing on- and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, Applicant must provide improvement plans and calculations for additional or upgraded storm water and/or sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Atwater General Plan, and take all necessary actions at the applicant's expense.
- 90.** 6-inch (6") high Portland Cement Concrete curbing shall be provided between all paved areas and landscaped areas. In addition, curbing between the length of any parking space and a landscaped area shall include a 12" wide "courtesy curb." Curb cuts shall be allowed for LID drainage designs.

FINANCE

- 91.** When building is ready to connect to City Water and Sewer, owner must submit a Start Service Application for Water, Sewer, and Garbage services.
- 92.** Owner must submit a business license application for review and approval and pay all applicable taxes and fees.

FIRE:

- 93.** Plans, calculations and supporting documentation shall reflect the latest California Building Codes (Title 24) Focusing on the Fire Code, CCR Title 24, NFPA, ASTM, California Fire Marshal requirements, and the Atwater Municipal Code (AMC).
- 94.** Fire Hydrant location will be in accordance with Appendix C (Hydrant Location and distribution) of the 2022 CFC.

PLANNING:

- 95.** All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
- 96.** Upon any violation of sign ordinance section 17.69 of the Atwater Municipal Code (AMC), the applicant will be cited and subject to fine.
- 97.** 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.

- 98.** 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.
- 99.** The applicant shall comply with all conditions of the Merced County Division of Environmental Health, including the handling of all potentially hazardous material.
- 100.** The Planning Commission shall retain the right to reconsider Vesting Tentative Subdivision Map No. 22-23-0100 at any time.
- 101.** The Tentative Subdivision Map shall expire within one (1) year from the day of approval if the operation has not started.
- 102.** Site Plan shall expire in six (6) months from the day of approval if the operation has not started.
- 103.** 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.
- 104.** 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.\
- 105.** The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Atwater, its agents, officers, and employees to attack, set aside, void, or annul any approval by the City of Atwater and its advisory agency, appeal board, or legislative body concerning this application, which action is brought within applicable statutes of limitations. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City

harmless. This condition may be placed on any plans or other documents pertaining to this application.

POLICE DEPARTMENT:**Commercial Properties in the Development:**

- 106.** Any external electricity is secured to prevent theft of utilities.
- 107.** Addition of adequate lighting to prevent unwanted access or camping on the property.
- 108.** Any external water is secured to prevent theft of utilities.

Residential properties:

- 109.** Block fencing on the border with the existing park to prevent unauthorized access.

PUBLIC WORKS:

- 110.** Trash enclosure must be large enough to contain (2) three-yard bins.

TRAFFIC:

- 111.** If the Project is entirely consistent with the City's General Plan, pursuant to the MCAG VMT Thresholds and Implementation Guidelines it is estimated to have less than significant VMT impacts and thus can be screened out from having to prepare a quantitative VMT analysis.
- 112.** The project shall prepare a trip generation, distribution and fair share
- 113.** Analysis for a future traffic signal at the intersection of Buhach and Piro. The distribution analysis shall include both AM and PM peak period trips to the intersection. The fair share analysis shall utilize the Caltrans equitable fair share formula and the cumulative year 2045 traffic forecasting volumes.

MID:

- 114.** MID operates and maintains the Livingston Canal within a 150-foot wide fee strip as granted by that certain deed recorded December 29, 1879 in Book P of Deeds, Page 440, Merced County Records. This canal is offsite but just south of the subject property and will be the recipient of the project's storm drainage.
- 115.** The proposed development (APN 005-070-052) is subject to the executed Drainage Agreement between the Merced Irrigation District for Merced Irrigation

Drainage Improvement District No.1 and Castle Park Mini-Storage. The agreement is recorded with the County of Merced, June 17, 2005, as Document No. 2005-045688, Merced County Records.

- 116.** Owner/Developer will enter into an “Encroachment Agreement” for any work associated with MID Facilities.
- 117.** MID will require an MID signature block be provided on the improvements plans for any work associated with MID facilities.
- 118.** The proposed development will be subject to all fees and conditions set forth in the Drainage Agreement recorded as Document No. 2005-045688, Merced County Records.

PG&E:

- 119.** PG&E operates a high-voltage electric transmission line within an easement on this property, recorded in Volume 1569 at Page 949 of Merced County records. Said easement prohibits the erection or construction of any building or other structure within the easement area. PG&E’s transmission easement shall be designated on subdivision/parcel maps as “RESTRICTED USE AREA – NO BUILDING.”
- 120.** Cuts, trenches or excavations may not be made within 25-feet of PG&E towers. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. The Company requests a full grading plan be provided within the easement area.
- 121.** Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25-feet of PG&E structures require review by PG&E. There is a proposed 18-inch storm drain that appears to be within 25-feet of PG&E’s tower structure. The Company requests a complete utility and construction plan be submitted prior to any construction commencing.
- 122.** The proposed storm drain retention basin is in conflict and hinders PG&E’s ability to safely access and maintain the transmission line. The Company requests the referenced basin be relocated outside of the easement area or be shortened and reduced within the easement area so that the distance between said basin and any tower structure is maximized. Unobstructed, heavy equipment access to the transmission facilities must be maintained at all times.

The foregoing resolution is hereby adopted this 21st day of August, 2024.

AYES:

NOES:

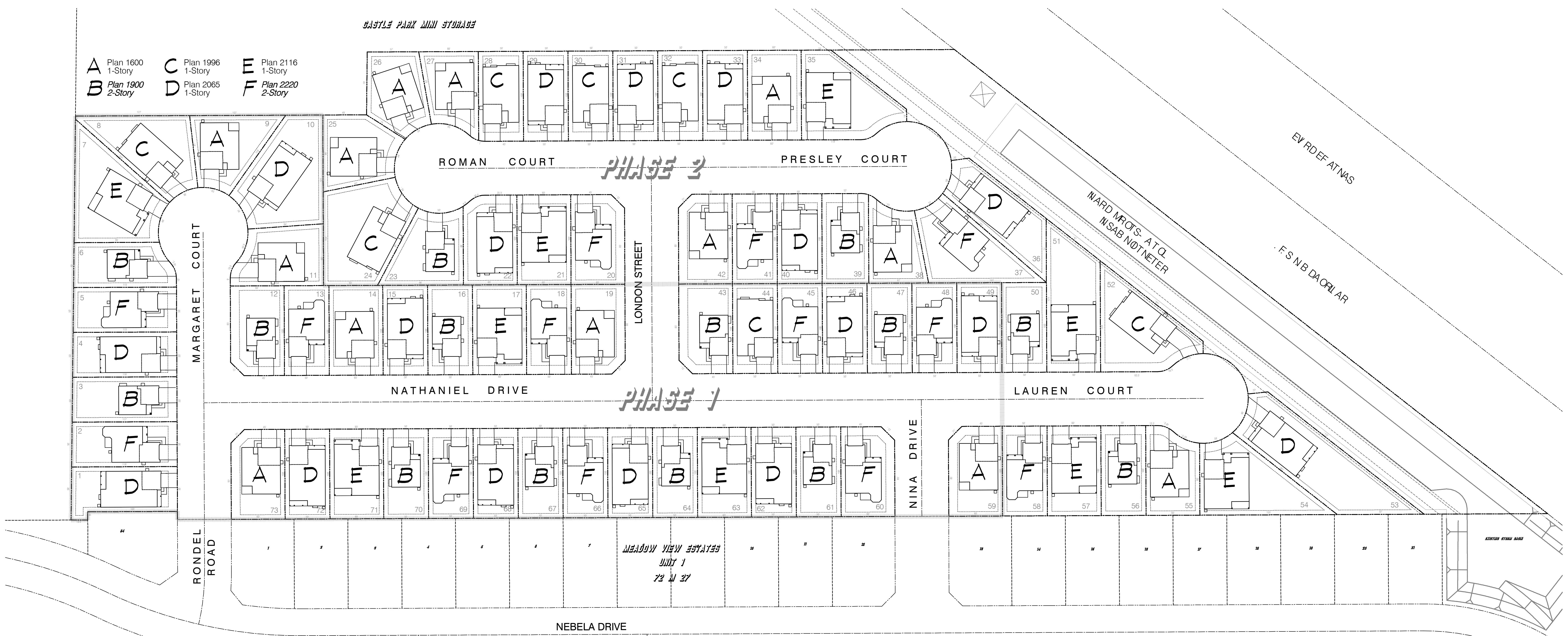
ABSENT:

APPROVED:

DON BORGWARDT, CHAIR

ATTEST:

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





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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- 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

