

# CITY OF ATWATER COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**October 19, 2016**

**6:00 PM**

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain**

ROLL CALL:

Brice\_\_\_\_, Dash\_\_\_\_, Daugherty\_\_\_\_, Hylar III\_\_\_\_, McWatters\_\_\_\_, Murphy III\_\_\_\_,  
Reed \_\_\_\_\_,

COMMENTS FROM THE PUBLIC:

## NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda that is within the jurisdiction of the Community Development and Resources Commission. Please state your name and address for the record. 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.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

**Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.**

APPROVAL OF MINUTES:

1. **Special Meeting, August 2, 2016**

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

2. **Regular Meeting, August 17, 2016**

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

3. **Regular Meeting, September 21, 2016**

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

PUBLIC HEARINGS

4. **Conditional Use Permit No. 547-16:**

Staff has received a CUP application requesting approval to construct a 1,200 square foot detached accessory structure. The detached accessory structure would be located at 650 Holly Avenue.

Applicant: Mark Rumin

**Staff's Recommendation:** Motion to adopt Resolution No. 023-16 approving Conditional Use Permit No. 547-16.

5. **Site Plan No. 706-15:**

Staff has received a Site Plan application requesting approval to establish a City owned and operated Tow Yard within a portion of the City Corporation Yard. The Tow yard would be located at 470 Aviator Drive.

Applicant: City of Atwater Police Department

**Staff's Recommendation:** Motion to adopt Resolution No. 024-16 approving Site Plan No. 705-16.

REPORTS AND PRESENTATIONS FROM STAFF

4. **None.**

COMMISSIONER MATTERS:

**Comments from Community Development and Resources Commissioners.**

ADJOURNMENT:

CERTIFICATION:

I, Justin D. Hendrix, Community Development and Resources 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.

/s/ Justin D. Hendrix

JUSTIN D. HENDRIX  
SECRETARY CD&R COMMISSION

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 Police Department, by the Community Development and Resources Commission Recording Secretary 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 City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6205. You may also send the request by email to [jdelreal@atwater.org](mailto:jdelreal@atwater.org)



# CITY OF ATWATER

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## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION SPECIAL MEETING

### ACTION MINUTES

August 2, 2016

#### CALL TO ORDER:

*The City of Atwater Community Development and Resources Commission met in Special Session this date at 6:05 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Brice presiding.*

#### PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Chairperson Brice.*

#### ROLL CALL:

**Present:** Brice, Hylar III, Dash, Reed, Daugherty, Murphy III,  
**Absent:** McWatters  
**Staff Present:** Community Development Director McBride, Senior Planner Hendrix, Recording Secretary Coronado.  
**Staff Absent:** None  
**Guests:** Jose Benavidez with JLB  
Desmond Johnson with Quad Knopf

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*No one came forward to speak at this time.*

PUBLIC HEARINGS:

Adopt Community Development Resources Commission Resolution No. 2914-16 Approving Planned Development Master Plan (PDMP) No. 2915-16 approving Planned Development Final Development Plan (PDFDP) No. 2916-16 Tentative Parcel Map (TMP) for North West corner of Buhach Road and Juniper Avenue No. 2917-16 Tentative Parcel Map for South West corner of Buhach Road and Juniper Avenue. (Community Development Director Scott McBride)

*Community Development Director McBride provided the commission with a review of the proposed Marketplace at the Colony Shopping Center.*

*Chairperson Brice opened the Public Hearing*

*John Mernoza spoke on behalf of his father, who resides on Augusta Lane Atwater. He stated after his father received a notice in the mail regarding the proposed shopping center, his father thought the City was going to tear down their home in order to proceed with the project. After being in the meeting he now has other concerns. He commented that there are currently a lot of accidents on Augusta Lane and Juniper Avenue. The problem is trying to make a left turn from Augusta Lane onto Juniper Avenue. He feels by having additional semi truck traffic it will only cause more accidents. He also asked if building the shopping center is going to affect the property value. He wanted to know if the water rates would be going up.*

*Michael Gonzalez of Atwater, expressed concern for environmental factors. He is also concerned about having the back of a building as his backyard view from outside the back of his home. He was also concerned about the noise due to semi trucks driving and unloading. He's concerned about light, noise and air pollution.*

