



CITY OF RIVERBANK
Regular Planning Commission Board Hybrid Meeting
(Virtual via ZOOM)
Tuesday, September 20, 2022 AT 6:00 P.M.
Council Chambers, 6707 Third St., Ste B, Riverbank CA 95367

PLANNING COMMISSION AGENDA

TUESDAY, SEPTEMBER 20, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT T [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES. WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

CALL TO ORDER: Chair: Steve Link

ROLL CALL: Chair: Steve Link
Vice Chair: Natasha Basso
Commissioner: John Dinan
Commissioner: Joan Stewart
Commissioner: Benjamin Reuben
Commissioner: Vacant

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 Can 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 Commission Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the Planning Commission Board.

Item 2.1: Posting of the Agenda. The Agenda for the September 20, 2022 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 15, 2022.

Item 2.2: Approval of the September 20, 2022 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.

Item 2.3: Approval of the Minutes of the June 21, 2022 & July 19, 2022 Planning Commission Meetings, having been read by the individual Commissioners and stands approved as submitted. *Abstain from voting: None.*

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Items 3.1 & 3.2 was published on September 7, 2022 in the Riverbank News.

Item 3.1: **Conditional Use Permit 03-2022 (Dept. File #22-0025) – El Jacalito / DBA: Rio Grande LLC / Joaquin Rodriguez – 3203 Atchison Street (APN 132-004-049).** The applicant requests a CUP (License Type 41 – On-Sale Beer and Wine, Eating Establishment) to serve beer and wine at the existing restaurant. Property is located at 3203 Atchison Street, APN: 132-004-049. 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.

Recommendation: Approve Resolution 2022-010 to approve the Conditional Use Permit for a Type 41 Alcohol license.

1st _____ 2nd _____

Item 3.2: **Architecture and Site Plan Review 04-2022 and Variance 01-2022 (Dept. File #22-0017) – Dutch Brothers Coffee / Barghausen Consulting Engineers, Inc. – 2300 Patterson Road (APN 075-011-002).** The project is the review of a 950 sf coffee shop with drive-through and walk-up windows and a variance to allow the east façade to be used to calculate signage and to permit 3 parking spaces to encroach into a side setback. 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.

Recommendation: Approve Resolution 2022-011 to approve the Architecture and Site Plan Review for Dutch Brothers Coffee.

1st _____ 2nd _____

Recommendation: Approve Resolution 2022-012 to approve a Variance for Dutch Brothers Coffee.

1st _____ 2nd _____

4. PLANNING COMMISSION COMMENTS

None.

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

None.

6. STAFF COMMENTS (Information Only – No Action)

None.

**7. ADJOURNMENT
Next Regular Planning Commission meeting – October 18, 2022 @ 6:00 pm**

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this 15th day of September, 2022

/s/ *Janet Smallsen, Sr. CDS, City of Riverbank*

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 Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements. A notification of 48 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. (Exception: When a State statute requires that at a public hearing that includes a substantial number of the population that are not able to speak or understand English, the City should provide interpreters. This determination is left at the discretion of the City.)

GENERAL INFORMATION

MEETING SCHEDULE: The Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

COMMISSION AGENDA & REPORTS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires 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, that are not privileged, 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.

City Hall Hours: City Hall is open to the public Monday through Thursday, 7:30 am – 5:30 pm.

QUESTIONS: Contact the Developmental Services Department at (209) 863-7191.



TELECONFERENCE/VIRUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

PUBLIC “LIVE” VIEWING

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written Comments via Mail Service: Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received **by 4:00 p.m.** on the day of the meeting. To ensure receipt call the Manager at (209) 863-7124.)

Written Comments via Email to cityclerk@riverbank.org:

- Written comments must be received **by 4:00 p.m.** on the day of the meeting (Indicate Agenda Item # in the ***subject line***.) Comments received will not be read aloud at the meeting, however, will be made part of the record and distributed to the Planning Commission prior to consideration of the matter.
- Technology is not a 100% proven communication tool; therefore, you are asked to call the Planning and Building Manager at (209) 863-7124 to verify receipt of your comments.

Join via ZOOM Platform:

- **Learn about using ZOOM** – visit <https://support.zoom.us/hc/en-us/categories/201146643>
- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
 - Join by this link: <https://us02web.zoom.us/j/89239942912>
 - Join by accessing website: <https://zoom.us/join>
 - **Webinar ID:892 3994 2912**
 - Join by telephone:**1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

ORAL COMMENTS VIA ZOOM: The Chair will announce when public comments may be made for the agenda item being considered, at which time you will:

- Using a computer – click on the “raise hand” feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- Using a Phone – press *9 to “raise the hand”.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

ORAL COMMENTS IN-PERSON: The Chair will ask the audience if anyone wishes to comment, at that time you may approach the podium.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

- Join by this link: <https://us02web.zoom.us/j/89239942912>
- Join by accessing website: <https://zoom.us/join> , enter Webinar ID: 89239942912
- Join by telephone: 1 669 900 9128 or 1 346 248 7799, plus Webinar ID 89239942912

Learn about using ZOOM – Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

Any documents that are not privileged or part of a Closed Session provided to a majority of the Planning Commission Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours.



City of Riverbank

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

This table is not for publication	
PUBLISH DATE: September 7, 2022	TO LEGAL: August 31, 2022
DEPT.: Planning	Riverbank News

NOTICE OF PUBLIC HEARING **CITY OF RIVERBANK PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that pursuant to the Governor's Executive Order N-29-20 in regards to public meeting requirements during the COVID-19 orders, the Planning Commission of the City of Riverbank will hold a public hearing on **Tuesday, September 20, 2022, at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361) in regards to teleconference/virtual public meeting requirements, the Governor's "reopening" orders, and the recent California Department of Public Health COVID orders (all of which are subject to change before the meeting date). This public hearing is to consider the following matter:

Architecture and Site Plan Review 04-2022 and Variance 01-2022 (Dept. File #22-0017) – Dutch Brothers Coffee / Barghausen Consulting Engineers, Inc. – 2300 Patterson Road (APN 075-011-002). The project is the review of a 950 sf coffee shop with drive-through and walk-up windows and a variance to allow the east façade to be used to calculate signage square footage and to permit 3 parking spaces to encroach into a side setback. 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.

Conditional Use Permit 03-2022 (Dept. File #22-0025) – El Jacalito / DBA: Rio Grande LLC / Joaquin Rodriguez – 3203 Atchison Street (APN 132-004-049). The applicant requests a CUP (License Type 41 – On-Sale Beer and Wine, Eating Establishment) to serve beer and wine at the existing restaurant. Property is located at 3203 Atchison Street, APN: 132-004-049. 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.

Planning Commission (Hybrid) Meeting
September 20, 2022 at 6:00 pm
City Hall Council Chambers - 6707 Third St., Suite B - Riverbank, California

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours.

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to dkenney@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

Oral Comments Via ZOOM or In-Person During the Meeting. Oral comments may be made at the time the Chair officially opens the hearing for public comment and in the order as called upon by the Chair. *Via In-Person:* Public attendees in the Council Chambers may approach the podium upon the Chair's request to do so. *Via Zoom:* The public participation and comment procedures are provided *on the last page of the agenda* that is posted (72) hours prior to the meeting at <http://www.riverbank.org/AgendaCenter>.

TECHNICAL DIFFICULTIES: In accordance with the amended Brown Act, if there is a disruption of the meeting broadcast, or in the ability to take call-in or internet based public comment during the conduct of the meeting, the Planning Commission will recess until the issue is resolved, or may adjourn the remainder of the agenda business to a stated time and place, which allows the current meeting to be continued.

ADA COMPLIANCE: In accordance with ADA, every effort will be made to accommodate any person requiring special assistance to participate in the meeting. Contact the City Clerk at (209) 863-7198 or cityclerk@riverbank.org at least (48) hours prior to the meeting.

Questions regarding the proposed subject matter may be made to Planning and Building Manager Donna Kenney at (209) 863-7124 or email dkenney@riverbank.org or email the City Clerk. Questions in regards to meeting procedures contact the City Clerk (209) 863-7198 or call the Administration Dept. at (209) 863-7122 prior to 4:00 p.m. on the day of the meeting.

Published this 7th day of September 2022.

