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- 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 15, 2025

CALL TO ORDER:

INVOCATION:

Invocation by Police Chaplain

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Conour____, Kadach____, Mokha____, Sanchez-Garcia ____, 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.)



6:00 PM

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.

PETITIONS AND COMMUNICATIONS:

None

PUBLIC HEARINGS:

- 1. 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 Osborn Park Expansion project; and approve General Plan Amendment No. 25-01-0200, and Zone Change No. 25-01-0300 for the project located at 501 E. Bellevue Rd., Atwater (APN 156-060-009, -011, and -025).**

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

Close the public hearing;

Make a finding that the action is subject to environmental review pursuant to CEQA and 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 Osborn Park Expansion project; and approve General Plan Amendment No. 25-01-0200, and Zone Change No. 25-01-0300 for the project located at 501 E. Bellevue Rd., Atwater (APN 156-060-009, -011, and -025).

- 2. Public hearing to recommend that the City Council of the City of Atwater adopt Zoning Ordinance Text Amendment No. 25-16-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to adjust the setbacks for carports in Section 17.16.080 of this chapter.**

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

Close the public hearing;

Make a finding that the Zoning Ordinance Text Amendment is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, (b)(3) and adopt Resolution No. 0275-25 recommending City Council to adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal

Code to adjust the setbacks for carports in Section 17.16.080 of this chapter.

- 3. Public hearing to consider adopting a resolution recommending City Council adopt Zoning Ordinance Text Amendment No. 25-17-0100 amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth in Section 17.16.050 of this chapter and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06).**

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

Close the public hearing;

Make a finding that the Zoning Ordinance Text Amendment is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, (b)(3) and adopt Resolution No. 0276-25 recommending City Council to adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth in Section 17.16.050 of this chapter and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06.

REPORTS AND PRESENTATION FROM STAFF:

4. Staff 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, Scott Ruffalo, 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.

Scott Ruffalo

Scott Ruffalo, 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.



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION

Donald Borgwardt, Chair

Mayra Sanchez-Garcia Jag Mokha

Harold Kadach Shawn Conour

MEETING DATE: October 15, 2025

TO: Chair and Commissioners

FROM: Chris Hoem, City Manager

SUBJECT: 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 Osborn Park Expansion project; and approve General Plan Amendment No. 25-01-0200, and Zone Change No. 25-01-0300 for the project located at 501 E. Bellevue Rd., Atwater (APN 156-060-009, -011 (portion), and -025).

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and receive any testimony given; and
2. Close the public hearing; and
3. Adopt Resolution No.0265-25 recommending the City Council of the City of Atwater adopt an Initial Study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) for the Osborn Park Expansion Project; and approve General Plan Amendment No. 25-01-0200 and Zone Change No. 25-01-0300 for the project located at 201 E. Bellevue Rd., Atwater (APN 156-060-009, -011 (portion), and -025).

I. BACKGROUND:

The subject property is located on the northwest corner of East Bellevue Road and the irrigation canal at 501 East Bellevue Road. Osborn Park, including the proposed expansion area, consists of four (4) parcels that total approximately 5.4 acres (APNs 156-060-008-000 (portion), 156-060-009-000, 156-060-011-000 (portion), and 156-060-025-000).

The project includes a General Plan Amendment to change the land use designation for three (3) parcels, 156-060-009, 156-060-011 (portion), and 156-060-025 from COM – Commercial to

PK- Park land use designation. The project also includes changing the zoning district for three (3) parcels, APNs 156-060-009, 156-060-011 (portion), and 156-060-025 from C-G – General Commercial to C-G-OS – General Commercial – Open Space Combining zone district. The project would expand and redevelop the existing Osborn Park to include additional parking and sports fields, including, for example, a baseball field, two basketball courts, a pickleball court, a volleyball court, or other similar recreational activities, a walking path, 164 additional parking stalls, a second point of drive access, as well as improvements including curb, gutter, sidewalk, and landscaping.

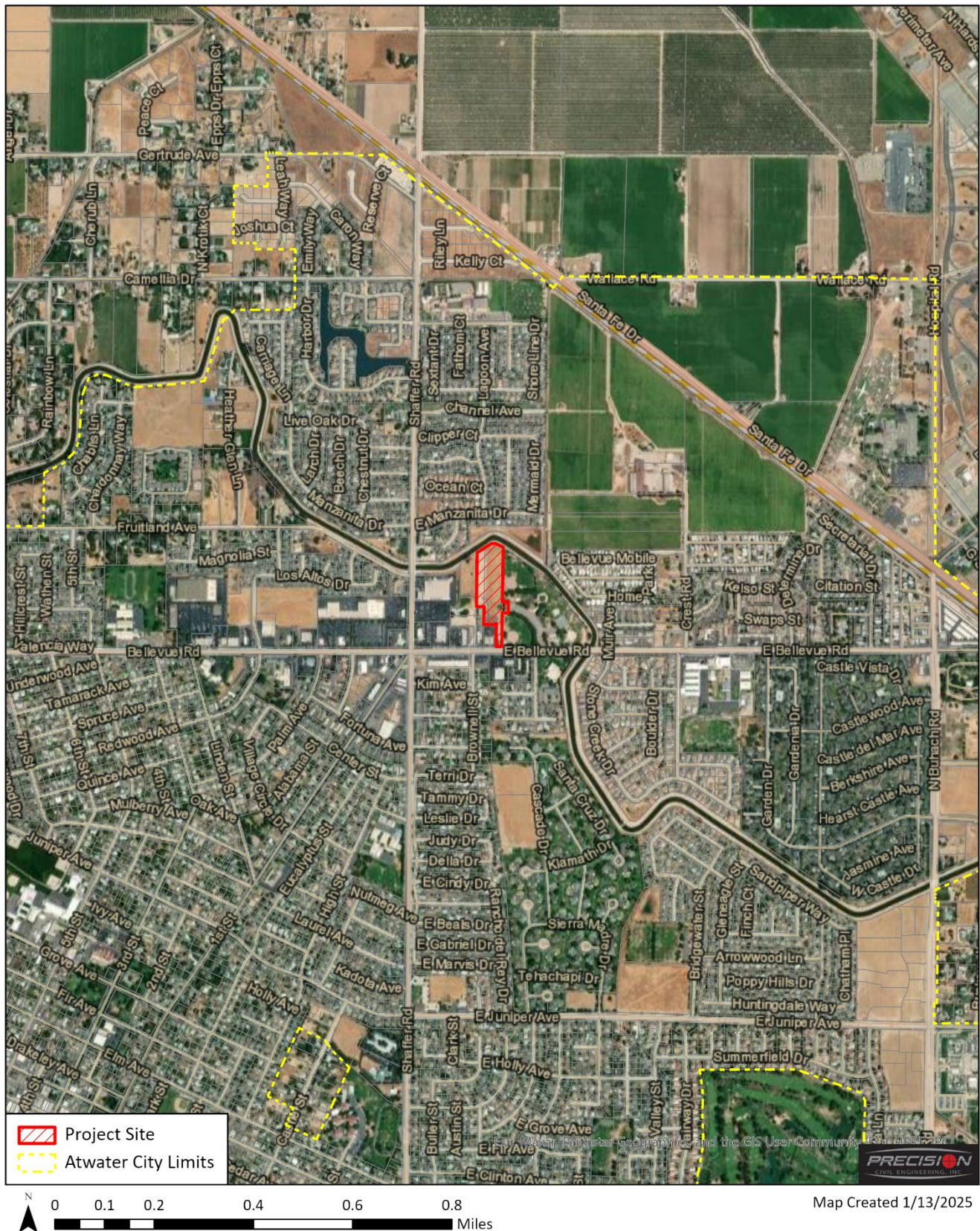
The project required the preparation of a Mitigated Negative Declaration which was completed by Precision Civil Engineering, Inc in April of 2025. The City submitted the project for public review to the Office of Planning and Research on April 3, 2025. The comment period for the Mitigated Negative Declaration closed on April 23, 2025.

II. ANALYSIS:

Osborn Park, including the proposed expansion area, consists of four (4) parcels and is currently zoned as Low-Density Residential and General Commercial with a General Plan land use designation of Commercial and Park. The proposed expansion area is presently undeveloped and does not include any structures. The proposed development would be accessed from both East Bellevue Road and the existing parking area at Osborn Park.

A conceptual map is included in this item. More outreach will be necessary to refine the site

Figure 1: Site Location

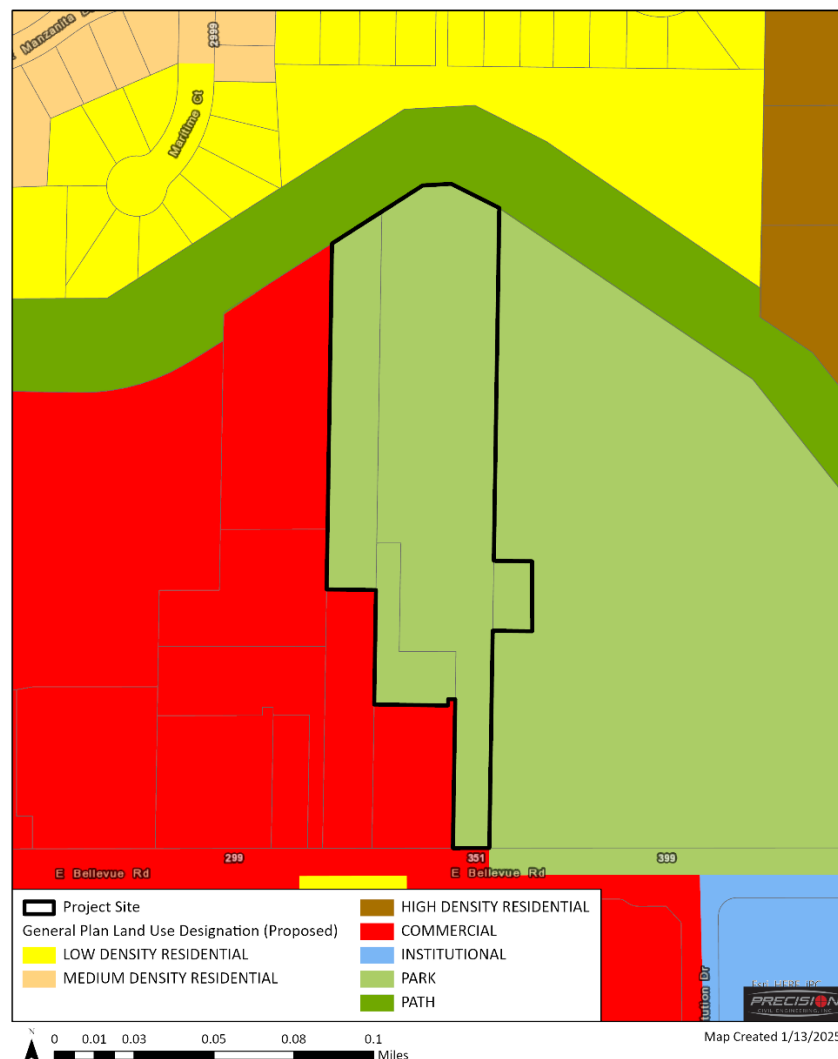


Land Use Designation: The project area has a General Plan Land Use designation of COM – Commercial and PK – Park. The proposal is for a General Plan Amendment to change the land use designation of three (3) parcels, 156-060-009, 156-060-011 (portion), and 156-060-025 from COM to PK land use designation.

The PK land use designation is intended to indicate the location of existing and planned public park facilities ranging from neighborhood to community parks. The project intends to redevelop and extend the existing Osborn Park and is consistent with the proposed designated use of the Atwater General Plan land use designation.

The project supports applicable General Plan policies, including **Policy LU-23.1**, which states: *“The City shall strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.”* The proposed expansion will add approximately 5.2 acres of public park land, thereby contributing to the City’s goal of maintaining adequate parkland per capita and enhancing recreational opportunities for residents.

Figure 2: Proposed Land Use Designation

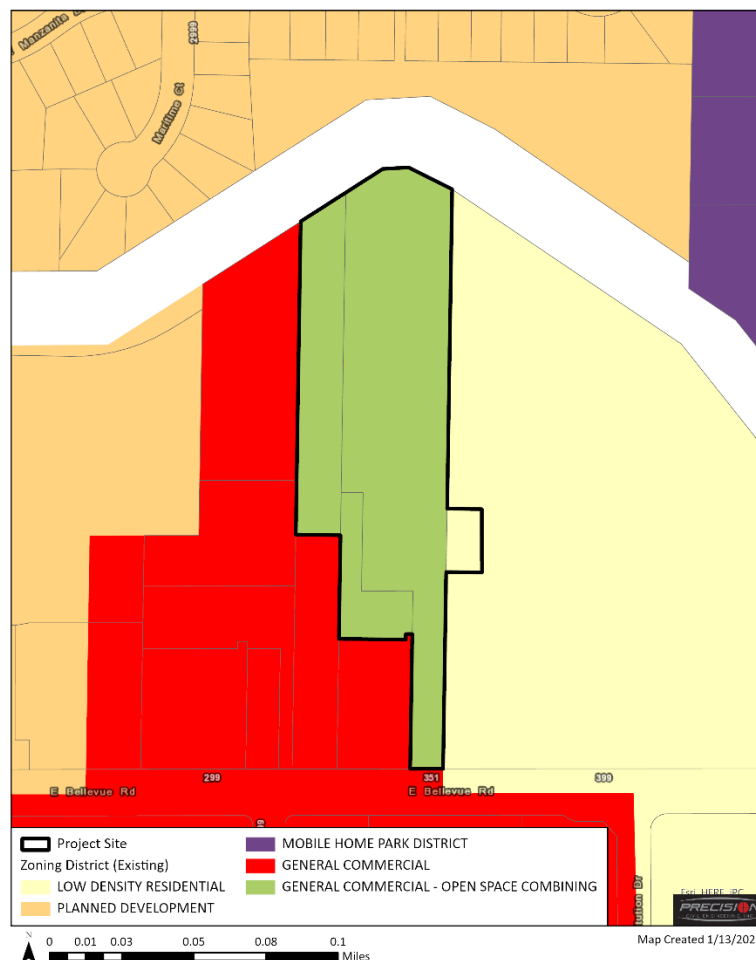


Zoning: The project is located within a General Commercial (C-G) zone district. The proposal includes a zone change to rezone three (3) parcels, 156-060-009, 156-060-011 (portion), and 156-060-025 from C-G to General Commercial – Open Space Combining (C-G-OS) zone district.

The proposed rezoning would facilitate the redevelopment and expansion of the existing Osborn Park with additional parking and sports fields, including for example, a baseball field, two basketball courts, a pickleball court, a volleyball court, or other similar recreational activities, and a walking path.

The Open Space Combining District was established to be consistent with the General Plan Open Space and Recreation element. The zone's objectives are to protect and maintain land to be used for outdoor recreation, the maintenance of public safety, and to encourage proper and orderly growth of the City to efficiently utilize public services, and to enhance the environment.

Figure 3: Proposed Zoning



Surrounding Uses: The project site is surrounded by existing irrigation canal, single-family residences to the north, commercial to the south, Osborn Park to the east, and a city storm basin to the west. The proposed use of park would be compatible with the uses described within the surrounding areas.

III. FISCAL IMPACTS:

This item would not have any significant negative fiscal impacts.

IV. LEGAL REVIEW:

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

V. EXISTING POLICY:

Under section 17.38.080 of the A.M.C – General Commercial Districts, "All uses in the C-G zone shall require site plan approval and design review as described elsewhere in this title."

VI. INTERDEPARTMENTAL COORDINATION:

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

VII. PUBLIC PARTICIPATION:

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

VIII. ENVIRONMENTAL REVIEW:

Pursuant to the California Environmental Quality Act, an Initial Study and Mitigated Negative Declaration (IS/MND) was prepared for this project under Section 15073 and its findings were made public and available for a 20-day public comment period beginning on April 4, 2025. The public comment period closed on April 23, 2025. The City's intent to adopt a Mitigated Negative Declaration was made known under Section 15070.

Furthermore, no new change in the surrounding area has occurred that would contribute to findings that would be considered significant or represent a major change to the environment.

IX. STEPS FOLLOWING APPROVAL:

Following approval of Resolution No. PC 0265-25, further public outreach and design will follow.

Prepared by: Sonia Ho and Bonique Emerson, AICP, Contract Planners

Submitted by: 
Chris Hoem, City Manager

Attachments:

1. Resolution No. 0265-25
2. Conceptual Map
3. Draft Initial Study and Mitigated Negative Declaration



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. PC 0265-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL OF THE CITY OF ATWATER ADOPT AN INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THE PROJECT IN ACCORDANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FOR THE OSBORN PARK EXPANSION PROJECT; AND APPROVE, GENERAL PLAN AMENDMENT NO. 25-01-0200 AND ZONE CHANGE NO. 25-01-0300 (APN 156-060-009, -011 (portion), and -025).

WHEREAS, at a duly noticed public hearing held on October 15, 2025, the Planning Commission of the City of Atwater reviewed a request for the redevelopment and expansion of Osborn Park located on the northwest corner of East Bellevue and the irrigation canal at 501 E. Bellevue Road, Atwater (APN 156-060-009, -011 (portion), and -025).

WHEREAS, General Plan Amendment No. 25-01-0200 requests to change 5.2 acres of existing Commercial land use to Park land use designation. Zone Change No. 25-01-0300 requests to rezone 5.2 acres of existing General Commercial zone district to General Commercial – Open Space Combining zone district. These changes are illustrated in the attached Initial Study and Mitigated Negative Declaration, dated April 2025, and incorporated herein.

WHEREAS, pursuant to California Environmental Quality Act (CEQA) of 1970, an Initial Study and Mitigated Negative Declaration dated April 2025 was prepared for this project; and

WHEREAS, the proposed General Plan Amendment No. 25-01-0200 and Zone Change No. 25-01-0300, will not have a detrimental effect on the health, safety, and welfare of the neighborhood nor have any adverse effect on the community.

WHEREAS, the Planning Commission has determined that the following findings can be made for proposed General Plan Amendment No. 25-01-0200 and Zone Change No. 25-01-0300 in support of the Project:

1. That the application proposes the redevelopment and expansion of Osborn Park, on approximately 5.4 acres, located on the northwest corner of East Bellevue and the

irrigation canal at 501 E. Bellevue Road, Atwater (APN 156-060-009, -011 (portion), and -025).

2. The project site is consistent with the City's General Plan and Zoning Ordinance, pending General Plan Amendment No. 25-01-0200.
3. That this project required the preparation of an Initial Study and Mitigated Negative Declaration under CEQA guideline section 15070.
4. The public hearing for this General Plan Amendment, and Zone Change was adequately noticed and advertised.
5. Adoption of the resolution will not have a detrimental effect on the health, safety, and welfare of the neighborhood or any adverse effects on the community.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Atwater does hereby approve General Plan Amendment No. 25-01-0200 and Zone Change No. 25-01-0300.

The foregoing resolution is hereby adopted this 15th day of October 2025.

AYES:

NOES:

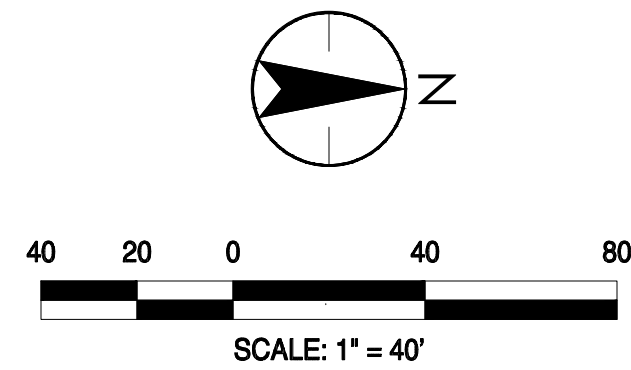
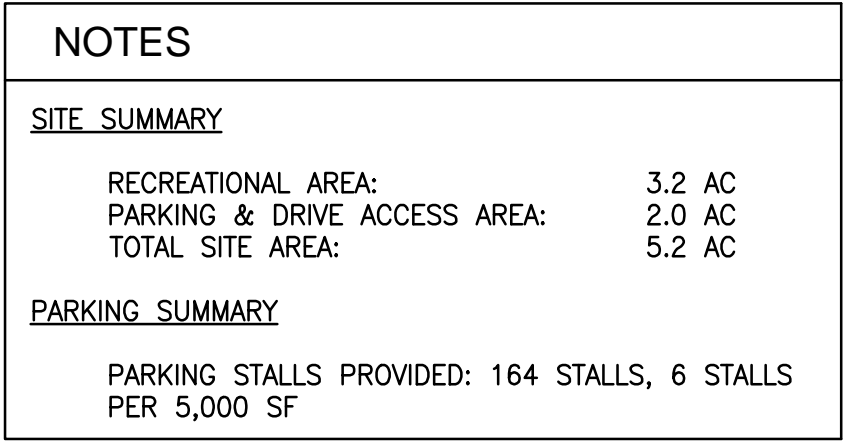
ABSENT:

APPROVED:

**DON BORGWARDT,
CHAIR**

ATTEST:

**CHRIS HOEM,
CITY MANAGER**



Osborn Park Expansion:
General Plan Amendment (GPA) No. 25-01-0200, Zone Change (ZC)
No. 25-01-0300, and Site Plan (SP) No. 25-01-0100
INITIAL STUDY – MITIGATED NEGATIVE DECLARATION
PUBLIC REVIEW DRAFT
APRIL 2025

Prepared for
City of Atwater
750 Bellevue Road
Atwater, CA 95301

Table of Contents

1	INTRODUCTION	7
1.1	Regulatory Information.....	7
1.2	Document Format.....	7
2	ENVIRONMENTAL CHECKLIST FORM.....	9
2.1	Project Title.....	9
2.2	Lead Agency Name and Address.....	9
2.3	Contact Person and Phone Number	9
2.4	Study Prepared By.....	9
2.5	Project Location	9
2.6	Latitude and Longitude	9
2.7	General Plan Designation.....	12
2.8	Zoning.....	12
2.9	Description of Project	17
2.10	Project Setting and Surrounding Land Uses.....	17
2.11	Other Public Agencies Whose Approval is Required.....	18
2.12	Consultation with California Native American Tribes.....	20
3	DETERMINATION.....	21
3.1	Environmental Factors Potentially Affected	21
3.2	Determination.....	21
4	EVALUATION OF ENVIRONMENTAL IMPACTS	23
4.1	AESTHETICS.....	23
4.1.1	Environmental Setting	23
4.1.2	Impact Assessment	24
4.1.3	Mitigation Measures.....	25
4.2	AGRICULTURE AND FORESTRY RESOURCES	26
4.2.1	Environmental Setting	26
4.2.2	Impact Assessment	27
4.2.3	Mitigation Measures.....	28
4.3	AIR QUALITY.....	29

4.3.1	Environmental Setting	29
4.3.2	Impact Assessment	34
4.3.3	Mitigation Measures	35
4.4	BIOLOGICAL RESOURCES	36
4.4.1	Environmental Setting	37
4.4.2	Impact Assessment	42
4.4.3	Mitigation Measures	44
4.5	CULTURAL RESOURCES	45
4.5.1	Environmental Setting	45
4.5.2	Impact Assessment	46
4.5.3	Mitigation Measures	47
4.6	ENERGY	48
4.6.1	Environmental Setting	48
4.6.2	Impact Assessment	49
4.6.3	Mitigation Measures	49
4.7	GEOLOGY AND SOILS	50
4.7.1	Environmental Setting	51
4.7.2	Impact Assessment	52
4.7.3	Mitigation Measures	54
4.8	GREENHOUSE GAS EMISSIONS	55
4.8.1	Environmental Setting	55
4.8.2	Impact Assessment	57
4.8.3	Mitigation Measures	60
4.9	HAZARDS AND HAZARDOUS MATERIAL	61
4.9.1	Environmental Setting	61
4.9.2	Impact Assessment	63
4.9.3	Mitigation Measures	65
4.10	HYDROLOGY AND WATER QUALITY	66
4.10.1	Environmental Setting	67
4.10.2	Impact Assessment	69

4.10.3	Mitigation Measures	73
4.11	LAND USE PLANNING	74
4.11.1	Environmental Setting	74
4.11.2	Impact Assessment	74
4.11.3	Mitigation Measures	75
4.12	MINERAL RESOURCES	76
4.12.1	Environmental Setting	76
4.12.2	Impact Assessment	76
4.12.3	Mitigation Measures	77
4.13	NOISE	78
4.13.1	Environmental Setting	78
4.13.2	Impact Assessment	79
4.13.3	Mitigation Measures	81
4.14	POPULATION AND HOUSING	82
4.14.1	Environmental Setting	82
4.14.2	Impact Assessment	83
4.14.3	Mitigation Measures	83
4.15	PUBLIC SERVICES	84
4.15.1	Environmental Setting	84
4.15.2	Impact Assessment	85
4.15.3	Mitigation Measures	86
4.16	RECREATION	87
4.16.1	Environmental Setting	87
4.16.2	Impact Assessment	88
4.16.3	Mitigation Measures	88
4.17	TRANSPORTATION	89
4.17.1	Environmental Setting	89
4.17.2	Impact Assessment	92
4.17.3	Mitigation Measures	93
4.18	TRIBAL CULTURAL RESOURCES	94

4.18.1	Environmental Setting	94
4.18.2	Impact Assessment	94
4.18.3	Mitigation Measures	95
4.19	UTILITIES AND SERVICE SYSTEMS.....	96
4.19.1	Environmental Setting	96
4.19.2	Impact Assessment	97
4.19.3	Mitigation Measures	99
4.20	WILDFIRE.....	100
4.20.1	Environmental Setting	100
4.20.2	Impact Assessment	101
4.20.3	Mitigation Measures	101
4.21	MANDATORY FINDINGS OF SIGNIFICANCE	102
4.21.1	Impact Assessment	102
4.21.2	Mitigation Measures	103
5	MITIGATION MONITORING AND REPORTING PROGRAM.....	104
6	REPORT PREPARATION	106
7	APPENDICES	107
7.1	Appendix A: CNDDDB Occurrence Report.....	107
7.2	Appendix B: CHRIS Search Record.....	108
7.3	Appendix C: NAHC SLF Results Letter.....	109
7.4	Appendix D: CalEEMod Results	110

Figures

Figure 2-1	Project Location	10
Figure 2-2	Project Site Aerial Image	11
Figure 2-3	City of Atwater General Plan Land Use Designation (Existing).....	13
Figure 2-4	City of Atwater General Plan Land Use Designation (Proposed).....	14
Figure 2-5	City of Atwater Zoning District (Existing)	15
Figure 2-6	City of Atwater Zoning District (Proposed)	16
Figure 2-7	Project Site Plan	19

Figure 4-1 CNDDDB Species Occurrences	40
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Tables

Table 2-1 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties	18
Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance2F	32
Table 4-2 SPAL Thresholds for Recreational Projects.....	34
Table 4-3 SPAL Significance Thresholds	34
Table 4-4 Special-Status Species Occurrences within 5-mile radius of Project site	39
Table 4-5 Essential Habitats and Potential Existence of Special-Status Species on Site.....	41
Table 4-6 Consistency with General Plan Energy Conservation Policies	49
Table 4-7 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis	58
Table 4-8 Projected Potable Water Demand by Sector, 2025 – 2040.....	70
Table 4-9 Discussion on Land Use Policies in the General Plan for Residential Development	75
Table 4-10 Receptors and Baseline Analyzed in the RCNM	80
Table 4-11 Project Trip Generation.....	93

1 INTRODUCTION

Precision Civil Engineering, Inc. (PCE) has prepared this Initial Study/Mitigated Negative Declaration (IS/MND) on behalf of the City of Atwater (City) to address the environmental effects of the proposed Osborn Park Expansion (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA), Public Resources Code *Section 21000 et. seq.* The City of Atwater is the Lead Agency for this proposed Project. The site and the proposed Project are described in detail in **SECTION 2 ENVIRONMENTAL CHECKLIST FORM**.

1.1 Regulatory Information

An Initial Study (IS) is a document prepared by a lead agency to determine whether a project may have a significant effect on the environment. In accordance with California Code of Regulations Title 14 (Chapter 3, Section 15000, et seq.), also known as the CEQA Guidelines, *Section 15064 (a)(1)* states that an environmental impact report (EIR) must be prepared if there is substantial evidence in light of the whole record that the proposed Project under review may have a significant effect on the environment and should be further analyzed to determine mitigation measures or project alternatives that might avoid or reduce project impacts to less than significant levels.

A negative declaration (ND) may be prepared instead if the lead agency finds that there is no substantial evidence in light of the whole record that the project may have a significant effect on the environment. An ND is a written statement describing the reasons why a proposed Project, not otherwise exempt from CEQA, would not have a significant effect on the environment and, therefore, why it would not require the preparation of an EIR (CEQA Guidelines *Section 15371*). According to CEQA Guidelines *Section 15070*, a ND or mitigated ND shall be prepared for a project subject to CEQA when either:

a. The IS shows there is no substantial evidence, in light of the whole record before the agency, that the proposed Project may have a significant effect on the environment, or

b. The IS identified potentially significant effects, but:

- 1. Revisions in the project plans or proposals made by or agreed to by the applicant before the proposed Mitigated Negative Declaration and Initial Study is released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur is prepared, and*
- 2. There is no substantial evidence, in light of the whole record before the agency, that the proposed Project as revised may have a significant effect on the environment.*

1.2 Document Format

This IS/MND contains five (5) chapters plus appendices. **SECTION 1 INTRODUCTION** provides bases of the IS/MND's regulatory information and an overview of the Project. **SECTION 2 ENVIRONMENTAL CHECKLIST FORM** provides a detailed description of Project components. **SECTION 3 DETERMINATION** concludes that the Initial Study is a mitigated negative declaration, identifies the environmental factors potentially affected based on the analyses contained in this IS, and includes with the Lead Agency's determination based upon those analyses. **SECTION 4 EVALUATION OF ENVIRONMENTAL IMPACTS** presents the CEQA checklist and environmental analyses for all impact areas and the mandatory findings of significance. A brief discussion of the reasons why the Project impact is anticipated to be potentially significant, less than significant with mitigation incorporated, less than significant, or why no impacts are expected is included. **SECTION 5 MITIGATION MONITORING AND REPORTING PROGRAM** presents the mitigation measures recommended in the IS/MND for the Project. The CNDDDB Occurrence Report,

CHRIS Search Record, NAHC SLF Results Letter, and CalEEMod Results are provided as [Appendix A](#), [Appendix B](#), [Appendix C](#), and [Appendix D](#) respectively, at the end of this document.

2 ENVIRONMENTAL CHECKLIST FORM

This section describes the components of the proposed Project in more detail, including project location, project objectives, and required project approvals.

2.1 Project Title

Osborn Park Expansion (General Plan Amendment (GPA) No. 25-01-0200, Zone Change (ZC) No. 25-01-0300, and Site Plan (SP) No. 25-01-0100)

2.2 Lead Agency Name and Address

City of Atwater
750 Bellevue Road
Atwater, CA 95301

2.3 Contact Person and Phone Number

Lead Agency Contact

City of Atwater
Chris Hoem, City Manager
(209) 357-6300
choem@atwater.org

Applicant Information

City of Atwater
750 Bellevue Road
Atwater, CA 95301

2.4 Study Prepared By

Precision Civil Engineering
1234 O Street
Fresno, CA 93721
(559) 449-4500

2.5 Project Location

The Project site is in the jurisdiction of the City of Atwater, Merced County, California. The site is located on the northwest corner of East Bellevue Road and the irrigation canal at 501 East Bellevue Road, Atwater, CA 95301 (**Figure 2-1**), consisting of four (4) parcels that totals approximately 5.4 acres. The site is identified by the Merced County Assessor as Assessor's Parcel Numbers (APNs) 156-060-008-000 (portion), 156-060-009-000, 156-060-011-000 (portion), and 156-060-025-000. **Figure 2-2** shows the aerial image of the Project site. The Project site is a portion of Section 31, Township 6 South, Range 12 East, Mount Diablo Base and Meridian.

2.6 Latitude and Longitude

The centroid of the Project site is 37.36198827613637, -120.59198156158796.

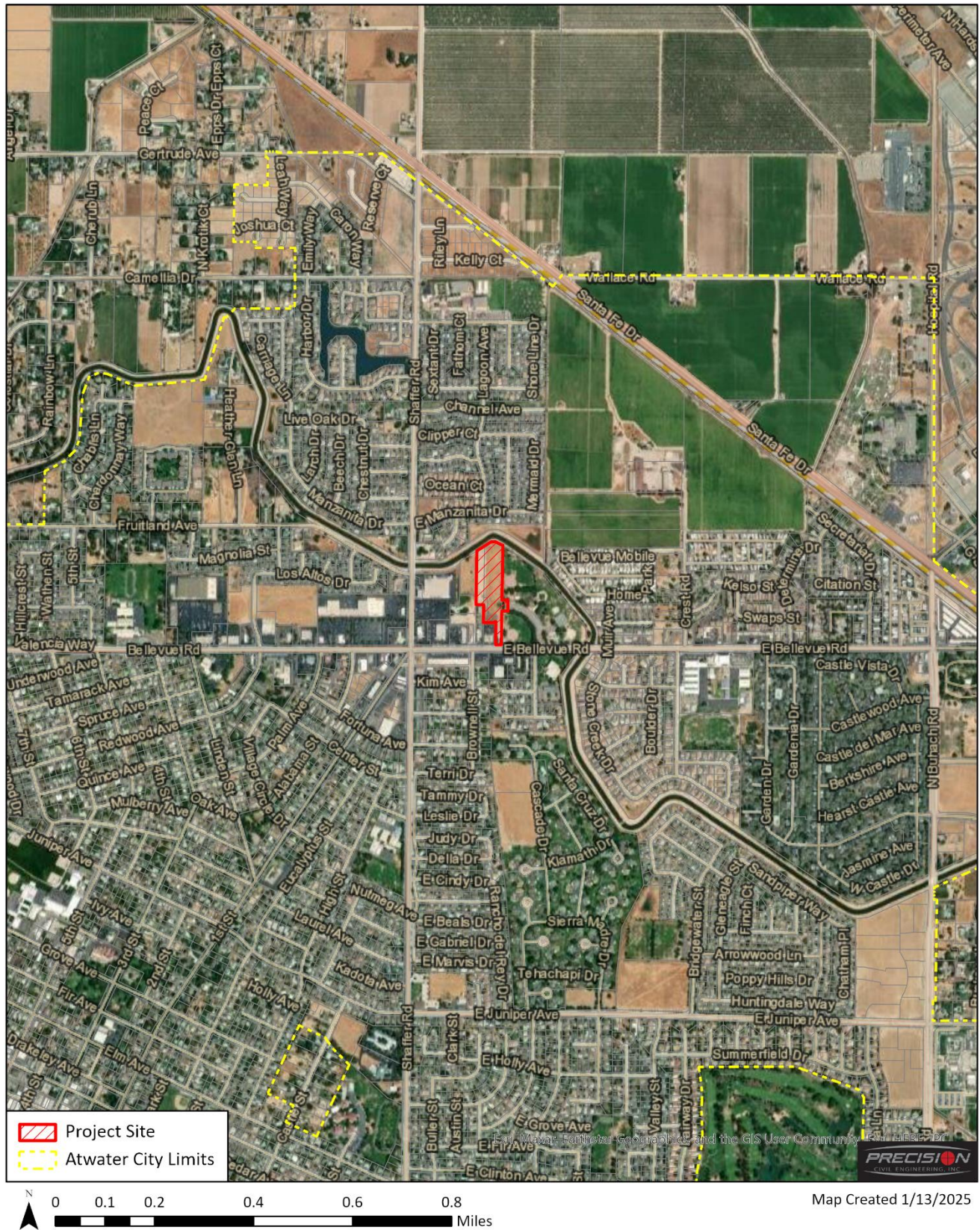


Figure 2-1 Project Location



Figure 2-2 Project Site Aerial Image

2.7 General Plan Designation

The Project site has a City of Atwater General Plan (General Plan) land use designation of COM – Commercial and PK – Park (**Figure 2-3**). According to the General Plan, the COM land use designation *“is intended to accommodate a wide range of commercial activities ranging from regional commercial facilities to general and neighborhood commercial uses.”* The maximum floor area ratio permitted is 0.35. The PK land use designation indicates *“the location of existing and planned public park facilities ranging from neighborhood to community parks.”* The maximum floor area ratio permitted is 0.10.

2.8 Zoning

The Project site is in the R-1 – Low Density Residential and C-G – General Commercial zoning district (**Figure 2-5**).

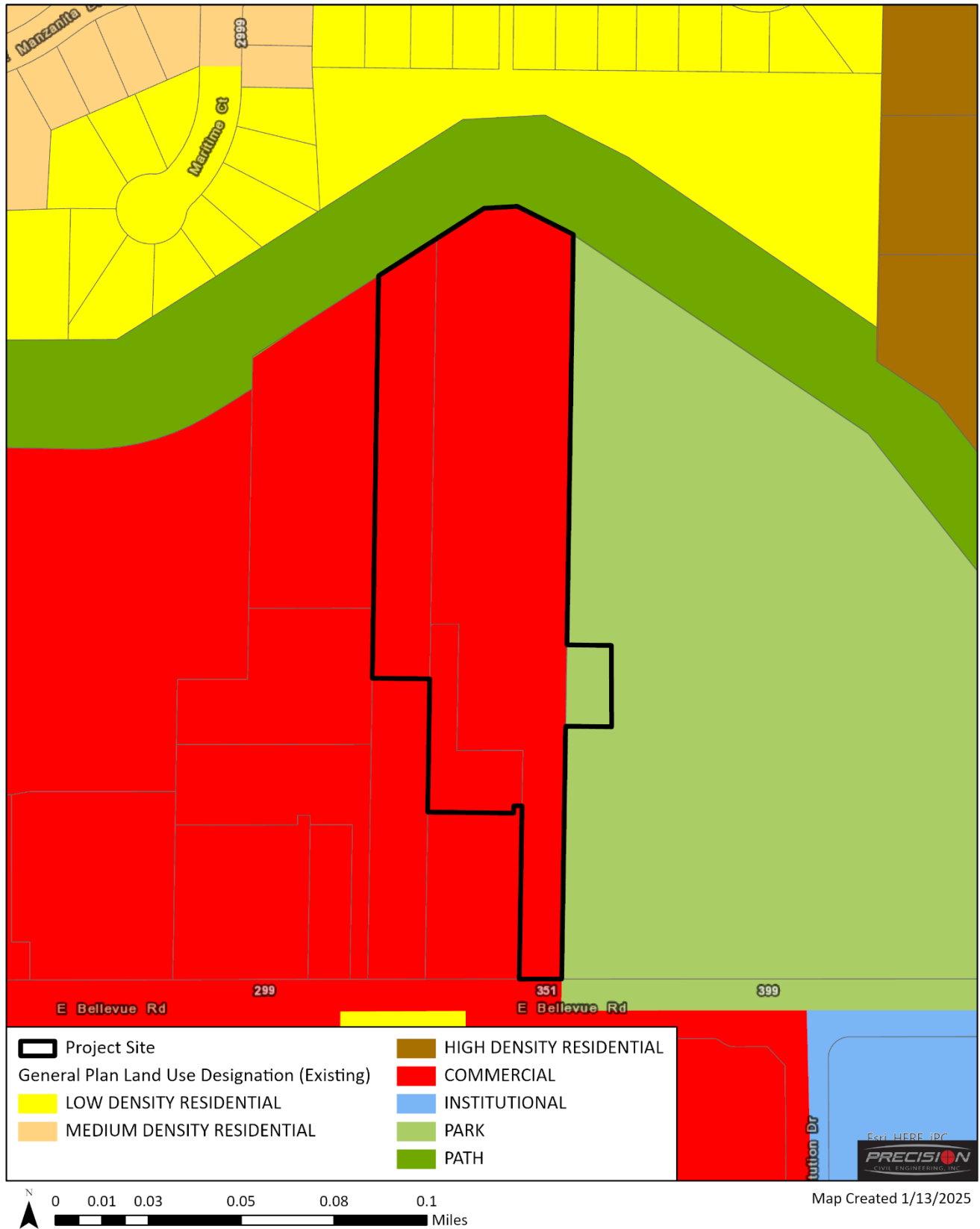


Figure 2-3 City of Atwater General Plan Land Use Designation (Existing)

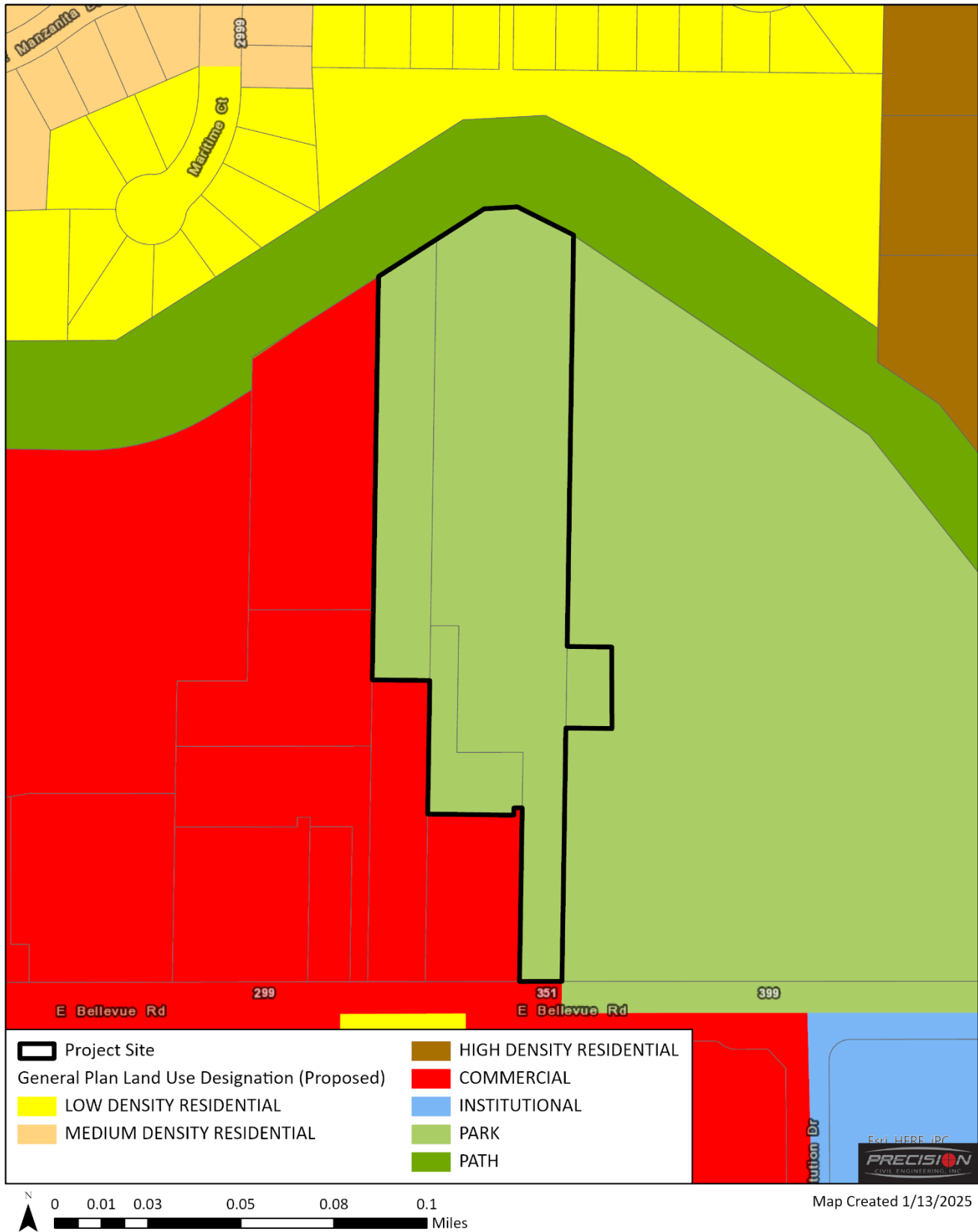


Figure 2-4 City of Atwater General Plan Land Use Designation (Proposed)