*Julie Cervantes of Atwater asked if she was at risk from having to move from her home where she currently resides.*

*There were no other comments, and Chairman Brice closed the Public Hearing.*

**MOTION:** *Commissioner Dash moved to recommend City Council adopt Resolution No. 2914-16 approving Planned Development Master Plan (PDMP). The motion was seconded by Commissioner Reed and the vote was: Ayes: Murphy III, Daugherty, Reed, Dash, Hyler III, Brice; Noes: None; Absent: McWatters. The motion carried.*

**MOTION:** Commissioner Reed moved to recommend City Council adopt Resolution No. 2915-16 approving Planned Development Final Development Plan (PDFDP) as amended to include a condition to add a buffer along the West Side of the first parcel and to plant trees on the West and South side of the second parcel. The motion was seconded by Commissioner Daugherty and the vote was: Ayes: Murphy III, Daugherty, Reed, Dash, Hyler III, Brice; Noes: None; Absent: McWatters. The motion carried.

**MOTION:** Commissioner Reed moved to recommend City Council adopt Resolution No. 2916-16 approving Tentative Parcel Map 16-1 for North West corner of Buhach Road and Juniper Avenue as amended to include a condition that the developer shall comply with all conditions of approval as listed under all other approving resolutions for this project. The motion was seconded by Commissioner Hyler III and the vote was: Ayes: Murphy III, Daugherty, Reed, Dash, Hyler III, Brice; Noes: None; Absent: McWatters. The motion carried.

**MOTION:** Commissioner Daugherty moved to recommend City Council adopt Resolution No. 2917-16 approving Tentative Parcel Map 16-2 for South West corner of Buhach Road and Juniper Avenue as amended to include a condition that further traffic mitigation be studied. The motion was seconded by Commissioner Murphy III and the vote was: Ayes: Murphy III, Daugherty, Reed, Dash, Hyler III, Brice; Noes: None; Absent: McWatters. The motion carried.

**COMMISSIONER MATTERS**

Comments from Community Development and Resources Commissioners

***Chair Brice reminded the public that the Commission is a recommending body and the Commission is only recommending the City Council approve this project with the recommended changes as discussed. He also thanked the public for attending and invited them to attend the City Council meeting for further discussion.***

**ADJOURNMENT:**

***The meeting adjourned at 7:35 PM.***

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Gary Brice, Chairperson

**ATTEST:**

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Julia Coronado, Recording Secretary



# CITY OF ATWATER

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## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

### ACTION MINUTES

**August 17, 2016**

CALL TO ORDER:

*The City of Atwater Community Development and Resources Commission met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Brice presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Chairperson Brice.*

INVOCATION:

*The Invocation was led by Police Chaplin McClellan*

ROLL CALL:

**Present:** Brice, Dash, Daugherty, Hyler III, McWaters, Murphy III, Reed  
**Absent:** None  
**Staff Present:** Community Development Director McBride, Senior Planner Hendrix, Recording Secretary Coronado  
**Staff Absent:** None

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*No one came forward to speak at this time.*

PUBLIC HEARINGS:

Adopt Community Development Resources Commission Resolution No. 020-16 approving Conditional Use Permit No. 545-16 (Type 47 Alcohol License @ 591 Bellevue Road) Applicant David Souza. (Senior Planner Hendrix)

***Senior Planner Hendrix provided the commission with a review of the proposed new business JAMS@209 Sports Bar & Grill to be located at 591 Bellevue Road.***

***Chairperson Brice opened the Public Hearing.***

***David Souza, one of the applicants spoke on behalf of JAMS@209 Sports Bar & Grill in favor of the project. He provided information about the business, stating they serve all types of alcohol that's why they are requesting approval to submit to the Department of Alcoholic Beverage Control for a type 47 license. He mentioned their hours of operation are from 11:00am to 10:00pm even though their license permits them to stay open until 2:00am. Although it is a sports bar and grill, they choose to close at 10:00pm because they consider it to be a family environment. Mr. Souza provided the commission with a description of the rehab work set to be done to the inside of the existing building, including kitchen, dining, electrical, etc. In addition they also plan to add an outdoor patio.***