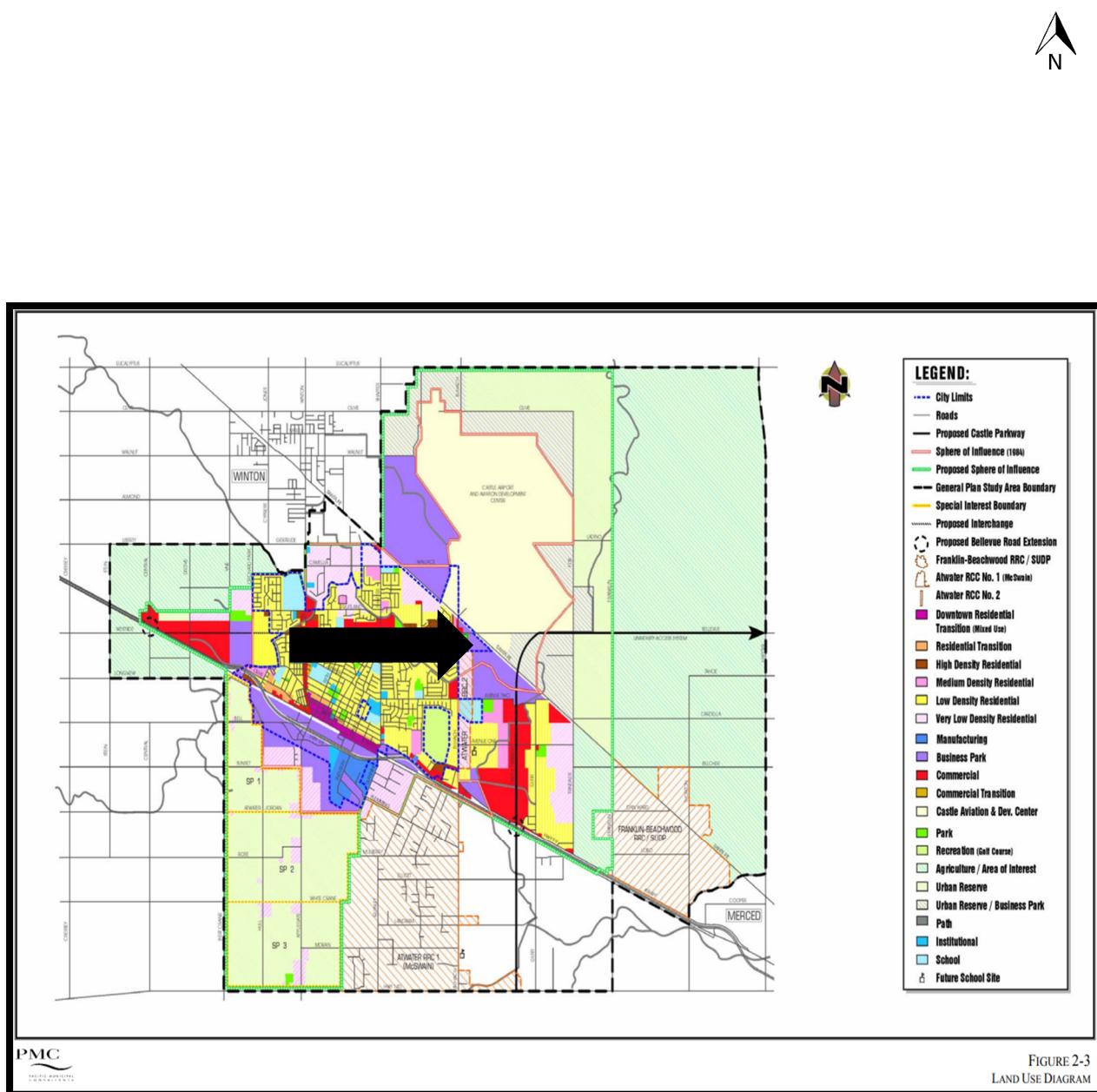


Figure 2 – Existing General Plan

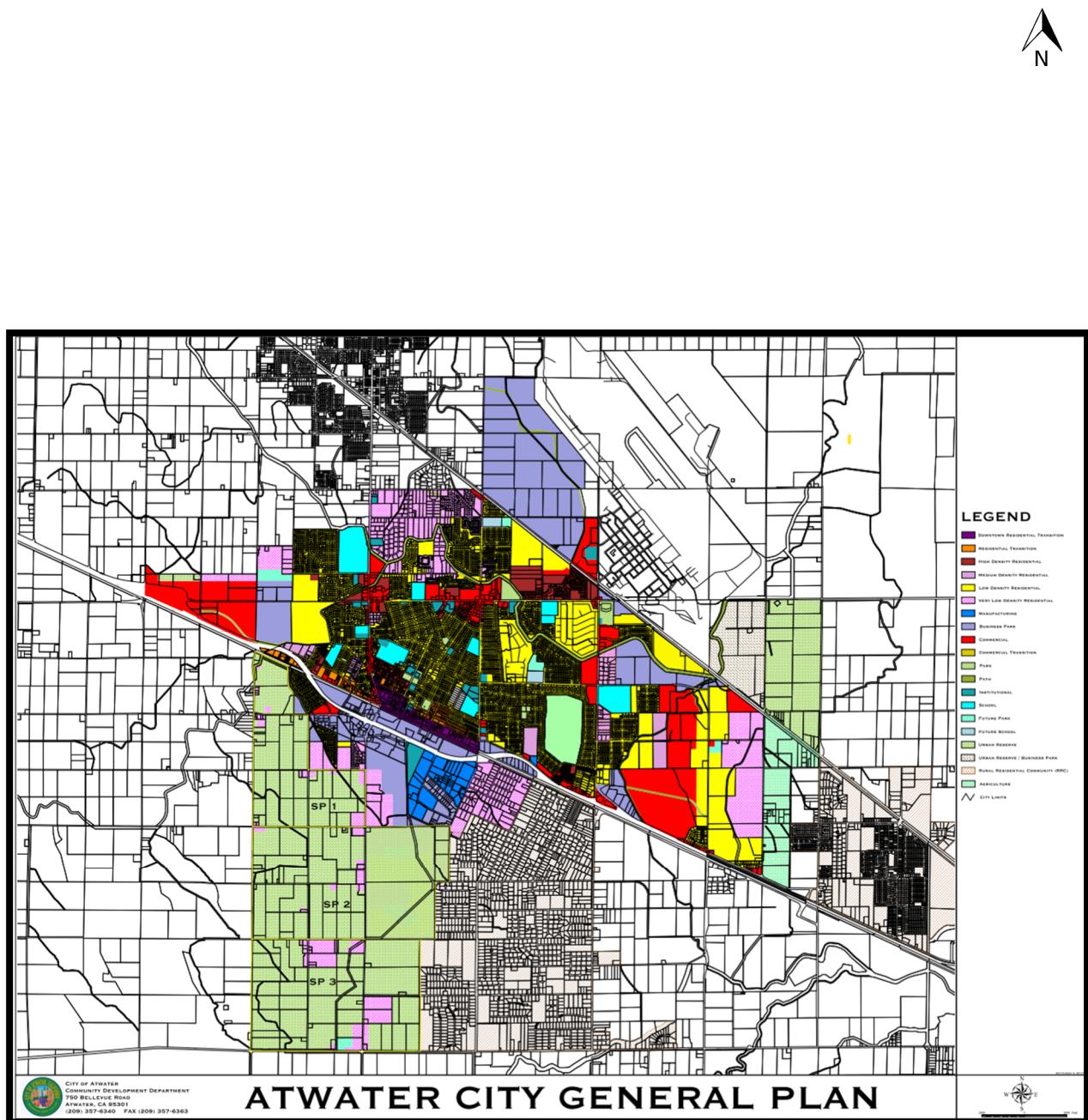


Figure 3 – Existing Zoning

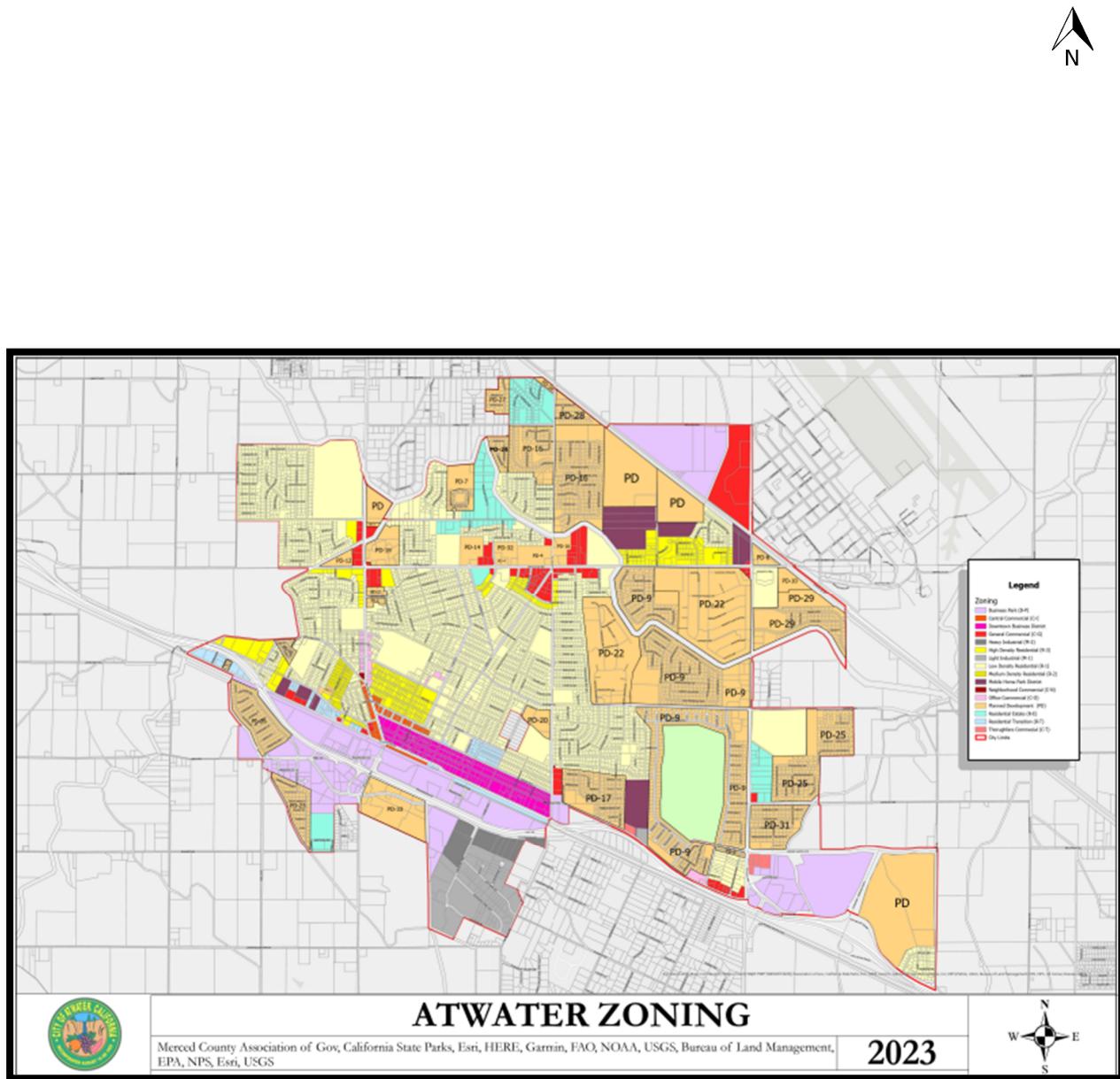
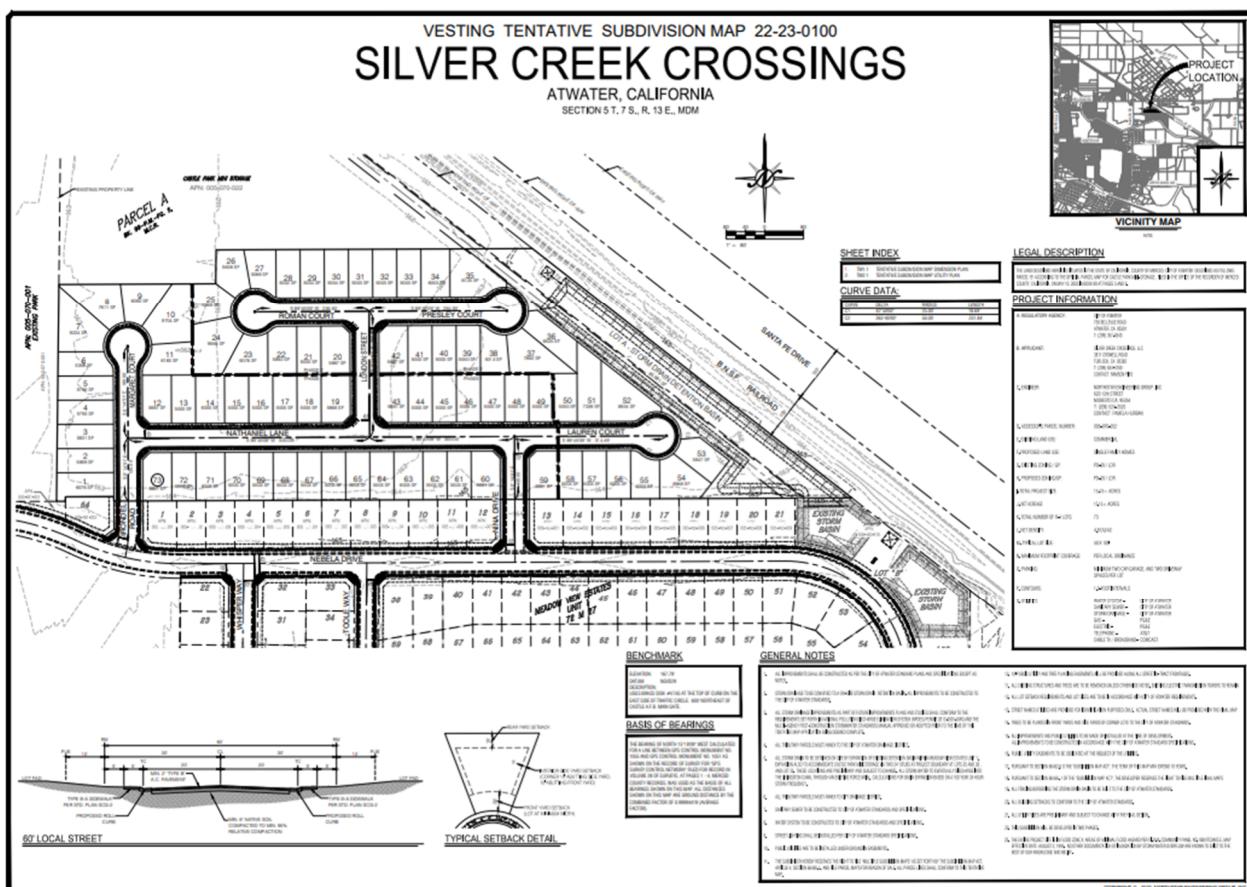


Figure 4 – Vesting Tentative Subdivision Map



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):

- a. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- b. *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?*
- c. *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?*
- d. *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:

- Bureau of Land Management, USGS. Retrieved from: maps.conservation.ca.gov: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>.
- California Air Pollution Control Officers Association. California Emissions Estimator Model User's Guide, Version 2013.2.
- 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).
- Department of Conservation – California Important Farmland Finder. Retrieved from California Department of Conservation: <https://maps.conservation.ca.gov/dlrf/ciff/>.
- Envirostor (2023). www.envirostor.dtsc.ca.gov. Retrieved from EnviroStor Sites and Facilities: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Atwater>.
- 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=>.
- Silver Creek Crossing Subdivision – Focused Trip Generation, Vehicle Miles Traveled (VMT) and Operations Analysis. GHD, October 18, 2023.
- 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



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control



Gavin Newsom
Governor

Meredith Williams, Ph.D.

Director

8800 Cal Center Drive

Sacramento, California 95826-3200

SENT VIA ELECTRONIC MAIL

June 19, 2024

Greg Thompson
Interim City Manager
City of Atwater
750 Bellvue Road
Atwater, CA 95301
gthompson@atwater.org

RE: MITIGATED NEGATIVE DECLARATION FOR THE SILVER CREEK VESTING
TENTATIVE SUBDIVISION MAP PROJECT DATED JUNE 3, 2024 STATE
CLEARINGHOUSE NUMBER [2024060021](#)

Dear Greg Thompson,

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the Silver Creek Vesting Tentative Subdivision Map (project). Silver Creek Crossing, LLC (Applicant) requests a Vesting Tentative Subdivision Map (VTSM 22-23-0100) pertaining to a 15.13-acre parcel that is located on north side of Nebela Drive, approximately 0.25 Miles east of Buhach Road Atwater, CA 95301 (APN: 005-070-052-000). VTSM 22-23-0100 would divide the 15.13-acre parcel into 73 single-family residential lots. After reviewing the project's MND, DTSC recommends and requests consideration of the following comments:

1. When agricultural crops and/or land uses are rezoned for residential use, a number of contaminants of concern can be present. The Lead Agency shall

identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are Dichlorodiphenyltrichloroethane (DDT), toxaphene, and dieldrin.

Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.

2. Additional chemicals of concern may be found in mixing/loading/storage area, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons (PAHs) and/or Total Petroleum Hydrocarbons (TPHs) may be required.
3. Due to the Zone reclassification change of Agriculture (Farmland of Local Importance) to Low Density Residential, a site and/or soil assessment should be completed to determine if any Recognized Environmental Conditions (REC's) are present. This may require a Phase I Environmental Site Assessment and oversight from DTSC or a [certified local agency](#). For boring and analyses recommendations under 50 acres, refer to [DTSC Interim Guidance for Sampling Agricultural Properties](#).
4. All imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency (USEPA) Regional Screen Levels (RSLs) for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in DTSC's [Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#) for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

DTSC appreciates the opportunity to comment on the MND for the Silver Creek Vesting

Greg Thompson

June 19, 2024

Page 3

Tentative Subdivision Map project Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis

Associate Environmental Planner

HWMP-Permitting Division – CEQA Unit

Department of Toxic Substances Control

Tamara.Purvis@dtsc.ca.gov

Greg Thompson

June 19, 2024

Page 4

cc: (via email)

Governor's Office of Planning and

Research State Clearinghouse

State.Clearinghouse@opr.ca.gov

Dave Kereazis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Dave.Kereazis@dtsc.ca.gov

Scott Wiley

Associate Governmental Program Analyst

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Scott.Wiley@dtsc.ca.gov



MEMORANDUM

TO: CITY OF ATWATER

FROM: MARK NISKANEN, CITY PLANNER

SUBJECT: SILVER CREEK CROSSINGS – RESPONSE TO LETTER FROM DEPARTMENT OF TOXIC SUBSTANCES CONTROL, DATED JUNE 19, 2024

DATE: JULY 10, 2024

CC: Project File

The comment letter as a whole raises no new environmental issues or concerns that were not already adequately addressed in the Initial Study/Mitigated Negative Declaration (IS/MND). The comments provided recommendations and requests to the City of Atwater relative to potential contaminants on the Project site.

As discussed in the IS/MND, the Project site has been designated for residential uses since the General Plan was adopted in 2000. It is also located within the adopted Planned Development No. 29. In addition, the Project site consists of raw land not being used for active agricultural purposes.

The IS/MND correctly stated that the Project site is not known to contain hazardous materials and is not identified on a list of hazardous materials site in accordance with Section 65862.5 of the California Government Code.

Our review of the above-mentioned letter concludes there are no revisions needed to the IS/MND and the IS/MND adequately analyzed the potential environmental impacts caused by the Proposed Project.



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: August 21, 2024

TO: **Chair and Commissioners**

FROM: **Kayla Rashad, Executive Assistant**

SUBJECT: **Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200 for a mobile food vendor located at 860 Applegate Road, Atwater (APN: 003-170-028).**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15311 (c), "Accessory Structures," and, adopt Resolution No. 0250-24, Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200, for a mobile food vendor located at 860 Applegate Road in Atwater (APN: 003-170-028).

I. BACKGROUND:

The subject property is located at 860 Applegate Road (APN: 003-170-028) (refer to Figure 1). The parcel is approximately 7.5 acres and currently has a vacant building which is part of the Atwater Iron Scrap and Metal business, including nineteen (19) parking spaces (one parking space is designated as an ADA parking space). The existing Atwater Iron Scrap and Metal has been operating approximately since 1956, offering services such as scrap metal recycling, hauling, buying, and container services.

Figure 1: Site Location



ANALYSIS:

The applicant requests a Conditional Use Permit to allow it to operate a mobile food trailer at 860 Applegate Road in Atwater (APN: 003-170-028) in the Business Park Zone. The food trailer is approximately 16 x 8 (128 sq-ft) and will be located on the Northwest side of the property, with the serving area facing South. The food trailer will have two (2) 200-Liter garbage cans located to the immediate East of the food trailer and will have indoor and outdoor lighting. The food trailer will be powered by a Predator 9500 inverter generator which has a noise rating of 67 dBA (less noisy than an office) according to the Generator Bible Source. The food truck will operate with a total of two employees between the hours of 10:00 am – 4:00 pm Tuesday through Friday and 10:00am – 8:00pm Saturday and Sunday. The applicant has arranged the use of restrooms located in the Atwater Iron Scrap and Metal and has secured a commissary to pick up and house its food products during hours of non-operation. The proposed food trailer will only occupy four parking spaces during its operation after they disconnect the truck from the trailer. However, the parking for the Atwater Iron Scrap and Metal will still comply with its parking requirements while the food trailer is operating.