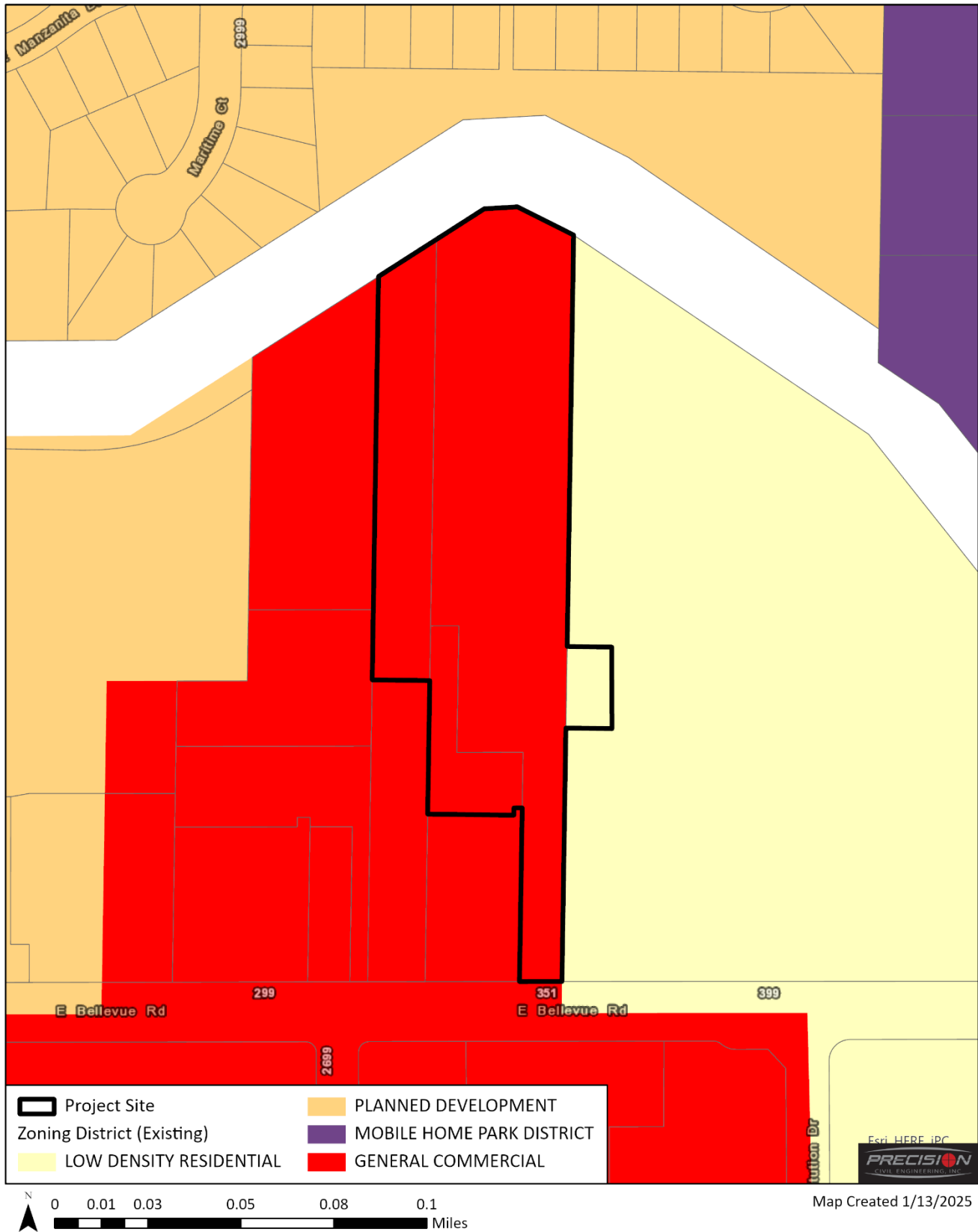


Figure 2-5 City of Atwater Zoning District (Existing)

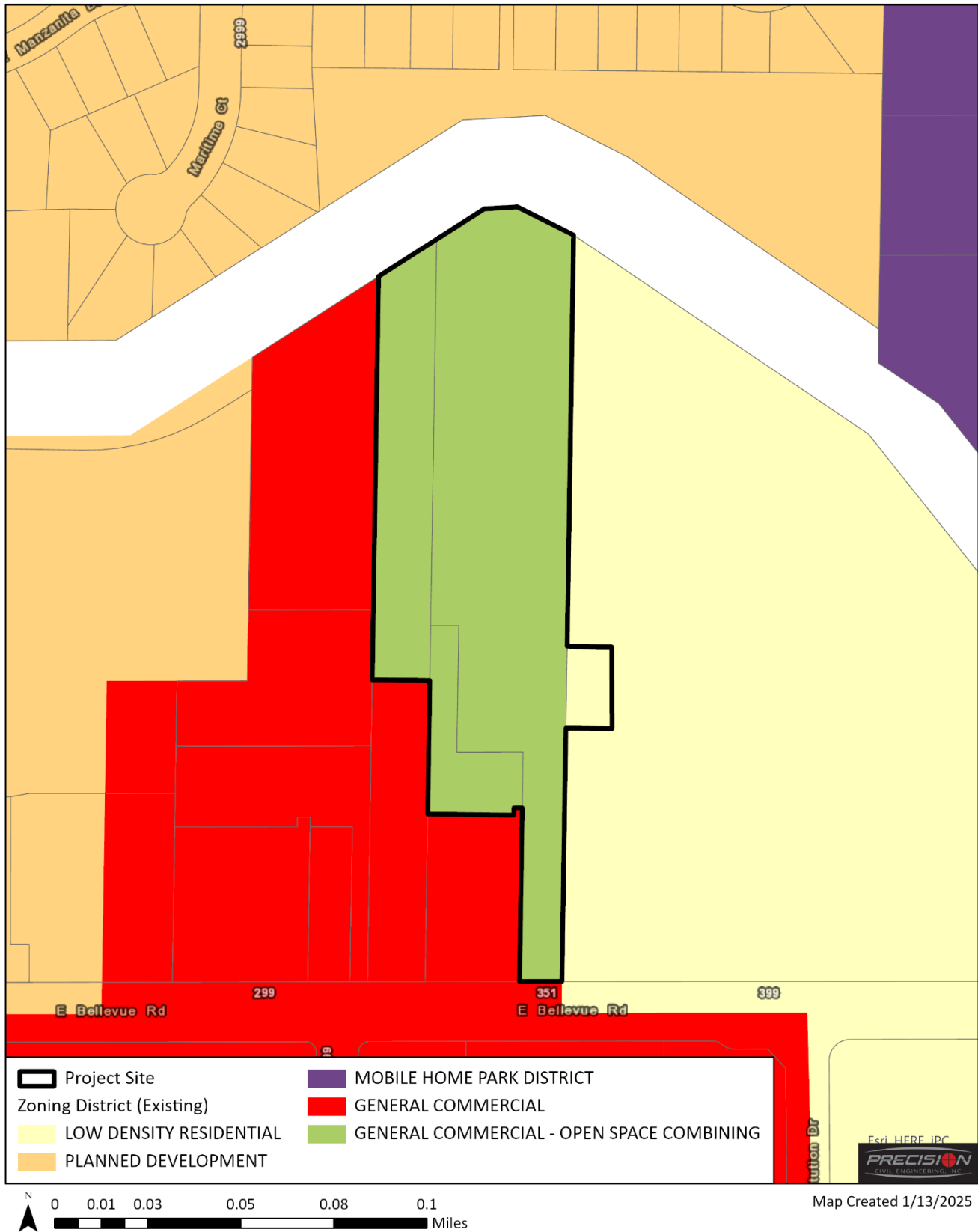


Figure 2-6 City of Atwater Zoning District (Proposed)

2.9 Description of Project

City of Atwater (Applicant) requests General Plan Amendment (GPA) No. 25-01-0200, Zone Change (ZC) No. 25-01-0300, and Site Plan (SP) No. 25-01-0100 pertaining to four (4) parcels totaling 5.4 acres, located on the northwest corner of East Bellevue Road and the irrigation canal at 501 E Bellevue Road, Atwater, CA 95301 (APNs 156-060-008 (portion), 156-060-009, 156-060-011 (portion), and 156-060-025). The Project would facilitate the redevelopment and expansion of the existing Osborn Park on APN 156-060-008.

- General Plan Amendment (GPA) No. 25-01-0200 would change the land use designation of three (3) parcels, 156-060-009, 156-060-011 (portion), and 156-060-025, approximately 5.2 acres, from COM – Commercial to PK – Park (**Figure 2-4**).
- Zone Change (RZ) No. 25-01-0300 would change the zoning of three (3) parcels, 156-060-009, 156-060-011 (portion), and 156-060-025, approximately 5.2 acres, from C-G – General Commercial to C-G-OS – General Commercial – Open Space Combining zoning district (**Figure 2-6**). The proposed C-G-OS zoning district is consistent with the proposed PK land use designation.
- Site Plan Review (SPR) No. 25-01-0100 would facilitate the development and redevelopment of Osborn Park with a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, or other similar recreational activities, a walking path, 164 additional parking stalls, a second point of drive access, as well as subsequent improvements including curb, gutter, sidewalk, and landscaping (**Figure 2-7**).

Site Preparation

Site preparation would include typical grading activities to ensure an adequately graded site for drainage purposes. Other site preparation would include minor excavation for the installation of utility infrastructure. There are no existing improvements or structures on the site, so there would be no demolition required.

2.10 Project Setting and Surrounding Land Uses

Project Setting

The Project site is vacant with pavement on the south portion of APN 156-060-009. The site contains existing improvements, including curb, gutter, and sidewalks to its south, along East Bellevue Road. East Bellevue Road, a four (4)-lane, east-west arterial road forms the southerly site boundary. The irrigation canal forms the northern site boundary. An aerial image of the Project site is shown in **Figure 2-2**. The site is generally flat and does not contain any geologic formations. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs or water features are present on the site.

Surrounding Land Uses

The Project site is generally surrounded by the irrigation canal (north), commercial use (south), Osborn Park (east), and vacant land (west). As referenced in **Table 2-1**, properties to the south are planned and zoned for commercial use, the property to the immediate west is a city storm basin, properties to the north are planned and zoned for residential uses, and the property to the east is planned for park and zoned for residential uses.

Table 2-1 Existing Uses, General Plan Designations, and Zone Districts of Surrounding Properties

Direction from the Project Site	Existing Land Use	Planned Land Use	Zone District
North	Irrigation canal, single-family residences	Path, Low Density Residential	Planned Development
South	Commercial	Commercial	General Commercial
East	Osborn Park	Park	Low Density Residential
West	City Storm Basin	Commercial	General Commercial

2.11 Other Public Agencies Whose Approval is Required

The Project would require approval by the City of Atwater City Council. The Project will require review, permits, and/or approvals, such as grading and encroachment permits. Other approvals may be required as identified through the entitlement review and approval process.



2.12 Consultation with California Native American Tribes

The State requires lead agencies to consider the potential effects of proposed projects and consult with California Native American tribes during the local planning process for the purpose of protecting Traditional Tribal Cultural Resources through the CEQA Guidelines. Pursuant to PRC *Section 21080.3.1*, the lead agency shall begin consultation with the California Native American tribe that is traditionally and culturally affiliated with the geographical area of the proposed project. Such significant cultural resources are either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe which is either on or eligible for inclusion in the California Historic Register or local historic register, or, the lead agency, at its discretion, and support by substantial evidence, choose to treat the resources as a Tribal Cultural Resources (PRC *Section 21074(a)(1-2)*). According to the most recent census data, California is home to 109 currently recognized Indian tribes.

Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See PRC *Section 21083.3.2*.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per PRC *Section 5097.96* and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that PRC *Section 21082.3(c)* contains provisions specific to confidentiality.

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on October 22, 2024. The listed tribes include Amah Mutsun Tribal Band, Northern Valley Yokut / Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe, and Wuksachi Indian Tribe/Eshom Valley Band. The NAHC also conducted a Sacred Lands File (SFL) search which was negative.

The City of Atwater conducted formal tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on December 17, 2024, to the aforementioned tribes. Consultation for AB 52 ended on January 16, 2025, and consultation for SB 18 ended on March 17, 2025. No responses were received.

3 DETERMINATION

3.1 Environmental Factors Potentially Affected

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

- | | |
|---|--|
| <input type="checkbox"/> <i>Aesthetics</i> | <input type="checkbox"/> <i>Land Use Planning</i> |
| <input type="checkbox"/> <i>Agriculture and Forestry Resources</i> | <input type="checkbox"/> <i>Mineral Resources</i> |
| <input type="checkbox"/> <i>Air Quality</i> | <input type="checkbox"/> <i>Noise</i> |
| <input type="checkbox"/> <i>Biological Resources</i> | <input type="checkbox"/> <i>Population and Housing</i> |
| <input checked="" type="checkbox"/> <i>Cultural Resources</i> | <input type="checkbox"/> <i>Public Services</i> |
| <input type="checkbox"/> <i>Energy</i> | <input type="checkbox"/> <i>Recreation</i> |
| <input checked="" type="checkbox"/> <i>Geology and Soils</i> | <input type="checkbox"/> <i>Transportation</i> |
| <input checked="" type="checkbox"/> <i>Greenhouse Gas Emissions</i> | <input checked="" type="checkbox"/> <i>Tribal and Cultural Resources</i> |
| <input type="checkbox"/> <i>Hazards and Hazardous Materials</i> | <input type="checkbox"/> <i>Utilities and Service Systems</i> |
| <input type="checkbox"/> <i>Hydrology and Water Quality</i> | <input type="checkbox"/> <i>Wildfire</i> |

For purposes of this Initial Study, the following answers have the corresponding meanings:

"No Impact" means the specific impact category does not apply to the project, or that the record sufficiently demonstrates that project specific factors or general standards applicable to the project will result in no impact for the threshold under consideration.

"Less Than Significant Impact" means there is an impact related to the threshold under consideration, but that impact is less than significant.

"Less Than Significant with Mitigation Incorporation" means there is a potentially significant impact related to the threshold under consideration, however, with the mitigation incorporated into the project, the impact is less than significant. For purposes of this Initial Study "mitigation incorporated into the project" means mitigation originally described in the GP PEIR and applied to an individual project, as well as mitigation developed specifically for an individual project.

"Potentially Significant Impact" means there is substantial evidence that an effect may be significant related to the threshold under consideration.


3.2 Determination

On the basis of this initial evaluation (to be completed by the Lead Agency):

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An EIR is required, but it must analyze only the effects that remain to be addressed.
- ☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Approved By:

 4-1-25
Chris Hoem, City Manager Date
City of Atwater

4 EVALUATION OF ENVIRONMENTAL IMPACTS

4.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock out-croppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

4.1.1 Environmental Setting

Generally, aesthetics may include scenic vistas and scenic resources (e.g. trees, rock outcroppings, historic buildings, and highways). The City of Atwater’s visual features predominately include urbanized and agricultural land uses. The Atwater General Plan (General Plan) recognizes the city’s scenic resources to be “open space areas” (i.e., agricultural lands) in addition to several transportation routes or “scenic corridors”. The General Plan does not identify or designate “scenic vistas.” The identified scenic corridors include Atwater Boulevard, First Street, Bellevue Road, Shaffer Road, Winton Way, Broadway from Winton Way to First Street, Buhach Road, Third Street, Part of Grove Avenue, and all entrances to the city. A scenic corridor is the view from the road that may include a distant panorama and/or the immediate roadside area. A scenic corridor encompasses the outstanding natural features and landscapes that are considered scenic, including man-made or natural environments.

Although there are two (2) state-designated scenic highways in the County of Merced (SR 152 and Interstate 5), these highways are not within city limits and thus, the City does not designate them as scenic resources. Lastly, the

General Plan identifies places of contemporary historical significance in the city including the Bloss Manson, Bloss Library, and Castle Air Museum.

The Project site is currently vacant with improvements along its street frontage, East Bellevue Road. The site is generally flat and does not contain any geologic formations. The Project site is generally surrounded by an irrigation canal (north), commercial use (south), Osborn Park (east), and city storm basin (west).

California Scenic Highway Program

The California Scenic Highway Program was established in 1963 with the purpose of protecting and enhancing the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view. There are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site.¹

4.1.2 Impact Assessment

Except as provided in PRC Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The Project site is vacant and surrounded by urban development. The site is adjacent to a scenic corridor, Bellevue Road, as identified in the General Plan. However, the Project does not impact scenic views since it does not propose development of buildings that would impede views of the site. In addition, the site's frontage on Bellevue Road is only 60 feet wide, which won't cause a significant impact on views when driving/walking along Bellevue Road. The site is not near state-designated scenic highways and does not contain any historic buildings or places of contemporary historical significance according to the General Plan. As a result, the Project would not adversely affect scenic vistas and a less than significant impact would occur because of the Project.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California State Scenic Highway Program, there are no officially designated State Scenic Highways in the City of Atwater, inclusive of the Project site. As such, the proposed Project would not damage scenic resources, including trees, rock out-croppings, and historic buildings within a state scenic highway and no impact would occur as a result of the Project.

¹ Caltrans. California State Scenic Highway System Map. Accessed on January 3, 2025
<https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>

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

Less than Significant Impact. The Project site is in an urbanized area surrounded by urban development, including commercial and residential uses. Development of the Project site, including new park amenities, walking paths, and parking stalls will not have a significantly different character from the surrounding area. Further, the proposed use is subject to compliance with applicable zoning and other regulations governing scenic quality, which will ensure the minimization of any visual impact by upholding the visual character or quality of public views of the site and its surroundings. Through the entitlement process, the Project would be subject to compliance with applicable policies and regulations that govern scenic quality including but not limited to the General Plan, AMC, and California Building Code (CBC). Compliance would ensure that development of the site would not conflict with applicable zoning and other regulations governing scenic quality. Therefore, a less than significant impact would occur because of the Project.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Less than Significant Impact. Generally, lighting impacts are associated with artificial lighting in evening hours either through interior lighting from windows or exterior lighting (e.g., street lighting, parking lot lighting, landscape lighting, cars, and trucks). Development of the Project site would incrementally increase the amount of light from streetlights, exterior lighting, and vehicular headlights. Such sources could create adverse effects on day or nighttime views in the area.

As mentioned above, the Project would introduce new light sources into the area, including temporary light and glare resulting from construction activities that could adversely affect day or nighttime views. Although construction activities are anticipated to occur primarily during daylight hours, it is possible that some activities could occur during dusk or early evening hours (pursuant to Atwater Municipal Code *Section 8.44.050*, construction activities are allowed between 7:00 AM and 7:00 PM). Construction during these time periods could result in light and glare from construction vehicles or equipment. However, construction would occur primarily during daylight hours and would be temporary in nature. Once construction is completed, any light and glare from these activities would cease to occur.

Regarding operations, the Project includes lighting fixtures to provide interior lighting, lamps, outdoor lighting, etc. Lighting design would be required to comply with the AMC, which contains specific, enforceable requirements and/or restrictions intended to prevent light and glare impacts (pursuant to Atwater Municipal Code *Section 8.32.030*, the City does not allow lights, lighted signs, or other devices that direct or reflect glare onto public right-of-way or neighboring properties). The lighting design guide covers outdoor spaces including regulations for mounted luminaires (i.e., high efficacy, motion sensor controlled, time clocks, energy management control systems, etc.). As such, conditions imposed on the Project by the City of Atwater, in addition to Title 24 requirements, would reduce light and glare impacts to a less than significant impact.

4.1.3 Mitigation Measures

None required.

4.2 AGRICULTURE AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farm-land), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

4.2.1 Environmental Setting

The Project site is located within the Atwater city limits and is planned and zoned for urbanized uses. The site is generally flat and does not contain any geologic formations. The Project site is generally surrounded by the irrigation canal, commercial use, Osborn Park, and vacant land. The Project site is currently vacant with improvements including curb, gutter, sidewalks, and streetlights, along its southern boundary, East Bellevue Road. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. There are no trees, shrubs, or water features present on the site. Lastly, the Project site does not contain any agricultural or forestry resources such as agricultural land, forest land, or timberland.

Farmland Monitoring and Mapping Program

The California Department of Conservation manages the Farmland Mapping and Monitoring Program (FMMP) that provides maps and data for analyzing land use impacts to farmland. The FMMP produces the Important Farmland Finder as a resource map that shows quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status, in addition to many other physical and chemical characteristics. The highest quality land is called “Prime Farmland” which is defined by the FMMP as *“farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.”*² Maps are updated every two years. According to the FMMP, California Important Farmland Finder, the Project site, and all properties in its immediate vicinity are classified as “Urban and Built-Up Land.”³

California Land Conservation Act

The California Land Conservation Act of 1965 (i.e., the Williamson Act) allows local governments to enter contracts with private landowners to restrict parcels of land agricultural or open space uses. In return, property tax assessments of the restricted parcels are lower than full market value. The minimum length of a Williamson Act contract is 10 years and automatically renews upon its anniversary date; as such, the contract length is essentially indefinite. The Project site is not subject to the Williamson Act.

4.2.2 Impact Assessment

Would the project:

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

No Impact. According to the FMMP, the Project site is designated as “Urban and Built-Up Land.” As such, the Project site is not located on lands designated as “Prime Farmland,” “Unique Farmland,” or “Farmland of Statewide Importance.” Therefore, the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use and no impact would occur.

- b) Conflict with existing zoning for agricultural use or a Williamson Act contract?*

No Impact. The Project site is not zoned for agricultural use and is not subject to the Williamson Act. Therefore, the Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract and no impact would occur.

² California Department of Conservation. Important Farmland Categories. Accessed on January 14, 2025 <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx>

³ California Department of Conservation. (2018). California Important Farmland Finder. Accessed on January 14, 2025, <https://maps.conservation.ca.gov/DLRP/CIFF/>

- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

No Impact. The Project site does is not planned or zoned for forest land or timberland. Further, the Project site would not cause the rezoning of forest land, timberland, or timberland zoned Timberland Production. As a result, the Project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production and no impact would occur.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

No Impact. The Project site does not contain forest land and is not planned or zoned for forest land or forest uses. Development of the Project site would therefore not result in the loss of forest land or conversion of forest land to non-forest use. As a result, no impact would occur.

- e) *Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?*

No impact. The Project site and properties in the immediate vicinity does not contain agricultural or forestry uses or resources. According to the FMMP, California Important Farmland Finder, the Project site and the properties in its immediate vicinity are classified as “Urban and Built-Up Land.” Therefore, future development of the Project site would be generally consistent with the existing environment of the surrounding, urbanized, and non-agricultural or forestry uses. As a result, the Project would not involve other changes in the existing environment that could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use. Therefore, no impact would occur because of the Project.

4.2.3 Mitigation Measures

None required.

4.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

4.3.1 Environmental Setting

Atwater lies within the central portion of the San Joaquin Valley Air Basin that is bounded by the Sierra Nevada Mountain range to the east, Coastal Ranges to the west, and Tehachapi mountains to the south. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates air quality in eight (8) counties including: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare. The SJVAPCD oversees the SJVAB.

Impacts on air quality result from emissions generated during short-term activities (construction) and long-term activities (operations). Construction-related emissions consist mainly of exhaust emissions (NO_x and PM) from construction equipment and other mobile sources, and fugitive dust (PM) emissions from earth moving activities. Operational emissions are source specific and consist of permitted equipment and activities and non-permitted equipment and activities.

Air pollution in the SJVAB can be attributed to both human-related (anthropogenic) and natural (non-anthropogenic) activities that produce emissions. Air pollution from significant anthropogenic activities in the SJVAB includes a variety of industrial-based sources as well as on- and off-road mobile sources. Four main sources of air pollutant emissions in the SJVAB are motor vehicles, industrial plants, agricultural activities, and construction activities. All four (4) of the major pollutant sources affect ambient air quality throughout the SJVAB. These sources, coupled with geographical and meteorological conditions unique to the area, stimulate the formation of unhealthy air. Air pollutants can remain in the atmosphere for long periods and can build to unhealthful levels when stagnant conditions that are common in the San Joaquin Valley occur. Pollutants are transported downwind from urban areas with many emission sources which are also recirculated back to the urban areas.

Further, the SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. Air quality standards have been set to protect

public health, particularly the health of vulnerable people. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects.

San Joaquin Valley Air Pollution Control District

The SJVAPCD is the agency primarily responsible for ensuring that NAAQS and CAAQS are not exceeded and that air quality conditions are maintained in the SJVAB, within which the Project is located. Responsibilities of the SJVAPCD include, but are not limited to, preparing plans for the attainment of ambient air quality standards, adopting and enforcing rules and regulations concerning sources of air pollution, issuing permits for stationary sources of air pollution, inspecting stationary sources of air pollution and responding to citizen complaints, monitoring ambient air quality and meteorological conditions, and implementing programs and regulations required by the FCAA and the CCAA.

The SJVAPCD rules and regulations that may apply to projects that will occur during buildout of the project include but are not limited to the following:

Rule 2010 – Permits Required. *The purpose of this rule is to require any person constructing, altering, replacing or operating any source operation which emits, may emit, or may reduce emissions to obtain an Authority to Construct or a Permit to Operate. This rule also explains the posting requirements for a Permit to Operate and the illegality of a person willfully altering, defacing, forging, counterfeiting or falsifying any Permit to Operate.*

Rule 2201 – New and Modified Stationary Source Review Rule. *The purpose of this rule is to provide for the following:*

The review of new and modified Stationary Sources of air pollution and to provide mechanisms including emission trade-offs by which Authorities to Construct such sources may be granted, without interfering with the attainment or maintenance of Ambient Air Quality Standards; and

No net increase in emissions above specified thresholds from new and modified Stationary Sources of all nonattainment pollutants and their precursors.

Rule 4001 – New Source Performance Standards. *This rule incorporates the New Source Performance Standards from Part 60, Chapter 1, Title 40, Code of Federal Regulations (CFR).*

Rule 4002 – National Emission Standards for Hazardous Air Pollutants. *This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR).*

Rule 4102 – Nuisance. *The purpose of this rule is to protect the health and safety of the public and applies to any source operation that emits or may emit air contaminants or other materials.*

Rule 4601 – Architectural Coatings. *The purpose of this rule is to limit VOC emissions from architectural coatings. This rule specifies architectural coatings storage, cleanup, and labeling requirements.*

Rule 4641 – Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. *The purpose of this rule is to limit VOC emissions from asphalt paving and maintenance operations. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.*

Regulation VIII – Fugitive PM10 Prohibitions. *The purpose of Regulation VIII (Fugitive PM10 Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM10) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions.*

Rule 9510 – Indirect Source Review. *The purposes of this rule are to:*

- 1. Fulfill the District’s emission reduction commitments in the PM10 and Ozone Attainment Plans.*
- 2. Achieve emission reductions from the construction and use of development projects through design features and on-site measures.*
- 3. Provide a mechanism for reducing emissions from the construction of and use of development projects through off-site measures.*

Thresholds of Significance

To assist local jurisdictions in the evaluation of air quality impacts, the SJVAPCD has published the *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). SJVAPCD recommends a three (3)-tiered approach to air quality analysis based on project size to allow quick screening for CEQA impacts:

- 1. Small Project Analysis Level (SPAL):** based on the District’s New Source Review, the District pre-quantified emissions and determined values as thresholds of significance for criteria pollutants. Residential, commercial, retail, industrial, educational, and recreational land uses are eligible to use this for screening. The SPAL was published on November 13, 2020, by the SJVAPCD to determine potential impacts in GAMAQI.⁴ SPAL is based on a CalEEMod version 2016.3.2.
- 2. Cursory Analysis Level (CAL):** CAL is used to determine significance on projects that exceed the SPAL criteria. Analysis includes using CalEEMod to estimate emissions and air pollutants.
- 3. Full Analysis Level (FAL):** this level of analysis is usually required for an EIR. It requires a full air quality report that describes impacts on the public.

GAMAQI also includes recommended thresholds of significance to be used for the evaluation of short-term construction, long-term operational, odor, toxic air contaminant, and cumulative air quality impacts. Accordingly, the SJVAPCD-recommended thresholds of significance are used to determine whether implementation of the proposed Project would result in a significant air quality impact. Projects that exceed these recommended thresholds would be considered to have a potentially significant impact on human health and welfare. The thresholds of significance are summarized, as follows:

⁴ San Joaquin Valley Air Pollution Control District. (2020). “Small Project Analysis Levels (SPAL)”. Accessed on January 14, 2025, <https://www.valleyair.org/transportation/CEQA%20Rules/GAMAQI-SPAL.PDF>

Criteria Air Pollutants

SJVAPCD adopted thresholds of significance for criteria air pollutants, as shown in **Table 4-1**.⁵ The thresholds of significance are based on a calendar year basis. For construction emissions, the annual emissions are evaluated on a rolling 12-month period. The following summarizes these thresholds:

Short-Term Emissions of Particulate Matter (PM₁₀): Construction impacts associated with the proposed Project would be considered significant if the feasible control measures for construction in compliance with Regulation VIII as listed in the SJVAPCD guidelines are not incorporated or implemented, or if project-generated emissions would exceed 15 tons per year (TPY).

Short-Term Emissions of Ozone Precursors (ROG and NOX): Construction impacts associated with the proposed Project would be considered significant if the project generates emissions of Reactive Organic Gases (ROG) or NO_x that exceeds 10 TPY.

Long-Term Emissions of Particulate Matter (PM₁₀): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of PM₁₀ that exceed 15 TPY.

Long-Term Emissions of Ozone Precursors (ROG and NOX): Operational impacts associated with the proposed Project would be considered significant if the project generates emissions of ROG or NOX that exceeds 10 TPY.

Table 4-1 SJVAPCD Recommended Air Quality Thresholds of Significance.

Pollutant	Significance Threshold	
	Construction Emissions (tons/year)	Operational Emission (tons/year)
CO	100	100
NO _x	10	10
ROG	10	10
SO _x	27	27
PM ₁₀	15	15
PM _{2.5}	15	15

Conflict with or Obstruct Implementation of Applicable Air Quality Plan

Air Quality Plans (AQPs) are plans for reaching the attainment of air quality standards. The applicable AQP for the SJVAB is the GAMAQI. Due to the region's nonattainment status for ozone, PM_{2.5}, and PM₁₀, if the Project-generated emissions of either of the ozone precursor pollutants (i.e., ROG and NO_x) or PM₁₀ would exceed the SJVAPCD's significance thresholds, then the Project would be considered to be conflicting with the AQP. In addition, if the Project would result in a change in land use and corresponding increases in vehicle miles traveled, the Project may result in an increase in vehicle miles traveled that is unaccounted for in regional emissions inventories contained in regional air quality control plans. Vehicle Miles Traveled are analyzed in **Section 4.17**.

⁵ SJVAPCD. (2015). Guidance for Assessing and Mitigating Air Quality Impacts. Accessed on January 14, 2025, <https://www.valleyair.org/transportation/GAMAQI-2015/FINAL-DRAFT-GAMAQI.PDF>

Local Mobile-Source CO Concentrations

Local mobile source impacts associated with the proposed Project would be considered significant if the project contributes to CO concentrations at receptor locations in excess of the CAAQS (i.e., 9.0 ppm for 8 hours or 20 ppm for 1 hour).

Toxic Air Contaminants

Exposure to toxic air contaminants (TAC) would be considered significant if the probability of contracting cancer for the Maximally Exposed Individual (i.e., maximum individual risk) would exceed 10 in 1 million or would result in a Hazard Index greater than one (1).

As recommended by the SJVAPCD, the latest approved California Air Pollution Control Officer's Association (CAPCOA) methodology was utilized as the TAC screening methodology. According to the CAPCOA Guidance Document titled "Health Risk Assessments for Proposed Land Use Projects," there are two types of land use project that have the potential to cause long-term public health risk impacts. These project types are as follows:

- Type A: Land use projects with toxic emissions that impact receptors, and
- Type B: Land use project that will place receptors in the vicinity of existing toxics sources.

In this Guidance document, Type A projects examples are (project impacts receptors):

- combustion related power plants,
- gasoline dispensing facilities,
- asphalt batch plants,
- warehouse distribution centers,
- quarry operations, and
- other stationary sources that emit toxic substances.

Odor

The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Specific land uses that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The SJVAPCD has identified these common types of facilities that have been known to produce odors in the SJVAB and has prepared screening levels for potential odor sources ranging from one to two miles of distance from the odor-producing facility to sensitive receptors. Odor impacts would be considered significant if the project has the potential to frequently expose members of the public to objectionable odors.

Ambient Air Quality

The SJVAPCD applies the following guidance in determining whether an ambient air quality analysis should be performed: when assessing the significance of project-related impacts on air quality, it should be noted that the impacts may be significant when on-site emission increases from construction activities or operational activities exceed the 100 pounds per day screening level of any criteria pollutant after implementation of all enforceable mitigation measures. Under such circumstances, the SJVAPCD recommends that an ambient air quality analysis be performed.

Small Project Analysis Level

The SPAL identifies pre-quantified emissions and determined values related to project type, size, and number of vehicle trips. According to the SPAL, projects that fit specified descriptions are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. The SPAL threshold criteria for recreational projects is shown in **Table 4-2**.

Table 4-2 SPAL Thresholds for Recreational Projects

Land Use Type	Size and Unit	Average Daily One-Way Trips for all fleet types (Except HHDT)	Average Daily One-way for HHDT Trips only (50 mile trip length)
City Park	256 acres	1,100	20

4.3.2 Impact Assessment

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact. The Project would not conflict with the applicable air quality plan if the Project does not exceed the adopted quantitative thresholds for criteria pollutant emissions that are established in the GAMAQI, as demonstrated in the **Thresholds of Significance** above. As stated above, the SJVAPCD recommends a three (3)-tiered approach to analyze projects for significant impacts on air quality. The first tier is the Small Project Analysis Level (SPAL), which adopts a threshold of significance according to the use type, size, and number of vehicle trips of a project. As demonstrated below, the proposed Project would not have any significant effects relating to air quality pursuant to SPAL.

Based on the Project description, the most applicable land use type for the proposed Project is City Park since the Project proposes the redevelopment and expansion of Osborn Park. The corresponding threshold for this land use compared to the Project is shown in **Table 4-3**. As shown, the Project is below all thresholds and therefore, the Project is assumed to result in air quality impacts that are below the identified thresholds of significance and thus, a less than significant impact would occur.

Table 4-3 SPAL Significance Thresholds

	SPAL Threshold	Proposed Project	Exceed Threshold?
Acres	256	5.4	<u>No</u>
Average Daily One-way Trips for All Fleet Types (Except Heavy-Heavy Duty Trucks (HHDT)) *	1,100	4.2	<u>No</u>
Average Daily One-way for HHDT trips only (50-mile trip length)	20	0	<u>No</u>

* Average daily trips generated by the Project is estimated using ITE Trip Generation Manual 11th Edition. See detailed calculations in **Section 4.17 TRANSPORTATION**.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact. The SJVAB is in non-attainment for ozone, PM₁₀, and PM_{2.5}, which means that certain pollutants' exposure levels are often higher than the normal air quality requirements. The requirements have been set to protect public health, particularly the health of vulnerable populations. Therefore, if the concentration of those contaminants exceeds the norm, some susceptible individuals in the population are likely to experience

health effects. Concentration of the pollutant in the air, the length of time exposed and the individual's reaction are factors that affect the extent and nature of the health effects as analyzed in criterion a) above, the Project would have a less than significant impact on air quality and are excluded from quantifying criteria pollutant emissions for CEQA purposes. Therefore, the Project would not result in significant cumulative health impacts because the emissions are not at a level that would be considered cumulatively significant. As such, the Project would have a less than significant impact.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Sensitive receptors are defined as people that have an increased sensitivity to air pollution or environmental contaminants. Sensitive receptors include schools, parks and playgrounds, day care centers, nursing homes, hospitals, and residential dwelling units. The nearest sensitive receptors to the Project site are single-family residences approximately 140 feet north of the site (measured from the Project's property line to existing structures of the sensitive receptors). As stated under criterion a) above, emissions during construction or operation would not reach the significance thresholds and would not be anticipated to result in concentrations that reach or surpass ambient air quality requirements.

Further, anticipated development that would result from Project implementation would not be uses that would generate toxic emissions (i.e., Type A uses identified by the CAPCOA guidelines). Although emissions would be emitted during construction of the site (i.e., through diesel fuel and exhaust from equipment), emissions would be temporary and last only during construction activities. In addition, construction activities would be required to comply with all rules and regulations administered by the SJVAPCD including but not limited to Rule 9510 (Indirect Source Review), Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4402 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). Impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. Specific uses and operations that are considered sources of undesirable odors include landfills, transfer stations, composting facilities, sewage treatment plants, wastewater pump stations, asphalt batch plants and rendering plants. The Project would not consist of such land uses; rather, implementation of the proposed Project would facilitate the development of a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, a walking path, and thus is unlikely to produce odors that would be considered to adversely affect a substantial number of people. Therefore, a less than significant impact would occur.

4.3.3 Mitigation Measures

None required.

4.4 BIOLOGICAL RESOURCES

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

4.4.1 Environmental Setting

The Project site is located within the Atwater city limits. The Project site is vacant with pavement on the south portion of APN 156-060-009. The site contains existing improvements, including curb, gutter, and sidewalks to its south, along East Bellevue Road. The existing biotic conditions and resources of the site can be defined primarily as ruderal and herbaceous vegetation with heavy alternation due to discing and grading. No trees, shrubs or water features are present on the site.

U.S. Fish and Wildlife – Special-Status Species Database

The U.S. Fish and Wildlife Service (USFWS) operates an “Information for Planning and Consultation” (IPaC) database, which is a project planning tool for the environmental review process that provides general information on the location of special-status species that are “known” or “expected” to occur (**note:** the database does not provide occurrences; refer to the California Department of Fish and Wildlife – Natural Diversity Database below).⁶ Specifically, the IPaC database identifies ten (10) special-status species that are potentially affected by activities in the Project site including: San Joaquin Kit Fox (endangered), Northwestern Pond Turtle (proposed threatened), California Tiger Salamander (threatened), Western spadefoot (proposed threatened), Monarch Butterfly (candidate), Valley Elderberry Longhorn Beetle (threatened), conservancy fairy shrimp (endangered), vernal pool fairy shrimp (threatened), vernal pool tadpole shrimp (endangered), and Colusa grass (threatened).

U.S. Fish and Wildlife – Critical Habitat Report

Once a species is listed under the federal Endangered Species Act, NOAA Fisheries is required to determine whether there are areas that meet the definition of Critical Habitat. Per NOAA Fisheries, Critical Habitat is defined as:

- Specific areas within the geographical area occupied by the species at the time of listing that contain physical or biological features essential to conservation of the species and that may require special management considerations or protection; and
- Specific areas outside the geographical area occupied by the species if the agency determines that the area itself is essential for conservation.⁷

The process of Critical Habitat designation is complex and involves the consideration of scientific data, public and peer review, economic, national security, and other relevant impacts.

According to the Critical Habitat for Threatened & Endangered Species Report updated January 7, 2025, the City of Atwater, inclusive of the Project site and its immediate vicinity (0.5-mile radius from the site) are not located within a federally designated Critical Habitat.⁸ No critical habitats are identified within the city limits. The closest federally designated Critical Habitat is located approximately 2.9 miles northeast of the Project site designated for the fleshy

⁶ U.S. Fish and Wildlife Service. Information and Planning Consultation Online System. Accessed on January 14, 2025, <https://ecos.fws.gov/ipac/>

⁷ National Oceanic and Atmospheric Administration (NOAA). Critical Habitat. Accessed on January 14, 2025, <https://www.fisheries.noaa.gov/national/endangered-species-conservation/critical-habitat#definition-of-critical-habitat>

⁸ U.S. Fish & Wildlife. (2025). ECOS Environmental Conservation Online System - USFWS Threatened & Endangered Species Active Critical Habitat Report (updated January 7, 2025). Accessed January 14, 2025, <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>

owl's-clover (*Castilleja campestris* ssp. *Succulenta*), conservancy fairy shrimp (*Branchinecta conservatio*), San Joaquin Valley Orcutt grass (*Orcuttia inaequalis*), and Colusa grass (*Neostapfia colusana*).

U.S. Fish & Wildlife Service – National Wetlands Inventory

The USFWS provides a National Wetlands Inventory (NWI) with detailed information on the abundance, characteristics, and distribution of U.S. wetlands. A search of the NWI shows no federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) on the Project site.⁹ The NWI does not identify any water features within the Project site. The closest water feature is the irrigation canal identified as a 45.86-acre R2UBHx riverine habitat, adjacent north of the Project site. R2UBHx indicates Riverine System (R) with lower perennial (2) that has an unconsolidated bottom (UB), is permanently flooded (H), and has been excavated by humans (x) (i.e., canal). Additionally, the Project site is not within or adjacent to a riparian area nor does the site contain water features.

Environmental Protection Agency – WATERS Geoviewer

The U.S. Environmental Protection Agency (EPA) WATERS GeoViewer provides a GeoPlatform based web mapping application of water features by location. According to the WATERS GeoViewer, there are no surface water features (i.e., streams, canals, pipelines, waterbodies, catchments, hydrologic units) within the Project site. An irrigation canal, the Livingston Canal, runs along the northern boundary of the Project site.¹⁰

California Department of Fish and Wildlife – Natural Diversity Database

The California Department of Fish and Wildlife (CDFW) operates the California Natural Diversity Database (CNDDDB), which is an inventory of the status and locations of rare plants and animals in California in addition to the reported occurrences of such species.¹¹ According to the CDFW CNDDDB, there are 11 special-status species with a total of 24 occurrences that have been observed and reported to the CDFW in or near the Atwater Quad as designated by the United States Geological Survey (USGS). Of the 11 species, there are five (5) federally or state-listed species: tricolored blackbird, vernal pool fairy shrimp, Swainson's hawk, Colusa grass, and San Joaquin kit fox.¹² **Appendix A** lists the CNDDDB-identified animal and plant species within the Atwater Quad, including their habitat and occurrences.

The CNDDDB also provides CNDDDB-known occurrences within a set geographic radius. **Figure 4-1** shows the CNDDDB-identified occurrences of animal and plant species within the five (5)-mile radius of the Project site. **Table 4-4** lists all federally or state-listed special-status species CNDDDB-known occurrences within the five (5)-mile radius of the Project site. As shown, the nearest occurrence is the San Joaquin kit fox occurrence that is in a non-specific area along the irrigation canal, inclusive of the Project site, dated 1999. Other species that are not federally or state-listed that are near the Project site include burrowing owl. The CNDDDB ranks occurrences by the condition of habitat

⁹ U.S. Fish & Wildlife Service. National Wetlands Inventory. Accessed January 14, 2025, <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

¹⁰ U.S. Environmental Protection Agency. WATERS GeoViewer. Accessed January 14, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=074cfede236341b6a1e03779c2bd0692>

¹¹ California Department of Fish and Wildlife. California Natural Diversity Database. Accessed January 14, 2025, <https://wildlife.ca.gov/Data/CNDDDB>

¹² California Department of Fish and Wildlife. Biogeographic Information and Observation System 6. Accessed January 14, 2025, <https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx#>

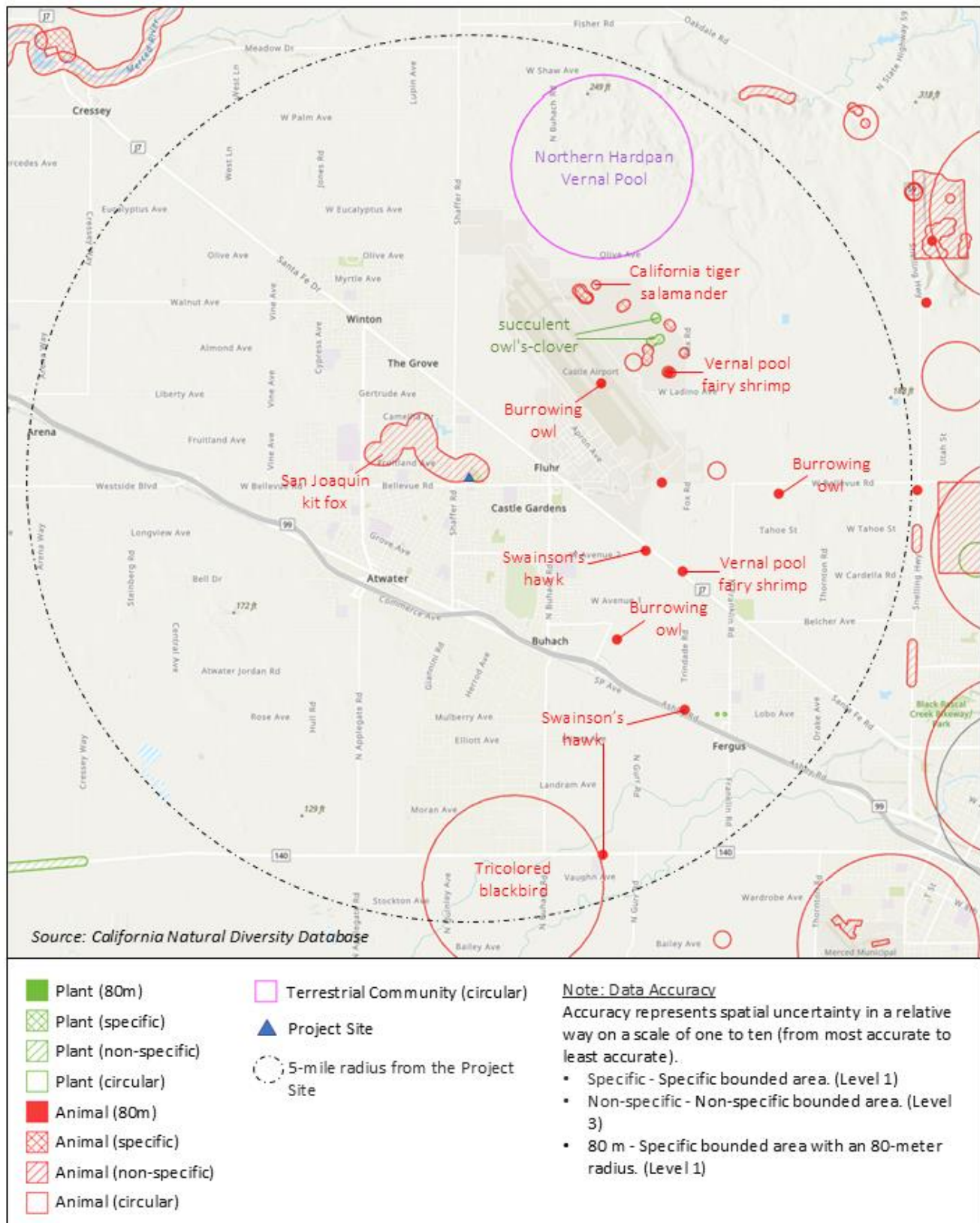
and ability of the species to persist over time. As shown, the occurrences within the five (5)-mile radius of the Project site are ranked as poor, fair, and good. **Table 4-5** provides an analysis of essential habitats and the potential for the existence of the special-status species to exist on the Project site.