***There were no other comments, and Chairman Brice closed the Public Hearing.***

***MOTION: Commissioner Dash moved to adopt Community Development Resources Commission Resolution No. 020-16 approving Conditional Use Permit No. 545-16. The motion was seconded by Commissioner Murphy III and the vote was: Ayes: Reed, Murphy III, McWatters, Hyler III, Daugherty, Dash, Brice; Noes: None; Absent: None. The motion carried.***

Adopt Community Development Resources Commission Resolution No. 021-16 approving Site Plan No. 705-16. Adopt Community Development Resolution No. 022-16 approving Conditional Use Permit No. 546-16. Applicant Balbir Singh. (Senior Planner Hendrix)

***Senior Planner Hendrix provided the commission with a review of the Conditional Use Permit application from Balbir Singh for the conversion and reuse of a site located at 1401 Atwater Boulevard. Mr. Hendrix stated currently this site is a closed gas station and related auto repair facility. The applicant is proposing to convert the existing auto repair facility into a convenience store and reopen the gas station. This site is located within a Central Commercial Zone District and has a General Plan land use designation of Downtown Residential Transition.***

**MOTION: Commissioner Dash moved to adopt Community Development Resources Commission Resolution No. 021-16 approving Site Plan No. 705-16 and Resolution No. 022-16 approving Conditional Use Permit No. 546-16. The motion was seconded by Commissioner McWatters and the vote was: Ayes: McWatters, Dash, Brice; Noes: Reed, Murphy III, Hyler III, Daugherty; Absent: None. The motion failed.**

**COMMISSIONER MATTERS**

Comments from Community Development and Resources Commissioners

***Commissioner Dash – None***

***Commissioner Daugherty – Commented on the new intersection at Atwater Boulevard and Winton Way stating it looks very nice. He also expressed some concern with storage capacity and drivers crunching up. Community Development Director Scott McBride responded saying it was a very slow project but they are working on it.***

***Commissioner McWatters – Congratulated our new Chief of Police Sammy Joseph***

***Commissioner Hyler III – None***

***Commissioner Murphy III – None***

***Commissioner Reed - None***

***Chair Brice thanked the public for attending the meeting.***

**ADJOURNMENT:**

***The meeting adjourned at 7:35 PM.***

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Gary Brice, Chairperson

**ATTEST:**

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Julia Coronado, Recording Secretary



# CITY OF ATWATER

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## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

### ACTION MINUTES

September 21, 2016

CALL TO ORDER:

*The City of Atwater Community Development and Resources Commission met in Regular Session this date at 6:05 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Brice presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Chairperson Brice.*

INVOCATION:

*The Invocation was led by Police Chaplin Mead*

ROLL CALL:

**Present:** Brice, Dash, Daugherty, Hyler III, McWatters, Murphy III  
**Absent:** Reed  
**Staff Present:** Interim Public Works Director Faretta, Recording Secretary Perez  
**Staff Absent:** Senior Planner Hendrix, Community Development Director McBride, Police Lieutenant Joseph  
**Guests:** Elizabeth Lanham representing Davey Resources Group

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*No one came forward to speak at this time.*

BUSINESSS:

*Chair Brice announced that a subsequent need item was received after the agenda was posted, from First Baptist Church to utilize Ralston Park on Sunday, October 2, 2016, with the correction that no amplified sound will be used, and asked that the agenda be amended to include their request.*

***MOTION: Commissioner Hyler III moved to add a subsequent item to the agenda under Business for the review of the request from First Baptist Church of Atwater. The motion was seconded by Commissioner Murphy III and the vote was: Ayes: Brice, Dash, Daugherty, Hyler III, McWatters, Murphy III; Noes: None; Absent: Reed. The motion carried.***

Request from First Baptist Church to utilize Ralston Park on Sunday, October 2, 2016

***MOTION: Commissioner Brice moved to approve request with the stipulation that First Baptist Church specify requested location at Ralston Park before the item is presented to City Council for approval. The motion was seconded by Commissioner McWatters and the vote was: Ayes: Brice, Dash, Daugherty, Hyler III, McWatters, Murphy III; Noes: None; Absent: Reed. The motion carried.***

MINUTES:

*None*

PUBLIC HEARINGS:

*None*

WORKSHOP:

Atwater Urban Forest Master Plan Stakeholder Questions

***Interim Public Works Director Faretta provided the commission with a review of the Atwater Urban Forest Master Plan Grant Program.***