/s/ Donna M. Kenney, Planning and Building Manager, City of Riverbank

AFFIDAVIT OF POSTING

I, Janet Smallen, hereby certify under penalty of perjury under the laws of the State of California that the foregoing public notice was posted on the exterior bulletin board of North City Hall, South City Hall, and at the Community Center, Riverbank, CA. Dated this 7th of September 2022.
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/s/ Janet Smallen, Senior Community Development Specialist, Riverbank, CA

For official use only:

Posted: 9/7/2022	Publish: 9/7/2022	Remove: 9/21/2022
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**PUBLIC NOTICE
NOTICE OF PUBLIC HEARING
CITY OF RIVERBANK PLANNING
COMMISSION**

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ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting.
Written comments may be delivered

in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to dkenney@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk no later than 4:00 p.m. on the day of the meeting. Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

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Published this 7th day of September 2022.

/s/ Donna M. Kenney, Planning and Building Manager, City of Riverbank

AFFIDAVIT OF POSTING

I, Janet Smallen, hereby certify under penalty of perjury under the laws of the State of California that the foregoing public notice was posted on the exterior bulletin board of North City Hall, South City Hall, and at the Community Center, Riverbank, CA.

Dated this 7th of September 2022.

/s/ Janet Smallen, Senior Community Development Specialist, Riverbank, CA

Sept. 7, 2022

RN#22-078



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

MINUTES
Tuesday, June 21, 2022
(In-Person, and Virtual via ZOOM)

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 Link, Commissioners: Dinan, Stewart, Basso and Rueben

Absent: None

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.

Chair Link and Janet Smallen declared conflicts with Item 3.1.

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.

1. *Barney Aggers stated that he is against the proposed River Walk Project.*
2. *Dan Whetstone stated that he is against the proposed River Walk Project.*
3. *Libby Longstrut stated that she is against the proposed River Walk Project.*
4. *Karen Conrotto stated that she is against the proposed River Walk Project.*

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 June 21, 2022, 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 June 17, 2022.

Item 2.2: Approval of the June 21, 2022 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 (Dinan / Reuben / passed 5-0) was approved as submitted; Motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Link, Dinan, Stewart, Basso and Reuben

Nays: None

Absent: None

Abstained: None

Item 2.3: Approval of the Minutes of the April 19, 2022, Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain due to their absence from the March 15, 2022 Planning Commission Meeting are none.*

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

Ayes: Planning Commissioners: Link, Basso, Stewart, Dinan, Rueben

Nays: None

Absent: None

Abstained: None

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Items 3.1 and 3.2 was published on June 8, 2022 in the Riverbank News.
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Item 3.1: **Conditional Use Permit 02-2022 (Dept. File #22-0014) – Janet Smullen and Randy Rocha, Daily Dose – 3310 Santa Fe Street (APN 132-012-002).** The applicant requests a CUP (License Type 41 – On-Sale Beer and Wine, Eating Establishment) to serve beer and wine at the new Daily Dose cafe. Property is located at 3310 Santa Fe Street, APN: 132-012-002. 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.

- Donna M. Kenney, Building and Planning Manager presented Item 3.1 and PowerPoint presentation.
- Staff asked applicant a few questions.
- Public Hearing opened at 6:20 p.m. Being no comments, calls or emails, the Public Hearing was closed at 6:21 p.m.

ACTION: *By motion moved/second (Stewart / Basso passed 4-0-1); motion carried by the roll call vote. Approval of Resolution #2022-007 Conditional Use Permit.*

Ayes: Planning Commissioners: Stewart, Dinan, Basso and Rueben

Nays: None

Absent: None

Abstained: Link

Item 3.2: Architecture and Site Plan Review 04-2021 / File #21-0020 – Monschein Showroom. The Project consists of the Architecture and Site Plan Review of a new showroom and office building of approximately 12,000 square feet. The existing showroom on-site will be demolished. The project is located at 6344 Roselle Avenue (APN 132-039-020). This Architecture and Site Plan Review was analyzed pursuant to the California Environmental Quality Act (CEQA). Per Section 15332 (a-e), Class 32 In-Fill Development Projects, the Project is categorically exempt.

- Donna M. Kenney, Building and Planning Manager presented Item 3.2 and PowerPoint presentation.
 - Commission discussed and asked a few questions.
 - Public Hearing opened at 6:33 p.m. being no comments, calls or emails the Public Hearing was closed at 6:37p.m.
- Mike Monschein, applicant spoke on behalf of the project.

ACTION: *By motion moved/second (Link / Basso passed 5-0); motion carried by unanimous roll call vote. Approval of Resolution #2022-008 Architecture and Site Plan Review.*

Ayes: Planning Commissioners: Link, Stewart, Dinan, Basso and Rueben

Nays: None

Absent: None

Abstained: None

4. PLANNING COMMISSION COMMENTS – NO ACTION

- John Dinan informed the rest of the Commission that he has been selected to be on the State's Senior Legislature.

5. COUNTY REFERRAL / CORRESPONDENCE / INFORMATION

None.

6. STAFF COMMENTS (Information Only – NO ACTION

- Donna M. Kenney gave an update to the Commission on projects that have been referred to City Council, such as the Pocket Senior Housing Project.
- Donna M. Kenney gave an update to the "No Dance & Car Show"

7. ADJOURNMENT - Regular Planning Commission Meeting – July 19, 2022 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

Steve Link
Chair Planning Commission



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

MINUTES
Tuesday, July 19, 2022
(In-Person, and Virtual via ZOOM)

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 Link, Commissioners: Dinan, Stewart, Basso and Rueben

Absent: None

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.

None

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.

1. *Jaime Aggers stated that she is against the proposed River Walk Project.*
2. *Barney Aggers stated that he is against the proposed River Walk Project.*
3. *Dan Whetstone stated that he is against the proposed River Walk Project.*
4. *Karen Conrotto stated that she is against the proposed River Walk Project.*

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 July 19, 2022, 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 July 15, 2022.

Item 2.2: Approval of the July 19, 2022 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 (Dinan / Reuben / passed 5-0) was approved as submitted; Motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Link, Dinan, Stewart, Basso and Reuben

Nays: None

Absent: None

Abstained: None

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Items 3.1 and 3.2 was published on July 6, 2022 in the Riverbank News.

Item 3.1: Architecture and Site Plan Review No. 04-2022 (Dept. File# 22-0011) Countryside II – LGI Homes. The project consists of the Architecture and Site Plan Review for Countryside II, a 40-lot single-family residential subdivision zoned Planned Development. LGI Homes proposes 5 master plans: three single-story plans and two 2-story plans ranging in size from 1342 sf – 2215 sf. Project location: 6073 Central Avenue (APN 062-022-019). The proposed project will not have a significant effect on the environment. The architectural review of structures for an approved subdivision is not a Project pursuant to CEQA Guidelines.

- Donna M. Kenney, Building and Planning Manager presented Item 3.1 and PowerPoint presentation.
- Planning Commission had no questions.
- Public Hearing opened at 6:18 p.m. and being no comments, calls or emails, the Public Hearing was closed at 6:19 p.m.

ACTION: By motion moved/second (Basso / Stewart passed 5-0); motion carried by the roll call vote. Approval of Resolution #2022-009 Architecture and Site Plan Review.

Ayes: Planning Commissioners: Stewart, Dinan, Basso and Rueben

Nays: None

Absent: None

Abstained: None

Item 3.2: Zoning Ordinance Amendment 01-2022 – Tiny House Village Workshop (Dept. File #22-0020). The City of Riverbank is working on a zoning ordinance amendment which will permit and regulate tiny house villages. The City's consultant, JB Anderson Land Use Planning will be holding a workshop with the Planning Commission to discuss the draft ordinance before it is brought back to the Planning Commission for a recommendation to City Council.

- Donna M. Kenney, Building and Planning Manager presented the Commission with some background and information on Item 3.2, then turned over the presentation to David Niskanen with JB Anderson Land Use Planning, the consultant working on the Zoning Ordinance.
- David Niskanen, consultant with JB Anderson Land Use Planning presented PowerPoint presentation and asked the Commission for feedback on item 3.2.

- The Commission discussed and asked questions and provided some ideas and direction with feedback to David Niskanen on his workshop materials.
- Public Hearing opened.
 - Ian Wilbur with McRoy Wilbur Communities, a local developer who has a location where they would like to build some tiny homes, gave some input to what he would like to see within his project.
 - Evelyn Halbert also spoke and had some concerns about tiny house villages in single family R-1 zoning.
- David Niskanen and Donna M. Kenney asked the Commission some additional questions to clarify direction on areas of zoning that need more research done, such as the R-1 and CX-1 zones.
- Being no further comments from the public, the Public Hearing was closed.

4. PLANNING COMMISSION COMMENTS – NO ACTION

None.