Table 4-4 Special-Status Species Occurrences within 5-mile radius of Project site

Species	Date	Rank	Distance to site
San Joaquin kit fox	1999/08/20	Poor	Within the site (non-specific area)
Succulent owl's-clover	1997/04/19	Poor	2.6 miles northeast (specific area)
California tiger salamander	2016/02/17	Fair	2.7 miles northeast (specific area)
Vernal pool fairy shrimp	2016/02/18	Good	2.6 miles northeast
Swainson's hawk	2007/06/28	Good	2.1 miles southeast
Vernal pool fairy shrimp	1997/02/13	Fair	2.6 miles southeast
Swainson's hawk	2008/05/14	Fair	3.5 miles southeast
Swainson's hawk	2008/05/14	Fair	4.2 miles southeast
Tricolored blackbird	1971/05/09	Unknown	4.5 miles south

Only federally or state-listed threatened/endangered species are listed in the table.

Extirpated or possible extirpated occurrences are not shown on the table.



CITY OF ATWATER – Osborn Park Expansion

Map Created 1/14/2025

Figure 4-1 CNDDDB Species Occurrences

Table 4-5 Essential Habitats and Potential Existence of Special-Status Species on Site

Special-Status Species	General Habitat	Micro Habitat	Assessment
San Joaquin kit fox	Annual grasslands or grassy open stages with scattered shrubby vegetation.	Need loose-textured sandy soils for burrowing, and suitable prey base.	The Project site consists of loamy sand and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding commercial and residential development. As such, the site does not provide suitable habitat.
Succulent owl's-clover	Vernal pools.	Moist places, often in acidic soils. 20-705 m.	The Project site does not contain water features. As such, the site does not provide suitable habitat.
California tiger salamander	Lives in vacant or mammal-occupied burrows throughout most of the year; in grassland, savanna, or open woodland habitats.	Need underground refuges, especially ground squirrel burrows, and vernal pools or other seasonal water sources for breeding.	The Project site does not contain grassland, burrows, woodland, or waterbodies. As such, the site does not provide suitable habitat.
Vernal pool fairy shrimp	Endemic to the grasslands of the Central Valley, Central Coast mountains, and South Coast mountains, in astatic rain-filled pools.	Inhabit small, clear-water sandstone-depression pools and grassed swale, earth slump, or basalt-flow depression pools.	The Project site does not contain grassland or waterbodies. As such, the site does not provide suitable habitat.
Swainson's hawk	Breeds in grasslands with scattered trees, juniper-sage flats, riparian areas, savannas, and agricultural or ranch lands with groves or lines of trees.	Requires adjacent suitable foraging areas such as grasslands, or alfalfa or grain fields supporting rodent populations.	The Project site does not contain grassland, alfalfa, or grain fields. As such, the site does not provide suitable habitat.
Tricolored blackbird	Highly colonial species, most numerous in central valley and vicinity. Largely endemic to California.	Requires open water, protected nesting substrate, and foraging area with insect prey within a few km of the colony.	The Project site does not contain any open water. As such, the site does not provide suitable habitat.

California Fish and Game Code

Sections 3503, 3503.5, and 3513 of the California Fish and Game Code specifically protect native birds and raptors. Mitigation for avoidance of impacts to nesting birds is typically necessary to comply with these Sections of the Fish and Game Code in CEQA.¹³

Section 3503: *It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.*

¹³ The California Biologist's Handbook. California Fish and Game Code. Accessed on January 14, 2025, <https://biologistshandbook.com/regulations/state-regulations/state-fish-and-game-code/#:~:text=Section%203503,any%20regulation%20made%20pursuant%20thereto.%E2%80%9D>

Section 3503.5: *It is unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.*

Section 3513: *It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Treaty Act.*

City of Atwater General Plan (2000)

The Atwater General Plan Open Space and Conservation Element identified 21 special-status species to have the potential to occur and five (5) species have been observed in or near the Atwater Planning Area. It maps the location of special-status species in the city's Planning area, and none are located within or in the immediate vicinity of the Project site. The Atwater General Plan¹⁴ outlined policies related to the conservation of biological resources:

GOAL CO-6. *Minimize impacts of development on wildlife and wildlife habitat, particularly special status species.*

Policy CO-6.1. *Consider opportunities for habitat preservation and enhancement in conjunction with public facility projects, particularly parks and storm drainage facilities.*

Policy CO-6.2. *Encourage the preservation of corridors between natural habitat areas to allow for the movement of wildlife and to prevent the creation of "biological islands."*

Implementation Program CO-6.a. *When new development or redevelopment activities are proposed in locations with the potential for special status species to occur, require the project applicant to submit a report by a qualified biologist addressing the presence or absence of any special status species on the development site. The report shall include recommendations for avoiding or minimizing impacts on any special status species or habitat found to be present.*

4.4.2 Impact Assessment

Would the project:

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

Less than Significant Impact. The Project site is vacant with pavement on the south portion of APN 156-060-009. The existing biotic conditions and resources of the Project site can be defined primarily as ruderal and herbaceous vegetation with heavy alteration due to discing and grading. No trees, shrubs or water features are present on the site.

As described in **Table 4-5**, the site conditions provide low suitability for habitat for special-status candidates, sensitive, or special-status species that may occur on the Project site or vicinity. However, there is one (1) recorded occurrence of San Joaquin kit fox located along the northern boundary of the Project site, dated 1999. The Project

¹⁴ City of Atwater, California. (2000). City of Atwater 2000 General Plan Open Space and Conservation Element. Accessed on December 12, 2023, https://www.atwater.org/docs/generalplan/CHAPTER_4_OPEN_SPACE_AND_C.PDF

site consists of loamy sand and is covered by ruderal vegetation, which could be suitable habitat for San Joaquin kit fox. However, the Project site is small and is located within an urbanized area with surrounding commercial and residential development. In addition, the development of a park as proposed by the Project would cause little impacts on wildlife since this type of Project provides habitat preservation and enhancement to an extent, as established per City of Atwater General Plan *Policy CO-6.1*. As such, it is anticipated that the Project would not have a substantial adverse impact on special-status species found in the area (5-mile of the Project site).

Regarding birds and raptors, there are no existing trees and shrubs throughout the Project site that could provide habitat for birds and raptors that are protected under CFGC *Sections 3503 and 3503.5*. As a result, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

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

No Impact. According to the General Plan and CDFW and USFWS databases, there are no known riparian habitats or other sensitive natural communities identified on the Project site or within the immediate vicinity of the Project. In addition, the site does not contain any water features that would provide habitat for riparian species. For these reasons, it can be determined that the Project site does not provide any riparian or sensitive natural community habitat and thus, no impact would occur because of the Project.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. Based on the search of the NWI, the Project site does not contain any federally protected wetlands. As a result, it can be determined that the Project site would not result in any impact on state or federally protected wetlands and no impact would occur because of the Project.

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

Less than Significant Impact. Wildlife movement corridors are linear habitats that function to connect two (2) or more areas of significant wildlife habitat. These corridors may function on a local level as links between small habitat patches (e.g., streams in urban settings) or may provide critical connections between regionally significant habitats (e.g., deer movement corridors). Wildlife corridors typically include vegetation and topography that facilitate the movements of wildlife from one area of suitable habitat to another, in order to fulfill foraging, breeding, and territorial needs. These corridors often provide cover and protection from predators that may be lacking in surrounding habitats. Wildlife corridors generally include riparian zones and similar linear expanses of contiguous habitat.

According to **Figure 4-1**, we can see that the occurrence of the San Joaquin kit fox along the northern boundary of the Project site, dated 1999, moves along the irrigation canal. As such, the irrigation canal might be a movement corridor for the San Joaquin kit fox. However, as stated above in criterion a), the development of a park, as proposed

by the Project, would have little impact on wildlife since this type of Project provides habitat preservation and enhancement to an extent, as established per City of Atwater General Plan *Policy CO-6.1*. Additionally, as described in **Table 4-5**, the Project site does not contain habitats that could support wildlife species in nesting, foraging, or escaping from predators. This is based on the existing conditions of the site including the site's heavy disturbance and lack of cover, vegetation, water features, and surrounding urban development (i.e., commercial and residential development). Due to these conditions, it can be determined that the Project would not interfere with wildlife movement and a less than significant impact would occur.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. The Atwater General Plan Open Space and Conservation Element outlined policies related to conservation of biological resources, as listed in the **Environmental Setting** above. In addition, *Chapter 12.32* of the Atwater Municipal Code (AMC) identifies the city's tree policies and *Section 12.32.080* addresses new construction. Planting, maintenance, and removal of existing trees on the Project site would be subject to compliance with these standards and regulations. However, there are no trees on the Project site. As such, the Project would have a less than significant impact.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The Project site is within the PG&E San Joaquin Valley Operation and Maintenance Habitat Conservation Plan (HCP). The HCP covers PG&E's routine operations and maintenance activities and minor new construction, on any PG&E gas and electrical transmission and distribution facilities, easements, private access routes, or lands owned by PG&E. The Project would not conflict or interfere with HCP. The Project is also located in the planning area of the Recovery Plan for Upland Species of the San Joaquin Valley, which addresses recovery goals for several species. The Project would not conflict with the plan since the site does not provide appropriate habitat for the species mentioned and would comply with applicable General Plan policies regarding habitat conservation. The City, County, and Regional Planning Agency do not have any other adopted or approved plans for habitat or natural community conservation. For these reasons, the Project would have no impact.

4.4.3 Mitigation Measures

None required.

4.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

4.5.1 Environmental Setting

Generally, the term ‘cultural resources’ describes property types such as prehistoric and historical archaeological sites, buildings, bridges, roadways, and tribal cultural resources. As defined by CEQA, cultural resources are considered “historical resources” that meet criteria in *Section 15064.5(a)* of the CEQA Guidelines. If a Lead Agency determines that a project may have a significant effect on a historical resource, then the project is determined to have a significant impact on the environment. No further environmental review is required if a cultural resource is not found to be a historical resource.

California Historical Resource Information System Record Search

The Central California Information Center (CCIC) was requested to conduct a California Historical Resources Information System (CHRIS) Record Search for the Project site and surrounding “Project Area” (0.5-mile radius from perimeter of Project site). Results of the CHRIS Record Search were provided on October 14, 2024 (Record Search File Number 13078I). Full results are provided in **Appendix B**.

The CHRIS Record Searches generally review file information based on results of Class III pedestrian reconnaissance surveys of project sites conducted by qualified individuals or consultant firms which are required to be submitted, along with official state forms properly completed for each identified resource, to the Regional Archaeological Information Center. Guidelines for the format and content of all types of archaeological reports have been developed by the California Office of Historic Preservation, and reports will be reviewed by the regional information centers to determine whether they meet those requirements.

The results of the CCIC CHRIS Record Search indicate:

- (1) There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- (2) The project area is within the overall boundary of the proposed “Merced Irrigation District” (P-24-001909), listed in the Office of Historic Preservation Built Environment Resource Directory (BERD) for Merced County

with a National Register of Historic Places rating of “6Y”, determined ineligible for the National Register of Historic Places by consensus through the Section 106 process, not evaluated for the California Register of Historical Resources or for local listing.

- (3) The 1918 edition of the Atwater USGS quadrangle shows a building in the SW ¼ of the SW ¼ of Section 31. There is no further information on file for this building.
- (4) The Livingston Canal is north and east of the project area also referenced on the 1918 USGS map). This canal has been recorded as P-24-000552 and listed in the Office of Historic Preservation Built Environment Resource Directory (BERD) with a rating of 6Y, determined ineligible for the National Register of Historic Places by consensus through the Section 106 process, not evaluated for the California Register or for local listing.

Further, the CCIC provided the following comments and recommendations:

- (1) Since the project area has not been subject to previous investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.
- (2) If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.
- (3) Mitigate archaeological resources that could potentially be encountered during construction.

California Native American Heritage Commission (NAHC)

A consultation list of tribes with traditional lands or cultural places located within Merced County was requested and received from the California Native American Heritage Commission (NAHC) on October 22, 2024. The listed tribes include Amah Mutsun Tribal Band, Northern Valley Yokut/ Ohlone Tribe, Southern Sierra Miwuk Nation, Tule River Indian Tribe*, and Wuksachi Indian Tribe/ Eshom Valley Band. **Federally recognized tribe*. The NAHC also conducted a Sacred Lands File (SFL) check which received negative results. Correspondence is provided in **Appendix C**.

AB 52 and SB 18 Tribal Consultation

The City of Atwater conducted formal tribal consultation pursuant to AB 52 (Chapter 532, Statutes 2014) and SB 18 (Chapter 905, Statutes 2004) on December 17, 2024 to the aforementioned tribes. Consultation for AB 52 ended on January 16, 2025, and consultation for SB 18 ended on March 17, 2025. No responses were received.

4.5.2 Impact Assessment

Would the project:

- a) *Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*

Less than Significant Impact. According to the CHRIS Record Search conducted on October 14, 2024, there are no local, state, or federal designated historical resources on the Project site or vicinity. Further, the Project site has been highly disturbed as it used for commercial operations. There are no existing structures on site. As such, the Project would not cause a change to a historical resource pursuant to *Section 15064.5* and therefore, the Project would be less than significant.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less than Significant with Mitigation Incorporated. Based on the CHRIS Records Search conducted on October 14, 2024, there are no known archeological resources pursuant to *Section 15064.5* on the Project site. While there is no evidence that archeological resources exist on the Project site, there is some possibility that hidden and buried resources may exist with no surface evidence and may be impacted by future physical development of the site. In the event of the accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate **Mitigation Measure CULT-1** to assure construction activities do not result in significant impacts to any potential archeological resources discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

***Mitigation Measure CULT-1:** In the event of the accidental discovery and recognition of previously unknown resources before or during grading activities, construction shall stop in the immediate vicinity and a consultation with a qualified historical resources specialist shall be held to determine whether further study is required. Recommendations by the qualified historical resources specialist shall be made to the City on the necessary implementation measures to protect the resources discovered. If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, then protection measures shall be recommended to the City by the qualified historical resources specialist. The Lead Agency shall approve the protection measures before any further grading shall occur. Historical resources recovered as a result of mitigation shall be provided to an institution approved by the City in order to provide preservation and further study as required.*

c) Disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. There is no evidence that human remains exist on the Project site. Nevertheless, there is some possibility that a non-visible buried site may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. If any human remains are discovered during construction, then the Project would be subject to CCR *Section 15064.5(e)*, PRC *Section 5097.98*, and California Health and Safety Code *Section 7050.5*. Regulations contained in these sections address and protect human burial remains. Compliance with these regulations would ensure impacts on human remains, including those interred outside of formal cemeteries, are less than significant. As such, the Project would have a less than significant impact.

4.5.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measures CULT-1 as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.6 ENERGY

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

4.6.1 Environmental Setting

Appendix F – Energy Conservation of the CEQA Guidelines requires consideration of energy implications in project decisions, including a discussion of the potential energy impacts with emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy resources (Public Resources Code *Section 21100(b)(3)*). Per Appendix F, a project would be considered inefficient, wasteful, and unnecessary if it violated existing energy standards, had a negative effect on local and regional energy supplies and requirements for additional capacity, had a negative effect on peak and base period demands for electricity and other energy forms, and effected energy resources.

The California Energy Commission updates the Building Energy Efficiency Standards (Title 24, Parts 6 and 11) every three years as part of the California Code of Regulations. The standards were established in 1978 in an effort to reduce the state’s energy consumption. They apply to new construction of, and additions and alterations to, residential and nonresidential buildings and relate to various energy efficiencies including but not limited to ventilation, air conditioning, and lighting.¹⁵ The California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations, was developed in 2007 to meet the state goals for reducing Greenhouse Gas emissions pursuant to AB32. CALGreen covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.¹⁶ The 2019 Building Energy Efficiency Standards went into effect on January 1, 2020. Additionally, the California Air Resources Board (CARB) oversees air pollution control efforts, regulations, and programs that contribute to reduction of energy consumption. Compliance with these energy efficiency regulations and programs ensures that development will not result in wasteful, inefficient, or unnecessary consumption of energy sources. Lastly, the Energy Action Plan

¹⁵ California Energy Commission. 2019 Building Energy Efficiency Standards. Accessed on January 14, 2025, <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency>

¹⁶ California Department of General Services. (2020). 2019 California Green Building Standards Code. Accessed on January 14, 2025, <https://codes.iccsafe.org/content/CGBC2019P3>

(EAP) for California was approved in 2003 by the California Public Utilities Commission (PUC). The EAP established goals and next steps to integrate and coordinate energy efficiency demand and response programs and actions.¹⁷

4.6.2 Impact Assessment

Would the project:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

Less than Significant Impact. The Project proposes the redevelopment and expansion of the existing Osborn Park. There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities. All construction equipment shall conform to current emissions standards and related fuel efficiencies. In addition, through compliance with applicable CARB regulations (Airborne Toxic Control Measure), California Code of Regulations (Title 13, Motor Vehicles), and Title 24 standards, it can be determined that the proposed Project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. For these reasons, the Project would result in a less than significant impact.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than Significant Impact. As discussed under criterion a), the construction and operations of the Project would be subject to compliance with applicable energy efficiency regulations. Thus, applicable state and local regulations and programs would be implemented to reduce energy waste from construction and operations. **Table 4-6** demonstrates that the Project does not conflict with or obstruct with the energy conservation/efficiency policies identified in the General Plan.

Table 4-6 Consistency with General Plan Energy Conservation Policies

General Plan Energy Conservation Policies	Consistency/Applicability Determination
<i>Policy CO-7.1. Encourage the incorporation of energy conservation features into new development, such as high-density development, bikeways and pedestrian paths, proper solar orientation, and transit routes and facilities.</i>	Consistent. The development of the Project proposes the expansion of Osborn Park. Compared to the site’s planned land use of commercial, a park has less energy consumption. In addition, the Project includes sidewalks and pedestrian paths within the park . As such, the Project incorporates energy conservation features.

Therefore, through compliance, the Project would not conflict with or obstruct any state or local plan for energy efficiency and a less than significant impact would occur because of the Project.

4.6.3 Mitigation Measures

None required.

¹⁷ State of California. (2008). Energy Action Plan 2008 Update. Accessed on January 14, 2025, https://docs.cpuc.ca.gov/word_pdf/REPORT/28715.pdf

4.7 GEOLOGY AND SOILS

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

unique geologic feature?				
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4.7.1 Environmental Setting

Atwater is located within the San Joaquin Valley which is part of the Great Valley Geomorphic Providence that is bounded to the east by the Sierra Nevada Mountain range, to the west by the Coastal Range, and to the south by the Tehachapi mountains. Atwater has infrequent and low historic seismic activity. In addition, the city has no known active earthquake faults (i.e., faults showing activity within the last 11,000 years) and is not in any Alquist-Priolo Special Studies Zones.^{18 19}

The nearest faults are approximately 20 miles to the northeast in the Sierra Nevada Range (i.e., the Bear Mountain Fault) and approximately 30 miles to the southwest in the Diablo/Coastal Range (i.e., the San Joaquin, O’Neill, and Ortigalita Faults). The Ortigalita Fault is the nearest fault within the Alquist-Priolo earthquake fault zone; the fault has not been historically active. Earthquakes from nearby faults would most likely generate ground motion of shaking, but there is no history of this causing damage in the area. Compliance with the California Building Code (CBC) would be sufficient to prevent significant damage during seismic events.

Subsurface Soils

A search of the Web Soil Survey by the USDA Natural Resources Conservation Service indicates that the following soils comprise the Project site:²⁰

AgA: Atwater loamy sand, deep over hardpan, 0-3 percent slopes. The depth to water table is more than 80 feet, with no flooding or ponding. The AgA soils account for 100% of the Project site.

California Building Code

The California Code of Regulations (CCR) Title 24 is assigned to the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. The California Building Code incorporates by reference the International Building Code with necessary California amendments. About one-third of the text within the California Building Standards Code has been tailored for California earthquake conditions. Construction within the City of Atwater is governed by the seismic safety standards of Chapter 16 of the Code. These standards are applicable to all new buildings and are required to provide the necessary safety from earthquake related effected emanating from fault activity.

¹⁸ According to the California Department of Conservation, “An active fault, for the purposes of the Alquist-Priolo Act, is one that has ruptured in the last 11,000 years.”

¹⁹ California Department of Conservation. “CGS Seismic Hazard Program: Alquist-Priolo Fault Hazard Zones.” Accessed on January 14, 2025, <https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=37.213952%2C-117.946341%2C7.19>

²⁰ United States Department of Agriculture Natural Resources Conservation Service. “Web Soil Survey.” Accessed on January 14, 2025, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

4.7.2 Impact Assessment

Would the project:

- a) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
 - i. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

No Impact. There are no known active earthquake faults in the City of Atwater, inclusive of the Project site, nor is the City of Atwater within an Alquist-Priolo earthquake fault zone as established by the Alquist-Priolo Fault Zoning Act. As such, development of the Project in an area void of earthquake faults would not cause rupture of a known earthquake fault. Therefore, no impact would occur as a result of the Project.

- ii. *Strong seismic ground shaking?*

Less than Significant Impact. The Project site is in an area that is traditionally characterized by relatively low seismic activity. Additionally, development of the Project site would be required to comply with current seismic protection standards in the California Building Code (CBC), which would limit potential damage to structures and thereby reduce potential impacts including the risk of loss, injury, or death. Compliance with the CBC would ensure a less than significant impact.

- iii. *Seismic-related ground failure, including liquefaction?*

No Impact. No liquefaction nor lateral spreading have been observed in Atwater from any historic earthquake. Liquefaction and lateral spreading potential in Atwater are considered very low as due to the nature of the underlying soils, relatively deep-water table, and history of low ground shaking potential. In addition, there are no geologic hazards or unstable soil conditions known to exist on the Project site. The site is relatively flat with stable soils and no apparent unique or significant landforms. As CEQA requires an analysis of a Project's impact on the environment rather than the environment's impacts on a Project, no impacts would occur. Therefore, because the Project does not have any aspect that could result in seismic-related ground failure, including liquefaction, the Project would have no impact.

- iv. *Landslides?*

No Impact. Landslides are not expected to affect the Project site as the City of Atwater is not located in a zone where landslides, subsidence, or liquefaction could possibly occur. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

- b) *Result in substantial soil erosion or the loss of topsoil?*

Less than Significant Impact. Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. The Project site is relatively flat, which limits the potential for substantial soil erosion. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance

during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Development of the Project would be required to comply with AMC *Chapter 12.22 – Stormwater Management and Discharge Control Ordinance*, which requires that any person performing construction activities in the City shall prevent pollutants from entering the storm water conveyance system and comply with all applicable Federal, State, and local laws, ordinances or regulations, including but not limited to, the current California NPDES general permit for storm water discharges associated with construction activity (construction general permit). All construction projects, regardless of size, having soil disturbance or activities exposed to storm water must, at a minimum, implement best management practices (BMPs) for erosion and sediment controls, soil stabilization, dewatering, source controls, pollution prevention measures, and prohibited discharges. Implementation of the BMPs minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. In addition, the City's Public Works and Building Departments prepare a standard set of conditions for proposed development to the control of dust emissions during grading and other earth moving activities.

The likelihood of erosion would be further reduced through compliance with regulations set by the State Water Resources Control Board (SWRCB). Namely, the SWRCB requires sites larger than one (1) acre to comply with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2009-0009-DWQ). The General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. With these provisions in place, impacts on soil and topsoil by the Project would be considered less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less than Significant Impact. Ground subsidence is the settling or sinking of surface soil deposits with little or no horizontal motion. Soils with high silt or clay content are subject to subsidence. Subsidence typically occurs in areas with groundwater withdrawal or oil or natural gas extraction. The topography of the site is relatively flat with stable, native soils and no apparent unique or significant landforms. Future development of the Project site would be required to comply with current seismic protection standards in the CBC which would significantly limit potential seismic-related hazards such as landslides, lateral spreading, subsidence, liquefaction, or collapse. Compliance with the CBC would ensure a less than significant impact.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property?

No Impact. The Project site is relatively flat with native soils of loamy sand, which is not expansive. No impact.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The Project site is within Atwater's city limits and thus, would be required to connect to the city's wastewater services. Thus, no permanent septic tanks or alternative wastewater disposal systems would be installed, and no impact would occur.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. There are no known paleontological resources or unique geological features known to the City of Atwater on this site. Nevertheless, there is some possibility that a non-visible, buried resource site, or feature may exist and may be uncovered during ground disturbing construction activities which would constitute a significant impact. However, **Mitigation Measure (MM) GEO-2** requires that if unknown paleontological resources are discovered during construction activities, work within a 25-foot buffer would cease until a qualified paleontologist determined the appropriate course of action. With implementation of **Mitigation Measure GEO-1**, the Project would have a less-than-significant impact.

***Mitigation Measure GEO-1:** If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.*

If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Atwater, Planning Division.

4.7.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Geology and Soils related mitigation measures GEO-1 as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.8 GREENHOUSE GAS EMISSIONS

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

4.8.1 Environmental Setting

In assessing the significance of impacts from GHG emissions, *Section 15064.4(b)* of the CEQA Guidelines states that a lead agency may consider the following:

- The extent to which the project may increase or reduce GHG emissions as compared to the environmental setting;
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project;
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of greenhouse gas emissions.

The California Air Resources Board (CARB) 2022 Climate Change Scoping Plan, guidance from the SJVAPCD, and City of Atwater General Plan are discussed below and are utilized as thresholds of significance.

2022 Climate Change Scoping Plan

The CARB 2022 Climate Change Scoping Plan is the adopted statewide plan for reduction and mitigation of GHGs to implement Assembly Bill (AB) 1279. AB 1279 was issued on August 12, 2022 to require California to achieve “net zero greenhouse gas emissions” as soon as possible and to further reduce anthropogenic GHG emissions thereafter. It sets a statewide goal to reduce emissions 85% below 1990 levels no later than 2045.

Consequently, the Scoping Plan involves several measures for cost-effective reduction of GHG emissions, including continuing existing programs such as Renewable Portfolio Standard, Advanced Clean Cars, Low Carbon Fuel Standard, etc., and achieving new mandates to decarbonize several sectors. Along with reducing emissions, environmental justice policies are included to address the ongoing air quality disparities.

Appendix D of the 2022 Scoping Plan include recommendations to build momentum for local government actions to align with State goals, including through CEQA review. The Appendix outlines the priority GHG reduction

strategies for local governments, including transportation electrification, VMT reduction, and building decarbonization.²¹

SJVAPCD CEQA Air Quality Guidelines

The SJVAPCD's Guidance for Valley Land Use Agencies in Addressing GHG Impacts for New Projects Under CEQA (2009) provides screening criteria for climate change analyses, as well as draft guidance for the determination of significance.^{22,23} These criteria are used to evaluate whether a project would result in a significant climate change impact (see below). Projects that meet one of these criteria would have less than significant impact on the global climate.

- Does the project comply with an adopted statewide, regional, or local plan for reduction or mitigation of GHG emissions? If no, then:
- Does the project achieve 29% GHG reductions by using approved Best Performance Standards (BPS)? If no, then
- Does the project achieve AB 32 targeted 29% GHG emission reductions compared with Business As Usual (BAU)?

Assembly Bill (AB) 32 was enacted by the California State legislature in 2006 with the aim to reduce GHG emissions to levels of 1990 by 2020. Recommended actions to achieve these aims were adopted by the California Air Resources Board (CARB) in 2008 (i.e., the Climate Change Scoping Plan). However, the 29% GHG emission reductions compared to BAU threshold are outdated since it is aimed to meet AB 32's 2020 goals, thus this threshold would not be used for analysis.

The City of Atwater does not have an adopted Climate Action Plan or GHG Reduction Plan. Because BPS have not yet been adopted and identified for specific development projects, and because the City of Atwater has not yet adopted a plan for reduction of GHG with which the Project can demonstrate compliance, the California Air Resources Board (CARB) 2022 Climate Change Scoping Plan and guidance from the San Joaquin Valley Air Pollution Control District (SJVAPCD) will be used as the threshold of significance.

San Joaquin Valley Air Pollution Control District

SJVAPCD adopted *Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA* and the policy *District Policy—Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency* in 2009. It recognized that project-specific emissions are cumulative and could be considered cumulatively considerable without mitigation. SJVAPCD suggested that the requirement to reduce GHG emissions for all projects is the best method to address this cumulative impact.

²¹ California Air Resources Board. (2022). 2022 Scoping Plan Appendix D. Accessed on January 14, 2025, <https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>

²² San Joaquin Valley Air Pollution Control District. (2009). Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA. Accessed January 14, 2025, <http://www.valleyair.org/Programs/CCAP/12-17-09/3%20CCAP%20-%20FINAL%20LU%20Guidance%20-%20Dec%2017%202009.pdf>.

²³ San Joaquin Valley Air Pollution Control District. (2000). Environmental Review Guidelines: Procedures for Implementing the California Environmental Quality Act. Accessed January 14, 2025, http://www.valleyair.org/transportation/CEQA%20Rules/ERG%20Adopted%20_August%202000_.pdf

The SJVAPCD requires quantification of GHG emissions for all projects which the lead agency has determined that an EIR is required. Although an EIR is not required for the Project, the GHG emissions are quantified below. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (v.2020.4.0). (See [Appendix D](#)). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MTCO₂e), based on the global warming potential of the individual pollutants.

City of Atwater General Plan

At the local level, while the City of Atwater General Plan does not meet criteria of the CEQA Guidelines 15064.4(b)(3) for an appropriate GHG emissions reduction plan or program, the General Plan does have goals and policies relevant to climate change and minimizing GHG emissions and other pollutants, with an overall aim to reduce air quality impacts on the environment. These goals and policies are outlined in the Open Space and Conservation Element (CO), “Air Quality”, and Safety Element (SF), “Wind Erosions and Dust Storms”.

GOAL CO-3. *Strive to reduce air emissions and obtain goals set in local and regional air quality attainment plans.*

Policy CO-3.1. *Cooperate with the San Joaquin Valley Unified Air Pollution Control District (APCD) in implementing air quality improvement plans prepared by the District.*

Policy CO-3.2. *Encourage land use development projects that would result in fewer adverse air quality impacts, such as mixed use and pedestrian-oriented projects.*

Policy CO-3.3. *Encourage the use of modes of transportation other than automobiles.*

GOAL SF-7. *Prevent activities that contribute to increased wind erosion.*

Policy SF-7.1. *Require all projects that involve grading or other earth moving activities to implement dust control measures to reduce dust emissions.*

4.8.2 Impact Assessment

Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

Less than Significant Impact. The 2025 CEQA Guidelines do not establish a quantitative threshold of significance for GHG impacts, leaving lead agencies the discretion to establish such thresholds for their respective jurisdictions. Since the SJVAPCD does not have established GHG significance emissions thresholds and the City of Atwater does not have an adopted CAP for CEQA tiering purposes, the following utilizes qualitative analysis for greenhouse gas emission impacts. Short-term construction and long-term operational GHG emissions for project buildout were estimated using CalEEMod™ (v.2020.4.0). See [Appendix D](#) for output files.

Construction Emissions

In regard to construction, the SJVAPCD does not recommend assessing pollution associated with construction, as pollution-related construction will be temporary. These construction GHG emissions are a one-time release. As such, it can be anticipated that these construction emissions would not generate a significant contribution to global climate change over the lifetime of the Project.

Operational Emissions

Regarding the long-term operational related GHG emissions, the estimated operational emissions for buildout of the Project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. The South Coast Air Quality Management District (SCAQMD) adopted the staff proposal for an interim GHG significance threshold of 10,000 MT CO₂e per year for GHG for construction and operational emissions. The BAAQMD also adopted the 10,000 MT CO₂e per year threshold. Utilizing this as the threshold, annual operational emissions below 10,000 MTCO₂e would have a less than significant cumulative impact on GHGs. The annual operational GHG emissions associated with buildout of the Project is 6.36 MT CO₂e based on the CalEEMod run. This is less than the 10,000 MTCO₂e threshold of the SCAQMD and BAAQMD.

Further, the Project would not exceed the thresholds of significance for construction or operational emissions as discussed in **Section 4.3**. Additionally, as discussed in more detail below, the Project would be generally consistent with the applicable goals and policies related to GHG reduction measures, including CARB’s 2022 Scoping Plan and SJVAPCD guidelines, and the City of Atwater General Plan goals and policies that aim to reduce air emissions and improve air quality, which reduces GHG emissions as a result. Cumulatively, these emissions would not generate a significant contribution to global climate change over the lifetime of the proposed Project. As such, it can be determined that the Project would not occur at a scale or scope with potential to contribute substantially or cumulatively to the generation of GHG emissions and therefore the impact would be less than significant.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant with Mitigation Incorporated. The compatibility of the Project with the 2022 Scoping Plan and MCAP, MCAG RTP/SCS, SJVAPCD CCAP, and applicable goals in the Atwater General Plan.

Consistency with the 2022 Climate Change Scoping Plan

Based on the evaluation shown in **Table 4-7**, the Project is consistent with the reduction measures identified in the 2022 Scoping Plan. The reduction measures are derived from the 2022 Scoping Plan Table 1 – Priority GHG Reduction Strategies, which provides 3 priority areas to assist jurisdictions with developing local climate action plans.

Table 4-7 Scoping Plan Priority GHG Reduction Strategies Consistency Analysis

Priority Areas	Priority GHG Reduction Strategies	Consistency/Applicability Determination
Transportation Electrification	Convert local government fleets to ZEVs and provide EV charging at public sites.	Consistent. The Project does not include usage of local government fleets; however, since the Project is a public site, it should provide electric vehicle (EV) charging, as required in Mitigation Measure GHG-1 .

	Create a jurisdiction-specific ZEV ecosystem to support deployment of ZEVs statewide (such as building standards that exceed state building codes, permit streamlining, infrastructure siting, consumer education, preferential parking policies, and ZEV readiness plans).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
VMT Reduction	Reduce or eliminate minimum parking standards.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Implement Complete Streets policies and investments, consistent with general plan circulation element requirements.	Not Applicable. No roadways are proposed as part of the Project.
	Increase access to public transit by increasing density of development near transit, improving transit service by increasing service frequency, creating bus priority lanes, reducing or eliminating fares, microtransit, etc.	Not Applicable. The Project proposes a park with an ingress/egress approximately 200 feet from the Osborn Park bus stop (Stop ID 4254). However, the Project does not increase density of development due to the nature of the development.
	Increase public access to clean mobility options by planning for and investing in electric shuttles, bike share, car share, and walking.	Consistent. The Project proposes pedestrian facilities (i.e., sidewalks) within the site and connecting to adjacent properties. In addition, as described above, the Project is near an existing bus stop. As such, it increases public access to clean mobility options.
	Implement parking pricing or transportation demand management pricing strategies.	Not Applicable. The Project proposes expansion of an existing park; thus, parking spaces are provided at no cost for visitors.
	Amend zoning or development codes to enable mixed-use, walkable, transit-oriented, and compact infill development (such as increasing the allowable density of a neighborhood)	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Preserve natural and working lands by implementing land use policies that guide development toward infill areas and do not convert “greenfield” land to urban uses (e.g., green belts, strategic conservation easements)	Consistent. The Project is proposed on a site surrounded by existing urban development. The site is not greenfield.
Building Decarbonization	Adopt all-electric new construction reach codes for residential and commercial uses.	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.
	Adopt policies and incentive programs to implement energy efficiency retrofits for existing buildings, such as weatherization, lighting upgrades, and replacing energy-intensive appliances and equipment with more efficient systems (such as Energy Star-rated equipment and equipment controllers).	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Adopt policies and incentive programs to electrify all appliances and equipment in existing buildings such as appliance rebates, existing building reach codes, or time of sale electrification ordinances	Not Applicable. This is a city-wide strategy thus is not applicable to the Project. In addition, the Project does not include retrofits for existing buildings.
	Facilitate deployment of renewable energy production and distribution and energy storage on	Not Applicable. This is a city-wide strategy thus is not applicable to the Project.

	privately owned land uses (e.g., permit streamlining, information sharing)	
	Deploy renewable energy production and energy storage directly in new public projects and on existing public facilities (e.g., solar photovoltaic systems on rooftops of municipal buildings and on canopies in public parking lots, battery storage systems in municipal buildings)	Not Applicable. The Project does not include the construction of canopies or buildings. As such, no solar photovoltaic systems or battery storage systems are proposed.

Mitigation Measure GHG-1: *The project shall install EV charging stations.*

Consistency with the MCAG RTP/SCS

The Merced CAG’s 2018 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) includes a series of goals for the region that would reduce GHG emissions based on the land use consistency and the reduction of vehicle trips. Relevant goals and policies include:

Goal 12 Sustainable Communities: *Reduce per capita greenhouse gas emissions through compact growth and alternative transportation strategies. Protect and enhance the natural environment. Support vehicle electrification and the provision of electrification infrastructure in public and private parking facilities and structures.*

Policy 12.1. *Prioritize infill and growth in existing communities.*

Most goals and policies are implemented at the regional or city level. Since the proposed Project is an infill development (i.e., within city limits and generally surrounded by urban development) in an urbanized area and will be subject to local regulations, the Project would be consistent with goals and policies identified in the RTP/SCS.

Consistency with the Atwater General Plan

The Project complies with the General Plan goals and policies listed in the Environmental Settings since it is generally compliant with the SJVAPCD air quality attainment plans.

In conclusion, the Project contains features that would reduce GHG emissions in compliance with CARB 2022 Climate Change Scoping Plan, MCAG RTP/SCS, and the General Plan. As such, the Project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and therefore the impact would be less than significant with mitigation incorporated.

4.8.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Greenhouse Gas Emissions related mitigation measure GHG-1 as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.9 HAZARDS AND HAZARDOUS MATERIAL

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

4.9.1 Environmental Setting

For the purposes of this section, the term “hazardous materials” refers to “injurious substances,” which include flammable liquids and gases, poisons, corrosives, explosives, oxidizers, radioactive materials, and medical supplies and waste. These materials are either generated or used in various commercial and industrial activities. Hazardous

wastes are injurious substances that have been or will be disposed of. Potential hazards arise from the transport of hazardous materials, including leakage and accidents involving transporting vehicles. There also are hazards associated with the use and storage of these materials and waste. Hazardous materials are grouped into the following four categories based on their properties:

- Toxic: causes human health effect
- Ignitable: has the ability to burn
- Corrosive: causes severe burns or damage to materials
- Reactive: causes explosions or generates toxic gases

“Hazardous wastes” are defined in California Health and Safety Code *Section 25141(b)* as wastes that: “...because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause or significantly contribute to an increase in mortality or an increase in serious illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.” Hazardous waste is any hazardous material that is discarded, abandoned, or slated to be recycled. If improperly handled, hazardous materials and hazardous waste can result in public health hazards if released into the soil or groundwater or through airborne releases in vapors, fumes, or dust. Soil and groundwater having concentrations of hazardous constituents higher than specific regulatory levels must be handled and disposed of as hazardous waste when excavated or pumped from an aquifer. The California Code of Regulations, Title 22, *Sections 66261.20-24* contains technical descriptions of toxic characteristics that could cause soil or groundwater to be classified as hazardous waste.

Hazardous waste generators may include industries, businesses, public and private institutions, and households. Federal, state, and local agencies maintain comprehensive databases that identify the location of facilities using large quantities of hazardous materials, as well as facilities generating hazardous waste. Some of these facilities use certain classes of hazardous materials that require risk management plans to protect surrounding land uses. The release of hazardous materials would be subject to existing federal, state, and local regulations and is similar to the transport, use, and disposal of hazard materials.

Regulatory Setting

The California Environmental Protection Agency (CalEPA) was established in 1991 to protect the environment. CalEPA oversees the Unified Program through Certified Unified Program Agencies (CUPAs), which consolidates six (6) environmental programs to ensure the handling of hazardous waste and materials in California. The local CUPA in Merced County, Department of Public Health, Division of Environmental Health (MCDEH), is responsible for administering the following six (6) CUPA programs:

- Hazardous Materials Business Plan (HMBP)
- California Accidental Release Program (CalARP)
- Underground Storage Tank Program (UST)
- Aboveground Storage Tank Program (APSA)
- Hazardous Waste Generator Program
- Tiered Permitting Program

The Department of Toxic Substances Control (DTSC) is another agency in California that regulates hazardous waste, conducts inspections, provide emergency response for hazardous materials-related emergencies, protect water resources from contamination, removing wastes, etc. DTSC acts under the authority of Resource Conservation and Recovery Act (RCRA) and California Health and Safety Code. The DTSC implements the California Code of Regulations (CCR) Title 22 Division 4.5 to manage hazardous waste. Government Code *Section 65962.5* requires that DTSC shall compile and update at least annually a list of:

- (1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC").*
- (2) All land designated as hazardous waste property or border zone property pursuant to Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.*
- (3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposal on public land.*
- (4) All sites listed pursuant to Section 25356 of the Health and Safety Code.*
- (5) All sites included in the Abandoned Site Assessment Program.*

This list of hazardous waste sites in California, referred to as the Cortese List, is then distributed to each city and county. According to the CCR Title 22, soil excavated from a site containing hazardous materials is considered hazardous waste, and remediation actions should be performed accordingly. Cleanup requirements are determined case-by-case by the jurisdiction.

Record Search

The United States Environmental Protection Agency (EPA) Superfund National Priorities List (NPL) ²⁴, California Department of Toxic Substance Control's EnviroStor database ²⁵, and the State Water Resources Control Board's GeoTracker database ²⁶ include hazardous release and contamination sites. A search of each database was conducted on January 14, 2025. The searches revealed no sites are present or adjacent to the Project site.

4.9.2 Impact Assessment

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Less than Significant Impact. The Project proposes the expansion of Osborn Park. The type of hazardous materials typically associated with park operations are cleaning supplies and landscape maintenance supplies, such as cleaning solutions, pesticides, etc., if any. Because of the proposed park use, it is not expected that the Project

²⁴ United States Environmental Protection Agency. Superfund National Priorities List. Accessed January 14, 2025, <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=33cebcdfdd1b4c3a8b51d416956c41f1>

²⁵ California Department of Toxic Substances Control. Envirostor. Accessed January 14, 2025, <https://www.envirostor.dtsc.ca.gov/public/>

²⁶ California State Water Resources Control Board. GeoTracker. Accessed January 14, 2025, <https://geotracker.waterboards.ca.gov/>

would routinely transport, use, or dispose of hazardous materials other than those typical of park maintenance and such materials would not be of the type or quantity that would pose a significant hazard to the public.