***Davey Resource Group Representative Elizabeth Lanham asked the Commission to share their perspective and thoughts on the current status of the community forest and management policies along with their ideas for the future. She provided them with a list of initial questions that will help gain a better***

*understanding of the commission's role and interest in managing and maintain community trees.*

*ERIC LEE welcomed Recording Secretary Perez and provided the Commission with a brief background and history of Atwater's Urban Forest Plan.*

*Chair Brice called a brief recess to thank previous Recording Secretary Mead for her service on the Community Development and Resources Commission.*

*Chair Brice resumed the meeting.*

COMMISSIONER MATTERS:

**MOTION:** *Chair Brice moved that a representative be present for all future agenda requests being presented to the Commission for approval. The motion was seconded by Commissioner Dash and the vote was: Ayes: Brice, Dash, Daugherty, McWatters, Murphy III; Noes: Hylar III; Absent: Reed. The motion carried.*

*Chair Brice announced the Town Hall Meeting to be held on Thursday, September 6, 2016 at 6:00 PM at City Hall and thanked Elizabeth for her presentation.*

*Commissioner Dash asked that the temporary business banners placed along the streets be placed appropriately for traffic visibility.*

ADJOURNMENT:

*The meeting adjourned at 7:30 PM.*

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Gary Brice, Chairperson

**ATTEST:**

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Gloria Perez, Recording Secretary

**RECOMMENDATION TO OPEN THE HEARING, OBTAIN  
TESTIMONY FROM THE PUBLIC, AND ADOPT COMMUNITY  
DEVELOPMENT RESOURCES COMMISSION RESOLUTION NO.  
023-16 APPROVING CONDITIONAL USE PERMIT NO. 547-16  
(650 HOLLY AVENUE DETACHED GARAGE/WORKSHOP)**

**RECOMMENDATION:**

It is recommended that the Community Development and Resources Commission take the following actions:

1. Open the Hearing to obtain testimony from the public; and,
2. Adopt Resolution No. 023-16 approving Conditional Use Permit No. 547-16.

**BACKGROUND:**

Staff has received a Conditional Use Permit application from Mark Rumin requesting approval to construct a 1,200 square foot accessory structure. Ordinance CS 804 pertaining to accessory structures within residential zone districts states that detached accessory structures greater than 500 square feet shall require approval of a Conditional Use Permit.

**ANALYSIS:**

The proposed detached accessory structure would be located at 650 Holly Avenue. The proposed structure would measure 40'x30' totaling 1,200 square feet in size and be approximately 16 feet in height. The proposed structure would have a 20 foot rear yard setback, one side yard setback would be 5 feet and the other side yard setback would be 43.5 feet. Applicant is also proposing to install a bathroom / utility room within the structure. Staff has placed a condition of approval within the approving resolution that states that this structure shall never be used as habitable space.

**ENVIRONMENTAL:**

The Site Plan for this project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3).

**CONCLUSION:**

This report is submitted for Community Development and Resources Commission review and possible action.

Respectfully submitted,

*Justin D. Hendrix*

Justin D. Hendrix  
Senior Planner  
City of Atwater



**COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION  
OF THE CITY OF ATWATER**

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**RESOLUTION NO. CDRC 023-16**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION OF THE CITY OF  
ATWATER APPROVING CONDITIONAL USE PERMIT NO.  
547-16 (650 HOLLY AVENUE DETACHED GARAGE /  
WORKSHOP)**

**WHEREAS**, the Community Development and Resources Commission of the City of Atwater reviewed Conditional Use Permit No. 547-16, as submitted by Mark Rumin; requesting placement of a 1,200 square foot detached garage / workshop at 650 Holy Avenue, and;

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, October 19, 2016; and,

**WHEREAS** the Community Development and Resources Commission held a duly noticed public hearing as required by laws to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

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

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

**WHEREAS** this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15061(b)(3); and,

**WHEREAS**, the Community Development and Resources Commission finds that the following findings can be made for this Conditional Use Permit Amendment:

1. That the site is located within a Low Density Residential (R-1[6]) Zone District.
2. That the site is designated as Low Density Residential by the Atwater General Plan.
3. That this use is considered a Conditional Use and with the conditions set forth by this resolution will meet the intent of the Low Density Residential Zone District.
4. That this project is consistent with all elements of the Atwater General Plan.
5. That all the mandatory findings set forth in Section 17.71.010 of the Atwater Zoning Ordinance can be made.
6. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15061(b)(3).

