



City of Riverbank
Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

Agenda
Tuesday, November 19, 2019 – 6:00 P.M.

CALL TO ORDER: Chair: John Dinan

ROLL CALL: Chair: John Dinan
Vice Chair: Vacant
Commissioner: Mallorie Fenrich
Commissioner: Melissa Hughes
Commissioner: Joan Stewart

Commissioner: Steve Link, Alternate Member

CONFLICT OF INTEREST

Any Planning Commission Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission Board.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission Board unless otherwise requested by an individual Planning Commissioner Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the November 19, 2019 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website, and emailed to the Library on November 14, 2019.

Item 2.2: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

Item 2.3: Approval of the Minutes of the September 17, 2019 Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: from the September 17, 2019 Planning Commission Meeting, Commissioner: Hughes.*

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

Item 2.4: Approval of the Minutes of the October 1, 2019 Special Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: from the October 1, 2019 Special Planning Commission Meeting, Commissioner: Stewart.*

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

Item 2.5: Resolution 2019-018 for Tentative Subdivision Map Extension 01-2019 – Ward Villas – Ward Avenue and Palmer Avenue, APN: 132-036-003. Request for a final one (1) year extension on approved Tentative Subdivision Map 01-2015 to subdivide 2.42 acres into 28 Planned Development single family medium density residential lots.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

Item 2.6: Resolution 2019-019 of the Planning Commission of the City of Riverbank Commending Robert Ball for his Contribution to the Community of Riverbank.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

Item 3.1: **El Mezquite Mexican Restaurant CUP 05-2019** – Request for CUP 05-2019 (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer, wine and spirits at the new El Mezquite Mexican restaurant. Property is located at 2119 Patterson Road, Suites 1 & 3, APN: 074-005-052.

Recommendation: Approval of Resolution #2019-020 by roll call vote.

1st _____ 2nd _____

4. PLANNING COMMISSION COMMENTS (Information Only – No Action)

None.

**5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION
(Information Only – No Action)**

None.

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: City Council Meeting Updates.

**7. ADJOURNMENT - Regular Planning Commission meeting – December 17, 2019 @
6:00 p.m.**

I, Janet Smallen, do hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours to the meeting in accordance to the Brown Act.

*Posted this 14th of November 2019
Janet Smallen, Sr. CDS*

AFFIDAVIT OF POSTING

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128 or jsmallen@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

NOTICE REGARDING NON-ENGLISH SPEAKERS: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.

GENERAL INFORMATION: The Riverbank Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the Development Services Department, 6617 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Planning Commission. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a meeting of the Planning Commission Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

Televised/Video of Meetings: Charter – Channel 2; AT&T Uverse – Channel 99
Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)

City Hall Hours: City Hall is open Monday – Thursday: 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays. **QUESTIONS:** Contact the Developmental Services Department at (209) 863-7128.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the Planning Commission Board will be available for public inspection at the address where the meeting is taking place as indicated on the agenda, at the same time that the public records are distributed or made available to the Planning Commission Board.



City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7128 FAX (209) 869-7126

PUBLISH DATE: November 6, 2019

LEGAL DEPT: PLANNING

CITY OF RIVERBANK **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the request for a Conditional Use Permit (CUP), described below at 6:00 p.m. on Tuesday, November 19, 2019, in Council Chambers 6707 Third Street, Riverbank, California.

Project Description:

El Mesquite Mexican Restaurant CUP 05-2019 – Request for CUP 05-2019 (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer and wine at the new El Mesquite Mexican restaurant. Property is located at 2119 Patterson Road, Suite 1, APN: 074-005-052.

The City of Riverbank will hold a Public Hearing as follows:

Planning Commission Meeting
November 19, 2019 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California

ALL INTERESTED PARTIES are invited to attend the public hearing on **November 19, 2019** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to gsalazar@riverbank.org by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact Gabriel R. Salazar, Associate Planner, at (209) 863-7121; gsalazar@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7128 FAX (209) 869-7126

November 6, 2019

To Whom It May Concern:

You are receiving this letter because you reside within 300 feet of the project described below.

NOTICE OF A PUBLIC HEARING CITY OF RIVERBANK

Project Description: Development Agreement No. 03-2017 and Conditional Use Permit 06-2017 / Dept. File# 17-0018 – Kolas - The project consists of a Development Agreement and a Conditional Use Permit to permit a cannabis dispensary at 3301 Atchison Street (APN: 132-004-045). The project site consists of an existing approximately 2,520 square foot building. Parking lot and landscaping are existing but will be upgraded. The project site has a General Plan Land Use Designation of Mixed Use and is Zoned Downtown Core (DC) in the Downtown Specific Plan.

Section 21080 of the Public Resources Code exempts from the application of CEQA for those projects over which public service agencies exercise only ministerial authority. The proposed Project would not have any effect on the environment because it is a development agreement and a conditional use permit for a business within an existing building in a commercial zoning district. The only proposed construction is a tenant improvement within the existing structure and upgrades to existing parking, fencing, and landscaping.

**Planning Commission Meeting
November 19, 2019 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California**

ALL INTERESTED PARTIES are invited to attend the public hearing on November 19, 2019 at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to dkenney@riverbank.org by postal service, or hand delivered to 6707 Third Street, Suite A, Riverbank, California, 95367, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

Meeting facilities are accessible to persons with disabilities. Any person requiring special assistance to participate in the meeting should notify the Administration Dept. at (209) 863-7122 or cityclerk@riverbank.org at least seventy-two (72) hours prior to the meeting. For questions regarding the public hearing matter contact Donna Kenney, Planning & Building Manager, at (209) 863-7124; dkenney@riverbank.org.