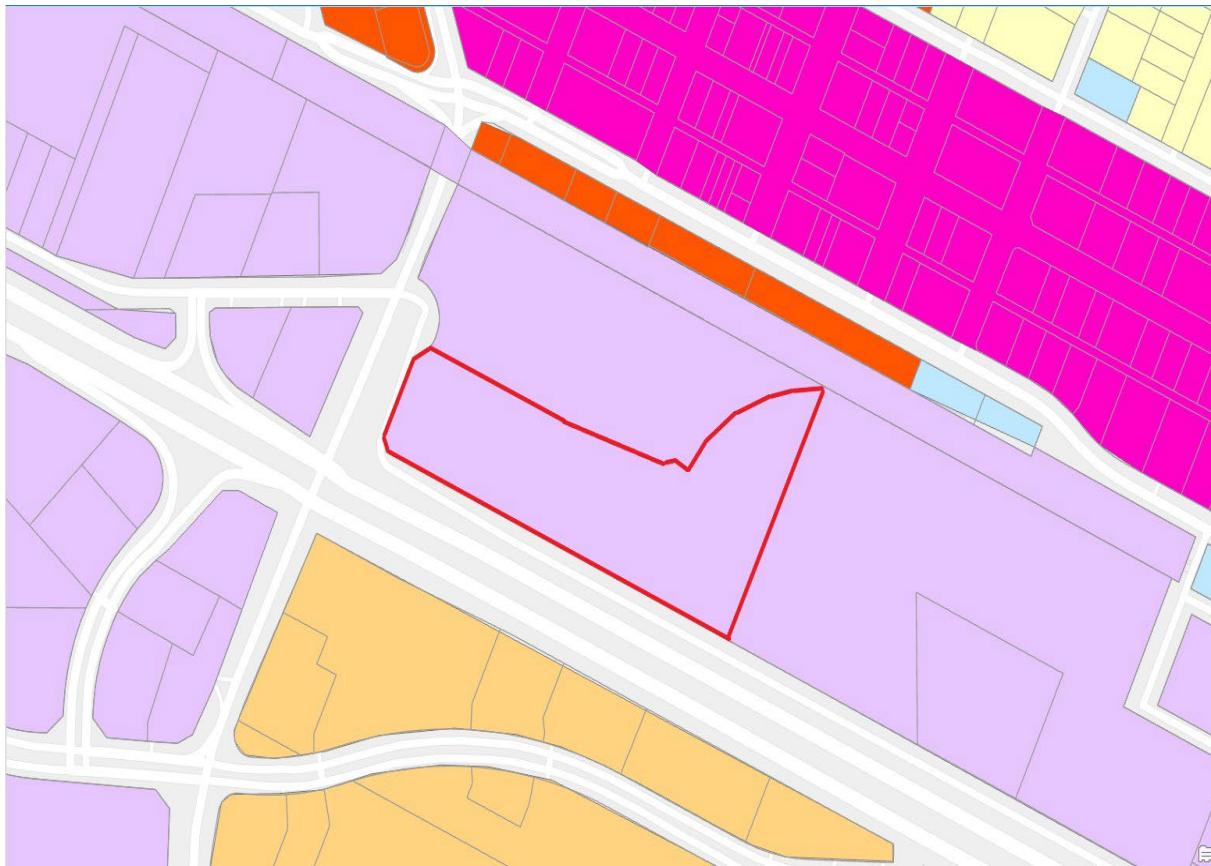
As previously stated, the Atwater Iron Scarp and Metal, where the food trailer will be located, has nineteen (19) parking spaces (including one ADA parking space). The food trailer will utilize four parking spaces leaving fifteen (15) parking spaces available, which provides the minimum requirement per the Atwater Municipal Code. Per the Atwater

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

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

Description of Surrounding Uses: The properties immediately to the North, South, East, and West also have a land use designation of Business Park.

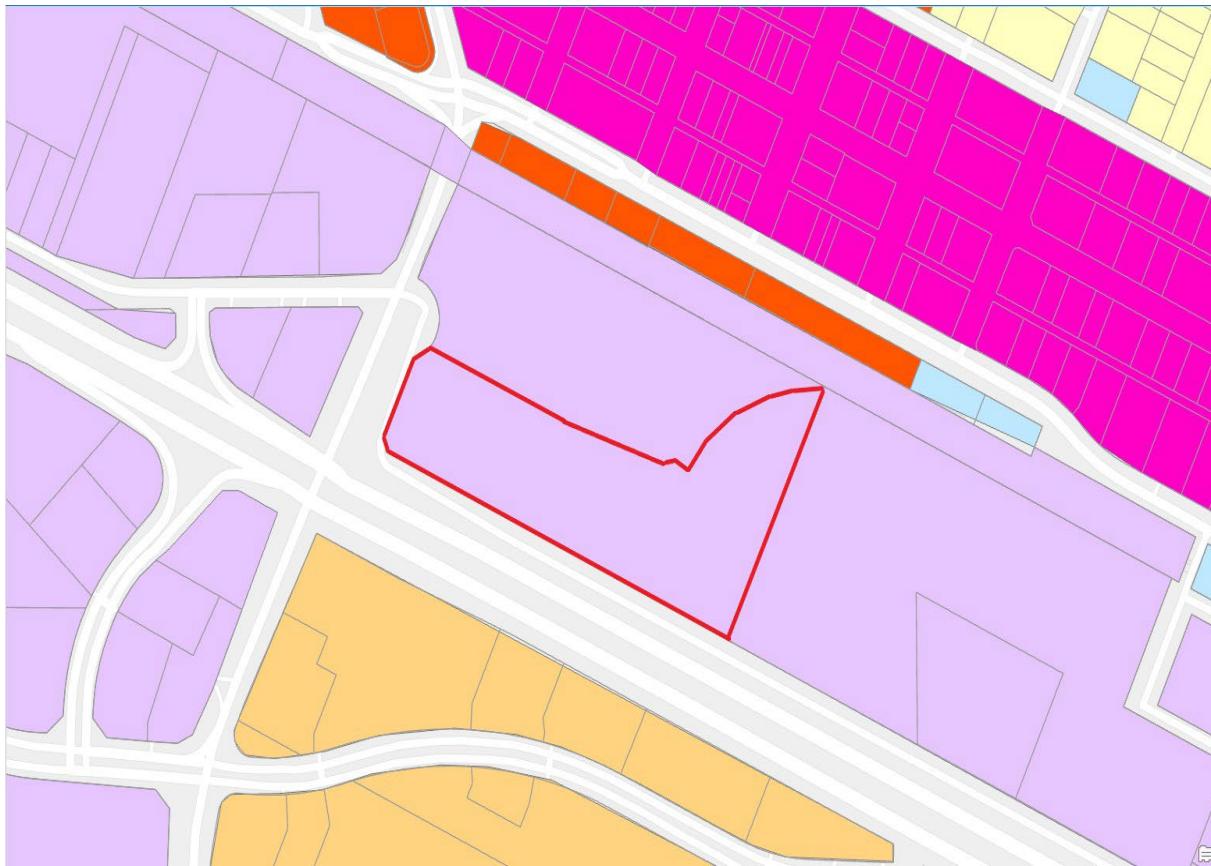
Figure 2: Land Use Designation



Business Park (BP)

Land Use Designation: The project site has a land use designation of Business Park (BP); this designation is intended to provide a full range of uses in Atwater, including retail stores, eating and drinking establishments, commercial recreation, industrial uses, entertainment, and cultural facilities. The project intends to operate a food trailer that is consistent with the designated use of the Atwater General Plan land use designation.

Figure 3: Zoning Designation



Business Park (BP)

Zoning: The Business Park zone is intended to provide a mixture of commercial and industrial development, creating a pedestrian-friendly shopping experience and environment. The use of a food truck is consistent with the current zoning.

Recommendation:

The applicant's request for a conditional use permit to operate a food trailer/mobile food vendor located at 860 Applegate Road is consistent with the land use designation and the AMC 17.39.030. Staff recommends Planning Commission approve the conditional use permit.

II. FISCAL IMPACTS:

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

III. LEGAL REVIEW:

This item has been reviewed by the City Attorney.

IV. EXISTING POLICY:

N/A

V. INTERDEPARTMENTAL COORDINATION:

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

VI. PUBLIC PARTICIPATION:

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

VII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), this project is categorically exempt under guideline section 15311(c), "Accessory Structures," because section 15311(c) provides for an exemption for the placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same location from time to time in publicly owned parks, stadiums, or other facilities designed for public use (such as a lot containing a publicly available gas station and convenience store).

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 0250-24, Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200 and a five-day appeal period, the signed resolution will be given to the applicant.

Prepared by: Kayla Rashad, Executive Assistant

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

Attachments:

1. Resolution No. 0250-24
2. Uniform Development Application
3. Operational Statement
4. Site Plan
5. Food Truck Images



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0250-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT NO. 24- 17-0100 AND SITE PLAN NO. 24-17-0200 FOR A MOBILE FOOD TRAILER TO BE LOCATED AT 860 APPLEGATE ROAD, ATWATER (APN: 003- 170-028)

WHEREAS, at a duly noticed public hearing held on August 21st, 2024, the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200.

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

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

WHEREAS, the proposed Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200 would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

WHEREAS, the Planning Commission finds that the following findings can be made for Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200, in accordance with Atwater Municipal Code Section 17.71:

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

NOW THEREFORE BE IT RESOLVED, that the recitals above are true and correct and hereby incorporated by reference. Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200 for a mobile food vendor located at 860 Applegate Road (APN: 003-170-028) subject to the following conditions:

BUILDING

1. The site shall meet all requirements for mobile food vendors as per the Atwater Municipal Code.
2. State and Federal Accessibility requirements shall be provided for the business.

CODE ENFORCEMENT

3. All outdoor seating, tables, portable shade structures are prohibited.
4. All signs must comply with the Atwater Municipal Code section 17.69.
5. Site inspection currently has parking lot chained off from vehicle access. Applicant is not to allow any parking associated with the business to encroach onto Sycamore Ave or Progress Ave.
6. Applicant is to disclose all additional lighting fixtures/plans for approval prior to installation. The structured lighting at this location is minimal.
7. Applicant is to mitigate all trash associated with the business.

FIRE

8. Commercial Class A, B, C extinguisher will be installed and clearly visible for Kitchen cooking areas in accordance with NFPA 10 and 2022 CFC
9. The business will be required to have a Class 3A 40B, C Dry Chemical Extinguisher.

POLICE

10. The applicant must ensure that there is sufficient parking and travel space to prevent traffic hazards.
11. The applicant will ensure any external electricity is secured to prevent theft of utilities.

12. The business will provide the addition of adequate lighting to prevent unwanted access or camping on the property.
13. Any external water is secured to prevent theft of utilities.

PLANNING

14. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
15. Project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments. All building permit applications received by the City of Atwater Building Division on or after January 1, 2020, shall comply with parts 1 through 10 and part 12 of the 2019 edition of the California Code of Regulations Title 24.
16. The Mobile Food Trailer will operate between the hours of 10:00 am and 4:00 pm Tuesday through Friday, and between the hours of 10:00 am and 8:00 pm Saturday and Sunday.
17. Provide an annual Conditional Use Permit Monitoring fee in accordance with the Miscellaneous Fee Schedule.
18. Provide a one-time Conditional Use Permit General Plan Update in accordance with the Miscellaneous Fee Schedule upon the issuance of this permit.
19. Applicant shall comply with all the conditions of approval prior to issuance of a business license.
20. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 24-17-0100 and Site Plan No. 24-17-0200.
21. Applicant shall comply with all Commercial and Industrial Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the City Planner.
22. Applicant shall submit a sign application prior to installation of all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the City Planner.
23. This Conditional Use Permit is non-transferrable and a copy of which shall be posted with the business during the hours of operation.

24. The Mobile Food Trailer's business equipment shall be appropriately placed as to not interfere with sight triangles, on-site circulation, vehicular, bicycle, ADA, or pedestrian pathways, emergency access, fire lanes, drive aisles, required setbacks, landscaping requirements, parking, drainage, or any other requirements that have been imposed as part of the site plan approval for the premises or property on which the business is located, and shall be located in a manner that will not constitute a safety hazard.
25. The Mobile Food Trailer's business equipment shall be placed only on a paved, concrete, or other impervious surface or approved equivalent.
26. The Mobile food vendors shall vacate the premises upon closing of the posted hours of operation.
27. The site of the business shall always be kept clean and free of litter. Trash and garbage shall be removed from the site at the end of each day.
28. Wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system.
29. Grease and other waste products shall be disposed of per the requirements of the Merced County Division of Environmental Health (MCDEH).
30. Approval of this Conditional Use Permit application does not constitute approval for any other entitlement or any necessary permit, license, or approval.
31. The applicant shall comply with all City, County, State and Federal regulations.
32. Prior to commencement of operations, the applicant, if required shall obtain a mobile food facility permit from MCDEH and thereafter operate within the parameters of the permit and the applicable sections of the California Retail Food Code.
33. The mobile food vehicles (to include self-contained trucks, trailers, and carts) shall be located within 200 feet travel distance of an MCDEH approved restroom facility to include a hand washing station. The mobile food staff shall always have access to this restroom during operation of the business. If the restrooms are locked, the food vendors staff must have a key in their possession.
34. The mobile food vendors shall not obtain any water from the premises, nor shall any wastewater from the food facility be drained to on-site sewer connection or to the ground surface. No solid waste (trash, etc.) from the mobile food vendors shall be disposed of on the premises.

35. Should the water supply or sanitary sewer service to the restrooms of the premises become interrupted, then the operation of the mobile food vendors shall cease until said time that service returns.
36. The mobile food vendors must report to its approved commissary at least once every day for cleaning, discharge of wastewater, restocking of fresh potable water supply, food, and other consumable supplies.
37. Any extension cords used to supply power to the mobile food vendors equipment shall be rated for outdoor use. The cord must be one continuous cord that will not interfere with any paths of travel, including emergency access or accessibility.
38. Vendors shall comply with all requirements of the San Joaquin Valley Air Pollution District (SJVAPCD) for all equipment used in association with the mobile food vendors, equipment, accessories, and any mobile power generation.
39. This Conditional Use Permit shall expire within six (6) months from the day of approval if the operation has not started.
40. The Applicant will not be allowed to have any outdoor seating/dining/shade structures.
41. Any violation of these conditions will be subject to a citation from Code Enforcement.
42. Changes to the location of the mobile food trailer will be subject to a new Conditional Use Permit for new parcels or a site plan amendment at the current location.
43. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, and Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
44. 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 21st day of August, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIR**

ATTEST:

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



RSO # 250-24

CUP # 24-17-0100
SP # 24-17-0200

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

- Administrative Application
- Amend Planned Development
- Amend Conditional Use Permit
- Application for Appeal
- Architectural Review
- Certificate of Compliance

- Conditional Use Permit
- Development Agreement
- General Plan Amendment
- Lot Line Adjustment
- Lot Merger
- Site Plan

- Tentative Map
- Time Extension
- Variance
- Zone Change
- Zoning Text Amendment
- Other

Describe Proposed Project: Our mission is to be a food truck that offers quality and hygienic food at affordable prices for everyone.

APPLICANT: CARLOS MACIEC

PHONE NO: 209 2056750

ADDRESS OF APPLICANT: 701 CEDAR AV ATW

EMAIL: elsazondecolina@gmail.com

PROPERTY OWNER: Jonathan Vann

PHONE NO: 209-2710-3398

ADDRESS OF PROPERTY OWNER: 8072 Jone Rd Winton

ASSESSOR'S PARCEL NUMBER: 003-170-028-000

Address/General Location of Property: 860 Applegate Rd.

*EXISTING ZONING OF PROPERTY: Business Park

*GENERAL PLAN DESIGNATION OF PROPERTY: Business Park

Indemnity Statement

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

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

I have read, agree and accept the City Indemnity agreement

Signed: Carlos Maciel

Applicant

Date:

There are no deed restrictions on this land that would prohibit this type of use or development. I (we) _____ 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: J. Maciel

PROPERTY OWNER DATE: 5/28/2024

PROPERTY OWNER DATE:

CITY OF ATWATER UNIFORM DEVELOPMENT APPLICATION CHECKLIST

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

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

Project Checklist Continued

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

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

Staff Initials UR

Date received 5/29/24

Atwater Municipal Code Chapter 16 Section 16.20.020 Tentative Map Requirements

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

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

Tentative Map Requirement Continued

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



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: Jonathan Vann

ADDRESS: 8072 Jones Rd Winton Ca 95388

NAME OF APPLICANT: _____

ADDRESS: _____

ADDRESS OF SITE: 860 Applegate Rd Atwater Ca 95301

APN: 003-170-028-000

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST
 SPECIFY LIST

REGULATORY IDENTIFICATION NO: _____

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: _____

APPLICANT SIGNATURE: Carlos Maciel Date 5-28-24

City of Atwater Processing Agreement

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

To be completed by applicant:

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

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$2,000 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: Carlos Maciel Date: 5-28-24

Print Name and Title: Carlos Maciel

Owner: Jaén V. Date: 5-28-2024

Print Name and Title: Jonathan Vann Owner

City of Atwater

By: Kayla Rashad Date: 5/29/24

Print Name and Title: Kayla Rashad - Admin Asst II



COMMUNITY DEVELOPMENT EXISTING SITE CONDITIONS

750 Bellevue road

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

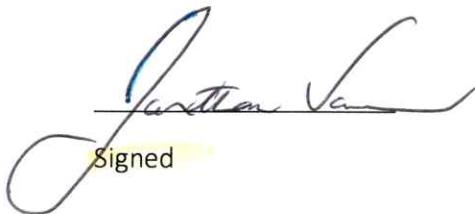
Fax: (209) 357-6348

Application: _____

APN: 003-170-028-000

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

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

A handwritten signature in blue ink that appears to read "Jonathan Van".