5. COUNTY REFERRAL / CORRESPONDENCE / INFORMATION

Donna M. Kenney provided information to the Commission about the City of Modesto updating their General Plan. Also, Stanislaus County engineering plan checkers have approved 4 of 7 ADU plans that will be provided free of charge to residents in multiple cities within our County.

6. STAFF COMMENTS (Information Only – NO ACTION

None

7. ADJOURNMENT - Regular Planning Commission Meeting – August 16, 2022 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

Steve Link
Chair Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

Agenda Item No. 3.1

September 20, 2022

APPLICATION: Conditional Use Permit 03-2022 (Dept. File #22-0025) – Joaquin Rodriguez, JR Business Investments LLC / El Jacalito – 3203 Atchison Street (APN 132-004-049). The applicant requests a CUP (License Type 41 – On-Sale Beer and Wine, Eating Establishment) to serve beer and wine at the existing El Jacalito restaurant. Property is located at 3203 Atchison Street, APN: 132-004-049, the former Nifty's Restaurant. 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.

OWNER: J R Business Investments LLC
5735 McBride Avenue
San Pablo, CA 94806

APPLICANT: Joaquin Rodriguez
5735 McBride Avenue
San Pablo, CA 94806

LOCATION: 3203 Atchison Street
APN: 132-004-049

GENERAL PLAN: Mixed Use (MU)

ZONING: Downtown Specific Plan (DTSP) – Highway Blvd. (HB)

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: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: Conditionally approve the sale of beer and wine for on-premises consumption within a full-service restaurant.

ACROMYMS: ABC – Alcoholic Beverage Control
CEQA – California Environmental Quality Act
CUP – Conditional Use Permit
DTSP – Downtown Specific Plan

HB – Highway Boulevard
RMC – Riverbank Municipal Code
SF or sf – Square Feet or Foot

I. EXECUTIVE SUMMARY:

The applicant, Joaquin Rodriquez / El Jacalito Taqueria (“El Jacalito”), is seeking a Conditional Use Permit to allow the sale and on-site consumption of beer and wine in a full-service restaurant (License Type 41). With proper conditions addressing the sale of beer and wine and properly trained staff, the use is not anticipated to impact neighboring uses.

II. BACKGROUND AND ANALYSIS:

The General Plan designation of the site where El Jacalito is located is Mixed Use (MU) and the zoning is Highway Boulevard (HB) in the Downtown Specific Plan (DTSP). Areas with the MU General Plan designation are anticipated to accommodate neighborhood-scale retail uses, offices, personal and commercial services and similar land uses. Similarly, the HB zoning district promotes a mix of uses in boulevard-scale buildings which create an attractive and welcoming edge to the Downtown Specific Plan area along SR 108. Streetscape designs are supportive of new investment and create a pedestrian and bicycle friendly environment. Commercial, workplace, and residential uses are “on display” along the city’s primary automobile thoroughfares.

Under DTSP Section 2.2.2, eating and drinking establishments which want a license to sell alcoholic beverages for on-site consumption are required to obtain a conditional use permit (CUP). Type 41 Licenses allow the on-site sale and consumption of beer and wine only in full service restaurants. Various locations on Atchison Street and Patterson Road such as Lucky House and the Galaxy Theater have Type 41 licenses.

El Jacalito is located in the Downtown Specific Plan area at 3203 Atchison Street. The restaurant currently serves Mexican style food with soft drinks. The restaurant is anticipating 50 +/- customers per day. There are twenty-three (23) parking spaces on site. The Downtown Specific Plan allows street parking to be used within 800 feet of a business. There are ten (10) spaces combined adjacent to the restaurant on 2nd Street and Atchison Street. The restaurant is approximately 1371 square feet total in size. The business plans to be open Monday, Tuesday, and Friday from 8:00 am to 9:00 pm, closed Wednesday and Thursday, then open Saturday and Sunday 7:00 am to 9:00 pm. The restaurant anticipates having 4-5 employees per shift. This restaurant will be one of the few downtown eateries open on Tuesdays. An approval of a Conditional Use Permit is expected to enhance the dining experience for their afternoon and evening guests, encouraging visitors to the area.

III. GENERAL PLAN CONSISTENCY:

This Conditional Use Permit project is consistent with the following general plan policies:

Policy LAND-3.5 “The City will encourage development and redevelopment of downtown as a mixed-use area, high-activity area. Development and retention of retail and visitor-oriented uses...will be encouraged.” *El Jacalito is expected to serve 50 +/- customers per day, people who are able to enjoy a meal and a drink in our downtown.*

Policy LAND-4.3 “The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means.” *By allowing El Jacalito a CUP to serve beer and wine, the City is investing in a small business which will bring visitors to our downtown.*

IV. ENVIRONMENTAL DETERMINATION:

The project will have minimal impact upon the environment because the use will occur within an existing building. There is no expansion proposed for the building. It 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 the applicable zoning designation and regulations.

V. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on September 7, 2022. It was posted at City Halls North and South, the Community Center, and the Post Office on September 8, 2022 and was emailed to the library on that same day. Public notices were mailed to residents and businesses within 300 feet of the project site on September 1, 2022 in accordance with standard City practice. In addition, the applicant posted a Notice of Development Permit Application at 3203 Atchison Street on September 2, 2022. At the time of the writing this staff report (September 15, 2022), the City had not received any public comments on the issuance of the CUP. Any written comments received by the City after the agenda is posted will be provided to the Planning Commission on the day of the meeting.

VI. 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 2022-010.

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2022-010
2. Site Plan
3. Floor Plan

Respectfully Submitted By:

Donna M. Kenney

Donna M. Kenney
Planning & Building Manager

**City of Riverbank
Planning Commission
Resolution No. 2022-010**

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 41 License) for El Jacalito Taqueria Located at 3203 Atchison Street, APN: 132-004-049

Whereas, the applicant proposes on-site beer and wine sales for El Jacalito Taqueria, located at 3203 Atchison Street (APN: 132-004-049); and

Whereas, the property has a General Plan designation of Mixed Use (MU) and is zoned Highway Boulevard (HB) in the Downtown Specific Plan (DTSP); and

Whereas, areas with the MU General Plan designation are anticipated to accommodate neighborhood-scale retail uses, offices, personal and commercial services and similar land uses during the buildout of the General Plan; and

Whereas, the HB zoning district promotes a mix of uses in boulevard-scale buildings which create an attractive and welcoming edge to the Downtown Specific Plan area along SR 108. Streetscape designs are supportive of new investment and create a pedestrian and bicycle friendly environment. Commercial, workplace, and residential uses are “on display” along the city’s primary automobile thoroughfares; and

Whereas, Section 2.2.2 Land Use Categories of the DTSP requires a Conditional Use Permit (CUP) be obtained for eating and drinking establishments serving alcoholic beverages; and

Whereas, the proposed conditional use permit for 3203 Atchison Street will allow beer and wine sales within a full-service restaurant; 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 and wine for on-site consumption at El Jacalito Taqueria, 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 41 License, On-Sale General - Eating Place, in a restaurant.
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. 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.
8. 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 20th day of September 2022, by the following vote __:__

AYES: Commissioners:

NAYS:

ABSENT:

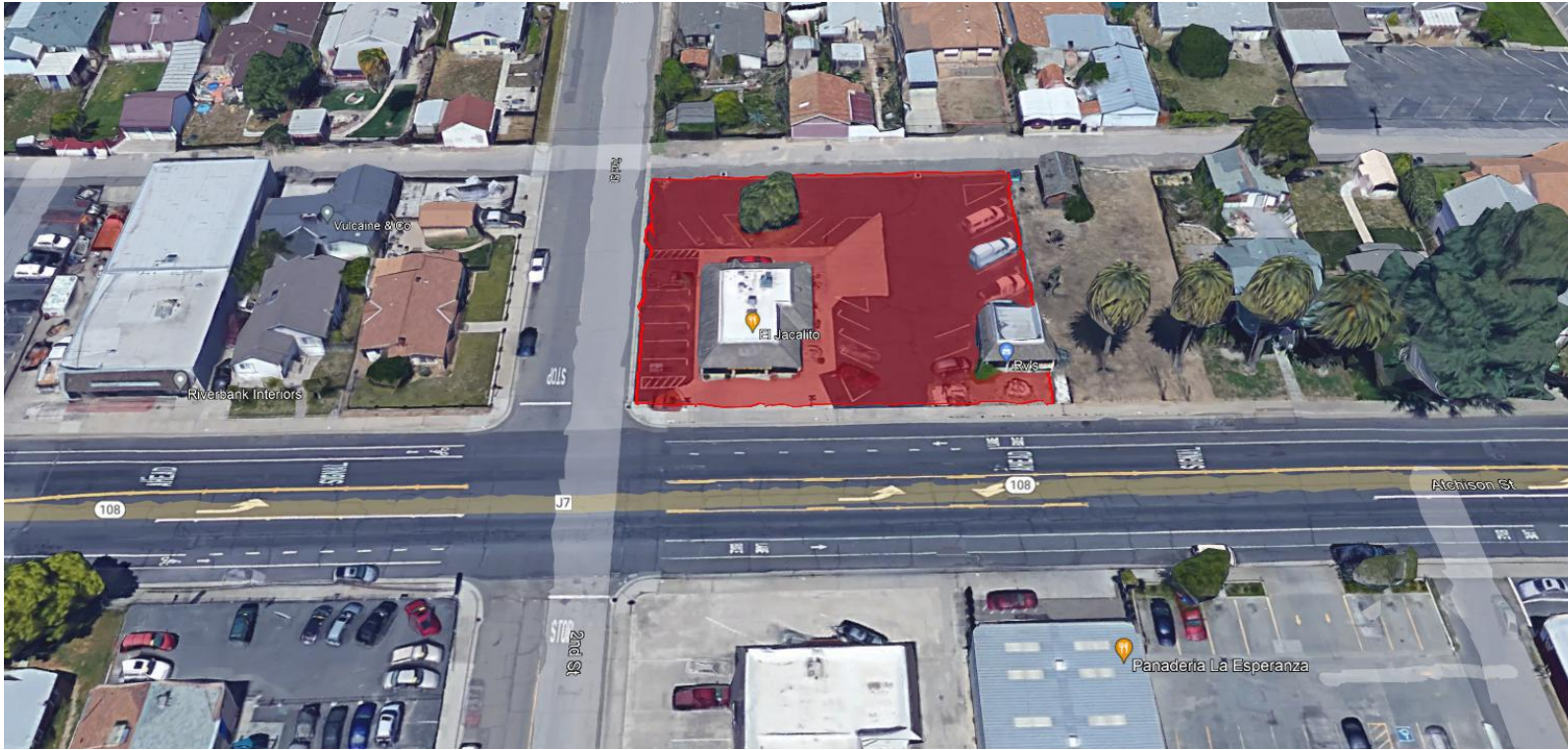
ABSTAIN:

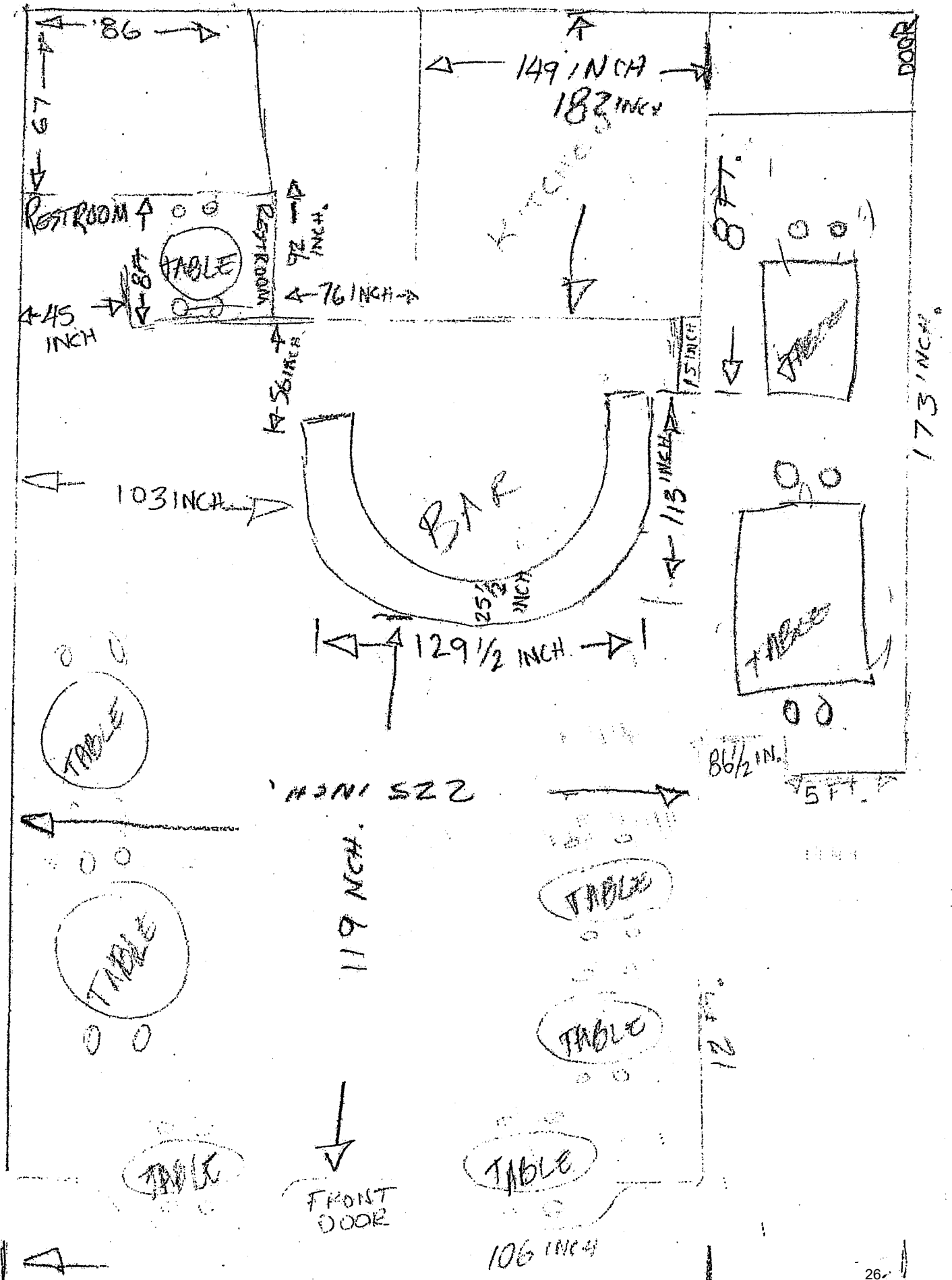
Attest:

Approved:

Donna M. Kenney, Secretary
Planning and Building Manager

Steve Link, Chairperson
Planning Commission





**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.2

September 20, 2022

Architecture and Site Plan Review 04-2022 and Variance 01-2022 (Dept. File #22-0017) – Dutch Brothers Coffee / Barghausen Consulting Engineers, Inc. – 2300 Patterson Road (APN 075-011-002). The project is the architectural review of a 950 sf coffee shop with drive-through and walk-up windows and a variance to allow the east façade to be used to calculate signage and to permit 3 parking spaces to encroach into a side setback. 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 LOCATION: 2400 Patterson Road (APN: 075-011-002)

OWNER: Arnold Setleff
3225 High Street
Riverbank, CA 95367

**APPLICANT
REPRESENTATIVE:** Sandra Fox, Senior Engineer
Barghausen Consulting Engineers, Inc.
409 Pine Street, Suite 200
Klamath Falls, OR 97601

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 CEQA Article 19 Section 15332 (a-e) Infill Development.

PROJECT PLANNER: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: Approve Architecture and Site Plan Review 04-2022 subject to the conditions in attached Resolution 2022-011 and approve Variance 01-2022 subject to the findings in attached Resolution 2022-012.

ACROMYMS: CEQA – California Environmental Quality Act
sf – Square Foot or Feet

I. EXECUTIVE SUMMARY:

The applicant proposes the demolition of existing structures, including a vacant residence with a well and septic system. The project also proposes the construction of a 950 sf Dutch Brothers Coffee (“Dutch Brothers”) shop with drive-through and walk up windows, dual queuing lanes for nineteen (19) to twenty (20) vehicles, parking for eleven (11) vehicles, and new landscaping throughout the site. Besides the Architecture and Site Plan Review of the project, a Variance is also requested to permit the east side of the building to be used for sign calculation purposes and to allow three (3) parking spaces to extend into the west side setback.

II. BACKGROUND & PROJECT INFORMATION:

The project site, 2300 Patterson Road, is a narrow rectangular shaped lot on the south side of Patterson Road, east of Oakdale Road and west of Estelle Avenue. The subject site is approximately 0.77 acres in size and currently has a vacant residence with unattended landscaping and abandoned vehicles on it. The project site is surrounded by vacant land and the Rear End Shop to the east, additional vacant land and a residential subdivision to the south, a commercial shopping center to the west, and a parking lot and commercial businesses across Patterson Road to the north. The proposed use, a retail coffee shop, is permitted by right in the General Commercial (C-2) zoning district.

