

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

October 16, 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. August 21, 2024 – Regular Meeting

Staff's Recommendation: Approval of minutes as listed.

PETITIONS AND COMMUNICATIONS:

None

PUBLIC HEARINGS:

2. **Public Hearing to consider adopting a resolution approving Conditional Use Permit No. 24-22-0100 and Site Plan No. 24-22-0200, located at 1883 Sycamore Avenue, Atwater (APN 001-146-011).**
(Applicant: BK Industries Inc.)

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

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15303, Class 3 "New Construction or Conversion of Small Structures;" and adopt Resolution No. 0255-24 approving Conditional Use Permit No. 24-22-0100, and Site Plan No. 24-22-0200 located at 1883 Sycamore Avenue, Atwater (APN: 001-146-011)

3. **Public Hearing to consider adopting a resolution recommending City Council adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to add "R-1-5" (5,000 square foot lots) as a single-family residential district under the Low-Density Residential Zone.**
(Applicant: City of Atwater)

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

Close the public hearing;

Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), "Review for Exemption", under the common sense exemption, and adopt Resolution No. 0256-24 Recommending the City Council Adopt Zoning Ordinance Text Amendment No. 24-23-0100 Amending Chapter 17.16: "Low Density

Residential Districts” of the Atwater Municipal Code, to add “R-1-5” (5,000 square foot lots) as a Single Family Residential district.

- 4. Public Hearing to consider adopting a resolution recommending the City Council of Atwater approve an Amendment to Update the Improvement Standards and Specifications of the City of Atwater**
(Applicant: City of Atwater)

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

Close the public hearing;

Adopt Resolution No. 0258-24 making a recommendation to the City Council of Atwater to approve an amendment and update to the Improvement Standards and Specifications of the City of Atwater by repealing the current city standards listed here: DR-1, SCG-1, SCG-2, SCG-4, SCG-5, ST-3 and replacing them with the attached improvement standards. Adopt standard details ST-8, ST-9. Repeal standard details D-1, D-5.

- 5. Public Hearing to make a finding that the proposed shade structure for Veterans Memorial Park in Atwater, CA (APN: 005-070-001), conforms with the City’s policies, codes, and guidelines for government buildings pursuant to the Atwater Municipal Code 17.12.060.**
(Applicant: City of Atwater)

- 6. Public Hearing to consider adopting a resolution recommending City Council adopt a Zoning Ordinance Text Amendment amending Chapter 17.28 “Accessory Dwelling Units” of the Atwater Municipal Code to comply with recent changes in State law; and finding the action to be statutorily exempt from CEQA under section 21080.17 of the Public Resources Code.**
(Applicant: City of Atwater)

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

Close the public hearing;

Make a finding that the project is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) under Public Resources Code section 21080.17; and adopt Resolution No. 0259-24 Recommending the City Council Adopt Zoning Ordinance Text Amendment No. 24-28-0100 amending Chapter 17.28 “Accessory Dwelling Units” of the Atwater Municipal Code to comply with recent changes in State law.

REPORTS AND PRESENTATION FROM STAFF:

7. 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

August 21, 2024

REGULAR SESSION: (Council Chambers)

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

INVOCATION:

Invocation by Chaplain McClellan

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Chair Borgwardt

ROLL CALL:

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

Absent: *Planning Commission Member Sanders*

Staff Present: *Battalion Chief Lopes, Building Permit Technician Ruiz (Translator) Chief Salvador, City Engineer Seymour, 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 Kadach moved to approve the agenda. The motion was seconded by Planning Commission Member Sanchez-Garcia and the vote was: Ayes: Planning Commission Members Mokha, Kadach, Sanchez-Garcia and Borgwardt; Noes: None; Absent: Planning Commission Member Sanders. The motion passed.

APPROVAL OF MINUTES:

a) July 17, 2024 – Regular Meeting

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

PETITIONS AND COMMUNICATIONS:

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.

Deputy City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

Applicant Adam Reed spoke on the project.

No one else came forward to speak.

Chair Borgwardt closed the public hearing.

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

Deputy City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

Jim Price came forward to speak.

Applicant Ramson Piro spoke on his project.

No one else came forward to speak.

Chair Borgwardt closed the public hearing.

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

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)

Deputy City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

Jim Price came forward to speak regarding traffic concerns.

Applicant Carlos Maciel spoke on his project.

No one else came forward to speak.

Chair Borgwardt closed the public hearing.

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

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)

Deputy City Manager Thompson provided background on this project and let the applicant know that when Phase 2 of the Shannon's Mini Mart begins construction, that the site will need to be re-evaluated including this mobile food vendor business.

Chair Borgwardt opened the public hearing.

Applicant Vicente Lupian-Manzo spoke on his project.

No one else came forward to speak.

Chair Borgwardt closed the public hearing.

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

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.

City Engineer Seymour provided background on this project.

Chair Borgwardt opened the public hearing.

No one came forward to speak.

Chair Borgwardt closed the public hearing.

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

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)

Deputy City Manager Thompson provided background on this project.

Chair Borgwardt opened the public hearing.

No one came forward to speak.

Chair Borgwardt closed the public hearing.

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

REPORTS AND PRESENTATIONS FROM STAFF:

Deputy City Manager / Community Development Director Updates.

Deputy City Manager Thompson provided a brief update on Economic Development.

COMMENTS FROM THE PUBLIC:

Chair Borgwardt opened the public comment.

Notice to the public was read.

No one came forward to speak.

Chair Borgwardt closed the public comment.

COMMISSIONER MATTERS:

None

ADJOURNMENT:

Chair Borgwardt adjourned the meeting at 7:11 PM.

Don Borgwardt, Chair

By: Kayla Rashad
Recording Secretary



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: October 16, 2024

TO: Chair and Commissioners

FROM: Scott Ruffalo, Planning Technician

SUBJECT: Public hearing to consider adopting a resolution approving Conditional Use Permit No. 24-22-0100 and Site Plan No. 24-22-0200 located at 1883 Sycamore Avenue in Atwater (APN: 001-146-011).

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony from the public; and,
2. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15303, Class 3 "New Construction or Conversion of Small Structures;" and,
3. Adopt Resolution No. 0255-24 approving Conditional Use Permit No. 24-22-0100, and Site Plan No. 24-22-0200 located at 1883 Sycamore Avenue, Atwater (APN: 001-146-011)

I. BACKGROUND:

The subject property is located at 1883 Sycamore Avenue, Atwater APN 001-146-011. The freestanding two-sided digital billboard will be constructed on the southwest portion of a 1.2-acre vacant lot. The proposed request for the freestanding two-sided digital billboard is intended to help support the newly established development in the area and potentially provide other advertising opportunities for businesses within the Atwater community.

II. ANALYSIS:

The applicant, BK Industries, Inc is requesting to construct a freestanding two-sided digital billboard located at 1883 Sycamore Avenue, Atwater (APN: 001-146-011). The electronic message board, including supporting structure, will be approximately forty-nine feet and in height have an envelope of 1,000 square feet and consist of one pillar. The electronic message board will be constructed of metal and have two sides with each side containing an electronic message board 37 feet and 6-inches from the finished ground surface and no higher than 49 feet. The two electronic message boards will each contain a display of approximately 380 square feet per side (760 square feet total). The sign structure will sit one pillar located approximately 24 feet 2-inches from the property line on Sycamore Avenue and 23 feet from the westerly portion property line along the Parriera Drain. The general character and aesthetic of the structure will be metal construction with a natural quartzite wall tile at the base of the structure. The electronic message boards will be used to provide advertising opportunities for the local business market as well as provide a place for creating awareness for community events.

The project is located at 1883 Sycamore Avenue, APN 001-146-011 (see Figure 1). The subject property is zoned B-P (Business Park) has a Land Use Designation of Business Park per the Atwater General Plan. Per the Atwater Municipal Code (AMC) 17.69.240, businesses located within 300 feet of the Freeway 99 right-of-way may have one freestanding sign up to 50 feet in height measured from the finished grade to the top of the sign and may exceed 250 square feet in area subject to the approval of a conditional use permit.

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

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

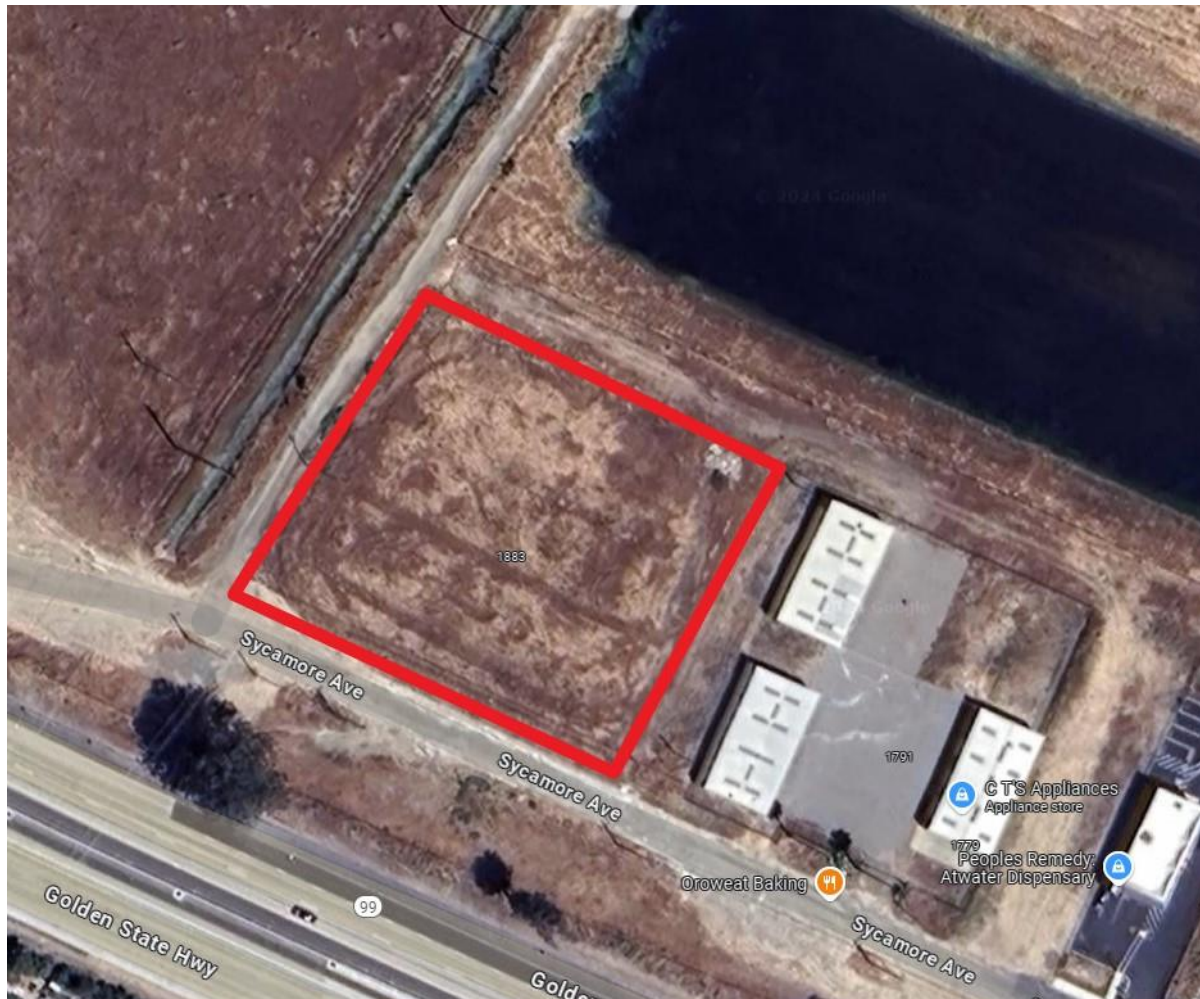
AMC 17.69.240 provides guidelines to freestanding signs within freeway corridors. For purposes of this specific request, AMC 17.69.240 provides the provision for free standing signs to exceed 250 square feet in advertising space with the approval of a conditional use permit if within 300 feet of the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

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

A ground lease or sufficient instrument, such as a rental agreement must be obtained prior to construction.

With the approval of the Conditional Use Permit the project will be consistent with the zoning ordinance and general plan with the adoption of Resolution No. 255-24.

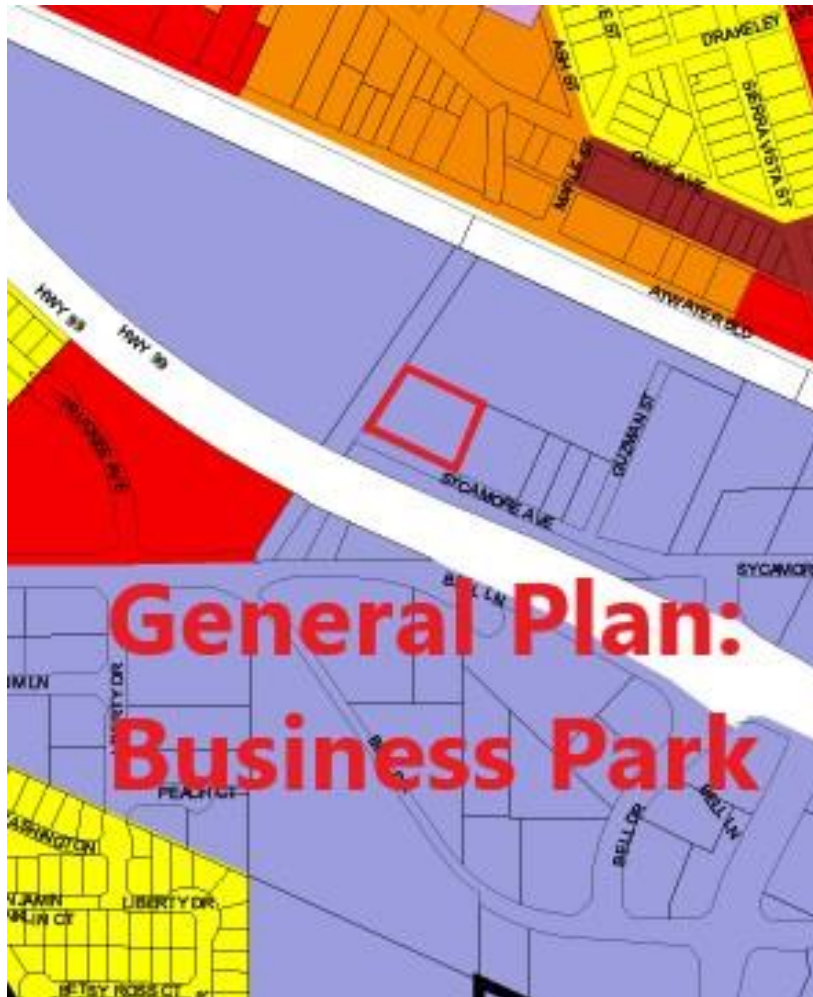
Figure 1



Description of Surrounding Uses: The parcels immediately to the north of the subject property include drainage basin. The parcels to the east include vacant shell buildings. West of the subject property is currently vacant property and the parcels to the south of the subject property is CALTRANS right-of-way (See Figure 1).

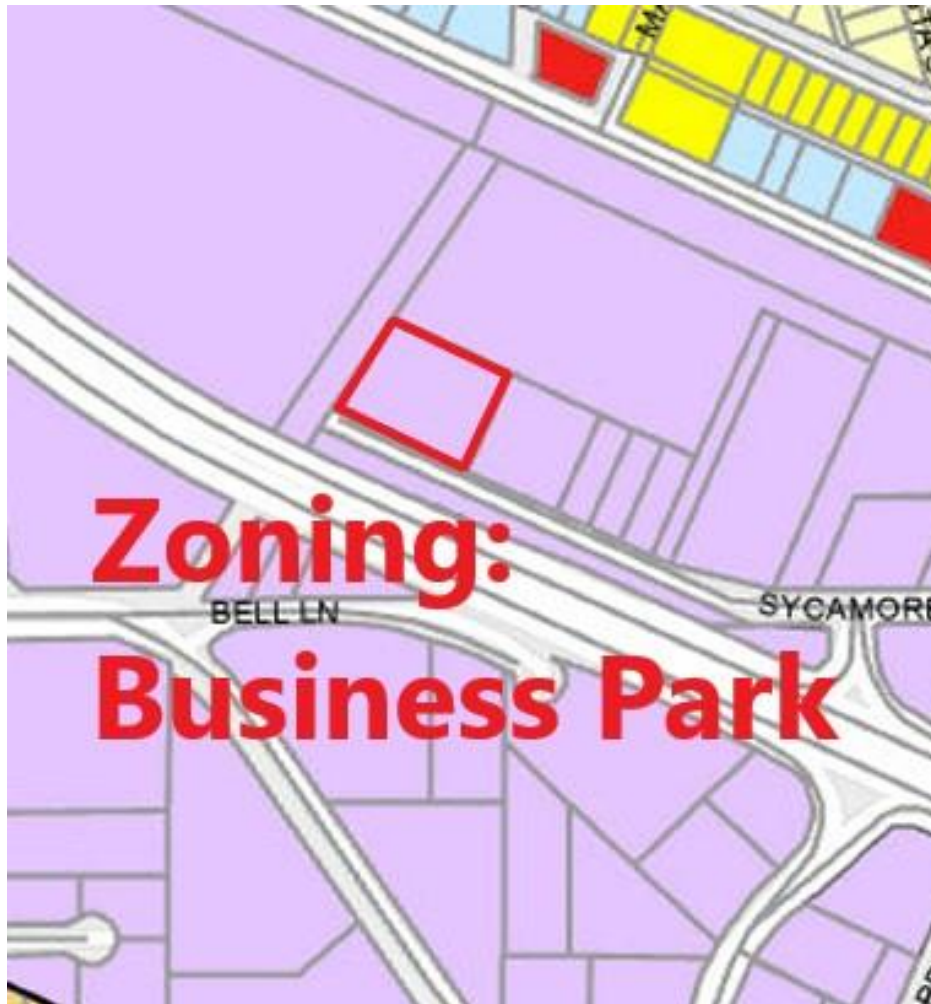
Land Use Designation: The project site has a land use designation of B-P, Business Park District Overlay (Mixed Use District). This designation is intended to accommodate a wide range of business uses and may include manufacturing operations within completely enclosed buildings, associated offices, trade schools, and supporting childcare and retail activities. The applicant is requesting a conditional use permit to allow a freestanding two-sided digital billboard to support newly established development in the area and potentially provide other advertising opportunities for businesses within the Atwater community. The Project is consistent with the land use designation.

Figure 2



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

Figure 3

**III. FISCAL IMPACTS:**

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

IV. LEGAL REVIEW:

This item has been reviewed by the City Attorney.

V. EXISTING POLICY:

None

VI. INTERDEPARTMENTAL COORDINATION:

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

VII. PUBLIC PARTICIPATION:

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

VIII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt under guideline section 15303, Class 3 "New Construction or Conversion of Small Structures.

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

IX. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0255-24, Conditional Use Permit No. 24-22-0100 and Site Plan No. 24-22-0200 and a five-day appeal period, the signed resolutions will be given to the applicant.

Prepared by: Scott Ruffalo, Planning Technician

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

Attachments:

1. Resolution No 0255-24
2. City of Atwater Uniform Development Application
3. Operational Statement
4. Site Plan
5. Elevation



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0255-24

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF ATWATER
APPROVING CONDITIONAL USE PERMIT NO.
24-22-0100 AND SITE PLAN NO. 24-22-0200
LOCATED AT 1883 AT SYCAMORE AVENUE IN
ATWATER (APN: 001-146-011).**

WHEREAS, said application was reviewed by the Planning Commission of the City of Atwater on October 16, 2024; and,

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

WHEREAS, ___ person(s) spoke in favor of the 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. 24-22-0100 and Site Plan 24-22-0200 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. 24-22-0100 and Site Plan 24-22-0200.

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

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Atwater does hereby approve Conditional Use Permit No. 24-22-0100 and Site Plan 24-22-0200 subject to the following conditions:

BUILDING

1. A ground lease or sufficient instrument, such as a rental agreement must be obtained prior to construction before a permit or certificate of occupancy can be issued.
2. All off-site improvements plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the City of Atwater standards and specifications.
3. Permit application and all plan submittals and calculations and all other required documentation shall be submitted to the Building Division electronically via CloudPermit. Documents will be routed to proper departments for review and sent out to third party plan checking services.
4. A plan check fee deposit will be required, prior to processing and Building staff will contact you with the fee, after they receive the application.
5. Apply for a permit application in person or online via Cloudpermit.
6. If submitting hard copy plans please send Five (5) sets of plans including the calculations and any supporting materials
7. Five (5) sets of plans including three (3) wet stamped by a registered California Design.
8. State licensed Professional designer required, unless noted accordingly per the "Professional Engineers Act" of 2001.
9. Three (3) sets of Energy, Structural, Soils Report, California Green Code Documents, Special Inspection form (filled out by designer), and any other applicable calculations/specifications or documents.
10. 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

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

CALTRANS

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

ENGINEERING

17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.

25. 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.
26. 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.
27. 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.
28. Developer shall comply with Chapter 13.22 of the Atwater Municipal Code "Storm Water Management and Discharge Control" and with the City of Atwater Post Construction Standards Plan.
29. Developer shall process a Post-Construction Stormwater BMP Operation and Maintenance Plan for review and approval to the satisfaction of the City Engineer. Applicant shall comply with the provisions of the City of Atwater Post-Construction Standards Plan.
30. Owner shall execute any agreements identified in the Post-Construction Standards Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs to the satisfaction of the City Engineer and the Director of the Community Development Department.
31. Developer shall properly abandon or relocate all utilities as necessary or required.
32. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Atwater Subdivision and Zoning Ordinances.
33. 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.
34. Applicant shall comply with all requirements of the San Joaquin Valley Air Pollution Control District (SJVAPCD).
35. The project shall be in compliance with the most recent Americans with Disabilities Act (ADA) regulations.
36. Sight distance requirements at all street intersections shall conform to City

Standards.

37. 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.
38. 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.

PLANNING

39. All signs shall be erected in compliance with the adopted Atwater Municipal Code Sec. 17.69 standards.
40. All signs shall be properly maintained.
41. All signs shall remain out of the City's recognized clear zones, as defined in section 17.12.120 and public rights-of-way, and in no way shall any sign constitute a vehicular traffic hazard by distracting or confusing a motorist.
42. No sign shall be attached to any City Street tree, utility pole, street signal, street light, street name sign, traffic warning sign, bus shelter, or similar device or facility.
43. Outdoor advertising signs may be permitted in the M-1 and M-2 zones provided the signs are located within 300 feet of the Freeway 99 right-of-way.
44. Maximum sign area is 600 square feet and 50 feet in height measured from the finished grade to the top of the sign.
45. The duration of a message shall be displayed for a period no less than 20 seconds.
46. The transition from one message to another shall be instantaneous as perceived from the human eye and each electronic message board message shall be complete in itself and shall not continue by fading, scrolling, or other manner to a subsequent message.

47. No electronic message board shall display animated messages, including flashing, blinking, fading, rolling, dissolving, or any other effect that gives the appearance of movement.
48. No electronic message board shall include or emit an audio message.
49. The Planning Commission shall retain the right to reconsider Conditional Use Permit No. 24-22-0100
50. 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.
51. Applicant must provide a Commercial Conditional Use Permit General Plan Update Fee in accordance with the Miscellaneous Fee Schedule.
52. Applicant must provide an annual Conditional Use Permit Monitoring fee in accordance with the Miscellaneous Fee Schedule.
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 16th day of October, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIRPERSON**

ATTEST:

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



City of Atwater

Uniform Development Application

750 Bellevue road

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

Fax: (209) 357-6348

APPLICATION FORM

Please indicate the types of application requested

- | | | |
|---|--|--|
| <input type="checkbox"/> Administrative Application | <input 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 checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Other |

Describe Proposed Project:

Two Sided Digital Billboard

APPLICANT: BK Industries Inc

PHONE NO: 209-631-4247

ADDRESS OF APPLICANT: 221 Business Parkway

EMAIL: brad@bkindustriesinc.com

PROPERTY OWNER: LR-K holdings LLC

PHONE NO: 209-631-4247

ADDRESS OF PROPERTY OWNER: 221 Business Parkway Atwater

ASSESSOR'S PARCEL NUMBER: 001-146-011

Address/General Location of Property: 188.3 Sycamore Ave

EXISTING ZONING OF PROPERTY: Business Park

GENERAL PLAN DESIGNATION OF PROPERTY: Industrial

Indemnity Statement

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

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

I have read, agree and accept the City Indemnity agreement

Signed: _____

Applicant

Date:

8-6-24
BK INDUSTRIES INC.