Signed

5-16-2024

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:

Jonathan Vann 8072 Done Rd Winton
209-276-3398 LVann@atwateriron.com

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

Carlos Maciel (209)-205-6750

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

816D Applegate Rd Atwater Ca 95301
APN : 003-170-028-000

4. Existing zoning: Industrial Business Park

5. Land use designation within the current General Plan: Business Park

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

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

Health Permit

8. List any other agencies and related permits or approvals that will be required for the project: Merced County Environmental Health

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

North: Vacant (Business Park)

South: Hwy 99

East: Atwater Iron Scrap & Metal

West: Almond Tree (Restaurant / Bar)

PROJECT DESCRIPTION (Attached additional Sheets as Necessary)

10. Project Area: _____ Parcel Size: _____

11. Proposed Structures: (New and Existing)
Food Truck (New)

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

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

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

AESD and MUHSD

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

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

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

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

19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.
Water: 45 (clean) Gallons per day; Sewage: _____ Gallons per day; Storm Water: 60 (dirty)

20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.): _____

21. Provide a description of the proposed sanitary sewer system(s) including any on-site treatment necessary for the proposed project. (Include any capture and waste water treatment needs in the Operational Statement for the Project.): _____

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

23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division.

24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:
TWO 200 L CANS

25. Describe any earthwork (grading) that will be necessary for the project including all work associated with access roads or improvements located on adjacent lands or City owned/managed improvements. (please also list dust control methods and any compliance or permits necessary for the local Air Pollution Control District.): _____

26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted: _____

Average Daily Trips: _____

PROJECT DESCRIPTION CONT.

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

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

PROJECT DESCRIPTION CONT.

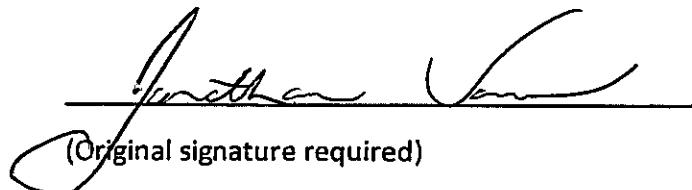
	Yes	Maybe	No
38. Will substantial air emissions or deterioration of ambient air quality be a result of the project.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
39. Will there be a change in dust, ash, smoke, fumes, or odors in the vicinity.	<input type="checkbox"/>	<input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

PROJECT DESCRIPTION CONT.

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

CERTIFICATION

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



(Original signature required)

Dated: 5-28-2024

LIST OF ATTACHMENTS

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

How the trailer will be powered?

INVERTER GENERATOR 9500 W



EXTRA GENERATOR IN CASE OF NEED 4500 W



How many employees you will have at a time and in total.

FAMILY OWN. MY WIFE AND MY SELF (MARISELA FARIAS & CARLOS M)

How many parking stalls will you take up including employee vehicles

4 TOTAL..



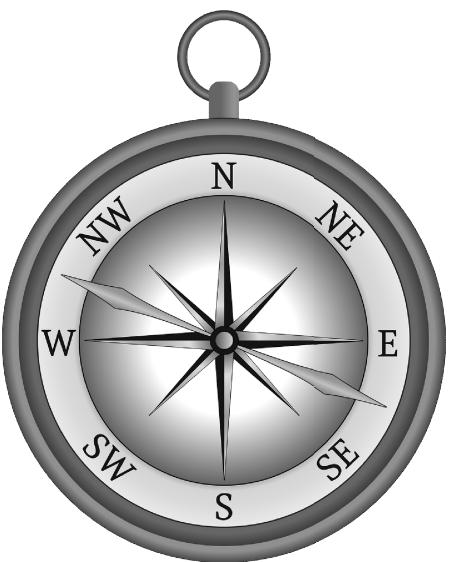
15 EMPTY

Hours of operation

TUESDAY TO FRIDAY 10 AM TO 4 PM
SATURDAY AND SUNDAY 10 AM TO 8 PM

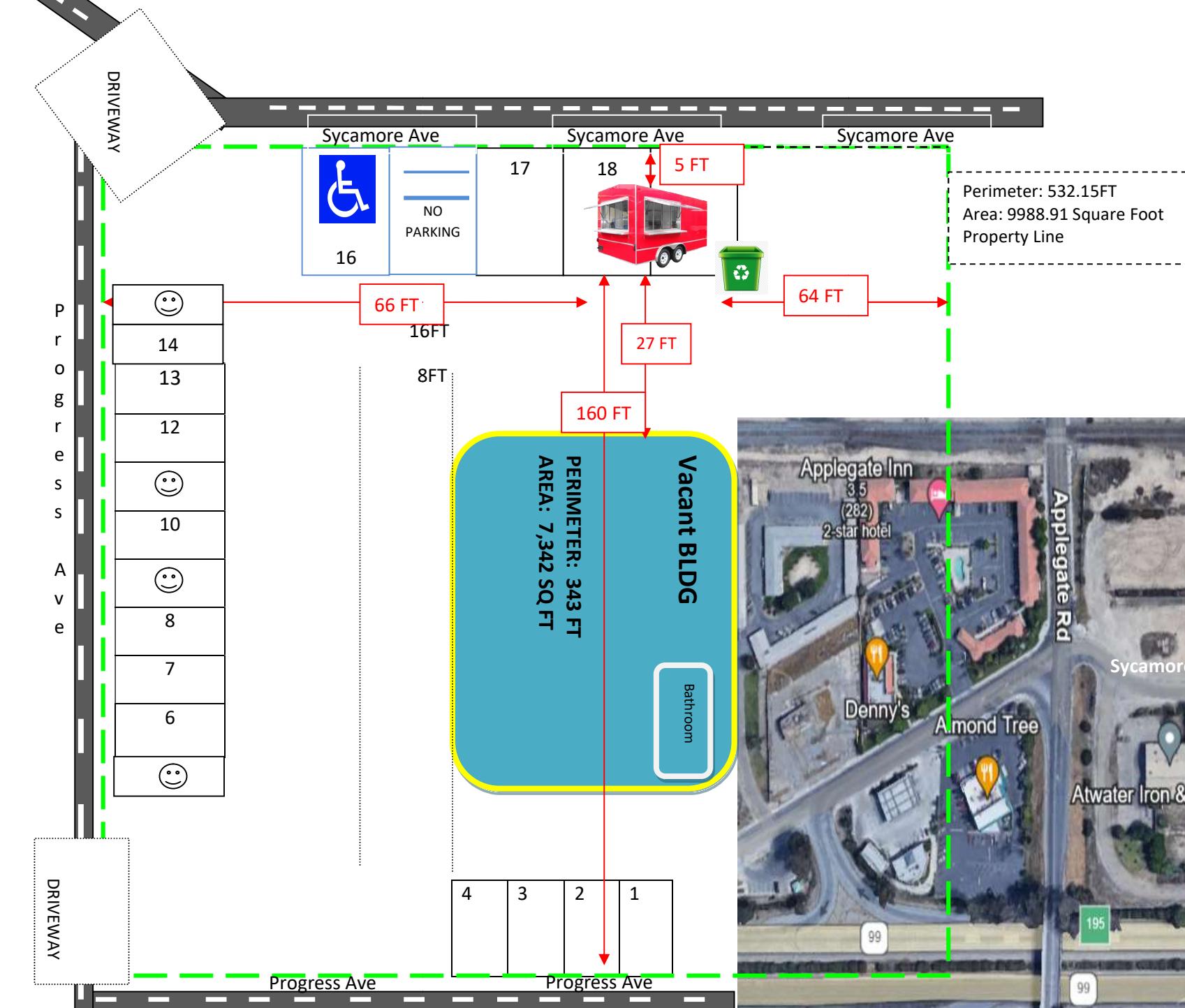
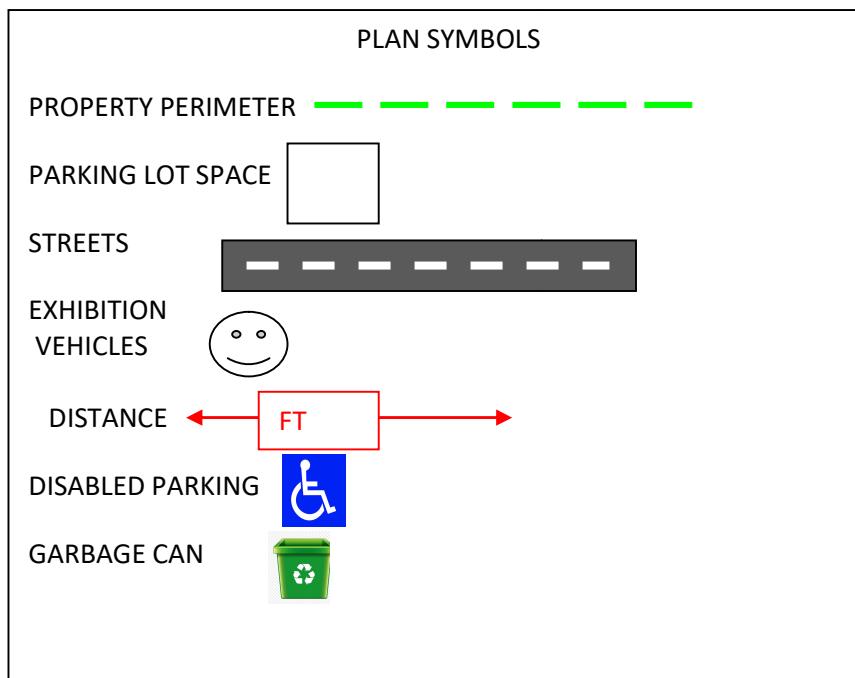
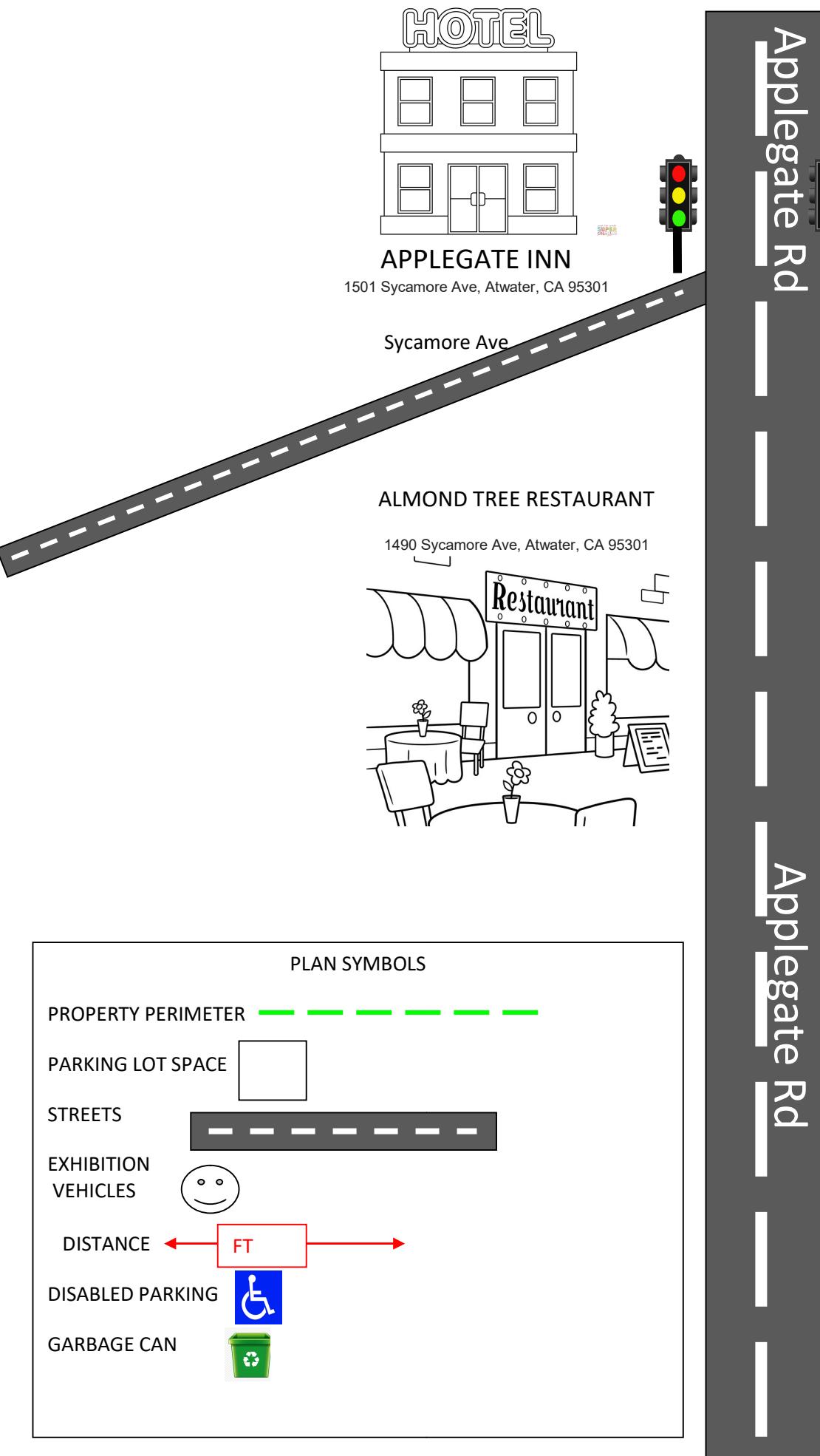
Commissary name and location

LOS CERRITOS CARNICERÍA 235 W 12 ST MERCED STE I



**Carlos Maciel
701 Cedar Av. Atwater 95301
(209) 205-6750**

860 APPLEGATE RD, ATWATER, CA
37.345921575148886, -
120.6122944613769695301
89WQ+25 ATWATER, CALIFORNIA
P IN 003-170-028
APPLICATION NUMBER
CUP-24-003
PERMIT NO. 24-17-0100
SITE PLAN NO. 24-17-0200





PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: August 21, 2024

TO: Chair and Commissioners

FROM: Scott Ruffalo, Planning Technician

SUBJECT: Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200 for a mobile food truck located at 1100 Shaffer Road (APN: 004-110-005).

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15311 (c), "Accessory Structures," and, adopt Resolution No. 0252-24, Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200, for a mobile food truck located at 1100 Shaffer Road in Atwater (APN: 004-110-005).

I. BACKGROUND:

The subject property is located at 1100 Shaffer Road in Atwater (APN: 004-110-005) (refer to Figure 1). The parcel is approximately 1.4 acres and is a retail gasoline outlet and convenience store (3,547 square feet), and future shopping center (5,952 square feet), and was approved July 23, 2020, by Resolution No. 0135-20. Parking for the retail gasoline outlet and convenience store is a total of nineteen (19) parking spaces (three parking spaces are designated as ADA parking spaces). The future shopping center will contain an additional eighteen (18) parking spaces.

Figure 1: Site Location



ANALYSIS:

The applicant requests a Conditional Use Permit to allow it to operate a mobile food truck at 1100 Shaffer Road in Atwater (APN: 004-110-005) in a Business Park Zone. The food truck is approximately 16 x 5 (80 sq-ft) and will be located on the east side of the property, with the serving area facing west. The food truck will be on the asphalt paved portion of the property. The food truck will have a garbage can located to the immediate north of the food truck and will have indoor and outdoor lighting. The food truck will operate with a total of two employees between the hours of 6:00 am – 10:00 pm, Monday through Friday. The applicant has arranged the use of restrooms located 120 ft. within the Sinclair Gas Station store and has secured a commissary with Agaves Mexican Grill for garbage service, oil management, and to house its food products during hours of non-operation. The proposed food truck will only occupy three parking spaces during its operation, which will still comply with Sinclair's parking requirements.