While demolition and construction activities may include the temporary transport, storage, use or disposal of potentially hazardous materials (e.g., fuels, lubricating fluids, cleaners, solvents, etc.), such activities would be regulated by the Department of Toxic Substances Control through the California Hazardous Waste Control Law and Hazardous Waste Control Regulations as well as by MBARD through Rule 424 (i.e., asbestos-containing materials). Compliance would ensure that construction-related impacts would be less than significant. For these reasons, the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and a less than significant impact would occur.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less than Significant Impact. As described under criterion a), it is not anticipated that the Project itself would involve any operations that would require routine transport, use, or disposal of hazardous materials and therefore is not anticipated to create a significant hazard to the public or the environment through release of hazardous materials, including any reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. While potential impacts would occur through construction-related transport and disposal of hazardous materials, such impacts would be short-term and temporary and would be reduced to less than significant levels through compliance with local, state, and federal regulations in addition to standard equipment operating practices as described under criterion a). Therefore, the Project would have a less than significant impact.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. There are no existing or proposed schools within one-quarter mile of the Project site. Additionally, as described under criteria a) and b) above, the Project is not anticipated to emit hazard emissions or handle hazardous materials, substances, or water that would pose a risk or threat to the school or surrounding area. Therefore, no impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. According to NPL, EnviroStor, and GeoTracker, the Project site does not include a hazardous material release site. Since there are no active hazardous material release sites on the Project site pursuant to Government Code Section 65962.5, the Project would not create a significant hazard to the public or the environment and there would be no impact.

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

No Impact. The nearest public airport or public use airport is Castle Airport located approximately 1.3 miles northeast of the Project site. According to the Merced County Airport Land Use Compatibility Plan, the Project site

is not within an Airport Influence Area (AIA).²⁷ Additionally, since the Project proposes park use, there will be no people residing or working on the site. As such, there would not be a safety hazard for people residing or working on the site and no impact would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact. The Project would not involve any new or altered infrastructure associated with evacuation, emergency response, and emergency access routes within the City of Atwater or County of Merced. Construction may require lane closure; however, these activities would be short-term and access through East Bellevue Road would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Furthermore, the Project would be subject to compliance with applicable standards for on-site emergency access including turn radii and fire access. Therefore, through compliance, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Less than Significant Impact. The Project site is located in an urbanized area surrounded by urban uses. No structures are proposed as part of the Project. In addition, the site is not identified by Cal Fire to be in a Moderate, High, or Very High Fire Hazard Severity Zone (FHSZ). Development of the site would result in the installation of infrastructure that would be reviewed and conditioned by the City for compliance with all applicable standards, specifications, and codes. Compliance with such regulations would ensure that the Project meets standards to help prevent loss, injury, or death involving wildland fires. For these reasons, the Project would have a less than significant impact.

4.9.3 Mitigation Measures

None required.

²⁷ County of Merced. (2012). Merced County Airport Land Use Compatibility Plan. Accessed January 14, 2025, https://web2.co.merced.ca.us/pdfs/planning/aluc/alucp_july2012/2012_mer_alucp_entire_document.pdf

4.10 HYDROLOGY AND WATER QUALITY

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

4.10.1 Environmental Setting

The Project site is within city limits and would be connected to the city's water and stormwater services. The city's water and stormwater services are described as follows.

Water

The City provides water service for residences, commercial establishments, manufacturing plants, institutional facilities, and parks within the city limits. The City operates nine (9) wells to provide water to its customers. All wells are located within the City except for Well #21, which is located at the northeast corner of the Castle Airport facility adjacent to the U.S. Federal prison.²⁸ In 2016, the City produced an average of eight million gallons per day (mgd). The system has a capacity to pump 15,388 gallons per minute (gpm) and two (2) million gallons of storage. As of 2016, the system serves approximately 6,800 residential connections, 520 commercial connections, six (6) industrial connections, and 45 irrigation connections.²⁹ The water is distributed through a grid system of pipelines ranging from four (4) to 14 inches in diameter. The system supplies the City with drinking water and provides water for fire protection through fire hydrants.

The City has an overall Supervisory Control and Data Acquisition (SCADA) system that allows for remote monitoring and control of the water system via radio control. This system enhances quick response times to problem situations and gathers real-time, accurate data. The system can accurately determine water production quantities. To protect groundwater resources and minimize the future need to import water from other sources, the City and MID are engaged in efforts to reduce water consumption. New Atwater connections are metered, and per State law, unmetered connections will be metered in 2025.³⁰

The city's water supply is obtained from the Merced Subbasin, which is part of the larger San Joaquin River Groundwater Basin and is regulated under the Sustainable Groundwater Management Act by the Merced Irrigation-Urban Groundwater Sustainability Agency (GSA). The Merced Groundwater Subbasin Groundwater Sustainability Plan (GSP), adopted in December 2019, was developed to address the subbasin's critical overdraft and bring it into balance by 2040. The Subbasin is heavily reliant on groundwater. Of note, the City and MID are working to reduce water consumption. The City has met Assembly Bill No. 2572 requirements for water meter installation in all residences built in/after 1992; such requirements seek to reduce consumption. Implementation of the Merced Groundwater Subbasin GSP will ensure that groundwater supply is sustainability managed.

In an effort to ensure future growth on the eastern side of the City, in 2016 the City negotiated a settlement with the private Meadowbrook Water Company to relocate their "service area" from the area east of Buhach Road, north of State Highway 99 located within the City Sphere of Influence, to an area north of Santa Fe Drive and south of Cardella Road further to the northeast (the Meadowbrook Water Company was sold to Cal American Water Company in late 2016).

²⁸ City of Atwater. (2018). Drinking Water Quality Report. Accessed January 14, 2025, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>

²⁹ City of Atwater; EMC Planning Group, Inc. (2017). 2014-2043 5th Cycle Housing Element Update. Accessed January 14, 2025, <https://www.atwater.org/city-of-atwater-2014-2023-5th-cycle-housing-element/>

³⁰ City of Atwater. (July 2018). Drinking Water Quality Report. Accessed January 14, 2025, <https://www.atwater.org/wp-content/uploads/2019/12/2017-CCR.pdf>

Atwater General Plan established goals and policies related to groundwater use that would potentially influence implementation of the GSP, as listed below. The GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein.

GOAL CO-1. *Support efforts to monitor and remediate existing groundwater contamination within the planning area.*

Policy CO-1.1. *Encourage responsible agencies to continue monitoring and remediation of contamination of the aquifer underneath the CAADC site.*

Policy CO-1.2. *Encourage the County of Merced to pursue remediation of groundwater contamination in the unincorporated portions of the Planning Area.*

GOAL CO-2. *Prevent the creation of new groundwater contamination or the spread of existing contamination.*

Policy CO-2.1. *Work with the Regional Water Quality Control Board (RWQCB) to protect, improve, and enhance groundwater quality in the region.*

Policy CO-2.2. *Educate the public on the proper handling and disposal of hazardous materials and household hazardous waste.*

According to the Atwater General Plan, most of the city of Atwater lies outside the 100-year floodplain designated by the Federal Emergency Management Agency (FEMA). The Seismic and Public Safety Element addresses flood hazards and dam inundation areas through several goals and policies, as listed below.

GOAL SF-4. *Avoid damage to persons and property resulting from flooding.*

Policy SF-4.1. *Restrict development within the 100-year floodplain in a manner that effectively prevents damage to persons and property.*

GOAL SF-5. *Reduce potential flood impacts resulting from dam failures.*

Policy SF-5.1. *Ensure that the City's Emergency Plan is updated to include dam failure inundation as a potential emergency and procedures for the efficient and orderly notification and evacuation of potential dam inundation areas.*

Policy SF-5.2. *Request that the U.S. Army Corps of Engineers provide information relative to the potential dam inundation area associated with Castle Reservoir.*

Stormwater

The City of Atwater fulfill the requirements set forth by the RWQCB General Permit. The City's storm drainage system generally consists of retention basins with a discharge to a natural drain or MID canal. There are 13 detention basins and 16 storm water lift stations in the city, with pumping capacities ranging from 75 gpm to 8,000 gpm. The City has an agreement with MID for storm water discharge that includes a fee for maintenance of the canal system. MID sets a maximum rate of discharge for each development. In some situations, where service is not available, the City requires private basins to be constructed on Project sites.

4.10.2 Impact Assessment

Would the project:

- a) *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

Less than Significant Impact. Because the Project site is greater than one (1) acre in size, the developer is required to prepare a SWPPP ([Section 4.7](#)) in compliance with the General Permit for Discharges of Storm Water Associated with Construction Activity (i.e., General Permit Order No. 2012-0006-DWQ). The SWPPP estimates the sediment risk associated with construction activities and includes best management practices (BMP) to control erosion. BMPs specific to erosion control cover erosion, sediment, tracking, and waste management controls. Implementation of the SWPPP minimizes the potential for the Project to result in substantial soil erosion or loss of topsoil. These provisions minimize the potential for the Project to violate any waste discharge requirements or otherwise substantially degrade surface or ground water quality. Further, runoff resulting from the Project would be managed in compliance with the approved grading and drainage plans. Thus, compliance with existing regulations including the General Construction Permit, BMPs, and AMC in addition to approved plans would reduce potential impacts related to water quality and waste discharge to less than significant levels.

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

Less than Significant Impact. The City's long-term water resource planning for existing and future demand is addressed in the City's 2020 Urban Water Management Plan (UWMP).³¹ This plan is intended to serve as a tool for planning and phasing the construction of future domestic water supply infrastructure for the projected buildout of the City of Atwater, in accordance with the General Plan.

According to the UWMP, the City uses groundwater wells as the sole source of supply; the City does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. The Merced Subbasin Groundwater Sustainability Plan (GSP), adopted in 2019 and revised in 2022, has a goal to achieve sustainable groundwater management on a long-term average basis by increasing recharge and/or reducing groundwater pumping, while avoiding undesirable results.³² The implementation of the GSP is expected to improve the long-term water supply reliability for the City. Along with the adoption of the UWMP and GSP, the City adopted its Water Shortage Contingency Plan, which consists of four (4) stages to allow the City to reduce its water demand in addition to several restrictions and prohibitions on end users.

Projected water use for each sector is included in [Table 4-8](#). Residential water uses account for approximately 57% of potable water used citywide. Other use types account for approximately 17% of potable water used citywide.

³¹ City of Atwater (2022). 2020 Urban Water Management Plan. Accessed January 14, 2025, <https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf>

³² Merced SGMA. (2022). Resources. Accessed January 14, 2025, <https://mercedsgma.org/resources#documents>

Table 4-8 Projected Potable Water Demand by Sector, 2025 – 2040

Use Type	Water Use by Volume (AF)			
	2025	2030	2035	2040
Single-Family	4,582	4,907	5,254	5,626
Multi-Family	951	1,018	1,090	1,167
Commercial	2,449	2,622	2,808	3,007
Other	1,660	1,777	1,903	2,038
Total	9,642	10,324	11,056	11,838

Source: City of Atwater, 2020 Urban Water Management Plan, 2022

The Project site has an existing General Plan land use designation of COM – Commercial (5.2 acres) and PK – Park (0.2 acres) and proposes a GPA to the PK – Park land use designation. There is no potable water demand for park operations. As such, the Project would generate less water demand than the operations (i.e., commercial) anticipated in the General Plan.

In addition, the development of parks would result in more impervious surfaces compared to the development of commercial uses. The increase in impervious surfaces could increase stormwater runoff and reduce groundwater recharge. Therefore, potential for the Project to interfere substantially with groundwater recharge such that the Project would impede sustainable groundwater management of the basin is limited and impacts would be less than significant.

Furthermore, adherence to connection requirements and recommendations pursuant to the City’s water conservation efforts (e.g., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact water supply or impede water management. In particular, the Project would be built accordance with all mandatory outdoor water use requirements as outlined in the applicable California Green Building Standards Code, Title 24, Part 11, Section 4.304 – Outdoor Water Use and verified through the permitting process. As a park development that would contain landscaping, the Project shall comply with the updated Model Water Efficient Landscape Ordinance (MWELO) (California Code of Regulations, Title 23, Chapter 2.7, Division 2), as implemented and enforced through the permitting process. Therefore, through compliance, the potential for the Project to substantially decrease groundwater supplies is limited and impacts would be less than significant.

Overall, the proposed Project would not generate greater water demand than would otherwise occur with the original planned land use (i.e., commercial). As a result, it can be presumed that the existing and planned water distribution system and supplies should be adequate to serve the Project, and the Project would thereby not decrease groundwater supplies, interfere substantially with groundwater recharge, or impede sustainable groundwater management of the basin. In addition, adherence to connection requirements and recommendations pursuant to the City’s water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City’s water provision. For these reasons, a less than significant impact would occur as a result of the Project.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would:

i. Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. Erosion is a natural process in which soil is moved from place to place by wind or from flowing water. The effects of erosion within the Project site can be accelerated by ground-disturbing activities associated with development. Siltation is the settling of sediment to the bed of a stream or lake which increases the turbidity of water. Turbid water can have harmful effects to aquatic life by clogging fish gills, reducing spawning habitat, and suppressing aquatic vegetation growth.

Soil erosion and loss of topsoil can be caused by natural factors, such as wind and flowing water, and human activity. Bare soils, common within agricultural land, are more susceptible to erosion than an already developed urban land, thus it is not expected that erosion could occur on-site. Development of the Project site would require typical site preparation activities such as grading and trenching which may result in the potential for short-term soil disturbance or erosion impacts. Soil disturbance during construction is largely caused by the use of water. Excessive soil erosion could cause damage to existing structures and roadways.

The likelihood of erosion occurring during construction would be reduced through site grading and surfacing, which would be subject to review and approval by the City for compliance with applicable standards. Future development of the Project site would be required to comply with the Project's SWPPP, construction-related erosion controls and BMPs would be implemented to reduce potential impacts related to erosion and siltation. These BMPs would include, but are not limited to, covering and/or binding soil surfaces to prevent soil from being detached and transported by water or wind, and the use of barriers such as straw bales and sandbags to control sediment. Together, the controls and BMPs are intended to limit soil transportation and erosion. As such, the likelihood of erosion would be further reduced through compliance with regulations including the General Construction Permit, BMPs, and approved grading and drainage plans as described under criterion a). With these provisions in place, the impact on soil and topsoil by the Project would be considered less than significant.

ii. Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Less than Significant Impact. During construction, the site's vegetation and soil would be disturbed, thereby temporarily altering the natural hydrology of the site. In turn, this could increase the volume and velocity of stormwater runoff which could increase the potential for flooding on- or off-site. As previously discussed, development of the site would require compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control and direct runoff. Compliance would ensure that construction impacts related to the alteration of the site's natural hydrology and the potential increase in runoff that would result in flooding on- or off-site would be less than significant.

iii. Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. Development of the site would disturb the site's vegetation and soil and temporarily alter the natural hydrology of the site. However, compliance with the SWPPP, approved grading and drainage plan, and implementation of BMPs that would control, and direct runoff would reduce construction impacts related to

alteration of the site's natural hydrology and the potential increase in runoff or polluted runoff in excess of existing or planned stormwater drainage systems. Therefore, construction would not result in the creation or contribution of additional sources of runoff or polluted runoff in exceedance of the existing or planned stormwater drainage systems and impacts would be less than significant.

Regarding operational impacts, development of the site would result in an increase in the impervious surface area which would increase runoff from the site. However, compliance with the approved grading and drainage plans would reduce the potential for the Project to cause substantial additional polluted runoff or runoff in excess of existing or planned stormwater drainage systems. A less than significant impact would occur.

iv. Impede or redirect flood flows?

Less than Significant Impact. Although the construction of the proposed Project would increase impervious surfaces, the Project would be required to maintain the site's drainage pattern through Project-specific grading and drainage plans that would be reviewed and approved by the City prior to the issuance of building permits. Through compliance, the potential for the Project to impede or redirect flood flows would be minimized or eliminated and a less than significant impact would occur.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The Project site is designated as Zone X on the most recent Flood Insurance Rate Map (FIRM) No. 06047C0405G, dated December 2, 2008.³³ Zone X is a flood hazard area with a 0.2 percent annual chance of flood hazard and one (1) percent annual chance flood with average depth less than one foot or with drainage areas of less than one (1) square mile. In addition, the City, inclusive of the Project site, has historically been subject to low to moderate ground shaking and has a relatively low probability of shaking. Seiches are unlikely to form due to the low seismic energy produced in the area. Therefore, as a low-risk area, the Project would have a less than significant impact as it relates to the risk release of pollutants due to project inundations.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact. The Project site is located within the jurisdiction of the Merced Irrigation-Urban GSA and is therefore subject to the Merced Groundwater Subbasin GSP adopted in 2019 and revised in 2022. As described under criterion (b) above, the Project would not decrease groundwater supplies or interfere substantially with groundwater recharge. In addition, the GSP anticipates that implementation of the GSP will reinforce Atwater's General Plan goals in addition to the groundwater quality monitoring and remediation described therein. Therefore, based on compliance with such plans, it can be determined that the Project would not conflict with or obstruct implementation of water quality control plans or sustainable groundwater management plans. For these reasons, a less than significant impact would occur because of the Project.

³³ FEMA. FEMA Flood Map Service Center: Search by Address. Accessed January 15, 2025, <https://msc.fema.gov/portal/search?AddressQuery=255%20E%20Bellevue%20Rd%20Atwater%2C%20CA%2095301#searchresultsanchor>

4.10.3 Mitigation Measures

None required.

4.11 LAND USE PLANNING

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

4.11.1 Environmental Setting

The Project proposes a General Plan Amendment to change the Atwater General Plan land use designation from COM – Commercial to PK – Park. A Zone Change is also proposed to change the zoning of the site from C-G – General Commercial to C-G-OS – General Commercial – Open Space Combining Zone District. A Site Plan Review (SPR) would facilitate the development and redevelopment of Osborn Park with a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, or other similar recreational activities, a walking path, 164 additional parking stalls, a second point of drive access, as well as subsequent improvements including curb, gutter, sidewalk, and landscaping.

4.11.2 Impact Assessment

Would the project:

a) Physically divide an established community?

Less than Significant Impact. Typically, physical division of an established community would occur if a Project introduced new incompatible uses inconsistent with the planned or existing land uses or created a physical barrier that impeded access within the community. Typical examples of physical barriers include the introduction of new, intersecting roadways, roadway closures, and construction of new major utility infrastructure (e.g., transmission lines, storm channels, etc.).

Surrounding Land Uses

The Project site is generally surrounded by the irrigation canal, commercial use, Osborn Park, and vacant land. Properties to the south and west are planned and zoned for commercial uses, properties to the north are planned for residential uses and zoned Planned Development, and properties to the east are zoned for residential and planned as Park. The Project site is currently vacant with improvements along street frontages and proposes to be developed as a park. Proposed site improvements are regulated by development standards and zoning regulations, including landscaping, improvements, and parking, etc. Review of SPR 25-01-0100 ensures that the Project is consistent and therefore compatible with the existing uses surrounding the Project site. Therefore, implementation of the Project would be generally consistent with the existing and planned land uses within the Project vicinity.

Circulation System

Access to the site would be provided via one (1) point of ingress/egress on East Bellevue Road and one (1) point of ingress/egress to the east boundary of the site. Existing 10-foot public sidewalks are located along the south boundary of the site along Bellevue Road, connecting to existing sidewalks to the adjacent property to the east and west. Internal circulation of the site would include a 25-foot drive aisle for automobiles. As such, the Project would be served by the existing circulation system and related infrastructure. Therefore, implementation of the Project would not include the introduction of new, intersecting roadways.

Utility Infrastructure

The Project site would be required to connect to the City’s water, wastewater, solid waste, and stormwater services. Natural gas, electricity, and telecommunications are provided by private companies. Utility systems are described and analyzed in [Section 4.10](#) and [Section 4.15](#). Based on the analysis, implementation of the Project would not result in the construction of new, major utility infrastructure.

As such, the Project does not represent a significant change in the surrounding area as it would develop a vacant and undeveloped site with residential uses that are consistent and compatible with existing uses surrounding the Project site. In addition, the Project does not propose new roadways and does not include major utility infrastructure. For these reasons, the Project would not result in the physical division of an established community and would thereby have a less than significant impact.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The Project proposes to expand Osborn Park with the approval of the associated General Plan Amendment, Zone Change, and Site Plan Review. Approval of the General Plan Amendment and Zone Change would allow for the park use on the Project Site. Generally, policy conflicts are environmental impacts when they would result in direct physical impacts or where those conflicts relate to avoiding or mitigating environmental impacts. As such, associated physical environmental impacts are discussed in this document under specific topical sections, such as Biological Resources, Cultural Resources, and Tribal Cultural Resources. The Project includes a General Plan Amendment and Zone Change to allow for the proposed park use. A discussion of land use policies that are applicable to the Project are included in [Table 4-9](#). As discussed below, the Project is generally consistent with the proposed Park land use designation. Impacts would be less than significant.

Table 4-9 Discussion on Land Use Policies in the General Plan for Residential Development

General Plan Policy	Project Consistency
<i>Policy LU-23.1. The City shall strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.</i>	Consistent. The Project will increase public park land within the City by 5.2 acres. .

4.11.3 Mitigation Measures

None required.

4.12 MINERAL RESOURCES

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

4.12.1 Environmental Setting

For the purposes of CEQA, mineral resources are land areas or deposits deemed significant by the California Department of Conservation (DOC). Mineral resources include oil, natural gas, and metallic and nonmetallic deposits, including aggregate resources. The California Geological Survey (CGS) classifies and designates areas within California that contain or potentially contain significant mineral resources. Lands are classified into Aggregate and Mineral Resource Zones (MRZs), which identify known or inferred significant mineral resources. According to the California Department of Conservation, CGS's Surface Mining and Reclamation Act (SMARA) Mineral Lands Classification (MLC) data portal, the Project site is not within an aggregate resource area (ARA) nor are there aggregate mines in the City of Atwater, inclusive of the Project site.³⁴ In addition, the City of Atwater, inclusive of the Project site, is not within a CalGEM-recognized oilfield and there are no oil and gas wells on-site.³⁵

4.12.2 Impact Assessment

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project site. Therefore, the Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Therefore, no impact would occur.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. There are no identified mineral deposits of significance or active mine operations on the Project site. As a result, the Project would not result in the loss of availability of a known mineral resource that would be of value

³⁴ California Department of Conservation. (2025). Mineral Lands Classification. Accessed on January 23, 2025, <https://maps.conservation.ca.gov/cgs/minerals/?page=Mineral-Land-Classification>

³⁵ California Department of Conservation. Well Finder. Accessed on January 15, 2025, <https://maps.conservation.ca.gov/doggr/wellfinder/>

to the region and the residents of the state. Further, the site is not delineated in the General Plan, a Specific Plan, or other land use plan as a locally important mineral resource recovery site, thus it would not result in the loss of availability of a locally important mineral resource. Therefore, no impact would occur.

4.12.3 Mitigation Measures

None required.

4.13 NOISE

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

4.13.1 Environmental Setting

In general, there are two (2) types of noise sources: 1) mobile source and 2) stationary sounds. Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Stationary sounds are sources that do not move such as machinery or construction sites. Two (2) noise generating activities of the Project would include construction (short-term, temporary) and operational (long-term) noise.

Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space/recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residential subdivisions adjacent to the Project site on the east and west, in addition to the mobile home parks to the south of the site.

The Atwater General Plan Noise Element and Atwater Municipal Code *Chapter 8 – Health and Safety* outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable.³⁶

³⁶ General Plan, Figure 13.1 Land Use Compatibility Guidelines for Development, 1990

Existing Ambient Noise Environment

The Project site's existing noise environment is impacted by various noise sources. As previously discussed, the Project site is bounded by single-family residences to the north and commercial uses to the south. Associated noise from residential uses includes vehicles and typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.), which are usually minimized by trees and landscaping. Associated noise from commercial uses includes vehicles, including delivery trucks, customer vehicles, drive-throughs, and typical human-generated noise (i.e., talking, music, etc.). The Project site is not located within the Airport Influence Area (AIA) of Castle Airport, nor is it within the Airport's CNEL noise contour. Other sources of noise include the vehicular traffic on East Bellevue Road.

Construction Noise Exposure

The Atwater General Plan Noise Element and Atwater Municipal Code Chapter 8 – Health and Safety outlines policies and regulations to mitigate health effects of noise in the community and prevent exposures to excessive noise levels. Specific to residential uses in the city of Atwater, 55-60 dB is an acceptable level of community noise exposure. Anything above 75 dB is considered to be generally unacceptable. Construction phases would include site preparation, grading, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise. Short-term construction noises also include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. Ambient noise from construction activities would cease upon completion of construction.

4.13.2 Impact Assessment

Would the project:

- a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards?*

Less than Significant Impact. Noise generating activities of the Project would include traffic noise and stationery-source noise, such as operations and construction as described below. It is not anticipated that the Project would generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards, given the type of development proposed (i.e., park).

Traffic Noise Exposure

Mobile source noises are typically associated with transportation including automobiles, trains, and aircraft. Sensitive land uses include residential, schools, churches, nursing homes, hospitals, and open space-recreation areas. Commercial, farmland, and industrial areas are not considered noise sensitive and generally have higher tolerances for exterior and interior noise levels. The nearest sensitive land uses are single-family residences to the east and south of the Project site and the community school to the north of the Project site.

According to the General Plan Noise Element, a portion along Bellevue Road is within the 60 dB L_{dn} contour under existing conditions and the projected future conditions. This area within the contour is proposed to be developed with drive access and parking. The primary source of on-going noise from the proposed park Project will be from vehicles traveling to and from the site. The Project will generate an increase in traffic on some roadways in the Project vicinity. However, the relatively low number of new trips (i.e., 4.2 ADTs) associated with the Project is not

likely to increase the ambient noise levels by a significant amount as the area is active with vehicles. As such, it is expected that the traffic noise levels will increase minimally and will not cause a significant impact.

Operational Noise Exposure

The proposed park use is expected to generate typical neighborhood noise (i.e. talking, car doors shutting, dogs barking, etc.). These noises are expected to be minimal due to the type of noise and intervening trees and landscaping and will not introduce a new significant source of noise that isn’t already occurring in the area. As such, it is expected that the operational noise generated by the Project will be minimal and most likely not cause significant impact to existing uses.

Construction Noise Exposure

Construction noise will result from construction activities through the use of construction equipment for grading the site. Construction phases would include demolition, site preparation, grading, and paving. Of all construction phases, it is anticipated that grading would produce the loudest noise.

Construction noise was estimated using the FHWA Roadway Construction Noise Model (RCNM) Version 1.0. For the purpose of this noise assessment, general construction equipment, including mixers, graders, pavers, paving equipment, rollers, dozers, and tractors, are included in the construction noise modeling. The nearest sensitive land uses are single-family residential subdivisions north of the Project site. The single-family residences are approximately 150 feet from the Project site and screened by a fence. According to existing land use within and around the Project site, the baseline and receptors that are analyzed in the RCNM are shown in [Table 4-10](#).

Table 4-10 Receptors and Baseline Analyzed in the RCNM

Location	Land Use	Total dB Leq *
150 feet to the north	Residential	72.8

** This number estimates noise when all equipment is used at the same time.*

Short-term construction noises include traffic noise generated from transporting construction equipment and materials and construction worker commuting. These activities would raise noise levels near the site. According to modeling of the FHWA RCNM Version 1.0, construction noise generated from the offroad equipment is estimated to be 72.8 dB Leq at 150 feet with fence screening, if all equipment was used at the same time. Ambient noise from construction activities would cease upon completion of construction. Since the City of Atwater does not have a threshold for construction noise, the construction noise assessment is done for informational purposes.

Although the nearby residential uses would experience elevated noise levels from construction, these activities would be temporary and would generally take place in accordance with AMC *Section 8.44.050* which regulates permissible hours of construction between the hours of 7:00 am and 7:00 pm, Monday through Friday, and 9:00 am and 5:00 pm, Saturdays and Sundays.

Overall, Project construction is not expected to result in a significant impact because the noise would be regulated by the AMC. Noise would thereby be generated during daylight hours and not during evening or more noise-sensitive time periods; and the increase in noise would cease upon completion of the Project. For these reasons, a less than significant impact would occur.

Although the Project would result in increased ambient noise level at the Project site, compliance with the General Plan policies and AMC requirements would result in the Project's compliance with applicable standards. Overall, the Project would result in a less than significant impact in regard to noise.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. Ground borne vibration may result from operations and/or construction, depending on the use of equipment (e.g., pile drivers, bulldozers, jackhammers, etc.), distance to affected structures, and soil type. Depending on the method, equipment-generated vibrations could spread through the ground and affect nearby buildings. It is not anticipated that the Project would generate excessive ground borne vibration or ground borne noise levels, given the type of development. Further, construction or operation of the Project would not involve equipment that would generate substantial groundborne vibration or ground borne noise levels. As discussed under criterion project-generated stationary noise sources would be regulated by the AMC. Through compliance with the AMC, the Project would result in a less than significant impact.

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

No Impact. The nearest public airport to the Project site is Castle Airport which is approximately 1.3 miles northeast of the site. According to the Merced County Airport Land Use Compatibility Plan (2012) and the Castle Airport Master Plan (2011), the Project site is located outside of the airport's Airport Influence Area (AIA) and noise contours and is therefore not subject to land use compatibility policies.^{37 38} Therefore, the Project would have no impact.

4.13.3 Mitigation Measures

None required.

³⁷ County of Merced. (2012). Merced County Airport Land Use Compatibility Plan. Accessed on January 15, 2025, <https://www.co.merced.ca.us/406/Airport-Land-Use-Commission>

³⁸ County of Merced. (2011). Castle Airport Master Plan. Accessed on January 15, 2025, http://web2.co.merced.ca.us/pdfs/env_docs/castle/CAED/Castle AMP full.pdf

4.14 POPULATION AND HOUSING

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

4.14.1 Environmental Setting

CEQA Guidelines *Section 15126.2(d)* requires that a CEQA document discuss the ways in which the proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. The CEQA Guidelines provide an example of a major expansion of a wastewater treatment plant that may allow for more construction within the service area. The CEQA Guidelines also note that the evaluation of growth inducement should consider the characteristics of a project that may encourage or facilitate other activities that could significantly affect the environment. Direct and Indirect Growth Inducement consists of activities that directly facilitate population growth, such as construction of new dwelling units. A key consideration in evaluating growth inducement is whether the activity in question constitutes “planned growth.”

City of Atwater General Plan

The City of Atwater General Plan estimates the capacity of existing residential uses to hold a total of 64,172 people at full buildout of the city’s Planning Area.

U.S. Census Bureau

According to the U.S. Census Bureau, the population of Atwater is 32,372 with an average household size of 3.09 in 2022.³⁹

³⁹ U.S. Census Bureau. 2023. QuickFacts: Atwater city, California. Accessed on January 15, 2025, <https://www.census.gov/quickfacts/fact/table/atwatercitycalifornia/PST120222>

4.14.2 Impact Assessment

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

No Impact. The Project includes a General Plan Amendment and Rezone that requests a land use change from COM – Commercial to PK – Park and a rezone from C-G – General Commercial to C-G-OS – General Commercial – Open Space Combining zone district, consistent with the proposed land use designation.

The Project proposes the development and expansion of Osborn Park. The Project will not induce substantial population growth directly or indirectly because it does not include the construction of new homes, businesses, or roads. The Project will accommodate recreational needs of the local community. Therefore, the Project would not induce substantial unplanned population growth and no impact would occur.

- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

No Impact. The Project site does not contain any existing residents as the site is currently vacant with no structures. Therefore, the Project would not result in the physical displacement of existing people or housing and would not necessitate the construction of replacement housing. No impact would occur because of the Project.

4.14.3 Mitigation Measures

None required.

4.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?				X
iv. Parks?				X
v. Other public facilities?				X

4.15.1 Environmental Setting

The Project is located within Atwater city limits and thus, would receive public services provided by the City of Atwater and will be subject to fees to provide such services, as applicable. Services provided are described as follows.

Fire Protection Services

Fire protection services in the city are provided by Cal Fire; the City also has a mutual aid agreement with the City of Merced that was established in 1993. The City of Atwater operates two (2) fire stations: Station 41 at 699 Broadway Avenue and Station 42 at 2006 Avenue Two. In 2017, the City updated the Municipal Service Review and cited a response time of less than seven (7) minutes for 90 percent of responses. The Project would be reviewed by Cal Fire and is subject to regulations and standards such as the California Uniform Fire Code (UFC), which includes regulations on construction, maintenance, and building use.

Police Protection Services

Police protection services within the city are provided by the Atwater Police Department. The Police Department currently operates from the main police station located at Bellevue Road. The Police Department divides the city into four (4) sectors. The Police Department reviews all projects to ensure that building and site designs consider utilization of crime prevention features and techniques.

Schools

Educational services within the Project area are primarily served by Atwater Elementary School District and the Merced Union High School District. Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code *Section 65995 et. Seq.*, which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded school facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.”

Parks and Recreation

Park and Recreational facilities are overseen by the Public Works Department. According to the Atwater General Plan, the City’s park standard is a minimum of 3.0 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

The Atwater General Plan Land Use, Public Facilities and Community Infrastructure Element includes the following objectives and policies related to park and recreational facilities and services:

GOAL LU-23. *Develop a comprehensive strategy for parkland acquisition, construction, and maintenance which meets the community’s adopted standards for recreation facilities.*

Policy LU-23.1. *Strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.*

Policy LU-23.2. *Ensure that park and recreation facilities are distributed equitably throughout the community.*

Policy LU-23.3. *Identify areas of the City that are deficient in park and recreational facilities and assign top priority for future park construction to these areas.*

Policy LU-23.4. *Incorporate park and recreation facilities within the CAADC into the City’s park system, as appropriate.*

Policy LU-23.5. *Encourage private ownership and operation of park and recreation facilities located within the CAADC that are not incorporated into the City’s system.*

4.15.2 Impact Assessment

Would the project:

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

Less than Significant Impact. The Project will be served by Cal Fire. Atwater Fire Station 42 is approximately 1.9 miles northeast of the Project site. The Project’s proximity to the existing fire station would support adequate service ratios, response times, and other performance objectives for fire protection services. In addition, Cal Fire will review the Project for requirements related to water supply, fire hydrants, and fire apparatus access to the

structures proposed on site. For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

ii. Police protection?

Less than Significant Impact. The Project will be served by the Atwater Police Department. The Project site is approximately 0.5 miles east of the city's Police Department. The Project is subject to the Police Facilities Fee for construction and acquisition costs for improvements to police protection services and facilities. For these reasons, it can be determined that the Project can be served by existing facilities and would not result in the need for new or altered facilities and as a result, a less than significant impact would occur.

iii. Schools?

No Impact. The Project is not a residential development that would induce growth to the area that would impact schools. Therefore, the Project would not result in the need for new expanded school facilities and as a result, there would be no impact.

iv. Parks?

No Impact. The Project would facilitate the redevelopment and expansion of the existing Osborn to develop the approximately 5.4-acre site. The Project would provide additional recreational services including a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, or other similar recreational activities, and a walking path. Additionally, the Project would include the expansion of parking to 164 additional parking stalls and would create a second point of drive access, and improvements including curb, gutter, sidewalk, and landscaping. The Project will result in the provision of a new/expanded public park for the City of Atwater residents. Expansion of Osborn Park would meet or increase performance objectives of parks, such as meeting Atwater's park standard ratio and implementing General Plan goals and policies. As such, the Project would have no impact.

v. Other public facilities?

No Impact. Due to the nature of the Project, expansion of a public park, the proposed Project will not result in an increase in population. Therefore, there would be no increased demand for other public services, such as courts, libraries, hospitals, etc., that would result in the need for new or expanded government facilities. Therefore, the proposed Project would have no impact.

4.15.3 Mitigation Measures

None required.

4.16 RECREATION

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

4.16.1 Environmental Setting

Park and Recreational facilities are overseen by the Public Works Department. According to the Atwater General Plan, the City's park standard is a minimum of 3.0 park acres per 1,000 population. To mitigate any impacts to park and recreational facilities, residential projects may be conditioned by the City to pay the Park and Recreation Facilities Tax in addition to any requirements of the Quimby Act.

Atwater General Plan

The Atwater General Plan Land Use, Public Facilities and Community Infrastructure Element includes the following objectives and policies related to park and recreational facilities and services:

GOAL LU-23. *Develop a comprehensive strategy for parkland acquisition, construction, and maintenance which meets the community's adopted standards for recreation facilities.*

Policy LU-23.1. *Strive to maintain or exceed a minimum standard of 3.0 acres of public park land per 1,000 population.*

Policy LU-23.2. *Ensure that park and recreation facilities are distributed equitably throughout the community.*

Policy LU-23.3. *Identify areas of the City that are deficient in park and recreational facilities and assign top priority for future park construction to these areas.*

Policy LU-23.4. *Incorporate park and recreation facilities within the CAADC into the City's park system, as appropriate.*

Policy LU-23.5. *Encourage private ownership and operation of park and recreation facilities located within the CAADC that are not incorporated into the City's system.*

4.16.2 Impact Assessment

Would the project:

- a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

No Impact. The Project would expand the existing Osborn Park, providing additional recreational services to the city. The proposed facilities and improvements would not accelerate the deterioration of the existing park since the expanded area would divert crowds. For these reasons, no impact would occur.

- b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?*

Less than Significant Impact. The Project would facilitate the redevelopment and expansion of the existing Osborn to develop the approximately 5.4-acre site. The Project would provide additional recreational services including a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, or other similar recreational activities, and a walking path. Additionally, the Project would include the expansion of parking to 164 additional parking stalls and would create a second point of drive access, and improvements including curb, gutter, sidewalk, and landscaping. The Project will result in the provision of a new/expanded public park for the City of Atwater residents. Expansion of Osborn Park would meet or increase performance objectives of parks, such as meeting Atwater's park standard ratio and implementing General Plan goals and policies. As such, the Project would have a less than significant impact.

4.16.3 Mitigation Measures

None required.

4.17 TRANSPORTATION

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

4.17.1 Environmental Setting

The Project site is vacant with pavement on the south portion of APN 156-060-009. The site contains existing improvements, including curb, gutter, and sidewalks to its south, along East Bellevue Road. East Bellevue Road, a four (4)-lane, east-west arterial road forms the southerly site boundary. The irrigation canal forms the northern site boundary. The Project would facilitate the development and redevelopment of Osborn Park with a baseball field, two (2) basketball fields, a pickleball court, a volleyball court, a walking path, 164 additional parking stalls, a second point of drive access, as well as subsequent improvements including curb, gutter, sidewalk, and landscaping.

CEQA Guidelines

Under Senate Bill 743 (SB743), traffic impacts are related to Vehicle Miles Traveled (VMT). The VMT metric became mandatory on July 1, 2020. Senate Bill (SB) 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as vehicle miles traveled (VMT) instead of Level of Service (LOS). VMT measures how much actual automobile travel (additional miles driven) a proposed Project would create on California roads. If the project adds excessive automobile travel onto roads, then the project may cause a significant transportation impact. Therefore, LOS measures of impacts on traffic facilities are no longer a relevant CEQA criteria for transportation impacts.

To implement SB 743, the CEQA Guidelines were amended by adding *Section 15064.3*. According to *Section 15064.3*, VMT measures the automobile travel generated from a proposed project (i.e., the additional miles driven). Here, 'automobile' refers to on-road passenger vehicles such as cars and light-duty trucks. If a proposed project adds excessive automobile travel on California roads thereby exceeding an applicable threshold of significance, then the project may cause a significant transportation impact.

Among its provisions, *Section 15064.3(b)* establishes criteria for analyzing transportation impacts. Specifically, *Section 15064.3(b)(1)* establishes a less than significant presumption for certain land use projects that are proposed

within ½-mile of an existing major transit stop or along a high-quality transit corridor. If this presumption does not apply to a land use project, then the VMT can be qualitatively or quantitatively analyzed.

In the case that quantitative models or methods are not available to the lead agency to estimate the VMT for the project being considered, provisions of CEQA Guidelines *Section 15064.3(b)(3)* permits the lead agency to conduct a qualitative analysis. The qualitative analysis may evaluate factors including but not limited to the availability of transit, proximity to other destinations, and construction traffic.

Lastly, *Section 15064.3(b)(4)* of the CEQA Guidelines states that “[a] lead agency has discretion to evaluate a project’s vehicle miles traveled, including whether to express the change in absolute terms, per capita, per household or in any other measure. A lead agency may use models to estimate a project’s vehicle miles traveled and may revise those estimates to reflect professional judgment based on substantial evidence. Any assumptions used to estimate vehicle miles traveled and any revision to model outputs should be documented and explained in the environmental document prepared for the project. The standard of adequacy in Section 15151 shall apply to the analysis described in this section.”

SB 743 Technical Advisory

In April 2018, the Governor’s Office of Planning and Research (OPR) issued the Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) (revised December 2018) to provide technical recommendations regarding VMT, thresholds of significance, and mitigation measures for a variety of land use project types.

The Technical Advisory includes screening thresholds for agencies to use in order to identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study.

- *Screening Thresholds for Small Project.* Absent substantial evidence indicating that a project would generate a potentially significant level of VMT, or inconsistency with a Sustainable Communities Strategy (SCS) or general plan, projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less-than significant transportation impact. This threshold is based on a CEQA categorical exemption for existing facilities, including additions to existing structures of up to 10,00 square feet, so long as the project is in an area where public infrastructure is available to allow for maximum planned development and the project is not in an environmentally sensitive area.
- *Map-Based Screening Threshold for Residential and Office Projects.* Residential and office projects that locate in areas with low VMT, and that incorporate similar features (i.e., density, mix of uses, transit accessibility), will tend to exhibit similarly low VMT. Maps created with VMT data, for example from a travel survey or a travel demand model, can illustrate areas that are currently below threshold VMT. Because new development in such locations would likely result in a similar level of VMT, such maps can be used to screen out residential and office projects from needing to prepare a detailed VMT analysis.
- *Presumption of Less Than Significant Impact Near Transit Thresholds.* Proposed CEQA Guideline Section 15064.3, subdivision (b)(1), states that lead agencies generally should presume that certain projects (including residential, retail, and office projects, as well as projects that are a mix of these uses) proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor will have a less-than-significant impact on VMT. This presumption would not apply, however, if project-specific or location-specific information indicates that the project will still generate significant levels of VMT.

- *Presumption of Less Than Significant Impact for Affordable Residential Development.* Adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.

According to the Technical Advisory, lead agencies, using more location-specific information, may develop their own more specific thresholds, which may include other land use types.

MCAG VMT Thresholds and Guidelines

In 2022, Merced County Association of Governments (MCAG) adopted VMT Thresholds and Implementation Guidelines for the seven (7) jurisdictions: City of Atwater, City of Dos Palos, City of Gustine, City of Livingston, City of Los Banos, City of Merced, and the County of Merced. The Guidelines include project screening criteria, methodologies for estimating project specific VMT, regional and local thresholds, and VMT mitigation strategies.⁴⁰ The project screening criteria listed in the Guidelines are similar to those identified in the TA, including:

- Project is within a Transit Priority Area/High Quality Transit Corridor: within 0.5 miles of a transit stop, consistent with RTP/SCS, FAR >0.75, limited parking, does not reduce the number of affordable housing units.
- Project is a Local-Serving Retail less than 50,000 sf.
- Project is a Low Trip Generator: less than 1,000 ADT for projects consistent with the General Plan and less than 500 ADT for projects inconsistent with the General Plan.
- Project is 100% Affordable Housing Units.
- Project is Institutional or Government and Public Service Uses.
- Project is located in Low VMT Zones.

If the project does not meet any of the screening criteria listed above, the project is subject to further analysis using the MCAG Travel Demand Model (TDM).

Atwater General Plan

The General Plan identifies the following goals and policies applicable to the project.