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

Signed: _____

PROPERTY OWNER

DATE:

LR-K Holding LLC 8-6-24

PROPERTY OWNER

DATE:

CITY OF ATWATER UNIFORM DEVELOPMENT APPLICATION CHECKLIST

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

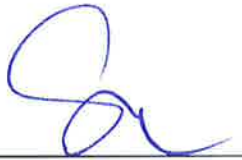
- ☒ One (1) completed copy of the combined Development Application form.
- ☒ Appropriate Schedule Fees (make checks payable to the City of Atwater).
- ☒ One (1) completed and signed copy of Agreement to Pay Processing Costs. (Attached)
- ☒ Ten (10) 36x24-inch site plans and five (5) 11x17 reduction of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

Project Checklist Continued

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

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

Staff Initials



Date received

8-19-2024

Site Plan Checklist

- ☒ Address and County Assessor's Parcel Number.
- ☒ Name, address and telephone number of applicant, architect and/or engineer.
- ☒ Summary legend describing project information including zoning and lot size. For new construction provide summary of units permitted and proposed building coverage permitted and proposed off-street parking permitted and proposed, unit square footage breakdown.
- ☒ Vicinity Map (showing property location to major roads and major landmarks).
- ☒ Scale of plot plan, north arrow, existing property lines and dimensions.
- ☒ Names and full widths of all adjacent streets and alleys (indicate location of any medians and curb cuts).
- ☒ Show location of existing and proposed structures and walls (identify existing as a dashed line and proposed as a solid line).
- ☒ Label the use of all existing and proposed structures and areas
- ☒ Indicate setbacks, yard areas, distances between structures (setbacks to be measured from ultimate property lines if dedication is required).
- ☒ Show square footage of the structure(s) and percentage of structure coverage in relationship to the entire lot.
- ☒ Show location and dimensions of adjacent street rights-of-way, property lines, building setback lines, sidewalks and easements.
- ☐ 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: LR-K Holdings LLC

ADDRESS: 221 Business Parkway Atwater, Ca 95301

NAME OF APPLICANT: BK Industries Inc

ADDRESS: 221 Business Parkway Atwater, Ca. 95301

ADDRESS OF SITE: 1883 Sycamore Ave Atwater, Ca 95301

APN: 001-146-011

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: _____

Date 8-6-24

City of Atwater Processing Agreement

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

To be completed by applicant:

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

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

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

Applicant: BK Industries Inc. Date: 08-06-2024

Print Name and Title: BK Industries Inc. / BRAD KESSLER

Owner: LR-K Holdings LLC Date: 08-06-2024

Print Name and Title: BRAD KESSLER OWNER

City of Atwater

By: 

Date: 8-19-2024

Print Name and Title: Scott Ruffalo, Planning Technician



**COMMUNITY DEVELOPMENT
EXISTING SITE CONDITIONS**

750 Bellevue road

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

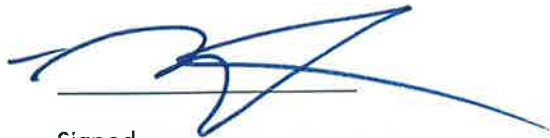
Fax: (209) 357-6348

Application: BK Industries Inc

APN: 001-146-011

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

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


Signed

08-06-2024
Date

City of Atwater
750 Bellevue Rd.
Atwater, CA 95301

Tuesday, August 6, 2024

Attention: Planning Department: Scott Ruffalo
RE: Digital Billboard at 1883 Sycamore Ave.

Operational Statement

I, Brad Kessler, the president of BK Industries Inc. & LR-K Holding LLC, am the owner of the vacant property located at: 001-146-011. This property is currently zoned (BP) which allows for this proposed digital billboard.

I am proposing to construct a two sided digital billboard on 1883 Sycamore Ave. This billboard will provide the same cohesive design similar to the 6 Acres Digital Billboard which ties together nicely for this corridor of Atwater.

The hours of operation of this digital billboard will be 24 hours a day and 7 days a week. We plan for our digital billboard to be the same size as the 3 existing billboards within the area. Our double sided structure will offer advertising space on both Northbound Hwy 99 and Southbound Hwy 99.

Attached:

- The proposed design drawings
- Aerial view pictures of existing property

This project will not interfere with any of the activities/businesses within the area. This digital billboard will cultivate more jobs and revenue for the community of Atwater.

Thank you for your consideration

Brad Kessler



GENERAL NOTES:

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

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

SCOPE OF WORK:

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

BUILDING MATERIALS

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

SUMMARY LEGEND:

BK INDUSTRIES INC. PROPOSES TO BUILD A TOWER TO SUPPORT A ELECTRONIC BILLBOARD LOCATED AT THE CITY OF ATWATER, AT THE BUSINESS PARK ZONING , 1883 SYCAMORE AVE. ATWATER, CA 95301. APN 001-146-011-00, CREATING AN EASEMENT OF 20 FEET WIDE BY 50 FEET LONG, AREA OF 1,000 SQUARE FEET ADDRESSED JUST FOR THE BILLBOARD PURPOSE.
BK INDUSTRIES INC. WILL RESPONSIBLE OF THE MAINTENANCE OF THIS SITE AND BILLBOARD SYSTEM.

OCCUPANCY & BUILDING SUMMARY:

OCCUPANCY GROUPS: U
TYPE CONSTRUCTION: II-B
SPLINILERS: N/A
STORIES: 1
AREA OF WORK: 1000 SF

DESIGN CRITERIA:

2022 CALIFORNIA BUILDING CODE
WIND: 95 MPH 3 sec GUST, EXPOSURE CATEGORY C, RISK CATEGORY II
SEISMIC: Ss = 0.596, S1 = 0.242, Sds = 0.520, Sd1 = 0.295,
RISK CATEGORY II, SITE CLASS D, SEISMIC DESIGN CATEGORY D,
Cs = 0.451, Cs_ssd = 0.322
LIVE LOAD: 20 psf ROOF LIVE LOAD (REDUCIBLE)

SPECIAL INSPECTION REQUIRED:

YES	NO	
	X	INSPECT BOLTS TO BE INSTALLED IN CONCRETE PRIOR TO AND DURING PLACEMENT OF CONCRETE WHERE ALLOWABLE LOADS HAVE BEEN INCREASED PER IBC, CBC 1911.5
X		SHOP AND FIELD STRUCTURAL WELDING PER CBC 1704.3.1
	X	INSPECTION OF HIGH-STRENGTH BOLTING: a. Bearing-type connections. b. Slip-critical connections. PER CBC 1704.3.3
X		CONCRETE CONSTRUCTION REQUIREMENTS PER CBC 1705.3

ALL INSPECTIONS REQUIRED BY NRCS WILL BE DONE BY:

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

CONDITIONS:

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

CONCRETE:

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

SPECIFICATIONS:

CONCRETE: 3000 PSI AT 28 DAYS, TYPE II PCC.
REINFORCING: 1901.2 Plain and Reinforced Concrete
Structural concrete shall be designed and constructed in accordance with the requirements of this chapter and ACI 318 as amended in Section 1905 of this code.STRUCTURAL STEEL:
CBC 2022 Section 2205 Structural Steel
2205.1 General. The design, fabrication and erection of structural steel elements in buildings, structures and portions thereof shall be in accordance with AISC 360.

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

List soil parameter capacities for Passive and Bearing Pressure:

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

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

INDEX

S.1 TITLE SHEET - PROJECT DATA - VICINITY MAP - CODE - FOUNDATION - BILLBOARD SCREEN SPEC.

S.1.2 STRUCTURAL GENERAL NOTES

S.2 SITE PLAN

S.3 BILLBOARD DESIGN

S.4 "ATWATER" SIGN FRAME DETAIL

S.5 CONCRETE MASONRY WALL DETAILS



1. VICINITY MAP

NTS

JOB SITE

Malibu Honey
Ledger Panel 6 in. x 6 in. Textured Quartzite Wall Tile

Specifications

Dimensions

Approximate Tile Size 6x6
Product Thickness (mm) 12.7 mm = 0.5 in.
Product Width (in.) 6 in
Suggested Grout Line Size No Grout Required

Details

Application Location	Wall
Color Family	Gold
Color/Finish	Malibu Honey
Commercial / Residential	Commercial / Residential
DCOF Rating	Not Tested
Edge Type	Flat
Flooring Look	Stone Look
Indoor/Outdoor	Indoor, Outdoor
Mosaic Pattern	Geometric
Product Height (in.)	6
Tile Features	
Use Mortar	Sakrete Stone Veneer Mortar

SYCAMORE AVE, DIGITAL BILLBOARD

PROJECT ADDRESS:

1883 SYCAMORE AVE.
ATWATER, CA 95301
APN 001-146-011

PROPERTY OWNER & BUILDING PERMIT APPLICANT:

LR-K HOLDINGS LLC
BRAD KESSLER, PRESIDENT
221 BUSINESS PARKWAY
ATWATER, CA 95301
209.631.4247

All arVISION LED sign come with:
Sign Package includes:
Indicated Laptop
Premium 14in Dedicated Laptop:
Core i5-6300U 7.40GHz, 8GB DDR4 SDRAM,
256GB SSD Solid State, Wifi and Ethernet Network Connectivity, Windows 10 Pro 64bit are configured for communication to your LED sign. Optimized settings and content including Clip Art Images and animation templates. Content Creation software comes preloaded for easy-to-use designing on advertising slides.

On-Board Controller
On-Board High Speed Processor All Solid state Components. 1.5 GHz eight-core processor
Support for H.265 4K high-definition video hardware decoding playback
Support for 1080P video hardware decoding
2 GB operating memory
8 GB on-board internal storage space with 4 GB available for users
Controller offers 600,000 pixel-loading capacity, synchronous or asynchronous playing mode, powerful processing capability, omnidirectional control plan, dual-Wi-Fi mode, supports 4K module (not included), redundant backup, and redundant backup.

Wireless
High performance high-data rate Dual Polarization long range Antenna featuring the latest Wireless N specification for worry free communication with our tech dept.
Features a two mile line - of - site coverage at speeds up to Mbps.

JDV Software
Comes Pre-Loaded With Our Content Creation Software That Will Work in Conjunction With The Sign Performance Software. This Software Will Allow You To Edit Movies/Pictures And Group Them Together For A Dynamic Screen Presentation. Comes With 5000 Fonts 800 Still And 1800 Video Backgrounds + 2000 Clip Art Images Allowing For Immediate Content Creation.

Installation Brackets
Installation brackets 3" x 3" x 1/4" angle iron are pre-mounted to rear of sign for easy installation

Warranty
2 Year Parts Warranty

Tech Support
Lifetime Tech Support Our technicians are available 24/7 to solve any technical issues that may arise

Aaron Soares
www.arvisionledsigns.com
Toll Free: 877-534-5555 ext#1
Direct: 209-613-9653
Fax: 209-644-0332

BILLBOARD SCREEN SPEC.

REVISION DATE	BY

CONSULTANT ENGINEER:

JON D. CAMPIDONICA, P.E.
Structural Design & Civil Engineering
LIC. 61969
2613 Turner Rd.
Ceres, CA 95307
(209) 484-9782
jon@jdcampengineering.com

SYCAMORE AVE. DIGITAL BILLBOARD

TITLE SHEET PROJECT DATA VICINITY MAP BILLBOARD SPEC.

PROJECT ADDRESS:
1883 Sycamore Ave.
Atwater, CA 95301

APN 001-146-011

OWNER:
LR-K HOLDING LLC
221 BUSINESS PARKWAY
ATWATER, CA 95301

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

(209) 631-4247

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

ARCHDRAFTING2009@YAHOO.COM

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PRINTED DATE : 07-29-2024

DATE : 06-01-2024

SCALE : As Shown

DRAWN : E.E. MORAN

JOB : 2023-228

SHEET #:

S.1

OF SHEETS

REVISION DATE	BY

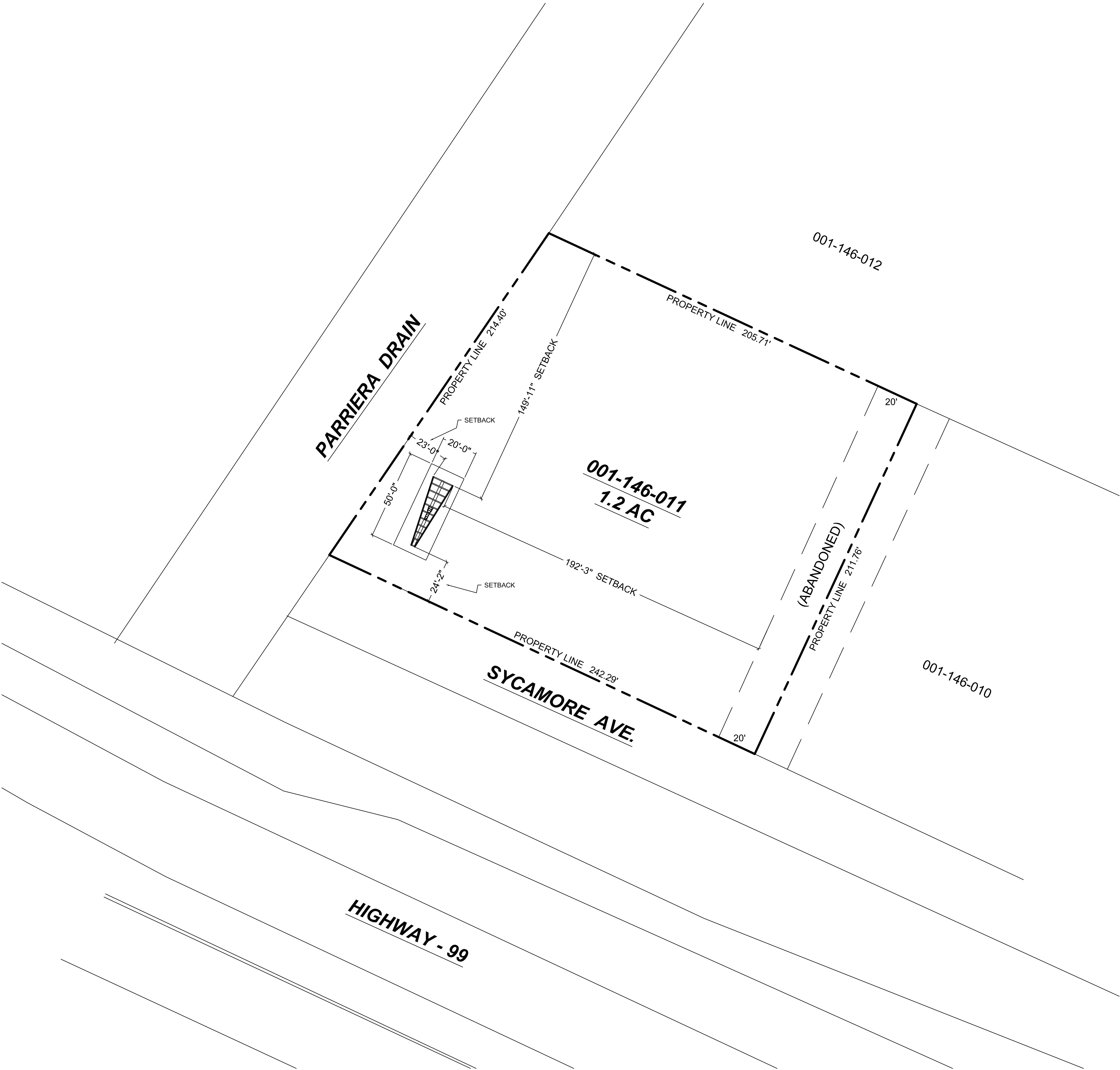
CONSULTANT ENGINEER:

KEY NOTES

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

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SYCAMORE AVE. DIGITAL BILLBOARD
SITE PLAN
PROJECT ADDRESS: 1883 Sycamore Ave. Atwater, CA 95301 APN 001-146-011
OWNER: LR-K HOLDING LLC 221 BUSINESS PARKWAY ATWATER, CA 95301
CONTRACTOR: BK INDUSTRIES, INC. 221 BUSINESS PARKWAY ATWATER, CA 95301 (209) 631-4247
DIGITAL DRAFTING TECHNOLOGY SERVICES, LLC. E. EDUARDO MORAN 3933 SHADY OAK CT TURLOCK, CA. 95382 (209) 620-2208 ARCHDRAFTING2005@YAHOO.COM
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DATE : 06-01-2024
SCALE : As Shown
DRAWN : E.E. MORAN
JOB : 2023-228
SHEET #: S.2
OF SHEETS



REVISION DATE	BY

CONSULTANT ENGINEER:

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 (209) 484-9782
jon@jdcampengineering.com

**SYCAMORE AVE.
DIGITAL BILLBOARD**

ONE POLE BILLBOARD

PROJECT ADDRESS:
1883 Sycamore Ave.
Atwater, CA 95301

APN 001-146-011

OWNER:
LR-K HOLDING LLC
221 BUSINESS PARKWAY
ATWATER, CA 95301

CONTRACTOR:
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ATWATER, CA 95301

(209) 631-4247

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SERVICES, LLC.**
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PRINTED
DATE : 07-29-2024