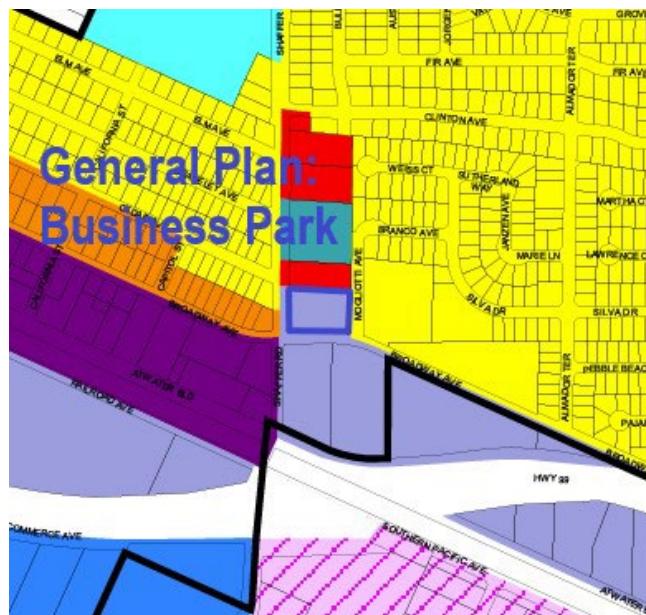
As previously stated, the paved portion of future shopping center adjacent to the Sinclair Gas Station is where the food truck will be located, has eighteen (18) parking spaces

(including two ADA parking spaces). The food truck will utilize three parking spaces leaving thirty-four (34) parking spaces available, which provides the minimum requirement per the Atwater Municipal Code. Per AMC section, the following parking requirements apply to commercial uses:

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

Description of Surrounding Uses: The properties immediately to the north are General Commercial; immediately to the south is Business Park; immediately to west is Low Density Residential, and Downtown Business District, and to the east is Low Density Residential.

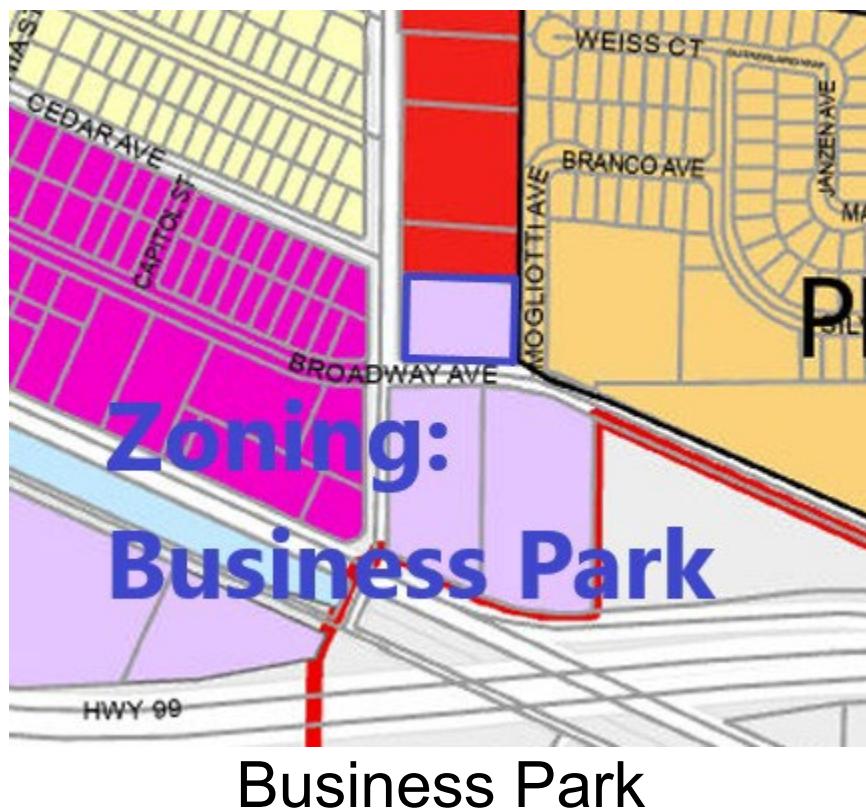
Figure 2: Land Use Designation



Business Park

Land Use Designation: The project site has the land use designation of Business Park; this designation provides for large buildings, or a cluster of buildings usually developed in a “campus” style. Business uses may include manufacturing operations within completely enclosed buildings, associated offices, trade schools, and supporting child care and retail activities. Outside storage is limited and must be effectively screened with solid fencing and/or landscaping. The operations are quiet and require infrequent use of large trucks for pickup or delivery of parts or products. Buildings are visually pleasing with extensive landscaping around buildings and parking areas. Projects with multiple buildings provide a strong pedestrian orientation between the structures. A typical project has vehicular access to a major street with on-site parking and a project identification sign. The project intends to operate a food truck that is consistent with the designated use of the Atwater General Plan land use designation.

Figure 3: Zoning Designation



Zoning: The Business Park (B-P) zone is intended to encourage a mixture of commercial and industrial development. The zone's objectives are to provide an attractively designed business park that allows mixed commercial and industrial uses made compatible through promotion of architectural elements and to ensure that the developments are visually organized, clear, and coherent to achieve a "sense of place" for this district.

Recommendation:

The applicant's request for a conditional use permit and site plan, to operate a food truck located at 1100 Shaffer Road is consistent with the land use designation and the AMC 17.39.030. Staff recommends Planning Commission approve the conditional use permit and site plan.

II. FISCAL IMPACTS:

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

III. LEGAL REVIEW:

This item has been reviewed by the City Attorney.

IV. EXISTING POLICY:

N/A

V. INTERDEPARTMENTAL COORDINATION:

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

VI. PUBLIC PARTICIPATION:

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

VII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), this project is categorically exempt under guideline section 15311(c), "Accessory Structures," because section 15311(c) provides for an exemption for the placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same location from time to time in publicly owned parks, stadiums, or other facilities designed for public use (such as a lot containing a publicly available retail tire shop).

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. PC 0252-24, Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200 and a five-day appeal period, the signed resolution will be given to the applicant.

Prepared by: Scott Ruffalo, Planning Technician

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

Attachments:

1. RSO 0252-24 Resolution
2. RSO 0252-24 Operational Statement
3. RSO 0252-24 Uniform Development Application
4. Site Plan
5. Food Truck Images



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0252-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT NO. 24- 19-0100 AND SITE PLAN NO. 24-19-0200 FOR A MOBILE FOOD TRUCK TO BE LOCATED AT 1100 SHAFFER ROAD, ATWATER (APN: 004-110-005)

WHEREAS, at a duly noticed public hearing held on August 21, 2024, the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200.

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

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

WHEREAS, the proposed Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200 would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

WHEREAS, the Planning Commission finds that the following findings can be made for Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200, in accordance with Atwater Municipal Code Section 17.71:

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

NOW THEREFORE BE IT RESOLVED, that the recitals above are true and correct and hereby incorporated by reference. Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200 for a mobile food vendor located at 1100 Shaffer Road (APN: 004-110-005) subject to the following conditions:

BUILDING

1. Stove Hood system shall be certified and in good standing by a California State Licensed Fire Protection Company.
2. Passing inspection for hood, fire extinguisher and approved location by both Building Division and Fire Department.
3. Once phase two of the property owner's project to build a new commercial building permit is issued the food truck will be forced to move. The truck is to take away three parking stalls dedicated to the main building (currently not built yet), and it has no direct outside lighting (yet) where said truck is to be parked.

CODE ENFORCEMENT

1. Outdoor dining seats and tables are prohibited.
2. All signs must comply with the Atwater Municipal Code section 17.69.

FIRE

3. Check that there is a clearance of at least 10 ft away from buildings, structures, vehicles, and any combustible materials or as prescribed by the AHJ
4. Commercial Class A, B, C extinguisher will be installed and clearly visible for Kitchen cooking areas in accordance with NFPA 10 and 2022 CFC.
5. If cooking with deep fryers a Class K extinguisher will also need to be installed and clearly visible.
6. The food trailer will need to be at a distance of at least 40 feet from the fuel loading zones and fuel pumps.

POLICE

7. The applicant will ensure any external electricity is secured to prevent theft of utilities.

8. The business will provide the addition of adequate lighting to prevent unwanted access or camping on the property.
9. The business shall ensure that any external water is secured to prevent theft of utilities.
10. No obstruction to paths of travel for pedestrians or vehicles.

PLANNING

11. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
12. The project shall comply with the most current California Code of Regulations Title 24, parts 1 through 12, the most current Health and Safety Codes and the most current Fire and Life Safety Codes, all along with the California State Amendments. All building permit applications received by the City of Atwater Building Division on or after January 1, 2020, shall comply with parts 1 through 10 and part 12 of the 2019 edition of the California Code of Regulations Title 24.
13. The Mobile Food Truck will operate Monday through Friday between the hours of 6:00 am and 10:00 pm.
14. The applicant will provide an annual Conditional Use Permit Monitoring fee in accordance with the Miscellaneous Fee Schedule.
15. The applicant will provide a one-time Conditional Use Permit General Plan Update fee in accordance with the Miscellaneous Fee Schedule upon the issuance of this permit.
16. Applicant shall comply with all the conditions of approval prior to issuance of a business license.
17. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 24-19-0100 and Site Plan No. 24-19-0200.
18. The applicant shall comply with all Commercial and Industrial Design Guidelines. Minor changes to the architectural style or square footage shall be reviewed and approved by the City Planner.
19. This Conditional Use Permit is non-transferrable and a copy of which shall be posted with the business during the hours of operation.
20. The Mobile Food Truck's business equipment shall be appropriately placed as to not interfere with sight triangles, on-site circulation, vehicular, bicycle, ADA, or

pedestrian pathways, emergency access, fire lanes, drive aisles, required setbacks, landscaping requirements, parking, drainage, or any other requirements that have been imposed as part of the site plan approval for the premises or property on which the business is located, and shall be located in a manner that will not constitute a safety hazard.

21. The Mobile Food Trucks's business equipment shall be placed only on a paved, concrete, or other impervious surface or approved equivalent.
22. The Mobile food vendors shall vacate the premises upon closing of the posted hours of operation.
23. The site of the business shall always be kept clean and free of litter. Trash and garbage shall be removed from the site at the end of each day.
24. Any wastewater generated by this use shall not be released on-site or into any storm drainage or irrigation system.
25. Grease and other waste products shall be disposed of per the requirements of the Merced County Division of Environmental Health (MCDEH).
26. Approval of this Conditional Use Permit application does not constitute approval for any other entitlement or any necessary permit, license, or approval.
27. The applicant shall comply with all City, County, State and Federal regulations.
28. Prior to commencement of operations, the applicant, if required shall obtain a mobile food facility permit from MCDEH and thereafter operate within the parameters of the permit and the applicable sections of the California Retail Food Code.
29. The mobile food vehicles (to include self-contained trucks, trailers, and carts) shall be located within 200 feet travel distance of an MCDEH approved restroom facility to include a hand washing station. The mobile food staff shall always have access to this restroom during operation of the business. If the restrooms are locked, the food vendors staff must have a key in their possession.
30. The mobile food vendors shall not obtain any water from the premises, nor shall any wastewater from the food facility be drained to on-site sewer connection or to the ground surface. No solid waste (trash, etc.) from the mobile food vendors shall be disposed of on the premises.
31. Should the water supply or sanitary sewer service to the restrooms of the premises become interrupted, then the operation of the mobile food vendors shall

cease until said time that service returns.

32. The mobile food vendors must report to its approved commissary at least once every day for cleaning, discharge of wastewater, restocking of fresh potable water supply, food, and other consumable supplies.
33. Any extension cords used to supply power to the mobile food vendors equipment shall be rated for outdoor use. The cord must be one continuous cord that will not interfere with any paths of travel, including emergency access or accessibility.
34. Vendors shall comply with all requirements of the San Joaquin Valley Air Pollution District (SJVAPCD) for all equipment used in association with the mobile food vendors, equipment, accessories, and any mobile power generation.
35. This Conditional Use Permit shall expire within six (6) months from the day of approval if the operation has not started.
36. Any violation of these conditions will be subject to a citation from Code Enforcement.
37. The Applicant will not be allowed to have any outdoor seating/dining/shade structures.
38. Changes to the location of the mobile food trailer will be subject to a new Conditional Use Permit for new parcels or a site plan amendment at the current location.
39. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, and Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
40. 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 21st day of August, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIR**

ATTEST:

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

Merced California June 5, 2024

City of Atwater
750 Bellevue Road
Atwater Ca 95301

To whom it may concern.

Chante's Tacos is a Taco sales establishment currently located at 1504 Stretch Rd Merced California 95340, License # BL22-0056 Health Department Permit # AR0018729.

We are looking to establish ourselves in a new address located in the parking lot of the address 1100 Shaffer Road Atwater California 95301 under the commissary of the Sinclair Gas Station who agrees to provide electricity, water and access to bathrooms, occupying 3 parking spaces.

We will be two people working from 6:00 am to 10:00 pm.

The garbage service and oil management is provided to me by Agaves Mexican Grill through a duly established Commissary and will continue under these terms. (Copy attached), The amount of garbage generated per day is 13 gallons.

The amount of water we estimate to use is approximately 45 gallons per day.

Thank you in advance for your attention.

Sincerely


Vicente Lupian
Owner
(209) 761-6903



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

Describe Proposed Project: Establish a food truck business within the premises of the new gas station, located at 1100 Shaffer Rd. in Atwater, CA

APPLICANT: Vicente Lupian-Manzo

PHONE NO: (209) 761-6903

ADDRESS OF APPLICANT: 528 E Grand Ave, Merced, CA

EMAIL: mauraVelasco@hotmail.com

PROPERTY OWNER: Shuan Grandotra

PHONE NO: 209 658 1409

ADDRESS OF PROPERTY OWNER: 1100 Shaffer Rd

ASSESSOR'S PARCEL NUMBER: 004-110-005

Address/General Location of Property: 1100 Shaffer Rd

EXISTING ZONING OF PROPERTY: Business Park

GENERAL PLAN DESIGNATION OF PROPERTY: Business Park

Indemnity Statement

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

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

I have read, agree and accept the City Indemnity agreement

Signed: Vicente Lupian

Applicant Date:

There are no deed restrictions on this land that would prohibit this type of use or development. I (we) _____ 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: Shawn Goss

PROPERTY OWNER DATE:

PROPERTY OWNER DATE:

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 VICENTE LOPIAN hereinafter "applicant". This is a legally binding agreement. You should ensure to read all provisions of this agreement.

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$ 2,000 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.

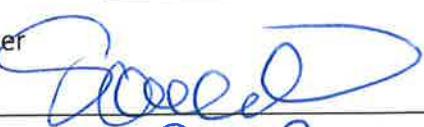
5. In the event that the accumulated periodic charges exceed the initial deposit and any subsequent deposits previously received by City, City will invoice Applicant for the amount outstanding and may require an additional deposit. Applicant will pay any and all amounts exceeding the initial and subsequent 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, The 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 immediately 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: VICENTE LUPIAN MANZO Date: _____

Print Name and Title: Vicente Lopian

Owner: Shaan Gando Date: _____

Print Name and Title: SHAAN GANDOTRA

City of Atwater 
By: _____ Date: 6-10-2024

Print Name and Title: Scott Ruffino



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: Shaan Landstra

ADDRESS: 1100 Shaffer Rd Atwater CA 95301

NAME OF APPLICANT: VICENTE LUPIAN-MANZO

ADDRESS: 528 E GERALD AVE MERCED CA

ADDRESS OF SITE: 1100 SHAFFER RD. ATWATER CA 95301

APN: 004-110-005

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: _____

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: _____

APPLICANT SIGNATURE: Vicente Lupian Date _____



**COMMUNITY DEVELOPMENT
EXISTING SITE CONDITIONS**

750 Bellevue road

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

Fax: (209) 357-6348

Application: _____

APN: 604-110-008

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.