GOAL CIRC-1. *Maintain adopted Level of Service (LOS) for City streets and intersections.*

Policy CIRC-1.1 *Establish and maintain a minimum LOS of D for all arterial and collector streets within the City.*

Policy CIRC-1.2. *Establish intersection LOS standards when more specific intersection traffic data becomes available.*

Policy CIRC-1.3. *Design roadway improvements and evaluate development projects using established LOS standards.*

⁴⁰ Merced County Association of Governments. (2022). VMT Thresholds and Implementation Guidelines. Accessed January 15, 2025, https://www.mcagov.org/DocumentCenter/View/3872/MCAG-SB-743-VMT-Thresholds-and-Implementation-Guidelines_11-10-2022?bidId=

Policy CIRC-1.4. *Develop the City’s roadway system in conformance with the planned roadway system shown on the Circulation Plan and the City’s adopted cross section standards.*

Policy CIRC-1.5. *Access for land uses adjacent to Castle Parkway will be provided by frontage roads which parallel the Parkway. Direct access to the Parkway will be limited to the primary east-west corridors in the area.*

GOAL CIRC-5 *Provide sufficient parking for all commercial, industrial, residential, and other uses, either off-street or on-street as appropriate.*

Policy CIRC-5.1 *Require that all new development provides sufficient on- or off-street parking to meet the standards of the City’s Zoning Code or any other applicable planning document (such as the Downtown Specific Plan).*

GOAL CIRC-8 *Provide a safe and efficient pedestrian circulation system which connects residential areas, schools, and commercial areas with parking lots and public transportation.*

Policy CIRC-8.1 *Require new public and private development and infrastructure projects to include sidewalks or on-site pedestrian features.*

4.17.2 Impact Assessment

Would the project:

- a) *Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less Than Significant Impact. The proposed Project would be required to comply with all project-level requirements implemented by a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would be reviewed by the City to ensure compliance with the General Plan, AMC, and other policies regarding traffic. In addition, the proposed Project would not affect the current roadway system through the construction of a new access drive off of East Bellevue Road. Given that the Project does not re-configure the city’s circulation system, the Project would not conflict with any applicable plan (including the RTP), ordinance, or policies establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

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

Less than Significant Impact. SB 743 requires that relevant CEQA analysis of transportation impacts be conducted using a metric known as VMT instead of LOS. MCAG VMT Thresholds and Guidelines (2022) adopted a screening criteria that can be used to screen out qualified projects that meet the adopted criteria from needing to prepare a detailed VMT analysis. According to the Guidelines, the proposed Project screens out as a Low Trip Generator, which has a threshold generating less than 500 ADT for projects that are inconsistent with the General Plan. Since the project is inconsistent with the General Plan because it proposes a General Plan Amendment to change the land use designation from COM – Commercial to PK – Park, the 500 ADT threshold is appropriate. Trip generation is estimated using generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. ITE Land Use 411, Public Park, is used for the proposed development. [Table 4-11](#) provides the Project’s trip generation estimates. The proposed Project is anticipated to generate 4.2 ADT.

Table 4-11 Project Trip Generation

ITE Land Use	Acreage	Average Rate (ADT)	Trip Generation (ADT)
Public Park (411)	5.4	0.78	4.2

Source: *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition*

Since the Project is expected to generate 4.2 ADT, it is under the threshold of 500 ADT that is set forth in the MCAG VMT Thresholds and Guidelines. Therefore, the Project would not conflict with CEQA Guidelines *Section 15064.3(b)* and impacts would be less than significant.

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

Less than Significant Impact. The Project design does not contain any geometric design features that would create hazards. Implementation of the Project would not require the improvement and expansion of the roadway network serving the Project site. The site would be accessible via one (1) point of ingress/egress to East Bellevue Road and one (1) point of ingress/egress to the east boundary of the site. The Project would be required to submit Improvement Plans through the Building Permit process for review and approval by the City to ensure offsite improvements (i.e., driveway approach) would be consistent with adopted City of Atwater standards. Compliance with such standards, specifications, and plans would ensure that any traffic hazards are minimized. In addition, the Project proposes the expansion of the existing Osborn Park. Therefore, the Project does not propose an incompatible use because it is consistent with the existing development in the area and is similar in nature to the surrounding uses. As a result, implementation of the Project would result in a less than significant impact related to hazards due to roadway design features or incompatible uses.

d) Result in inadequate emergency access?

Less than Significant Impact. The Project does not involve a change to any emergency response plan. In addition, the Project site is subject to review by the City to ensure adequate site access including emergency access. In the case that Project construction requires lane closures, access through existing roadways would be maintained through standard traffic control and therefore, potential lane closures would not affect emergency evacuation plans. Thus, a less than significant impact would occur because of the Project.

4.17.3 Mitigation Measures

None required.

4.18 TRIBAL CULTURAL RESOURCES

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

4.18.1 Environmental Setting

See [Section 4.5](#).

4.18.2 Impact Assessment

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or*

Less than Significant with Mitigation Incorporated. Based on the CHRIS Records Search conducted on October 14, 2024, there are no known local, state, or federal designated historical resources pursuant to *Section 5020.1(k)* on the Project site. While there is no evidence that historical resources exist on the Project site, there is some possibility that existing structures qualify as historical resources or hidden and buried resources may exist with no surface evidence that may be impacted by future physical development of the site. In the event of the accidental discovery and recognition of previously unknown historical resources before or during construction activities, the Project shall incorporate **Mitigation Measure CULT-1** to assure construction activities do not result in significant impacts to any potential historical resources discovered above or below ground surface. Thus, if such resources were discovered,

implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Less than Significant with Mitigation Incorporated. The Project site and its resources have not been determined by the City to be significant pursuant to *Section 5024.1*. However, as discussed in **Section 4.5**, there is some possibility that a non-visible, buried site may exist and may be uncovered during ground disturbing construction activities which could constitute a significant impact. Therefore, the Project shall incorporate **Mitigation Measure CULT-1** to assure construction activities do not result in significant impacts to any potential resources of significance to a California Native American tribe discovered above or below ground surface. Thus, if such resources were discovered, implementation of the required mitigation measures would reduce the impact to less than significant. As a result, the Project would have a less than significant impact with mitigation incorporated.

4.18.3 Mitigation Measures

The Project shall implement and incorporate, as applicable, the Cultural Resources related mitigation measure CULT-1 as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

4.19 UTILITIES AND SERVICE SYSTEMS

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

4.19.1 Environmental Setting

The Project is within the City of Atwater limits and thus, will be connected to water, sewer, stormwater, wastewater, and solid waste services provided by the City of Atwater and may be subject to fees to be provided such services. The Project would be served by private companies for the provision of electricity and natural gas, as needed. Each utility system is described below.

Water

Water supply, usage, and services are described in [Section 4.10](#).

Wastewater

The City provides sewage disposal and treatment using a pipeline system, pump stations, and a wastewater treatment plant (WWTP) facility. The new WWTP, constructed in 2012, is located west of State Route 99 on Bert

Crane Road and can handle an average flow up to six (6) million gallons per day (MGD). The wastewater treatment plant (WWTP) is owned by the City but operated by a private contractor, Veolia Water North America, West. The 2020 average daily flow was 3.3 mgd, which is approximately 54% of the current average daily permitted flow. The WWTP receives and treats wastewater from the City as well as the United States Penitentiary of Atwater, Winton Water and Sanitary District (WWSD) and Castle Airport.⁴¹

Solid Waste

Solid waste in the city is collected by a private contractor, Mid Valley Disposal, and then transported and disposed in one (1) of two (2) Merced County Landfills. The Merced County Association of Governments (MCAG) is responsible for managing and implementing regional solid waste disposal services, known as the Merced County Regional Waste Management Authority (RWA). The RWA owns and operates the two (2) regional landfills within Merced County and administers integrated waste management contracts and grants on behalf of member jurisdictions.

Stormwater

Stormwater services are described in **Section 4.10**.

Natural Gas and Electricity

Major electrical transmission lines run through the northern and southern portions of the city. Electrical and natural gas service is largely provided by MID, primarily from fossil fuel and hydroelectric sources. State Route 99 contains a major natural gas main and crude oil pipeline. The gas main pipeline has an offshoot line running directly north through down, beginning approximately at Atwater Boulevard and First Street.

4.19.2 Impact Assessment

Would the project:

- a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?*

Less than Significant Impact. The Project site is within city limits and thus, would be required to connect to water, stormwater, solid waste, and wastewater services. Natural gas, electricity, and telecommunications would be provided by private companies. The City and responsible agencies have reviewed the Project to determine adequate capacity in these systems and ensure compliance with applicable connection requirements. In addition to connections to water, stormwater, solid waste, and wastewater services, the Project would be served by MID for natural gas and electricity and by the appropriate telecommunications provider for the Project site. Therefore, all wet and dry public utilities, facilities, and infrastructure are in place and available to serve the Project site without the need for relocated, new, or expanded facilities. While new utility and service connections would need to be extended to and from the Project site (e.g., sewer, stormwater runoff, electrical), these new connections would not

⁴¹ City of Atwater (2022). 2020 Urban Water Management Plan. Accessed January 16, 2025, <https://www.atwater.org/wp-content/uploads/2022/04/Final-2020-Urban-Water-Management-Plan.pdf>

result in a need to modify the larger off-site infrastructure. Therefore, the Project would not require or result in the relocation or construction of new or expanded facilities and as such, and impact would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less than Significant Impact. As discussed in detail in [Section 4.10](#), the City's long-term water resource planning is addressed in the City's 2020 UWMP. According to these plans, the city uses groundwater wells as the sole source of supply; the city does not use any other water sources including surface water, storm water, recycled water, or desalinated water. As such, groundwater should be viewed as a sustainable resource. In addition, the Project would generate less wastewater than the operations (i.e., commercial) anticipated in the General Plan.

The UWMP projects normal water year, single dry water year, and five-year consecutive drought period supplies based on historic water allocations, sustainable yields, and utilization of recycled water. Based on these projections, the UWMP found that groundwater supplies remain reliable in all hydrologic conditions. The projections also show that the City will have greater than 10,000 AF available supply in normal years after meeting demands. In a single dry year and five-year consecutive drought periods, groundwater supplies will be reduced but the City would still be able to meet all potable demands. Based on these projections, it can be inferred that future development, such as the proposed Project, will not negatively impact the City's ability to provide water assuming adherence to requirements and recommendations from the City's water resources planning efforts.

Overall, based on the information collected from the UWMP, the Project would not generate significantly greater water demand as to substantially decrease groundwater supplies. As a result, it can be presumed that the existing and planned water distribution system should be adequate to serve the Project during normal, dry, and multiple dry years. In addition, adherence to connection requirements and recommendations pursuant to the City's water supply planning efforts (i.e., compliance with California Plumbing Code, efficient appliances, efficient landscaping, etc.) should not negatively impact the City's water provision. For these reasons, a less than significant impact would occur as a result of the Project.

c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

No Impact. The City's long-term wastewater planning is addressed in the City's 2010 Sewer Master Plan (Master Plan). Land use types are important to determine projected demand and adequate sizing and capacity for pipes and facilities to maintain effective sanitary sewer system facilities. The land use assumptions in the Master Plan were based on the General Plan and projected future development within the City's proposed growth boundary. The Master Plan estimates the future quantity of wastewater generated at build out of the collections system.

The Project proposes a GPA to change the planned land use designation from COM – Commercial to PK – Park. No restrooms, water fountains, or buildings are proposed; thus the Project is not anticipated to generate wastewater. As such, the Project would have no impact.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact. The Project proposes park operations, which would generate minimal solid waste. According to CalEEMod results (**Appendix D**), the Project is anticipated to generate 0.45 ton per year. In addition, the Project would generate less solid waste than the operations (i.e., commercial) anticipated in the General Plan. Because the Project has been previously accounted for and analyzed within the General Plan, it can be presumed that the Project will not generate solid waste to exceed the existing capacity of the city's landfill infrastructure. In addition, the Project is required to comply with state and local law which includes management and reduction statutes and regulations to ensure that solid waste is handled, transported, and disposed accordingly. As such, the impacts would be less than significant.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less than Significant Impact. The Project would be required to comply with state and local law which include management and reduction statutes and regulations to ensure that solid waste is handled, transported, and disposed of accordingly. Through compliance with local and state law, it can be determined that future development would also comply with federal, state, and local management and reduction statutes and regulations related to solid waste. As a result, a less than significant impact would occur because of the Project.

4.19.3 Mitigation Measures

None required.

4.20 WILDFIRE

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

4.20.1 Environmental Setting

The Project site is located on a relatively flat property within the city limits and is in an area planned for urban uses, including residential development. According to the Atwater General Plan, grass and brush lands are the most likely places for wildlands in Merced County; however, Atwater lies outside of these areas and as a result, the risk of wildland fire is low.⁴² Further, the Project site is not identified by the California Department of Forestry and Fire Protection (Cal Fire) or the City of Atwater as a Fire Hazard Severity Zone (FHSZ); rather, the site is within an “area of local responsibility” as defined by Cal Fire and is considered an area of low fire risk.⁴³ Lastly, the Project would be required to be developed and operated in compliance with all regulations of the current California Fire Code.

⁴² City of Atwater, California. (2000). City of Atwater 2000 General Plan.

⁴³ California Department of Forestry and Fire Protection. Fire Hazard Severity Zone Viewer. Accessed on January 23, 2025, <https://experience.arcgis.com/experience/03beab8511814e79a0e4eabf0d3e7247/>

4.20.2 Impact Assessment

If located in or near state responsibility or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The Project would not impair access to the existing roadway network. Construction may require lane closure; however, these activities would be short-term and access through East Bellevue Road would be maintained through standard traffic control. Following construction, this roadway would continue to provide access to the site. Safe and convenient vehicular and pedestrian circulation would be provided in addition to adequate access for emergency vehicles. To determine and ensure adequate vehicular and pedestrian circulation and emergency vehicle access, the Project has been reviewed and conditioned by the City of Atwater Police Department and Fire Department for compliance with applicable code and regulations including applicable emergency response and evacuation plans. Therefore, the Project would not substantially impair any emergency response plan or emergency evacuation plan, and no impact would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. The Project site is located on a relatively flat property with minimal slope and is not in an area that is subject to strong prevailing winds or other factors that would exacerbate wildfire risks. The site is highly disturbed and is not located within a wildland (i.e., wild, uncultivated, and uninhabited land), which precludes the risk of wildfire. Further, the Project site is within an “area of local responsibility” and is not identified by Cal Fire to be in a VHFHSZ. For these reasons, no impact would occur as a result of this Project.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. The Project is located within city limits in an area with existing infrastructure such as roads and utilities that are maintained accordingly. As previously discussed, all proposed project components (including utilities, roadway, buildings, walls, and landscaping) would be located within the boundaries of the Project site and have been reviewed and/or conditioned by the City of Atwater for compliance with applicable codes and regulations. Through compliance, such infrastructure would not exacerbate fire risk or result in temporary or ongoing impacts to the environment and no impact would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. The Project site is not located in or near state responsibility or lands classified as fire hazard severity zones. The topography of the Project site is relatively flat with stable, native soils, and the site is not in the immediate vicinity of rivers or creeks that would be more susceptible to landslides. Therefore, no impact would occur because of the Project.

4.20.3 Mitigation Measures

None required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

4.21.1 Impact Assessment

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

Less than Significant Impact. The analyses of environmental issues contained in this Initial Study indicate that the Project is not expected to have substantial impact on the environment or on any resources identified in the Initial Study. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant. Therefore, the Project would have a less than significant impact.

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

Less than Significant with Mitigation Incorporated. CEQA Guidelines *Section 15064(i)* states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the Project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measures CULT-1, GEO-1 and GHG-1*. The Project would not contribute substantially to adverse cumulative conditions, or create any substantial indirect impacts (i.e., increase in population could lead to an increased need for housing, increase in traffic, air pollutants, etc.). The Project is generally compliant with the AMC and General Plan, which indicates that the anticipated impacts from the Project are, to an extent, compliant and previously analyzed within the General Plan. As such, Project impacts are not considered to be cumulatively considerable given the insignificance of project induced impacts. The impact is therefore less than significant with mitigation incorporated.

- c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant with Mitigation Incorporated. The analyses of environmental issues contained in this Initial Study indicate that the project is not expected to have substantial impact on human beings, either directly or indirectly. Standard requirements that will be implemented through the entitlement process and the attached mitigation monitoring and reporting program have been incorporated in the project to reduce all potentially significant impacts to less than significant, including *Mitigation Measures CULT-1, GEO-1 and GHG-1*. Therefore, the Project would have a less than significant impact with mitigation incorporated.

4.21.2 Mitigation Measures

The Project shall implement and incorporate, as applicable, mitigation measures as identified above and in the **MITIGATION MONITORING AND REPORTING PROGRAM** contained in **SECTION 5**.

5 MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM FOR OSBORN PARK EXPANSION (General Plan Amendment (GPA) No. 25-01-0200, Zone Change (ZC) No. 25-01-0300, and Site Plan (SP) No. 25-01-0100)

April 2025

This mitigation measure monitoring and reporting checklist was prepared pursuant to California Environmental Quality Act (CEQA) Guidelines *Section 15097* and *Section 21081.6* of the PRC (PRC). The timing of implementing each mitigation measure is identified in the checklist, as well as identifies the entity responsible for verifying that the mitigation measures applied to a project are performed. Project applicants are responsible for providing evidence that mitigation measures are implemented. As lead agency, the City of Atwater is responsible for verifying that mitigation is performed/completed.

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initials
Cultural Resources					
CULT-1: In the event of the accidental discovery and recognition of previously unknown resources before or during grading activities, construction shall stop in the immediate vicinity and a consultation with a qualified historical resources specialist shall be held to determine whether further study is required. Recommendations by the qualified historical resources specialist shall be made to the City on the necessary implementation measures to protect the resources discovered. If the resources meet the definitions under Section 15064.5 of the CEQA Guidelines, then protection measures shall be recommended to the City by the qualified historical resources specialist. The Lead Agency shall approve the protection measures before any further grading shall occur. Historical resources recovered as a result of mitigation shall be provided to an institution approved by the City in order to provide preservation and further study as required.	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		
Geology and Soils					
GEO-1: If any paleontological resources are encountered during ground-disturbance activities, all work within 25 feet of the find shall halt until a qualified paleontologist as defined by the Society of Vertebrate Paleontology Standard Procedures for the Assessment and	Submittal of Documentation and/or Onsite Verification	During Project Construction	City of Atwater		

<p>Mitigation of Adverse Impacts to Paleontological Resources (2010), can evaluate the find and make recommendations regarding treatment. Paleontological resource materials may include resources such as fossils, plant impressions, or animal tracks preserved in rock. The qualified paleontologist shall contact the Natural History Museum of Los Angeles County or another appropriate facility regarding any discoveries of paleontological resources.</p> <p>If the qualified paleontologist determines that the discovery represents a potentially significant paleontological resource, additional investigations, and fossil recovery may be required to mitigate adverse impacts from Project implementation. If avoidance is not feasible, the paleontological resources shall be evaluated for their significance. If the resources are not significant, avoidance is not necessary. If the resources are significant, they shall be avoided to ensure no adverse effects or such effects must be mitigated. Construction in that area shall not resume until the resource-appropriate measures are recommended or the materials are determined to be less than significant. If the resource is significant and fossil recovery is the identified form of treatment, then the fossil shall be deposited in an accredited and permanent scientific institution. Copies of all correspondence and reports shall be submitted to the City of Atwater, Planning Division.</p>					
Greenhouse Gas Emissions					
<p>GHG-1: The project shall install EV charging stations.</p>	<p>Submittal of Documentation</p>	<p>During Project Approval</p>	<p>City of Atwater</p>		
Tribal Cultural Resources					
<p>See Cultural Resources</p>					

6 REPORT PREPARATION

Names of Persons Who Prepared or Participated in the Initial Study:

Lead Agency		
Lead Agency	City of Atwater 750 Bellevue Road Atwater, CA 95301 (209) 357-6201	Chris Hoem, City Manager
Initial Study Consultant		
Initial Study	Precision Civil Engineering 1234 O Street Fresno, CA 93721 (559) 449-4500	Bonique Emerson, AICP, VP of Planning Shin Tu, AICP, Senior Associate Planner Sonia Ho, Assistant Planner

7 APPENDICES

7.1 Appendix A: CNDDDB Occurrence Report

Downloaded from the California Natural Diversity Database dated January 14, 2025.



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California Natural Diversity Database



Query Criteria: Quad> IS <(Atwater (3712035))

<i>Buteo swainsoni</i>				Element Code: ABNKC19070			
Swainson's hawk							
Listing Status:	Federal:	None	CNDDB Element Ranks:	Global:	G5		
	State:	Threatened		State:	S4		
	Other:	BLM_S-Sensitive, IUCN_LC-Least Concern					
Habitat:	General:	BREEDS IN GRASSLANDS WITH SCATTERED TREES, JUNIPER-SAGE FLATS, RIPARIAN AREAS, SAVANNAHS, AND AGRICULTURAL OR RANCH LANDS WITH GROVES OR LINES OF TREES.					
	Micro:	REQUIRES ADJACENT SUITABLE FORAGING AREAS SUCH AS GRASSLANDS, OR ALFALFA OR GRAIN FIELDS SUPPORTING RODENT POPULATIONS.					
Occurrence No.	1690	Map Index:	69604	EO Index:	70377	Element Last Seen:	2007-06-28
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2007-06-28
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2007-07-02
Quad Summary:		Atwater (3712035)					
County Summary:		Merced					
Lat/Long:	37.35010 / -120.55762			Accuracy:	80 meters		
UTM:	Zone-10 N4136510 E716330			Elevation (ft):	170		
PLSS:	T07S, R13E, Sec. 04, SW (M)			Acres:	0.0		
Location:	JUST SOUTH OF CANAL CREEK, WHERE IT INTERSECTS WITH SANTA FE ROAD, SOUTH OF CASTLE AIR FORCE BASE AND EAST OF ATWATER.						
Detailed Location:	NEST TREE IS FOUND WITHIN A GROVE OF MATURE EUCALYPTUS TREES, AT THE EASTERN END. COUNTY AVENUE TWO IS ABOUT 100 YARDS TO THE SOUTH OF THE NEST TREE.						
Ecological:	NEST TREE IS A EUCALYPTUS; SURROUNDED BY AN IRRIGATION CANAL, SANTA FE RAILROAD, AND SANTA FE DRIVE TO THE NORTH. FALLOW FIELDS TO THE SOUTH AND EAST.						
General:	SWHA PAIR ACTIVITY AROUND NEST FIRST OBSERVED IN MAY 2007; 1 FLEDGLING OBSERVED IN NEST ON 28 JUN 2007, WITH FEMALE PERCHED ON NEST EDGE AND MALE PERCHED 50' TO THE SW.						
Owner/Manager:	MERCED IRRIGATION DISTRICT						
Occurrence No.	1759	Map Index:	83231	EO Index:	84236	Element Last Seen:	2008-05-14
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2008-05-14
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2011-06-29
Quad Summary:		Atwater (3712035)					
County Summary:		Merced					
Lat/Long:	37.30219 / -120.56613			Accuracy:	80 meters		
UTM:	Zone-10 N4131174 E715712			Elevation (ft):	145		
PLSS:	T07S, R13E, Sec. 29, NE (M)			Acres:	0.0		
Location:	ALONG MCSWAIN ROAD (SR 140) ABOUT 0.3 MI EAST OF N GURR RD, AT MCSWAIN SCHOOL.						
Detailed Location:	IN EUCALYPTUS GROVE ABOUT 250 FEET EAST OF PERSIMMON WAY. BLACK RASCAL CREEK TO THE NORTH & BEAR CREEK TO THE SOUTH. MAPPED TO PROVIDED COORDINATES & MAPS.						
Ecological:	NEST IN TALLEST EUCALYPTUS TREE IN GROVE BORDERING ELEMENTARY SCHOOL. SURROUNDING LANDS ARE MOSAIC OF RESIDENTIAL, ROW CROP, SCHOOL, & PASTURE. VISIBLE DISTURBANCES INCLUDE TRAFFIC ON SR 140, AGRICULTURE ACTIVITIES & SCHOOL YARD CHILDREN.						
General:	ONE ADULT OBSERVED SITTING IN NEST WITH ONE ADULT SOARING CLOSE TO NEST TREE ON 14 MAY 2008. ASSUMED TO BE IN INCUBATION STAGE.						
Owner/Manager:	UNKNOWN						



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Occurrence No.	1760	Map Index:	83232	EO Index:	84238	Element Last Seen:	2008-05-14
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2008-05-14
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2011-06-29
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.32504 / -120.54987			Accuracy:	80 meters		
UTM:	Zone-10 N4133746 E717088			Elevation (ft):	155		
PLSS:	T07S, R13E, Sec. 16 (M)			Acres:	0.0		
Location:	JUST NORTH OF HWY 99, AT ASHBY RD & TRINIDADE RD INTERSECTION, JUST NW OF FERGUS, 4 MI NW OF MERCED POST OFFICE.						
Detailed Location:	CENTER OF SECTION 16. MAPPED TO PROVIDED COORDINATES & MAPS.						
Ecological:	NEST TREE IN ROW OF EUCALYPTUS TREES ALONG TRINIDADE ROAD. SURROUNDING LANDS ARE MOSAIC OF ROW CROP, RESIDENTIAL, INDUSTRIAL, ORCHARD, AND PASTURE. VISIBLE DISRBANCES: AGRICULTURE RELATED ACTIVITIES.						
General:	1 LIGHT MORPH & 1 DARK MORPH ADULTS OBSERVED IN TREE EATING PREY THAT WAS CAUGHT IN FIELD DIRECTLY SOUTH OF HWY 99 ON 14 MAY 2009. NEST WAS IN INCUBATION STAGE AT TIME OF OBSERVATION.						
Owner/Manager:	UNKNOWN						
Occurrence No.	2683	Map Index:	A0387	EO Index:	101947	Element Last Seen:	2016-04-13
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2016-04-13
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2016-06-08
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.28872 / -120.54212			Accuracy:	1/10 mile		
UTM:	Zone-10 N4129734 E717881			Elevation (ft):	147		
PLSS:	T07S, R13E, Sec. 28, SE (M)			Acres:	18.0		
Location:	ALONG BAILEY AVE ABOUT 1 MILE EAST OF GURR RD, ABOUT 1.5 MILES W OF MERCED MUNICIPAL AIRPORT, WEST OF THE CITY OF MERCED.						
Detailed Location:	LOCATION GIVEN AS "TREES AT 3014 BAILEY AVE" AND APPEARS TO BE IN THE VICINITY OF THORNTON LATERAL AT BAILEY AVE.						
Ecological:	RESIDENCE WITH "PINE AND EUCALYPTUS TREES AT END OF DRIVEWAY" SURROUNDED BY AGRICULTURE. PHOTOGRAPH SHOWS 2 SWHA PERCHED IN A REDWOOD/SEQUOIA. ADDITIONAL NEST TREES MAY BE ALONG SOUTH SLOUGH & BEAR CREEK. AG LIKELY USED FOR FORAGING.						
General:	RESIDENT REPORTS 5 PAIRS SOARING ABOVE FIELDS & "NEST[ING] IN TREES ON PROPERTY" IN APR 2016. ALSO, JUVENILES SEEN WITH ADULTS IN SPRING OF 2015. THOUGH REPORT IS PLAUSIBLE, BIRD NUMBERS & SPECIFIC NEST INFORMATION IS QUESTIONABLE; NIMBY?						
Owner/Manager:	PVT						



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Buteo regalis

Element Code: ABNKC19120

ferruginous hawk

Listing Status: **Federal:** None **CNDDB Element Ranks:** **Global:** G4
State: None **State:** S3S4
Other: CDFW_WL-Watch List, IUCN_LC-Least Concern
Habitat: **General:** OPEN GRASSLANDS, SAGEBRUSH FLATS, DESERT SCRUB, LOW FOOTHILLS AND FRINGES OF PINYON AND JUNIPER HABITATS.
Micro: EATS MOSTLY LAGOMORPHS, GROUND SQUIRRELS, AND MICE. POPULATION TRENDS MAY FOLLOW LAGOMORPH POPULATION CYCLES.

Occurrence No. 60 **Map Index:** 67366 **EO Index:** 67534 **Element Last Seen:** 2006-10-04
Occ. Rank: Fair **Presence:** Presumed Extant **Site Last Seen:** 2006-10-04
Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 2006-12-12

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36272 / -120.54352 **Accuracy:** 1/10 mile
UTM: Zone-10 N4137942 E717542 **Elevation (ft):** 175
PLSS: T06S, R13E, Sec. 33, SE (M) **Acres:** 0.0

Location: NORTH OF W BELLEVUE ROAD AND JUST EAST OF CANAL CREEK, EAST OF CASTLE AIR FORCE BASE.

Detailed Location: LOCATION MAPPED ACCORDING TO UTM COORDINATES AND MAP.

Ecological:

General: 1 ADULT OBSERVED FLYING/FORAGING OVER OPEN HAY FIELD ON 4 OCT 2006. CURRENT/SURROUNDING LAND: LOW DENSITY AGRICULTURAL PROPERTIES WITH HIGHLY DISTURBED LAND. VISIBLE DISTURBANCE: LONG TERM MANIPULATION OF LAND.

Owner/Manager: UNKNOWN

Athene cunicularia

Element Code: ABNSB10010

burrowing owl

Listing Status: **Federal:** None **CNDDB Element Ranks:** **Global:** G4
State: Candidate Endangered **State:** S2
Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_LC-Least Concern, USFWS_BCC-Birds of Conservation Concern
Habitat: **General:** OPEN, DRY ANNUAL OR PERENNIAL GRASSLANDS, DESERTS, AND SCRUBLANDS CHARACTERIZED BY LOW-GROWING VEGETATION.
Micro: SUBTERRANEAN NESTER, DEPENDENT UPON BURROWING MAMMALS, MOST NOTABLY, THE CALIFORNIA GROUND SQUIRREL.



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Occurrence No.	812	Map Index:	64827	EO Index:	64906	Element Last Seen:	2006-05-25
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2006-05-25
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-06-07
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.27390 / -120.50677				Accuracy:	specific area	
UTM:	Zone-10 N4128172 E721057				Elevation (ft):	150	
PLSS:	T07S, R13E, Sec. 35, SE (M)				Acres:	18.4	
Location:	SE END OF MERCED MUNICIPAL AIRPORT, ON THE SW EDGE OF MERCED.						
Detailed Location:	BURROWS ARE FOUND IN TWO DISTINCT AREAS, ABOUT 0.2 MILE APART. BOTH ARE LOCATED AT SOUTHERN END OF AIRPORT RUNWAY.						
Ecological:	HABITAT CONSISTS OF DISTURBED (MOWED) NON-NATIVE GRASSLAND.						
General:	6 ACTIVE BURROWS (WITH 6 ADULTS) OBSERVED ON 25 MAY 2006.						
Owner/Manager:	CITY OF MERCED						

Occurrence No.	876	Map Index:	67347	EO Index:	67514	Element Last Seen:	2006-10-06
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2006-10-06
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-12-11
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35908 / -120.53123				Accuracy:	80 meters	
UTM:	Zone-10 N4137567 E718642				Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 03, NE (M)				Acres:	0.0	
Location:	0.1 MILE SOUTH OF BELLEVUE ROAD AND 0.5 MILE EAST OF FRANKLIN ROAD, EAST OF CASTLE AIR FORCE BASE.						
Detailed Location:							
Ecological:	HABITAT CONSISTS OF LOW-DENSITY AGRICULTURAL PROPERTY CONTAINING NUMEROUS DETENTION BASINS; LAND IS HIGHLY DISTURBED/MAINPULATED.						
General:	1 ADULT OBSERVED AT BURROW ON 6 OCT 2006 AND DURING TWO OTHER VISITS TO THE PROPERTY.						
Owner/Manager:	UNKNOWN						

Occurrence No.	877	Map Index:	67348	EO Index:	67516	Element Last Seen:	2006-10-24
Occ. Rank:	Fair			Presence:	Presumed Extant	Site Last Seen:	2006-10-24
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2006-12-11
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.33611 / -120.56332				Accuracy:	80 meters	
UTM:	Zone-10 N4134944 E715864				Elevation (ft):	160	
PLSS:	T07S, R13E, Sec. 08, SE (M)				Acres:	0.0	
Location:	0.25 MILE WEST OF GURR ROAD AND 0.4 MILE SOUTH OF AVENUE ONE, SE OF ATWATER.						
Detailed Location:							
Ecological:	HABITAT CONSISTS OF LOW-DENSITY AGRICULTURAL PROPERTY AND RUDERAL FIELD.						
General:	1 ADULT OBSERVED ON 24 OCT 2006 AND DURING ONE OTHER VISIT TO THE PROPERTY.						
Owner/Manager:	UNKNOWN						



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Occurrence No.	988	Map Index:	70100	EO Index:	70964	Element Last Seen:	2007-07-16
Occ. Rank:	Excellent			Presence:	Presumed Extant	Site Last Seen:	2007-07-16
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2007-10-03
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.29057 / -120.51700				Accuracy:	non-specific area	
UTM:	Zone-10 N4129998 E720101				Elevation (ft):	154	
PLSS:	T07S, R13E, Sec. 26 (M)				Acres:	28.0	
Location:	MERCED MUNICIPAL AIRPORT, SW OF MERCED.						
Detailed Location:							
Ecological:	HABITAT SURROUNDING BURROW SITES CONSISTS OF DISTURBED ANNUAL GRASSLAND DOMINATED BY PERENNIAL RYEGRASS (LOLIUM PERENNE), YELLOW STAR THISTLE (CENTAUREA SOLSTITIALIS), CURLY DOCK (RUMEX CRISPUS), AND SPRING VETCH (VICIA SATIVA SSP. SATIVA).						
General:	9 INDIVIDUALS OBSERVED ON 16 JUL 2007.						
Owner/Manager:	CITY OF MERCED						

Agelaius tricolor			Element Code: ABPBXB0020	
tricolored blackbird				
Listing Status:	Federal:	None	CNDDDB Element Ranks:	Global: G1G2
	State:	Threatened		State: S2
	Other:	BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_EN-Endangered, USFWS_BCC-Birds of Conservation Concern		
Habitat:	General:	HIGHLY COLONIAL SPECIES, MOST NUMEROUS IN CENTRAL VALLEY AND VICINITY. LARGELY ENDEMIC TO CALIFORNIA.		
	Micro:	REQUIRES OPEN WATER, PROTECTED NESTING SUBSTRATE, AND FORAGING AREA WITH INSECT PREY WITHIN A FEW KM OF THE COLONY.		

Occurrence No.	65	Map Index:	13166	EO Index:	24755	Element Last Seen:	1971-05-09
Occ. Rank:	Unknown	Presence:	Presumed Extant	Site Last Seen:		1971-05-09	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2016-01-27	
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.29715 / -120.58380			Accuracy:	1 mile		
UTM:	Zone-10 N4130574 E714161			Elevation (ft):	135		
PLSS:	T07S, R13E, Sec. 30 (M)			Acres:	0.0		
Location:	ABOUT 1.8 MI ESE OF HWY 140 & APPLGATE RD INTERSECTION, 2.6 MI S OF HWY 99 & BUHACH RD INTERSECTION, W OF MERCED.						
Detailed Location:	LOCATION DESCRIBED AS "SOUTH SIDE OF HIGHWAY 140; 4.5 MILES WEST OF MERCED." COLONY DATA STORED IN UC DAVIS TRICOLORED BLACKBIRD PORTAL; SITE NAME "SOUTH BUHACH ROAD AT HIGHWAY 140" & "WEST MERCED." EXACT LOCATION UNKNOWN.						
Ecological:	BLACKBERRIES IN IRRIGATED PASTURES. COLONY APPROXIMATELY 1/25 ACRE. DOMINANT SURROUNDING LAND USE WAS HALF ALFALFA AND HALF RESIDENTIAL, NO SUITABLE NESTING HABITAT IN 2014. 4.5 MILES MEASURED FROM HWY 99 & HWY 140 INTERSECTION.						
General:	ABOUT 1500 BIRDS OBSERVED ON 9 MAY 1971 BY DEHAVEN; PRESUMED NESTING, AREA TOO INACCESSIBLE TO REACH. 0 BIRDS OBSERVED ON 18 APR 2014; UNCLEAR IF THIS SURVEY WAS AT THE SAME LOCATION AS THE 1971 LOCATION.						
Owner/Manager:	UNKNOWN						



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California Natural Diversity Database



Occurrence No.	633	Map Index:	97347	EO Index:	98620	Element Last Seen:	1933-04-26
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	1933-04-26
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Sandy Mush (3712025), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.26050 / -120.51959			Accuracy:	4/5 mile		
UTM:	Zone-10 N4126655 E719959			Elevation (ft):	150		
PLSS:	T08S, R13E, Sec. 02 (M)			Acres:	0.0		
Location:	ABOUT 2.6 MI SW OF HWY 59 & CHILDS AVE INTERSECTION, 5.4 MI NNW OF HWY 59 & SANDY MUSH RD, SW OF MERCED.						
Detailed Location:	LOCATION DESCRIBED ONLY AS "THREE MILES SOUTHWEST OF MERCED." EXACT LOCATION UNKNOWN. MAPPED AS BEST GUESS TO AREA THAT APPEARED TO HISTORICALLY HAVE WATER (HARTLEY SLOUGH) BASED ON A 1918 USGS TOPO MAP FOR ATWATER QUAD.						
Ecological:	HABITAT ONLY DESCRIBED AS CATTAIL MARSH. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). FURTHER RESEARCH NEEDED TO DETERMINE STATUS OF COLONY.						
General:	A BREEDING COLONY COMPOSED OF ABOUT 100 NESTS OBSERVED ON 26 APR 1933.						
Owner/Manager:	UNKNOWN						

Occurrence No.	634	Map Index:	97352	EO Index:	98624	Element Last Seen:	1933-05-19
Occ. Rank:	None			Presence:	Possibly Extirpated	Site Last Seen:	1933-05-19
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Merced (3712034), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.28790 / -120.50908			Accuracy:	1 mile		
UTM:	Zone-10 N4129719 E720811			Elevation (ft):	150		
PLSS:	T07S, R13E, Sec. 35 (M)			Acres:	0.0		
Location:	ABOUT 2 MI NW OF HWY 59 & VASSAR AVE INTERSECTION, 2.9 MI W OF HWY 99 & CHILDS AVE INTERSECTION, SW EDGE OF MERCED.						
Detailed Location:	MAPPED AS BEST GUESS TO CANALS JUST SW OF MERCED CITY PROPER. CANALS IDENTIFIED USING 1917 & 1947-48 USGS TOPO MAPS FOR MERCED & ATWATER QUADS. EL CAPITAN CANAL & MERCED LATERAL WERE POSSIBLE CANALS FOR COLONY LOCATION.						
Ecological:	HABITAT DESCRIBED AS CATTAILS ALONG CANAL. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). VERY LITTLE TO NO HABITAT VISIBLE IN AERIAL PHOTOS. COLONY DATA STORED IN UC DAVIS TRICOLORED BLACKBIRD PORTAL; SITE NAME "SOUTHWEST MERCED."						
General:	A BREEDING COLONY COMPOSED OF ABOUT 1500 NESTS OBSERVED ON 19 MAY 1933 (NEFF 1937).						
Owner/Manager:	UNKNOWN						



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Occurrence No.	635	Map Index:	97354	EO Index:	98627	Element Last Seen:	1933-04-27
Occ. Rank:	None			Presence:	Possibly Extirpated	Site Last Seen:	1933-04-27
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-27
Quad Summary:	Merced (3712034), Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.31620 / -120.48409			Accuracy:	1 mile		
UTM:	Zone-10 N4132919 E722944			Elevation (ft):	175		
PLSS:	T07S, R14E, Sec. 19 (M)			Acres:	0.0		
Location:	ALONG BEAR CREEK, JUST E OF HWY 59 & SANTA FE AVE INTERSECTION, 2.4 MI NW OF HWY 140 & CHILDS AVE INTERSECTION, MERCED.						
Detailed Location:	MAPPED AS BEST GUESS BY CNDDB TO PROVIDED LOCATION DESCRIPTION OF "NORTH OF MERCED." FEATURE MAPPED ALONG BEAR CREEK ALONG THE NORTHERN SIDE OF MERCED. CREEK HISTORICALLY BOUNDED THE N SIDE OF MERCED (USGS 1917 & 1948 TOPO, MERCED QUAD).						
Ecological:	HABITAT DESCRIBED AS CATTAIL MARSH. COLONY PRESUMED EXTIRPATED BY BEEDY (1991). AREA APPEARS TO HAVE BEEN HEAVILY DEVELOPED SINCE TIME OF DETECTION BASED ON AERIAL IMAGERY. COLONY DATA STORED IN UC DAVIS TRBL PORTAL; SITE "NORTH MERCED."						
General:	A BREEDING COLONY COMPOSED OF ABOUT 250 NESTS OBSERVED ON 27 APR 1933 (NEFF 1937).						
Owner/Manager:	UNKNOWN						

Occurrence No.	639	Map Index:	97371	EO Index:	98652	Element Last Seen:	2014-04-19
Occ. Rank:	Unknown			Presence:	Presumed Extant	Site Last Seen:	2014-04-19
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2015-08-28
Quad Summary:	Merced (3712034), Atwater (3712035), Yosemite Lake (3712044), Winton (3712045)						
County Summary:	Merced						
Lat/Long:	37.37760 / -120.49598			Accuracy:	2/5 mile		
UTM:	Zone-10 N4139704 E721709			Elevation (ft):	190		
PLSS:	T06S, R13E, Sec. 25, SW (M)			Acres:	0.0		
Location:	JUST E OF HWY 59 & NEVADA ST INTERSECTION, ABOUT 0.6 MI NNE OF BREEZE RD & UTAH ST INTERSECTION, N OF MERCED.						
Detailed Location:	MAPPED ACCORDING TO PROVIDED LOCATION IN PORTAL. ENTRANCE TO MERCED HORSEMEN'S ARENA VISIBLE IN GOOGLE STREET VIEW. COLONY DATA STORED IN THE UC DAVIS TRICOLOR BLACKBIRD PORTAL; SITE NAME "MERCED HORSEMEN'S ARENA."						
Ecological:	HABITAT WAS TRITICALE BEFORE BEING HARVESTED ON 22 APR 2014. DISTANCE TO STORED GRAINS WAS "100-500" METERS. DISTANCE TO WATER WAS OVER 100 METERS.						
General:	ABOUT 2,000-2,500 BIRDS OBSERVED ON 19 APR 2014; BEHAVIOR CLASSIFIED AS SINGING, BREEDING, AND COLONY QUIET (INCUBATION INFERRED). COLONY WAS DESTROYED DUE TO HARVEST ON 22 APR 2014.						
Owner/Manager:	UNKNOWN, PVT						



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California Department of Fish and Wildlife
California Natural Diversity Database



Vulpes macrotis mutica

Element Code: AMAJA03041

San Joaquin kit fox

Listing Status: **Federal:** Endangered

CNDDDB Element Ranks: **Global:** G4T2

State: Threatened

State: S3

Other:

Habitat: **General:** ANNUAL GRASSLANDS OR GRASSY OPEN STAGES WITH SCATTERED SHRUBBY VEGETATION.

Micro: NEED LOOSE-TEXTURED SANDY SOILS FOR BURROWING, AND SUITABLE PREY BASE.

Occurrence No. 23 **Map Index:** 42082 **EO Index:** 42082 **Element Last Seen:** 1999-08-20

Occ. Rank: Poor **Presence:** Presumed Extant **Site Last Seen:** 1999-08-20

Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 1999-12-27

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36666 / -120.60137 **Accuracy:** non-specific area

UTM: Zone-10 N4138247 E712407 **Elevation (ft):** 160

PLSS: T06S, R12E, Sec. 36 (M) **Acres:** 286.7

Location: LIVINGSTON CANAL, FROM APROXIMATLY BELLEVUE ROAD TO WINTON WAY, ATWATER.

Detailed Location: ALONG CANAL AREA, MERCED COUNTY WATER DISTRICT.

Ecological: AREA IS FLAT WITH SANDY SOILS.

General: 1 OBSERVED IN BACKYARD, THEN TRAVELED WEST ALONG CANAL, 1999. 1 ADULT, 2 JUVENILES OBSERVED IN THE EARLY 1980'S, OVER A MONTH, FREQUENTING AN EXPOSED CONCRETE PIPE OPENING; AREA PREVIOUSLY BORDERED BY AG AND SOME RESIDENTIAL NOW HOUSING.

Owner/Manager: MER COUNTY



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California Department of Fish and Wildlife
California Natural Diversity Database



Actinemys marmorata

Element Code: ARAAD02031

northwestern pond turtle

Listing Status: **Federal:** Proposed Threatened

CNDDB Element Ranks: **Global:** G2

State: None

State: SNR

Other: BLM_S-Sensitive, CDFW_SSC-Species of Special Concern, IUCN_VU-Vulnerable, USFS_S-Sensitive

Habitat: **General:** ☐

Micro: ☐

Occurrence No. 721 **Map Index:** 67349 **EO Index:** 67517 **Element Last Seen:** 2006-10-13

Occ. Rank: Fair **Presence:** Presumed Extant **Site Last Seen:** 2006-10-13

Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 2006-12-11

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.36083 / -120.55443 **Accuracy:** 80 meters

UTM: Zone-10 N4137708 E716581 **Elevation (ft):** 175

PLSS: T06S, R13E, Sec. 33, SW (M) **Acres:** 0.0

Location: CANAL CREEK, 0.3 MILE WEST OF FOX ROAD AND 0.3 MILE NORTH OF BRADSHAW ROAD, CASTLE AIR FORCE BASE.