**WHEREAS**, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Community Development and Resources Commission of the City of Atwater does hereby approve Conditional Use Permit No. 547-16 subject to the following conditions:

1. That the project shall comply with the most current California Code of Regulations, Title 24, parts 1 through 6, 8 through 10 and 12, the most current Fire, Life and Safety Codes and Title 15 of the Atwater Municipal Code, including all amendments thereto.
2. That applicant/developer shall submit building plans and obtain all necessary permits prior to commencement of construction.
3. That the applicant shall pay all required fees prior to issuance of a Building Permit.
4. That the detached accessory structure shall never be permitted to be used as habitable space.
5. That the detached accessory structure shall not be used in conjunction with any business activities.
6. That the detached accessory structure shall be no more than 16 feet in height.
7. That the Community Development and Resources Commission shall retain the right to reconsider Conditional Use Permit No. 547-16 at anytime.
8. That this CUP shall expire in six (6) months from the day of approval if the business has not started. A six month extension may be granted by the Community Development and Resources Commission.
9. The applicant or applicant's successor in interest shall indemnify and defend and hold harmless the City of Atwater, its agents, officers and employees from any and all claims, actions or proceedings against the City of Atwater, its agents, officers and employees to attack, set aside, void or annul any approval by the City of Atwater and its advisory agency appeal board or legislative body concerning this advisory agency appeal board or legislative body concerning this application, which action is brought within applicable statutes of limitation. The City of Atwater shall promptly notify the applicant or applicant's successor in interest of any claim or proceedings and shall cooperate fully in the defense. If the City fails to do so, the applicant or applicant's successor in interest shall not

thereafter be responsible to defend, indemnify or hold the City harmless. This condition may be placed on any plans or other documents pertaining to this application.

The foregoing resolution is hereby adopted this 19th day of October, 2016.

**AYES:  
NOES:  
ABSENT:**

**APPROVED:**

\_\_\_\_\_  
**GARY BRICE, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**JUSTIN D. HENDRIX, SECRETARY**





**RECOMMENDATION TO OPEN THE HEARING, OBTAIN  
TESTIMONY FROM THE PUBLIC. ADOPT COMMUNITY  
DEVELOPMENT RESOURCES COMMISSION RESOLUTION NO.  
024-16 APPROVING SITE PLAN NO. 706-16. (POLICE TOW  
YARD)**

**RECOMMENDATION:**

It is recommended that the Community Development and Resources Commission take the following actions:

1. Open the Hearing to obtain testimony from the public; and,
2. Adopt Resolution No. 024-16 approving Site Plan No. 706-16.

**BACKGROUND:**

City Council directed the City Manager to evaluate and conduct a study to explain the benefits of establishment of an Atwater Police Department Tow Yard. On September 10, 2012, the police department conducted a presentation at the City of Atwater Council Meeting regarding 30 day cost recovery program for impounded vehicles towed pursuant to CVC section 14602.6. The American Automobile Association (AAA) conducted a study to quantify the number and percentage of drivers involved in 38,505 fatal crashes who have in invalid license or unknown license status. 16.4% of drivers involved were unlicensed, suspended or revoked, expired or cancelled/denied a license. 3.6% of drivers involved had an unknown license status, a total of 20%.

At their regular meeting of July 25, 2016 City Council held a public hearing to introduce Ordinance No. 975 amending Title 12 "Streets, Sidewalks and Public Places" of the Atwater Municipal Code, to add Chapter 12.34, "Use of City Property". At their regular meeting of August 8, 2016 City Council adopted Ordinance No. 975 establishing Chapter 12.34 of the Atwater Municipal Code relating to use of City Property. Chapter 12.34 allows for the use and development of City owned property for legitimate public uses upon their consideration, subject to approval under Chapter 17.12.060 of the Atwater Municipal Code.

On October 10, 2016 the City Council reviewed the proposed Tow Yard within the City Corporation Yard. The City Council approved City Council resolution No. 2924-16 allowing for the use of the Tow Yard within the City Corporation Yard.

Now the Site Plan is before the Community Development and Resources Commission for approval.