Any public record materials pertaining to the presentation of the subject matter being considered will be made available for review at the Development Services Counter at 6717 Third Street, Riverbank, and (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City of Riverbank
Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

MINUTES
Tuesday, September 17, 2019

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, if available, for a fee by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Dinan, Vice Chair Ball and Commissioners: Stewart, Fenrich, Link (Alternate)

Absent: Commissioner: Hughes (Excused)

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None.

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the September 17, 2019 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on September 12, 2019.

Item 2.2: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

ACTION: *By motion moved/second (Stewart / Link / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link

Nays: None

Absent: Hughes

Abstained: None

Item 2.3: Approval of the Minutes of the August 20, 2019 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: from the August 20, 2019 Planning Commission Meeting, Commissioners: Hughes and Link.*

ACTION: *By motion moved/second (Stewart / Link / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich

Nays: None

Absent: Hughes

Abstained: Link

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: **Item 3.1:** **Prime Shine / Mister – James Kinney** – (#19-0010) Request for Architecture and Site Plan Review 01-2019 for a new covered payment station. Property is located at 2375 Patterson Road, APN: 075-007-036.

- Gabriel Salazar, Associate Planner, presented item 3.1 and Power Point.
- Chair Dinan asked if the Commission had any questions.
- Commissioner Fenrich asked about the loss of some landscaping and if the Church had made any comments.
- Public Hearing was opened at 6:10 p.m.
- Being no comments, the public hearing was closed at 6:11 p.m.
- Being no further comments the Commission voted on item 3.1.

ACTION: *By motion moved/second (Fenrich / Link / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. **Approval of Resolution #2019-012 for Architectural & Site Plan Review.***

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link.

Nays: None

Absent: Hughes

Abstained: None

Item 3.2: **Dollar General, LLC – Steve Rawlings** – (#19-0013) Request for Conditional Use Permit (CUP) 04-2019 (License Type 20 – Off-Sale Beer & Wine) to sell beer and wine at the new Dollar General store for offsite consumption. Property is located at 5842 Roselle Avenue, APN 075-015-006.

- Gabriel Salazar, Associate Planner, presented item 3.2 and Power Point.
- Chair Dinan asked if the Commission had any questions.
- Commissioner Fenrich asked the proximity to the closest school and if they had applied with ABC.
- Public Hearing was opened at 6:17 p.m.

-
- Being no comments, the public hearing was closed at 6:18 p.m.
 - Being no further comments the Commission voted on item 3.2.

ACTION: By motion moved/second (Ball / Fenrich / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Resolution #2019-013 for CUP.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link.

Nays: None

Absent: Hughes

Abstained: None

4. PLANNING COMMISSION COMMENTS (Information Only – No Action)

None.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only – No Action)

None.

6. STAFF COMMENTS (Informational Only – No Action)

Item 6.1: City Council Meeting Updates.

- Donna M. Kenney, gave an update to the Commission on the City Council Meetings, Tiny Houses and sidewalk vendors.

8. ADJOURNMENT - Regular Planning Commission meeting – October 15, 2019 @ 6:00 p.m.
--

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

John Dinan
Chair Planning Commission



City of Riverbank
Special Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

MINUTES
Tuesday, October 1, 2019

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, if available, for a fee by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair Dinan, Vice Chair Ball and Commissioners: Fenrich, Hughes and Link (Alternate)

Absent: Commissioner: Stewart

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None.

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the October 1, 2019 Special Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on September 27, 2019.

Item 2.2: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

ACTION: *By motion moved/second (Fenrich / Link / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Dinan, Ball, Hughes, Fenrich and Link

Nays: None

Absent: Stewart

Abstained: None

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: Project Location: The residential portion of the Crossroads West Specific Plan ("Project") is located adjacent to the MID Main Canal to the north, Oakdale Road to the east, MID Lateral No. 6 to the south, and County parcels to the west towards Coffee Road. The Project Area is within the Riverbank Sphere of Influence (SOI) and was approved for annexation by LAFCo on June 26, 2019. An Environmental Impact Report (EIR) has been prepared by the City of Riverbank, as the lead agency over the Crossroads West Specific Plan.

Project Description: The proposed Project includes development of up to 1,872 Low Density Residential (LDR) units, up to 192 Medium Density Residential (MDR) units, up to 388 High Density Residential (HDR) units, and up to 27,000 sf of Mixed Use 2 (MU-2) uses. Additionally, the proposed Project would increase the size of the existing 11-acre Regional Park, the Riverbank Sports Complex, to about 22 acres. A 10- to 12-acre elementary school and 20-acre middle school are also possible within the Plan Area as well as a location for a 1.25-acre west Riverbank fire station. The proposed Project would provide approximately 42 acres of park, open space, and Regional Sports Park uses. The Project includes a request for approval of a Development Agreement, three (3) Tentative Maps (2 large lot maps and 1 small lot map), and Preliminary Development Plans for those maps.

1) Development Agreement 2018-002 (#18-0007) Resolution #2019-014.

- **Exhibit A - Draft Development Agreement**
- **Exhibit B - Draft CC Ordinance 2019-XXX**

- Donna M. Kenney, Planning & Building Manager, presented item 3.1 Part 1 and PowerPoint.
- Robin Baral, City Attorney, presented Development Agreement Resolution #2019-014.
- Public Hearing was opened at 6:19 p.m.
- Dave Ramano, representative for the property owners/applicants. Spoke on behalf of the project regarding the different maps, Crawford Road gate and future build out of the project.
- Being no further comments the Public Hearing was closed at 6:24 p.m.
- Being no further comments from the Commission on item 3.1 Part 1 it was voted on.