Detailed Location:

Ecological: HABITAT WITHIN CANAL CREEK CONSISTS OF HERBACEOUS VEGETATION. SURROUNDING LAND CONSISTS OF LOW-DENSITY AGRICULTURAL LAND, WHICH IS HIGHLY MANIPULATED FOR AGRICULTURE, DAIRY, AND CASTLE AFB.

General: 1 JUVENILE OBSERVED ON THE BANK OF CANAL CREEK ON 13 OCT 2006.

Owner/Manager: UNKNOWN

Branchinecta lynchi

Element Code: ICBRA03030

vernal pool fairy shrimp

Listing Status: **Federal:** Threatened

CNDDB Element Ranks: **Global:** G3

State: None

State: S3

Other: IUCN_VU-Vulnerable

Habitat: **General:** ENDEMIC TO THE GRASSLANDS OF THE CENTRAL VALLEY, CENTRAL COAST MOUNTAINS, AND SOUTH COAST MOUNTAINS, IN ASTATIC RAIN-FILLED POOLS.

Micro: INHABIT SMALL, CLEAR-WATER SANDSTONE-DEPRESSION POOLS AND GRASSED SWALE, EARTH SLUMP, OR BASALT-FLOW DEPRESSION POOLS.

Occurrence No. 181 **Map Index:** 36115 **EO Index:** 31112 **Element Last Seen:** 1997-02-13

Occ. Rank: Fair **Presence:** Presumed Extant **Site Last Seen:** 1997-02-13

Occ. Type: Natural/Native occurrence **Trend:** Unknown **Record Last Updated:** 2014-10-02

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long: 37.34685 / -120.55031 **Accuracy:** 80 meters

UTM: Zone-10 N4136165 E716987 **Elevation (ft):** 165

PLSS: T07S, R13E, Sec. 04, SW (M) **Acres:** 0.0

Location: JUST NW OF THE INTERSECTION OF FOX ROAD AND CARDELLA ROAD, 2 MILES EAST OF ATWATER.

Detailed Location:

Ecological: HABITAT CONSISTED OF A ROADSIDE POOL, ADJACENT TO ATSF RAILROAD TRACKS, SURROUNDED BY AGRICULTURE.

General: 1 ADULT COLLECTED ON 13 FEB 1997 (CASIZ #111133).

Owner/Manager: PVT



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California Department of Fish and Wildlife
California Natural Diversity Database



Occurrence No.	305	Map Index:	46094	EO Index:	46094	Element Last Seen:	2002-01-28
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2002-01-28
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2014-10-10
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.35203 / -120.50373				Accuracy:	non-specific area	
UTM:	Zone-10 N4136848 E721098				Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 01, SW (M)				Acres:	17.8	
Location:	ABOUT 5 MILES EAST OF ATWATER, FROM INTERSECTION OF HIGHWAY 59 AND TAHOE STREET TO 0.2 MILE SOUTH ON HIGHWAY 59.						
Detailed Location:	CALTRANS RIGHT-OF-WAY ADJACENT TO WEST SHOULDER OF HIGHWAY 59. SAMPLE POOLS 5A, 5B, & 5B1.						
Ecological:	VERNAL POOLS IN OPEN GRASSLAND; SURROUNDING LAND USES WERE AGRICULTURE AND GRAZING AT TIME OF SURVEY.						
General:	8 COLLECTED IN 2000 (CASIZ #154910). 2 POOLS, EACH WITH 100 ADULTS, AND 1 POOL WITH 10 ADULTS OBSERVED FEB 2001; 16 COLLECTED (CASIZ #154907, 154908). 13 COLLECTED ON 28 JAN 2002 (CASIZ #162474, 162487).						
Owner/Manager:	CALTRANS						

Occurrence No.	306	Map Index:	46095	EO Index:	46095	Element Last Seen:	2002-01-11
Occ. Rank:	Good			Presence:	Presumed Extant	Site Last Seen:	2002-01-11
Occ. Type:	Natural/Native occurrence			Trend:	Unknown	Record Last Updated:	2014-10-10
Quad Summary:	Atwater (3712035)						
County Summary:	Merced						
Lat/Long:	37.33240 / -120.50482				Accuracy:	non-specific area	
UTM:	Zone-10 N4134668 E721059				Elevation (ft):	165	
PLSS:	T07S, R13E, Sec. 11, SE (M)				Acres:	31.4	
Location:	ABOUT 5 MI EAST OF ATWATER; ALONG HIGHWAY 59, FROM 0.2 TO 0.7 MI SOUTH OF THE INTERSECTION OF HWY 59 AND BELCHER AVE.						
Detailed Location:	SURVEYED POOLS WERE IN THE CALTRANS RIGHT-OF-WAY ADJACENT TO THE WEST SHOULDER OF HIGHWAY 59.						
Ecological:	VERNAL POOLS IN OPEN GRASSLAND SURROUNDED BY LAND USED FOR AGRICULTURE & GRAZING AT TIME OF 2000-01 SURVEYS. SPEA HAMMONDII, LINDERIELLA OCCIDENTALIS, & INDICATOR PLANTS ALSO FOUND. AIR PHOTOS SHOW DEVELOPMENT IN SE PORTION OF OCCURRENCE.						
General:	THOUSANDS OF ADULTS IN 2 POOLS & 10 IN 1 POOL, NOV 2000; 24 COLLECTED (IN CAS). HUNDREDS OF ADULTS IN 2 POOLS, FEB 2001; UP TO 51 COLLECTED FEB & DEC 2001 (IN CAS). 7 COLLECTED ON 11 JAN 2002 (CASIZ #162476).						
Owner/Manager:	CALTRANS						



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California Department of Fish and Wildlife
California Natural Diversity Database



<i>Linderiella occidentalis</i>				Element Code: ICBRA06010	
California linderiella					
Listing Status:	Federal:	None	CNDDDB Element Ranks:		Global: G2G3
	State:	None			State: S2S3
	Other:	IUCN_NT-Near Threatened			
Habitat:	General:	SEASONAL POOLS IN UNPLOWED GRASSLANDS WITH OLD ALLUVIAL SOILS UNDERLAIN BY HARDPAN OR IN SANDSTONE DEPRESSIONS.			
	Micro:	WATER IN THE POOLS HAS VERY LOW ALKALINITY, CONDUCTIVITY, AND TOTAL DISSOLVED SOLIDS.			
Occurrence No.	196	Map Index: 47479	EO Index:	47479	Element Last Seen: 2000-11-21
Occ. Rank:	Fair		Presence:	Presumed Extant	Site Last Seen: 2000-11-21
Occ. Type:	Natural/Native occurrence		Trend:	Unknown	Record Last Updated: 2002-03-25
Quad Summary:	Atwater (3712035)				
County Summary:	Merced				
Lat/Long:	37.35963 / -120.50374		Accuracy:	80 meters	
UTM:	Zone-10 N4137692 E721075		Elevation (ft):	175	
PLSS:	T07S, R13E, Sec. 02, NE (M)		Acres:	0.0	
Location:	5 MILES EAST OF ATWATER, 0.1 MILE SOUTH OF INTERSECTION OF WEST BELLEVUE ROAD AND HIGHWAY 59.				
Detailed Location:	POOL ALONG CULVERT LOCATED ON WEST SHOULDER OF HIGHWAY 59.				
Ecological:	HABITAT CONSISTS OF A SWALE. SURROUNDING AREA IS RURAL / GRAZING LAND.				
General:	21 NOV 2000: 500 ADULTS AND 500 JUVENILES OBSERVED IN SAMPLE POOL 6A.				
Owner/Manager:	CALTRANS				



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California Department of Fish and Wildlife
California Natural Diversity Database



Atriplex persistens

Element Code: PDCHE042P0

vernal pool smallscale

Listing Status: **Federal:** None

CNDDDB Element Ranks: **Global:** G2

State: None

State: S2

Other: Rare Plant Rank - 1B.2

Habitat: **General:** VERNAL POOLS.

Micro: ALKALINE VERNAL POOLS. 3-115 M.

Occurrence No.	4	Map Index:	36774	EO Index:	31771	Element Last Seen:	2011-10-15
Occ. Rank:	Excellent	Presence:	Presumed Extant	Site Last Seen:		2011-10-15	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		2013-06-03	

Quad Summary: Sandy Mush (3712025), Atwater (3712035)

County Summary: Merced

Lat/Long:	37.24727 / -120.62010	Accuracy:	specific area
UTM:	Zone-10 N4124958 E711081	Elevation (ft):	110
PLSS:	T08S, R12E, Sec. 11, E (M)	Acres:	18.0

Location: NORTHWEST OF WHERE VENTURA ROAD GOES FROM E-W TO N-S, 6 MILES SOUTHWEST OF MERCED.

Detailed Location: RANGE ROAD/VENTURA ROAD ALSO NAMED JOHN SANDERS ROAD. SEVERAL POLYGONS MAPPED ACCORDING TO 2013 WITHAM DIGITAL DATA.

Ecological: ALKALI GRASSLAND WITH SHALLOW VERNAL POOLS. ASSOCIATED WITH HORDEUM MARINUM SSP. GUSSONEANUM, NEOSTAFFIA COLUSANA, AMARANTHUS ALBUS, FRANKENIA GRANDIFOLIA, CRYPHIS SCHOENOIDES, CRESSA TRUXILLENIS, ERYNGIUM VASEYI, AND DISTICHLIS SPICATA.

General: UNKNOWN NUMBER OF PLANTS SEEN IN 1987. 100'S OF PLANTS SEEN IN 2009. 100,000S OF PLANTS SEEN IN 2011. 1989 TAYLOR COLLECTION AND 1994 & 1995 STUTZ COLLECTIONS ALSO ATTRIBUTED HERE. ONE OF THE MOST OUTSTANDING ATPE OCCURRENCES.

Owner/Manager: PVT

Occurrence No.	7	Map Index:	36783	EO Index:	31780	Element Last Seen:	1926-06-18
Occ. Rank:	None	Presence:	Possibly Extirpated	Site Last Seen:		1926-06-18	
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:		1998-04-29	

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long:	37.26480 / -120.53386	Accuracy:	1 mile
UTM:	Zone-10 N4127099 E718682	Elevation (ft):	140
PLSS:	T08S, R13E, Sec. 03 (M)	Acres:	0.0

Location: 3 MILES SOUTHWEST OF MERCED.

Detailed Location:

Ecological:

General: MAIN SOURCE OF INFORMATION FOR THIS SITE IS 1926 COLLECTION BY HOWELL. OCCURRENCE EXTIRPATED ACCORDING TO D. TAYLOR.

Owner/Manager: UNKNOWN



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California Department of Fish and Wildlife
California Natural Diversity Database



Sagittaria sanfordii

Element Code: PMALI040Q0

Sanford's arrowhead

Listing Status:	Federal: None	CNDDDB Element Ranks:	Global: G3
	State: None		State: S3
	Other: Rare Plant Rank - 1B.2, BLM_S-Sensitive		
Habitat:	General: MARSHES AND SWAMPS.		
	Micro: IN STANDING OR SLOW-MOVING FRESHWATER PONDS, MARSHES, AND DITCHES. 0-605 M.		

Occurrence No.	75	Map Index:	83260	EO Index:	84280	Element Last Seen:	2010-05-25
Occ. Rank:	Good	Presence:	Presumed Extant	Site Last Seen:			2010-05-25
Occ. Type:	Natural/Native occurrence	Trend:	Unknown	Record Last Updated:			2011-06-30

Quad Summary: Atwater (3712035)

County Summary: Merced

Lat/Long:	37.32415 / -120.54171	Accuracy:	specific area
UTM:	Zone-10 N4133667 E717814	Elevation (ft):	150
PLSS:	T07S, R13E, Sec. 16, E (M)	Acres:	1.0

Location: CANAL WEST OF FRANKLIN ROAD ACROSS FROM LOBO AVE, ABOUT 0.2 MILE NORTH OF STATE ROUTE 99, MERCED.

Detailed Location: TWO COLONIES MAPPED ACCORDING TO 2010 COORDINATES PROVIDED BY GRAENING.

Ecological: AGRICULTURAL CANAL; OCCASIONAL INUNDATION. ASSOCIATED WITH POLYGONUM HYDROPIPEROIDES, SORGHUM HALEPENSE, JUNCUS BALTICUS, LYTHRUM HYSSOPIFOLIA, AVENA BARBATA, ERODIUM BOTRYS, PLANTAGO LANCEOLATA, ETC.

General: ABOUT 750 PLANTS OBSERVED IN EASTERN COLONY AND 96 PLANTS OBSERVED IN WESTERN COLONY IN 2010.

Owner/Manager: UNKNOWN



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California Department of Fish and Wildlife
California Natural Diversity Database



Neostapfia colusana

Element Code: PMPOA4C010

Colusa grass

Listing Status: **Federal:** Threatened
State: Endangered
Other: Rare Plant Rank - 1B.1

CNDDDB Element Ranks: **Global:** G1
State: S1

Habitat: **General:** VERNAL POOLS.
Micro: USUALLY IN THE BOTTOMS OF LARGE, OR DEEP VERNAL POOLS; ADOBE SOILS. 5-125 M.

Occurrence No.	40	Map Index:	13099	EO Index:	6295	Element Last Seen:	2011-10-15
Occ. Rank:	Fair	Presence:	Presumed Extant	Site Last Seen:		2011-10-15	
Occ. Type:	Natural/Native occurrence	Trend:	Decreasing	Record Last Updated:		2013-05-20	

Quad Summary: Sandy Mush (3712025), Atwater (3712035)

County Summary: Merced

Lat/Long:	37.24933 / -120.61933	Accuracy:	specific area
UTM:	Zone-10 N4125188 E7111145	Elevation (ft):	110
PLSS:	T08S, R12E, Sec. 11, E (M)	Acres:	19.0

Location: NORTHWEST OF JUNCTION OF RANGE ROAD AND VENTURA ROAD, 4.5 MILES NORTH OF THE MERCED NATIONAL WILDLIFE REFUGE.

Detailed Location: SEVERAL POLYGONS MAPPED ACCORDING TO A 1982 MAP WITH AERIAL PHOTO, A 1988 MAP BY BIOSYSTEMS ANALYSIS, AND 2013 WITHAM DIGITAL DATA.

Ecological: VERNAL POOLS APPARENTLY FORMED OVER LEWIS SALINE-ALKALINE SOILS. POOLS SURROUNDED BY VALLEY GRASSLAND. POOL ASSOCIATES INCLUDE AMARANTHUS ALBUS, POLYPOGON, CRYPIS, ATRIPLEX, FRANKENIA, CRESSA, ERYNGIUM, DISTICHLIS, SIDA, NAVARRETIA, ETC.

General: >10,000 PLANTS IN 1982, 13,000+ IN 1986, 23,000 IN 1987, 1300 IN 1988, NONE IN 2009 & 2010, ~600 PLANTS IN 2011.

Owner/Manager: PVT

7.2 Appendix B: CHRIS Search Record

Prepared by Central California Information Center dated October 14, 2024.



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus

One University Circle, Turlock, California 95382

(209) 667-3307

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 10/14/2024

Records Search File #: 13078I

Project: Osborn Park Expansion

Shin Tu, Senior Associate Planner
Precision Civil Engineering, Inc.
1234 O Street
Fresno, CA 93721
559-449-4500

stu@precisioneng.net

We have conducted a non-confidential extended records search as per your request for the above-referenced project area located on the Atwater USGS 7.5-minute quadrangle map in Merced County.

Search of our files includes review of our maps for the specific project area and the immediate vicinity of the project area, and review of the following:

National Register of Historic Places (NRHP)
California Register of Historical Resources (CRHR)
California Inventory of Historic Resources (1976)
California Historical Landmarks
California Points of Historical Interest listing
Office of Historic Preservation Built Environment Resource Directory (BERD) and the
Archaeological Resources Directory (ARD)
Survey of Surveys (1989)
Caltrans State and Local Bridges Inventory
General Land Office Plats
Other pertinent historic data available at the CCalIC for each specific county

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- There are no formally recorded prehistoric or historic archaeological resources or historic buildings or structures within the project area.
- The area does fall within the Merced Irrigation District which has been recorded a P-24-001909 and is listed in the Office of Historic Preservation Built Environment Resource Directory (BERD) with a rating of 6Y, determined ineligible for the National Register of Historic Places by consensus through the Section 106 process, not evaluated for the California Register or for local listing.

- The General Land Office survey plat for T6S R12E (dated 1853) shows Section 31 divided into parcels of varying acreages.
- The 1918 edition of the Atwater USGS quadrangle shows a building in the SW ¼ of the SW ¼ of Section 31. We have no further information on file for this building that would be 106 years in age (or older).

Prehistoric or historic resources within the immediate vicinity of the project area: The Livingston Canal is north and east of the project area also referenced on the 1918 USGS map). This canal has been recorded as P-24-000552 and listed in the Office of Historic Preservation Built Environment Resource Directory (BERD) with a rating of 6Y, determined ineligible for the National Register of Historic Places by consensus through the Section 106 process, not evaluated for the California Register or for local listing.

Resources that are known to have value to local cultural groups: None has been formally reported to the Information Center.

Previous investigations within the project area: Two investigations, referenced as follows:

Holman, M. and R. Hellmann (Holman & Associates, for Jerry Haag, Environmental Consultant, Berkeley, CA)
2008 An Archival Study to Identify Potential Cultural Resources Located in the City of Atwater General Plan and Program EIR Project Area, Merced County, California.
 CCAIC Report ME-06858

Peterson, C. and C. D. Wills (Environmental Assessment Specialists, Inc. for T-Mobile West, LLC)
2019 Letter Report: Cultural Resources Records Search and Site Visit Results for T-Mobile West, LLC Candidate SC07707A (Osborn Park), 750 East Bellevue Road, Atwater, Merced County, California.
 CCAIC Report ME-09429

Recommendations/Comments:

Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. Since the area has not been subject to project-specific investigations, there may be unidentified features involved in your project that are 45 years or older and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

If the current project does not include ground disturbance, further study for archaeological resources is not recommended at this time. If ground disturbance is considered a part of the current project, we recommend further review for the possibility of identifying prehistoric or historic-era archaeological resources.

If the proposed project contains buildings or structures that meet the minimum age requirement (45 years in age or older) it is recommended that the resource/s be assessed by a professional familiar with architecture and history of the county. Review of the available historic building/structure data has included only those sources listed above and should not be considered comprehensive.

If at any time you might require the services of a qualified professional the Statewide Referral List for Historical Resources Consultants is posted for your use on the internet at <http://chrisinfo.org>

If archaeological resources are encountered during project-related activities, work should be temporarily halted in the vicinity of the discovered materials and workers should avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel should not collect cultural resources.

If human remains are discovered, California Health and Safety Code Section 7050.5 requires you to protect the discovery and notify the county coroner, who will determine if the find is Native American. If the remains are recognized as Native American, the coroner shall then notify the Native American Heritage Commission (NAHC). California Public Resources Code Section 5097.98 authorizes the NAHC to appoint a Most Likely Descendant (MLD) who will make recommendations for the treatment of the discovery.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the State Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Thank you for sending the **Access Agreement Short Form**.

Note: Billing will be transmitted separately via email from the Financial Services office (\$150.00), payable within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

<https://commerce.cashnet.com/ANTHROPOLOGY>

Sincerely,

E. A. Greathouse

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

* Invoice Request sent to: ARBilling@csustan.edu, CSU Stanislaus Financial Services

7.3 Appendix C: NAHC SLF Results Letter

Prepared by NAHC dated October 22, 2024.

**NATIVE AMERICAN HERITAGE COMMISSION**

October 22, 2024

Shin Tu
Precision Civil EngineeringVia Email to: stu@precisioneng.netCHAIRPERSON
Reginald Pagaling
ChumashVICE-CHAIRPERSON
Buffy McQuillen
Yokayo Pomo, Yuki,
NomlakiSECRETARY
Sara Dutschke
MiwokPARLIAMENTARIAN
Wayne Nelson
LuiseñoCOMMISSIONER
Isaac Bojorquez
Ohlone-CostanoanCOMMISSIONER
Stanley Rodriguez
KumeyaayCOMMISSIONER
Laurena Bolden
SerranoCOMMISSIONER
Reid Milanovich
CahuillaCOMMISSIONER
Bennae Calac
Pauma-Yuima Band of
Luiseño IndiansEXECUTIVE SECRETARY
**Raymond C.
Hitchcock**
Miwok, Nisenan**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,**Re: Native American Consultation, Pursuant to Senate Bill 18 (SB18), Government Codes §65352.3 and §65352.4, as well as Assembly Bill 52 (AB52), Public Resources Codes §21080.1, §21080.3.1 and §21080.3.2, Osborn Park Expansion Project, Merced County**

Dear Mr. Tu:

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties or projects.

Government Codes §65352.3 and §65352.4 require local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places when creating or amending General Plans, Specific Plans and Community Plans.

Public Resources Codes §21080.3.1 and §21080.3.2 requires public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to tribal cultural resources as defined, for California Environmental Quality Act (CEQA) projects.

The law does not preclude local governments and agencies from initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction. The NAHC believes that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

Best practice for the AB52 process and in accordance with Public Resources Code §21080.3.1(d), is to do the following:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The NAHC also recommends, but does not require that lead agencies include in their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential affect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE, such as known archaeological sites;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The result of the Sacred Lands File (SFL) check conducted through the Native American Heritage Commission was negative.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event, that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address:

Pricilla.Torres-Fuentes@nahc.ca.gov.

Sincerely,

Pricilla Torres-Fuentes

Pricilla Torres-Fuentes
Cultural Resources Analyst

Attachment

7.4 Appendix D: CalEEMod Results

Prepared by Precision Civil Engineering, Inc., on January 14, 2025.

Osborn Park Expansion Custom Report

Table of Contents

- 1. Basic Project Information
 - 1.1. Basic Project Information
 - 1.2. Land Use Types
- 2. Emissions Summary
 - 2.2. Construction Emissions by Year, Unmitigated
 - 2.5. Operations Emissions by Sector, Unmitigated
- 5. Activity Data
 - 5.12. Operational Water and Wastewater Consumption
 - 5.12.1. Unmitigated
 - 5.13. Operational Waste Generation
 - 5.13.1. Unmitigated

1. Basic Project Information

1.1. Basic Project Information

Data Field	Value
Project Name	Osborn Park Expansion
Construction Start Date	6/1/2025
Operational Year	2026
Lead Agency	—
Land Use Scale	Project/site
Analysis Level for Defaults	County
Windspeed (m/s)	2.80
Precipitation (days)	23.4
Location	37.36221072284209, -120.59291462644636
County	Merced
City	Atwater
Air District	San Joaquin Valley APCD
Air Basin	San Joaquin Valley
TAZ	2326
EDFZ	14
Electric Utility	Merced Irrigation District
Gas Utility	Pacific Gas & Electric
App Version	2022.1.1.29

1.2. Land Use Types

Land Use Subtype	Size	Unit	Lot Acreage	Building Area (sq ft)	Landscape Area (sq ft)	Special Landscape Area (sq ft)	Population	Description
City Park	5.20	Acre	5.20	0.00	100,000	100,000	—	—

2. Emissions Summary

2.2. Construction Emissions by Year, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Year	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily - Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	4.04	3.41	31.7	31.3	0.05	1.37	19.8	21.2	1.26	10.1	11.4	—	5,445	5,445	0.22	0.05	0.60	5,465
2026	1.28	1.07	9.85	13.0	0.02	0.38	0.11	0.43	0.35	0.03	0.35	—	2,397	2,397	0.10	0.02	0.47	2,405
Daily - Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	1.35	1.13	10.4	13.0	0.02	0.43	0.00	0.43	0.40	0.00	0.40	—	2,398	2,398	0.10	0.02	0.00	2,406
2026	1.28	1.07	9.85	13.0	0.02	0.38	0.00	0.38	0.35	0.00	0.35	—	2,397	2,397	0.10	0.02	0.00	2,405
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.76	0.64	5.87	6.60	0.01	0.25	0.94	1.19	0.23	0.47	0.69	—	1,173	1,173	0.05	0.01	0.03	1,177
2026	0.52	0.43	3.95	5.26	0.01	0.15	0.01	0.16	0.14	< 0.005	0.14	—	950	950	0.04	0.01	0.01	954
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
2025	0.14	0.12	1.07	1.21	< 0.005	0.04	0.17	0.22	0.04	0.09	0.13	—	194	194	0.01	< 0.005	0.01	195
2026	0.09	0.08	0.72	0.96	< 0.005	0.03	< 0.005	0.03	0.03	< 0.005	0.03	—	157	157	0.01	< 0.005	< 0.005	158

2.5. Operations Emissions by Sector, Unmitigated

Criteria Pollutants (lb/day for daily, ton/yr for annual) and GHGs (lb/day for daily, MT/yr for annual)

Sector	TOG	ROG	NOx	CO	SO2	PM10E	PM10D	PM10T	PM2.5E	PM2.5D	PM2.5T	BCO2	NBCO2	CO2T	CH4	N2O	R	CO2e
Daily, Summer (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.05	0.05	0.04	0.27	< 0.005	< 0.005	0.04	0.04	< 0.005	0.01	0.01	—	60.0	60.0	< 0.005	< 0.005	0.21	61.5

Area	0.06	0.06	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Water	—	—	—	—	—	—	—	—	—	—	—	0.00	6.93	6.93	< 0.005	< 0.005	—	6.96
Waste	—	—	—	—	—	—	—	—	—	—	—	0.24	0.00	0.24	0.02	0.00	—	0.84
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	0.11	0.10	0.04	0.27	< 0.005	< 0.005	0.04	0.04	< 0.005	0.01	0.01	0.24	67.0	67.2	0.03	< 0.005	0.21	69.3
Daily, Winter (Max)	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.04	0.04	0.05	0.25	< 0.005	< 0.005	0.04	0.04	< 0.005	0.01	0.01	—	55.9	55.9	< 0.005	< 0.005	0.01	57.2
Area	0.06	0.06	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Water	—	—	—	—	—	—	—	—	—	—	—	0.00	6.93	6.93	< 0.005	< 0.005	—	6.96
Waste	—	—	—	—	—	—	—	—	—	—	—	0.24	0.00	0.24	0.02	0.00	—	0.84
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	0.10	0.10	0.05	0.25	< 0.005	< 0.005	0.04	0.04	< 0.005	0.01	0.01	0.24	62.8	63.1	0.03	< 0.005	0.01	65.0
Average Daily	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	0.02	0.02	0.02	0.13	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	—	29.9	29.9	< 0.005	< 0.005	0.05	30.6
Area	0.06	0.06	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Water	—	—	—	—	—	—	—	—	—	—	—	0.00	6.93	6.93	< 0.005	< 0.005	—	6.96
Waste	—	—	—	—	—	—	—	—	—	—	—	0.24	0.00	0.24	0.02	0.00	—	0.84
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	0.08	0.08	0.02	0.13	< 0.005	< 0.005	0.02	0.02	< 0.005	0.01	0.01	0.24	36.8	37.1	0.03	< 0.005	0.05	38.4
Annual	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mobile	< 0.005	< 0.005	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	—	4.95	4.95	< 0.005	< 0.005	0.01	5.07
Area	0.01	0.01	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00	—	0.00	0.00	—	0.00	—	0.00	0.00	0.00	0.00	—	0.00

Water	—	—	—	—	—	—	—	—	—	—	—	0.00	1.15	1.15	< 0.005	< 0.005	—	1.15
Waste	—	—	—	—	—	—	—	—	—	—	—	0.04	0.00	0.04	< 0.005	0.00	—	0.14
Refrig.	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	0.00	0.00
Total	0.01	0.01	< 0.005	0.02	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	< 0.005	0.04	6.10	6.14	< 0.005	< 0.005	0.01	6.36

5. Activity Data

5.12. Operational Water and Wastewater Consumption

5.12.1. Unmitigated

Land Use	Indoor Water (gal/year)	Outdoor Water (gal/year)
City Park	0.00	3,205,980

5.13. Operational Waste Generation

5.13.1. Unmitigated

Land Use	Waste (ton/year)	Cogeneration (kWh/year)
City Park	0.45	—



PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION

Donald Borgwardt, Chair

Mayra Sanchez-Garcia

Jag Mokha

Harold Kadach

Shawn Conour

MEETING DATE: October 15, 2025

TO: Chair and Commissioners

FROM: Chris Hoem, City Manager

SUBJECT: Public hearing to recommend that the City Council of the City of Atwater adopt Zoning Ordinance Text Amendment No. 25-16-0100 amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the setbacks for carports in Section 17.16.080 of this chapter.

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that the Zoning Ordinance Text Amendment is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, (b)(3) and adopt Resolution No. 0275-25 recommending City Council to adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the setbacks for carports in Section 17.16.080 of this chapter.

I. BACKGROUND:

The regulations for accessory buildings/structures were first adopted in 1983 and partially revised in 2024. While other nearby cities have modernized their corresponding regulations, the City of Atwater needs an update in this matter.

Currently, the Atwater Municipal Code (AMC) Section 17.16.080(F) states that “detached accessory buildings...shall not encroach on any exterior yard setback...” This Zoning Ordinance Text Amendment (ZOTA) would amend the code to allow carports located on a paved driveway to abut the front property line.

II. ANALYSIS:

The city has received several inquiries regarding the location of carports. Currently, carports cannot be placed within the front yard setback area, which is typically within 20 feet of the front property line. This amendment allows property owners to locate their carports against the front property line, which will typically allow the carport to be next to the sidewalk. If the carport is attached to the main building or home, then the carport is not considered part of the main building for the purposes of main building setback requirements. If the carport is detached from the main building, then the carport must be located at least five feet away from the main building for fire safety purposes.

This change promotes administrative efficiency and reduces unnecessary costs for applicants.

III. FISCAL IMPACTS:

No negative fiscal impacts are anticipated with the approval of this project.

IV. LEGAL REVIEW:

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

V. EXISTING POLICY:

The ordinance will amend Section 17.16.080 of the AMC.

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

VI. PUBLIC PARTICIPATION:

The public hearing was noticed and advertised for the regularly scheduled Planning Commission hearing. The public can 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). This exemption states that the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the activity is not subject to CEQA.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0275-25, the recommendation will be forwarded to the City Council for consideration.

Submitted by:



Chris Hoem, City Manager

Attachments:

1. Resolution No. 0275-25
2. Draft Ordinance
3. Exhibit A (Proposed Section 17.16.080)
4. Exhibit B (Redlined Section 17.16.080)
5. Exhibit C (Current Section 17.16.080)



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0275-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT ZONING ORDINANCE TEXT AMENDMENT NO. 25-16-0100 AMENDING CHAPTER 17.16 “LOW DENSITY RESIDENTIAL DISTRICTS” OF THE ATWATER MUNICIPAL CODE TO ADJUST THE SETBACKS FOR CARPORTS IN SECTION 17.16.080 OF THIS CHAPTER.

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law on October 15, 2025; and,

WHEREAS, this project is exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), the common sense exemption, which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and 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, the activity is not subject to CEQA; and,

WHEREAS, the Zoning Ordinance Text Amendment (ZOTA) will not have a detrimental effect on the health, safety, and welfare of the neighborhood, nor will it have any adverse effect on the community; and,

WHEREAS, the Planning Commission finds that the following findings can be made for ZOTA No. 25-16-0100:

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 exempt from CEQA review under CEQA guideline section 15061(b)(3).
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 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. 25-16-0100.

The foregoing resolution is hereby adopted this 15th day of October, 2025.

AYES:
NOES:
ABSENT:

APPROVED:

DON BORGWARDT,
CHAIR

ATTEST:

CHRIS HOEM,
CITY MANAGER



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. 25-16-0100 AMENDING CHAPTER 17.16 “LOW DENSITY RESIDENTIAL DISTRICTS” OF THE ATWATER MUNICIPAL CODE TO ADJUST THE SETBACKS FOR CARPORTS IN SECTION 17.16.080 OF THIS CHAPTER.

WHEREAS, on October 15, 2025, 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 Zoning Ordinance Text Amendment (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. 25-16-0100:

1. The proposed ordinance is consistent with the Atwater General Plan.
2. Adoption of the ordinance is exempt from CEQA review under CEQA Guidelines section 15061(b)(3).
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 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. The City Council finds, in the exercise of its independent judgment, that the adoption of this ordinance is exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), the common sense exemption, which provides that

CEQA applies only to projects which have the potential for causing a significant effect on the environment, and 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, the activity 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. Section 17.16.080 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. 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 7. 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 8. 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.

(THE ORDINANCE CONTINUES TO THE NEXT PAGE)

INTRODUCED:
ADOPTED:
AYES:
NOES:
ABSENT:

APPROVED:

MIKE G. 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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1014, § 3, 9-23-2019; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.)

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 804, 8-12-2002; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

17.16.045 Prohibited uses.

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

(Ord. CS 559, 1984; Ord. CS 529, 1983; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 905, § 1, 5-26-2009; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1056, § 1, 1-23-2023; Ord. CS 1069, § 1(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 905, § 1, 5-26-2009; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1069, § 3(Exh. A), 11-12-2024)

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.
- L. The front yard setback for carports that are located on a paved driveway shall be zero feet.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 804, 8-12-2002; Ord. CS 905, § 1, 5-26-2009; Ord. CS 1069, § 4(Exh. A), 11-12-2024, Ord. CS XXX, 11-10-2025)

17.16.090 Reserved.

Ord. CS 1059, § 1, adopted March 27, 2023, repealed § 17.16.090, which pertained to site plan and design review.

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1014, § 3, 9-23-2019; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.)

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 804, 8-12-2002; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

17.16.045 Prohibited uses.

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

(Ord. CS 559, 1984; Ord. CS 529, 1983; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 1069, § 4(Exh. A), 11-12-2024)

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.
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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;
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 - 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.

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- 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).
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PLANNING COMMISSION STAFF REPORT

PLANNING COMMISSION

Donald Borgwardt, Chair

Mayra Sanchez-Garcia

Jag Mokha

Harold Kadach

Shawn Conour

MEETING DATE: October 15, 2025

TO: Chair and Commissioners

FROM: Chris Hoem, City Manager

SUBJECT: Public hearing to consider adopting a resolution recommending City Council adopt Zoning Ordinance Text Amendment No. 25-17-0100 amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth in Section 17.16.050 of this chapter and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06.

RECOMMENDED COMMISSION ACTION:

It is recommended that Planning Commission:

1. Open the public hearing and take any testimony from the public;
2. Close the public hearing;
3. Make a finding that the Zoning Ordinance Text Amendment is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061, (b)(3) and adopt Resolution No. 0276-25 recommending City Council to adopt a Zoning Ordinance Text Amendment amending Chapter 17.16 “Low Density Residential Districts” of the Atwater Municipal Code to adjust the Minimum Lot Depth in Section 17.16.050 of this chapter and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06.

I. BACKGROUND:

The regulations for site plans were first adopted in 1975 and revised in 2023. While other nearby cities have modernized their corresponding regulations, the City of Atwater is in need of an update in this matter.

Currently, the Code does not include definitions for knuckle lots, cul-de-sac lots, nor does it have a minimum lot depth for them. (see exhibit A) This Zoning Ordinance Text Amendment (ZOTA) proposes to amend the Atwater Municipal Code (AMC) to adjust the

Minimum Lot Depth in Section 17.16.050 and add definitions for knuckle lots and cul-de-sac lots in Chapter 17.06.

II. ANALYSIS:

Many projects, particularly those involving larger-scale development, involve multiple knuckle lots and cul-de-sacs in their designs. Currently there is no specified minimum lot depth for knuckle and cul-de-sacs, nor is there a definition for either of them.

This amendment adds the following definitions to the AMC:

17.06.327 Knuckle Lot; A lot located at the curved turning point or bend of a roadway, typically within a cul-de-sac or curved street alignment, resulting in an irregular lot shape.

17.06.188 Cul-de-sac; A street that is closed at one end.

This amendment also specifies minimum lot depths in low density residential zones as follows:

Knuckle Lots:

R-E 120 ft.

R-1-10 90 ft.

R-1-8 90 ft.

R-1-6 90 ft.

R-1-5 90 ft.

Cul-de-sac Lots:

R-E 110 ft.

R-1-10 80 ft.

R-1-8 80 ft.

R-1-6 80 ft.

R-1-5 80 ft.

These changes clarify the municipal code to include specific lot depth requirements for knuckle and cul-de-sac lots.

III. FISCAL IMPACTS:

No negative fiscal impacts are anticipated with the approval of this project.

IV. LEGAL REVIEW:

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

V. EXISTING POLICY:

The ordinance will amend Chapter 17.06, "Definitions" and Section 17.16.050.

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

VI. PUBLIC PARTICIPATION:

The public hearing was noticed and advertised for the regularly scheduled Planning Commission hearing. The public can 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). This exemption states that the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Therefore, the activity is not subject to CEQA.

VIII. STEPS FOLLOWING APPROVAL:

Following adoption of Resolution No. 0276-25, the recommendation will be forwarded to the City Council for consideration.

Submitted by:



Chris Hoem, City Manager

Attachments:

1. Resolution No. 0276-25
2. Draft Ordinance
3. Exhibit A (Proposed Chapter 17.06, "Definitions")
4. Exhibit B (Proposed Section 17.16.050)
5. Exhibit C (Redlined Chapter 17.06, "Definitions")
6. Exhibit D (Redlined Section 17.16.050)
7. Exhibit E (Current Chapter 17.06, "Definitions")
8. Exhibit F (Current Section 17.16.050)



PLANNING COMMISSION OF THE CITY OF ATWATER

RESOLUTION NO. 0276-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ATWATER RECOMMENDING THE CITY COUNCIL ADOPT ZONING ORDINANCE TEXT AMENDMENT NO. 25-18-0100 AMENDING CHAPTER 17.16: “LOW DENSITY RESIDENTIAL DISTRICTS” OF THE ATWATER MUNICIPAL CODE TO ADJUST THE MINIMUM LOT DEPTH IN SECTION 17.16.050 OF THIS CHAPTER AND ADD DEFINITIONS FOR KNUCKLE LOTS AND CUL-DE-SAC LOTS IN CHAPTER 17.06.

WHEREAS, the Planning Commission held a duly noticed public hearing as required by law on October 15, 2025; and,

WHEREAS, this project is exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), the common sense exemption, which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and 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, the activity is not subject to CEQA; and,

WHEREAS, the Zoning Ordinance Text Amendment (ZOTA) will not have a detrimental effect on the health, safety, and welfare of the neighborhood, nor will it have any adverse effect on the community; and,

WHEREAS, the Planning Commission finds that the following findings can be made for ZOTA No. 25-18-0100:

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 exempt from CEQA review under CEQA guideline section 15061(b)(3).
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 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. 25-18-0100.

The foregoing resolution is hereby adopted this 15th day of October, 2025.

AYES:

NOES:

ABSENT:

APPROVED:

DON BORGWARDT,
CHAIR

ATTEST:

CHRIS HOEM,
CITY MANAGER



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. 25-18-0100 AMENDING CHAPTER 17.16: "LOW DENSITY RESIDENTIAL DISTRICTS" OF THE ATWATER MUNICIPAL CODE TO ADJUST THE MINIMUM LOT DEPTH IN SECTION 17.16.050 OF THIS CHAPTER AND ADD DEFINITIONS FOR KNUCKLE LOTS AND CUL-DE-SAC LOTS IN CHAPTER 17.06.

WHEREAS, on October 15, 2025, 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 Zoning Ordinance Text Amendment (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. 25-18-0100:

1. The proposed ordinance is consistent with the Atwater General Plan.
2. Adoption of the ordinance is exempt from CEQA review under CEQA Guidelines section 15061(b)(3).
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 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. The City Council finds, in the exercise of its independent judgment, that the adoption of this ordinance is exempt under California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3), the common sense exemption, which provides that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and 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, the activity 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 17.06 and Section 17.16.050 of the Atwater Municipal Code are hereby amended and restated to read in their entirety as provided in “Exhibit A” and “Exhibit B” 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. 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 7. 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 8. 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.

(THE ORDINANCE CONTINUES TO THE NEXT PAGE)

INTRODUCED:
ADOPTED:
AYES:
NOES:
ABSENT:

APPROVED:

MIKE G. NELSON,
MAYOR

ATTEST:

KORY J. BILLINGS,
CITY CLERK

CHAPTER 17.06 DEFINITIONS

17.06.010 Abut.

Two adjoining parcels of property with common property line are herein considered as one parcel abutting the other.

(Prior Code § 10-3.401; Ord. CS 447, 1980)

17.06.015 Accessory building.

A building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure, or use on the same lot.

(Prior Code § 10-3.402; Ord. CS 447, 1980)

17.06.016 Accessory buildings, exempt.

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 front yard or easement and that only one exempt structure is permitted per residential lot.

(Ord. CS 484, 1981)

17.06.020 Accessory living quarters or guest house.

Living quarters within an accessory building located on the same premises for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities, not rented, leased or sold separately from the rental, lease or sale of the main building.

(Prior Code § 10-3.403; Ord. CS 447, 1980)

17.06.025 Accessory use.

A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

(Prior Code § 10-3.404; Ord. CS 447, 1980)

17.06.030 Alcoholic beverages.

To include any beverage containing alcohol, including beer, wine, champagne, hard liquor, etc.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.035 Alley.

Any dedicated way intended for vehicular service to the rear or side of property served by a street.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.040 Amusement arcade.

A commercial establishment or business operated primarily to amuse customers through the use of amusement games or devices operated by or at the request of the customer. Amusement games or devices are mechanical, electrical or electronic games or devices for the purpose of testing the skill or amusement or information to the participant and/or spectators or observers. A device to provide music only is not an amusement game or device.

(Prior Code § 10-3.405A; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.045 Amusement or recreation, commercial places of.

Generally, a common sense analysis of the proposed commercial use determines the applicability of Section 17.45.010 subsection (g), provided that an amusement arcade is specifically a place of amusement or recreation.

(Prior Code § 10-3.405B; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.047 Antenna array.

An antenna array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the support structure.

(Ord. CS 780, 2-28-2000)

17.06.050 Apartment.

One of three or more dwelling units located on a single lot, each having separate kitchen and toilet facilities. Also see Dwelling, Multiple family.

(Prior Code § 10-3.406; Ord. CS 447, 1980)

17.06.055 Apartment, efficiency.

An apartment containing no bedroom, in which the living room usually serves as the sleeping facility.

(Ord. CS 447, 1980)

17.06.060 Apartment, studio.

Same as "Apartment-Efficiency."

(Ord. CS 447, 1980)

17.06.065 Architectural control.

Approval of the appearance of buildings or structures built or to be built, erected, constructed, altered, or relocated, based on plans and elevations of the proposed buildings or structures, or approval of the appearance of businesses to be conducted primarily out of doors. Architectural control shall also include approval of landscaping, signs and/or other elements of exterior appearance.

(Prior Code § 10-3.409; Ord. CS 447, 1980)

17.06.067 Attached wireless communication facility. (Attached WCF).

An attached wireless communication facility is an antenna array that is attached to an existing building or structure, which structure shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside the attachment structure.

(Ord. CS 780, 2-28-2000)

17.06.070 Auction.

A public sale at which the merchandise (old or new) goes to the highest bidder.

(Ord. CS 447, 1980)

17.06.075 Automobile and trailer sales lot.

An open area used for the display, sales or rentals of new or used automobiles and trailer coaches, but where no repair, repainting or remodeling is done.

(Prior Code § 10-3.410; Ord. CS 447, 1980)

17.06.080 Automobile service station.

Any building, structure, premise or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repair and washing where a conveyor, blower, or steam cleaning device is used.

(Prior Code § 10-3.412; Ord. CS 447, 1980)

17.06.085 Automobile wrecking yard.

Any lot, or the use of any portion of a lot for the dismantling or wrecking of automobiles and other motor vehicles, or for their storage, or the keeping for sale of parts and equipment resulting from such dismantling or wrecking.

(Prior Code § 10-3.411; Ord. CS 447, 1980)

17.06.090 Awning.

A roof-like cover of canvas or other materials, extending out from a building, usually above windows or doors. Also "Marquee."

(Ord. CS 447, 1980)

17.06.095 Balcony.

A platform, enclosed by a parapet or a railing, projecting from the wall of a building above ground floor level.