**ANALYSIS**

Overall, an average of 8,000 drivers was definitely or possibly driving with an invalid license or no license or had an undeterminable license status. Nearly 7,000 drivers involved in fatal crashes have their license suspended or revoked previously. Annually 4,000 persons are killed in collisions in California. 330,000 persons are injured in collisions.

More than 20% of drivers involved in these collisions are not licensed to drive. A driver with a suspended license is four times more likely to be involved in a fatal collision. California has 20 million licensed drivers.

720,000 licenses have been suspended or revoked. Estimated 1 million drivers are driving without ever being issued a license.

In 2015, 296 citations were issued for CVC 12500(a) (Unlicensed driver). 205 citations were issued for CVC 14601, driving on a suspension violations. A total of 502 citations for license related violations, with a total of 50 accidents resulting in 23 injuries. As a result, law enforcement activities resulted in investigations involving Hit & Run accidents, injury and non-injury collisions and fatal accidents. This has resulted in Administrative Costs. CVC section 14602.6 enacted in January 1, 1995, this provided law enforcement with a tool to address unlicensed and suspended drivers. It authorizes the impoundment of a violator's vehicle for 30 days. CVC section 22850 allows a governmental agency to maintain its own storage facility for impounded vehicles. CVC section 22850.5 allows a governmental agency to impose a fee equal to administrative costs related to impound, storage, or release of the vehicle.

Currently, the City receives \$295.00 from each 30 days storage impound from the tow companies. No funds are received when vehicles are released prior to 30 days or sold by lien. Current average tow rates collected by tow companies are as follows:

- 1. Vehicle tow fees: \$120-\$180
- 2. Storage Fees: \$1,500-1,800
- 3. Lien sale: \$70
  
- Total: \$1,899-2,259

Projected Revenue per vehicle after implementing Tow Yard would be:

- 1. Vehicle tow fee: \$180
- 2. Storage Fee: \$1,500

(\$50 per day)

3. Lien process fee: \$70

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Sub-Total:	\$1,750
City Administrative/	\$209
Release	

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Total:	\$1,959
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The Site Plan proposes to use approximately 18,000 square feet of vacant area within the existing City Public Works Department Corporation Yard located at 470 Aviator Drive. This site is located on the south side of the current City Limits within the Atwater Business Park.

The Tow Yard would be able to store approximately 42 vehicles at maximum capacity. The area will be surrounded by chain link fence and accessible by two sliding gates on the north side of the storage area. The Police Department intends on installing onsite lighting for night time activities and video cameras that can be viewed from the Police Station at City Hall. One of the existing office spaces within the main Public Works Building will be used to staff one officer Monday thru Thursday during normal business hours. If access to the site is necessary at other times, an officer would deploy from the main Police Station as on-call staffing. The proposed site layout is included as **“Exhibit A”** to the attached resolution.

Existing employee duties will be modified to facilitate the operation. The position will be managed by one full time Sergeant. Employee’s anticipated to spend half of their time of storage lot duties.

**FISCAL IMPACT:**

The estimated annual revenue from the operation of the Tow Yard is approximately \$500,000 to \$1,000,000. There will be some operational costs associated with alarm monitoring and potentially lien sales or auction fees. The revenue generated will be deposited into the General Fund, under Charges for Services, Impound Fees.

**ENVIRONMENTAL:**

The Site Plan for this project has been found to be exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3).

**CONCLUSION:**

This report is submitted for Community Development and Resources Commission review and possible action.

Respectfully submitted,

*Justin D. Hendrix*

Justin D. Hendrix  
Senior Planner  
City of Atwater



**COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION  
OF THE CITY OF ATWATER**

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**RESOLUTION NO. CDRC 024-16**

**A RESOLUTION OF THE COMMUNITY DEVELOPMENT  
AND RESOURCES COMMISSION OF THE CITY OF  
ATWATER APPROVING SITE PLAN NO. 706-16 (CITY  
OWNED TOW YARD @ 470 AVIATOR DRIVE)**

**WHEREAS**, the Community Development and Resources Commission of the City of Atwater has reviewed Site Plan No. SP 706-16 as submitted by The City of Atwater Police Department, requesting approval to install a City owned and operated Tow Yard within a portion of the existing City Corporation Yard. The project site is 470 Aviator Drive and is known as Merced County Assessor's Parcel Number APN 056-330-016; and,