DATE : 06-01-2024

SCALE: As Shown

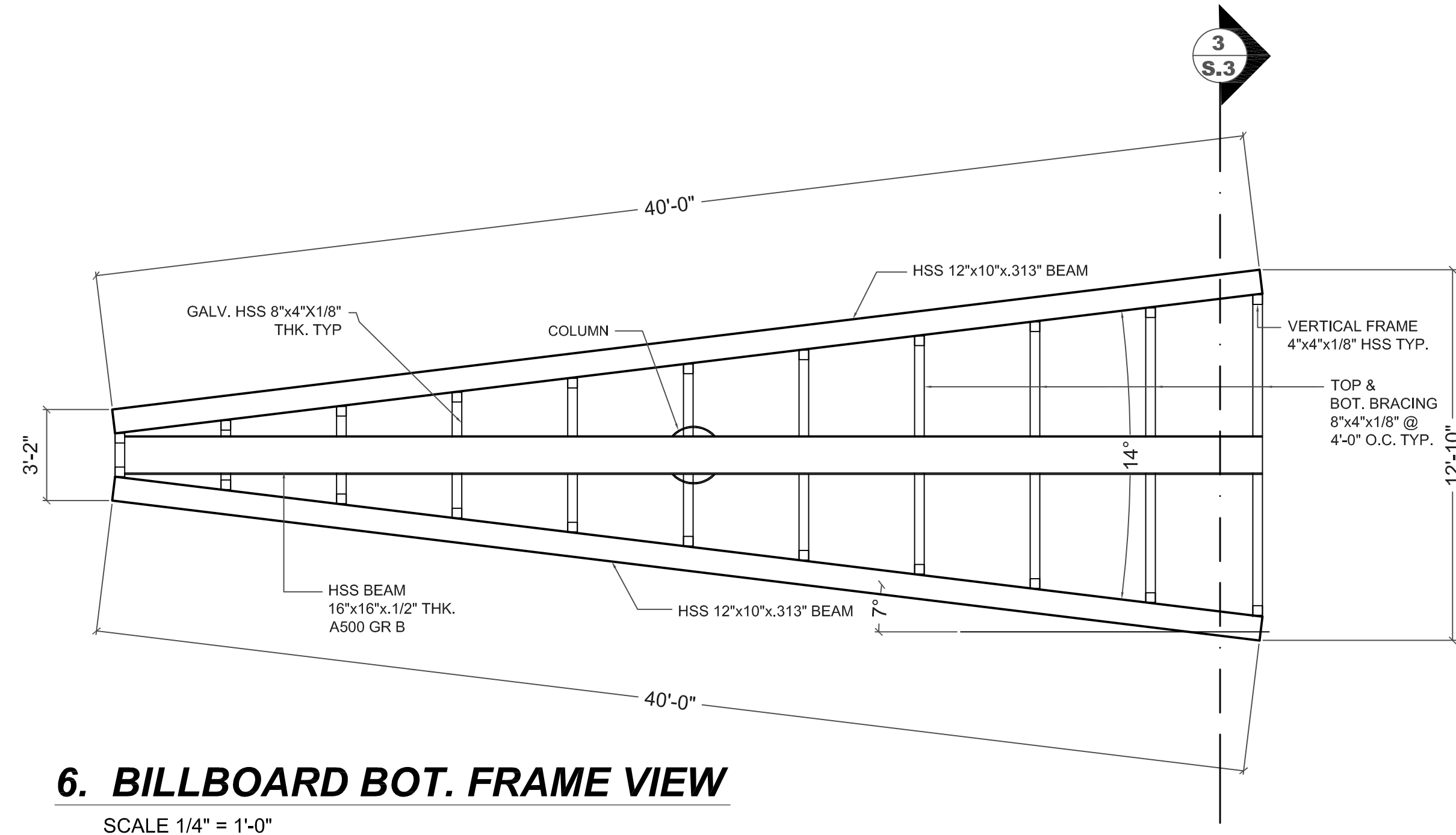
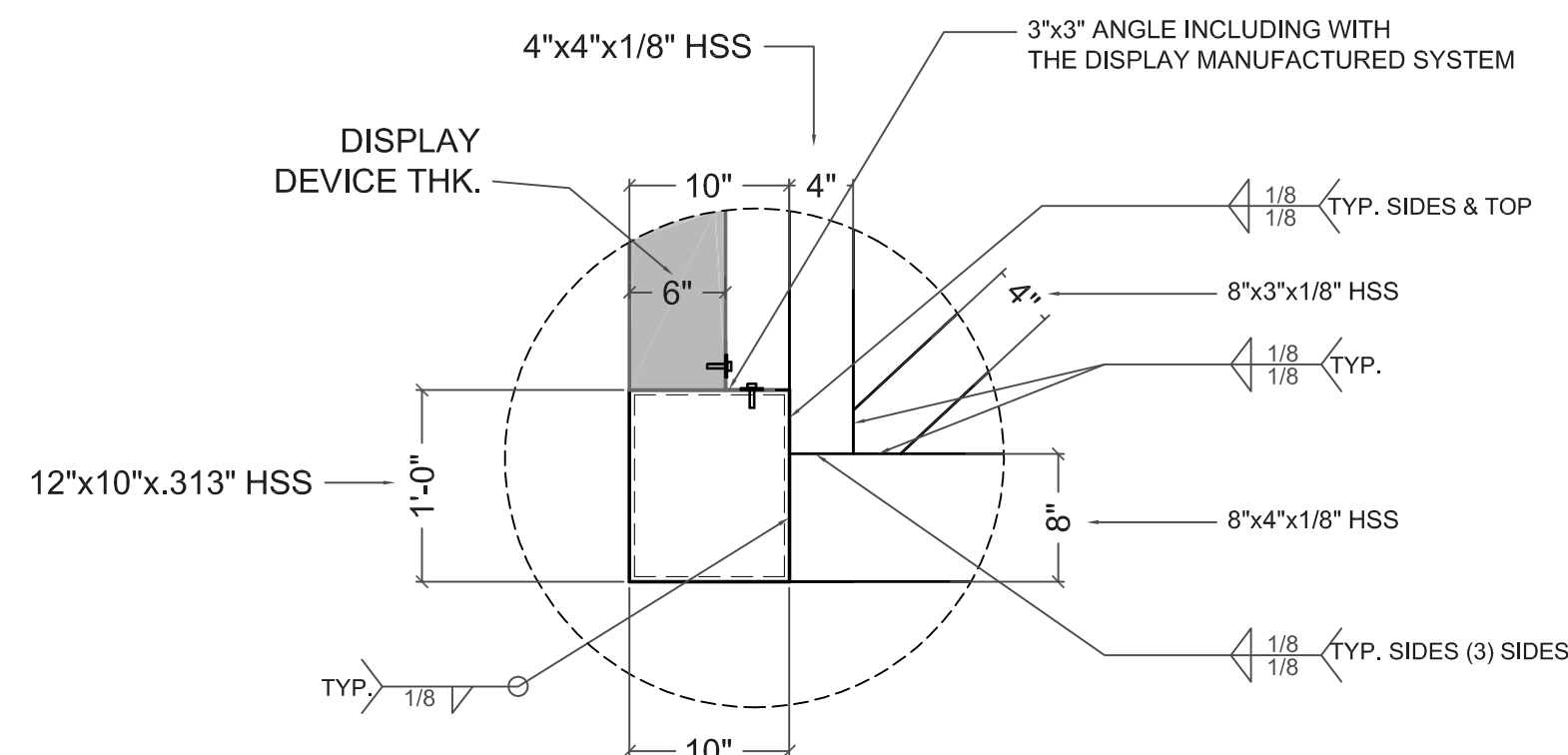
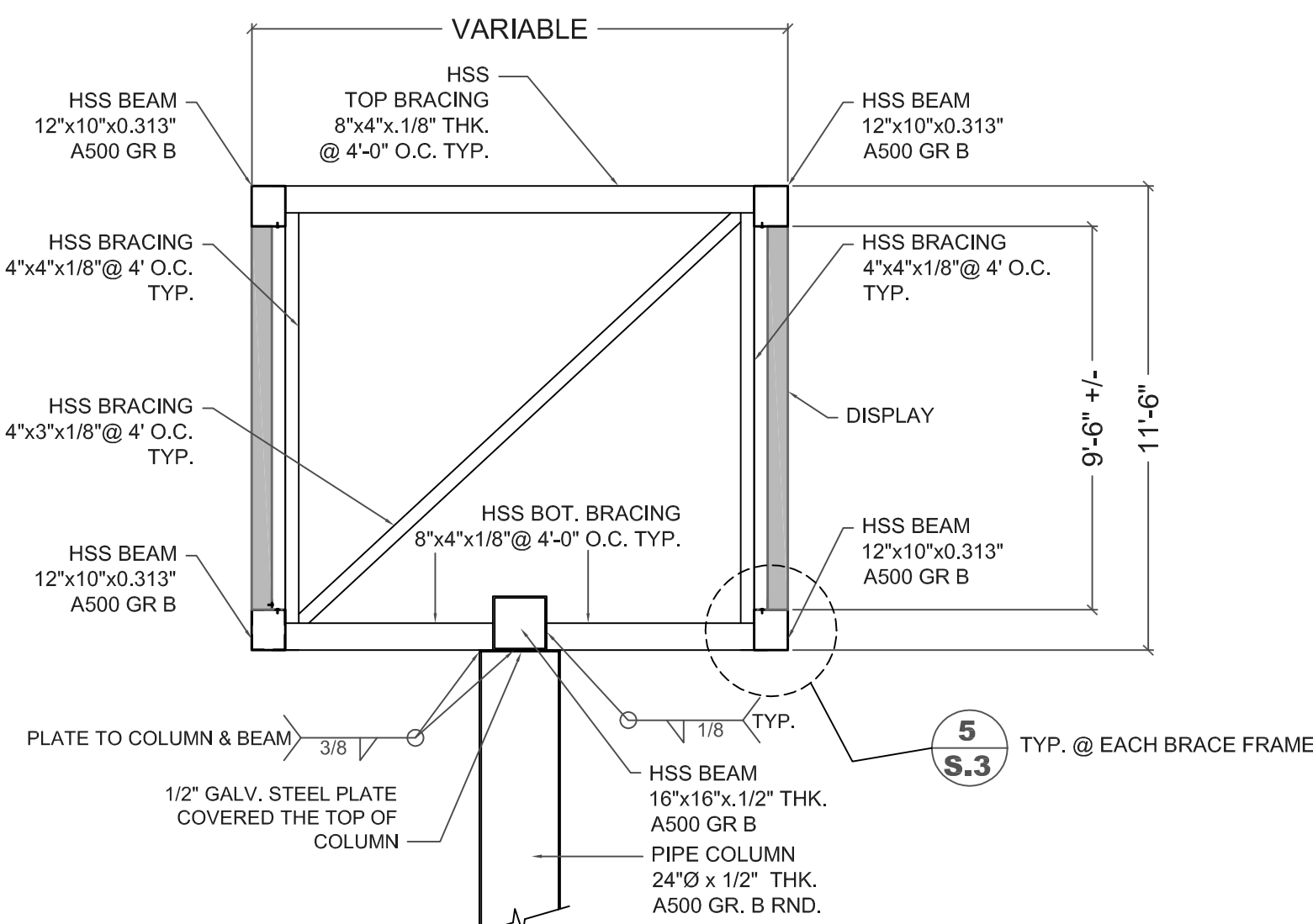
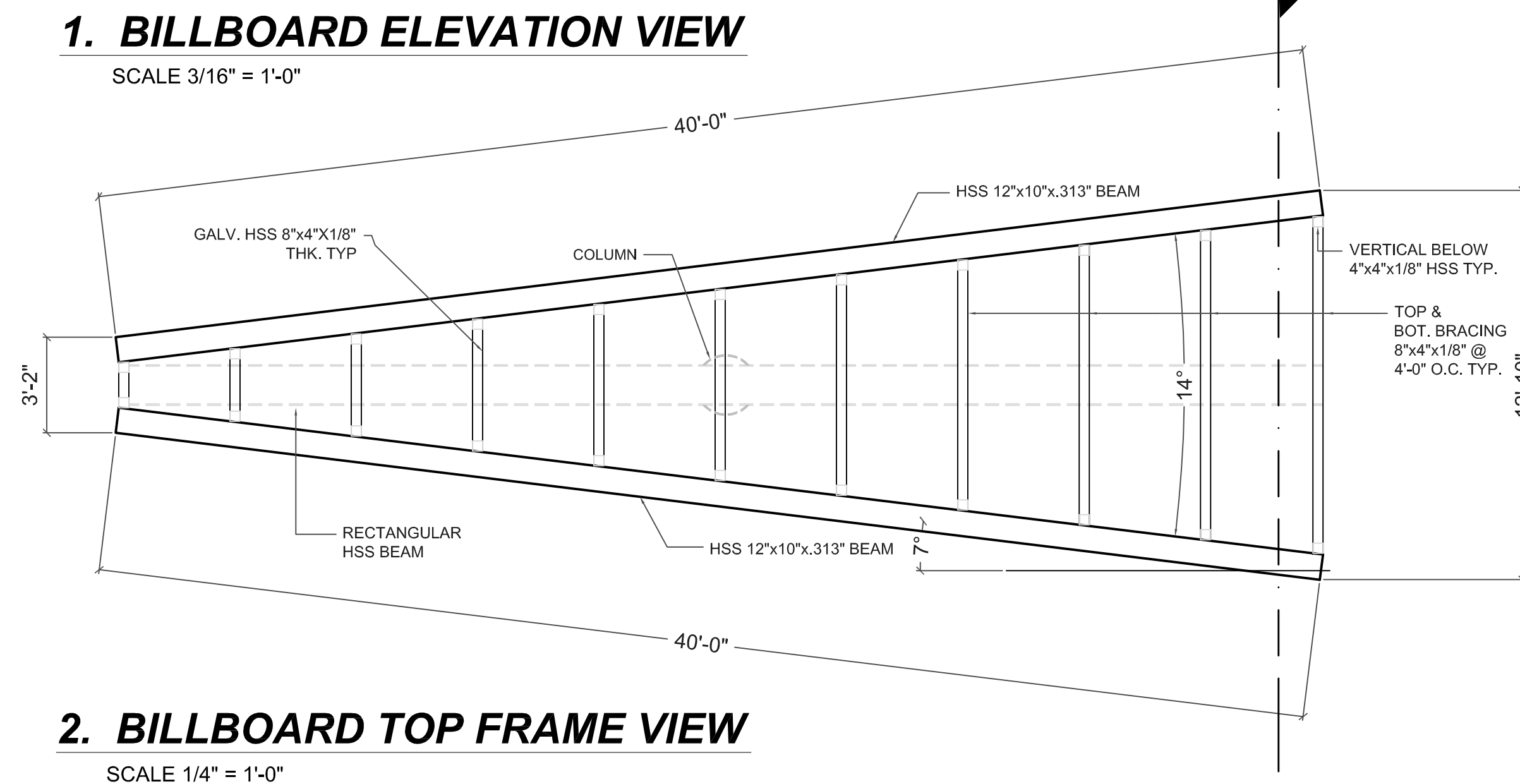
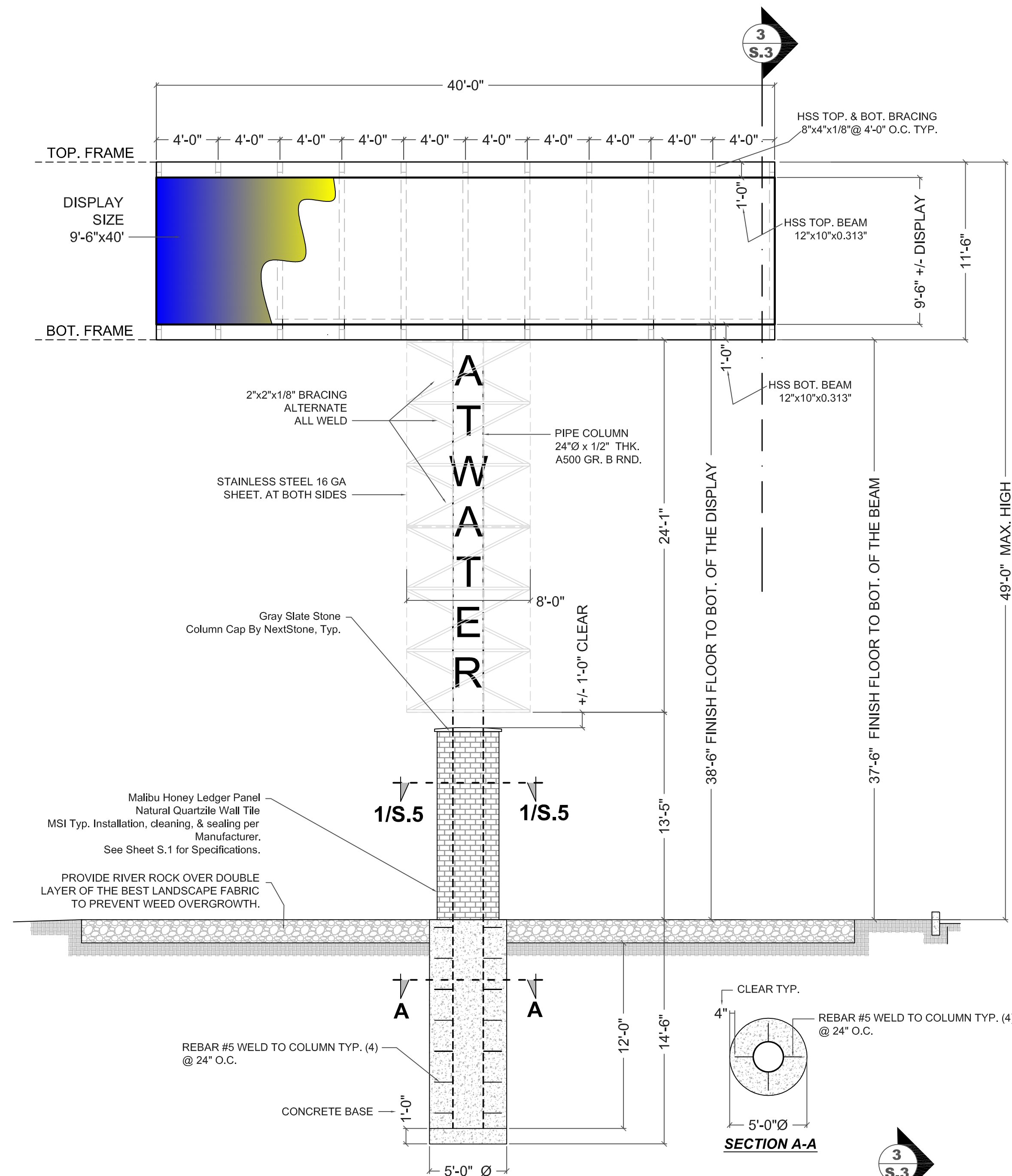
DRAWN: E.E. MORAN

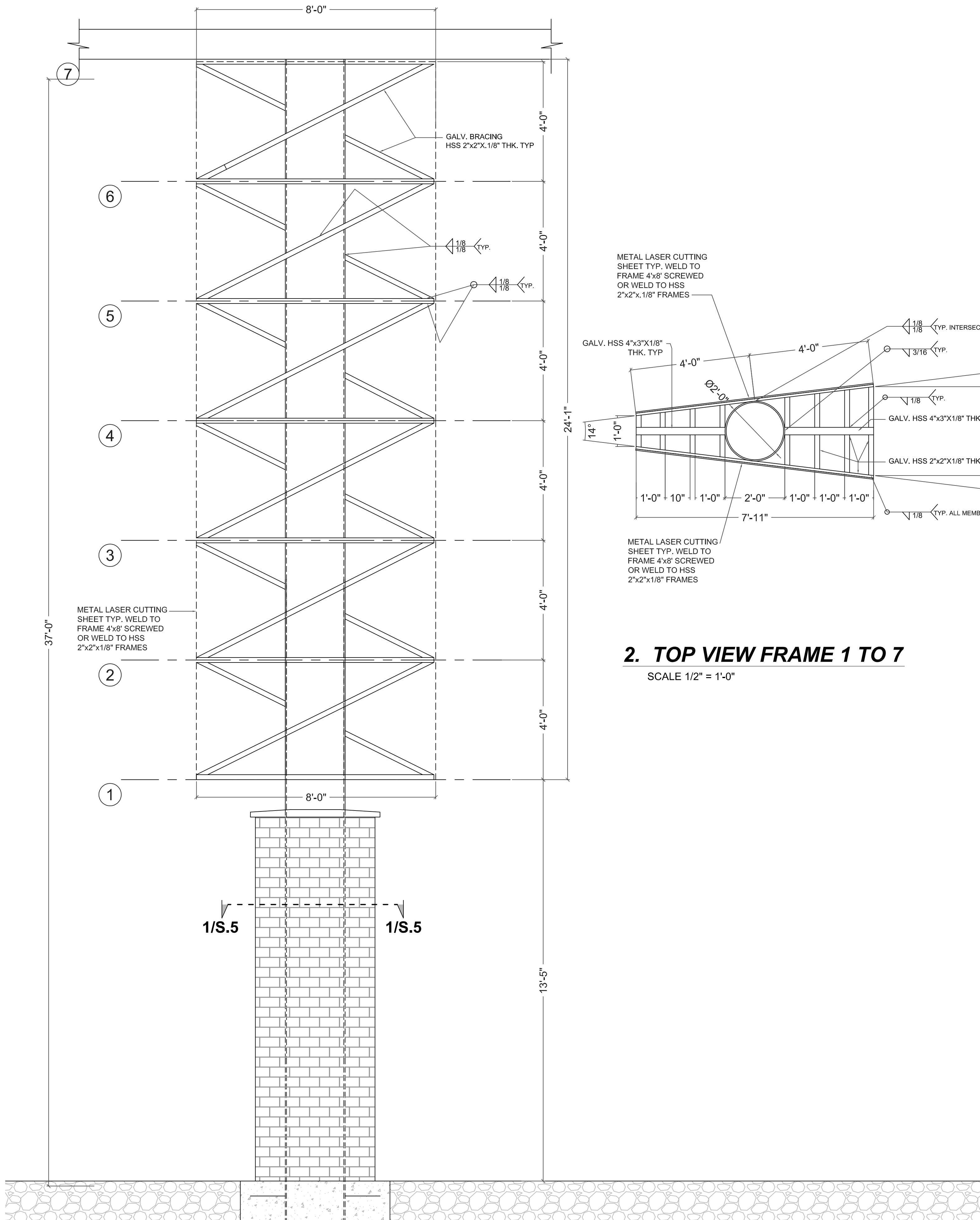
JOB : 2023-228

SHEET #:

S.3

OF SHEETS



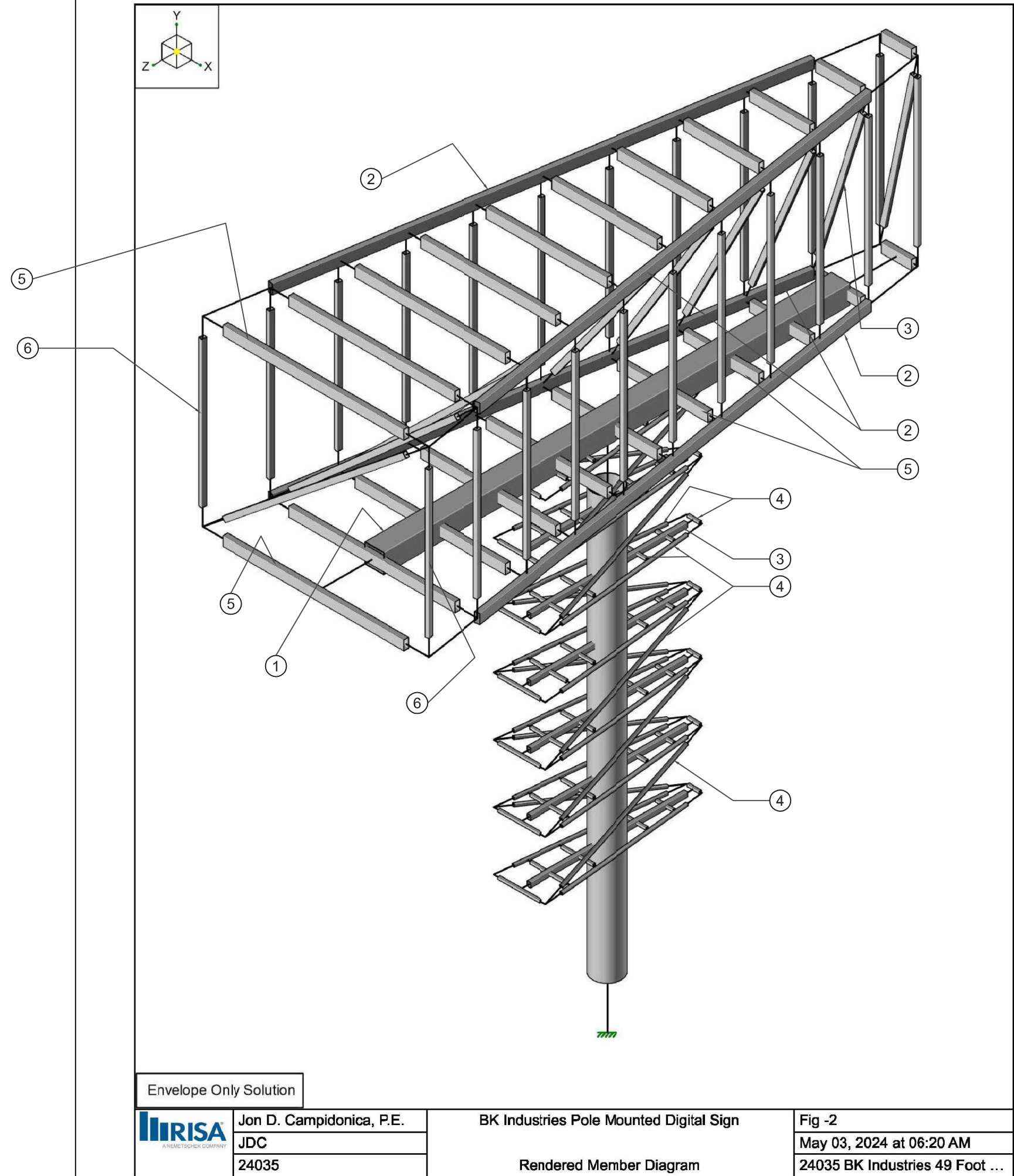


1. "ATWATER" SIGN FRAME DETAIL

SCALE 1/2" = 1'-0"

2. TOP VIEW FRAME 1 TO 7

SCALE 1/2" = 1'-0"



3. ISOMETRIC VIEW

NTS

STRUCTURAL LEGEND

- ① HSS 16"x16"x0.5" THK. A500 GR. B
- ② HSS 12"x10"x.313" THK. A500 GR. B
- ③ HSS 4"x3"x1/8" THK. A500 GR. B
- ④ HSS 2"x2"x1/8" THK. A500 GR. B
- ⑤ HSS 8"x4"x1/8" THK. A500 GR. B
- ⑥ HSS 4"x4"x1/8" THK. A500 GR. B

REVISION DATE	BY

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SYCAMORE AVE.
DIGITAL BILLBOARD

ONE POLE
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PRINTED
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SCALE : As Shown

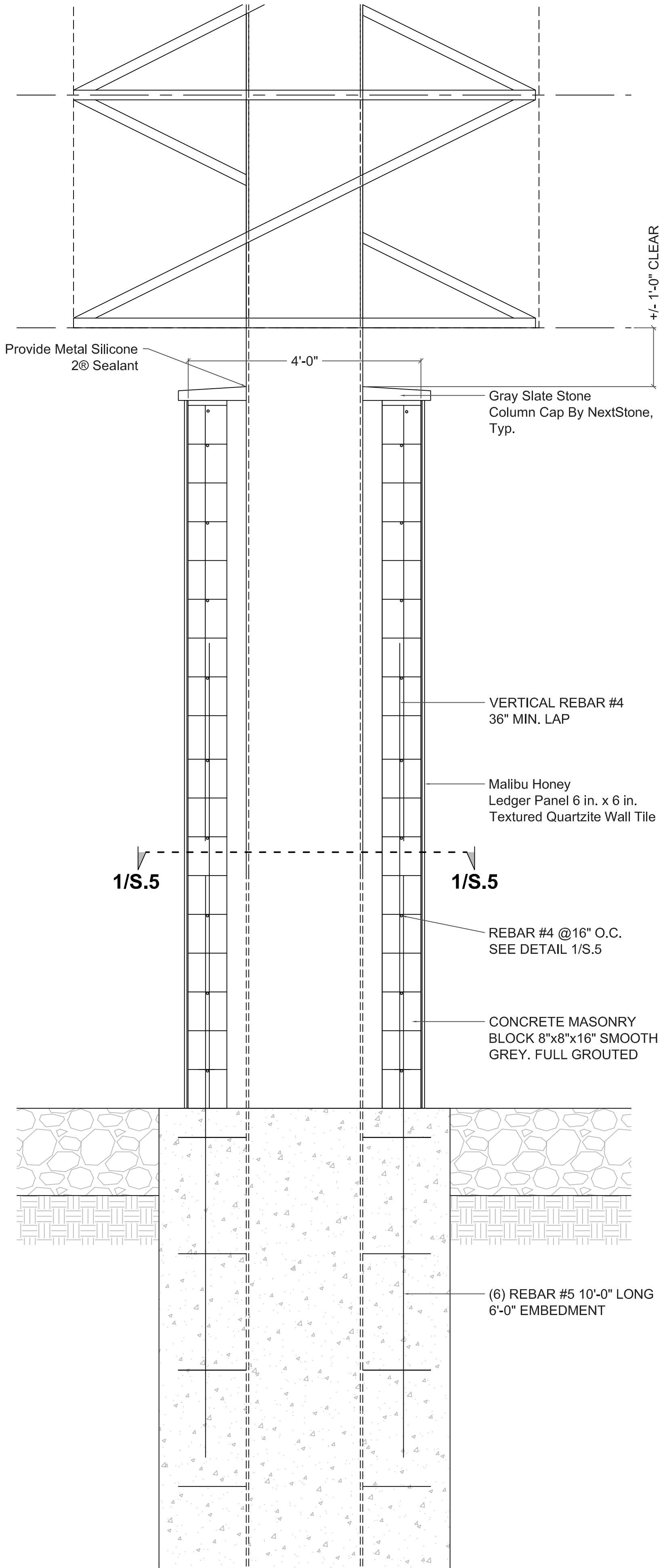
DRAWN : E.E. MORAN

JOB : 2023-228

SHEET #:

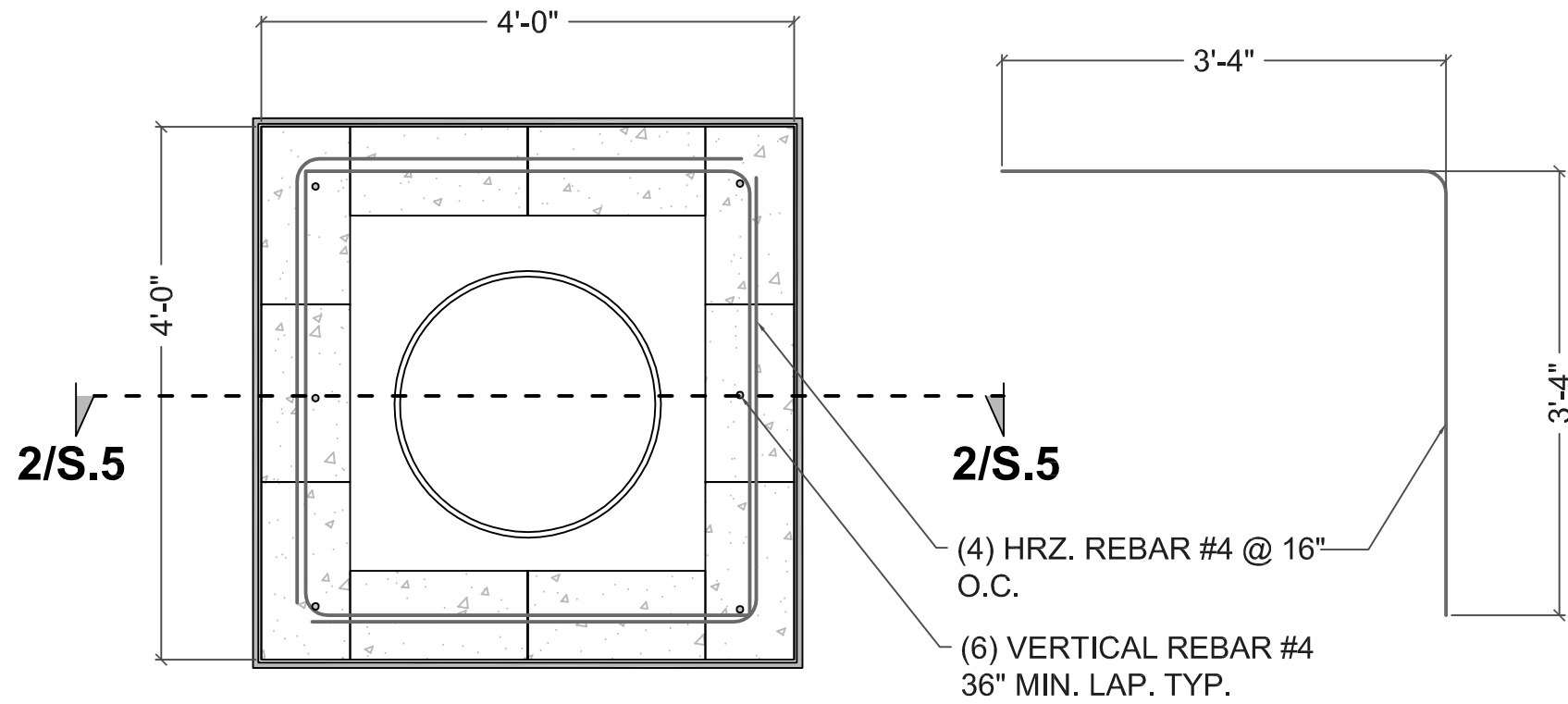
S.4

OF SHEETS



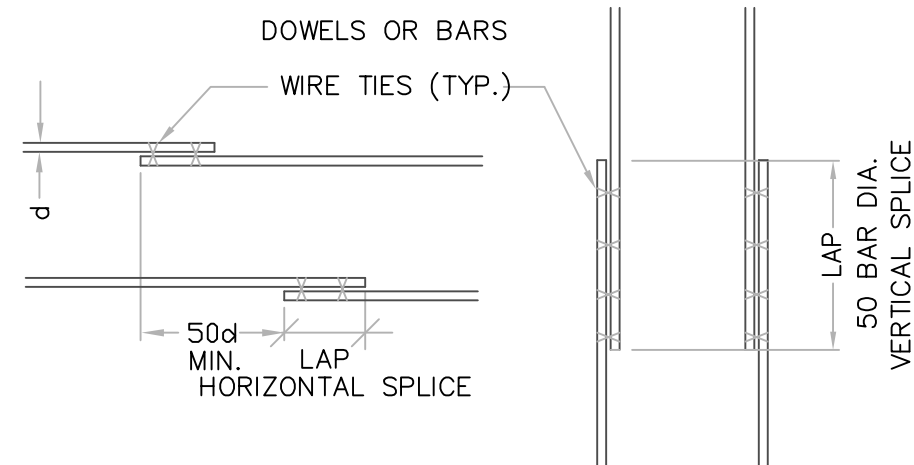
2. CONCRETE MASONRY WALL

SCALE 3/4" = 1'-0"



1. CONCRETE MASONRY WALL

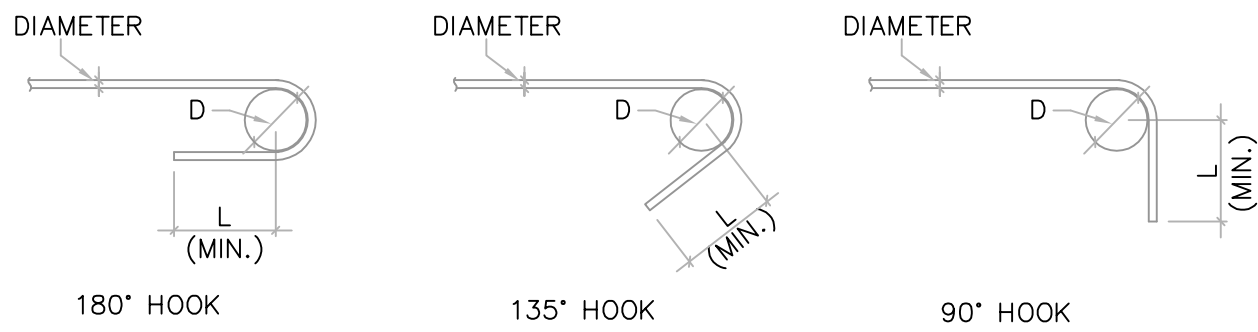
SCALE 3/4" = 1'-0"



- NOTES:
- ALL VERTICAL REINFORCING FOR COLUMNS, PIERS, AND WALLS SHALL BE DOWELED AS SHOWN EXCEPT SPECIFIC DETAILS ON DRAWINGS SHALL GOVERN IN CASES OF CONFLICT.
 - DOWELS SHALL BE THE SAME GRADE, SIZE AND NUMBER AS VERTICAL REINFORCING.

3. REBAR LAP TYP.

NTS



- LEGEND FOR REINF. BENDS (NOT SHOWN TO SCALE)
- INDICATES 90° BEND IN PLANE OF DRAWING
 - INDICATES 90° BEND PERPENDICULAR TO PLAN OF DRAWING
 - INDICATES 135° BEND IN PLANE OF DRAWING
 - INDICATES 180° BEND IN PLANE OF DRAWING
 - INDICATES 135° OR 180° BEND PERPENDICULAR TO PLAN OF DRAWING
 - INDICATES OFFSET IN PLANE OF DRAWING

REINFORCING BAR BENDS & HOOKS

BARS OTHER THAN STIRRUPS, TIES, HOOPS & CROSS-TIES				
BAR SIZE	"D"	180° "L"	135° "L"	90° "L"
#3	2 1/4	2 1/2	—	4 1/2
#4	3	2 1/2	—	6
#5	3 3/4	2 1/2	—	7 1/2
#6	4 1/2	3	—	9
#7	5 1/4	3 1/2	—	10 1/2
#8	6	4	—	12
#9	9 1/2	4 1/2	—	13 1/2
#10	10 3/4	5 1/4	—	15 1/4
#11	12	5 3/4	—	17
#14	18 1/4	7	—	21
#18	24	9	—	27
STIRRUPS, TIES, HOOPS & CROSS-TIES				
#3	1 1/2	—	4	4
#4	2	—	4	4
#5	2 1/2 (1)	—	4	4
#6	4 1/2	—	4 1/2	9
#7	5 1/4	—	5 1/4	10 1/2
#8	6	—	6	12

NOTE: ALL DIMENSIONS GIVEN ARE IN INCHES.

(1) USER 3 3/4" IN CONC. BLK. CONSTRUCTION

4. STANDARD REBAR LAP & BEND

REVISION DATE	BY

CONSULTANT ENGINEER:

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SYCAMORE AVE.
DIGITAL BILLBOARD

ONE POLE
BILLBOARD

PROJECT ADDRESS:
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DATE : 06-01-2024

SCALE : As Shown

DRAWN : E.E. MORAN

JOB : 2023-228

SHEET #:

S.5

OF SHEETS



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: October 16, 2024

TO: Chair and Commissioners

FROM: Kayla Rashad, Executive Assistant

SUBJECT: Public hearing to consider adopting a resolution recommending City Council adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to add “R-1-5” (5,000 square foot lots) as a single-family residential district under the Low Density Residential Zone.

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; and,
3. Make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), “Review for Exemption”, under the common sense exemption, and adopt Resolution No. 0256-24 Recommending the City Council Adopt Zoning Ordinance Text Amendment No. 24-23-0100 Amending Chapter 17.16: “Low Density Residential Districts” of the Atwater Municipal Code, to add “R-1-5” (5,000 square foot lots) as a Single Family Residential district.

I. BACKGROUND:

Chapter 17.16 of the Atwater Municipal Code (AMC) provides the following single-family residential districts: R-E (Residential Estate), R-1-6 (6,000 sq ft lots), R-1-8 (8,000 sq ft lots), and R-1-10 (10,000 sq ft lots). These residential districts have minimum development standards under Section 17.16.050 of the Atwater Municipal Code (Figure 1).

Figure 1: Development Standards for Low Density Residential Districts

	R-E	R-1-10	R-1-8	R-1-6
Minimum Lot Area per dwelling unit (sq. ft.)	16,000	10,000	8,000	6,000
Minimum Lot Width (feet), Interior Lot	110	100	80	60
Minimum Lot Width (feet) Corner Lot	110	100	80	70
Minimum Lot Depth	130	100	100	100
Minimum Front yard Setback (exterior)	20	20	20	20
Minimum Rear yard Setback	20	20	20	15
Minimum Side yard Setback (interior)	10	10	5	5
Minimum Side yard Setback Corner Lot				
abutting a front yard	20	20	15	15
abutting a side yard	10	10	10	10
Minimum Landscaped or open recreational area	30 percent	30 percent	30 percent	30 percent

Chapter 17.17: “Medium-Density Single-Family Residential Districts,” of the Atwater Municipal Code (AMC) provides the following single-family residential districts: R-1-3 (3,000 sq ft lots), R-1-4 (4,000 sq ft lots), and R-1-5 (5,000 sq ft lots). These residential districts have minimum development standards under Section 17.16.050 of the Atwater Municipal Code (Figure 2).

Figure 2: Development Standards for Medium-Density Single-Family Residential Districts

	R-1-5	R-1-4	R-1-3
Minimum Lot Area per dwelling unit (sq. ft.)	5,000	4,000	3,000
Minimum Lot Width (feet), Interior Lot	50	50	40
Minimum Lot Width (feet), Corner Lot	60	60	50
Minimum Lot Depth (feet)	100	80	60
Minimum Front yard Setback (exterior)	10	10	10
Minimum Side yard Setback (interior)	5	5	5
Minimum Side yard Setback, Corner Lot			
abutting a front yard	10	10	10
abutting a side yard	5	5	5
Minimum Rear yard Setback	5	5	5
Minimum Landscaped and open space recreation area	25 percent	25 percent	25 percent

This Zoning Ordinance Text Amendment (ZOTA) would propose, if adopted by Council upon Planning Commission's recommendation, to amend the single-family residential districts to add "R-1-5" (5,000 square foot lots) as a single-family residential district under Chapter 17.16: "Low Density Residential Districts" of the Atwater Municipal Code.

ANALYSIS:

The Low Density Residential (LDR) Land Use under the City of Atwater's General Plan states, "This category provides for residential development at densities that are typical for existing single family residential subdivisions within the City. The permitted density range is 3.1 to 7.0 units per acre. Parcel sizes range from 5,000 to 11,000 square feet in area. All properties must be served by public sewer and water. Typical land uses include single family residences and residential accessory uses, churches, schools, parks, community care facilities, and necessary public utility and safety facilities. Secondary dwelling units may be permitted consistent with state and local regulations".

To make the City's zoning consistent with its General Plan, the City is seeking the recommendation for City Council's approval regarding ZOTA No. 24-23-0100 to add "R-1-5" (5,000 square foot lots) as a residential district under Chapter 17.16: "Low Density Residential Districts".

The addition of "R-1-5" (5,000 square foot lots) under Chapter 17.16 would also necessitate a new "development standards table" for Section 17.16.050 as previously shown in Figure 1. The new table for Section 17.16.050 would be as shown below:

	R-E	R-1-10	R-1-8	R-1-6	R-1-5
Minimum Lot Area per dwelling unit (sq. ft.)	16,000	10,000	8,000	6,000	5,000
Minimum Lot Width (feet), Interior Lot	110	100	80	60	50
Minimum Lot Width (feet), Corner Lot	110	100	80	70	60
Minimum Lot Depth	130	100	100	100	100
Minimum Front yard Setback (exterior)	20	20	20	20	10
Minimum Rear yard Setback	20	20	20	15	5
Minimum Side yard Setback (interior)	10	10	5	5	5
Minimum Side yard Setback, Corner Lot					
Abutting a front yard	20	20	15	15	10
Abutting a side yard	10	10	10	10	2
Minimum Landscaped or open recreational area	30 percent	30 percent	30 percent	30 percent	25 percent

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:

The ordinance will amend Chapter 17.16: "Low Density Residential Districts," of the Atwater Municipal Code to add "R-1-5" (5,000 square foot lots) as a single-family residential district

The proposed ordinance does not conflict with any policies of the General Plan or other City policies or guidelines

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), the draft ordinance is categorically exempt under section 15061(b)(3), "Review for Exemption". This exemption states, the activity is covered by the commons sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This is not subject to CEQA.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0256-24, the recommendation will be forwarded to the City Council for consideration.

Prepared by: Kayla Rashad, Executive Assistant

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

Attachments:

1. RSO No. 0256-24 Resolution
2. Draft Ordinance
3. Exhibit A



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0256-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT ZONING ORDINANCE TEXT AMENDMENT NO. 24-23-0100 AMENDING CHAPTER 17.16: “LOW DENSITY RESIDENTIAL DISTRICTS” OF THE ATWATER MUNICIPAL CODE TO ADD “R-1-5” (5,000 SQUARE FOOT LOTS) AS A SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the City of Atwater wishes to enact programs, policies, and regulations in support of housing and residential development; and,

WHEREAS, the City of Atwater Municipal Code currently limits lot size(s) in zones for Low Density Residential Districts; and,

WHEREAS, in accordance with the General Plan Land Use Designation of “Low Density Residential (LDR)”, City staff submits Zoning Ordinance Text Amendment (ZOTA) 24-23-0100 for an amendment to Chapter 17.16: “Low Density Residential Districts” of the Atwater Municipal Code to add “R-1-5” (5,000 square foot lots) as a single family residential district; and,

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law on October 16, 2024; and,

WHEREAS, the City’s General Plan provides a framework to enact the programs, policies, and regulations in support of such development; and

WHEREAS, this project is exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), “Review for Exemption”. This exemption states, the activity is covered by the commons sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This is not subject to CEQA.; and,

WHEREAS, __ person(s) spoke in favor of the ordinance, __ person(s) spoke in

opposition of the ordinance, and ___ written comment(s) have been submitted either in opposition or in favor of the ordinance; and,

WHEREAS, the ZOTA will 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 ZOTA No. 24-23-0100:

1. The proposed ordinance will ensure that all residential subdivision development projects submitted to the planning department continue to undergo review for consistency with the City's General Plan and the established development standards provided by the City of Atwater Municipal Code.
2. The proposed ordinance is consistent with the Atwater General Plan.
3. Adoption of the resolution recommending the City Council adopt the proposed ordinance is exempt from CEQA review under CEQA guideline section 15061(b)(3).
4. The public hearing for this project has been adequately noticed and advertised.
5. The project 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. The Planning Commission of the City of Atwater does hereby recommend that the City Council adopt ZOTA No. 24-23-0100.

The foregoing resolution is hereby adopted this 16th day of October, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

DON BORGWARDT,
CHAIR

ATTEST:

GREG THOMPSON,
DEPUTY CITY MANAGER /
COMMUNITY DEVELOPMENT DIRECTOR



CITY COUNCIL OF THE CITY OF ATWATER

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATWATER ADOPTING ZONING ORDINANCE TEXT AMENDMENT NO. 24-23-0100 AMENDING CHAPTER 17.16: “LOW DENSITY RESIDENTIAL DISTRICTS” OF THE ATWATER MUNICIPAL CODE TO ADD “R-1-5” (5,000 SQUARE FOOT LOTS) AS A SINGLE-FAMILY RESIDENTIAL DISTRICT.

WHEREAS, the City of Atwater wishes to enact programs, policies, and regulations in support of housing and residential development; and,

WHEREAS, the City of Atwater Municipal Code currently limits lot size(s) in zones for Low Density Residential Districts; and,

WHEREAS, in accordance with the General Plan Land Use Designation of “Low Density Residential (LDR)”, City staff submits Zoning Ordinance Text Amendment (ZOTA) 24-23-0100 for an amendment to Chapter 17.16: “Low Density Residential Districts” of the Atwater Municipal Code to add “R-1-5” (5,000 square foot lots) as a single family residential district; and,

WHEREAS, on October 16, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, the City’s General Plan provides a framework to enact the programs, policies, and regulations in support of such development; and

WHEREAS, this project is exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), “Review for Exemption”. This exemption states, the activity is covered by the commons sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This is not subject to CEQA.; and,

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

WHEREAS, the ZOTA will 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 City Council finds that the following findings can be made for ZOTA No. 24-23-0100:

1. The proposed ordinance will ensure that all residential subdivision development projects submitted to the planning department continue to undergo review for consistency with the City's General Plan and the established development standards provided by the City of Atwater Municipal Code.
2. The proposed ordinance is consistent with the Atwater General Plan.
3. Adoption of the ordinance is exempt from CEQA review under CEQA guideline section 15061(b)(3).
4. The public hearing for this project has been adequately noticed and advertised.
5. The project 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 ORDAINED, by the City Council of the City of Atwater as follows:

SECTION 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. this project is exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), "Review for Exemption". This exemption states, the activity is covered by the commons sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. This is not subject to CEQA.

SECTION 3. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan.

SECTION 4. Code Amendment. Chapter 17.16: "Low Density Residential Districts," of the Atwater Municipal Code is hereby amended and restated to read in its entirety as provided in "Exhibit A," attached hereto and incorporated herein by reference.

SECTION 5. Effective Date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Merced County and circulated in Atwater, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

SECTION 7. Publication. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 1160 Fifth St, Atwater, CA 95301.

SECTION 9. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

INTRODUCED:

ADOPTED:

AYES:

NOES:

ABSENT:

APPROVED:

MIKE NELSON, MAYOR

ATTEST:

KORY J. BILLINGS, CITY CLERK

CHAPTER 17.16 - LOW DENSITY RESIDENTIAL DISTRICTS

17.16.010 - Purpose.

To protect the value and charm of the existing residential areas, and to promote health, safety, comfort, convenience, and the general welfare, the following single-family residential districts are established by this chapter:

R-E Residential Estate

R-1-10, R-1-8, R-1-6, and R-1-5.

17.16.020 - Principal permitted uses.

- A. One single-family dwelling per lot.
- B. Supportive housing as defined in Section [17.06.613](#).
- C. Transitional housing as defined in Section [17.06.627](#).

17.16.030 - Accessory uses.

Accessory buildings and uses customarily appurtenant to a single-family residence, such as:

- A. Garages, carports, off-street parking areas;
- B. Private swimming pools;
- C. Sheds for tools and garden equipment (see Section [17.16.080](#));
- D. Parabolic antennas;
- E. Living quarters for relatives, friends, or persons regularly employed on the premises, but not rented or otherwise conducted as a business, provided that no kitchen facilities are installed;
- F. Community care facilities;
- G. Occupations conducted away from home, when the residence is used only as business address. (See definitions: Home Occupation.)

17.16.040 - Conditional uses requiring a permit.

- A. Public and quasi-public buildings and uses of recreational, educational, religious, cultural, or public service types; not including corporation yards, storage, repair yards, warehouses and similar uses;
- B. Home occupations;
- C. A second unit with kitchen and bath facilities, if in compliance with [Chapter 17.28](#).
- D. Detached accessory structures greater than 500 square feet in size but cover less than 60 percent of the lot upon which it is constructed.

17.16.045 - Prohibited uses.

The maintenance of kennels, and storage for any commercial purpose shall be prohibited.

17.16.050 - Lot area, dimension, setbacks, density, and coverage.

The following minimum requirements shall be observed, except where increased for conditional uses, or by the Planning Commission or City Council to mitigate environmental impact.

	R-E	R-1-10	R-1-8	R-1-6	R-1-5
Minimum Lot Area per dwelling unit (sq. ft.)	16,000	10,000	8,000	6,000	5,000
Minimum Lot Width (feet), Interior Lot	110	100	80	60	50
Minimum Lot Width (feet), Corner Lot	110	100	80	70	60
Minimum Lot Depth	130	100	100	100	100
Minimum Front yard Setback (exterior)	20	20	20	20	10
Minimum Rear yard Setback	20	20	20	15	5
Minimum Side yard Setback (interior)	10	10	5	5	5
Minimum Side yard Setback, Corner Lot					
Abutting a front yard	20	20	15	15	10
Abutting a side yard	10	10	10	10	2
Minimum Landscaped or open recreational area	30 percent	30 percent	30 percent	30 percent	25 percent

17.16.055 - Exceptions to setback requirements.

Setback requirements along major arterials shall supersede the requirements of this chapter.

- A. To offset the monotonous building setbacks, a property owner may choose to reduce the front yard setback by up to three feet, but shall be required to have the same number of feet added to the regular rear yard by the same number of feet.

If a property owner chooses to give an additional three feet or less in addition to the required front yard setback, he may reduce the rear yard by the same number feet.

- B. Side yard for boat and RV parking. If the property owner adds an extra five feet to a five foot side yard requirement, in order to park vehicles behind the front yard setback, he may encroach by five feet into the rear yard setback.