Dutch Brothers Coffee has more than 500 locations in 11 states with over 12,000 employees. The 3 main company values are speed, quality, and service. In addition to serving drinks and prepackaged food, the company strives to excel in philanthropy benefitting not only the communities where they are located, but also larger efforts such as the Muscular Dystrophy Association. They give back through fundraisers, grants, and donations.

All Dutch Brothers Coffee locations serve coffee roasted in Grants Pass, Oregon. Along with hot and cold brewed coffees, the menu includes a variety of Dutch Brothers Blue Rebel Energy Drinks, cocoa, lemonade, soda, smoothies, and tea options. Packaged foods include muffin tops and granola bars.

Requested Approvals:

- Architecture and Site Plan Review 04-2022
- Variance 01-2022

III. ANALYSIS:

A. Architecture and Site Plan Review

1. Site Plan

The proposed site plan (Attachment 3) shows a rectangular-shaped lot with a chain link fence and landscaping to the west, which separates the project site from an existing shopping center. The site plan shows an off-set driveway into the property, which will be shared with the adjacent property to the east. This configuration will allow both properties to utilize the existing center turn lane in Patterson Road. The applicant is required to work with Caltrans to resolve any access issues.

The layout of the site was designed to create the best possible flow and the maximum queuing of vehicles possible to reduce any impact and spillover onto Patterson Road. Entering vehicles will move south through the site, past the building and parking lot to dual queuing lanes that will accommodate nineteen to twenty (19-20) vehicles. The perimeter of the parcel is dedicated to landscaping. The site can meet all the city's C-2 zoning development standards except for the location of three (3) parking spaces (Attachment 4).

2. Building Design

The proposed structure is Dutch Brothers' standard building plan but with the façade facing the west side of the property instead of Patterson Road due to the narrow width of the site (Attachment 5). Walls are a mixture of vertical siding with some areas in horizontal siding for contrast. Awnings, doors, and split-face blocks break up wall mass and provide visual interest. A taller parapet feature and lower electrical room provide a contrast in height from the main body of the building. A 336 sf canopy over the pedestrian window will provide shade and weather protection while customers are ordering. Corporate colors include Western Wave (blue metal siding), Charcoal (split face concrete blocks), Gray Dark and Gray Light (awnings and doors), aluminum windows, and a white roof (Attachment 6).

Site lighting is important for the safety and security of customers, pedestrians, and employees. Outdoor lighting and illumination at the site include parking lot security lighting and pedestrian scale lighting within the patio space and along the pedestrian walkway. The drive-through area will be provided with security lighting. All lights will include shields to direct light toward the project site and keep glare away from the adjacent land uses and rights-of-way.

3. Parking and Traffic

Vehicle circulation on the site moves, for the most part, in a counterclockwise direction. Customers using the drive-through window will drive past the main structure, through the parking area, and enter the queuing lanes at the south part of the property. The queuing lanes turn north and follow the eastern property line to the drive-through window. Drivers will then exit the main entrance drive aisle at the northeast corner of the site.

While Dutch Brothers Coffee does not have daily customer count data for the region, the peak hours are anticipated to be 7:00 am – 9:00 am and 3:00 pm – 5:00 pm. Based on available data at established sites in Northern California, it is common to observe a maximum queue of up to fourteen (14) vehicles during the morning peak hours and up to twelve (12) vehicles in the afternoon peak hours. This site will accommodate nineteen (19) to twenty (20) vehicles in the queue.

Dutch Brothers Coffee will be open twenty-four (24) hours per day. A typical store will have three (3) shifts with four (4) to twelve (12) employees per shift, based on size and how busy the shop is. Usually there are three (3) to four (4) full time positions and twenty-five (25) to thirty (30) part time positions created with a new store.

The parking requirement for restaurants is one (1) space per three (3) seats plus any additional spaces as prescribed by the Community Development Director. The Dutch Brothers Coffee proposal does not call for any seating. The parking requirement for retail stores and service establishments is one (1) space for every three hundred (300) square feet of gross floor area. When this ratio is applied, the site requires four (4) parking stalls. Eleven (11) parking stalls are proposed. Three (3) of these stalls need to extend into the side setback landscaping, therefore the applicant has applied for a Variance.

4. Signage

The principle frontage of the building is defined as the wall of the structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designed as the principle frontage. Per this definition, the length of the wall fronting Patterson Road is only twenty-four and one-half (24.5) lineal feet due to the narrow width of the property and the accommodation of vehicle access on both sides of the building (4 sf per lineal foot for the first 50 feet). This would provide the site with a maximum of ninety-eight (98) square feet of signage (approximately one 10' x 10' sign for the entire building). For this reason, the applicant has applied for a Variance to use the east wall of the building for sign calculations. Signage will be reviewed under a separate application.

B. Variance

An application for a Variance has been received from Ms. Sandra Fox for Dutch Brothers Coffee requesting that:

- a. the east elevation wall length be used to calculate signage for the new building instead of the façade/north elevation; and
- b. a reduction in the west side setback be allowed to accommodate safe traffic maneuverability for three (3) parking spaces.

The proposed sign package contains one (1) forty (40) sf monument sign set back from Patterson Road that is eight (8) feet in height. This sign is meant to be visible from rights-of-way without impeding the visibility of pedestrians, bicyclists, and motorists.

IV. FINDINGS:

A. General Plan Consistency Findings

Pursuant to the City of Riverbank General Plan, the Planning Commission must make the following findings relevant to the Architectural and Site Plan Review:

1. Policy Design 2.3: The City will require appropriate signage and traffic control devices to safely accommodate pedestrian, bicyclists, and vehicular traffic. *The proposed site will contain a parking lot and dual drive-through lanes with appropriate signage and traffic control devices. Bicycle parking will be accommodated in a location near the building. Pedestrians will use sidewalks and a safe path of travel to access the building from Patterson Road.*
2. Policy Design 8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement needs and ensure the aesthetic appeal of new development and rehabilitation. *The proposed structure will replace a vacant house and abandoned cars, which will aesthetically enhance the appearance of surrounding commercial properties.*
3. Policy Design 10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic. *The existing sidewalks on Patterson Road will be extended in front of this site. Bicyclists and pedestrians will have a safe path of travel to access the business.*
4. Policy Design 10.7: The City will require a strong pedestrian orientation through the design of buildings, streets and sidewalks in commercial and mixed-use projects. The City will encourage construction of continuous building facades with attractive window treatments and minimal, or no, setback distance from sidewalks. *The proposed building will have a walk-up window for pedestrians to order and outdoor seating which will make it pleasant and safe for pedestrians.*

B. Variance Findings

A variance is a special request for the city to waive or alter one or more specific development standards in a zoning district. When practical difficulties, unnecessary hardship, or outcomes inconsistent with the general purpose of the code may result from its strict application, a variance may be granted by the Planning Commission.

1. Are there special circumstances applicable to the property including size, shape, topography, location or surroundings, in which the strict application of zoning standards would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classifications?
 - a. Signage – The configuration of the property is relatively unique; it is deep and narrow and dictates the layout of the site. The frontage along Patterson Road is 113.41 feet and the normal façade of the Dutch Brothers building is 49 feet. Areas to the sides of the structure could not accommodate the dual drive-through lanes, the parking lot, landscape areas and bicycle and pedestrian access. If the structure were sited with the longer façade facing Patterson Road, the project would not support many of the General Plan Goals and Policies in the Community and Character design section.
 - b. Parking -

V. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on September 7, 2022 and posted at City Hall North, South, Post Office and Community Center on September 7th. It was published on the City website on September 7th. In addition, the Applicant posted a Notice of Development Permit Application at 2300 Patterson Road on September 9, 2022. Also, public notice mailers were distributed to residents and business within 300 feet of the Project site in accordance with City standard practices on Thursday, September 1, 2022. At the time of writing this Staff Report (September 15, 2022), City staff has not received any written public comment, but any written comments received subsequent to this date shall be supplied to the Commission on the day of the meeting.

VI. CONCLUSION:

... For these reasons, staff recommends the approval of Architecture and Site Plan Review 04-2022 and Variance 01-2022.