**WHEREAS**, said the use of the Tow Yard on City owned property was reviewed and approved by the City Council on Monday October 10, 2016 by adoption of City Council Resolution No. 2924-16; and,

**WHEREAS**, said application was reviewed by the Community Development and Resources Commission of the City of Atwater on Wednesday, October 19, 2016; and,

**WHEREAS** the Community Development and Resources Commission held a duly noticed public hearing on October 19, 2016 as required by law to consider all of the information presented by staff, information from the project proponent, and public testimony presented in writing and at the meeting; and,

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

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

**WHEREAS**, this project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3); and,

**WHEREAS**, the Community Development and Resources Commission finds that the following findings can be made for this site and architectural plan:

1. This application proposes to install a City owned and operated Tow Yard within a portion of the existing City Corporation yard. The project site is 470 Aviator Drive and is known as Merced County Assessor's Parcel Number APN 056-330-016.
2. That the site is located within a Light Industrial (M-1) Zone District.
3. That the site is designated as Manufacturing by the Atwater General Plan.
4. That Chapter 12.34 of the Atwater Municipal Code allows for the use and development of City owned property for legitimate public uses upon the consideration of the City Council, subject to approval under Chapter 17.12.060 of the Atwater Municipal Code by the Community Development and Resources Commission.
5. That this project is consistent with all elements of the Atwater General Plan.
6. That this project qualifies for a categorical exemption from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15031(b)(3).

**WHEREAS**, subject to the conditions identified below, the use is in conformance with the codes and standards of the City of Atwater; and,

**NOW, THEREFORE, BE IT RESOLVED**, that the Community Development and Resources Commission of the City of Atwater does hereby approve Site Plan No. 706-16 subject to the following conditions:

1. That the project shall comply with the most current California Code of Regulations, Title 24, parts 1 through 6, 8 through 10 and 12, the most current Fire, Life and Safety Codes and Title 15 of the Atwater Municipal Code, including all amendments thereto.
2. That there shall be compliance with the most recent Americans with Disability Act (ADA) regulations.
3. That applicant/developer shall submit all necessary plans and obtain all necessary permits prior to commencement of construction.
4. That the applicant shall pay all required fees prior to issuance of a Building Permit.
5. That the applicant shall provide onsite outdoor lighting. The lighting shall be shielded downward and away from public right of ways and adjacent properties.
6. That the applicant shall not be allowed to use the site until all required improvements are completed and accepted.
7. That prior to installation, all proposed signs to be installed on buildings or onsite shall be reviewed and approved by the Community Development Department.

The foregoing resolution is hereby adopted this 19th day of October, 2016.

**AYES:  
NOES:  
ABSENT:**

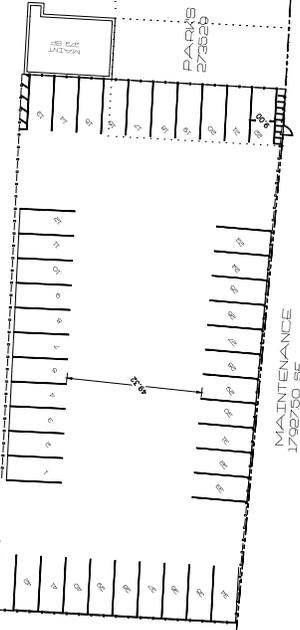
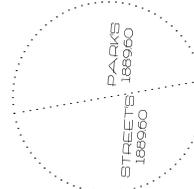
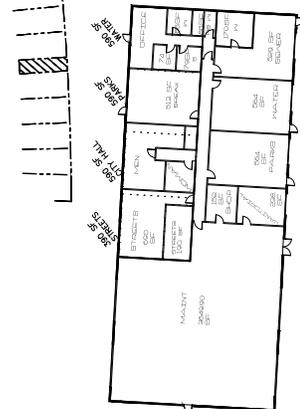
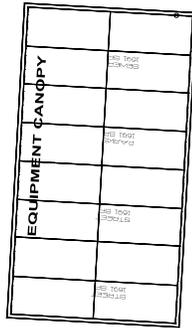
**APPROVED:**

\_\_\_\_\_  
**GARY BRICE, CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**JUSTIN D. HENDRIX, SECRETARY**