Shaner

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:

Shawn Gondotra

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

VICENTE LOPIAN-MANZO
mauravelasco@hotmail.com

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

1100 Shaffer Rd
APN: 004-110-005

4. Existing zoning: Business Park

5. Land use designation within the current General Plan: Business Park

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

attached

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

Health Permit

8. List any other agencies and related permits or approvals that will be required for the project: Merced County Environmental Health

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

North: Church

South: Phase I Construction

East: Vacant lot

West: Residential

PROJECT DESCRIPTION (Attached additional Sheets as Necessary)

10. Project Area: _____ Parcel Size: _____

11. Proposed Structures: (New and Existing)
Food Truck (New)

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

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

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

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

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

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

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

19. Described the estimated consumption of water, the estimated sewage generation, and the estimated amount of storm water run-off during a 10-year, 24-hour, storm event.

Water: 415 Gallons per day; Sewage: _____; _____ Gallons per day; Storm water: _____

20. Provide a description of the proposed water delivery system(s) including any on-site treatment necessary for the proposed project. (Include water use and management in the Operational Statement for the Project.):

NIA

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.):

NIA

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

23. Provide any necessary percolation tests as may be necessary as determined by the City Engineer or building division.

24. Please provide the estimated amount of solid waste (garbage, spoils, or animal waste/manure) generated from the project site and methods of disposal:

13 gallon p/day

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.):

NIA

26. Provide the estimated amount of traffic and nominate the roads impacted, which would be a result from the project. Roads impacted:

Broadway Ave, Shaffer Rd.

Average Daily Trips: 50

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.	—	—	✗
28. Any change in quantity, direction of flow of groundwater.	—	—	—
29. Change in quality or alteration of drainage patterns to any lake, stream, Natural or man-made water body.	—	—	✗
30. Change in absorption rates, drainage patterns, or the rate or amount of surface runoff.	—	—	✗
31. Discharge into any surface water, or any alteration of surface water quality, i.e., temperature, dissolved oxygen, turbidity, etc.	—	—	✗
32. Change in amount of surface water in any water body.	—	—	✗
33. Change in scenic views of vistas from existing residential areas, public lands or roads.	—	—	✗
34. Change in pattern, scale or character of the general area of the project.	—	—	✗
35. Will the project affect existing housing or create a demand for additional housing.	—	—	✗
36. Will the project result in a substantial alteration of the present or planned land use of the area.	—	—	✗
37. Will significant amounts of solid waste (garbage, spoils, manure) or litter be generated as a result of the project.	—	—	✗

PROJECT DESCRIPTION CONT.

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

PROJECT DESCRIPTION CONT.

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

CERTIFICATION

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

Dated: _____

(Original signature required)

LIST OF ATTACHMENTS

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

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)
- Electronic copy of the site plan, floor plan, and elevation drawings.
- Tentative Parcel Map/Tentative Subdivision Map which will require 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.
- Site Plans 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. If the site of the proposed project is not on this list, that still needs to be specified, dated, 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 SV

Date received 6-10-2024

Atwater Municipal Code Chapter 16 Section 16.20.020 Tentative Map Requirements

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

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

Tentative Map Requirement Continued

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

Site Plan Checklist

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

Site Plan Checklist Continued

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

SITE PLAN

FOOD TRUCK PROJECT
 "CHENTE'S TACOS"
 VICENTE LUPIAN-MARZO
 528 E GERARDO AVE
 MIERCED CA 95341
 (209) 761-6903

Atwater Christian

Life Center

CHURCH

N

PROPERTY LINE 294.68'

APN
 004-110-005
 1100 SHAFFER RD
 ATWATER CA 95301

DISTANCES FROM
 FOOD TRUCK TO:
 1 SHAFFER RD 200 FT
 2 BROADWAY AVE 110 FT
 3 MOLIOTTI AVE 80 FT
 4 STORE 50 FT
 5 BATHROOMS 120 FT
 6 GAS PUMPS 160 FT
 7 DUMPSTER 60 FT
 8 NORTH PROPLINE 80 FT

Mogliotti Ave

RESIDENTIAL USE

RESIDENTIAL USE

RESIDENTIAL USE

Ave

Ave
 n
 E Broadway Ave
 COMMERCIAL USE

PROPERTY LINE 198.69

PROPERTY LINE 81.20'

CHURCH



V LUPIAN
1504. STRETCH CO MERCED
CA - 95340 761-6903



CHENTE'S TACOS

TACOS

323-758-2005
California
90745R2
E&A MOTORS TRUCK



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Donald Borgwardt

Jagandeep Mokha Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: August 21, 2024

TO: **Chair and Commissioners**

FROM: **John Seymour, City Engineer**

SUBJECT: **Public hearing to consider adopting a resolution recommending City Council adopt Alternative #3 as the preferred Alternative for the Bellevue Road Rehabilitation and Realignment Project.**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public; and,
2. Close the Public Hearing.
3. Motion Adopt Resolution recommending City Council adopt Alternative #3 as the preferred Alternative for the Bellevue Road Rehabilitation and Realignment Project.

I. BACKGROUND:

Measure V is a county-wide, half-cent Transportation Sales Tax Measure approved by Merced County voters in November 2016, under which MCAG is authorized to administer the proceeds. The voter-approved Transportation Expenditure Plan programs 44% of funds for Regional Projects, 50% of funds for Local Projects (at least 20% of which must be set aside for Alternative Modes Projects), 5% of funds for Transit, and 1% of funds for administration. Voters authorized the Measure V Transportation Sales Tax for 30 years, terminating on March 31, 2047. Funding is provided from the State Board of Equalization (BOE) to MCAG, which in turn distributes the allocated funds.

The 44% of funds allocated for Regional Projects is further divided into an Eastside share of 27% and a Westside share of 17%, with the dividing line between the two being the San Joaquin River. Two committees were established to recommend Regional Projects. The Eastside Regional Projects Committee and the Westside Regional Projects Committee each consist of one councilmember from each city within the jurisdiction and

each County Supervisor whose district includes area east or west of the river. The Regional Projects Committees make recommendations to the MCAG Governing Board, which has authority to oversee funds.

After adopting new Regional Projects Policies on April 15, 2021, MCAG issued the Measure V Call for Projects for the 2021 Implementation Plan on April 30, 2021 with an application deadline of August 31, 2021. The East Side Regional Projects Committee met twice in October 2021 to discuss Regional Project Candidate Evaluation Forms, projects programming, and projected revenues and cash flows, then approved project funding recommendations to be made to the MCAG Governing Board at their regular meeting of November 18, 2021. The project was included in the funding recommendations made by the East Side Regional Projects Committee and approved unanimously by the MCAG Board.

Following approval of the Regional Projects Committees' recommendations, a Draft Measure V 2021 Implementation Plan was presented by staff to the MCAG Board at public hearing on December 16, 2021. The MCAG Governing Board unanimously adopted the Measure V 2021 Implementation Plan with no changes to the draft plan.

The adopted Measure V 2021 Implementation Plan includes programmed expenditure for the Bellevue Road Rehabilitation and Realignment Project, described as follows: "\$200,000 for a project study report. This is a multi-jurisdiction project of the City of Atwater and the County of Merced. It would realign and reconstruct a portion of Bellevue Road between Grove Avenue and Parade Street immediately west of the City of Atwater. This project was programmed in the 2021 update.

MCAG staff developed a Draft Master Measure V Regional Project Funding Agreement and refined it with input from member agencies. The City of Atwater approved the Master Measure V Regional project Funding Agreement at its regular meeting of the City Council on December 10, 2018. The Measure V Regional Project Funding Agreement (project specific) includes an estimated project completion date, requires the initiation of consultant contracts and/or start of construction within six (6) months from the execution date of the agreement, and requires MCAG to receive and process invoices for member agency reimbursement within thirty (30) days.

On January 10, 2022, City Council adopted Resolution No. 3276-22 approving budget amendment No. 18 and amending the Fiscal Year 2021-22 Budget to establish a budget within the Measure V regional Fund for the preparation of the PSR-E for the Bellevue Road project.

On October 9, 2023 City Council adopted Resolution No. 3436-23 approving the final project study report prepared by Mark Thomas & Company for the realignment and extension of Bellevue Road from Parade Street to Olive Avenue.

On June 4th, 2024 MCAG and the City of Atwater entered into a funding agreement for \$2,150,000.00 to fund the Plans, Specifications, and Estimates (PS&E) Phase of the Bellevue Road Rehabilitation and Realignment Project.

II. ANALYSIS:

The City of Atwater (City) in partnership with the County of Merced (County) has initiated this project to evaluate improvements to a local road alignment that will help relieve congestion and improve traffic flow through the City along Bellevue Road. The City proposes to construct an approximately 1.6-mile-long, 4-lane arterial road in Merced County. The proposed Bellevue Road realignment will begin between Olive Avenue and Grove Avenue, east of State Route 99. Bellevue Road will be realigned south of the existing Bellevue Road, then conform near the Parade Street and Bellevue Road intersection. New intersection connections will be required at Vine Avenue and Orchard Park Avenue. The project will also include Class IV bike lanes. All improvements will be designed to the City of Atwater Standards.

The project will provide connectivity between State Route 99 and the Castle Commerce Center located near the east side of Atwater. The road realignment will provide a direct route and reduce the vehicle miles traveled (VMT).

This Project is currently included in the Regional Transportation Plan, adopted by Resolution 3250-21 and prioritized as a Tier 1 Project by the City Council. The proposed alignment will provide the following benefits to the City of Atwater: Improve accessibility and mobility of goods and persons in Atwater, Provide a direct route from the SR 99/Westside Boulevard interchange to the Castle Commerce Center, Reduce VMT, Reduce travel time, Provide bicycle and pedestrian facilities, Accommodate local development and provide consistency with existing and planned local and regional development.

III. FISCAL IMPACTS:

Sufficient funding is available via the Measure V regional tax for the Plans, Specifications, and Estimate for the project.

IV. LEGAL REVIEW:

This item has been reviewed by the City Attorney.

V. EXISTING POLICY:

None

VI. INTERDEPARTMENTAL COORDINATION:

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

VII. PUBLIC PARTICIPATION:

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

VIII. ENVIRONMENTAL REVIEW:

City Council will have an opportunity to make an environmental determination when presented with the adoption of the preferred alternative.

IX. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0253-24, a recommendation will be made to City Council for Approval of the Preferred Alternative.

Prepared by: John Seymour, City Engineer

Submitted by: _____
Greg Thompson, Deputy City Manager

Attachments:

1. Resolution No 0253-24



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0253-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING CITY COUNCIL APPROVE AND ADOPT PREFERRED ALTERNATIVE #3 FOR THE BELLEVUE ROAD REHABILITATION AND REALIGNMENT PROJECT

WHEREAS, at a duly noticed public hearing on August 21, 2024, the Planning Commission of the City of Atwater reviewed the preferred alternative #3 for the Bellevue Road Rehabilitation and Realignment Project; and,

WHEREAS, this project will go before City Council for approval of the Initial Study and environmental determination and,

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

WHEREAS, the initial study for the Bellevue road rehabilitation and realignment project has been circulated and responses to comments have been prepared; and,

WHEREAS, the proposed preferred alternative would not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community; and,

WHEREAS, the Planning Commission has determined that the following findings can be made for Bellevue Road Rehabilitation and Realignment project in support of the Project:

1. Proposed alternative #3 is the preferred alternative for the Bellevue Road Rehabilitation and Realignment Project.
2. The project is consistent with the circulation element of the City's General Plan.
3. The public hearing for this application has been adequately noticed and advertised.
4. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

NOW THEREFORE BE IT RESOLVED, that the recitals above are true and correct and hereby incorporated by reference. That the Planning Commission of the City of Atwater does hereby recommend the City Council of the City of Atwater approve and adopt the preferred alternative #3 for the Bellevue Road Rehabilitation and Realignment Project.

The foregoing resolution is hereby adopted this 21st day of August, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

DON BORGWARDT
CHAIR

ATTEST:

GREG THOMPSON,
DEPUTY CITY MANAGER
COMMUNITY DEVELOPMENT DIRECTOR



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

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

MEETING DATE: August 21, 2024

TO: Chair and Commissioners

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

SUBJECT: **Public hearing to consider adopting a resolution approving Time Extension Request No. 24-21-0100 regarding previously approved Conditional Use Permit No. 22-11-0100 Site Plan No. 22-11-0200 for a mini-storage facility located at APN: 001-146-013 & 017 West of 1619 Sycamore Avenue**

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15332, Class 32, "Infill Development"; and adopt Resolution No. 0254-24 approving Time Extension Request No. 24-21-0100 for previously approved Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200 for a mini-storage facility located at APN: 001-146-013 & 017 West of 1619 Sycamore Avenue.

I. BACKGROUND:

On March 15, 2023, the Planning Commission adopted Resolution No. 0204-22 approving Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200 for a mini-storage facility located at APN: 001-146-013 & 017 West of 1619 Sycamore Avenue. The original project is expected to remain the same.

The applicant is seeking a time extension request due to the lengthy process of creating building permit plans and getting them submitted to the Building Division. Building plans of this size usually take longer than 6 months and inflation is a factor as well. Many municipalities have an expiration date of two years on their Conditional Use Permits because of this. The applicant has been in contact with the Building Division regarding their plans and submittal, however, they are seeking a two year time extension from the date of expiration which would be from September 15, 2023 through September 15, 2025.

The subject property (APN: 001-146-013 & 017) is located west of 1619 Sycamore Avenue, approximately 700 feet from Sycamore Avenue and Applegate Road. The two parcels are approximately 2.9 acres and are currently vacant land.

II. ANALYSIS:

The subject property has a land use designation of Business Park (B-P) and has a Business Park (B-P) District Overlay. The Business Park land use designation provides for large buildings or a cluster of buildings usually developed in a “campus” style. Business may include manufacturing operations within wholly enclosed buildings, associated offices, trade schools, and supporting childcare and retail activities. Outside storage is limited and must be effectively screened with solid fencing and/or landscaping. The operations are quiet and require the infrequent use of large trucks for pickup or delivery of parts or products. Buildings are visually pleasing, with extensive landscaping around buildings and parking areas.

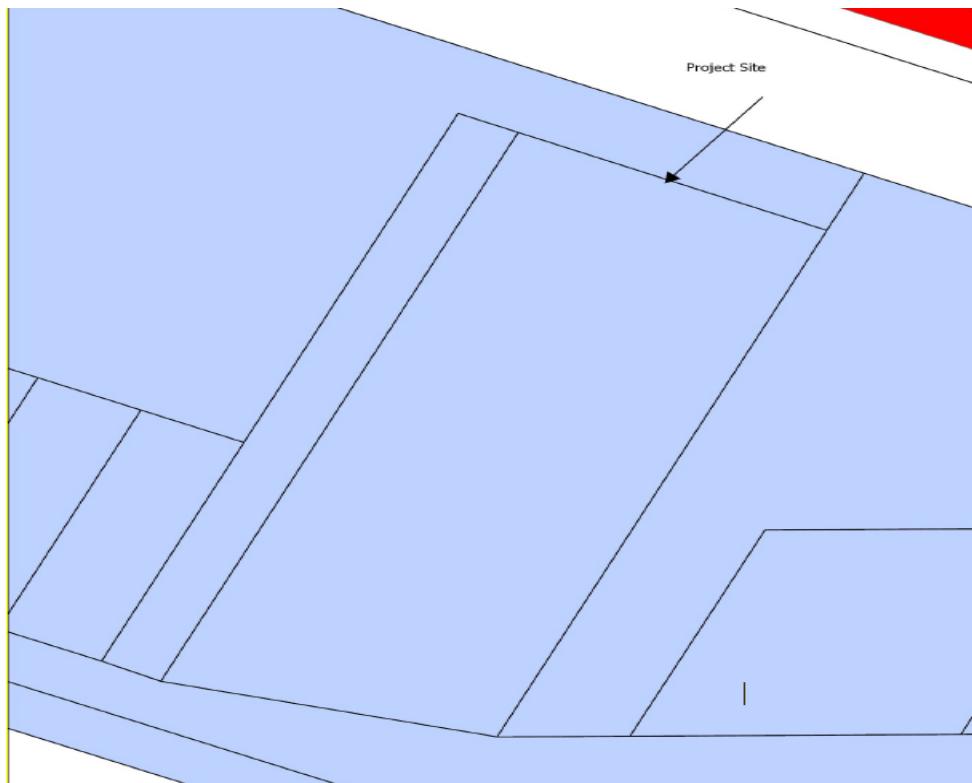


Figure 1: Land Use Designation – Business Park

The purpose of Business Park District Overlay is to provide an attractively designed business park that allows mixed commercial and industrial use. Per the Atwater Municipal Code (AMC) 17.39.030, all conditional uses shall be prescribed under each base zone district which consists of Commercial Office (C-O), Thoroughfare Commercial (C-T), General Commercial (C-G), Light Industrial (M-1), and Industrial Zones (M-2).