- C. Single family residential setbacks for lots that front on a cul-de-sac bulb and have an average lot depth of less than 100 feet may encroach by up to five feet into the required front yard setback provided the garage be no closer than 20 feet to the property line.
- D. Attached unenclosed patio covers may encroach by ten feet into the required rear yard setback.

17.16.060 - Height of structures.

No building constructed in this zone shall exceed a height of 35 feet unless the following has occurred:

1. The Fire Marshal and Chief Building Official, or designees, have both approved the site plans, improvement plans, and/or other required submittals for the project; and
2. The Planning Commission makes all of the following findings:
 - A. The applicant has adequately demonstrated a need for the project to exceed 35 feet in building height that is related to the project's benefit to the community, or due to site constraints, or in order to achieve desired architectural qualities;
 - B. The project will be exemplary in its design;
 - C. The project design will complement and be compatible with the setting and the character of the neighboring properties with sensitivity to any adjacent federal, state, and City or other historic landmarks;
 - D. The project's proximity to railroads, airports, major freeways or highways, or other transportation hubs, stations, or centers will not interfere, impede, or otherwise disturb such transit services;
 - E. The project is consistent and compatible with the City's General Plan, Zoning Code, and other adopted specific plans and/or master plans;
 - F. Intended use of the project will enhance or promote the standard of living for City residents, and/or the local economy;
 - G. The project's proposed height would not adversely affect visual blockage of light, air, or cause intrusion of privacy to adjacent and surrounding properties;
 - H. The project is not detrimental to the health, safety, peace, comfort, and general welfare of persons or property in the neighborhood and surrounding environs, including without limitation, it will not affect emergency response times or services, nor seismic and/or structural integrity; and
 - I. The project's proposed building height does not impede pedestrian or vehicular accessibility along any public or private pathways, sidewalks, driveways or roadways, visually impede any safe use of the same, or otherwise present a hazard to pedestrian or vehicular use of the same.

Additional conditions of approval may be imposed by the Planning Commission relative to the project as it relates to this section.

17.16.065 - Fences.

Fences constructed from wood may not exceed seven feet in height on the interior property lines, but may not exceed three feet in height in exterior setbacks or within the clear-zone. A chainlink fence without slats or similar type, which does not block the view, may be four feet high within exterior setbacks. On all corner lots, exterior side yard fence constructed from wood may be seven feet in height, set back ten feet from the property line.

17.16.070 - Exterior yards or setbacks.

An exterior yard or setback shall be identified as follows: All yards adjacent to a public right-of-way shall be exterior yards.

17.16.080 - Other required conditions.

- A. Off-street parking as required elsewhere in this title.
- B. Clear zone: On corner lots, the maximum height within 25 feet of that point of the lot nearest to the street intersection may not exceed three feet, and provided further, that no fence, hedge, wall or other natural or structural object shall in any way impair visibility at intersections in such a manner as to endanger life, health, or property.
- C. Landscaping shall not obscure ingress or egress of neighboring properties so as to endanger health and safety.
- D. Distance between main buildings shall be a minimum of ten feet, unless fire or building code require a larger distance.
- E. Zero lot line may be established in Planned Development zones and in new development in compliance with Article 16, Subdivision Ordinance of the Atwater Municipal Code.
- F. Detached accessory buildings shall not exceed a height of 16 feet to the highest point of the roof, and shall not encroach on any exterior yard setback, and may not be placed within five feet of the interior rear or side property line.
- G. Accessory buildings on through lots shall have not less than 20 feet to the rear property line.
- H. An accessory building or structure, which contains less than 120 square feet of projected roof area and is less than eight feet in overall height is exempt from the provisions of this chapter, provided that no such structure shall encroach on any exterior yard or easement, and that only one exempt structure is permitted per residential lot.
- I. Accessory structures shall not exceed 500 square feet in size or cause greater than 60 percent lot coverage (for accessory structures exceeding 500 square feet in size see [Section 17.16.040](#)).
- J. Reserved.

K. Distance between main buildings and detached accessory buildings/structures shall be a minimum of five feet unless fire or building codes require a larger distance.

17.16.090 - Reserved.

Editor's note— [Ord. CS 1059](#), § 1, adopted March 27, 2023, repealed § 17.16.090, which pertained to site plan and design review.



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: October 16, 2024

TO: Chair and Commissioners

FROM: John Seymour, City Engineer

SUBJECT: Public hearing to consider adopting a Resolution recommending that the City Council of Atwater approve an Amendment to Update the Improvement Standards and Specifications of the City of Atwater.

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public; and,
2. Close the public hearing; and,
3. Adopt Resolution No. 0258-24 making a recommendation to the City Council of Atwater to approve an amendment and update to the Improvement Standards and Specifications of the City of Atwater by repealing the current city standards listed here: DR-1, SCG-1, SCG-2, SCG-4, SCG-5, ST-3 and replacing them with the attached improvement standards. Adopt standard details ST-8, ST-9. Repeal standard details D-1, D-5.

I. BACKGROUND:

On June 28, 1982, the City of Atwater established a set of Public Improvement Standards and Specifications (PIS). The PIS is comprised of designs applicable to engineering structures that are commonly installed as part of infrastructure improvements or new developments within the City of Atwater. The PIS was based on the State of California Department of Transportation's "Standards and Specifications." The PIS has been amended several times since its establishment as the industry standards and the City of Atwater's needs change. Staff is proposing to amend the following City Improvement standards: DR-1, SCG-1, SCG-2, SCG-4, SCG-5, ST-3, ST-8, and ST-9.

ANALYSIS:

Staff is looking to amend the cross-section standards for the following: DR-1 (residential driveway approach), SCG-1 (Rolled curb, gutter, sidewalk and Vertical Curb, gutter, and sidewalk), SCG-2 (Sidewalk Details), SCG-4 (Concrete Curb, gutter, and sidewalk construction standards), SCG-5 (Roll Curb to Vertical Curb Transition), ST-3 (Cul-de-sac and Knuckle Intersection), ST-8 (local streets and residential cul-de-sac), ST-9 (collector street back-up residential) . The current city improvement standards and specifications require updating to accommodate new Right-of-way standard details. DR-1 will replace the current DR-1 and will update to the current ADA standards. Standard SCG-1 will add a rolled curb as an alternative to the currently adopted vertical curb standard. SCG-1 will also amend the current vertical curb standard, SCG-5 will provide transition details between rolled and vertical curbs. SCG-2 will provide additional details regarding sidewalk installation SCG-4 will provide additional specifications for construction of curb, gutter, and sidewalk sections. Standard ST-3 will provide additional updates the current roadway cul-de-sac (56' ROW and 60' ROW) along with revised knuckle intersection standards for the (56' and 60' ROW sections). Standard detail ST-8 will provide the city with a new 56' right-of-way section for residential streets whereas ST-9 will provide a new back-up or alternative 56' ROW street section. The adoption of new city standards will enable the city to explore various new residential developments.

II. FISCAL IMPACTS:

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

III. LEGAL REVIEW:

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

IV. EXISTING POLICY:

This Resolution will recommend to city council the repealing of the current improvement standards: DR-1, SCG-1, SCG-2, SCG-4, SCG-5, ST-3 and replacing them with the attached revisions, and adopt standards ST-8 and ST-9.

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:

This item is not a “project” under the California Environmental Quality Act (CEQA) as this activity does not cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to Public Resources Code section 21065.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0258-24, the Recording Secretary will forward the recommended resolutions to the City Council for consideration.

Prepared by: John Seymour, City Engineer

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

Attachments:

1. Resolution No. 0258-24
2. Exhibit A: DR-1, SCG-1 (rolled), SCG-1 (Vertical), SCG-2, SCG-4, SCG-5, ST-3, ST-8, ST-9



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0258-24

**A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF ATWATER
RECOMMENDING THE CITY COUNCIL OF
ATWATER APPROVE AN AMENDMENT TO
UPDATE THE IMPROVEMENT STANDARDS AND
SPECIFICATIONS OF THE CITY OF ATWATER.**

WHEREAS, at a duly noticed public hearing on October 16, 2024, the Planning Commission of the City of Atwater reviewed an Amendment to Update the Standard Plans and Specifications of the City of Atwater; and,

WHEREAS, this action consists of amending the following city standards: DR-1 (residential driveway approach), SCG-1 (Rolled curb, gutter, sidewalk and Vertical Curb, gutter, and sidewalk), SCG-2 (Sidewalk Details), SCG-4 (Concrete Curb, gutter, and sidewalk construction standards), SCG-5 (Roll Curb to Vertical Curb Transition), ST-3 (Cul-de-sac and Knuckle Intersection), adopting standards: ST-8 (local streets and residential cul-de-sac), ST-9 (collector street back-up residential), repealing standards D-1 (residential Driveway approach), D-5 (General Specifications-Driveway Approach) ; and,

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

WHEREAS, the proposed Standard Plans and Specifications Amendment and Update 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 the Amendment and Update to the Standard Plans and Specifications in support of the project:

1. The public hearing for this Amendment and Update was adequately noticed and advertised.
2. 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 Planning Commission of the City of Atwater does hereby approve Resolution No. 0258-24 recommending the City Council of Atwater approve an amendment to update the Improvement Standards and Specifications of the City of Atwater.

The foregoing resolution is hereby adopted this 16th day of October, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

**DONALD BORGWARDT,
CHAIR**

ATTEST:

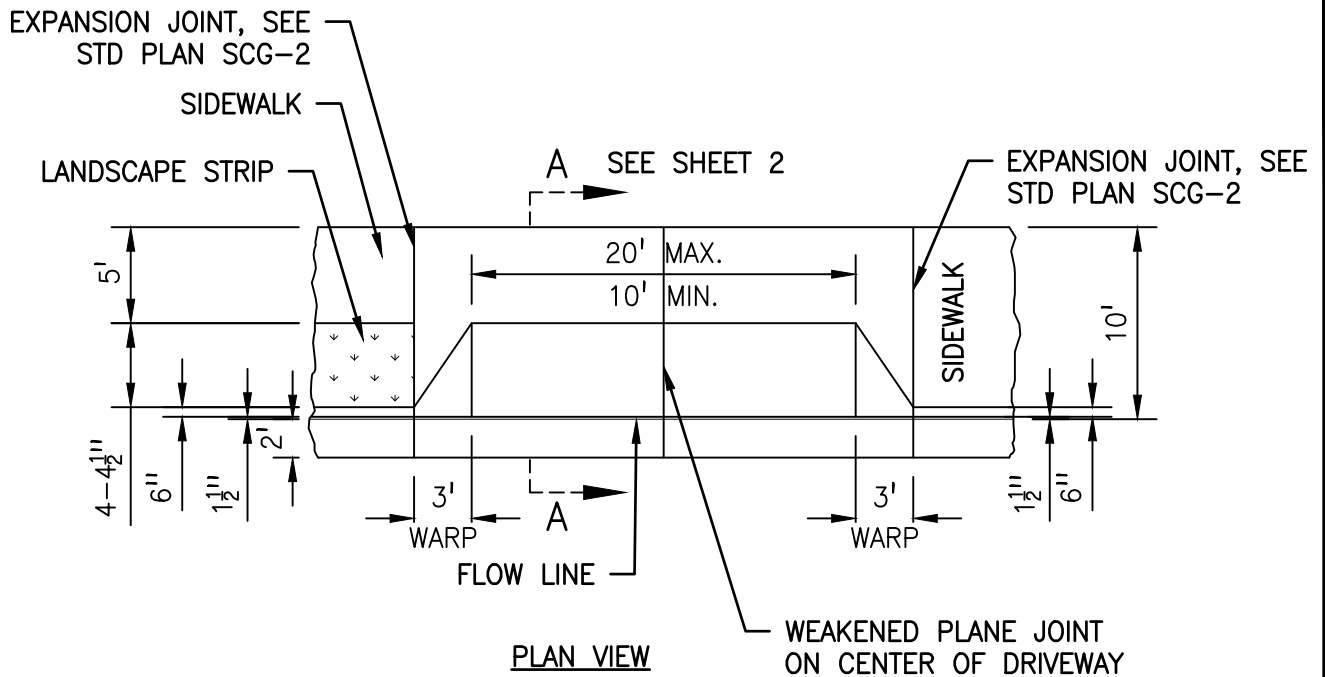
**GREG THOMPSON,
DEPUTY CITY MANAGER /
COMMUNITY DEVELOPMENT DIRECTOR**

Exhibit A

City of Atwater Improvement Standards and Specifications Revision

Planning Commission

10/16/2024

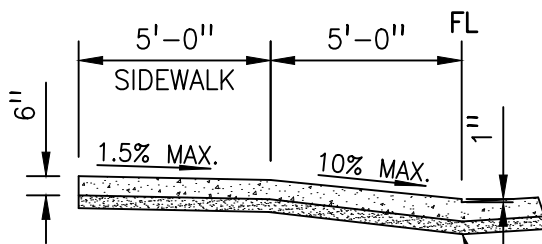
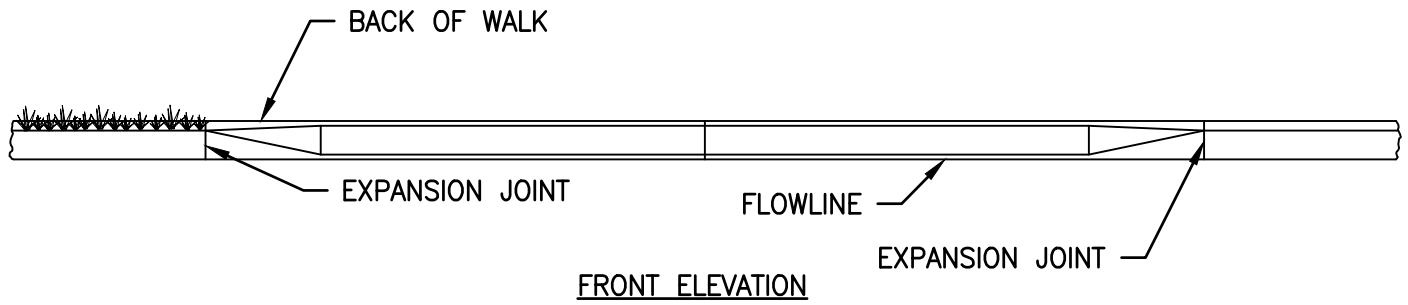


NOTES:

1. DRIVEWAY TO CONFORM WITH EXISTING SIDEWALK. ALL CONCRETE TO BE MINOR CONCRETE PER SECTION 90, CALTRANS STANDARD SPECIFICATIONS.
2. IF SIDEWALK IN BACK EXISTS WHERE NEW RAMP IS TO BE PLACED, IT SHALL BE REMOVED AND REPLACED WITH 6" THICK PORTLAND CEMENT CONCRETE.
3. DRIVEWAY RAMP SHALL BE AS WIDE AS EXISTING DRIVEWAY INTO YARD, ROUNDED UP TO NEXT EVEN FOOT (10'-0" MINIMUM).
4. IN EVENT OF OBSTRUCTIONS (E.G., POWER POLES, ETC.) WIDTH MAY BE MODIFIED TO MEET EXISTING CONDITIONS AS APPROVED BY THE CITY ENGINEER.
5. WHEN IT IS NOT POSSIBLE TO PROVIDE 2'-0" OF FULL HEIGHT CURB WITH STANDARD 3'-0" WARPS ON EITHER SIDE BETWEEN ADJACENT DRIVEWAYS, A COMMON DRIVEWAY MAY BE INSTALLED WITH APPROVAL OF THE CITY ENGINEER.
6. FINE HAIR LIGHT BROOM FINISH.
7. A VARIANCE TO MINIMUM OR MAXIMUM WIDTH REQUIRES CITY ENGINEER APPROVAL.
8. SEE STANDARD PLAN SCG-4 FOR CONSTRUCTION NOTES.

SHEET 1 OF 2

			RESIDENTIAL APPROACH DRIVEWAY	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO. DR-1
				DATE:	09.18.24	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT	SCALE:	N.T.S	

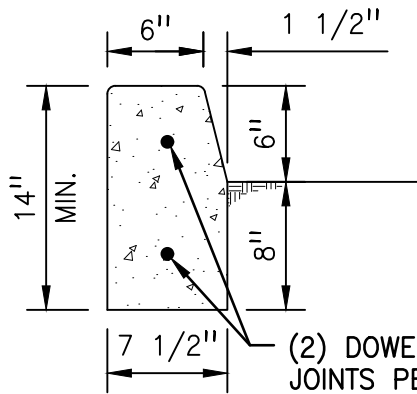


SECTION A-A

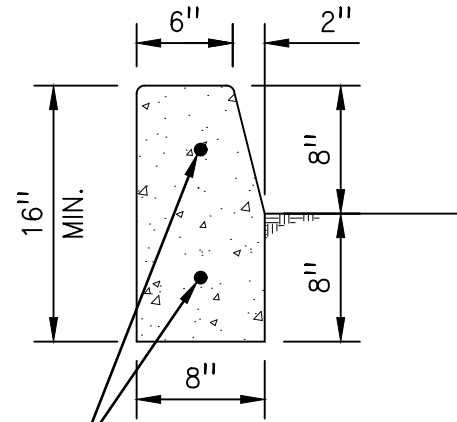
4" CLASS II AB UNDER DRIVEWAY, CURB, AND GUTTER, COMPACTED AT A MIN. RELATIVE COMPACTION OF 95%. SUBGRADE SHALL BE SCARIFIED AND COMPACTED TO A MIN. RELATIVE COMPACTION OF 95% FOR A DEPTH OF 6"

SHEET 2 OF 2

			RESIDENTIAL APPROACH DRIVEWAY		CITY OF ATWATER	
					STANDARD DETAIL	
			APPROVED _____		DRAWN:	J.V.P
					DATE:	09.18.24
REV.		BY	COMMUNITY DEVELOPMENT DEPARTMENT		SCALE:	N.T.S
						NO.
						DR-1

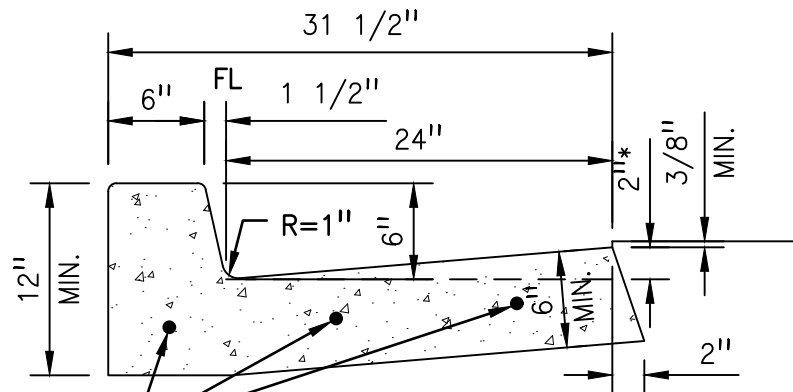


A1-6
VERTICAL CURB



(2) DOWELS AT EXPANSION JOINTS PER NOTE 6, SCG-4

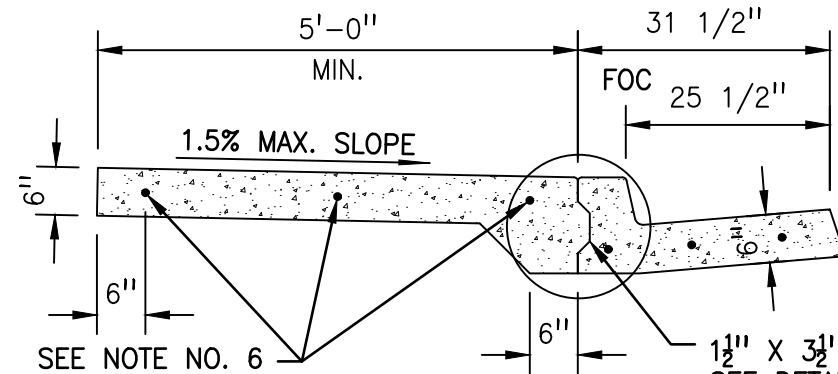
A1-8
MEDIAN CURB



(3) DOWELS AT EXPANSION JOINTS PER NOTE 6, SCG-4

A2-6
VERTICAL CURB & GUTTER

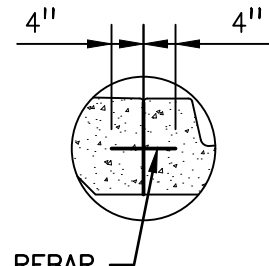
*VARIES AT CURB RAMPS



SEE NOTE NO. 6
(STD PLAN SCG-4)

A2-6 WITH SIDEWALK

1 1/2" X 3 1/2" KEY
SEE DETAILS THIS
SHEET FOR ALTERNATE
CONNECTION DETAIL



NO. 4 REBAR
@ 24" O.C.

ALTERNATE CONNECTION

NOTES:

1. SEE STANDARD PLAN SCG-4 FOR CURB, GUTTER, AND SIDEWALK CONSTRUCTION NOTES.
2. NEITHER KEY NOR CONNECTING REBAR IS NECESSARY IF CURB & GUTTER ARE POURED MONOLITHICALLY WITH SIDEWALK.

SHEET 1 OF 2

			VERTICAL CURB, GUTTER & SIDEWALK		CITY OF ATWATER STANDARD DETAIL	
					DRAWN:	J.V.P
					DATE:	09.17.24
					SCALE:	N.T.S
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			NO. SCG-1

NOTES:

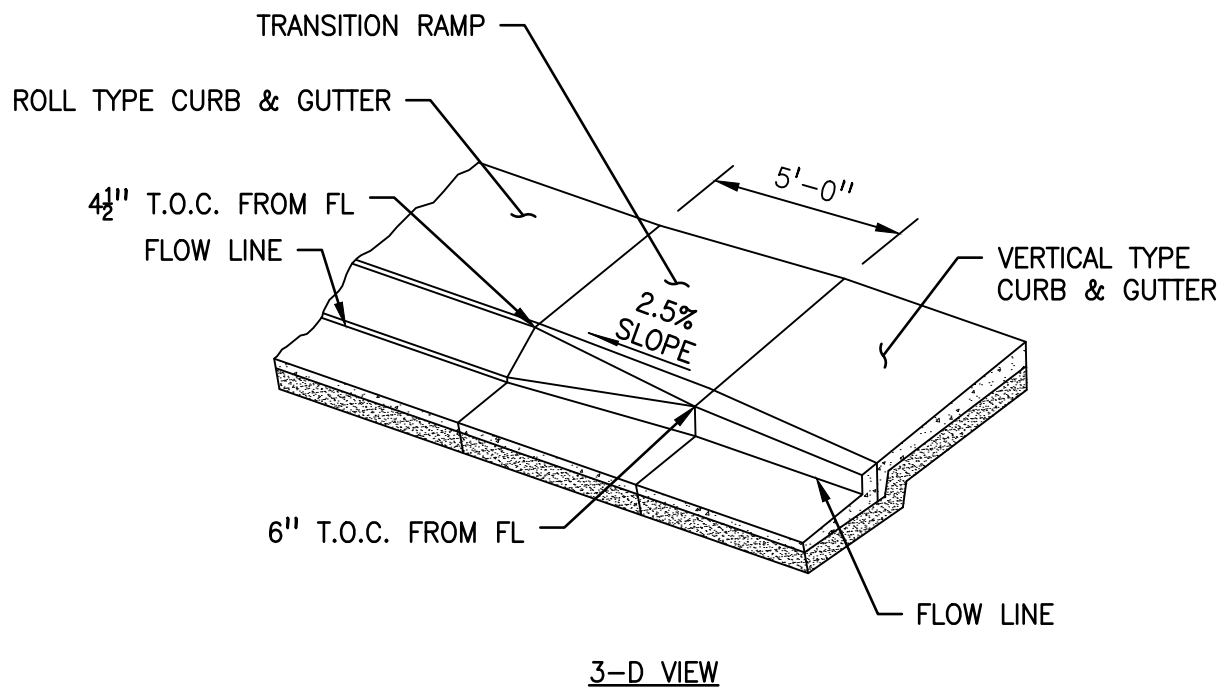
1. CURB, GUTTER, SIDEWALK, AND ALL P.C.C. FLATWORK SHALL HAVE A FINE HAIR LIGHT BROOM FINISH; CURB AND GUTTER PARALLEL TO THE FLOW LINE.
2. CONSTRUCT EXPANSION JOINTS 60' ON CENTER MAXIMUM, AND AT RETURNS, LIGHT POLES, HYDRANTS, CATCH BASINS, BOTH SIDES OF DRIVEWAYS, AND OTHER FIXED OBJECTS. USE 1/4" PREFORMED JOINT FILLER PER CALTRANS STANDARD SPECIFICATIONS.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPLICABLE SECTIONS OF THE CURRENT CALTRANS STANDARD SPECIFICATIONS.
4. WEAKENED PLANE JOINTS, CONTRACTION JOINTS, AND EXPANSION JOINTS SHALL BE TOOLED OR FORMED, SAW CUTTING IS NOT ALLOWED.
5. INSTALL EXPANSION JOINTS, WEAKENED PLANE JOINTS AND SCORE MARKS AS INDICATED IN THE PLANS OR STANDARD DETAILS. SEE STANDARD PLAN SCG-2 FOR JOINT DETAILS.
6. PLACE 5/8" X 24" LONG STEEL DOWELS PER STANDARD DETAILS THROUGH EVERY EXPANSION JOINT, GREASED AND WRAPPED ON ONE SIDE.