AVIATOR DR



POLICE 370272

PARKS 27629

CITY OF ATWATER  
COMMUNITY DEVELOPMENT DEPARTMENT  
ENGINEERING DIVISION

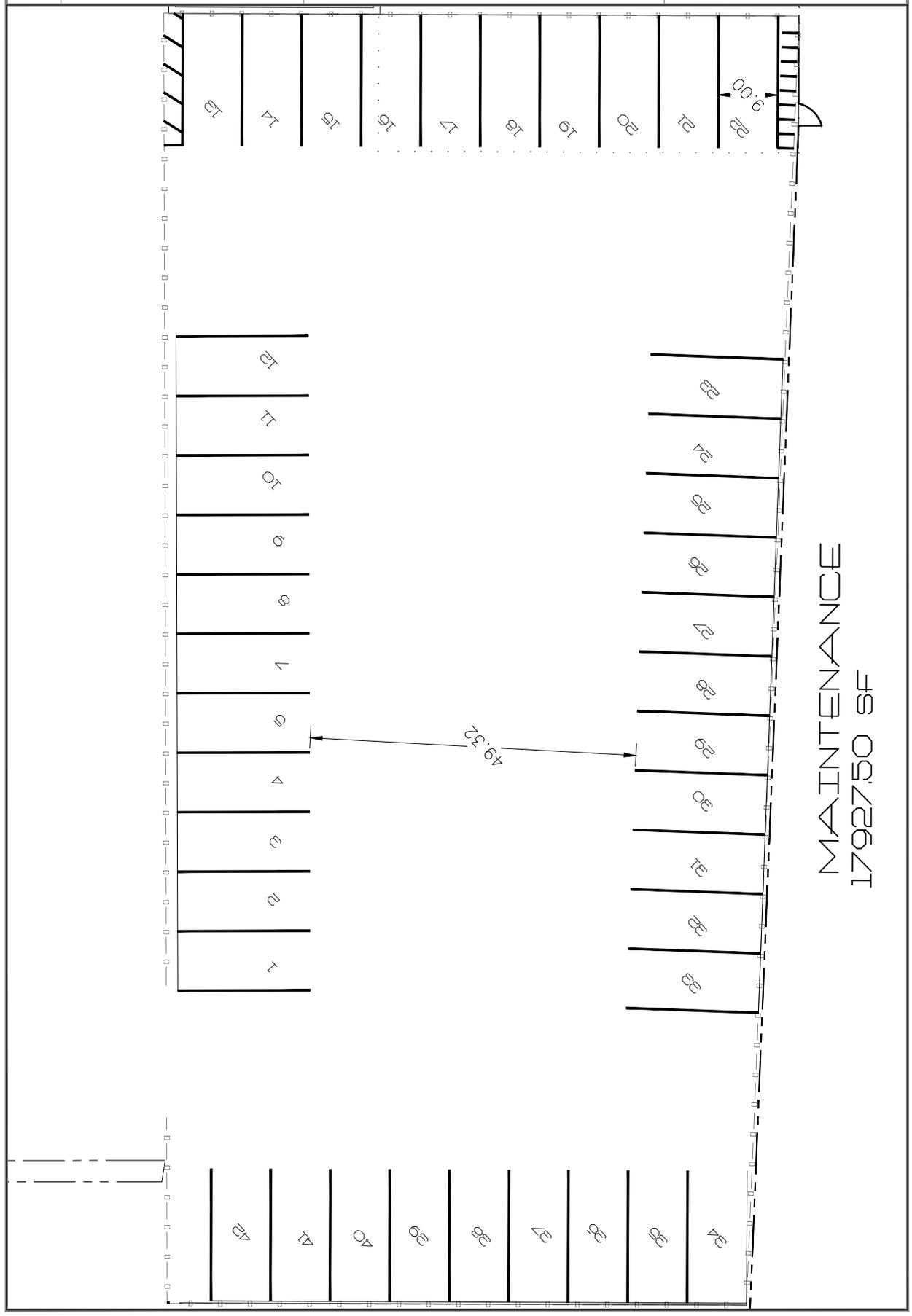
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CHECKED	DATE	FILE NO.
REVISIONS		

NO.

INDEX NO.

CITY OF ATWATER  
"CITY WIDE CITY PRIDE"

DRAWN: R.G.  
SCALE: 1=1  
DATE: 00/00/00



MAINTENANCE  
17927.50 SF