Part 1 of 4 - ACTION: *By motion moved/second (Hughes / Fenrich / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. **Approval of Development Agreement 2018-002; Resolution #2019-014.***

Ayes: Planning Commissioners: Dinan, Ball, Hughes, Fenrich and Link.

Nays: None

Absent: Stewart

Abstained: None

2) Machado Tentative Map 2018-0005 (Large Lot) & Preliminary Development Plan 2018- 0002 (#18-0012) Resolution #2019-015.

- **Exhibit A - Preliminary Development Plan 2018-0002**

- **Exhibit B - Tentative Map 2018-0005**

- Donna M. Kenney, Planning & Building Manager, presented item 3.1 Part 2 and PowerPoint.
- Public Hearing was opened at 6:25 p.m.
- Being no comments, the public hearing was closed at 6:25 p.m.
- Being no further comments from the Commission on item 3.1 Part 2 it was voted on.

ACTION: By motion moved/second (Link / Hughes / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Machado TM 2018-0005 (Large Lot) & Preliminary Development Plan 2018-0002 (#18-0012) Resolution #2019-015.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Hughes, Fenrich and Link.

Nays: None

Absent: Stewart

Abstained: None

3) Machado Tentative Map 2018-0006 (Small Lot) & Preliminary Development Plan 2018- 0003 (#18-0013) Resolution #2019-016.

- **Exhibit A - Preliminary Development Plan 2018-0003**
- **Exhibit B - Tentative Map 2018-0006**

- Donna M. Kenney, Planning & Building Manager, presented item 3.1 Part 3 and PowerPoint.
- Public Hearing was opened at 6:26 p.m.
- Being no comments, the public hearing was closed at 6:26 p.m.
- Being no further comments from the Commission on item 3.1 Part 3 it was voted on.

ACTION: By motion moved/second (Link / Fenrich / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Machado TM 2018-0006 (Small Lot) & Preliminary Development Plan 2018-0003 (#18-0013) Resolution #2019-016.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Hughes, Fenrich and Link.

Nays: None

Absent: Stewart

Abstained: None

4) Harrigfeld Tentative Map 2018-0007 (Large Lot) & Preliminary Development Plan 2018-0004 (#18-0014) Resolution #2019-017.

- **Exhibit A - Preliminary Development Plan 2018-0004**
- **Exhibit B - Tentative Map 2018-0007**

- Donna M. Kenney, Planning & Building Manager, presented item 3.1 Part 4 and PowerPoint.
- Public Hearing was opened at 6:28 p.m.
- Being no comments, the public hearing was closed at 6:28 p.m.
- Being no further comments from the Commission on item 3.1 Part 4 it was voted on.

ACTION: By motion moved/second (Link / Hughes / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Harrigfeld TM 2018-0007 (Small Lot) & Preliminary Development Plan 2018-0004 (#18-0014) Resolution #2019-017.*

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Hughes, Fenrich and Link.

Nays: None

Absent: Stewart

Abstained: None

4. WORKSHOPS (Request for Direction)

None.

5. PLANNING COMMISSION COMMENTS (Information Only – No Action)

None.

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None.

7. STAFF COMMENTS (Information Only – No Action)

None.

8. ADJOURNMENT - Regular Planning Commission meeting – November 19, 2019 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

John Dinan
Chair Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO:	2.5	November 19, 2019
APPLICATION:	Tentative Subdivision Map Extension 15-0003 – Ward Villas – Ward Avenue and Palmer Avenue, APN: 132-036-003. Request for a final 1 year extension on approved Tentative Subdivision Map 01-2015 to subdivide 2.42 acres into 28 Planned Development single family medium density residential lots, a storm water basin lot, and 1 internal street.	
OWNER:	Westwood Country Venture, LLC	
APPLICANT REPRESENTATIVE:	William Spivock	
GENERAL PLAN:	Medium Residential (MDR)	
ZONING:	Planned Development (PD)	
ENVIRONMENTAL DETERMINATION:	The extension of a currently approved tentative subdivision map is not a Project pursuant to CEQA Guidelines.	
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager	
RECOMMENDATION:	Approve the final 1 year Map Extension request for Tentative Subdivision Map 01-2015 (Exhibit A).	
ACROMYMS:	CEQA – California Environmental Quality Act FT – Feet or foot MDR – Medium Density Residential	

I. BACKGROUND:

The applicant proposes the final extension of Tentative Subdivision Map 01-2015 for twenty-eight (28) single family residences within a 2.42 acre subdivision. The request (Attachment 2) is for a 1 year extension of the map to complete the process towards the approval of the Final Map.

A General Plan Amendment, Rezone, and Tentative Map 01-2015 to subdivide the site were recommended for approval by the Planning Commission on January 19, 2016 and the General Plan Amendment and Rezone were approved by the City Council on February 9, 2016. According to State Subdivision law, an approved tentative map has a life of twenty-four (24) months, so this

Riverbank Special Planning Commission
Staff Report 2.5
Meeting of November 19, 2019
Page 1 of 2

particular map with two approved extensions, expires January 19, 2020. Pursuant to the City's Subdivision Ordinance, the Planning Commission may approve a requested extension up to an additional three (3) years. This is the third time the applicant has requested an extension of 1 year so it is the final request.

II. ENVIRONMENTAL REVIEW:

A map extension for an approved subdivision is not a Project pursuant to CEQA Guidelines.

III. PUBLIC NOTICE:

This item did not require public noticing.