SIDEWALKS: INSTALL DOWELS EVENLY SPACED AT 16" MAX., ON CENTER. OFFSET DOWELS A MINIMUM OF 6" FROM SIDEWALK EDGES. INSTALL A MINIMUM OF THREE DOWELS IN A 5-FOOT SIDEWALK, AND A MINIMUM OF 5 DOWELS IN AN 8-FOOT SIDEWALK.

VERTICAL CURB AND CURB & GUTTER: INSTALL DOWELS EVENLY SPACED AND CENTERED IN CONCRETE SECTION, WITH A MIN. CLEARANCE OF 3" FROM EDGES OF CONCRETE.

7. SIDEWALK CONSTRUCTION SHALL CONFORM TO SECTION 73, CALTRANS STANDARD SPECIFICATIONS, EXCEPT AS MODIFIED HEREIN.
8. FOR SIDEWALK CONSTRUCTION, PLACE 4" MINIMUM OF CLASS II AGGREGATE BASE UNDER THE CONCRETE AND COMPACT TO A MINIMUM OF 90%. SUBGRADE BENEATH AGGREGATE BASE SHALL BE SCARIFIED AND COMPACTED TO A MINIMUM OF 90% FOR A DEPTH OF 6".
9. SUB-GRADE BENEATH COMPACTED AGGREGATE BASE FOR CURB, GUTTER, AND DRIVEWAYS SHALL BE SCARIFIED AND COMPACTED TO A MINIMUM RELATIVE COMPACTION OF 95% TO A DEPTH OF 6".
10. ALL EDGES SHALL BE ROUNDED TO A 1/2" RADIUS UNLESS OTHERWISE NOTED.
11. CONCRETE AND OTHER CURB, GUTTER, SIDEWALK, DRIVEWAY, AND CURB RAMP MATERIALS SHALL COMPLY WITH SECTION 73-1.02 OF THE CALTRANS STANDARD SPECIFICATIONS. CONCRETE SHALL BE MINOR CONCRETE COMPLYING WITH SECTION 90 AND 73-1.02 OF THE CALTRANS STANDARD SPECIFICATIONS.
12. DEPRESS A 2" HIGH LETTER 'W', 'S', OR 'I' FOR WATER LATERAL, SEWER LATERAL, OR IRRIGATION SLEEVE LOCATION, 1/4" DEEP INTO THE FACE OF CURB TO IDENTIFY SERVICE LOCATIONS.
13. WATER SHALL BE USED TO ENSURE PROPER DRAINAGE OF GUTTERS AT BOTH THE FINAL WALK-THROUGH AND PRIOR TO THE EXPIRATION OF THE ONE-YEAR WARRANTY.
14. IN AN EXISTING STREET, WHENEVER THE CURB AND GUTTER ARE REMOVED, SAWCUT EXISTING STREET 2' OUT FROM LIP OF GUTTER MIN. & REPLACE WITH 8" DEEPLIFT OF ASPHALT CONCRETE, MIN., OR MATCHING EXISTING SECTION IF THICKER. STREET CUT SHALL EXTEND 1' MIN. BEYOND SAWCUT IN CURB AND GUTTER.
15. AN APPROVED SOIL STERILANT SHALL BE APPLIED TO ALL SUB-GRADE PRIOR TO CONSTRUCTION.
16. CURB RETURNS SHALL HAVE A 25' RADIUS UNLESS OTHERWISE DIRECTED OR APPROVED ON THE PLANS.
17. CURB, GUTTER AND SIDEWALK SHALL BE CONSTRUCTED AFTER ALL UNDERGROUND UTILITIES ARE IN PLACE IN NEW SUBDIVISIONS.
18. CONCRETE CURING SHALL BE PER SECTION 90 OF THE CALTRANS STANDARD SPECIFICATIONS. ALL CONCRETE SHALL BE TREATED WITH AN APPROVED WHITE-PIGMENTED CURING COMPOUND.

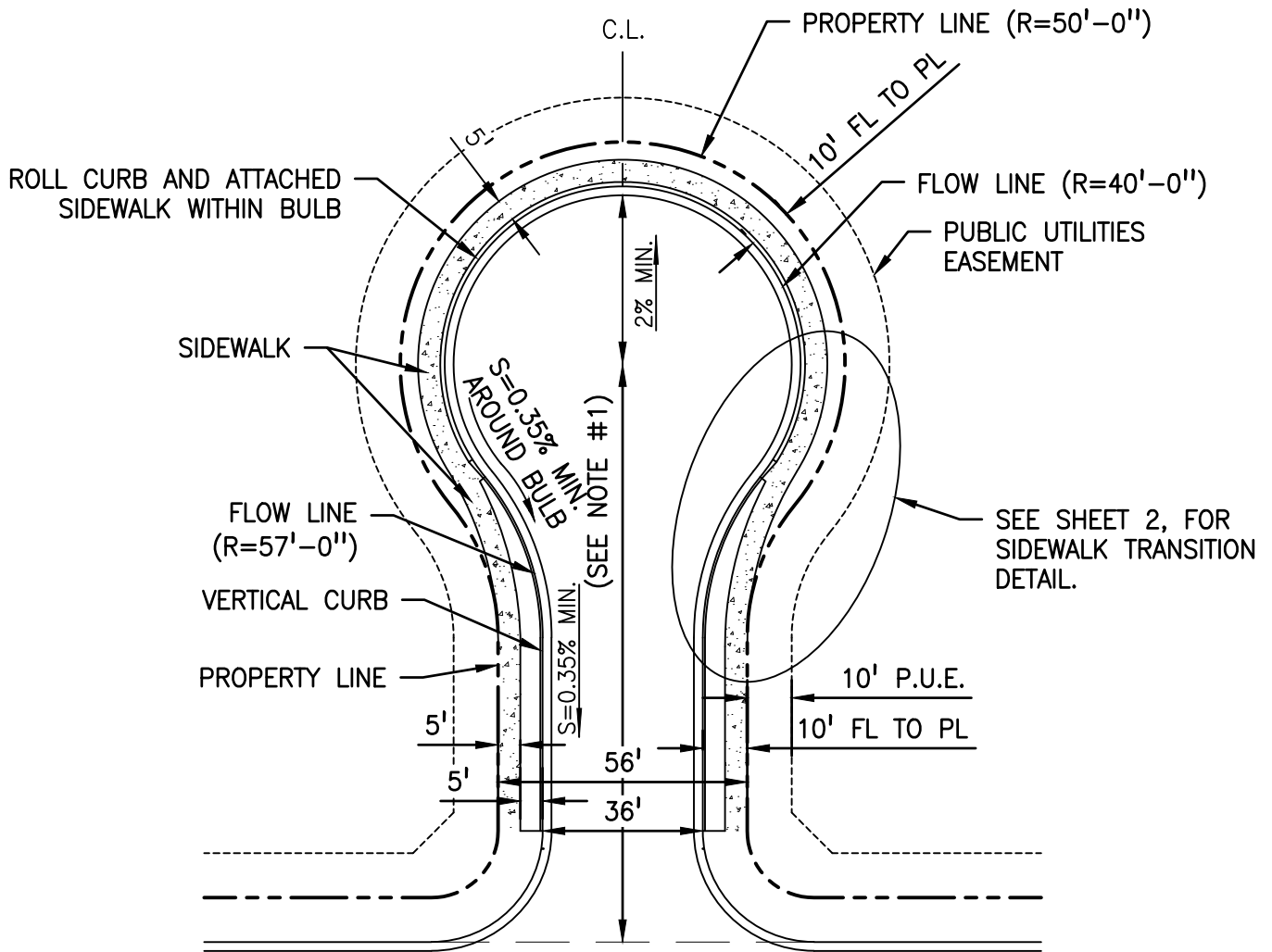
			CONCRETE CURB, GUTTER & SIDEWALK CONSTRUCTION STANDARDS	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO.
				DATE:	09.17.24	SCG-4
				SCALE:	N.T.S	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			



NOTES:

1. MINIMUM TRANSITION LENGTH IS 5'-0". IF LESS THAN 5'-0", CITY ENGINEER MUST APPROVE TRANSITION LENGTH.
2. TYPICAL LONGITUDINAL TRANSITION SLOPE IS 2.5%±. (MAXIMUM SHALL NOT EXCEED 5.0%)

			ROLL CURB TO VERTICAL CURB TRANSITION		CITY OF ATWATER STANDARD DETAIL	
					DRAWN:	J.V.P
			APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT		DATE:	09.18.24
					SCALE:	N.T.S
REV.		BY			NO. SCG-5	

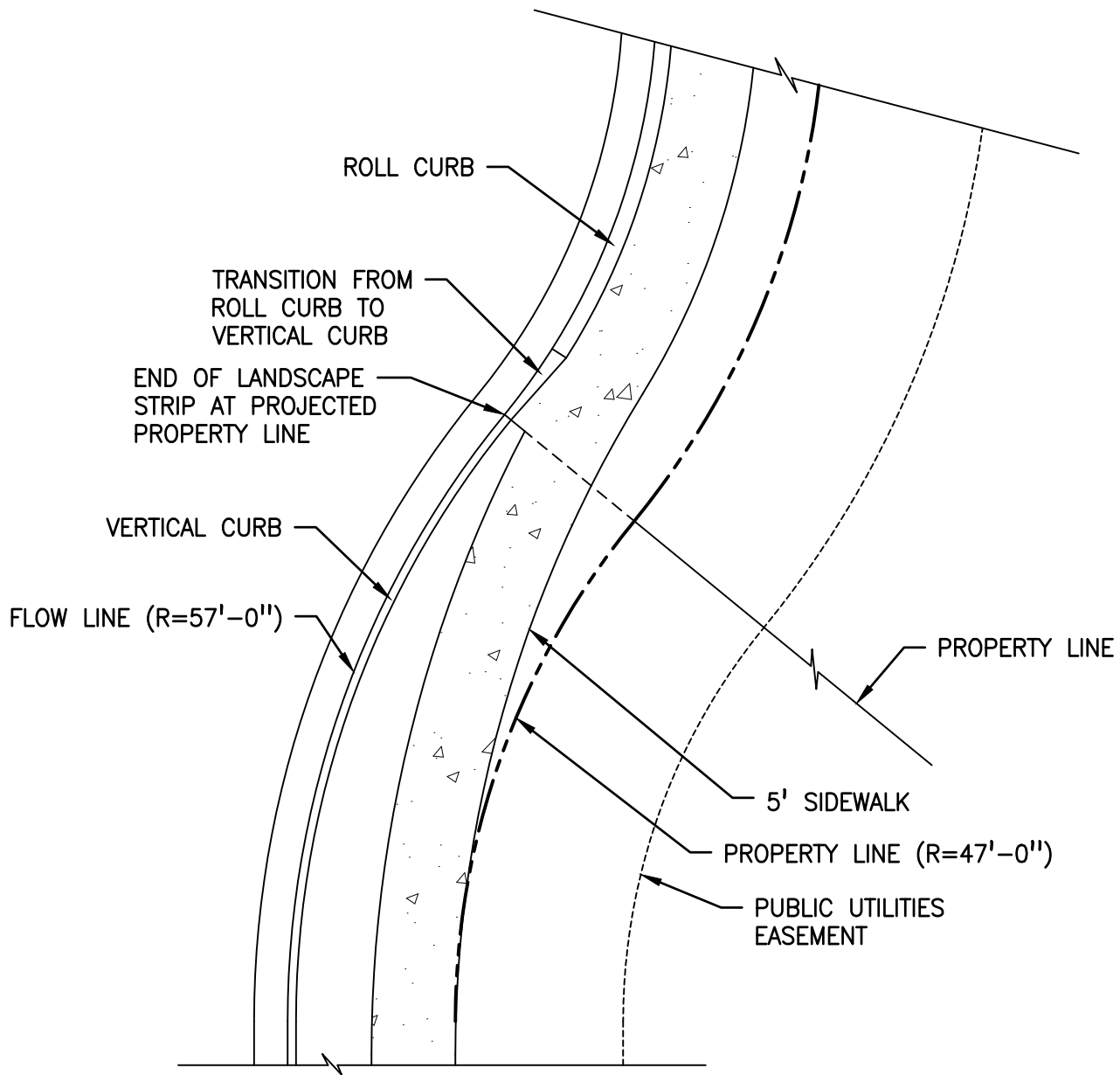


NOTES:

1. THE MAXIMUM LENGTH OF CUL-DE-SACS SHALL BE 500'-0" FROM FACE OF CURB TO THE CENTER OF BULB. ONLY IN INDUSTRIALLY ZONED AREAS MAY THE LENGTH BE INCREASED TO A MAXIMUM OF 1000'-0", PROVIDED THE FOLLOWING CRITERIA ARE MET:
 - A. STREET RIGHT-OF-WAY OF 60'-0" WITH 40'-0" BETWEEN CURBS.
 - B. TURN-AROUND CURB RADIUS OF 53'-0".
 - C. EMERGENCY ACCESS TO ANOTHER PUBLIC STREET MAY BE REQUIRED BY THE FIRE MARSHAL.
2. GUTTER SLOPE AROUND BULBS SHALL BE 0.35% MINIMUM.
3. BULBS MAY BE OFFSET TO EITHER SIDE.
4. A 10'-0" EASEMENT IS REQUIRED FOR PUBLIC UTILITIES AND STREET TREE PLANTING.
5. WATER MAINS MAY BE REQUIRED TO BE "LOOPED" BY THE CITY ENGINEER.

SHEET 1 OF 5

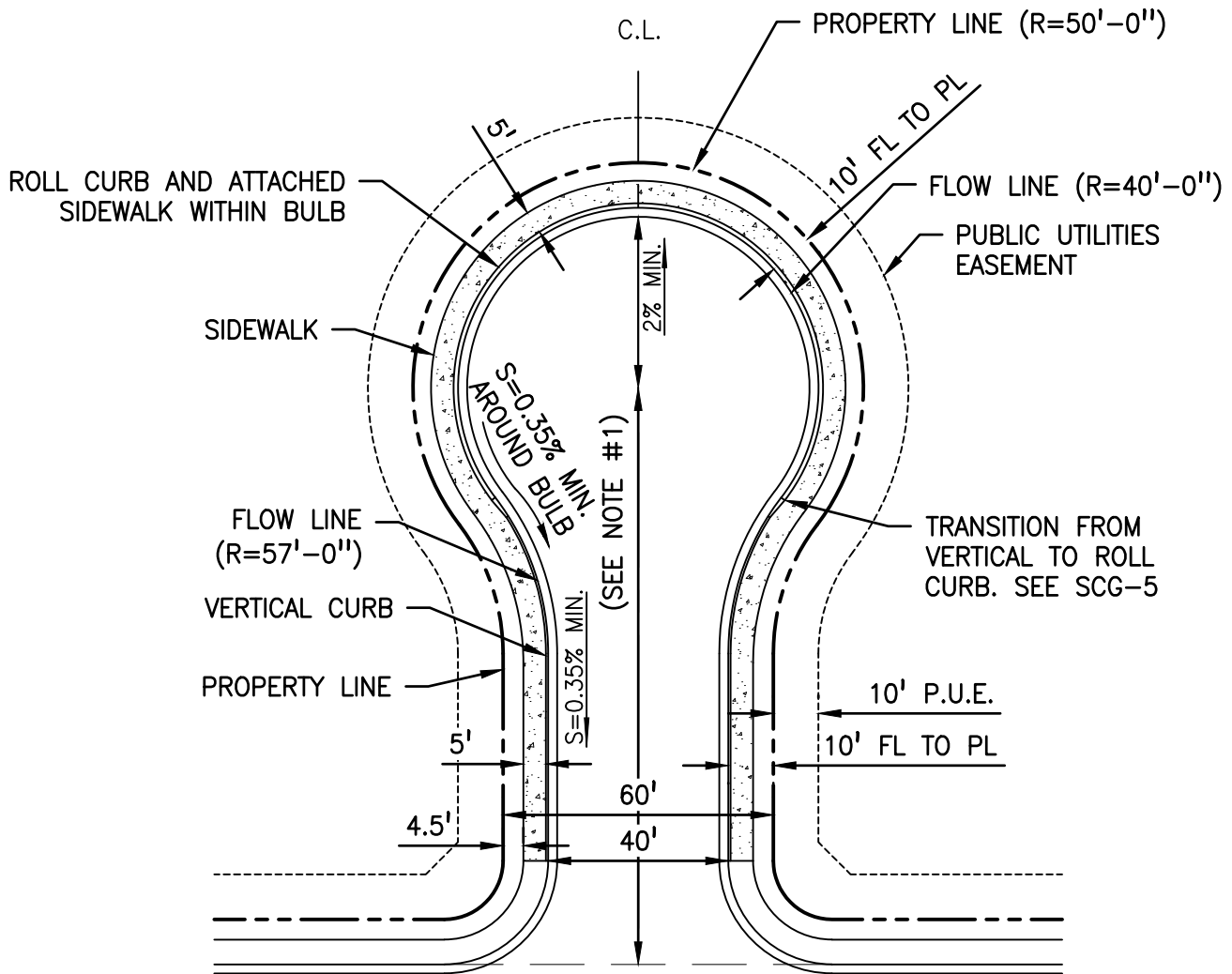
			MINIMUM STANDARD CUL-DE-SAC – 56’ R/W	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO. ST-3
				DATE:	09.20.24	
				SCALE:	N.T.S	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			



SIDEWALK TRANSITION DETAIL

SHEET 2 OF 5

			MINIMUM STANDARD CUL-DE-SAC		CITY OF ATWATER	
					STANDARD DETAIL	
			APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT		DRAWN:	J.V.P
					DATE:	09.20.24
REV.		BY			SCALE:	N.T.S
					NO. ST-3	

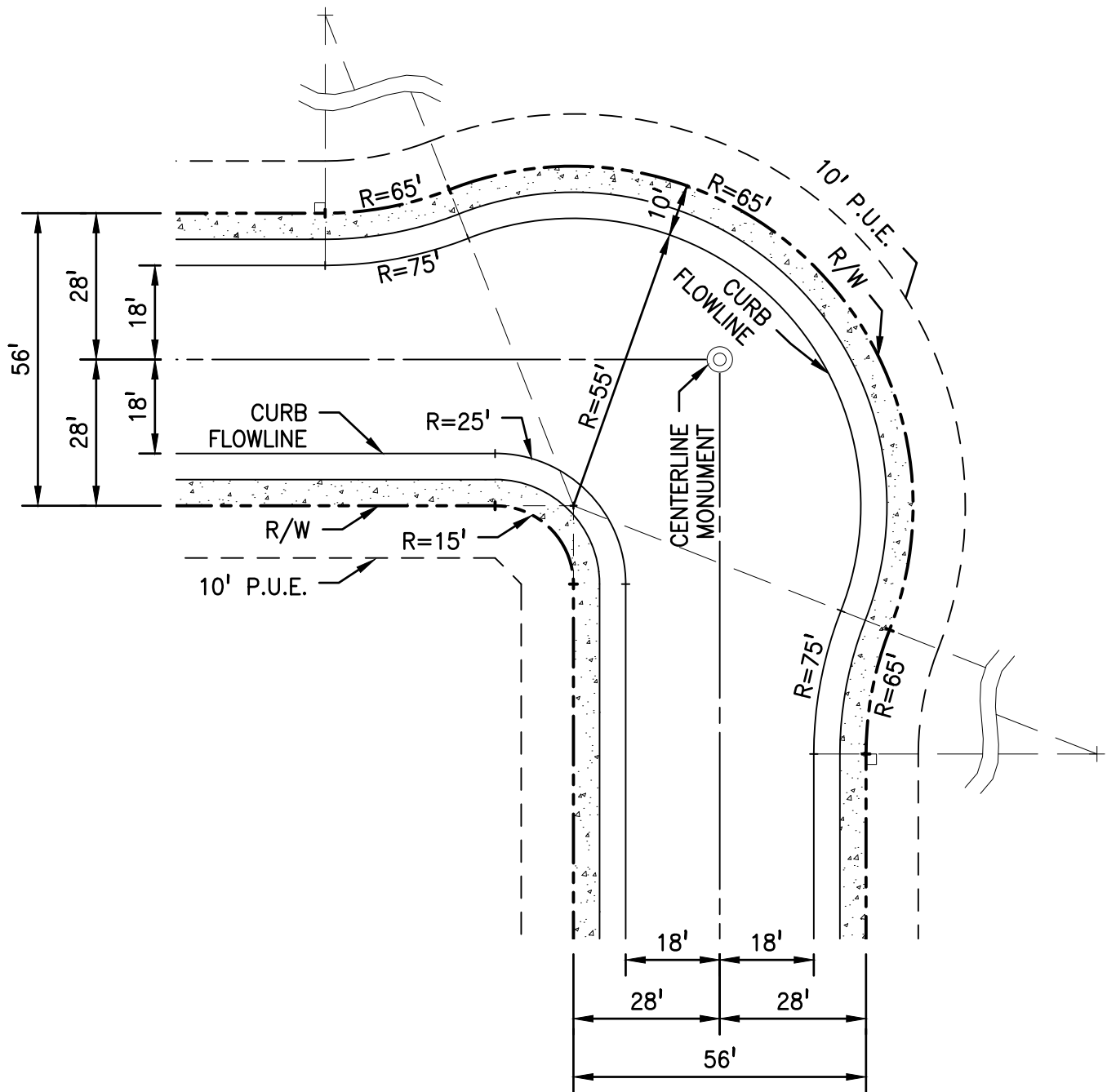


NOTES:

1. THE MAXIMUM LENGTH OF CUL-DE-SACS SHALL BE 500'-0" FROM FACE OF CURB TO THE CENTER OF BULB. ONLY IN INDUSTRIALLY ZONED AREAS MAY THE LENGTH BE INCREASED TO A MAXIMUM OF 1000'-0", PROVIDED THE FOLLOWING CRITERIA ARE MET:
 - A. STREET RIGHT-OF-WAY OF 60'-0" WITH 40'-0" BETWEEN CURBS.
 - B. TURN-AROUND CURB RADIUS OF 53'-0".
 - C. EMERGENCY ACCESS TO ANOTHER PUBLIC STREET MAY BE REQUIRED BY THE FIRE MARSHAL.
2. GUTTER SLOPE AROUND BULBS SHALL BE 0.35% MINIMUM.
3. BULBS MAY BE OFFSET TO EITHER SIDE.
4. A 10'-0" EASEMENT IS REQUIRED FOR PUBLIC UTILITIES AND STREET TREE PLANTING.
5. WATER MAINS MAY BE REQUIRED TO BE "LOOPED" BY THE CITY ENGINEER.