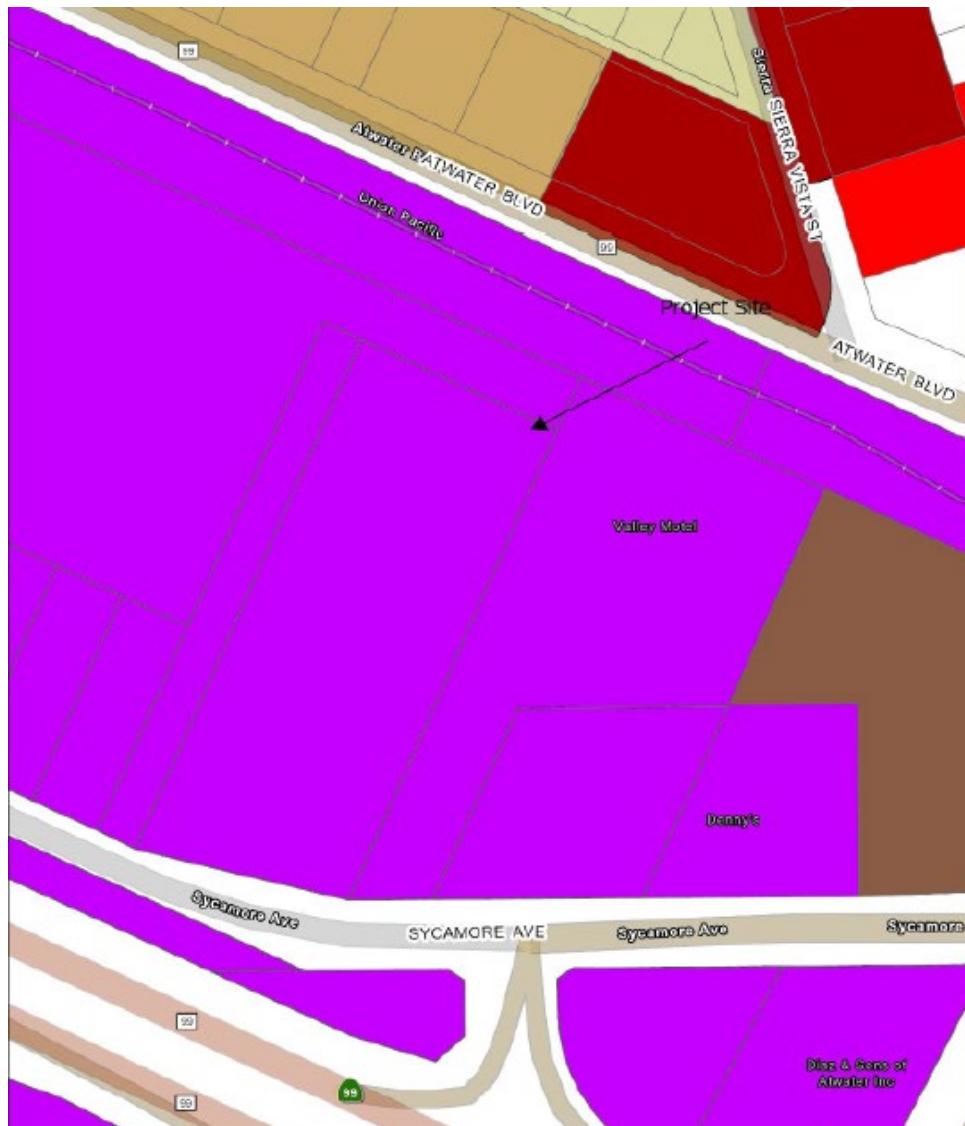


Figure 2: Zoning – Business Park

The applicant is requesting to construct a mini-warehouse facility that will operate seven days a week between 6:00 am and 10:00 pm. The office portion of the project will operate Monday through Friday from 8:00 am to 5:00 pm with two employees per shift and a maximum of four employees during shift change.

The Storage Facility will consist of two buildings totaling approximately 90,124 square feet with 577 storage units and an office. Building A is approximately 11,638 square feet and is located on the east side of the project site. Building B is located on the west side of Building A and is approximately 78,486 square feet, totaling 90,124 square feet (please refer to figure 3). The project will have various storage unit sizes being conditioned and other units not being conditioned; refer to table 1 for further information.

Table 1: Storage unit

Unit Size	Conditioned	Non-conditioned	Total
5X5	22	12	34
5X7.5	10	0	10
5X10	141	9	150
5X15	2	0	2
7.5X10	92	3	95
10X10	306	9	315
10X12.5	4	5	9
10X15	0	2	2
10X17.5	0	9	9
10X20	0	77	77
10X22.5	0	2	2
10X25	0	16	16
10X30	0	37	37

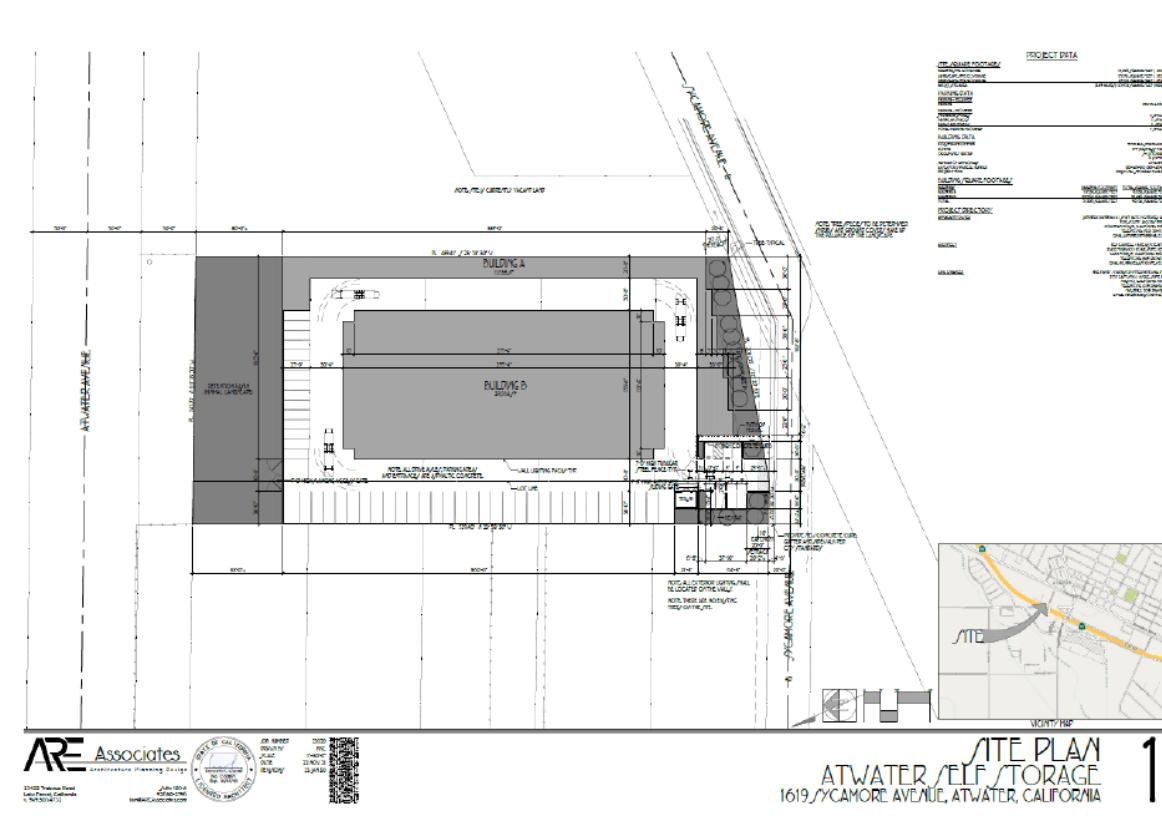


Figure 3: Site Plan

Pursuant to AMC section 17.49.030, a conditional use permit is required for any size of mini-warehouse development, including in the Business Park District. AMC section 17.71.040, in turn, provides that a CUP may be approved by the Planning Commission if the proposed structure or use conforms to the requirements and intent of the zoning code and Atwater General Plan, that any additional conditions stipulated by the Planning Director as deemed necessary in the public interest will be met, and that the proposed use will not, under the circumstances of the particular case, constitute a nuisance or be detrimental to the public welfare of the community.

In addition, pursuant to AMC section 17.49.080, applicants proposing a mini-warehouse development must supply site plans, landscaping and irrigation plans, and grading, drainage, and improvement plans to the Planning Director for processing with the CUP.

Recommendation:

Staff has reviewed all application materials associated with the proposed Time Extension, Conditional Use Permit and Site Plan, and recommend that the Planning Commission approves the Time Extension Request. The proposed mini-warehouse conforms to the requirements and intent for the Business Park zoning district overlay and

the General Plan, the applicant will have to comply with the conditions set by the Planning Director as set forth in the attached resolution, and there will not, in this particular circumstance, be any nuisance or detrimental public welfare effects to the community.

III. FISCAL IMPACTS:

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

IV. LEGAL REVIEW:

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

V. EXISTING POLICY:

GOAL LU-11: Identify appropriate locations and timing for future Business Park development.

VI. INTERDEPARTMENTAL COORDINATION:

Departments coordinated the correct path of action to ensure the project could move forward. In the past, comments from all departments were incorporated into the conditions of approval for the Conditional Use Permit and Site Plan.

VII. PUBLIC PARTICIPATION:

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

VIII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt under guideline section 15332, Class 32, "Infill Development." The environmental assessment has been attached.

IX. STEPS FOLLOWING APPROVAL:

Following the adoption of Resolution No. 0254-24, the Recording Secretary will forward the signed Resolution to the applicant.

Prepared by: Kayla Rashad, Executive Assistant

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

Attachments:

1. Resolution No. 0254-24
2. Resolution No. 0204-22
3. Uniform Development Application regarding the Time Extension Request
4. Site Plan
5. Elevations



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0204-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING TIME EXTENSION REQUEST NO. 24-21-0100 REGARDING PREVIOUSLY APPROVED CONDITIONAL USE PERMIT NO. 22-11-0100 AND SITE PLAN NO. 22-11-0200 FOR A MINI-STORAGE FACILITY LOCATED AT APN: 001-146-013 & 017 WEST OF 1619 SYCAMORE AVENUE.

WHEREAS, on August 21, 2024 the Planning Commission of the City of Atwater reviewed Time Extension Request No. 24-21-0100 as submitted by Jatinder Randhawa, requesting to construct and operate a mini-storage facility; and,

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

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

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

WHEREAS, the Planning Commission has determined that the following findings can be made for Time Extension Request No. 24-21-0100:

1. That this application proposes to construct a self-storage facility.
2. That the site is located in a Business Park Zone District and is consistent with the purpose and intent of said district.
3. That this site is designated by the Atwater General Plan as Business Park, and the proposed use is consistent with the purpose and intent of the Business Park designation.
4. That the project is categorically exempt under CEQA guideline section 15332 Class 32, "Infill Development," pursuant to the Environmental Assessment included herewith and made a part of this resolution by this reference.
5. That the public hearing for this application has been adequately noticed and advertised.
6. That the project would not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Time Extension Request No. 24-21-0100 subject to the following conditions:

1. The developer must adhere to all Conditions of approval from Resolution No. 0204-22.
2. The Planning Commission shall retain the right to reconsider Time Extension Request 24-21-0100 and Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200.
3. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, and Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
4. 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 21st day of August, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIR**

ATTEST:

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



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0204-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER APPROVING CONDITIONAL USE PERMIT NO. 22-11-0100 AND SITE PLAN NO. 22-11-0200 FOR A MINI-WAREHOUSE FACILITY LOCATED ON AT APN: 001-146-013 & 017 WEST OF 1619 SYCAMORE AVENUE

WHEREAS, on March 15, 2023 the Planning Commission of the City of Atwater reviewed Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200, as submitted by Jatinder Randhawa, requesting to construct and operate a mini-warehouse facility; and,

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

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

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

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

WHEREAS, the Planning Commission has determined that the following findings can be made for Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200:

1. That this application proposes to construct a self-storage facility.
2. That the site is located in a Business Park Zone District and is consistent with the purpose and intent of said district.
3. That this site is designated by the Atwater General Plan as Business Park, and the proposed use is consistent with the purpose and intent of the Business Park designation.
4. That the project is categorically exempt under CEQA guideline section 15332 Class 32, "Infill Development," pursuant to the Environmental Assessment included herewith and made a part of this resolution by this reference.
5. That the public hearing for this application has been adequately noticed and advertised.
6. That the project would not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 22-11-0100 and Site Plan No. 22-11-0200 subject to the following conditions:

BUILDING

1. Project shall meet all latest California Building Codes, Fire Code, Energy Code, Accessibility requirements, and Atwater Municipal Code.

FINANCE

2. When building is ready to connect to City Water and Sewer, owner must submit a Start Service Application for Water, Sewer, and Garbage services.

FIRE

3. Project shall meet the latest Atwater Municipal Code and California Code.
4. A Knox box shall be installed on the exterior of the building, as per CFC 506.1, placed 5-6 foot in height within 10 feet of the main entry on the address side of the building and have keys with access to all common doors and gates.

POLICE

5. All external outside electrical outlets and water supplies shall have locking covers to prevent unauthorized access.
6. All trash enclosures be equipped with lockable enclosure covers and lighting to prevent unauthorized access and camping.
7. Sufficient lighting on the building perimeter to prevent dark spaces that would attract trespassers.

PUBLIC WORKS

8. Site Plan must show all right of ways/easements.
9. Site Plan must include sidewalk, curb, and gutter in front of parcel.
10. Site Plan must show trees shown in landscape areas.

ENGINEERING

11. 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.
12. A Merger of Parcels is required for the proposed development to ensure structures are not constructed across property lines. If a Merger of Parcels is not required, then a Lot Tie and/or Declaration of Reciprocal Easements, Conditions, Covenants, and Restrictions may be required to ensure that the proposed development functions as a single facility as intended. Developer must meet with Community Development Director and City Engineer prior to preparation of improvement plans to resolve this to the City's satisfaction once a land survey has been completed showing all parcels and encumbrances of record in relationship to the proposed development.
13. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site, either wind or water, during the construction and operation of the project covered by this approval.
14. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the applicant a copy of all applicable permits.

15. Development of the property must conform to the plans as submitted with revisions as specified by the City of Atwater City Council and/or Planning Commission.
16. All necessary utility easements shall be retained, reserved, or dedicated.
17. Existing easements shall be abandoned where required by the City Engineer.
18. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
19. Overhead utilities on site and/or in the adjoining right-of-way or drive aisle shall be placed underground and poles shall be removed.
20. Development of the project may require dedication of right-of-way and/or public utility easements. Developer shall coordinate with Community Development Director and City Engineer prior to preparation of improvement plans. If City determines that right-of-way and/or public utility easements are required, then Irrevocable Offer of Dedications shall be made by Developer prior to approval of any improvement plans or issuance of any permits.
21. Developer shall construct full frontage improvements on Sycamore Ave, including but not limited to curb, gutter, sidewalk, pavement reconstruction to centerline, streetlights, fire hydrants, drainage improvements, and utilities as applicable.
22. 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.
23. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Atwater upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted fee schedule.
24. Due to post-construction stormwater quality and/or discharge hydromodification requirements, on-site retention/detention may be required, and will be allowed where possible.

25. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications, all applicable state and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
26. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Community Development Department to ensure that any damage to the existing roadway is repaired in a timely manner.
27. Hydrologic and hydraulic calculations for determining the storm system design, with hydraulic grade line, water surface profile, and adequate field survey cross section data, shall be provided satisfactory to the City Engineer. Project shall retain the full volume of the 100yr-24hr design storm event, based on precipitation estimate from NOAA Atlas 14, Volume 6, Version 2. Provide calculations to demonstrate infiltration of the design volume within 48 hours with a safety factor of at least 2 applied to the soils infiltration rate as tested by the project geotechnical engineer. A greater safety factor may be required if recommended by the project geotechnical engineer. Percolation rates or permeability values shall be converted to infiltration rates by methods to be approved by the City Engineer prior to submitting calculations. The design infiltration rate should be an average of at least two (2) tests conducted on site, with a factor safety then applied to the average to determine the design the design rate. Collection and conveyance facilities (inlets, fitters, pipes, etc.) shall be sized to convey peak flows from the 10-year storm event.
28. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
29. Development of the project may require dedication of right-of-way and/or public utility easements. Developer shall coordinate with Community Development Director and City Engineer prior to preparation of improvement plans. If City determines that right-of-way and/or public utility easements are required, then Irrevocable Offer of Dedications shall be made by Developer prior to approval of any improvement plans or issuance of any permits.
30. Developer shall construct full frontage improvements on Sycamore Ave, including but not limited to curb, gutter, sidewalk, pavement reconstruction to centerline, streetlights, fire hydrants, drainage improvements, and utilities as applicable.

31. 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.
32. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Atwater upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted fee schedule.
33. Due to post-construction stormwater quality and/or discharge hydromodification requirements, on-site retention/detention may be required, and will be allowed where possible.
34. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications, all applicable state and local ordinances, standards, and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
35. All on- and off-site development and improvements shall be designed and constructed at the sole expense of the developer.
36. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Community Development Department to ensure that any damage to the existing roadway is repaired in a timely manner.
37. All broken, cracked or otherwise damaged public improvements, such as curb, gutter, sidewalk, and pavement, shall be saw cut, removed, and replaced in accordance with applicable city standards to the satisfaction of the City Engineer.
38. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
39. Developer shall comply with all applicable mandatory non-residential requirements of the California Green Building Standards Code (CalGreen), including but not limited to grading and drainage, designated parking, short-term and long-term bicycle facilities, and provision of electric vehicle charging spaces (EV space) capable of supporting electric vehicle supply equipment (EVSE).

40. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be paved in Asphalt Concrete or Portland Cement Concrete.
41. 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.
42. All parking areas and drive aisles shall be paved in Asphalt Concrete or Portland Cement Concrete. Where permeable materials are used, underdrains may be required for compliance with stormwater quality standards at the discretion of the City Engineer.
43. A trash enclosure shall be constructed for each parcel unless otherwise approved. All trash enclosures shall be constructed per City Standards of masonry material with solid, self-enclosing doors and a second access, and shall drain to a landscape area. Refuse containers must have integral lids/covers, or the enclosure shall be constructed with a sloped roof. Trash enclosures must be sized for at least one refuse bin and one recycling bin. Door hardware must meet accessible design criteria where required. The enclosure shall have materials and colors consistent with the primary building.
44. Trees shall be installed and thereafter maintained throughout all parking areas at a minimum ratio of one tree for each six parking spaces. The maximum spacing between trees shall not exceed sixty-five feet. Placement of trees shall be coordinated with lighting.

PLANNING

45. All on-site graffiti shall be the responsibility of the property owner. All graffiti shall be abated in accordance with City Graffiti Ordinances.
46. Applicant shall comply with the Atwater Municipal Code, Zoning, Chapter 17.39.
47. Applicant shall comply with all the conditions of approval prior to issuance of a business license.
48. Applicant shall comply with all Commercial and Industrial Design Guidelines.
49. The Planning Commission shall retain the right to reconsider CUP 22-11-0100 and Site Plan 22-11-0200.

50. One parking space per employee for the largest shift and one space for each vehicle used in the conduct of the business, whichever is greater, must be provided.
51. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, and Planning Commission as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents, or presentations is subject to review and approval prior to implementation.
52. Applicant must pay the Annual Conditional Use Permit Monitoring Fee.
53. 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.

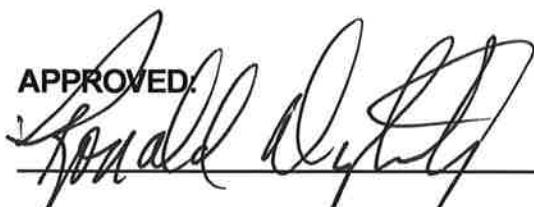
The foregoing resolution is hereby adopted this 15th day of March, 2023.

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

NOES: None

ABSENT: None

APPROVED:



RONALD DAUGHERTY, CHAIRPERSON

ATTEST:



GREG THOMPSON,
COMMUNITY DEVELOPMENT DIRECTOR

RSO PC 0204-22
22-11-0100 CUP
22-11-0200 SP.



City of Atwater

Uniform Development Application
750 Bellevue road

RECEIVED
8/15/24

BY: *Vay L. Randhawa*

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

Fax: (209) 357-6348

APPLICATION FORM

Please indicate the types of application requested

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

Describe Proposed Project:

A multiple building self storage facility.

APPLICANT: Jatinder Randhawa

PHONE NO: (703) 501-7136

ADDRESS OF APPLICANT: 1136 S. Jacobs Dr., Mountain House EMAIL: jatinder.iitk@gmail.com

PROPERTY OWNER:

PHONE NO:

ADDRESS OF PROPERTY OWNER:

ASSESSOR'S PARCEL NUMBER: 001-146-013/001-146-017

Address/General Location of Property: 1619 Sycamore Ave.

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

GENERAL PLAN DESIGNATION OF PROPERTY:

Indemnity Statement

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

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: Jahnavi, bhujiya
Applicant Date: 08/05/2024

There are no deed restrictions on this land that would prohibit this type of use or development. I (we), INTERIOR LANDOWNER 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: Patricia L. M. PROPERTY OWNER DATE: 08/05/2024 PROPERTY OWNER DATE:

CITY OF ATWATER UNIFORM DEVELOPMENT APPLICATION CHECKLIST

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

- One (1) completed copy of the combined Development Application form.
- Appropriate Schedule Fees (make checks payable to the City of Atwater).
- One (1) completed and signed copy of Agreement to Pay Processing Costs. (Attached)
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the elevation drawings and copies of site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.
- Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of the floor plans and copies of site plan (See site plan requirements). Be prepared to submit and electronic copy of the site plan.

TPA 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.

TPA 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 CD

Date received 7/2/14

Atwater Municipal Code Chapter 16 Section 16.20.020 Tentative Map Requirements

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

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

Tentative Map Requirement Continued

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

Site Plan Checklist

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

Site Plan Checklist Continued

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



City of Atwater

HAZARDOUS WASTE AND SUBSTANCE STATEMENT

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

Fax: (209) 357-6348

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

NAME OF OWNER: Jatinder Randhawa

ADDRESS: 1136 S. Jacobs Dr., Mountain House, CA 95391

NAME OF APPLICANT: Same

ADDRESS: _____

ADDRESS OF SITE: 1619 Sycamore Ave.

APN: 083-112-018-000

LOCAL AGENCY: COUNTY OF MERCED

NOT ON LIST

SPECIFY LIST

REGULATORY IDENTIFICATION NO: _____

Pursuant to section 65962.5 of the Government Code

DATE OF LIST: _____

APPLICANT SIGNATURE: Jatinder Randhawa

Date: 08/05/2024

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 JATINDER RANDHAWA hereinafter "applicant". This is a legally binding agreement. You should ensure to read all provisions of this agreement.

1. Applicant agrees to pay all personnel and related direct, indirect, overhead and overtime costs incurred by City employees and consultants (including engineers, attorneys and other professionals) incurred by City for review and processing the subject application, even if the application is withdrawn in writing, not approved, approved subject to conditions or modified upon approval. Applicant agrees that it shall pay any and all costs related to the subject application that the City would not have incurred but for the application. City's indirect and overhead costs will be applied to the time of City employees and consultants. All personnel and related direct, indirect, overhead and overtime rates for City employees and consultants shall be calculated annually by the City manager.
2. Applicant agrees to make an initial deposit in the amount of \$2,000 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.



**COMMUNITY DEVELOPMENT
EXISTING SITE CONDITIONS**

750 Bellevue road

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

Fax: (209) 357-6348

Application: 22-11-0100 ; 22-11-0200

APN: 001-146-013, 001-146-017

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.

Jalmel L. M.

Signed

08/05/2024

Date

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: JAINDEE RANDHAWA Date: 08/05/2024

Print Name and Title: Jaindee Randhawa, Applicant

Owner: Robert Riechel Date: _____

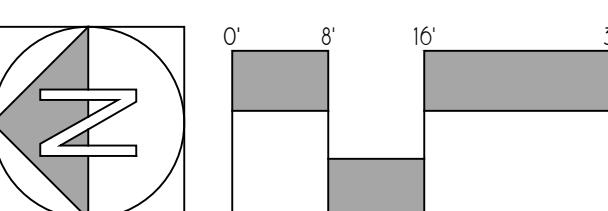
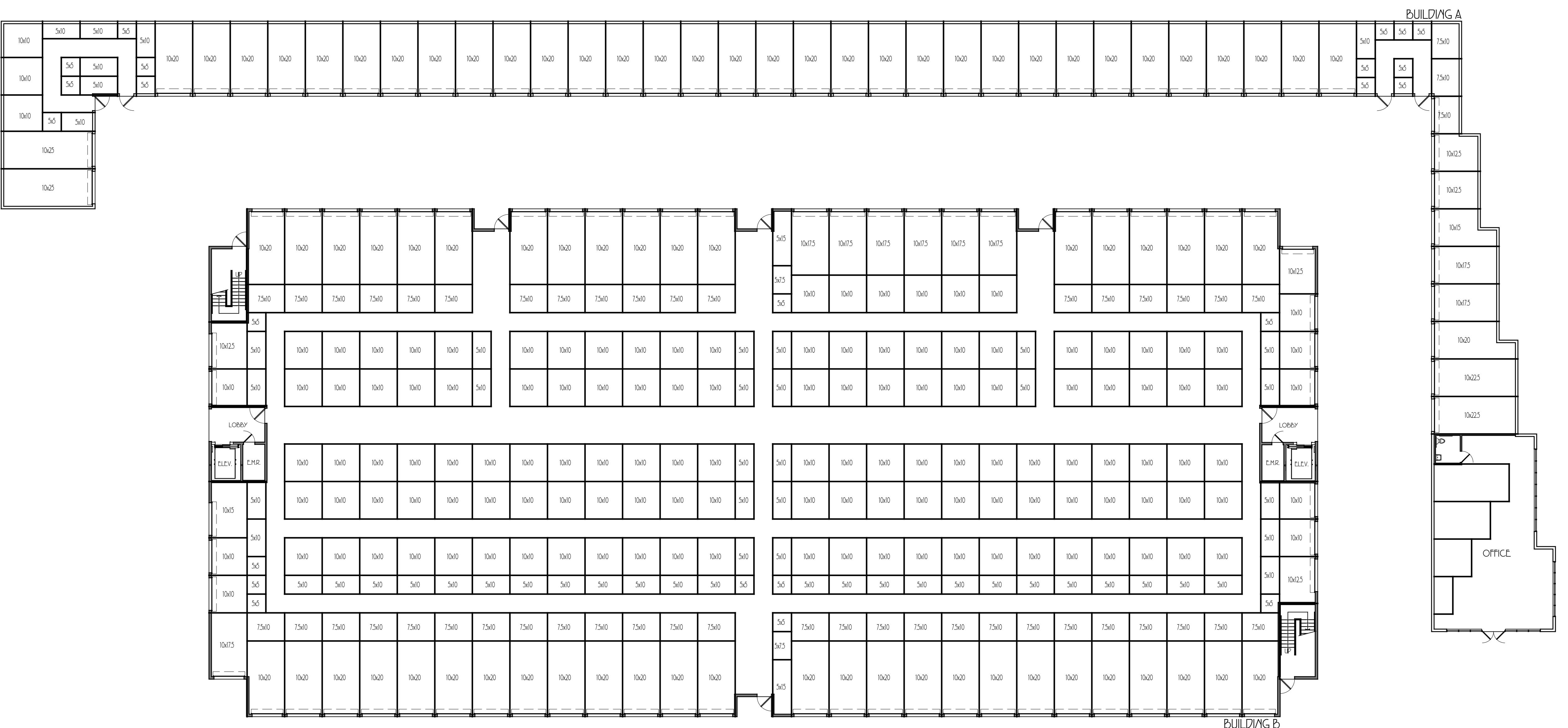
Print Name and Title: ROBERT RIECHL, OWNER TRUSTEE

City of Atwater

By: Christina Dyon Date: 08/05/2024

Print Name and Title: Christina Dyon

UNIT MIX - OVERALL						
UNIT SIZE	UNIT / SQ. FT.	CONDITIONED		NON-CONDITIONED		TOTAL
		UNITS	UNIT / SF	UNITS	UNIT / SF	
5x5	25 / ft ²	22	550 / ft ²	12	300 / ft ²	34
5x7.5	37.5 / ft ²	10	375 / ft ²	0	0 / ft ²	10
5x10	50 / ft ²	141	7,050 / ft ²	9	450 / ft ²	150
5x15	75 / ft ²	2	150 / ft ²	0	0 / ft ²	2
7.5x10	75 / ft ²	92	6,900 / ft ²	3	225 / ft ²	95
10x10	100 / ft ²	306	30,600 / ft ²	9	900 / ft ²	315
10x12.5	125 / ft ²	4	500 / ft ²	5	625 / ft ²	9
10x15	150 / ft ²	0	0 / ft ²	2	500 / ft ²	2
10x17.5	175 / ft ²	0	0 / ft ²	9	1,575 / ft ²	9
10x20	200 / ft ²	0	0 / ft ²	77	15,400 / ft ²	77
10x22.5	225 / ft ²	0	0 / ft ²	2	450 / ft ²	2
10x25	250 / ft ²	0	0 / ft ²	16	4,000 / ft ²	16
10x30	300 / ft ²	0	0 / ft ²	37	11,100 / ft ²	37
TOTAL		577	46,125 / ft ²	180	35,050 / ft ²	757
AVERAGE UNIT SIZE			79.94 / ft ²		194.61 / ft ²	107.21 / ft ²



UNIT MIX - OVERALL							
UNIT SIZE	UNIT / SQ. FT.	CONDITIONED		NON-CONDITIONED		TOTAL	
		UNITS	UNIT / FT ²	UNITS	UNIT / FT ²		
5x5	25/FT	22	550/FT	12	300/FT	34	
5x7.5	37.5/FT	10	375/FT	0	0/FT	10	
5x10	50/FT	141	7,050/FT	9	450/FT	150	
5x15	75/FT	2	150/FT	0	0/FT	2	
7.5x10	75/FT	92	6,900/FT	3	225/FT	95	
10x10	100/FT	306	30,600/FT	9	900/FT	315	
10x12.5	125/FT	4	500/FT	5	625/FT	9	
10x15	150/FT	0	0/FT	2	500/FT	2	
10x17.5	175/FT	0	0/FT	9	1,575/FT	9	
10x20	200/FT	0	0/FT	77	15,400/FT	77	
10x22.5	225/FT	0	0/FT	2	450/FT	2	
10x25	250/FT	0	0/FT	16	4,000/FT	16	
10x30	300/FT	0	0/FT	37	11,100/FT	37	