IV. RECOMMENDATION:

Approve the final 1 year Map Extension request for Tentative Subdivision Map 01-2015.

V. ATTACHMENTS:

1. Resolution 2019-018
Exhibit A - Tentative Subdivision Map 01-2015
2. Applicant letter dated October 16, 2019

Respectfully Submitted By:

Donna M. Kenney
Donna M. Kenney
Planning and Building Manager

**Planning Commission
Resolution No. 2019-018**

A Resolution of the City of Riverbank Planning Commission
Approving the Request of Westwood Country Venture, LLC for a final 1 Year Extension
of Tentative Subdivision Map 01-2015 to Develop 2.42 Acres into 28 Planned
Development Single Family Medium Density Residential Lots,
Located on Ward Avenue at Palmer Avenue.
APN: 132-036-003

Whereas, An application has been received from William Spivock of Westwood Country Venture, LLC for a final 1 year extension of Tentative Subdivision Map 01-2015 ("Ward Villas") to subdivide 2.42 acres into 28 medium density single family residential lots, APN: 132-036-003; and

Whereas, Tentative Subdivision Map 01-2015 was approved by the Riverbank Planning Commission at a regular meeting held on January 19, 2016 in the manner prescribed by law; and

Whereas, The Planning Commission reviewed a Negative Declaration with mitigation measures pursuant to the California Environmental Quality Act and considered that to be the appropriate level of environmental review; and

Whereas, All conditions of approval required of Tentative Subdivision Map 01-2015 continue to apply during the proposed 1 year extension period; and

Whereas, Tentative Subdivision Map 01-2015, as conditioned, is consistent with the adopted policies of the General Plan Land Use and Housing Elements; and

Whereas, The requested 1 year extension is required to complete the Final Map process.

NOW THEREFORE, BE IT RESOLVED that the City of Riverbank Planning Commission approves the requested final 1 year extension for Tentative Subdivision Map No. 01-2015 as shown in Exhibit "A" and subject to its Conditions of Approval and by this reference incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th day of November 2019, by the following vote -_-:

AYES: Commissioners:

NOES: None

ABSENT: None

ABSTAIN: None

Approved:

John Dinan,
Chairperson

Attest:

Donna M. Kenney,
Secretary to the Planning Commission

GENERAL NOTES:

1. ASSESSOR'S PARCEL NUMBER 132-036-003
2. TOTAL AREA: 2.42 ACRES
3. TOTAL NUMBER OF RESIDENTIAL LOTS: 28, BASIN LOT: 1
4. CURRENT ZONING: R-1 (SINGLE FAMILY RESIDENTIAL)
5. SEWER SERVICE: CITY OF RIVERBANK
6. WATER SERVICE: CITY OF RIVERBANK
7. STORM DRAINAGE: POSITIVE DRAINAGE SYSTEM TO DRAINAGE BASIN
8. ALL NEW PUBLIC UTILITIES ARE TO BE INSTALLED UNDERGROUND IN EASEMENTS. 10 FOOT WIDE PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL ROAD FRONTAGES.
9. THE PROJECT SITE SLOPES FROM NORTH TO SOUTH WITH ELEVATIONS FROM 137.5 TO 137.0.
10. ALL DIMENSIONS, DISTANCES, AREAS, ETC. ARE TAKEN FROM ASSESSOR'S DATA, RECORD INFORMATION, AND FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTUAL SURVEY.
11. ALL EXISTING STRUCTURES AND TREES ARE TO BE REMOVED.

FLOOD ZONE CLASSIFICATION

THE SUBJECT PROPERTY FOR THE VESTING TENTATIVE SUBDIVISION MAP, SHOWN HEREON, LIES WHOLLY WITHIN FLOOD ZONE X - AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN ACCORDING TO THE FLOOD INSURANCE RATE MAP OF STANISLAUS COUNTY, CALIFORNIA AND INCORPORATED AREAS, COMMUNITY #060391, PANEL 0030 E, EFFECTIVE SEPTEMBER 26, 2009 (MAP #060900300E).

OWNER

WINDWARD PACIFIC BUILDERS
CONTACT: TROY WRIGHT
139 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

SUBDIVIDER

WINDWARD PACIFIC BUILDERS
CONTACT: TROY WRIGHT
139 S. 5TH AVENUE, OAKDALE, CA 95361
(209) 521-0803

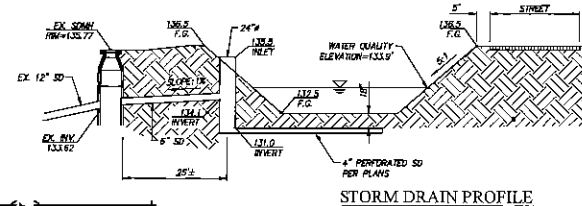
ENGINEER

HAWKINS & ASSOCIATES ENGINEERING INC.
436 MITCHELL ROAD, MODESTO, CA 95354
(209) 575-4295

STATEMENT OF SUBDIVIDER:

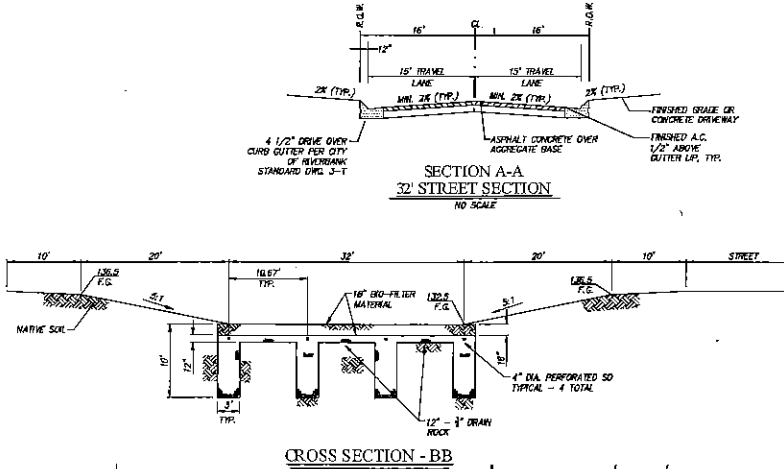
- A. ALL IMPROVEMENTS SHALL BE CONSTRUCTED PER CITY OF RIVERBANK'S STANDARD SPECIFICATIONS.
- B. STORM DRAINAGE: BY POSITIVE SYSTEM TO A STORM DRAINAGE BASIN.
- C. SEWAGE DISPOSAL: CITY OF RIVERBANK SYSTEM.
- D. WATER SUPPLY: CITY OF RIVERBANK SYSTEM.
- E. STREET LIGHTING: LIGHTING SHALL BE INSTALLED AS PER THE CITY OF RIVERBANK'S STANDARD SPECIFICATION.

F. WARD AVENUE VILLAS HOME OWNERS ASSOCIATION RESPONSIBILITIES:
A HOME OWNERS ASSOCIATION AND CC&RS WILL BE ESTABLISHED FOR THIS PROJECT. THE HOA WILL BE RESPONSIBLE FOR THE MAINTENANCE OF ALL THE COMMON AREAS. THIS WOULD INCLUDE THE INTERIOR STREET, THE DUAL USE BASIN, PARK AREA, ON-SITE STREET LIGHTING AND THE CLUSTER MAIL BOX. A BLANKET PUBLIC UTILITY EASEMENT WILL BE CREATED IN THE STREET RIGHT OF WAY FOR PUBLIC UTILITIES SUCH AS SANITARY SEWER AND CITY WATER. THE STORM DRAINAGE LINES AND FACILITIES WILL BE RESPONSIBILITY OF THE HOA.
EACH INDIVIDUAL HOME OWNER WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THEIR FRONT YARDS.

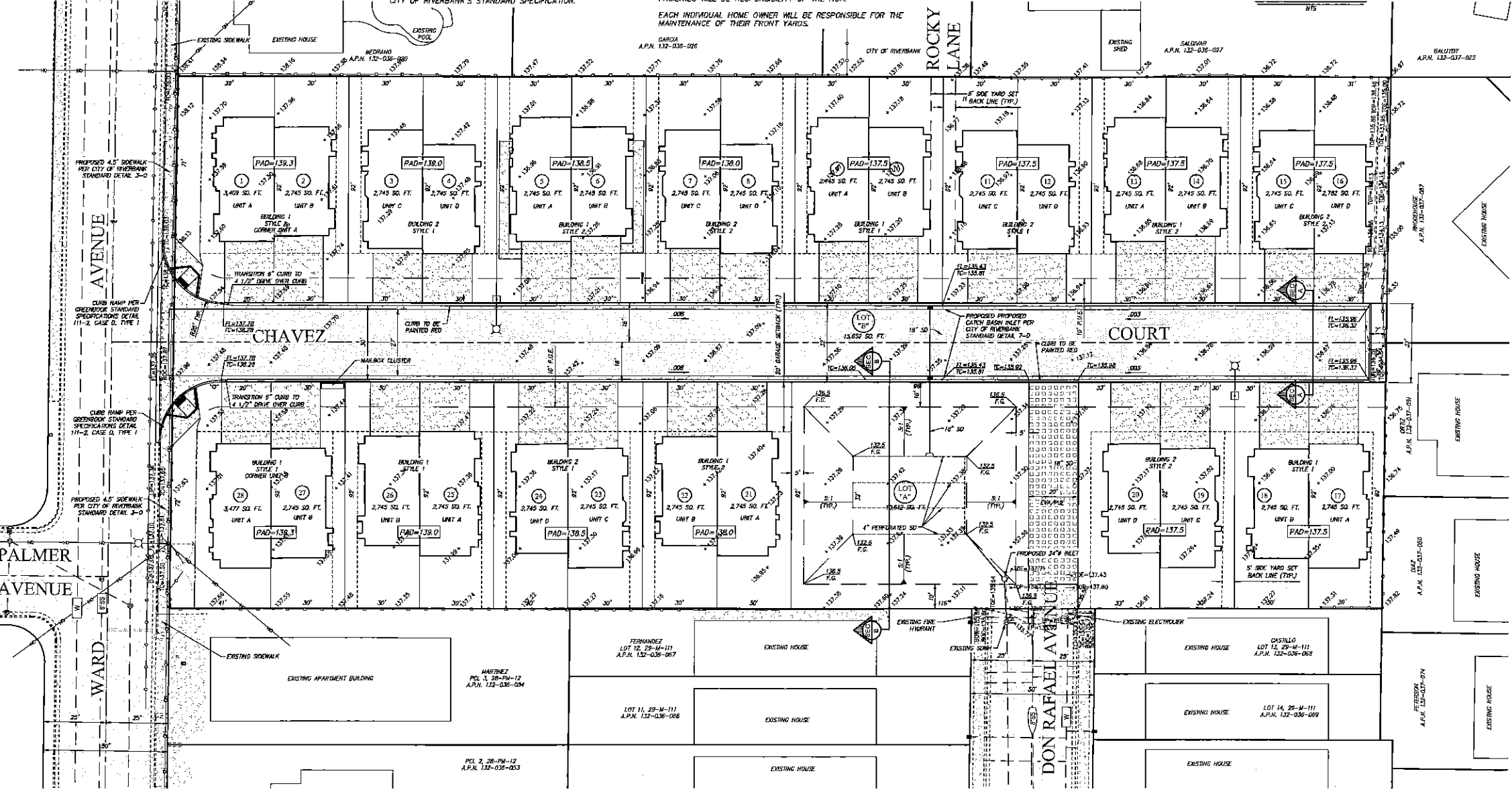


LOT SUMMARY

- LOTS 1-28: RESIDENTIAL
LOT A: DRAINAGE BASIN/OPEN USE/E.V.A./P.U.E.
LOT B: PRIVATE STREET/P.U.E.