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2022-011 (ASPR)
2. Planning Commission Resolution No. 2022-012 (Variance)
3. Site Plan
4. Variance Site Plan

- 5. Elevations
- 6. Colors and Materials
- 7. Floor Plan

Respectfully Submitted By:

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

**City of Riverbank
Planning Commission
Resolution No. 2022-011**

**APPROVAL OF ARCHITECTURE AND SITE PLAN REVIEW 04-2022
FOR DUTCH BROTHERS COFFEE AT
2300 PATTERSON ROAD (APN 075-011-002)**

WHEREAS, an application has been received from Barghausen Consulting Engineers, Inc, representative for Dutch Brothers Coffee for the Architecture and Site Plan Review of a new approximately 950 square foot coffee shop at 2300 Patterson Road (APN 075-011-002); and

WHEREAS, the Planning Commission held a public hearing on September 20, 2022 to consider Architecture and Site Plan Review 04-2022 and take public comment; and

WHEREAS, the proposed project is exempt from analysis per the California Environmental Quality Act (CEQA) Section 15332 (a-e), Class 32 In-Fill Development Projects; and

WHEREAS, the Riverbank Planning Commission has made the following required findings:

1. The proposed project, together with the provisions for its design and improvements, is consistent with the goals, policies, program and uses of the General Plan; and
2. The proposed Architecture and Site Plan Review along with the Conditions of Approval is in conformity with both the intent and provisions of the Zoning Ordinance, Title 153, of the City of Riverbank Code of Ordinances and the Downtown Specific Plan; and

WHEREAS, the proposed project is consistent with the following General Plan policies:

1. Policy DESIGN-2.3: The City will require appropriate signage and traffic control devices to safely accommodate pedestrian, bicyclists, and vehicular traffic; and
2. Policy DESIGN-8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement need and ensure the aesthetic appeal of new development and rehabilitation; and
3. Policy DESIGN-10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and

parking areas to building entrances while minimizing conflicts with motor vehicle traffic; and

WHEREAS, the request and plans of Dutch Brothers Coffee are hereby granted and approved, subject to the following conditions of approval:

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 project; and
2. The applicant shall build the entire project according to the site plans and elevations date stamped August 18, 2022, and on file with the Community Development Department and presented to the Planning Commission as part of this action; and
3. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required; and
4. Driveway and sidewalks need to conform to current ADA standards; and
5. Stormwater Plan including geo report, calculations, and hydromodification shall be submitted. A storm filter and drainage maintenance agreement between the project owner and the City is required to be signed; and
6. The water system shall be shown on plans including the backflow device, fire department connection, water meters (1. building service and 2. landscaping), post indicator valve, and water service to the building; and
7. SWWWP for development must be submitted; and
8. ADA signage for entrance to parking lot must be installed (11B-502.8) and utilities shall be undergrounded: electrical, communications, gas, water, fire line, and sewer; and
9. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
10. Provide City Standard details for water and sewer connections; and
11. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code; and

12. The Community Development Director requires and shall approve a bicycle rack design before its installation. Installation shall occur near the new building before Building Final; and
13. An application, landscape and irrigation plans including documentation package, water efficient landscape worksheet, soil management report, slopes, drainage patterns, pad elevations, and finished grade conforming to the state's MWELo requirements, and current fee shall be submitted and approved by the City before the issuance of a Building Permit. Landscaping and irrigation shall be installed and approved before Building Permit Final; and
14. A covered trash enclosure consistent with the City's standards is required near the new building; and
15. New signage shall be reviewed and approved under a separate permit; and
16. All exterior lighting shall be LED and focused downward on the site.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 04-2022 is hereby approved, subject to those conditions established by Resolution No. 2022-011 and as illustrated in **Exhibit A**, Site Plans; **Exhibit B**, Floor Plan; and **Exhibit C**, Elevations.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 20th of September 2022; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____-____:

AYES: Commissioners:

NOES: None

ABSENT: None

ABSTAIN: None

Attest:

Approved:

Donna M. Kenney, Secretary
Planning Commission

Steve Link, Chairperson
Planning Commission

Exhibit A – Site Plans
Exhibit B – Floor Plan
Exhibit C - Elevations

**City of Riverbank
Planning Commission
Resolution No. 2022-012**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
FINDING AND GRANTING THE APPROVAL OF VARIANCE NO. 01-2022 FOR
DUTCH BROTHERS COFFEE (APN 075-011-002)**

Whereas, an application for a Variance has been received from Barghausen Consulting Engineers, Inc. for Dutch Brothers Coffee requesting that:

- a. the east elevation wall length be used to calculate signage for the new building instead of the north elevation;
- b. a reduction in the west side setback be allowed to accommodate safe traffic maneuverability for three (3) parking spaces; and

Whereas, the property, located at 2300 Patterson Road is zoned General Commercial (C-2) with a General Plan designation of Community Commercial (C/C); and

Whereas, the Planning Commission held a public hearing on September 20, 2022 to consider the application; and

Whereas, Public Notice for the Public Hearing was published in the Riverbank News on September 7, 2022 and notices to individual property owners within three hundred (300) feet were mailed on September 1, 2022; and

Whereas, the applicant, Barghausen Consulting Engineers, Inc., has provided evidence as part of this application that the narrow property frontage creates practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the C-2 Zoning District; and

Whereas, the Planning Commission of the City of Riverbank believes the following three (3) findings required under Riverbank Municipal Code Section 153.217, Variance can be supported:

1. Because of special circumstances applicable to the property including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives the subject property of the privileges enjoyed by other properties in the vicinity and under identical zone classifications; and
2. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner and will not constitute a grant of special privileges; and
3. The granting of such application will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances

of the particular case be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood; and

Whereas, the Planning Commission of the City of Riverbank declares:

1. Notice has been given in the time and in the manner required by State Law and City Code; and
2. A Variance application has been submitted with two requests:
 - a. the east elevation wall length (49.6') be used to calculate signage for the new building instead of the north elevation which faces Patterson Road (25');
 - b. a reduction (5') in the west interior side setback (15') be allowed to accommodate safe traffic maneuverability for three (3) parking spaces; and
3. The proposal complies with the following General Plan Policies: DESIGN-10.4 and DESIGN-12.3; and
4. The property is zoned General Commercial (C-2) and is of level grade with a narrow frontage on Patterson Road which makes the operation of a commercial business complex and difficult; and
5. That the mandatory findings for granting a Variance, RMC Section 152.217 Variance, are found to exist and evidence is found to exist which supports the two requests of Barghausen Consulting Engineers, Inc..

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Variance Application No. 01-2022 is approved by Resolution No. 2022-012.

Passed and adopted this 20th day of September 2022, by the following vote:

Ayes: Commissioners

Noes:

Absent:

Abstain:

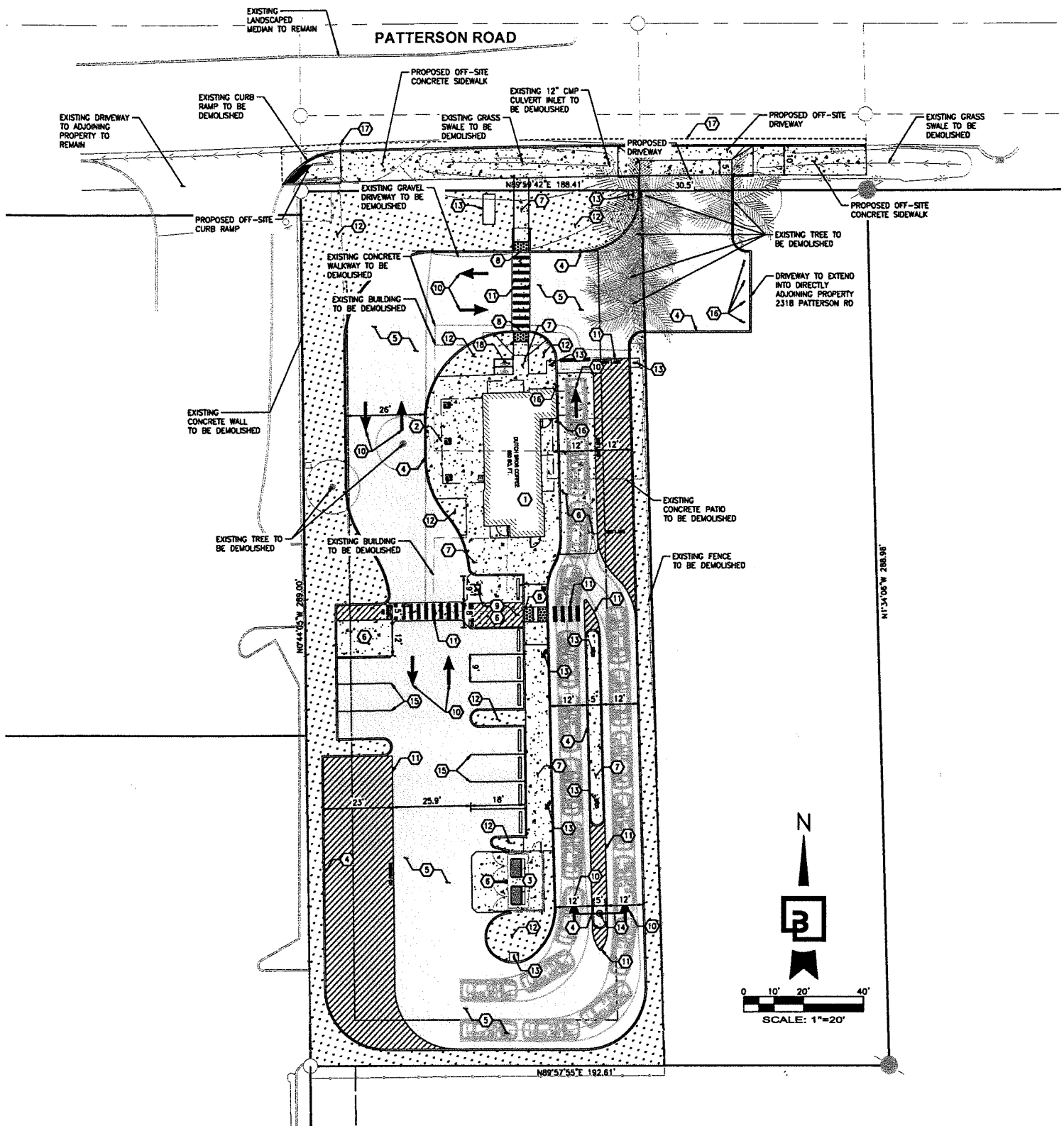
Attest:

Approve:

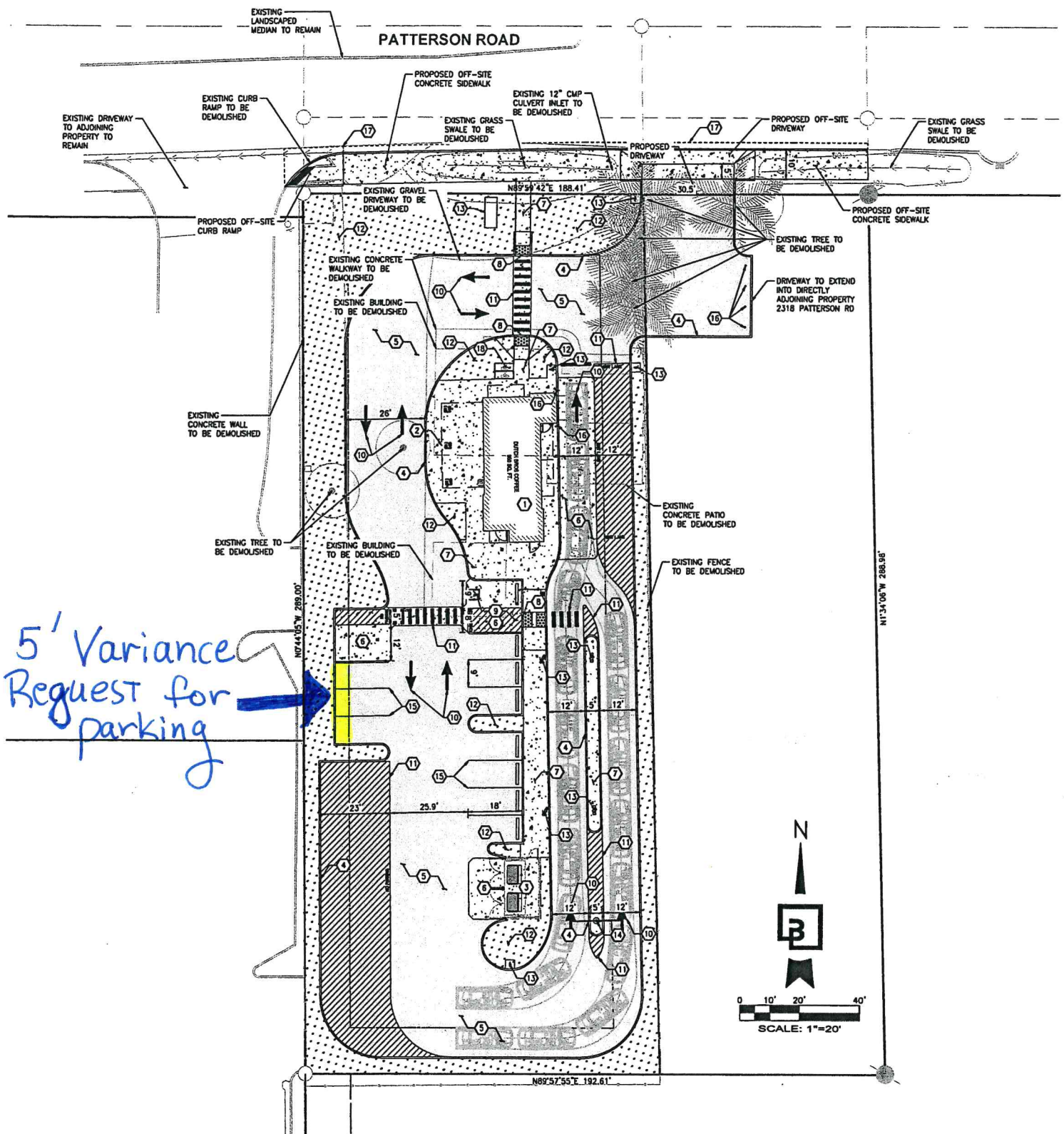
Donna M. Kenney, Secretary
Planning Commission

Steve Link, Chair
Planning Commission

DUTCH BROS. COFFEE - CA0913 - RIVERBANK, CA

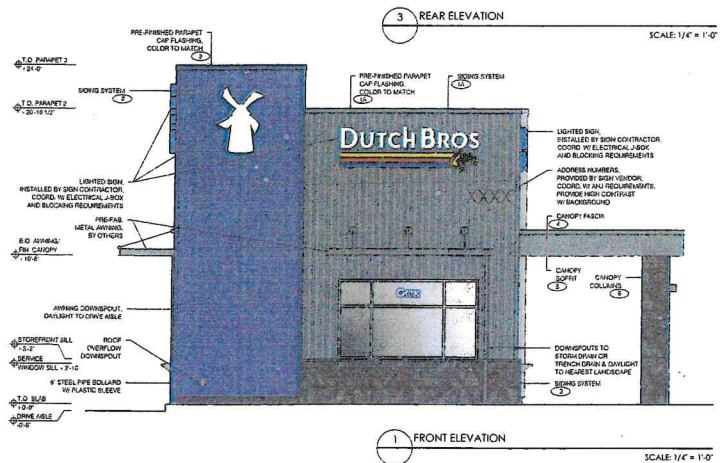
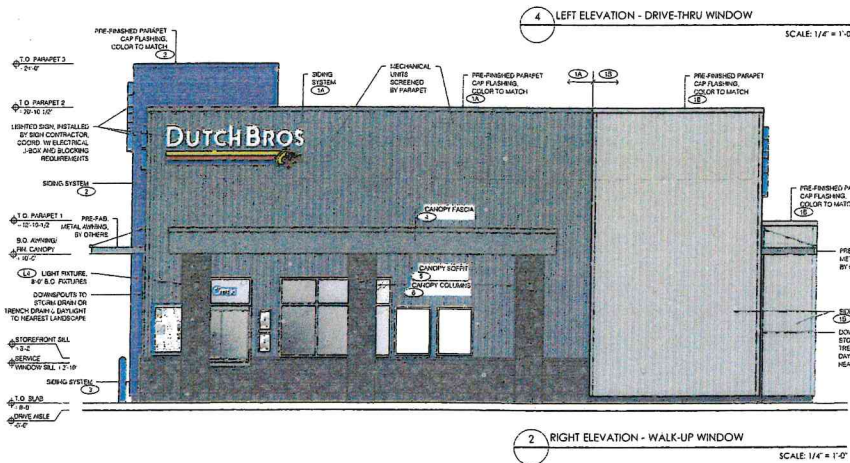
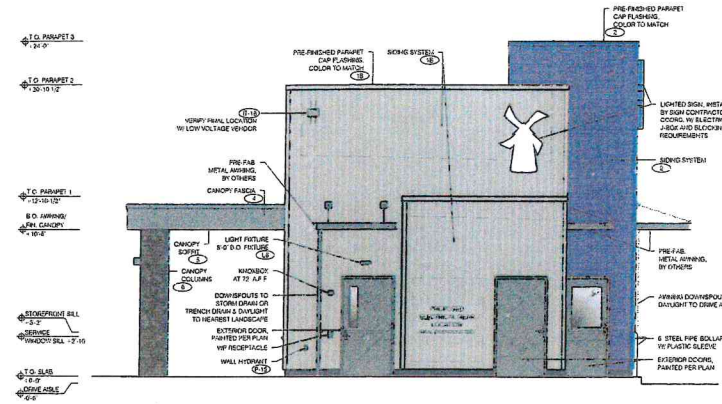
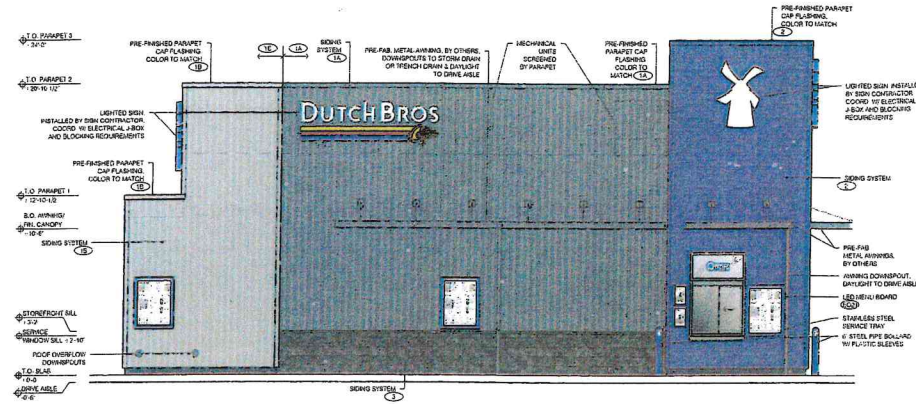