SHEET 3 OF 5

			MINIMUM STANDARD CUL-DE-SAC – 60’ R/W	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO. ST-3
				DATE:	09.20.24	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT		SCALE:	

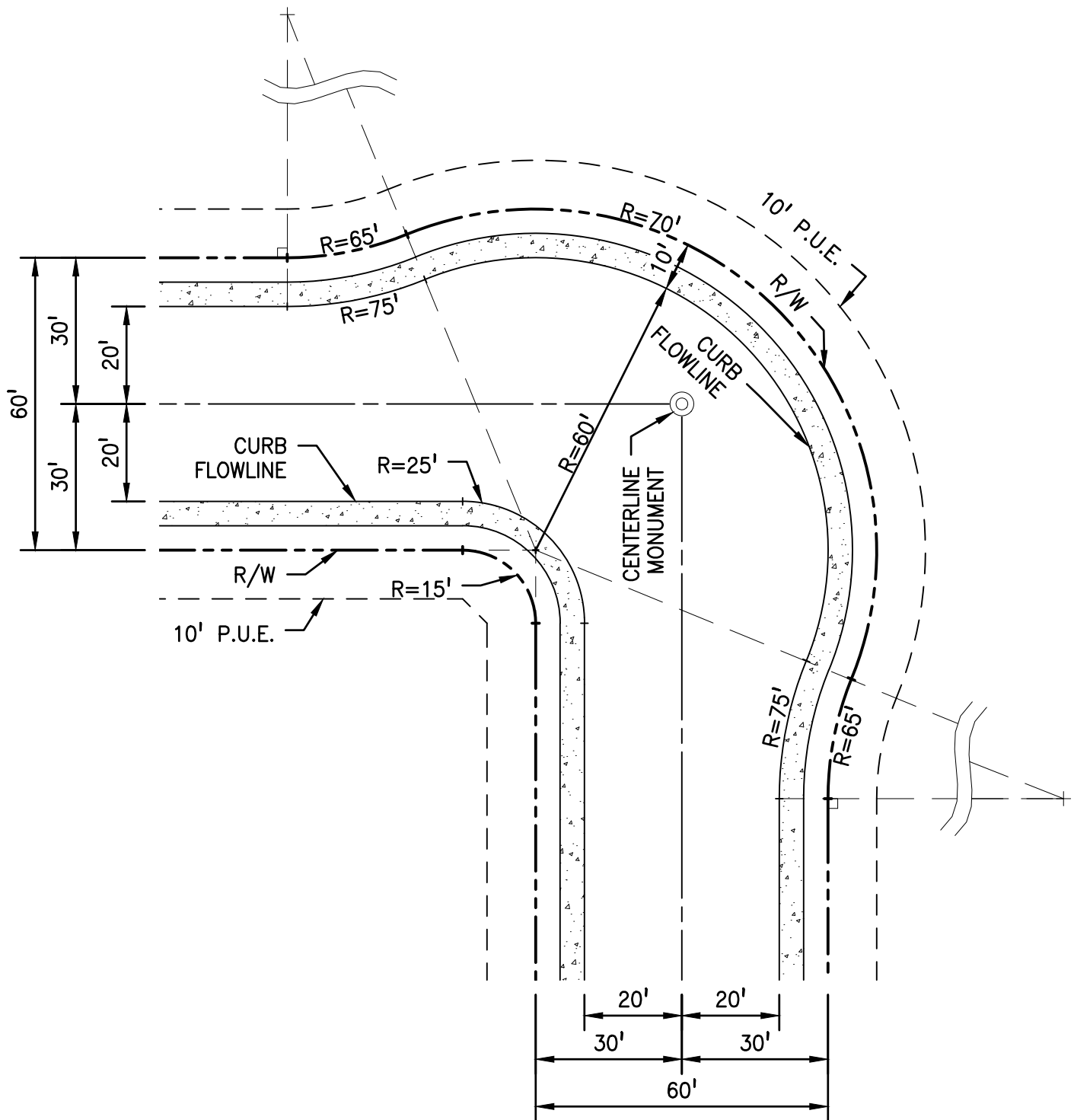


NOTES:

1. SUBMIT SPECIFIC DESIGN FOR R/W WIDTHS OTHER THAN 56'.
2. GUTTER SLOPE AROUND OUTER KNUCKLE FLOWLINE BULB AND REVERSE CURVES SHALL BE 0.35% MINIMUM.

SHEET 4 OF 5

			KNUCKLE INTERSECTION – 56’ R/W	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO. ST–3
				DATE:	09.20.24	
				SCALE:	N.T.S	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			

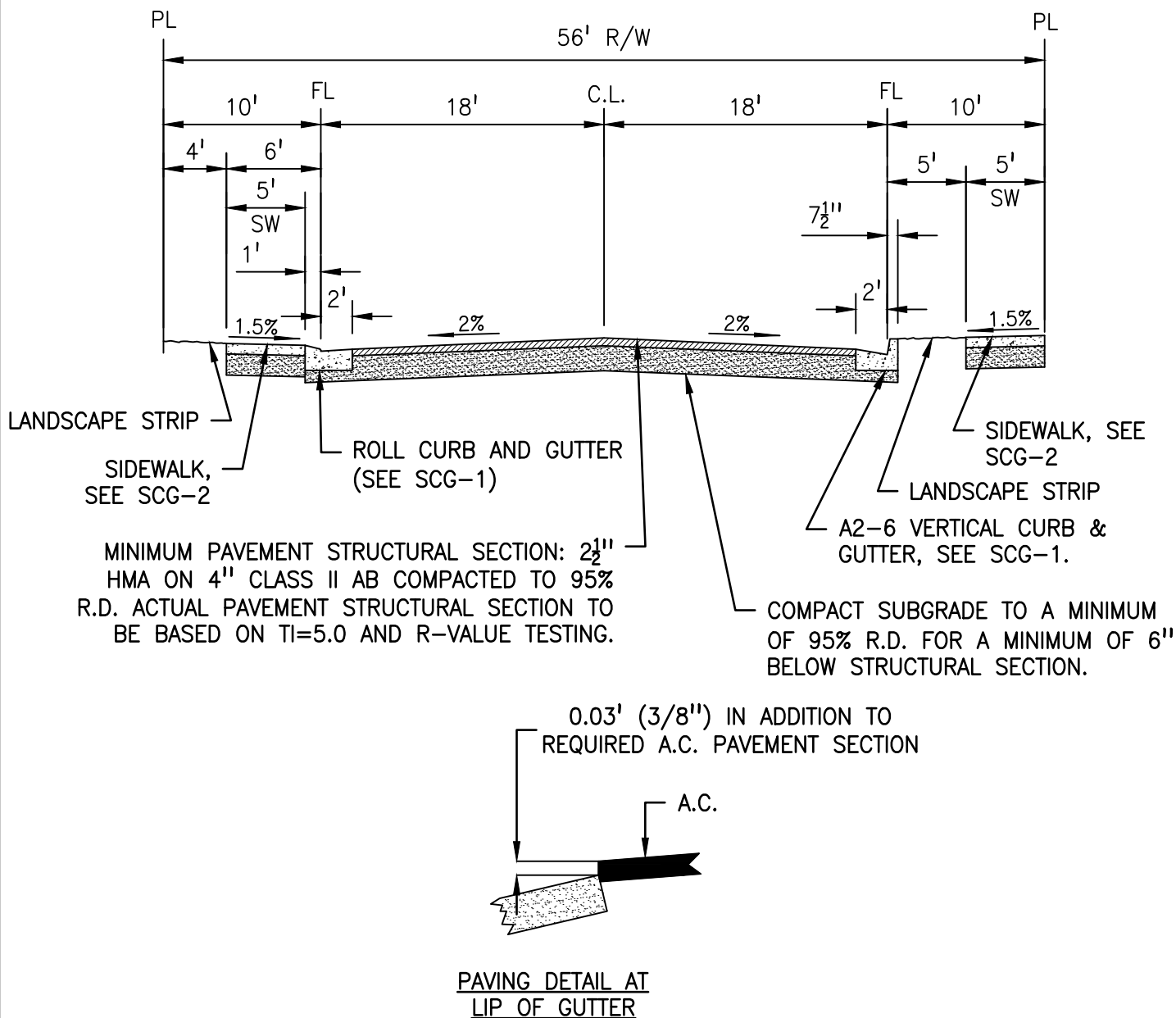


NOTES:

1. SUBMIT SPECIFIC DESIGN FOR R/W WIDTHS OTHER THAN 56' OR 60'.
2. GUTTER SLOPE AROUND OUTER KNUCKLE FLOWLINE BULB AND REVERSE CURVES SHALL BE 0.35% MINIMUM.

SHEET 5 OF 5

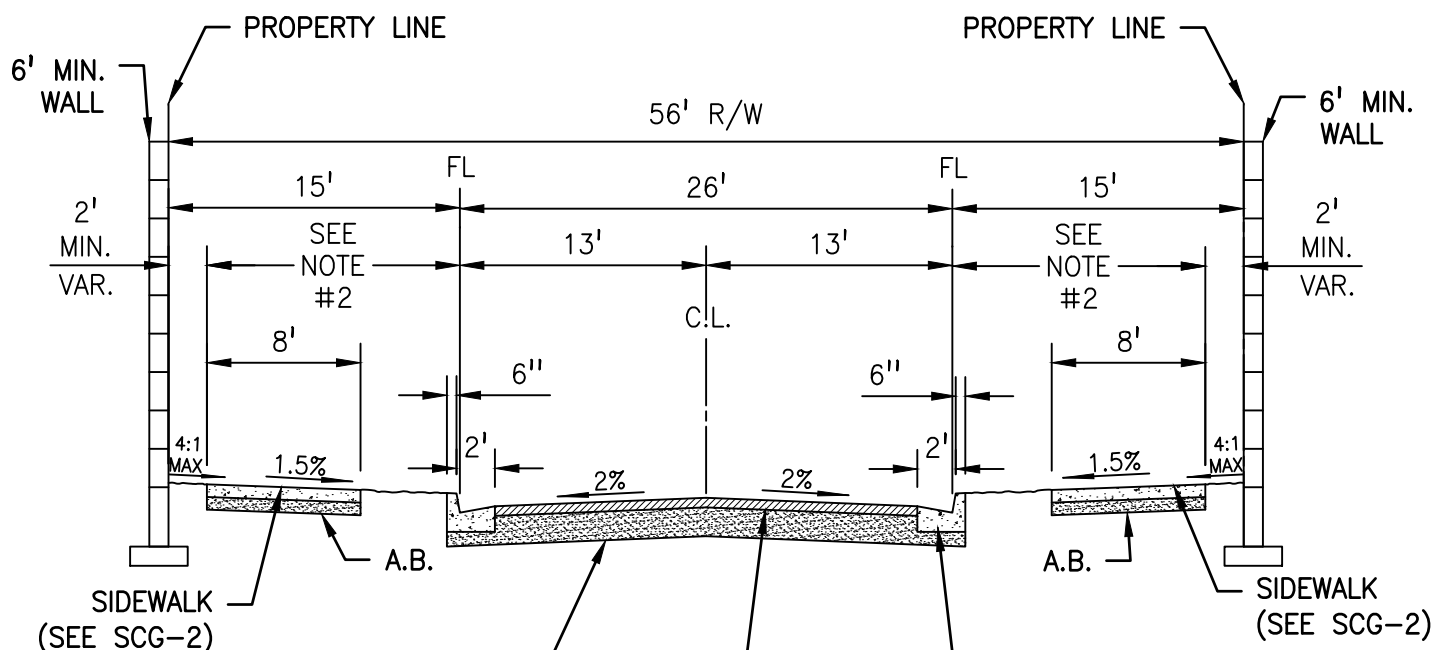
			KNUCKLE INTERSECTION – 60' R/W		CITY OF ATWATER	
					STANDARD DETAIL	
			APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT		DRAWN: J.V.P	NO.
					DATE: 09.20.24	ST-3
REV.		BY			SCALE: N.T.S	



NOTES:

1. LOCAL RESIDENTIAL STREETS MAY BE CONSTRUCTED WITH EITHER ROLL CURB AND GUTTER OR VERTICAL CURB AND GUTTER.
2. CURB RETURNS, CURB RAMPS, AND CATCH BASINS SHALL BE CONSTRUCTED WITH VERTICAL CURB.

			LOCAL STREETS RESIDENTIAL AND CUL-DE-SACS	CITY OF ATWATER STANDARD DETAIL		
					DRAWN: J.V.P	NO.
					DATE: 09.18.24	ST-8
					SCALE: N.T.S	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			



COMPACT SUBGRADE TO A MINIMUM OF 95% R.D. FOR A MINIMUM OF 6" BELOW STRUCTURAL SECTION.

MINIMUM PAVEMENT STRUCTURAL SECTION: 2 1/2" HMA ON 5" CLASS II AB COMPACTED TO 95% R.D. ACTUAL PAVEMENT STRUCTURAL SECTION TO BE BASED ON TI=6.0 AND R-VALUE TESTING.

0.03' (3/8") IN ADDITION TO REQUIRED A.C. PAVEMENT SECTION

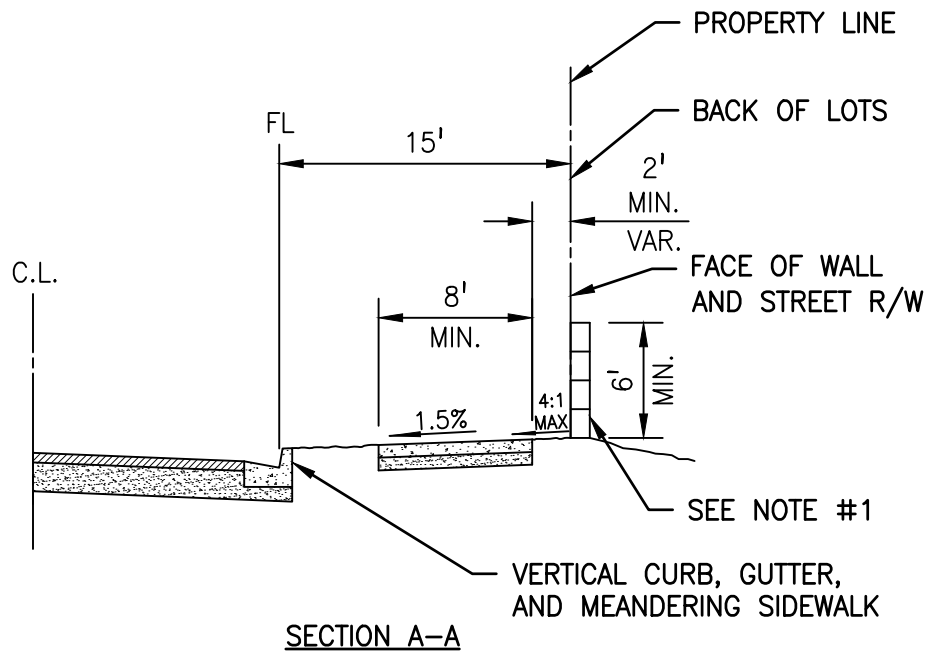
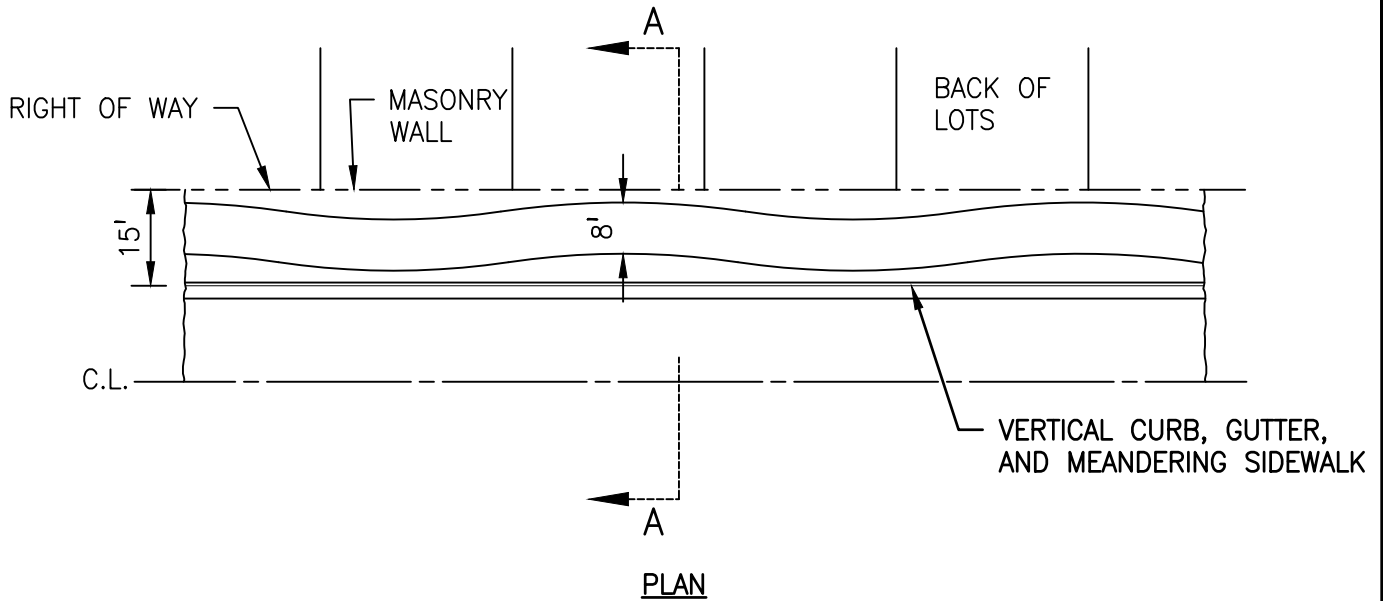
PAVING DETAIL AT LIP OF GUTTER

NOTES:

- ON-STREET PARKING IS PROHIBITED FOR THIS STREET TYPE.
- MEANDERING SIDEWALK TO MAINTAIN 2'-0" MINIMUM FROM PROPERTY LINE.
- IF HOUSES ARE ALLOWED TO FACE ONE SIDE OF BACK-UP RESIDENTIAL COLLECTOR, THAT HALF OF STREET SECTION SHALL MATCH LOCAL RESIDENTIAL STREET DESIGN AND THE STREET SECTION SHALL BE CLEARLY ILLUSTRATED ON THE TENTATIVE SUBDIVISION MAP.

SHEET 1 OF 2

			COLLECTOR STREET BACK-UP RESIDENTIAL	CITY OF ATWATER STANDARD DETAIL		
					DRAWN: J.V.P	NO.
					DATE: 09.18.24	ST-9
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT	SCALE: N.T.S		



NOTES:

1. MASONRY WALL TO RESTRICT ACCESS TO LOTS ADJACENT TO STREET RIGHT-OF-WAY AND PUBLIC OPEN SPACE SHALL BE CONSTRUCTED BY DEVELOPER/OWNER IN ACCORDANCE WITH CITY REQUIREMENTS AND SUBJECT TO THE APPROVAL OF THE CITY ENGINEER. PLANS TO PROVIDE ELEVATION AT BOTTOM OF WALL AND BACK OF WALK.

SHEET 2 OF 2

			IMPROVEMENTS FOR COLLECTOR STREET BACK-UP RESIDENTIAL	CITY OF ATWATER STANDARD DETAIL		
				DRAWN:	J.V.P	NO. ST-9
				DATE:	09.18.24	
				SCALE:	N.T.S	
REV.		BY	APPROVED _____ COMMUNITY DEVELOPMENT DEPARTMENT			



PLANNING COMMISSION AGENDA REPORT

PLANNING COMMISSION

Jagandeep Mokha

Donald Borgwardt Ileisha Sanders

Harold Kadach Mayra Sanchez-Garcia

MEETING DATE: October 16, 2024

TO: Chair and Commissioners

FROM: Kayla Rashad, Executive Assistant

SUBJECT: Public hearing to consider adopting a resolution recommending City Council adopt a Zoning Ordinance Text Amendment amending Chapter 17.28 “Accessory Dwelling Units” of the Atwater Municipal Code to comply with recent changes in State law; and finding the action to be statutorily exempt from CEQA under section 21080.17 of the Public Resources Code.

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; and,
3. Make a finding that the project is statutorily exempt from review under the California Environmental Quality Act (“CEQA”) under Public Resources Code section 21080.17; and adopt Resolution No. 0259-24 Recommending the City Council Adopt Zoning Ordinance Text Amendment No. 24-28-0100 amending Chapter 17.28 “Accessory Dwelling Units” of the Atwater Municipal Code to comply with recent changes in State law.

I. BACKGROUND:

In recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amended various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs. In 2024, the California Legislature approved, and the Governor signed into law, two new bills — AB 2533 and SB 1211 — that further amend state ADU law as summarized below.

ANALYSIS:**AB 2533 – Unpermitted ADUs and JADUs**

Subject to limited exceptions, existing state law prohibits a city from denying a permit to legalize an unpermitted ADU that was constructed before January 1, 2018, if the denial is based on the ADU not complying with applicable building, state, or local ADU standards. One exception allows a city to deny a permit to legalize if the city makes a written finding that correcting the violation is necessary to protect the health and safety of the public or the occupants of the structure.

AB 2533 changes this by: (1) expanding the above prohibition to also include JADUs; (2) moving the construction-cutoff date from January 1, 2018, to January 1, 2020; and (3) replacing the above exception with a requirement that local agencies find that correcting the violation is necessary to comply with the standards specified in Health and Safety Code section 17920.3 (Substandard Buildings). (See amended Gov. Code, § 66332(a)–(f).)

SB 1211 – Replacement Parking Requirements; Multifamily ADUs*Replacement Parking*

Existing state law prohibits the City from requiring off-street parking spaces to be replaced when a garage, carport, or covered parking structure is demolished in conjunction with the construction of, or conversion to, an ADU.

SB 1211 amends this prohibition to now also prohibit a city from requiring replacement parking when an uncovered parking space is demolished for or replaced with an ADU. (See amended Gov. Code, § 66314(d)(11).)

Multifamily ADUs

SB 1211 further defines *livable space* in connection with converted ADUs inside a multifamily dwelling structure. Existing state law requires the City to ministerially approve qualifying building-permit applications for ADUs within “portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages” The term “livable space” is not defined by existing state ADU law.

SB 1211 changes this by adding a new definition: “‘Livable space’ means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.” (See amended Gov. Code, § 66313(e).)

SB 1211 also increases the number of detached ADUs that lots with an existing multifamily dwelling can have. Existing state law allows a lot with an existing or proposed multifamily dwelling to have up to two detached ADUs.

Under SB 1211, a lot with an *existing* multifamily dwelling can have up to eight detached ADUs, or as many detached ADUs as there are primary dwelling units on the lot, whichever is less. (See amended Gov. Code, § 66323(a)(4)(A)(ii).) SB 1211 does not alter the number of ADUs that a lot with a *proposed* multifamily dwelling can have — the limit remains at two. (See amended Gov. Code, § 66323(a)(4).)

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:

Both AB 2533 and SB 1211 take effect January 1, 2025. To remain valid, the City's ADU ordinance must comply with requirements imposed by AB 2533 and SB 1211. Adopting the proposed ordinance ensures that the City's ADU ordinance will be valid under AB 2533 and SB 121.

The proposed ordinance does not conflict with any policies of the General Plan or other City policies or guidelines

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:

Under California Public Resources Code section 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the Government Code, which is California's ADU law, and which also regulates JADUs, as defined by section 66313. Therefore, the adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0259-24, the recommendation will be forwarded to the City Council for consideration.