CROSS SECTION - BB



GRADING & DRAINAGE PLAN

WARD AVENUE VILLAS VESTING TENTATIVE MAP

A.P.N. 132-036-003
2912 WARD AVENUE
RIVERBANK, CALIFORNIA

DATE: _____
SHEET 2
OF 3

DATE	DESCRIPTION OF REVISION	APPD
APRIL 2015		

**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA 95354
PH: (209) 575-4295
FX: (209) 578-4295

WESTWOOD COUNTRY VENTURE, LLC

October 16, 2019

Janet Smallen
Sr. Community Development Specialist
City of Riverbank
6707 Third Street
Riverbank, CA 95367

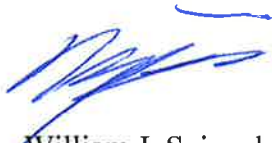
RE: Tentative Map 01-2015 – Ward Villas

Dear Ms. Smallen,

This letter shall serve as formal request to have our Tentative Map, 01-2015, on our Ward Villas be extended for one-year. We have enclosed a check made out to the City of Riverbank for \$1,563.93 for the one-year extension.

If you need any further information from us, please contact the undersigned.

Thank you,



William J. Spivock

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 2.6

November 19, 2019

APPLICATION: Robert Ball Proclamation

RECOMMENDATION: Review and approve Resolution 2019-019.

I. SUMMARY:

Robert Ball, Planning Commissioner from January 1, 2018 through October 31, 2019, has recently purchased a home and moved to Modesto. Therefore, he is unable to continue to participate on the Riverbank Planning Commission. Mr. Ball became the Planning Commission's Vice Chair on March 20, 2018 and has been doing an excellent job. He has attended every meeting asked of him and was always prepared, asking excellent questions and engaging the applicants.

II. ATTACHMENT:

1. Planning Commission Resolution 2019-019

Respectfully Submitted By:

Donna M. Kenney
Donna M. Kenney
Planning and Building Manager

Planning Commission
Resolution No. 2019-020

A Resolution of the Planning Commission of the City of Riverbank Commending Robert Ball for his Contribution to the Community of Riverbank.

Whereas, Robert Ball began his tenure as a Commissioner of the City of Riverbank Planning Commission on January 1, 2018 and was appointed Vice Chair of the Planning Commission on March 20, 2018; and

Whereas, Robert Ball has demonstrated his commitment to the Community by his participation on the Planning Commission; and

Whereas, Robert Ball, through his participation on the Planning Commission has helped the Commission in their planning decisions and demonstrated a high degree of commitment to enhancing the community of Riverbank through meaningful land use decisions.

Now, Therefore Be It Resolved, that Robert Ball is commended as an individual who stands out because of his commitment and involvement to the community of Riverbank and is thanked by the City of Riverbank Planning Commission for his service. Proclaimed this 17th day of November 2019.

John Dinan, Chair

Mallory Fenrich, Commissioner

Melissa Hughes, Commissioner

Joan Stewart, Commissioner

Steve Link, Commissioner

Donna M. Kenney
Planning and Building Manager

Janet Smallen
Recording Secretary

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

Agenda Item No. 3.1

November 19, 2019

APPLICATION:	El Mezquite Mexican Restaurant CUP 05-2019 – El Mezquite - Request for Conditional Use Permit (CUP) 05-2019 (License Type 47 – On-Sale Beer, Wine, and Distilled Spirits, General Eating Place) to serve alcohol at a new restaurant. Property is located at 2119 Patterson Road Suites 1 & 3, APN: 074-005-052.
LOCATION:	2119 Patterson Road, Suites 1 & 3 APN: 074-005-052
GENERAL PLAN:	Community Commercial (C/C)
ZONING:	General Commercial (C-2)
ENVIRONMENTAL DETERMINATION:	The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Infill Development.
PROJECT PLANNER:	Gabriel R. Salazar, Associate Planner
RECOMMENDATION:	Conditionally approve the sale of alcoholic beverages for on-premises consumption within a full service restaurant.
ACROMYMS:	ABC – Alcoholic Beverage Control CEQA – California Environmental Quality Act CUP – Conditional Use Permit RMC – Riverbank Municipal Code SF or sf – Square Feet or Foot

I. EXECUTIVE SUMMARY:

The applicant, El Mezquite Mexican Restaurant, is seeking a Conditional Use Permit to allow the sale and on-site consumption of beer, wine, and distilled spirits in a full service restaurant (License Type 47). With proper conditions addressing the sale of alcoholic beverages and properly trained staff, the use is not anticipated to impact neighboring commercial uses.

II. BACKGROUND AND ANALYSIS:

The General Plan designation of the site where El Mezquite Mexican Restaurant will be located is Community Commercial (C/C). Areas with the C/C designation are anticipated to be developed for retail, employment, and/or commercial services. These areas are located along major roadways such as Patterson Road or Oakdale Road and on the periphery of existing and planned neighborhoods.