DUTCH BROS. COFFEE - CA0913 - RIVERBANK, CA

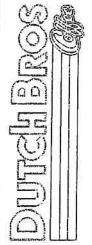


DUTCH BROS. COFFEE - CA0913 - RIVERBANK, CA

EXTERIOR FINISH SCHEDULE - PROTOTYPICAL w/ CANOPY				
ID TAG	MATERIAL	MANUFACTURER	MODEL	REMARKS
ZONE 1 (BODY)				
1A	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: VERTICAL; COLOR: BLDG DB DARK GRAY
1B	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: VERTICAL; COLOR: BLDG DB LIGHT GRAY
ZONE 2 (TOWER)				
2	METAL PANEL	WESTERN STATES METAL ROOFING	WESTERN WAVE, 24 ga.	ORIENTATION: HORIZONTAL; COLOR: BLDG DB BLUE
ZONE 3 (BASE)				
3	CMU VENEER AND SILL	WILLAMETTE GRAYSTONE	4-8-16, SPLIT FACE	COLOR: CHARCOAL - REVIEW FINAL COLOR SELECTION W/ DBC
ZONE 4 (FRAMED CANOPY)				
4	FASCIA	WESTERN STATES METAL ROOFING	T-GROOVE, 10"	3 SIDES: COLOR: BLDG DB DARK GRAY
5	SOFFIT	HEWEN ELEMENTS	NATURAL NORTHWESTERN SPRUCE	146 TAG, 1/8" REVEAL, SEALED
6	COLUMNS	WILLAMETTE GRAYSTONE	4-8-16, SPLIT FACE, 3-SIDES	COLOR: CHARCOAL - REVIEW FINAL COLOR SELECTION W/ DBC
NOTE: GC TO PROVIDE 2"x4" SMOOTH DOWNSPOUTS, AND ALL NECESSARY ADAPTORs, AT AWNING AND CANOPY LOCATIONS; COLOR: BLDG DB DARK GRAY				



BUILDING ELEVATIONS - COLORED
2300 PATTERSON ROAD
RIVERBANK, CA 95067



For

Series

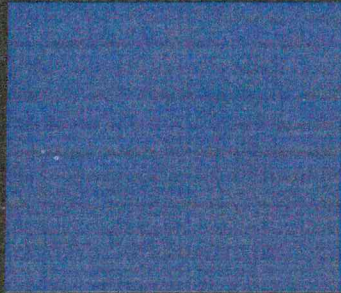
Horizontal

Vertical

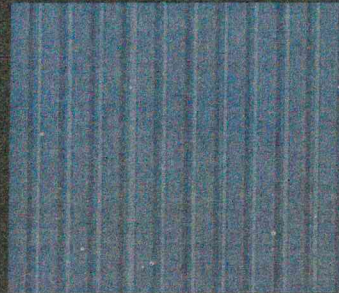
Designed by
Drawn by
Checked by
Approved by
Date 08/04/22

Barghausen Consulting Engineers, Inc.
1825 72nd Avenue South
Kent, WA 98032
425.251.6222
barghausen.com

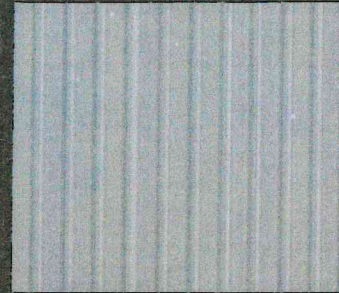
22246
Sheet
A21



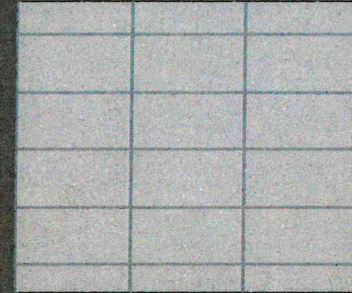
METAL SIDING
MANUFACTURER: WESTERN STATES
METAL ROOFING
PROFILE: WESTERN WAVE - HORIZONTAL
COLOR: BLDG DB BLUE



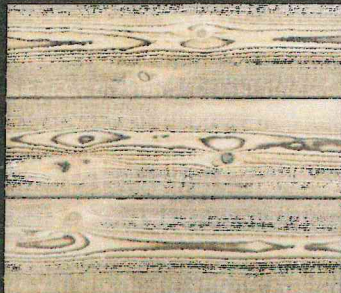
METAL SIDING
MANUFACTURER: WESTERN STATES
METAL ROOFING
PROFILE: WESTERN WAVE - VERTICAL
COLOR: BLDG DB GRAY DARK



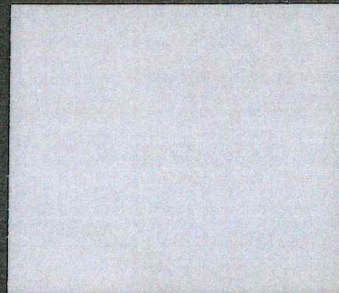
METAL SIDING
MANUFACTURER: WESTERN STATES
METAL ROOFING
PROFILE: WESTERN WAVE - VERTICAL
COLOR: BLDG DB GRAY LIGHT



CMU
MANUFACTURER: WILLAMETTE-
GRAYSTONE
PROFILE: SLIT FACE
COLOR: CHARCOAL, OR SIM.



CANOPY SOFFIT
MANUFACTURER: HEWN
PROFILE: NW SPRUCE
NATURAL & SEALED
COLOR: PER MFR.



WINDOW SYSTEM
MANUFACTURER: KAWNEER OR SIMILAR
PROFILE: CLEAR ANODIZED ALUMINUM
FINISH: CLEAR NO 14 / 17

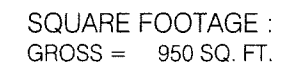


AWNINGS & DOORS - PAINT
MANUFACTURER: SHERWIN-WILLIAMS
COLOR: BLDG DB GRAY DARK



ROOFING MATERIAL
MANUFACTURER: DURO-LAST
DL-60 - 60 MIL
COLOR: WHITE

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CITY OF RIVERSIDE
MAY 31 1988
RECEIVED - CIVIL SERVICE

PRELIMINARY NOT FOR CONSTRUCTION



FLOOR PLAN

SCALE: 3/8" = 1'-0"



Job Number
22246

**Barghausen
Consulting Engineers, Inc.**
18215 72nd Avenue South
Kent, WA 98032
425.251.6222 **barghausen.com**

Sheet
A1.0
2023 DR
Manufacturing USA, LLC

Designed	<u>JAH</u>	Scale: _____ Horizontal _____ Vertical _____
Drawn	<u>JAH</u>	
Checked	<u>JAH</u>	
Approved	<u>HPG</u>	
Date	<u>05/24/22</u>	

For:

DUTCHBROS

Time

FLOOR PLAN

2300 PATTERSON ROAD
RIVERBANK, CA 95367