(Ord. CS 447, 1980)

17.06.100 Basement.

A space partly or wholly underground, and having more than one half of its height measured from its floor to the ceiling below the average of adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

(Prior Code § 10-3.413; Ord. C 447, 1980)

17.06.105 Block.

All property fronting on one side of a street between intercepting streets, or between a street and right-of-way, waterway, and of a cul-de-sac, or City-county boundary.

(Prior Code § 10-3.414; Ord. CS 447, 1980)

17.06.110 Boarding or rooming house.

A building with not more than three guest rooms, where, for compensation, meals are provided for at least three but not more than five persons.

(Prior Code § 10-3.415; Ord. CS 447, 1980)

17.06.115 Boat Trailer.

A trailer designed or used to transport a boat.

(Prior Code § 10-3.416; Ord. CS 447, 1980)

17.06.120 Building.

Any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure—Temporary." Trailers, with or without wheels, shall not be considered as buildings.

(Prior Code § 10-3.417; Ord. CS 447, 1980)

17.06.125 Building, area of.

The sum in square feet of the gross area covered by all buildings and structures on a lot.

(Prior Code § 10-3.418; Ord. CS 447, 1980)

17.06.130 Building, height of.

The vertical distance from the average ground level to the highest point of the structure exclusive of chimneys and ventilators.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.135 Building, main.

A building within which is conducted the principle use permitted on the lot.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.140 Building setback line.

The minimum distance between any property line and the closest portion of the foundation of the main building, or enclosed or covered porch attached thereto.

(Prior Code § 10-3.421; Ord. CS 447, 1980)

17.06.145 Building site.

The ground area of a building together with all the open space required by this ordinance.

(Prior Code § 10-3.422; Ord. CS 447, 1980)

17.06.150 Temporary.

See "Structure-Temporary."

(Prior Code § 10-3.423; Ord. CS 447, 1980)

17.06.155 Bus.

A "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver or a vehicle designed, used, or maintained for carrying more than ten persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus. A van pool vehicle is not a bus.

(Prior Code § 10-3.424; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.160 Business or commerce.

The purchase, sale or other transaction involving the handling, or disposition of any article, substance or commodity for profit or livelihood; recreational or amusement enterprises and trades rendering personal services.

(Prior Code § 10-3.425; Ord. CS 447, 1980)

17.06.165 Camper.

A truck with a body attachment, the attachment designed to be used for human habitation.

(Prior Code § 10-3.426; Ord. CS 447, 1980)

17.06.170 Church.

A permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

(Prior Code § 10-3.427; Ord. CS 447, 1980)

17.06.172 Collocation/site sharing.

Collocation/site sharing shall mean use of a common wireless communication facility or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a wireless communication facility on a structure owned or operated by a utility or other entity.

(Ord. CS 780, 2-28-2000)

17.06.174 Community care facility.

Any facility, place or building which is maintained and operated to provide non-medical residential care or day care services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. A Community Care Facility which services six or fewer persons shall be considered a residential use of property for the purposes of this chapter.

(Ord. CS 484, 1981)

17.06.175 Condominium.

Means the same as defined by Section 16.53.020 (d) of the Atwater Municipal Code as referenced to Section 783 of the California Civil Code.

(Ord. CS 447, 1980)

17.06.180 Condominium conversions.

The conversion of existing dwelling units into condominiums.

(Ord. CS 447, 1980)

17.06.185 Court.

An open, unoccupied area, other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings.

(Prior Code § 10-3.428; Ord. CS 447, 1980)

17.06.187 Crop cultivation.

The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries. This classification includes the indoor cultivation of cannabis, marijuana, and cannabis, marijuana nurseries.

(Ord. CS 982, § 3, 10-23-2017)

17.06.188 Cul-de-sac

A street or passage that is closed at one end.

(Ord. CS XXX, 11-10-2025)

17.06.190 District.

A portion of the territory of the City with which certain regulations and requirements or various combinations thereof apply under the provisions of this Code.

(Prior Code § 10-3.429; Ord. CS 447, 1980)

17.06.195 Dump.

A place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means of any garbage, sewage, trash, refuse, rubble, waste materials, offal or dead animals.

(Prior Code § 10-3.430; Ord. CS 447, 1980)

17.06.200 Duplex.

See "Dwelling-Two-Family."

(Ord. CS 447, 1980)

17.06.205 Dwelling.

A building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including single-family, two-family and multiple-family dwellings, trailers in a trailer park area, but not including hotels, motels, boarding or rooming houses.

(Prior Code § 10-3.431; Ord. CS 447, 1980)

17.06.210 Dwelling, group.

Two or more dwellings located on a single lot and each having separate kitchen and toilet facilities.

(Prior Code § 10-3.435; Ord. CS 447, 1980)

17.06.215 Dwelling, multiple family.

A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family or building on the same parcel of real property.

(Prior Code § 10-3.432; Ord. CS 447, 1980)

17.06.220 Dwelling, one-family.

A detached building designed or used exclusively for the occupancy of one family, and having kitchen and toilet facilities for only one family.

(Prior Code § 10-3.433; Ord. CS 447, 1980)

17.06.225 Dwelling, two-family.

A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

(Prior Code § 10-3.434; Ord. CS 447, 1980)

17.06.230 Dwelling unit.

Two or more connected rooms in a dwelling designed or used exclusively for the occupancy by one family for living or sleeping purposes and having only one kitchen and separate toilet facilities.

(Prior Code § 10-3.436; Ord. CS 447, 1980)

17.06.235 Employee.

Employee shall mean any person employed or anticipated to be employed on the premises.

(Ord. CS 447, 1980)

17.06.237 Equipment facility.

An equipment facility is any structure used to contain ancillary equipment for a Wireless communication facility which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

(Ord. CS 780, 2-28-2000)

17.06.240 Family.

An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons (excluding domestic employees) who need not be related by blood, marriage, or adoption, living together in a single-family dwelling unit.

(Prior Code § 10-3.437; Ord. CS 447, 1980)

17.06.245 Fence.

An enclosing or dividing framework for land, yards or gardens that permits fifty percent of light, air and vision through the surface in a horizontal plane.

(Prior Code § 10-3.438; Ord. CS 447, 1980)

17.06.250 Fence, wall.

A masonry structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.255 Fence, solid.

Any structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.258 Fifth-wheel travel trailer.

A "fifth-wheel travel trailer" is a vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device.

(Ord. CS 755, 12-8-1997)

17.06.260 Floor area.

For the purpose of establishing parking requirements, floor area shall mean the net floor area. In the case of office, merchandising or service types of uses it shall not include areas principally for non-public purposes such as incidental repair, processing or packaging of merchandise, for show windows, for toilets or restrooms, for utilities, or for dressing rooms, fitting rooms or alteration rooms.

(Prior Code § 10-3.439; Ord. CS 447, 1980)

17.06.265 Frontage.

That portion of a parcel of property which abuts a dedicated public street or highway.

(Prior Code § 10-3.440; Ord. CS 447, 1980)

17.06.270 Garage, public.

Any building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

(Prior Code § 10-3.442; Ord. CS 447, 1980)

17.06.275 Garage sale.

For the purpose of this chapter, a "garage sale" is a sale conducted by an individual home owner or occupant of a home, or apartment owner, or an occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings, or goods, or other tangible personality, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated "lawn sale," "attic sale," "moving sale," "flea market sale," or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said organizations, and, excluding those areas sponsored by bona fide service clubs.

(Ord. CS 447, 1980; Ord. CS 776, 9-27-1999)

17.06.280 Grade.

The mean elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevations of the sidewalk at the center of such exterior wall or walls shall be taken as the grade.

(Prior Code § 10-3.443; Ord. CS 447, 1980)

17.06.285 Guest.

Any transient who occupies a room for sleeping purposes.

(Prior Code § 10-3.444; Ord. CS 447, 1980)

17.06.290 Guest room.

A room which is designed and/or used by one or more guests for sleeping purposes, but, in which no provision is made for cooking.

(Prior Code § 10-3.445; Ord. CS 447, 1980)

17.06.295 Hedge.

A plant or series of plants, shrubs, or other landscape materials, so arranged as to form a physical barrier by enclosure.

(Prior Code § 10-3.446; Ord. CS 447, 1980)

17.06.297 Height. Wireless communication facility (WCF).

When referring to a wireless communication facility, height shall mean the distance measured from grade to the highest point on the wireless communication facility, including the antenna array.

(Ord. CS 780, 2-28-2000)

17.06.300 Home occupations.

A business conducted entirely within or from a dwelling unit and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character of the dwelling or adjacent dwellings and in connection with that there is no display or commodities sold at the dwelling and no use of any accessory buildings or yard space or activity outside the dwelling.

(Prior Code § 10-3.447; Ord. CS 447, 1980; Ord. CS 631, 1987)

17.06.305 Industry, industrial operation.

The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof and including storage elevators, storage yards, warehouses, wholesale storage and other similar types of enterprises. This classification includes the cultivation, nurseries, processing, extraction, manufacturing, testing, distribution, and transportation of cannabis and cannabis products.

(Prior Code § 10-3.449; Ord. CS 447, 1980; Ord. CS 982, § 4, 10-23-2017)

17.06.310 Junk.

Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

(Prior Code § 10-3.450; Ord. CS 447, 1980)

17.06.315 Junk yard.

Any lot, or the use of any portion of a lot, for the dismantling of machinery (not including motor vehicles) or for the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials, pipes, plumbing, etc.

(Prior Code § 10-3.451; Ord. CS 447, 1980)

17.06.320 Kennel.

Any lot or premises on which four or more dogs and/or cats over four months old are kept, maintained, boarded or offered for sale.

(Prior Code § 10-3.452; Ord. CS 447, 1980)

17.06.325 Kitchen.

Any room or area intended or designed to be used or maintained for the cooking, storing and preparation of food.

(Prior Code § 10-3.453; Ord. CS 447, 1980)

17.06.327 Knuckle Lot

A lot located at the curved turning point or bend of a roadway, typically within a cul-de-sac or curved street alignment, resulting in an irregular lot shape.

(Ord. CS XXX, 11-10-2025)

17.06.330 Landscaping.

Shall mean planting, including trees, shrubs, lawn areas, ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, ornamental post lamps and decorative rock are considered as elements of landscape development.

(Ord. CS 447, 1980)

17.06.335 Landscape plan.

A plan showing the size, location, number and variety of major plant materials to be used, including the botanical or common plant names and the location, type and design of all irrigation facilities.

(Ord. CS 447, 1980)

17.06.340 Loading.

The removal or replacement of any commodity, in, on, or from a vehicle of any type.

(Prior Code § 10-3.454; Ord. CS 447, 1980)

17.06.345 Loading space.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading and which abuts a street, alley, or other appropriate means of access.

(Prior Code § 10-3.455; Ord. CS 447, 1980)

17.06.350 Lot.

A parcel of land occupied or to be occupied by a use, building, or unit group of buildings and accessory buildings, together with such yards, open space, lot width and lot area as are required by this chapter, and having

frontage upon a street (other than an alley), or a private easement determined by the Commission to be adequate for purposes of access.

(Prior Code § 10-3.456; Ord. CS 447, 1980)

17.06.355 Lot area.

The total of the area, measured in a horizontal plane, within the lot lines of a lot.

(Prior Code § 10-3.457; Ord. CS 447, 1980)

17.06.360 Lot corner.

A lot situated at the junction of two or more streets having an angle of intersection of not more than 135 degrees, with a boundary line thereof bordering on each of the streets. The point of intersection of the street right-of-way lines or the extension of such lines to a point is the "corner."

(Prior Code § 10-3.458; Ord. CS 447, 1980)

17.06.365 Lot coverage.

The area of a lot occupied by buildings, structures, and covered parking areas, not including fences, hedges, swimming pools, and uncovered patios.

(Prior Code § 10-3.459; Ord. CS 378, 1979; Ord. CS 447, 1980)

17.06.370 Lot depth.

The average horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(Prior Code § 10-3.460; Ord. CS 447, 1980)

17.06.375 Lot, key.

The first lot to the rear of a reversed corner lot and not separated by an alley.

(Prior Code § 10-3.461; Ord. CS 447, 1980)

17.06.380 Lot line.

Any line bounding a lot as herein defined.

(Prior Code § 10-3.465; Ord. CS 447, 1980)

17.06.385 Lot line, front.

The property line dividing a lot from a street. On a corner lot only one street line shall be considered the front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line.

(Prior Code § 10-3.466; Ord. CS 447, 1980)

17.06.390 Lot line, rear.

A line which is opposite and most distant from the front lot line, and, in the case of an irregular, triangular or gore shaped lot, a line within a lot at least ten feet in length, parallel to and/or at the maximum distance from the front lot line.

(Prior Code § 10-3.467; Ord. CS 447, 1980)

17.06.395 Lot line, side.

Any lot lines other than the front or rear lot lines.

(Prior Code § 10-3.468; Ord. CS 447, 1980)

17.06.400 Lot, non-conforming.

A lot having less area or dimension than required in the district in which it is located and which was lawfully created prior to the zoning ordinance of October 8, 1956, or before it was annexed to the City.

(Prior Code § 10-3.462; Ord. CS 447, 1980)

17.06.405 Lot, reversed corner.

A corner lot, the sideline of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.

(Prior Code § 10-3.464; Ord. CS 447, 1980)

17.06.410 Lot, through.

A lot having frontage on two public streets, not including a corner or reversed corner lot.

(Prior Code § 10-3.463; Ord. CS 447, 1980)

17.06.415 Lot width.

The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(Prior Code § 10-3.469; Ord. CS 447, 1980)

17.06.417 Massage Therapy.

Means any method of pressure on or pressure against, or stroking kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of another human body with the use of the hands, arms or other portion of the body, or with the aid of any mechanical or electrical apparatus or appliances with or without such

supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

(Ord. CS 768, 3-8-1999)

17.06.420 Medical office.

Any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractics, dentistry, or optometry. It may also include clinics of a medical or dental nature.

(Prior Code § 10-3.470; Ord. CS 447, 1980)

17.06.425 Mobile living unit.

A camp trailer, camper, house car, mobile home, recreational vehicle, or trailer coach as each of these terms is defined in the Health and Safety Code of the State of California, and the Vehicle Code of the State of California, or any other vehicle or structure originally designed or permanently altered in such a manner to permit occupancy or use thereof for living and sleeping purposes, and so designed or equipped with wheels, or capable of being mounted on wheels and used as a conveyance on public streets or highways.

(Prior Code § 10-3.498; Ord. CS 364, 1978; Ord. CS 447, 1980)

17.06.430 Motel.

A building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

(Prior Code § 10-3.472; Ord. CS 447, 1980)

17.06.433 Motor truck.

A "motor truck" or "motor truck" is a motor vehicle designed, used, or maintained primarily for the transportation of property.

(Ord. CS 755, 12-8-1997)

17.06.435 Non-conforming building.

A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.473; Ord. CS 447, 1980)

17.06.440 Non-conforming use.

A use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.474; Ord. CS 447, 1980)

17.06.445 Nuisance.

Something which, by its use or existence, works annoyance, harm or damage to another.

(Ord. CS 447, 1980)

17.06.450 Nursery school.

A public, private, or other profit or nonprofit institution or organization conducting regularly scheduled care or supervision of preschool or school-age children.

(Prior Code § 10-3.475; Ord. CS 447, 1980)

17.06.455 Parapet.

A low guarding wall at any point of sudden drop, as at the edge of a terrace, roof, balcony, etc. In an exterior wall, fire wall, or party wall, the part entirely above the roof.

(Ord. CS 447, 1980)

17.06.460 Parking area, private.

An area, other than a street, used for the parking of automotive vehicles and restricted from general public use.

(Prior Code § 10-3.476; Ord. CS 447, 1980)

17.06.475 Patio.

An outdoor area adjoining walls of a building, paved, intended for outdoor living use. Sometimes covered by a roof. Completely open on at least 25 percent of the total amount of wall surface.

(Ord. CS 447, 1980)

17.06.476 Patio cover.

A roof structure attached to the main building that provides full or partial protection from the sun or rain and is open on all sides within the required rear yard setback. This may include such structures as arbors, awnings, pergolas or extended roof overhangs.

(Ord. CS 484, 1981)

17.06.480 Patio house.

A form of low-cost housing, is a single story dwelling unit on a small lot. Front, side and rear yards are consolidated into one garden area, either partially or completely bordered by rooms. The garden court is enclosed by walls. The exterior walls are erected on the lot lines.

(Ord. CS 447, 1980)

17.06.485 Person.

An individual, business, company, corporation—both public and private, association, political or governmental subdivision or unit, or other group acting as a unit entity.

(Prior Code § 10-3.478a; Ord. CS 447, 1980)

17.06.490 Porch.

A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open sided. It may be screened or glass-enclosed.

(Ord. CS 447, 1980)

17.06.495 Professional office.

Any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant, and any other similar profession, and shall include the practice of any type of medicine, dentistry, or chiropractory.

(Prior Code § 10-3.479; Ord. CS 447, 1980)

17.06.500 Rentable floor area.

The floor area in a building, exclusive of corridor, stairs, elevator shafts, lavatories, flues, and janitor storage closet.

(Prior Code § 10-3.480; Ord. CS 447, 1980)

17.06.505 Residence.

A building used, designed, or intended to be used as a home or dwelling place, for one or more families.

(Prior Code § 10-3.481; Ord. CS 447, 1980)

17.06.510 Restaurant.

Any building or structure in which food and drinks are prepared for service to customers within such structure.

(Prior Code § 10-3.482; Ord. CS 447, 1980)

17.06.515 Restaurant, fast food.

A building or portion thereof where food is prepared which may be taken out or consumed at the premises. Usually described as providing no table service, with a fast turn-over of customers and causing high traffic generation.

(Ord. CS 447, 1980)

17.06.520 Rest home or convalescent home.

A building and premise in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital.

(Prior Code § 10-3.483; Ord. CS 447, 1980)

17.06.525 Room.

An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

(Prior Code § 10-3.484; Ord. CS 447, 1980)

17.06.530 School, elementary, junior high, and high.

Public and other profit or nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards as prescribed by the Education Code of the State of California.

(Prior Code § 10-3.485; Ord. CS 447, 1980)

17.06.535 Seating facilities.

In places of public assembly in which spectators or patrons occupy benches, pews, or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking facilities.

(Ord. CS 447, 1980)

17.06.536 Mobile food vendor.

Mobile food vendor (food trucks/motorized carts) shall mean any vehicle, motorized cart, or trailer that is designed to be mobile and not permanently attached to the ground from which food is peddled or sold for sale.

(Ord. CS 1026, § I, 1-13-2020)

17.06.538 Semi trailer.

A "semi trailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(Ord. CS 755, 12-8-1997)

17.06.540 Senior citizen housing.

Usually government subsidized housing, with special construction features built in for the elderly. Sometimes a nurse's or doctor's office on the premises. Tenants must meet certain qualifications.

(Ord. CS 447, 1980)

17.06.545 Setback.

The distance between any property line and the closest portion of the foundation of a building, or enclosed or covered porch or patio attached thereto.

(Prior Code § 10-3.486; Ord. CS 447, 1980)

17.06.547 Setback—Wireless communication facility (WCF).

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the support structure.

(Ord. CS 780, 2-28-2000)

17.06.550 Sign.

Any words, letters, figures, numerals, designs, or other marks shown on any card, cloth, paper, metal, painted glass, wood, plaster, stone or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. This definition shall not include official notices issued by a court or public body or officer or directional warnings or information sign or structure required by or authorized by law or by federal, state, county, or City authority.

(Prior Code § 10-3.488; Ord. CS 447, 1980)

17.06.555 Site plan control.

Approval of the location of structures and parking areas built or to be built, erected, or constructed, based on plans to be submitted by the applicant.

(Prior Code § 10-3.487; Ord. CS 447, 1980)

17.06.560 Spot zoning.

An amendment which reclassifies a small piece of land in a manner inconsistent with existing zoning patterns.

(Ord. CS 447, 1980)

17.06.565 Story.

That portion of a building included between surface of any floor and the surface of any floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

(Prior Code § 10-3.489; Ord. CS 447, 1980)

17.06.570 Street.

A public thoroughfare or right-of-way dedicated as such or condemned for use as such, other than an alley, which affords principle means of access to abutting property.

(Prior Code § 10-3.490; Ord. CS 447, 1980)

17.06.575 Street, centerline.

The center line of a street right-of-way as established by official surveys.

(Prior Code § 10-3.493; Ord. CS 447, 1980)

17.06.580 Street, collector.

Streets connecting residential neighborhoods with major streets, collecting the traffic from minor streets along the most direct and convenient route to the major street system.

(Ord. CS 447, 1980)

17.06.585 Street, major.

The primary function of a major street is to carry a large capacity of traffic at high speed from one part of the City to another.

(Prior Code § 10-3.492; Ord. CS 447, 1980)

17.06.595 Strip commercial.

A narrow strip of individual commercial businesses along one or both sides of a major roadway.

(Ord. CS 447, 1980)

17.06.600 Structural alteration.

Any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams, or girders.

(Prior Code § 10-3.494; Ord. CS 447, 1980)

17.06.605 Structure.

Anything constructed or erected, the use of which required location on or under the ground or attached to something having a permanent location on the ground, except awnings, benches, statuary, fish ponds, pavement, tents, vehicles, trailers, or fences or walls used as fences less than six feet in height, or any similar object.

(Prior Code § 10-3.495; Ord. CS 447, 1980)

17.06.610 Structure, temporary.

A structure which is readily movable and used or intended to be used for a specific number of days which shall be established by the Planning Commission.

(Prior Code § 10-3.496; Ord. CS 447, 1980)

17.06.612 Support structure.

A support structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting tower, guy-wire support tower and similar structures. Any device which is used to attach an Attached Wireless communication facility to an existing building or structure shall be excluded from this definition of regulations as applicable to support structures.

(Ord. CS 780, 2-28-2000)

17.06.613 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youths," that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.615 Trailer.

A "Trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. This does not include a travel trailer as described in Section 17.06.625 nor does it include a fifth-wheel travel trailer as defined in Section 17.06.258.

(Prior Code § 10-3.497.1; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.620 Trailer park, mobile home park or trailer court.

A space, area, or building designed, equipped, or maintained for the harboring, parking, or storing of two or more trailers, coaches, or house cars which haul such trailers, coaches or house cars being used as living or sleeping quarters for humans.

(Prior Code § 10-3.499; Ord. CS 447, 1980)

17.06.625 Trailer, travel.

A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code and to be used for human habitation or for carrying property, without provisions for sewage disposal.

(Prior Code § 10-3.497; Ord. CS 447, 1980)

17.06.627 Transitional housing.

"Transitional housing" means rental housing operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance but no longer than one year in duration. Transitional housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.630 Truck, pickup.

A "pickup truck" is a motor truck with a manufacturer's gross vehicle weight rating of less than 10,101 pounds, an unladen weight of less than 6,001 pounds, and which is equipped with an open box-type bed of less than 9 feet in length.

(Prior Code § 10-3.4100; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.635 Truck, tractor.

A "truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

(Prior Code § 10-3.4101; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.640 Use.

The purpose of which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

(Prior Code § 10-3.4102; Ord. CS 447, 1980; Ord. CS 447, 1980)

17.06.645 Vehicles.

Includes any auto, truck, bus, van, or other similarly described conveyance.

(Ord. CS 447, 1980)

17.06.647 Wireless communication.

Wireless communication shall mean any personal wireless services as defined in the Telecommunication Act of 1996, which includes FCC licensed commercial wireless telecommunications service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

(Ord. CS 780, 2-28-2000)

17.06.648 Wireless communication facility (WCF).

A wireless communication facility is any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

(Ord. CS 780, 2-28-2000)

17.06.650 Yard.

Land unoccupied or unobstructed, except for such encroachments as may be permitted by this ordinance, surrounding a building.

(Prior Code § 10-3.4104; Ord. CS 447, 1980)

17.06.655 Yard, front.

A yard extending across the full width of the lot between the front lot line and the closest portion of the foundation of the main building or enclosed or covered porch or patio attached thereto. A minimum front yard is the minimum permitted depth of yard as measured at right angles to the front property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed patio attached thereto shall not encroach into the minimum front yard.

(Prior Code § 10-3.4105; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.660 Yard, rear.

A yard extending across the full width of the lot between the rear lot line and the closest portion of the foundation of the building, or enclosed or covered porch or patio thereto. A minimum rear yard is the minimum permitted depth of yard as measured at right angles to the rear property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed or covered patio attached thereto, shall not encroach into the minimum rear yard.

(Prior Code § 10-3.4106; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.665 Yard, side.

A yard on each side of the main building extending from the front yard to the rear yard, the width of each of such yard being measured between the side line of the lot and the closest portion of the foundation of the main building, or enclosed or covered porch or patio attached thereto. A minimum side yard is the minimum permitted

depth of yard as measured at right angles to the side property line and extending along the sides of the lot from the minimum front yard to the minimum rear yard. The closest portion of the foundation of the main building or enclosed or covered patio attached thereto shall not encroach into the minimum side yard.

(Prior Code § 10-3.4107; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.670 Zero lot line.

When a building is erected on the lot line, leaving no distance between the lot line and the structure.

(Ord. CS 447, 1980)

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 Lot Depth Knuckle Lot	120	90	90	90	90
Minimum Lot Depth Cul-de-sac Lot	110	80	80	80	80
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

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 1069, § 4 (Exh. A), 11-12-2024; Ord. CS XXX, 11-10-2025)

CHAPTER 17.06 DEFINITIONS

17.06.010 Abut.

Two adjoining parcels of property with common property line are herein considered as one parcel abutting the other.

(Prior Code § 10-3.401; Ord. CS 447, 1980)

17.06.015 Accessory building.

A building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure, or use on the same lot.

(Prior Code § 10-3.402; Ord. CS 447, 1980)

17.06.016 Accessory buildings, exempt.

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 front yard or easement and that only one exempt structure is permitted per residential lot.

(Ord. CS 484, 1981)

17.06.020 Accessory living quarters or guest house.

Living quarters within an accessory building located on the same premises for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities, not rented, leased or sold separately from the rental, lease or sale of the main building.

(Prior Code § 10-3.403; Ord. CS 447, 1980)

17.06.025 Accessory use.

A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

(Prior Code § 10-3.404; Ord. CS 447, 1980)

17.06.030 Alcoholic beverages.

To include any beverage containing alcohol, including beer, wine, champagne, hard liquor, etc.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.035 Alley.

Any dedicated way intended for vehicular service to the rear or side of property served by a street.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.040 Amusement arcade.

A commercial establishment or business operated primarily to amuse customers through the use of amusement games or devices operated by or at the request of the customer. Amusement games or devices are mechanical, electrical or electronic games or devices for the purpose of testing the skill or amusement or information to the participant and/or spectators or observers. A device to provide music only is not an amusement game or device.

(Prior Code § 10-3.405A; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.045 Amusement or recreation, commercial places of.

Generally, a common sense analysis of the proposed commercial use determines the applicability of Section 17.45.010 subsection (g), provided that an amusement arcade is specifically a place of amusement or recreation.

(Prior Code § 10-3.405B; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.047 Antenna array.

An antenna array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the support structure.

(Ord. CS 780, 2-28-2000)

17.06.050 Apartment.

One of three or more dwelling units located on a single lot, each having separate kitchen and toilet facilities. Also see Dwelling, Multiple family.

(Prior Code § 10-3.406; Ord. CS 447, 1980)

17.06.055 Apartment, efficiency.

An apartment containing no bedroom, in which the living room usually serves as the sleeping facility.

(Ord. CS 447, 1980)

17.06.060 Apartment, studio.

Same as "Apartment-Efficiency."

(Ord. CS 447, 1980)

17.06.065 Architectural control.

Approval of the appearance of buildings or structures built or to be built, erected, constructed, altered, or relocated, based on plans and elevations of the proposed buildings or structures, or approval of the appearance of businesses to be conducted primarily out of doors. Architectural control shall also include approval of landscaping, signs and/or other elements of exterior appearance.

(Prior Code § 10-3.409; Ord. CS 447, 1980)

17.06.067 Attached wireless communication facility. (Attached WCF).

An attached wireless communication facility is an antenna array that is attached to an existing building or structure, which structure shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside the attachment structure.

(Ord. CS 780, 2-28-2000)

17.06.070 Auction.

A public sale at which the merchandise (old or new) goes to the highest bidder.

(Ord. CS 447, 1980)

17.06.075 Automobile and trailer sales lot.

An open area used for the display, sales or rentals of new or used automobiles and trailer coaches, but where no repair, repainting or remodeling is done.

(Prior Code § 10-3.410; Ord. CS 447, 1980)

17.06.080 Automobile service station.

Any building, structure, premise or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repair and washing where a conveyor, blower, or steam cleaning device is used.

(Prior Code § 10-3.412; Ord. CS 447, 1980)

17.06.085 Automobile wrecking yard.

Any lot, or the use of any portion of a lot for the dismantling or wrecking of automobiles and other motor vehicles, or for their storage, or the keeping for sale of parts and equipment resulting from such dismantling or wrecking.

(Prior Code § 10-3.411; Ord. CS 447, 1980)

17.06.090 Awning.

A roof-like cover of canvas or other materials, extending out from a building, usually above windows or doors. Also "Marquee."

(Ord. CS 447, 1980)

17.06.095 Balcony.

A platform, enclosed by a parapet or a railing, projecting from the wall of a building above ground floor level.

(Ord. CS 447, 1980)

17.06.100 Basement.

A space partly or wholly underground, and having more than one half of its height measured from its floor to the ceiling below the average of adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

(Prior Code § 10-3.413; Ord. C 447, 1980)

17.06.105 Block.

All property fronting on one side of a street between intercepting streets, or between a street and right-of-way, waterway, and of a cul-de-sac, or City-county boundary.

(Prior Code § 10-3.414; Ord. CS 447, 1980)

17.06.110 Boarding or rooming house.

A building with not more than three guest rooms, where, for compensation, meals are provided for at least three but not more than five persons.

(Prior Code § 10-3.415; Ord. CS 447, 1980)

17.06.115 Boat Trailer.

A trailer designed or used to transport a boat.

(Prior Code § 10-3.416; Ord. CS 447, 1980)

17.06.120 Building.

Any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure—Temporary." Trailers, with or without wheels, shall not be considered as buildings.

(Prior Code § 10-3.417; Ord. CS 447, 1980)

17.06.125 Building, area of.

The sum in square feet of the gross area covered by all buildings and structures on a lot.

(Prior Code § 10-3.418; Ord. CS 447, 1980)

17.06.130 Building, height of.

The vertical distance from the average ground level to the highest point of the structure exclusive of chimneys and ventilators.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.135 Building, main.

A building within which is conducted the principle use permitted on the lot.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.140 Building setback line.

The minimum distance between any property line and the closest portion of the foundation of the main building, or enclosed or covered porch attached thereto.

(Prior Code § 10-3.421; Ord. CS 447, 1980)

17.06.145 Building site.

The ground area of a building together with all the open space required by this ordinance.

(Prior Code § 10-3.422; Ord. CS 447, 1980)

17.06.150 Temporary.

See "Structure-Temporary."

(Prior Code § 10-3.423; Ord. CS 447, 1980)

17.06.155 Bus.

A "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver or a vehicle designed, used, or maintained for carrying more than ten persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus. A van pool vehicle is not a bus.

(Prior Code § 10-3.424; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.160 Business or commerce.

The purchase, sale or other transaction involving the handling, or disposition of any article, substance or commodity for profit or livelihood; recreational or amusement enterprises and trades rendering personal services.

(Prior Code § 10-3.425; Ord. CS 447, 1980)

17.06.165 Camper.

A truck with a body attachment, the attachment designed to be used for human habitation.

(Prior Code § 10-3.426; Ord. CS 447, 1980)

17.06.170 Church.

A permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

(Prior Code § 10-3.427; Ord. CS 447, 1980)

17.06.172 Collocation/site sharing.

Collocation/site sharing shall mean use of a common wireless communication facility or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a wireless communication facility on a structure owned or operated by a utility or other entity.

(Ord. CS 780, 2-28-2000)

17.06.174 Community care facility.

Any facility, place or building which is maintained and operated to provide non-medical residential care or day care services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. A Community Care Facility which services six or fewer persons shall be considered a residential use of property for the purposes of this chapter.

(Ord. CS 484, 1981)

17.06.175 Condominium.

Means the same as defined by Section 16.53.020 (d) of the Atwater Municipal Code as referenced to Section 783 of the California Civil Code.

(Ord. CS 447, 1980)

17.06.180 Condominium conversions.

The conversion of existing dwelling units into condominiums.

(Ord. CS 447, 1980)

17.06.185 Court.

An open, unoccupied area, other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings.

(Prior Code § 10-3.428; Ord. CS 447, 1980)

17.06.187 Crop cultivation.

The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries. This classification includes the indoor cultivation of cannabis, marijuana, and cannabis, marijuana nurseries.

(Ord. CS 982, § 3, 10-23-2017)

17.06.188 Cul-de-sac

A street that is closed at one end.

(Ord. CS XXX, 11-10-2025)

17.06.190 District.

A portion of the territory of the City with which certain regulations and requirements or various combinations thereof apply under the provisions of this Code.

(Prior Code § 10-3.429; Ord. CS 447, 1980)

17.06.195 Dump.

A place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means of any garbage, sewage, trash, refuse, rubble, waste materials, offal or dead animals.

(Prior Code § 10-3.430; Ord. CS 447, 1980)

17.06.200 Duplex.

See "Dwelling-Two-Family."

(Ord. CS 447, 1980)

17.06.205 Dwelling.

A building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including single-family, two-family and multiple-family dwellings, trailers in a trailer park area, but not including hotels, motels, boarding or rooming houses.

(Prior Code § 10-3.431; Ord. CS 447, 1980)

17.06.210 Dwelling, group.

Two or more dwellings located on a single lot and each having separate kitchen and toilet facilities.

(Prior Code § 10-3.435; Ord. CS 447, 1980)

17.06.215 Dwelling, multiple family.

A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family or building on the same parcel of real property.

(Prior Code § 10-3.432; Ord. CS 447, 1980)

17.06.220 Dwelling, one-family.

A detached building designed or used exclusively for the occupancy of one family, and having kitchen and toilet facilities for only one family.

(Prior Code § 10-3.433; Ord. CS 447, 1980)

17.06.225 Dwelling, two-family.

A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

(Prior Code § 10-3.434; Ord. CS 447, 1980)

17.06.230 Dwelling unit.

Two or more connected rooms in a dwelling designed or used exclusively for the occupancy by one family for living or sleeping purposes and having only one kitchen and separate toilet facilities.

(Prior Code § 10-3.436; Ord. CS 447, 1980)

17.06.235 Employee.

Employee shall mean any person employed or anticipated to be employed on the premises.

(Ord. CS 447, 1980)

17.06.237 Equipment facility.

An equipment facility is any structure used to contain ancillary equipment for a Wireless communication facility which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

(Ord. CS 780, 2-28-2000)

17.06.240 Family.

An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons (excluding domestic employees) who need not be related by blood, marriage, or adoption, living together in a single-family dwelling unit.

(Prior Code § 10-3.437; Ord. CS 447, 1980)

17.06.245 Fence.

An enclosing or dividing framework for land, yards or gardens that permits fifty percent of light, air and vision through the surface in a horizontal plane.

(Prior Code § 10-3.438; Ord. CS 447, 1980)

17.06.250 Fence, wall.

A masonry structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.255 Fence, solid.

Any structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.258 Fifth-wheel travel trailer.

A "fifth-wheel travel trailer" is a vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device.

(Ord. CS 755, 12-8-1997)

17.06.260 Floor area.

For the purpose of establishing parking requirements, floor area shall mean the net floor area. In the case of office, merchandising or service types of uses it shall not include areas principally for non-public purposes such as incidental repair, processing or packaging of merchandise, for show windows, for toilets or restrooms, for utilities, or for dressing rooms, fitting rooms or alteration rooms.

(Prior Code § 10-3.439; Ord. CS 447, 1980)

17.06.265 Frontage.

That portion of a parcel of property which abuts a dedicated public street or highway.

(Prior Code § 10-3.440; Ord. CS 447, 1980)

17.06.270 Garage, public.

Any building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

(Prior Code § 10-3.442; Ord. CS 447, 1980)

17.06.275 Garage sale.

For the purpose of this chapter, a "garage sale" is a sale conducted by an individual home owner or occupant of a home, or apartment owner, or an occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings, or goods, or other tangible personality, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated "lawn sale," "attic sale," "moving sale," "flea market sale," or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said organizations, and, excluding those areas sponsored by bona fide service clubs.

(Ord. CS 447, 1980; Ord. CS 776, 9-27-1999)

17.06.280 Grade.

The mean elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevations of the sidewalk at the center of such exterior wall or walls shall be taken as the grade.

(Prior Code § 10-3.443; Ord. CS 447, 1980)

17.06.285 Guest.

Any transient who occupies a room for sleeping purposes.

(Prior Code § 10-3.444; Ord. CS 447, 1980)

17.06.290 Guest room.

A room which is designed and/or used by one or more guests for sleeping purposes, but, in which no provision is made for cooking.

(Prior Code § 10-3.445; Ord. CS 447, 1980)

17.06.295 Hedge.

A plant or series of plants, shrubs, or other landscape materials, so arranged as to form a physical barrier by enclosure.

(Prior Code § 10-3.446; Ord. CS 447, 1980)

17.06.297 Height. Wireless communication facility (WCF).

When referring to a wireless communication facility, height shall mean the distance measured from grade to the highest point on the wireless communication facility, including the antenna array.

(Ord. CS 780, 2-28-2000)

17.06.300 Home occupations.

A business conducted entirely within or from a dwelling unit and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character of the dwelling or adjacent dwellings and in connection with that there is no display or commodities sold at the dwelling and no use of any accessory buildings or yard space or activity outside the dwelling.

(Prior Code § 10-3.447; Ord. CS 447, 1980; Ord. CS 631, 1987)

17.06.305 Industry, industrial operation.

The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof and including storage elevators, storage yards, warehouses, wholesale storage and other similar types of enterprises. This classification includes the cultivation, nurseries, processing, extraction, manufacturing, testing, distribution, and transportation of cannabis and cannabis products.

(Prior Code § 10-3.449; Ord. CS 447, 1980; Ord. CS 982, § 4, 10-23-2017)

17.06.310 Junk.

Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

(Prior Code § 10-3.450; Ord. CS 447, 1980)

17.06.315 Junk yard.

Any lot, or the use of any portion of a lot, for the dismantling of machinery (not including motor vehicles) or for the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials, pipes, plumbing, etc.

(Prior Code § 10-3.451; Ord. CS 447, 1980)

17.06.320 Kennel.

Any lot or premises on which four or more dogs and/or cats over four months old are kept, maintained, boarded or offered for sale.

(Prior Code § 10-3.452; Ord. CS 447, 1980)

17.06.325 Kitchen.

Any room or area intended or designed to be used or maintained for the cooking, storing and preparation of food.

(Prior Code § 10-3.453; Ord. CS 447, 1980)

17.06.327 Knuckle Lot

A lot located at the curved turning point or bend of a roadway, typically within a cul-de-sac or curved street alignment, resulting in an irregular lot shape.

(Ord. CS XXX, 11-10-2025)

17.06.330 Landscaping.

Shall mean planting, including trees, shrubs, lawn areas, ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, ornamental post lamps and decorative rock are considered as elements of landscape development.

(Ord. CS 447, 1980)

17.06.335 Landscape plan.

A plan showing the size, location, number and variety of major plant materials to be used, including the botanical or common plant names and the location, type and design of all irrigation facilities.

(Ord. CS 447, 1980)

17.06.340 Loading.

The removal or replacement of any commodity, in, on, or from a vehicle of any type.

(Prior Code § 10-3.454; Ord. CS 447, 1980)

17.06.345 Loading space.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading and which abuts a street, alley, or other appropriate means of access.

(Prior Code § 10-3.455; Ord. CS 447, 1980)

17.06.350 Lot.

A parcel of land occupied or to be occupied by a use, building, or unit group of buildings and accessory buildings, together with such yards, open space, lot width and lot area as are required by this chapter, and having

frontage upon a street (other than an alley), or a private easement determined by the Commission to be adequate for purposes of access.

(Prior Code § 10-3.456; Ord. CS 447, 1980)

17.06.355 Lot area.

The total of the area, measured in a horizontal plane, within the lot lines of a lot.

(Prior Code § 10-3.457; Ord. CS 447, 1980)

17.06.360 Lot corner.

A lot situated at the junction of two or more streets having an angle of intersection of not more than 135 degrees, with a boundary line thereof bordering on each of the streets. The point of intersection of the street right-of-way lines or the extension of such lines to a point is the "corner."

(Prior Code § 10-3.458; Ord. CS 447, 1980)

17.06.365 Lot coverage.

The area of a lot occupied by buildings, structures, and covered parking areas, not including fences, hedges, swimming pools, and uncovered patios.

(Prior Code § 10-3.459; Ord. CS 378, 1979; Ord. CS 447, 1980)

17.06.370 Lot depth.

The average horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(Prior Code § 10-3.460; Ord. CS 447, 1980)

17.06.375 Lot, key.

The first lot to the rear of a reversed corner lot and not separated by an alley.

(Prior Code § 10-3.461; Ord. CS 447, 1980)

17.06.380 Lot line.

Any line bounding a lot as herein defined.

(Prior Code § 10-3.465; Ord. CS 447, 1980)

17.06.385 Lot line, front.

The property line dividing a lot from a street. On a corner lot only one street line shall be considered the front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line.

(Prior Code § 10-3.466; Ord. CS 447, 1980)

17.06.390 Lot line, rear.

A line which is opposite and most distant from the front lot line, and, in the case of an irregular, triangular or gore shaped lot, a line within a lot at least ten feet in length, parallel to and/or at the maximum distance from the front lot line.

(Prior Code § 10-3.467; Ord. CS 447, 1980)

17.06.395 Lot line, side.

Any lot lines other than the front or rear lot lines.

(Prior Code § 10-3.468; Ord. CS 447, 1980)

17.06.400 Lot, non-conforming.

A lot having less area or dimension than required in the district in which it is located and which was lawfully created prior to the zoning ordinance of October 8, 1956, or before it was annexed to the City.

(Prior Code § 10-3.462; Ord. CS 447, 1980)

17.06.405 Lot, reversed corner.

A corner lot, the sideline of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.

(Prior Code § 10-3.464; Ord. CS 447, 1980)

17.06.410 Lot, through.

A lot having frontage on two public streets, not including a corner or reversed corner lot.

(Prior Code § 10-3.463; Ord. CS 447, 1980)

17.06.415 Lot width.

The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(Prior Code § 10-3.469; Ord. CS 447, 1980)

17.06.417 Massage Therapy.

Means any method of pressure on or pressure against, or stroking kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of another human body with the use of the hands, arms or other portion of the body, or with the aid of any mechanical or electrical apparatus or appliances with or without such

supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

(Ord. CS 768, 3-8-1999)

17.06.420 Medical office.

Any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractics, dentistry, or optometry. It may also include clinics of a medical or dental nature.

(Prior Code § 10-3.470; Ord. CS 447, 1980)

17.06.425 Mobile living unit.

A camp trailer, camper, house car, mobile home, recreational vehicle, or trailer coach as each of these terms is defined in the Health and Safety Code of the State of California, and the Vehicle Code of the State of California, or any other vehicle or structure originally designed or permanently altered in such a manner to permit occupancy or use thereof for living and sleeping purposes, and so designed or equipped with wheels, or capable of being mounted on wheels and used as a conveyance on public streets or highways.

(Prior Code § 10-3.498; Ord. CS 364, 1978; Ord. CS 447, 1980)

17.06.430 Motel.

A building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

(Prior Code § 10-3.472; Ord. CS 447, 1980)

17.06.433 Motor truck.

A "motor truck" or "motor truck" is a motor vehicle designed, used, or maintained primarily for the transportation of property.

(Ord. CS 755, 12-8-1997)

17.06.435 Non-conforming building.

A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.473; Ord. CS 447, 1980)

17.06.440 Non-conforming use.

A use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.474; Ord. CS 447, 1980)

17.06.445 Nuisance.

Something which, by its use or existence, works annoyance, harm or damage to another.

(Ord. CS 447, 1980)

17.06.450 Nursery school.

A public, private, or other profit or nonprofit institution or organization conducting regularly scheduled care or supervision of preschool or school-age children.

(Prior Code § 10-3.475; Ord. CS 447, 1980)

17.06.455 Parapet.

A low guarding wall at any point of sudden drop, as at the edge of a terrace, roof, balcony, etc. In an exterior wall, fire wall, or party wall, the part entirely above the roof.