The zoning designation of the site is General Commercial (C-2). Under RMC Section §153.361, a full-service restaurant that wants a license to sell any alcoholic beverages for on-site consumption requires a conditional use permit (CUP). Type 47 Licenses allow the on-site sale and consumption of beer, wine and distilled spirits. Various restaurants in the City along Patterson Road, such as Cool Hand Luke's and El Rosal, have Type 47 licenses. Type 41 licenses allow the on-site sale and consumption of beer and wine only. Various locations on Patterson Road such as Lucky House and the Galaxy Theater have Type 41 licenses. El Mezquite Mexican Restaurant is requesting a Type 47 license. There is no request for outdoor seating.

El Mezquite Mexican Restaurant is located in the River Heights Plaza at 2119 Patterson Road in Suites 1 & 3 (Attachment 2) and plans to open their business following this planning process. The restaurant intends to sell authentic Mexican food with drinks, including beer, wine, and distilled spirits. The restaurant is anticipating 100-150 customers per day. There are fifty-two parking spaces for the plaza, sufficient to accommodate the businesses there. The restaurant is 3,245 square feet total in size and the dining area where the alcohol would be served is approximately 1,900 square feet (Attachment 3). The business plans to be open Monday through Thursday from 6:00 a.m. to 9:00 p.m. and Friday through Sunday from 6:00 a.m. to 1:00 a.m. The restaurant anticipates having eight total employees, two shifts with four employees per shift.

The business owner, Mr. Palomino is a Riverbank resident and has owned a taqueria in the Bay Area since 2001. He commutes daily to the Bay and is excited about the opportunity to open a restaurant locally and to contribute to the economic activity in Riverbank. An approval of a Conditional Use Permit is expected to enhance the dining experience for guests and encourage visitors to the area.

The property owner representative of the subject property, Mark Purdom of AIM Property Management, has expressed support for the application. He noted that this site has been actively marketed but has remained vacant since 2016 when Bella Italia left. The ownership firmly believes that El Mezquite Mexican Restaurant will be a good operator and can succeed at this location. They also believe the liquor license is a critical component of the operation, ensuring the restaurant will be competitive and successful. There are no plans for patio or other outdoor seating.

III. ENVIRONMENTAL DETERMINATION:

The project will have minimal impact upon the environment and meets all applicable criteria to qualify as categorically exempt from further review under CEQA. The project meets the criteria of Article 19 Categorical Exemptions 15332 (a-e) In-Fill Development Projects. The project is consistent with the

applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

IV. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on November 6, 2019 and posted the same day at City Halls North and South, the library, and the Post Office. In addition, the applicant posted a Notice of Development Permit Application at 2119 Patterson Road on October 30, 2019. Thirty-nine notices were mailed to residents and businesses within 300 feet of the project site on November 5, 2019 in accordance with standard City practice. At the time of the writing this staff report (November 14, 2019), the City had not received any written public comment. Any written comments received by the City will be supplied to the Planning Commission on the day of the meeting.

V. RECOMMENDATION:

Find that the project is categorically exempt under Article 19 Section 15332 (a-e), and approve the Conditional Use Permit pursuant to the performance standards and conditions contained in attached Resolution 2019-020.

VI. ATTACHMENTS:

1. Planning Commission Resolution No. 2019-020
2. Site Plan
3. Floor Plan

Respectfully Submitted By:

Gabriel R. Salazar

Gabriel R. Salazar
Associate Planner

**City of Riverbank
Planning Commission
Resolution No. 2019-019**

A Resolution of the Planning Commission of the City of Riverbank Approving a Conditional Use Permit for the Sale of Alcoholic Beverages for On Premises Consumption (Type 47 License) for El Mezquite Mexican Restaurant Located at 2119 Patterson Road, Suites 1&3 APN: 074-005-052.

Whereas, the proposed sale of permitted alcoholic beverages is located within the City of Riverbank at 2119 Patterson Road, Suites 1&3 (APN: 074-005-052); and

Whereas, the property has a General Plan Land Use Element Designation of Community Commercial (CC); and

Whereas, the Community Commercial designation is the primary category for Riverbank to accommodate retail, employment, and/or commercial services located along major roadways on the periphery of existing and planned neighborhoods during the buildout of the General Plan; and

Whereas, the proposed conditional use permit for Andres Palominos, El Mezquite Mexican Restaurant would allow beer, wine, and distilled spirit sales within a full service restaurant located on Patterson Road, west of Oakdale Road; and

Whereas, the property has a zoning designation of General Commercial (C-2); and

Whereas, conditionally permitted uses in the C-2 District include "Sales of alcoholic beverages require a conditional use permit in accordance with §153.361 Retail Sale of Alcoholic Beverages"; and

Whereas, this use permit shall only apply indoors and shall not apply to a patio area or an indoor expansion of the restaurant unless this CUP is amended by the Planning Commission in public hearing; and

Whereas, the City of Riverbank has had an undue concentration of licenses for the retailing of alcoholic beverages in the past; and

Whereas, compliance with the conditions of this use permit is expected to mitigate impacts created by the retail sale of alcoholic beverages and will further the public convenience by providing the sale of alcoholic beverages within a commercial area.

Therefore, Be It Resolved by the Planning Commission of the City of Riverbank that it hereby approves a conditional use permit to allow the sale of beer, wine, and distilled spirits for on-site consumption at El Mezquite Mexican Restaurant, subject to the following performance standards in RMC §153.364:

1. That the activity does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area.

2. That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area.
3. That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, lewd conduct, or police detention and arrests.
4. That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance, or statute.
5. That its upkeep and operating characteristics are compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood.