Prepared by: Kayla Rashad, Executive Assistant

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

Attachments:

1. RSO No. 0259-24 Resolution
2. Draft Ordinance
3. Exhibit A



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0259-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT ZONING ORDINANCE TEXT AMENDMENT NO. 24-28-0100 AMENDING CHAPTER 17.28: “ACCESSORY DWELLING UNITS” OF THE ATWATER MUNICIPAL CODE TO COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17.

WHEREAS, the Planning and Zoning Law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and,

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, a number of bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law; and,

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law on October 16, 2024; and,

WHEREAS, this project is statutorily exempt from California Environmental Quality Act (CEQA) under Public Resources Code § 21080.17; and,

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

WHEREAS, the ZOTA will not have a detrimental effect on the health, safety, and welfare of the neighborhood, nor have any adverse effect on the community; and,

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred; and,

WHEREAS, the Planning Commission finds that the following findings can be made for ZOTA No. 24-28-0100:

1. The proposed ordinance is consistent with the Atwater General Plan.
2. Adoption of the resolution recommending the City Council adopt the proposed ordinance is statutorily exempt from CEQA under Public Resources Code § 21080.17.
3. The public hearing for this project has been adequately noticed and advertised.
4. The project 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 Planning Commission of the City of Atwater does hereby recommend that the City Council adopt ZOTA No. 24-28-0100 as follows:

SECTION 1. Incorporation. The recitals above are true and correct and are each incorporated by reference and adopted as findings by the Planning Commission.

SECTION 2. CEQA. The Planning Commission recommends that the City Council find that, under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the proposed ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. General Plan. The Planning Commission hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 4. Recommendation. Given the foregoing, and based on the entire record before the Planning Commission, the Planning Commission hereby recommends that the City Council adopt the ordinance attached hereto as “Draft Ordinance” and the draft code amendment attached hereto as “Exhibit A.”

SECTION 5. Effective Date. This Resolution takes effect immediately upon adoption.

SECTION 6. Certification; Records. The Planning Commission Secretary shall attest as to the adoption of this Resolution and cause the same to be maintained in the permanent records of the City.

The foregoing resolution is hereby adopted this 16th day of October, 2024.

AYES:

NOES:

ABSENT:

APPROVED:

DON BORGWARDT,
CHAIR

ATTEST:

GREG THOMPSON,
DEPUTY CITY MANAGER /
COMMUNITY DEVELOPMENT DIRECTOR



CITY COUNCIL OF THE CITY OF ATWATER

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATWATER ADOPTING ZONING ORDINANCE TEXT AMENDMENT NO. 24-28-0100 AMENDING CHAPTER 17.28: “ACCESSORY DWELLING UNITS” OF THE ATWATER MUNICIPAL CODE TO COMPLY WITH RECENT CHANGES IN STATE LAW AND FINDING THE ACTION TO BE STATUTORILY EXEMPT FROM CEQA UNDER PUBLIC RESOURCES CODE § 21080.17.

WHEREAS, the City of Atwater, California is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, state law authorizes cities to act by ordinance to provide for the creation and regulation of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”); and

WHEREAS, in recent years, the California Legislature has approved, and the Governor has signed into law, numerous bills that, among other things, amend various sections of the Government Code to impose new limits on local authority to regulate ADUs and JADUs; and

WHEREAS, in 2024, the California Legislature approved, and the Governor signed into law, Assembly Bill 2533 (“AB 2533”) and Senate Bill 1211 (“SB 1211”), which further amend state ADU law; and

WHEREAS, AB 2533 and SB 1211 take effect on January 1, 2025, and for the City’s ADU ordinance to remain valid, it must be amended to reflect the requirements of AB 2533 and SB 1211; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to reflect AB 2533’s and SB 1211’s changes to state law; and

WHEREAS, on October 16, 2024, the Planning Commission held a duly-noticed public hearing and considered the staff report, recommendations by staff, and public testimony concerning this proposed Ordinance. Following the public hearing, the Planning Commission voted to forward the Ordinance to the City Council with a recommendation in favor of its adoption; and

WHEREAS, ___ person(s) spoke in favor of the ordinance, ___ person(s) spoke in opposition of the ordinance, and ___ written comment(s) have been submitted either in opposition or in favor of the plans and specifications for the ordinance; and,

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

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Atwater as follows:

SECTION 1. Incorporation. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. CEQA. Under California Public Resources Code section 21080.17, the California Environmental Quality Act (“CEQA”) does not apply to the adoption of an ordinance by a city or county implementing the provisions of Article 2 of Chapter 13 of Division 1 of Title 7 of the California Government Code, which is California’s ADU law and which also regulates JADUs, as defined by section 66313. Therefore, adoption of the Ordinance is statutorily exempt from CEQA in that it implements state ADU law.

SECTION 3. General Plan. The City Council hereby finds that the adoption of the Ordinance is consistent with the General Plan as a matter of law under Government Code section 66314(c).

SECTION 4. Code Amendment. Chapter 17.28: “Accessory Dwelling Units,” of the Atwater Municipal Code is hereby amended and restated to read in its entirety as provided in “Exhibit A,” attached hereto and incorporated herein by reference.

SECTION 5. Effective Date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in a newspaper of general circulation printed and published in Merced County and circulated in Atwater, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

SECTION 6. HCD Submittal. In accordance with Government Code section 66326, the City Clerk is directed to submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after adoption.

SECTION 7. Publication. The City Clerk is directed to certify to the adoption of this Ordinance and post or publish this Ordinance as required by law.

SECTION 8. Custodian of Records. The custodian of records for this Ordinance is the City Clerk and the records comprising the administrative record are located at 1160 Fifth St, Atwater, CA 95301.

SECTION 9. Severability. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, such invalidity has no effect on the other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this extent, the provisions of this Ordinance are severable. The City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any portion thereof.

INTRODUCED:

ADOPTED:

AYES:

NOES:

ABSENT:

APPROVED:

MIKE NELSON, MAYOR

ATTEST:

KORY J. BILLINGS, CITY CLERK

CHAPTER 17.28: “ACCESSORY DWELLING UNITS”

Section 17.28.010 Accessory Dwelling Units

- A. **Purpose.** The purpose of this section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Chapter 13 of Division 1 of Title 7 of the California Government Code.
- B. **Effect of Conforming.** An ADU or JADU that conforms to the standards in this section will not be:
- (1) Deemed to be inconsistent with the city’s general plan and zoning designation for the lot on which the ADU or JADU is located.
 - (2) Deemed to exceed the allowable density for the lot on which the ADU or JADU is located.
 - (3) Considered in the application of any local ordinance, policy, or program to limit residential growth.
 - (4) Required to correct a nonconforming zoning condition, as defined in subsection (c)(8) below. This does not prevent the city from enforcing compliance with applicable building standards in accordance with Health and Safety Code section 17980.12.
- C. **Definitions.** As used in this section, terms are defined as follows:
- (1) “Accessory dwelling unit” or “ADU” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. An accessory dwelling unit also includes the following:
 - (A) An efficiency unit, as defined by section 17958.1 of the California Health and Safety Code; and
 - (B) A manufactured home, as defined by section 18007 of the California Health and Safety Code.
 - (2) “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.
 - (3) “Complete independent living facilities” means permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated.

- (4) “Director” means the Community Development Director for the City of Atwater
- (5) “Efficiency kitchen” means a kitchen that includes all of the following:
 - (A) A cooking facility with appliances.
 - (B) A food preparation counter and storage cabinets that are of a reasonable size in relation to the size of the JADU.
- (6) “Junior accessory dwelling unit” or “JADU” means a residential unit that satisfies all of the following:
 - (A) It is no more than 500 square feet in size.
 - (B) It is contained entirely within an existing or proposed single-family structure. An enclosed use within the residence, such as an attached garage, is considered to be a part of and contained within the single-family structure.
 - (C) It includes its own separate sanitation facilities or shares sanitation facilities with the existing or proposed single-family structure.
 - (D) If the unit does not include its own separate bathroom, then it contains an interior entrance to the main living area of the existing or proposed single-family structure in addition to an exterior entrance that is separate from the main entrance to the primary dwelling.
 - (E) It includes an efficiency kitchen, as defined in subsection (C)(5) above.
- (7) “Livable space” means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- (8) “Living area” means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.
- (9) “Nonconforming zoning condition” means a physical improvement on a property that does not conform with current zoning standards.
- (10) “Passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU or JADU.
- (11) “Proposed dwelling” means a dwelling that is the subject of a permit application and that meets the requirements for permitting.
- (12) “Public transit” means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

- (13) “Tandem parking” means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

D. **Approvals.** The following approvals apply to ADUs and JADUs under this section:

- (1) **Building-permit Only.** If an ADU or JADU complies with each of the general requirements in subsection (e) below, it is allowed with only a building permit in the following scenarios:
- (A) **Converted on Single-family Lot:** One ADU as described in this subsection (d)(1)(A) and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
- (i) Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or (in the case of an ADU only) within the existing space of an accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress; and
 - (ii) Has exterior access that is independent of that for the single-family dwelling; and
 - (iii) Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
 - (iv) The JADU complies with the requirements of Government Code sections 66333 through 66339.
- (B) **Limited Detached on Single-family Lot:** One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under subsection (d)(1)(A) above), if the detached ADU satisfies each of the following limitations:
- (i) The side- and rear-yard setbacks are at least four feet.
 - (ii) The total floor area is 800 square feet or smaller.
 - (iii) The peak height above grade does not exceed the applicable height limit in subsection (e)(2) below.
- (C) **Converted on Multifamily Lot:** One or more ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. Under this subsection (d)(1)(C), at least one converted ADU is allowed within an existing multifamily dwelling,

up to a quantity equal to 25 percent of the existing multifamily dwelling units.

- (D) **Limited Detached on Multifamily Lot:** No more than two detached ADUs on a lot with a proposed multifamily dwelling, or up to eight detached ADUs on a lot with an existing multifamily dwelling, if each detached ADU satisfies all of the following:
- (i) The side- and rear-yard setbacks are at least four feet. If the existing multifamily dwelling has a rear or side yard setback of less than four feet, the city will not require any modification to the multifamily dwelling as a condition of approving the ADU.
 - (ii) The peak height above grade does not exceed the applicable height limit provided in subsection (e)(2) below.
 - (iii) If the lot has an existing multifamily dwelling, the quantity of detached ADUs does not exceed the number of primary dwelling units on the lot.

(2) **ADU Permit.**

- (A) Except as allowed under subsection (d)(1) above, no ADU may be created without a building permit and an ADU permit in compliance with the standards set forth in subsections (e) and (f) below.
- (B) The city may charge a fee to reimburse it for costs incurred in processing ADU permits, including the costs of adopting or amending the city's ADU ordinance. The ADU-permit processing fee is determined by the director of community development and approved by the city council by resolution.

(3) **Process and Timing.**

- (A) An ADU permit is considered and approved ministerially, without discretionary review or a hearing.
- (B) The city must approve or deny an application to create an ADU or JADU within 60 days from the date that the city receives a completed application. If the city has not approved or denied the completed application within 60 days, the application is deemed approved unless either:
 - (i) The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay, or
 - (ii) When an application to create an ADU or JADU is submitted with a permit application to create a new single-family or multifamily

dwelling on the lot, the city may delay acting on the permit application for the ADU or JADU until the city acts on the permit application to create the new single-family or multifamily dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

- (C) If the city denies an application to create an ADU or JADU, the city must provide the applicant with comments that include, among other things, a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by subsection (d)(3)(B) above.
- (D) A demolition permit for a detached garage that is to be replaced with an ADU is reviewed with the application for the ADU and issued at the same time.

E. **General ADU and JADU Requirements.** The following requirements apply to all ADUs and JADUs that are approved under subsections (d)(1) or (d)(2) above:

(1) **Zoning.**

- (A) An ADU subject only to a building permit under subsection (d)(1) above may be created on a lot in a residential or mixed-use zone.
- (B) An ADU subject to an ADU permit under subsection (d)(2) above may be created on a lot that is zoned to allow single-family dwelling residential use or multifamily dwelling residential use.
- (C) In accordance with Government Code section 66333(a), a JADU may only be created on a lot zoned for single-family residences.

(2) **Height.**

- (A) Except as otherwise provided by subsections (e)(2)(B) and (e)(2)(C) below, a detached ADU created on a lot with an existing or proposed single family or multifamily dwelling unit may not exceed 16 feet in height.
- (B) A detached ADU may be up to 18 feet in height if it is created on a lot with an existing or proposed single family or multifamily dwelling unit that is located within one-half mile walking distance of a major transit stop or high quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code, and the ADU may be up to two additional feet in height (for a maximum of 20 feet) if necessary to accommodate a roof pitch on the ADU that is aligned with the roof pitch of the primary dwelling unit.

- (C) A detached ADU created on a lot with an existing or proposed multifamily dwelling that has more than one story above grade may not exceed 18 feet in height.
 - (D) An ADU that is attached to the primary dwelling may not exceed 25 feet in height or the height limitation imposed by the underlying zone that applies to the primary dwelling, whichever is lower. Notwithstanding the foregoing, ADUs subject to this subsection (e)(2)(D) may not exceed two stories.
 - (E) For purposes of this subsection (e)(2), height is measured from existing legal grade or the level of the lowest floor, whichever is lower, to the peak of the structure.
- (3) **Fire Sprinklers.**
- (A) Fire sprinklers are required in an ADU if sprinklers are required in the primary residence.
 - (B) The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling.
- (4) **Rental Term.** No ADU or JADU may be rented for a term that is shorter than 30 days. This prohibition applies regardless of when the ADU or JADU was created.
- (5) **No Separate Conveyance.** An ADU or JADU may be rented, but, except as otherwise provided in Government Code section 66341, no ADU or JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling (in the case of a single-family lot) or from the lot and all of the dwellings (in the case of a multifamily lot).
- (6) **Septic System.** If the ADU or JADU will connect to an onsite wastewater-treatment system, the owner must include with the application a percolation test completed within the last five years or, if the percolation test has been recertified, within the last 10 years.
- (7) **Owner Occupancy.**
- (A) ADUs created under this section on or after January 1, 2020 are not subject to an owner-occupancy requirement.
 - (B) As required by state law, all JADUs are subject to an owner-occupancy requirement. A natural person with legal or equitable title to the property must reside on the property, in either the primary dwelling or JADU, as the person's legal domicile and permanent residence. However, the owner-occupancy requirement in this subsection (e)(7)(B) does not apply if the property is entirely owned by another governmental agency, land trust, or housing organization.

- (8) **Deed Restriction.** Prior to issuance of a certificate of occupancy for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:
- (A) Except as otherwise provided in Government Code section 66341, the ADU or JADU may not be sold separately from the primary dwelling.
 - (B) The ADU or JADU is restricted to the approved size and to other attributes allowed by this section.
 - (C) The deed restriction runs with the land and may be enforced against future property owners.
 - (D) The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Director, providing evidence that the ADU or JADU has in fact been eliminated. The Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed, but is only eliminated by virtue of having a necessary component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.
 - (E) The deed restriction is enforceable by the director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.
- (9) **Rent Reporting.** In order to facilitate the city's obligation to identify adequate sites for housing in accordance with Government Code sections 65583.1 and 66330, the following requirements must be satisfied:
- (A) With the building-permit application, the applicant must provide the city with an estimate of the projected annualized rent that will be charged for the ADU or JADU.
 - (B) Within 90 days after each January 1 following issuance of the building permit, the owner must report the actual rent charged for the ADU or JADU during the prior year. If the city does not receive the report within the 90-day period, the owner is in violation of this Code, and the city may

send the owner a notice of violation and allow the owner another 30 days to submit the report. If the owner fails to submit the report within the 30-day period, the city may enforce this provision in accordance with applicable law.

(10) **Building & Safety.**

- (A) **Must comply with building code.** Subject to subsection (e)(10)(B) below, all ADUs and JADUs must comply with all local building code requirements.
- (B) **No change of occupancy.** Construction of an ADU does not constitute a Group R occupancy change under the local building code, as described in Section 310 of the California Building Code, unless the building official or Code Enforcement Division officer makes a written finding based on substantial evidence in the record that the construction of the ADU could have a specific, adverse impact on public health and safety. Nothing in this subsection (e)(10)(B) prevents the city from changing the occupancy code of a space that was uninhabitable space or that was only permitted for nonresidential use and was subsequently converted for residential use in accordance with this section.

F. Specific ADU Requirements. The following requirements apply only to ADUs that require an ADU permit under subsection (d)(2) above.

(1) **Maximum Size.**

- (A) The maximum size of a detached or attached ADU subject to this subsection (f) is 850 square feet for a studio or one-bedroom unit and 1,000 square feet for a unit with two or more bedrooms.
- (B) An attached ADU that is created on a lot with an existing primary dwelling is further limited to 50 percent of the floor area of the existing primary dwelling.
- (C) Application of other development standards in this subsection (f), such as FAR or lot coverage, might further limit the size of the ADU, but no application of the percent-based size limit in subsection (f)(1)(B) above or of an FAR, front setback, lot coverage limit, or open-space requirement may require the ADU to be less than 800 square feet.

(2) **Floor Area Ratio (FAR).** No ADU subject to this subsection (f) may cause the total FAR of the lot to exceed 45 percent, subject to subsection (f)(1)(C) above.

(3) **Setbacks.**

(A) ADUs that are subject to this subsection (f) must conform to 4-foot side and rear setbacks. ADUs that are subject to this subsection (f) must conform to 25-foot front setbacks, subject to subsection (f)(1)(C) above.

(B) No setback is required for an ADU that is subject to this subsection (f) if the ADU is constructed in the same location and to the same dimensions as an existing structure.

(4) **Lot Coverage.** No ADU subject to this subsection (f) may cause the total lot coverage of the lot to exceed 50 percent, subject to subsection (f)(1)(C) above.

(5) **Minimum Open Space.** No ADU subject to this subsection (f) may cause the total percentage of open space of the lot to fall below 50 percent, subject to subsection (f)(1)(C) above.

(6) **Passageway.** No passageway, as defined by subsection (c)(9) above, is required for an ADU.

(7) **Parking.**

(A) Generally. One off-street parking space is required for each ADU. The parking space may be provided in setback areas or as tandem parking, as defined by subsection (c)(12) above.

(B) Exceptions. No parking under subsection (f)(7)(A) is required in the following situations:

(i) The ADU is located within one-half mile walking distance of public transit, as defined in subsection (c)(11) above.

(ii) The ADU is located within an architecturally and historically significant historic district.

(iii) The ADU is part of the proposed or existing primary residence or an accessory structure under subsection (d)(1)(A) above.

(iv) When on-street parking permits are required but not offered to the occupant of the ADU.

(v) When there is an established car share vehicle stop located within one block of the ADU.

(vi) When the permit application to create an ADU is submitted with an application to create a new single-family or new multifamily dwelling on the same lot, provided that the ADU or the lot satisfies any other criteria listed in subsections (f)(7)(B)(i) through (v) above.

- (C) No Replacement. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an ADU or converted to an ADU, those off-street parking spaces are not required to be replaced.

(8) **Architectural Requirements.**

- (A) The materials and colors of the exterior walls, roof, and windows and doors must be the same as those of the primary dwelling.
- (B) The roof slope must match that of the dominant roof slope of the primary dwelling. The dominant roof slope is the slope shared by the largest portion of the roof.
- (C) The exterior lighting must be limited to down-lights or as otherwise required by the building or fire code.
- (D) The ADU must have an independent exterior entrance, apart from that of the primary dwelling.
- (E) The interior horizontal dimensions of an ADU must be at least 10 feet wide in every direction, with a minimum interior wall height of seven feet.
- (F) No window or door of the ADU may have a direct line of sight to an adjoining residential property. Each window and door must either be located where there is no direct line of sight or screened using fencing, landscaping, or privacy glass to prevent a direct line of sight.
- (G) All windows and doors in an ADU less than 30 feet from a property line that is not a public right-of-way line must either be (for windows) clerestory with the bottom of the glass at least six feet above the finished floor, or (for windows and for doors) utilize frosted or obscure glass.

(9) **Landscape Requirements.** Evergreen landscape screening must be planted and maintained between the ADU and adjacent parcels as follows:

- (A) At least one 15-gallon size plant must be provided for every five linear feet of exterior ADU wall. Alternatively, at least one 24" box size plant must be provided for every ten linear feet of exterior ADU wall.
- (B) Plant specimens must be at least six feet tall when installed. As an alternative, a solid fence of at least six feet in height may be installed.
- (C) All landscaping must be drought-tolerant.
- (D) All landscaping must be from the city's approved plant list.

- (10) **Historical Protections.** An ADU that is on or within 600 feet of real property that is listed in the California Register of Historic Resources must be located so as to not be visible from any public right-of-way.
- (11) **Allowed Stories.** No ADU subject to this subsection (f) may have more than one story, except that an ADU that is attached to the primary dwelling may have the stories allowed under subparagraph (e)(2)(D) of this section.

G. **Fees.** The following requirements apply to all ADUs that are approved under subsections (d)(1) or (d)(2) above.

(1) **Impact Fees.**

- (A) No impact fee is required for an ADU that is less than 750 square feet in size. For purposes of this subsection (g)(1), “impact fee” means a “fee” under the Mitigation Fee Act (Gov. Code § 66000(b)) and a fee under the Quimby Act (Gov. Code § 66477). “Impact fee” here does not include any connection fee or capacity charge for water or sewer service.
- (B) Any impact fee that is required for an ADU that is 750 square feet or larger in size must be charged proportionately in relation to the square footage of the primary dwelling unit. (E.g., the floor area of the ADU, divided by the floor area of the primary dwelling, times the typical fee amount charged for a new dwelling.)

(2) **Utility Fees.**

- (A) If an ADU is constructed with a new single-family home, a separate utility connection directly between the ADU and the utility and payment of the normal connection fee and capacity charge for a new dwelling are required.
- (B) Except as described in subsection (g)(2)(A), converted ADUs on a single-family lot that are created under subsection (d)(1)(A) above are not required to have a new or separate utility connection directly between the ADU and the utility. Nor is a connection fee or capacity charge required.
- (C) Except as described in subsection (g)(2)(A), all ADUs that are not covered by subsection (g)(2)(B) require a new, separate utility connection directly between the ADU and the utility for any utility that is provided by the city. All utilities that are not provided by the city are subject to the connection and fee requirements of the utility provider.
 - (i) The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU based on either the floor area or the number of drainage-fixtures units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system.

- (ii) The portion of the fee or charge that is charged by the city may not exceed the reasonable cost of providing this service.

H. Nonconforming Zoning Code Conditions, Building Code Violations, and Unpermitted Structures.

- (1) **Generally.** The city will not deny an ADU or JADU application due to a nonconforming zoning condition, building code violation, or unpermitted structure on the lot that does not present a threat to the public health and safety and that is not affected by the construction of the ADU or JADU.
- (2) **Unpermitted ADUs and JADUs constructed before 2020.**
 - (A) **Permit to Legalize.** As required by state law, the city may not deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if denial is based on either of the following grounds:
 - (i) The ADU or JADU violates applicable building standards, or
 - (ii) The ADU or JADU does not comply with state ADU or JADU law or this ADU ordinance (section NN.NNN).
 - (B) **Exceptions:**
 - (i) Notwithstanding subsection (h)(2)(A) above, the city may deny a permit to legalize an existing but unpermitted ADU or JADU that was constructed before January 1, 2020, if the city makes a finding that correcting a violation is necessary to comply with the standards specified in California Health and Safety Code section 17920.3.
 - (ii) Subsection (h)(2)(A) above does not apply to a building that is deemed to be substandard in accordance with California Health and Safety Code section 17920.3.

- I. Nonconforming ADUs and Discretionary Approval.** Any proposed ADU or JADU that would otherwise be allowed under this section but that does not conform to the objective design or development standards set forth in subsections (a) through (h) of this section may be allowed by the city with a conditional use permit, in accordance with the other provisions of this title.