(Ord. CS 447, 1980)

17.06.460 Parking area, private.

An area, other than a street, used for the parking of automotive vehicles and restricted from general public use.

(Prior Code § 10-3.476; Ord. CS 447, 1980)

17.06.475 Patio.

An outdoor area adjoining walls of a building, paved, intended for outdoor living use. Sometimes covered by a roof. Completely open on at least 25 percent of the total amount of wall surface.

(Ord. CS 447, 1980)

17.06.476 Patio cover.

A roof structure attached to the main building that provides full or partial protection from the sun or rain and is open on all sides within the required rear yard setback. This may include such structures as arbors, awnings, pergolas or extended roof overhangs.

(Ord. CS 484, 1981)

17.06.480 Patio house.

A form of low-cost housing, is a single story dwelling unit on a small lot. Front, side and rear yards are consolidated into one garden area, either partially or completely bordered by rooms. The garden court is enclosed by walls. The exterior walls are erected on the lot lines.

(Ord. CS 447, 1980)

17.06.485 Person.

An individual, business, company, corporation—both public and private, association, political or governmental subdivision or unit, or other group acting as a unit entity.

(Prior Code § 10-3.478a; Ord. CS 447, 1980)

17.06.490 Porch.

A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open sided. It may be screened or glass-enclosed.

(Ord. CS 447, 1980)

17.06.495 Professional office.

Any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant, and any other similar profession, and shall include the practice of any type of medicine, dentistry, or chiropractory.

(Prior Code § 10-3.479; Ord. CS 447, 1980)

17.06.500 Rentable floor area.

The floor area in a building, exclusive of corridor, stairs, elevator shafts, lavatories, flues, and janitor storage closet.

(Prior Code § 10-3.480; Ord. CS 447, 1980)

17.06.505 Residence.

A building used, designed, or intended to be used as a home or dwelling place, for one or more families.

(Prior Code § 10-3.481; Ord. CS 447, 1980)

17.06.510 Restaurant.

Any building or structure in which food and drinks are prepared for service to customers within such structure.

(Prior Code § 10-3.482; Ord. CS 447, 1980)

17.06.515 Restaurant, fast food.

A building or portion thereof where food is prepared which may be taken out or consumed at the premises. Usually described as providing no table service, with a fast turn-over of customers and causing high traffic generation.

(Ord. CS 447, 1980)

17.06.520 Rest home or convalescent home.

A building and premise in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital.

(Prior Code § 10-3.483; Ord. CS 447, 1980)

17.06.525 Room.

An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

(Prior Code § 10-3.484; Ord. CS 447, 1980)

17.06.530 School, elementary, junior high, and high.

Public and other profit or nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards as prescribed by the Education Code of the State of California.

(Prior Code § 10-3.485; Ord. CS 447, 1980)

17.06.535 Seating facilities.

In places of public assembly in which spectators or patrons occupy benches, pews, or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking facilities.

(Ord. CS 447, 1980)

17.06.536 Mobile food vendor.

Mobile food vendor (food trucks/motorized carts) shall mean any vehicle, motorized cart, or trailer that is designed to be mobile and not permanently attached to the ground from which food is peddled or sold for sale.

(Ord. CS 1026, § I, 1-13-2020)

17.06.538 Semi trailer.

A "semi trailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(Ord. CS 755, 12-8-1997)

17.06.540 Senior citizen housing.

Usually government subsidized housing, with special construction features built in for the elderly. Sometimes a nurse's or doctor's office on the premises. Tenants must meet certain qualifications.

(Ord. CS 447, 1980)

17.06.545 Setback.

The distance between any property line and the closest portion of the foundation of a building, or enclosed or covered porch or patio attached thereto.

(Prior Code § 10-3.486; Ord. CS 447, 1980)

17.06.547 Setback—Wireless communication facility (WCF).

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the support structure.

(Ord. CS 780, 2-28-2000)

17.06.550 Sign.

Any words, letters, figures, numerals, designs, or other marks shown on any card, cloth, paper, metal, painted glass, wood, plaster, stone or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. This definition shall not include official notices issued by a court or public body or officer or directional warnings or information sign or structure required by or authorized by law or by federal, state, county, or City authority.

(Prior Code § 10-3.488; Ord. CS 447, 1980)

17.06.555 Site plan control.

Approval of the location of structures and parking areas built or to be built, erected, or constructed, based on plans to be submitted by the applicant.

(Prior Code § 10-3.487; Ord. CS 447, 1980)

17.06.560 Spot zoning.

An amendment which reclassifies a small piece of land in a manner inconsistent with existing zoning patterns.

(Ord. CS 447, 1980)

17.06.565 Story.

That portion of a building included between surface of any floor and the surface of any floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

(Prior Code § 10-3.489; Ord. CS 447, 1980)

17.06.570 Street.

A public thoroughfare or right-of-way dedicated as such or condemned for use as such, other than an alley, which affords principle means of access to abutting property.

(Prior Code § 10-3.490; Ord. CS 447, 1980)

17.06.575 Street, centerline.

The center line of a street right-of-way as established by official surveys.

(Prior Code § 10-3.493; Ord. CS 447, 1980)

17.06.580 Street, collector.

Streets connecting residential neighborhoods with major streets, collecting the traffic from minor streets along the most direct and convenient route to the major street system.

(Ord. CS 447, 1980)

17.06.585 Street, major.

The primary function of a major street is to carry a large capacity of traffic at high speed from one part of the City to another.

(Prior Code § 10-3.492; Ord. CS 447, 1980)

17.06.595 Strip commercial.

A narrow strip of individual commercial businesses along one or both sides of a major roadway.

(Ord. CS 447, 1980)

17.06.600 Structural alteration.

Any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams, or girders.

(Prior Code § 10-3.494; Ord. CS 447, 1980)

17.06.605 Structure.

Anything constructed or erected, the use of which required location on or under the ground or attached to something having a permanent location on the ground, except awnings, benches, statuary, fish ponds, pavement, tents, vehicles, trailers, or fences or walls used as fences less than six feet in height, or any similar object.

(Prior Code § 10-3.495; Ord. CS 447, 1980)

17.06.610 Structure, temporary.

A structure which is readily movable and used or intended to be used for a specific number of days which shall be established by the Planning Commission.

(Prior Code § 10-3.496; Ord. CS 447, 1980)

17.06.612 Support structure.

A support structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting tower, guy-wire support tower and similar structures. Any device which is used to attach an Attached Wireless communication facility to an existing building or structure shall be excluded from this definition of regulations as applicable to support structures.

(Ord. CS 780, 2-28-2000)

17.06.613 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youths," that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.615 Trailer.

A "Trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. This does not include a travel trailer as described in Section 17.06.625 nor does it include a fifth-wheel travel trailer as defined in Section 17.06.258.

(Prior Code § 10-3.497.1; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.620 Trailer park, mobile home park or trailer court.

A space, area, or building designed, equipped, or maintained for the harboring, parking, or storing of two or more trailers, coaches, or house cars which haul such trailers, coaches or house cars being used as living or sleeping quarters for humans.

(Prior Code § 10-3.499; Ord. CS 447, 1980)

17.06.625 Trailer, travel.

A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code and to be used for human habitation or for carrying property, without provisions for sewage disposal.

(Prior Code § 10-3.497; Ord. CS 447, 1980)

17.06.627 Transitional housing.

"Transitional housing" means rental housing operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance but no longer than one year in duration. Transitional housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.630 Truck, pickup.

A "pickup truck" is a motor truck with a manufacturer's gross vehicle weight rating of less than 10,101 pounds, an unladen weight of less than 6,001 pounds, and which is equipped with an open box-type bed of less than 9 feet in length.

(Prior Code § 10-3.4100; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.635 Truck, tractor.

A "truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

(Prior Code § 10-3.4101; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.640 Use.

The purpose of which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

(Prior Code § 10-3.4102; Ord. CS 447, 1980; Ord. CS 447, 1980)

17.06.645 Vehicles.

Includes any auto, truck, bus, van, or other similarly described conveyance.

(Ord. CS 447, 1980)

17.06.647 Wireless communication.

Wireless communication shall mean any personal wireless services as defined in the Telecommunication Act of 1996, which includes FCC licensed commercial wireless telecommunications service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

(Ord. CS 780, 2-28-2000)

17.06.648 Wireless communication facility (WCF).

A wireless communication facility is any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

(Ord. CS 780, 2-28-2000)

17.06.650 Yard.

Land unoccupied or unobstructed, except for such encroachments as may be permitted by this ordinance, surrounding a building.

(Prior Code § 10-3.4104; Ord. CS 447, 1980)

17.06.655 Yard, front.

A yard extending across the full width of the lot between the front lot line and the closest portion of the foundation of the main building or enclosed or covered porch or patio attached thereto. A minimum front yard is the minimum permitted depth of yard as measured at right angles to the front property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed patio attached thereto shall not encroach into the minimum front yard.

(Prior Code § 10-3.4105; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.660 Yard, rear.

A yard extending across the full width of the lot between the rear lot line and the closest portion of the foundation of the building, or enclosed or covered porch or patio thereto. A minimum rear yard is the minimum permitted depth of yard as measured at right angles to the rear property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed or covered patio attached thereto, shall not encroach into the minimum rear yard.

(Prior Code § 10-3.4106; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.665 Yard, side.

A yard on each side of the main building extending from the front yard to the rear yard, the width of each of such yard being measured between the side line of the lot and the closest portion of the foundation of the main building, or enclosed or covered porch or patio attached thereto. A minimum side yard is the minimum permitted

depth of yard as measured at right angles to the side property line and extending along the sides of the lot from the minimum front yard to the minimum rear yard. The closest portion of the foundation of the main building or enclosed or covered patio attached thereto shall not encroach into the minimum side yard.

(Prior Code § 10-3.4107; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.670 Zero lot line.

When a building is erected on the lot line, leaving no distance between the lot line and the structure.

(Ord. CS 447, 1980)

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 Lot Depth Knuckle Lot	120	90	90	90	90
Minimum Lot Depth Cul-de-sac Lot	110	80	80	80	80
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

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 1069, § 4 (Exh. A), 11-12-2024; Ord. CS XXX, 10-15-2025)

CHAPTER 17.06 DEFINITIONS

17.06.010 Abut.

Two adjoining parcels of property with common property line are herein considered as one parcel abutting the other.

(Prior Code § 10-3.401; Ord. CS 447, 1980)

17.06.015 Accessory building.

A building, part of a building, or structure which is subordinate to, and the use of which is incidental to that of the main building, structure, or use on the same lot.

(Prior Code § 10-3.402; Ord. CS 447, 1980)

17.06.016 Accessory buildings, exempt.

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 front yard or easement and that only one exempt structure is permitted per residential lot.

(Ord. CS 484, 1981)

17.06.020 Accessory living quarters or guest house.

Living quarters within an accessory building located on the same premises for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities, not rented, leased or sold separately from the rental, lease or sale of the main building.

(Prior Code § 10-3.403; Ord. CS 447, 1980)

17.06.025 Accessory use.

A use naturally and normally incidental to, subordinate to and devoted exclusively to the main use of the premises.

(Prior Code § 10-3.404; Ord. CS 447, 1980)

17.06.030 Alcoholic beverages.

To include any beverage containing alcohol, including beer, wine, champagne, hard liquor, etc.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.035 Alley.

Any dedicated way intended for vehicular service to the rear or side of property served by a street.

(Prior Code § 10-3.405; Ord. CS 447, 1980)

17.06.040 Amusement arcade.

A commercial establishment or business operated primarily to amuse customers through the use of amusement games or devices operated by or at the request of the customer. Amusement games or devices are mechanical, electrical or electronic games or devices for the purpose of testing the skill or amusement or information to the participant and/or spectators or observers. A device to provide music only is not an amusement game or device.

(Prior Code § 10-3.405A; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.045 Amusement or recreation, commercial places of.

Generally, a common sense analysis of the proposed commercial use determines the applicability of Section 17.45.010 subsection (g), provided that an amusement arcade is specifically a place of amusement or recreation.

(Prior Code § 10-3.405B; Ord. CS 346, 1977; Ord. CS 386, 1979; Ord. CS 447, 1980)

17.06.047 Antenna array.

An antenna array is one or more rods, panels, discs, or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the support structure.

(Ord. CS 780, 2-28-2000)

17.06.050 Apartment.

One of three or more dwelling units located on a single lot, each having separate kitchen and toilet facilities. Also see Dwelling, Multiple family.

(Prior Code § 10-3.406; Ord. CS 447, 1980)

17.06.055 Apartment, efficiency.

An apartment containing no bedroom, in which the living room usually serves as the sleeping facility.

(Ord. CS 447, 1980)

17.06.060 Apartment, studio.

Same as "Apartment-Efficiency."

(Ord. CS 447, 1980)

17.06.065 Architectural control.

Approval of the appearance of buildings or structures built or to be built, erected, constructed, altered, or relocated, based on plans and elevations of the proposed buildings or structures, or approval of the appearance of businesses to be conducted primarily out of doors. Architectural control shall also include approval of landscaping, signs and/or other elements of exterior appearance.

(Prior Code § 10-3.409; Ord. CS 447, 1980)

17.06.067 Attached wireless communication facility. (Attached WCF).

An attached wireless communication facility is an antenna array that is attached to an existing building or structure, which structure shall include but not be limited to utility poles, signs, water towers, with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside the attachment structure.

(Ord. CS 780, 2-28-2000)

17.06.070 Auction.

A public sale at which the merchandise (old or new) goes to the highest bidder.

(Ord. CS 447, 1980)

17.06.075 Automobile and trailer sales lot.

An open area used for the display, sales or rentals of new or used automobiles and trailer coaches, but where no repair, repainting or remodeling is done.

(Prior Code § 10-3.410; Ord. CS 447, 1980)

17.06.080 Automobile service station.

Any building, structure, premise or other place used primarily for the retail sale and dispensation of motor fuels, lubricants and motor vehicle accessories, and the rendering of minor services and repairs to such vehicles, but not including painting or body and fender repair and washing where a conveyor, blower, or steam cleaning device is used.

(Prior Code § 10-3.412; Ord. CS 447, 1980)

17.06.085 Automobile wrecking yard.

Any lot, or the use of any portion of a lot for the dismantling or wrecking of automobiles and other motor vehicles, or for their storage, or the keeping for sale of parts and equipment resulting from such dismantling or wrecking.

(Prior Code § 10-3.411; Ord. CS 447, 1980)

17.06.090 Awning.

A roof-like cover of canvas or other materials, extending out from a building, usually above windows or doors. Also "Marquee."

(Ord. CS 447, 1980)

17.06.095 Balcony.

A platform, enclosed by a parapet or a railing, projecting from the wall of a building above ground floor level.

(Ord. CS 447, 1980)

17.06.100 Basement.

A space partly or wholly underground, and having more than one half of its height measured from its floor to the ceiling below the average of adjoining grade; if the finished floor level directly above a basement is more than six feet above grade at any point, such basement shall be considered a story.

(Prior Code § 10-3.413; Ord. C 447, 1980)

17.06.105 Block.

All property fronting on one side of a street between intercepting streets, or between a street and right-of-way, waterway, and of a cul-de-sac, or City-county boundary.

(Prior Code § 10-3.414; Ord. CS 447, 1980)

17.06.110 Boarding or rooming house.

A building with not more than three guest rooms, where, for compensation, meals are provided for at least three but not more than five persons.

(Prior Code § 10-3.415; Ord. CS 447, 1980)

17.06.115 Boat Trailer.

A trailer designed or used to transport a boat.

(Prior Code § 10-3.416; Ord. CS 447, 1980)

17.06.120 Building.

Any structure built and maintained for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but shall not include temporary buildings as defined in "Structure—Temporary." Trailers, with or without wheels, shall not be considered as buildings.

(Prior Code § 10-3.417; Ord. CS 447, 1980)

17.06.125 Building, area of.

The sum in square feet of the gross area covered by all buildings and structures on a lot.

(Prior Code § 10-3.418; Ord. CS 447, 1980)

17.06.130 Building, height of.

The vertical distance from the average ground level to the highest point of the structure exclusive of chimneys and ventilators.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.135 Building, main.

A building within which is conducted the principle use permitted on the lot.

(Prior Code § 10-3.420; Ord. CS 447, 1980)

17.06.140 Building setback line.

The minimum distance between any property line and the closest portion of the foundation of the main building, or enclosed or covered porch attached thereto.

(Prior Code § 10-3.421; Ord. CS 447, 1980)

17.06.145 Building site.

The ground area of a building together with all the open space required by this ordinance.

(Prior Code § 10-3.422; Ord. CS 447, 1980)

17.06.150 Temporary.

See "Structure-Temporary."

(Prior Code § 10-3.423; Ord. CS 447, 1980)

17.06.155 Bus.

A "bus" is any vehicle, including a trailer bus, designed, used, or maintained for carrying more than 15 persons including the driver or a vehicle designed, used, or maintained for carrying more than ten persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus. A van pool vehicle is not a bus.

(Prior Code § 10-3.424; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.160 Business or commerce.

The purchase, sale or other transaction involving the handling, or disposition of any article, substance or commodity for profit or livelihood; recreational or amusement enterprises and trades rendering personal services.

(Prior Code § 10-3.425; Ord. CS 447, 1980)

17.06.165 Camper.

A truck with a body attachment, the attachment designed to be used for human habitation.

(Prior Code § 10-3.426; Ord. CS 447, 1980)

17.06.170 Church.

A permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded) and conforming to applicable legal requirements affecting design and construction.

(Prior Code § 10-3.427; Ord. CS 447, 1980)

17.06.172 Collocation/site sharing.

Collocation/site sharing shall mean use of a common wireless communication facility or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a wireless communication facility on a structure owned or operated by a utility or other entity.

(Ord. CS 780, 2-28-2000)

17.06.174 Community care facility.

Any facility, place or building which is maintained and operated to provide non-medical residential care or day care services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired or incompetent persons. A Community Care Facility which services six or fewer persons shall be considered a residential use of property for the purposes of this chapter.

(Ord. CS 484, 1981)

17.06.175 Condominium.

Means the same as defined by Section 16.53.020 (d) of the Atwater Municipal Code as referenced to Section 783 of the California Civil Code.

(Ord. CS 447, 1980)

17.06.180 Condominium conversions.

The conversion of existing dwelling units into condominiums.

(Ord. CS 447, 1980)

17.06.185 Court.

An open, unoccupied area, other than a yard, on the same lot with a building or buildings, bounded on two or more sides by such building or buildings.

(Prior Code § 10-3.428; Ord. CS 447, 1980)

17.06.187 Crop cultivation.

The cultivation of tree, vine, field, forage, and other plant crops intended to provide food or fibers. The classification excludes wholesale or retail nurseries, vineyards and ancillary wineries and distilleries. This classification includes the indoor cultivation of cannabis, marijuana, and cannabis, marijuana nurseries.

(Ord. CS 982, § 3, 10-23-2017)

17.06.190 District.

A portion of the territory of the City with which certain regulations and requirements or various combinations thereof apply under the provisions of this Code.

(Prior Code § 10-3.429; Ord. CS 447, 1980)

17.06.195 Dump.

A place used for the disposal, abandonment, or discarding by burial, incineration, or by any other means of any garbage, sewage, trash, refuse, rubble, waste materials, offal or dead animals.

(Prior Code § 10-3.430; Ord. CS 447, 1980)

17.06.200 Duplex.

See "Dwelling-Two-Family."

(Ord. CS 447, 1980)

17.06.205 Dwelling.

A building or portion thereof designed and used exclusively for residential occupancy and permitted home occupations, including single-family, two-family and multiple-family dwellings, trailers in a trailer park area, but not including hotels, motels, boarding or rooming houses.

(Prior Code § 10-3.431; Ord. CS 447, 1980)

17.06.210 Dwelling, group.

Two or more dwellings located on a single lot and each having separate kitchen and toilet facilities.

(Prior Code § 10-3.435; Ord. CS 447, 1980)

17.06.215 Dwelling, multiple family.

A building or buildings designed and used for occupancy by three or more families, all living independently of each other and having separate kitchen and toilet facilities for each family or building on the same parcel of real property.

(Prior Code § 10-3.432; Ord. CS 447, 1980)

17.06.220 Dwelling, one-family.

A detached building designed or used exclusively for the occupancy of one family, and having kitchen and toilet facilities for only one family.

(Prior Code § 10-3.433; Ord. CS 447, 1980)

17.06.225 Dwelling, two-family.

A building designed or used exclusively for the occupancy of two families living independently of each other and having separate kitchen and toilet facilities for each family.

(Prior Code § 10-3.434; Ord. CS 447, 1980)

17.06.230 Dwelling unit.

Two or more connected rooms in a dwelling designed or used exclusively for the occupancy by one family for living or sleeping purposes and having only one kitchen and separate toilet facilities.

(Prior Code § 10-3.436; Ord. CS 447, 1980)

17.06.235 Employee.

Employee shall mean any person employed or anticipated to be employed on the premises.

(Ord. CS 447, 1980)

17.06.237 Equipment facility.

An equipment facility is any structure used to contain ancillary equipment for a Wireless communication facility which includes cabinets, shelters, a build-out of an existing structure, pedestals, and other similar structures.

(Ord. CS 780, 2-28-2000)

17.06.240 Family.

An individual or two or more persons related by blood, marriage, or adoption, or a group of not more than five persons (excluding domestic employees) who need not be related by blood, marriage, or adoption, living together in a single-family dwelling unit.

(Prior Code § 10-3.437; Ord. CS 447, 1980)

17.06.245 Fence.

An enclosing or dividing framework for land, yards or gardens that permits fifty percent of light, air and vision through the surface in a horizontal plane.

(Prior Code § 10-3.438; Ord. CS 447, 1980)

17.06.250 Fence, wall.

A masonry structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.255 Fence, solid.

Any structure or device forming a physical barrier, which is so constructed that the vertical surface is closed and prevents the passage of light and vision through said surface in a horizontal plane.

(Ord. CS 447, 1980)

17.06.258 Fifth-wheel travel trailer.

A "fifth-wheel travel trailer" is a vehicle designed for recreational purposes to carry persons or property on its own structure and so constructed as to be drawn by a motor vehicle by means of a kingpin connecting device.

(Ord. CS 755, 12-8-1997)

17.06.260 Floor area.

For the purpose of establishing parking requirements, floor area shall mean the net floor area. In the case of office, merchandising or service types of uses it shall not include areas principally for non-public purposes such as incidental repair, processing or packaging of merchandise, for show windows, for toilets or restrooms, for utilities, or for dressing rooms, fitting rooms or alteration rooms.

(Prior Code § 10-3.439; Ord. CS 447, 1980)

17.06.265 Frontage.

That portion of a parcel of property which abuts a dedicated public street or highway.

(Prior Code § 10-3.440; Ord. CS 447, 1980)

17.06.270 Garage, public.

Any building other than a private garage used for the care, repair or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

(Prior Code § 10-3.442; Ord. CS 447, 1980)

17.06.275 Garage sale.

For the purpose of this chapter, a "garage sale" is a sale conducted by an individual home owner or occupant of a home, or apartment owner, or an occupant of an apartment unit, or owner or occupant of any other residential or dwelling unit, for the purpose of selling, trading, bargaining, exchanging or otherwise disposing of unwanted or surplus household furnishings, or goods, or other tangible personality, usually conducted in a garage, on a patio, upon a driveway, or on or in any portion of premises in a residential zone, and for which no inventory or permanent or detailed records are kept on the transactions thus carried out. It may, at times, be conducted by a combination of residential dwellers at a single location. All sales designated "lawn sale," "attic sale," "moving sale," "flea market sale," or other terms of similar or like intent and having the foregoing characteristics and purposes are garage sales, excluding those sales held by charitable institutions on property owned and maintained by said organizations, and, excluding those areas sponsored by bona fide service clubs.

(Ord. CS 447, 1980; Ord. CS 776, 9-27-1999)

17.06.280 Grade.

The mean elevation of the finished surface of the ground adjacent to the exterior walls of the building; except that where the exterior walls are within five feet of a street line, the elevations of the sidewalk at the center of such exterior wall or walls shall be taken as the grade.

(Prior Code § 10-3.443; Ord. CS 447, 1980)

17.06.285 Guest.

Any transient who occupies a room for sleeping purposes.

(Prior Code § 10-3.444; Ord. CS 447, 1980)

17.06.290 Guest room.

A room which is designed and/or used by one or more guests for sleeping purposes, but, in which no provision is made for cooking.

(Prior Code § 10-3.445; Ord. CS 447, 1980)

17.06.295 Hedge.

A plant or series of plants, shrubs, or other landscape materials, so arranged as to form a physical barrier by enclosure.

(Prior Code § 10-3.446; Ord. CS 447, 1980)

17.06.297 Height. Wireless communication facility (WCF).

When referring to a wireless communication facility, height shall mean the distance measured from grade to the highest point on the wireless communication facility, including the antenna array.

(Ord. CS 780, 2-28-2000)

17.06.300 Home occupations.

A business conducted entirely within or from a dwelling unit and carried on by persons residing within the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character of the dwelling or adjacent dwellings and in connection with that there is no display or commodities sold at the dwelling and no use of any accessory buildings or yard space or activity outside the dwelling.

(Prior Code § 10-3.447; Ord. CS 447, 1980; Ord. CS 631, 1987)

17.06.305 Industry, industrial operation.

The manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof and including storage elevators, storage yards, warehouses, wholesale storage and other similar types of enterprises. This classification includes the cultivation, nurseries, processing, extraction, manufacturing, testing, distribution, and transportation of cannabis and cannabis products.

(Prior Code § 10-3.449; Ord. CS 447, 1980; Ord. CS 982, § 4, 10-23-2017)

17.06.310 Junk.

Any worn out, cast off, or discarded article or material which is ready for destruction or has been collected or stored for salvage or conversion to some use. Any article or material which, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new, shall not be considered junk.

(Prior Code § 10-3.450; Ord. CS 447, 1980)

17.06.315 Junk yard.

Any lot, or the use of any portion of a lot, for the dismantling of machinery (not including motor vehicles) or for the storage or keeping for sale of parts and equipment resulting from dismantling or wrecking, or for the storage or keeping of junk, including scrap metals or other scrap materials, pipes, plumbing, etc.

(Prior Code § 10-3.451; Ord. CS 447, 1980)

17.06.320 Kennel.

Any lot or premises on which four or more dogs and/or cats over four months old are kept, maintained, boarded or offered for sale.

(Prior Code § 10-3.452; Ord. CS 447, 1980)

17.06.325 Kitchen.

Any room or area intended or designed to be used or maintained for the cooking, storing and preparation of food.

(Prior Code § 10-3.453; Ord. CS 447, 1980)

17.06.330 Landscaping.

Shall mean planting, including trees, shrubs, lawn areas, ground covers, suitably designed, selected, installed and maintained so as to be permanently attractive. Decorative screens, fences, ornamental post lamps and decorative rock are considered as elements of landscape development.

(Ord. CS 447, 1980)

17.06.335 Landscape plan.

A plan showing the size, location, number and variety of major plant materials to be used, including the botanical or common plant names and the location, type and design of all irrigation facilities.

(Ord. CS 447, 1980)

17.06.340 Loading.

The removal or replacement of any commodity, in, on, or from a vehicle of any type.

(Prior Code § 10-3.454; Ord. CS 447, 1980)

17.06.345 Loading space.

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading and which abuts a street, alley, or other appropriate means of access.

(Prior Code § 10-3.455; Ord. CS 447, 1980)

17.06.350 Lot.

A parcel of land occupied or to be occupied by a use, building, or unit group of buildings and accessory buildings, together with such yards, open space, lot width and lot area as are required by this chapter, and having frontage upon a street (other than an alley), or a private easement determined by the Commission to be adequate for purposes of access.

(Prior Code § 10-3.456; Ord. CS 447, 1980)

17.06.355 Lot area.

The total of the area, measured in a horizontal plane, within the lot lines of a lot.

(Prior Code § 10-3.457; Ord. CS 447, 1980)

17.06.360 Lot corner.

A lot situated at the junction of two or more streets having an angle of intersection of not more than 135 degrees, with a boundary line thereof bordering on each of the streets. The point of intersection of the street right-of-way lines or the extension of such lines to a point is the "corner."

(Prior Code § 10-3.458; Ord. CS 447, 1980)

17.06.365 Lot coverage.

The area of a lot occupied by buildings, structures, and covered parking areas, not including fences, hedges, swimming pools, and uncovered patios.

(Prior Code § 10-3.459; Ord. CS 378, 1979; Ord. CS 447, 1980)

17.06.370 Lot depth.

The average horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

(Prior Code § 10-3.460; Ord. CS 447, 1980)

17.06.375 Lot, key.

The first lot to the rear of a reversed corner lot and not separated by an alley.

(Prior Code § 10-3.461; Ord. CS 447, 1980)

17.06.380 Lot line.

Any line bounding a lot as herein defined.

(Prior Code § 10-3.465; Ord. CS 447, 1980)

17.06.385 Lot line, front.

The property line dividing a lot from a street. On a corner lot only one street line shall be considered the front line and the shorter street frontage shall be considered the front line, except in those cases where the latest deed restrictions specify another line as the front lot line.

(Prior Code § 10-3.466; Ord. CS 447, 1980)

17.06.390 Lot line, rear.

A line which is opposite and most distant from the front lot line, and, in the case of an irregular, triangular or gore shaped lot, a line within a lot at least ten feet in length, parallel to and/or at the maximum distance from the front lot line.

(Prior Code § 10-3.467; Ord. CS 447, 1980)

17.06.395 Lot line, side.

Any lot lines other than the front or rear lot lines.

(Prior Code § 10-3.468; Ord. CS 447, 1980)

17.06.400 Lot, non-conforming.

A lot having less area or dimension than required in the district in which it is located and which was lawfully created prior to the zoning ordinance of October 8, 1956, or before it was annexed to the City.

(Prior Code § 10-3.462; Ord. CS 447, 1980)

17.06.405 Lot, reversed corner.

A corner lot, the sideline of which is substantially a continuation of the front lot lines of the lots to its rear, whether across an alley or not.

(Prior Code § 10-3.464; Ord. CS 447, 1980)

17.06.410 Lot, through.

A lot having frontage on two public streets, not including a corner or reversed corner lot.

(Prior Code § 10-3.463; Ord. CS 447, 1980)

17.06.415 Lot width.

The average horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

(Prior Code § 10-3.469; Ord. CS 447, 1980)

17.06.417 Massage Therapy.

Means any method of pressure on or pressure against, or stroking kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of another human body with the use of the hands, arms or other portion of the body, or with the aid of any mechanical or electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

(Ord. CS 768, 3-8-1999)

17.06.420 Medical office.

Any building or portion of a building used or intended to be used as an office for the practice of any type of medicine, including chiropractics, dentistry, or optometry. It may also include clinics of a medical or dental nature.

(Prior Code § 10-3.470; Ord. CS 447, 1980)

17.06.425 Mobile living unit.

A camp trailer, camper, house car, mobile home, recreational vehicle, or trailer coach as each of these terms is defined in the Health and Safety Code of the State of California, and the Vehicle Code of the State of California, or any other vehicle or structure originally designed or permanently altered in such a manner to permit occupancy

or use thereof for living and sleeping purposes, and so designed or equipped with wheels, or capable of being mounted on wheels and used as a conveyance on public streets or highways.

(Prior Code § 10-3.498; Ord. CS 364, 1978; Ord. CS 447, 1980)

17.06.430 Motel.

A building or group of buildings used for transient residential purposes containing guest rooms or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels, and similar designations.

(Prior Code § 10-3.472; Ord. CS 447, 1980)

17.06.433 Motor truck.

A "motor truck" or "motor truck" is a motor vehicle designed, used, or maintained primarily for the transportation of property.

(Ord. CS 755, 12-8-1997)

17.06.435 Non-conforming building.

A building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.473; Ord. CS 447, 1980)

17.06.440 Non-conforming use.

A use lawful when established but which does not conform to subsequently established zoning or zoning regulations.

(Prior Code § 10-3.474; Ord. CS 447, 1980)

17.06.445 Nuisance.

Something which, by its use or existence, works annoyance, harm or damage to another.

(Ord. CS 447, 1980)

17.06.450 Nursery school.

A public, private, or other profit or nonprofit institution or organization conducting regularly scheduled care or supervision of preschool or school-age children.

(Prior Code § 10-3.475; Ord. CS 447, 1980)

17.06.455 Parapet.

A low guarding wall at any point of sudden drop, as at the edge of a terrace, roof, balcony, etc. In an exterior wall, fire wall, or party wall, the part entirely above the roof.

(Ord. CS 447, 1980)

17.06.460 Parking area, private.

An area, other than a street, used for the parking of automotive vehicles and restricted from general public use.

(Prior Code § 10-3.476; Ord. CS 447, 1980)

17.06.475 Patio.

An outdoor area adjoining walls of a building, paved, intended for outdoor living use. Sometimes covered by a roof. Completely open on at least 25 percent of the total amount of wall surface.

(Ord. CS 447, 1980)

17.06.476 Patio cover.

A roof structure attached to the main building that provides full or partial protection from the sun or rain and is open on all sides within the required rear yard setback. This may include such structures as arbors, awnings, pergolas or extended roof overhangs.

(Ord. CS 484, 1981)

17.06.480 Patio house.

A form of low-cost housing, is a single story dwelling unit on a small lot. Front, side and rear yards are consolidated into one garden area, either partially or completely bordered by rooms. The garden court is enclosed by walls. The exterior walls are erected on the lot lines.

(Ord. CS 447, 1980)

17.06.485 Person.

An individual, business, company, corporation—both public and private, association, political or governmental subdivision or unit, or other group acting as a unit entity.

(Prior Code § 10-3.478a; Ord. CS 447, 1980)

17.06.490 Porch.

A structure attached to a building to shelter an entrance or to serve as a semi-enclosed space, usually roofed and generally open sided. It may be screened or glass-enclosed.

(Ord. CS 447, 1980)

17.06.495 Professional office.

Any building or portion of a building used or intended to be used as an office for a lawyer, architect, engineer, land surveyor, optometrist, accountant, and any other similar profession, and shall include the practice of any type of medicine, dentistry, or chiropractory.

(Prior Code § 10-3.479; Ord. CS 447, 1980)

17.06.500 Rentable floor area.

The floor area in a building, exclusive of corridor, stairs, elevator shafts, lavatories, flues, and janitor storage closet.

(Prior Code § 10-3.480; Ord. CS 447, 1980)

17.06.505 Residence.

A building used, designed, or intended to be used as a home or dwelling place, for one or more families.

(Prior Code § 10-3.481; Ord. CS 447, 1980)

17.06.510 Restaurant.

Any building or structure in which food and drinks are prepared for service to customers within such structure.

(Prior Code § 10-3.482; Ord. CS 447, 1980)

17.06.515 Restaurant, fast food.

A building or portion thereof where food is prepared which may be taken out or consumed at the premises. Usually described as providing no table service, with a fast turn-over of customers and causing high traffic generation.

(Ord. CS 447, 1980)

17.06.520 Rest home or convalescent home.

A building and premise in and on which two or more sick, injured or infirm ambulatory persons are housed or intended to be housed for compensation and which is not equipped or intended to be used as a hospital.

(Prior Code § 10-3.483; Ord. CS 447, 1980)

17.06.525 Room.

An unsubdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

(Prior Code § 10-3.484; Ord. CS 447, 1980)

17.06.530 School, elementary, junior high, and high.

Public and other profit or nonprofit institutions conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards as prescribed by the Education Code of the State of California.

(Prior Code § 10-3.485; Ord. CS 447, 1980)

17.06.535 Seating facilities.

In places of public assembly in which spectators or patrons occupy benches, pews, or other similar seating facilities, each 24 inches of such seating facilities shall be counted as one seat for the purpose of determining off-street parking facilities.

(Ord. CS 447, 1980)

17.06.536 Mobile food vendor.

Mobile food vendor (food trucks/motorized carts) shall mean any vehicle, motorized cart, or trailer that is designed to be mobile and not permanently attached to the ground from which food is peddled or sold for sale.

(Ord. CS 1026, § I, 1-13-2020)

17.06.538 Semi trailer.

A "semi trailer" is a vehicle designed for carrying persons or property, used in conjunction with a motor vehicle, and so constructed that some part of its weight and that of its load rests upon, or is carried by, another vehicle.

(Ord. CS 755, 12-8-1997)

17.06.540 Senior citizen housing.

Usually government subsidized housing, with special construction features built in for the elderly. Sometimes a nurse's or doctor's office on the premises. Tenants must meet certain qualifications.

(Ord. CS 447, 1980)

17.06.545 Setback.

The distance between any property line and the closest portion of the foundation of a building, or enclosed or covered porch or patio attached thereto.

(Prior Code § 10-3.486; Ord. CS 447, 1980)

17.06.547 Setback—Wireless communication facility (WCF).

Setback shall mean the required distance from the property line of the parcel on which the wireless communication facility is located to the support structure.

(Ord. CS 780, 2-28-2000)

17.06.550 Sign.

Any words, letters, figures, numerals, designs, or other marks shown on any card, cloth, paper, metal, painted glass, wood, plaster, stone or device of any kind or character by which anything is made known and used to attract attention for advertising purposes. This definition shall not include official notices issued by a court or public body or officer or directional warnings or information sign or structure required by or authorized by law or by federal, state, county, or City authority.

(Prior Code § 10-3.488; Ord. CS 447, 1980)

17.06.555 Site plan control.

Approval of the location of structures and parking areas built or to be built, erected, or constructed, based on plans to be submitted by the applicant.

(Prior Code § 10-3.487; Ord. CS 447, 1980)

17.06.560 Spot zoning.

An amendment which reclassifies a small piece of land in a manner inconsistent with existing zoning patterns.

(Ord. CS 447, 1980)

17.06.565 Story.

That portion of a building included between surface of any floor and the surface of any floor next above it, or if there is no floor above it, then the space between such floor and ceiling next above it.

(Prior Code § 10-3.489; Ord. CS 447, 1980)

17.06.570 Street.

A public thoroughfare or right-of-way dedicated as such or condemned for use as such, other than an alley, which affords principle means of access to abutting property.

(Prior Code § 10-3.490; Ord. CS 447, 1980)

17.06.575 Street, centerline.

The center line of a street right-of-way as established by official surveys.

(Prior Code § 10-3.493; Ord. CS 447, 1980)

17.06.580 Street, collector.

Streets connecting residential neighborhoods with major streets, collecting the traffic from minor streets along the most direct and convenient route to the major street system.

(Ord. CS 447, 1980)

17.06.585 Street, major.

The primary function of a major street is to carry a large capacity of traffic at high speed from one part of the City to another.

(Prior Code § 10-3.492; Ord. CS 447, 1980)

17.06.595 Strip commercial.

A narrow strip of individual commercial businesses along one or both sides of a major roadway.

(Ord. CS 447, 1980)

17.06.600 Structural alteration.

Any change in the supporting members of a structure such as the bearing walls or partitions, columns, beams, or girders.

(Prior Code § 10-3.494; Ord. CS 447, 1980)

17.06.605 Structure.

Anything constructed or erected, the use of which required location on or under the ground or attached to something having a permanent location on the ground, except awnings, benches, statuary, fish ponds, pavement, tents, vehicles, trailers, or fences or walls used as fences less than six feet in height, or any similar object.

(Prior Code § 10-3.495; Ord. CS 447, 1980)

17.06.610 Structure, temporary.

A structure which is readily movable and used or intended to be used for a specific number of days which shall be established by the Planning Commission.

(Prior Code § 10-3.496; Ord. CS 447, 1980)

17.06.612 Support structure.

A support structure is a structure designed and constructed specifically to support an antenna array, and may include a monopole, self-supporting tower, guy-wire support tower and similar structures. Any device which is used to attach an Attached Wireless communication facility to an existing building or structure shall be excluded from this definition of regulations as applicable to support structures.

(Ord. CS 780, 2-28-2000)

17.06.613 Supportive housing.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone. "Target population" means persons, including persons with disabilities, and families who are "homeless," as that term is defined by Section 11302 of Title 42 of the United States Code, or who are "homeless youths," that term is defined by paragraph (2) of subdivision (e) of Section 11139.3 of the Government Code.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.615 Trailer.

A "Trailer" is a vehicle designed for carrying persons or property on its own structure and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon any other vehicle. This does not include a travel trailer as described in Section 17.06.625 nor does it include a fifth-wheel travel trailer as defined in Section 17.06.258.

(Prior Code § 10-3.497.1; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.620 Trailer park, mobile home park or trailer court.

A space, area, or building designed, equipped, or maintained for the harboring, parking, or storing of two or more trailers, coaches, or house cars which haul such trailers, coaches or house cars being used as living or sleeping quarters for humans.

(Prior Code § 10-3.499; Ord. CS 447, 1980)

17.06.625 Trailer, travel.

A vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code and to be used for human habitation or for carrying property, without provisions for sewage disposal.

(Prior Code § 10-3.497; Ord. CS 447, 1980)

17.06.627 Transitional housing.

"Transitional housing" means rental housing operated under program requirements that call for termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months from the beginning of assistance but no longer than one year in duration. Transitional housing units are residential uses allowed in any zone allowing residential uses, subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

(Ord. CS 1014, § 2, 9-23-2019)

17.06.630 Truck, pickup.

A "pickup truck" is a motor truck with a manufacturer's gross vehicle weight rating of less than 10,101 pounds, an unladen weight of less than 6,001 pounds, and which is equipped with an open box-type bed of less than 9 feet in length.

(Prior Code § 10-3.4100; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.635 Truck, tractor.

A "truck tractor" is a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load, other than a part of the weight of the vehicle and the load so drawn. As used in this section "load" does not include items carried on the truck tractor in conjunction with the operation of the vehicle if the load carrying space for these items does not exceed 34 square feet.

(Prior Code § 10-3.4101; Ord. CS 447, 1980; Ord. CS 755, 12-8-1997)

17.06.640 Use.

The purpose of which land or a building is arranged, designed, or intended, or for which either land or building is or may be occupied or maintained.

(Prior Code § 10-3.4102; Ord. CS 447, 1980; Ord. CS 447, 1980)

17.06.645 Vehicles.

Includes any auto, truck, bus, van, or other similarly described conveyance.

(Ord. CS 447, 1980)

17.06.647 Wireless communication.

Wireless communication shall mean any personal wireless services as defined in the Telecommunication Act of 1996, which includes FCC licensed commercial wireless telecommunications service including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

(Ord. CS 780, 2-28-2000)

17.06.648 Wireless communication facility (WCF).

A wireless communication facility is any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility, and a support structure to achieve the necessary elevation.

(Ord. CS 780, 2-28-2000)

17.06.650 Yard.

Land unoccupied or unobstructed, except for such encroachments as may be permitted by this ordinance, surrounding a building.

(Prior Code § 10-3.4104; Ord. CS 447, 1980)

17.06.655 Yard, front.

A yard extending across the full width of the lot between the front lot line and the closest portion of the foundation of the main building or enclosed or covered porch or patio attached thereto. A minimum front yard is the minimum permitted depth of yard as measured at right angles to the front property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed patio attached thereto shall not encroach into the minimum front yard.

(Prior Code § 10-3.4105; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.660 Yard, rear.

A yard extending across the full width of the lot between the rear lot line and the closest portion of the foundation of the building, or enclosed or covered porch or patio thereto. A minimum rear yard is the minimum permitted depth of yard as measured at right angles to the rear property line and extending across the full width of the lot. The closest portion of the foundation of the main building, or enclosed or covered patio attached thereto, shall not encroach into the minimum rear yard.

(Prior Code § 10-3.4106; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.665 Yard, side.

A yard on each side of the main building extending from the front yard to the rear yard, the width of each of such yard being measured between the side line of the lot and the closest portion of the foundation of the main building, or enclosed or covered porch or patio attached thereto. A minimum side yard is the minimum permitted depth of yard as measured at right angles to the side property line and extending along the sides of the lot from the minimum front yard to the minimum rear yard. The closest portion of the foundation of the main building or enclosed or covered patio attached thereto shall not encroach into the minimum side yard.

(Prior Code § 10-3.4107; Ord. CS 387, 1979; Ord. CS 447, 1980)

17.06.670 Zero lot line.

When a building is erected on the lot line, leaving no distance between the lot line and the structure.

(Ord. CS 447, 1980)

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

(Ord. CS 529, 1983; Ord. CS 559, 1984; Ord. CS 595, 1985; Ord. CS 1069, § 4(Exh. A), 11-12-2024)