Therefore, Be It Further Resolved by the Planning Commission that it hereby approves the conditional use permit, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-014 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The operator shall operate and abide under all conditions of the State of California Alcoholic Beverage Control Type 47 License, On-Sale General - Eating Place, in a full service restaurant. This Use Permit is not in effect outside of the building - there shall be no alcohol sales in any sidewalk or patio area or within an indoor expansion of the restaurant unless this Conditional Use Permit is amended by the Planning Commission.
3. Alcoholic beverages shall not be sold to underage minors pursuant to state and federal laws. The offering of sale of such will result in the automatic review and possible suspension of this use permit.
4. This use permit shall be enacted in accordance with the time limit prescribed in Section 153.216(E)(3) of the City's Municipal Code.
5. This use permit is subject to a periodic review to monitor potential problems and for possible corrective action of the Department.
6. No variance from any City of Riverbank adopted code, policy or specification is granted or implied by the approval of this resolution.
7. No live music, DJ, or dancing is permitted under this permit. Background music shall not be heard out-of-doors.
8. Externally advertising or promoting specific or individual beer, wine, and/or distilled spirits, including, but not limited to, flags, A-frames, banners, lawn signs, windows, and exterior wall signage is prohibited.

9. The restaurant shall be assessed an additional \$250 annually during the routine annual business license renewal process to offset DUI police enforcement activities.

Passed and adopted by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th day of November 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney, Secretary
Planning and Building Manager

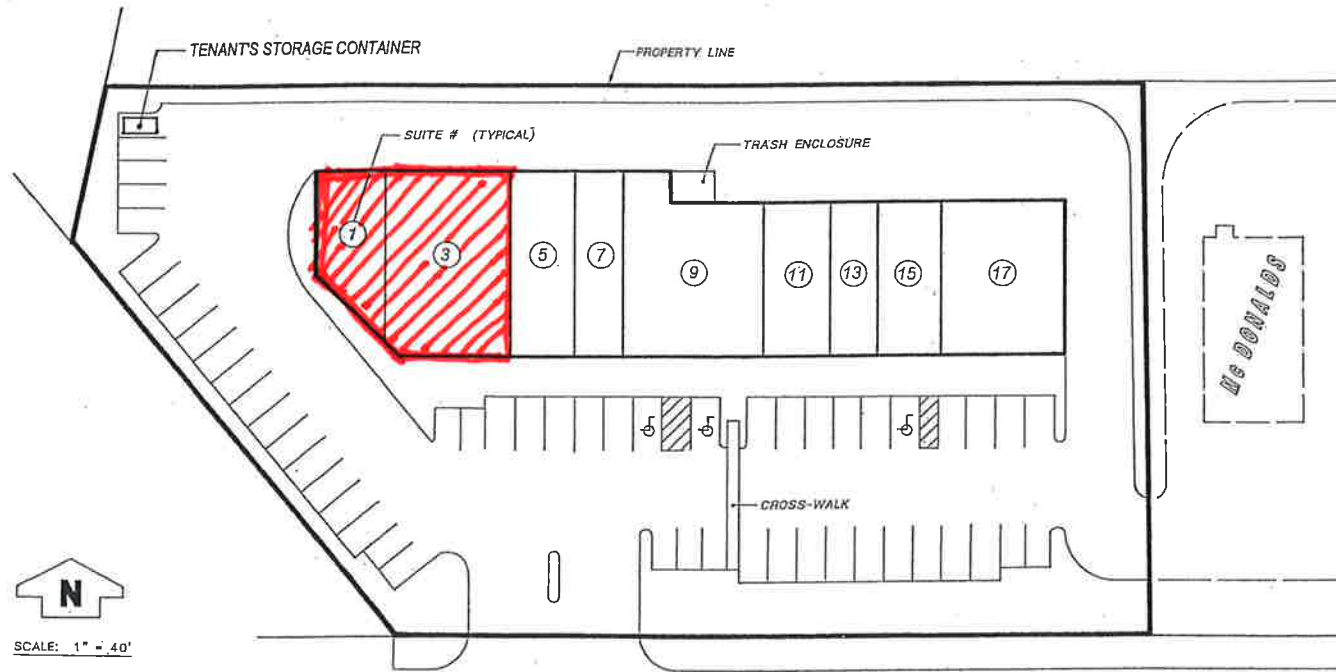
John Dinan, Chairperson
Planning Commission

RIVER HEIGHTS SHOPPING CENTER

SUITE #	AREA (+)	TENANT
1	885 S.F.	
3	2,360 S.F.	
5	1,200 S.F.	
7	900 S.F.	VALLEY DONUT
9	2,332 S.F.	RIVERBANK DENTAL

SUITE #	AREA (+)	TENANT
11	1,000 S.F.	PIZZA HUT
13	700 S.F.	FARMERS INSURANCE
15	934 S.F.	CRICKET WIRELESS
17	2,000 S.F.	
TOTAL BUILDING AREA = 12,311 S.F.		

NOTE: THIS EXHIBIT IS FOR ILLUSTRATIVE PURPOSES ONLY



SCALE: 1" = 40'
DATE: JANUARY 2019
DRAWN BY: D'ARRIGO
JOB #: L101.53

RIVER HEIGHTS SHOPPING CENTER
EXHIBIT 'B'
RIVERBANK, CA.

PLAN-TECH
920 THIRTEENTH STREET V SUITE #4
MODESTO, CA 95354 V (209).572-4206

