

PLANNING COMMISSION

Chair, Michael Halterman
Vice Chair, John Dinan
Commissioner, Taide Zamora
Commissioner, Joan Stewart
Commissioner, Natasha Basso
Alternate, Armando Jr. Rodriguez
Alternate, Alex Rodriguez



CITY OF RIVERBANK

Planning Commission Meeting

Council Chambers
6707 Third Street • Suite B
Riverbank, CA 95367

[JUNE 16, 2026] — [6:00 P.M.]

(THE AGENDA PACKET IS ONLINE AT [HTTPS://RIVERBANKCA.PORTAL.CIVICCLERK.COM/](https://riverbankca.portal.civicclerk.com/))

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **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.
4. **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 3 minutes (or as stated by the presiding Officer) and 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 Members.
5. **CONSENT CALENDAR** All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission Board unless 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 5.1.** Posting of the Agenda. The Agenda for the June 16, 2026, 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 11, 2026.
 - Item 5.2.** Approval of June 16, 2026, 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 5.3. Approval of May 19, 2026, Special Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted.
Abstain: None

6. PUBLIC HEARING - (Public Notice for items 6.1 and 6.2 was published on June 3, 2026, in the Riverbank News).

Item 6.1. TIME EXTENSION APP. NO. 01-2026 FOR ARCHITECTURE AND SITE PLAN REVIEW NO. 09-2023 (DEPT. FILE NO. 23-0026) – LUCKY HOUSE TINY HOMES

Request for a one-year time extension to extend the life of Architecture and Site Plan Review (ASPR) 09-2023 to June 18, 2027. The ASPR permitted the development of thirty-eight detached residential dwellings with private streets, located at 0 Ward Avenue, between Don Court and Don Carlos Avenue (APN 075-010-065). The project is exempt from CEQA per Section 15332, In-Fill Development Projects.

Item 6.2. CONDITIONAL USE PERMIT APP. NO. 02-2026 (DEPT. FILE NO. 26-0015) – TARGET CORPORATION

Request for a Conditional Use Permit to amend Target's existing Department of Alcoholic Beverage Control Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of distilled spirits, and to allow a Type 86 Instructional Tasting license, located at 2425 Claribel Road, between Oakdale Road and Squire Wells Way (APN 075-093-031). The project is exempt from CEQA per Section 15301 – Existing Facilities.

7. STAFF COMMENTS / INFORMATIONAL UPDATES (Information only - No action)

Item 7.1. Joshua Mann, Community Development Director provided an update to Commissioners on recent and upcoming items.

8. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION - (Information only - No action)

Item 8.1. None.

9. ADJOURNMENT - Next Regular Planning Commission Meeting - July 21, 2026 @ 6:00 p.m.

AFFIDAVIT OF POSTING

I hereby certify, under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted at the meeting location, on the North City Hall public exterior bulletin board, South City Hall public exterior Bulletin, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.
Posted this 11th Day of June, 2025

/s/ Janet Smullen, Sr. CDS, City of Riverbank



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. 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 for accessibility.

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 Council/LRA Board shall be in English and anyone wishing to address the Council 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.

TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC "LIVE" VIEWING

- Government Channels: Charter — 2 and AT&T U-VERSE — 99
- YouTube Live — City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter.

Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 p.m., please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 5:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn: City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Director of Community Development - jmann@riverbank.org
(*Note: This technology is not a guaranteed method.*)
 - Indicate Agenda Item # in the *subject line*. (Call 209-863-7198 / 209-863-7122 to ensure receipt.)
- **Oral Comments In-Person:** The Mayor will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on 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 alert staff that you wish to speak, and you will be unmuted.
 - **Using a Phone** — press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.
 - (Please make sure the volume on your device is on and that any nearby device or any nearby device is turned down.)

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/86737881996>

Join by accessing website: <https://zoom.us/join> — enter Webinar ID: **867 3788 1996**

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PLANNING COMMISSION

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CITY OF RIVERBANK

Planning Commission Meeting

Council Chambers
6707 Third Street • Suite B
Riverbank, CA 95367

MINUTES

MAY 19, 2026 — 6:00 PM

(THE AGENDA PACKET IS ONLINE AT [HTTPS://RIVERBANKCA.PORTAL.CIVICCLERK.COM/](https://riverbankca.portal.civicclerk.com/))

1. CALL TO ORDER

Chair: Michael Halterman called meeting to order at 6:00 p.m.

2. ROLL CALL

Present: *Chair: Michael Halterman, Vice Chair: John Dinan, Commissioners: Taide Zamora, Joan Stewart, Natasha Basso and Commissioner Alternates: Armando Rodriguez Jr. and Alex Rodriguez*

Absent: *None*

3. 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: Michael Halterman recused himself from item 6.1 due to conflict.

4. 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. Individual comments will be limited to a maximum of 3 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.

Mark Heinzinger resident asked about the new Crossroads West Shopping Center and the lack of sidewalks.

Joshua Mann, Community Development Director, responded to his comment.

5. 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 5.1. Posting of the Agenda. The Agenda for May 19, 2026, 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 May 14, 2026.

Item 5.2. Approval of May 19, 2026, 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 5.3. Approval of March 31, 2026, Special Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted. Abstain: None.

ACTION: *By motion moved/second for items 5.1–5.3 were approved by Zamora / Basso passed as submitted. Motion was carried by the following roll call vote.*

Ayes: Planning Commissioners: Halterman, Dinan, Zamora, Stewart, and Basso

Nays:None

Abstained:None

Absent:None

6. PUBLIC HEARING - (Public Notice for items 6.1 and 6.2 was published on May 6, 2026, in the Riverbank News).

Item 6.1. CONDITION OF APPROVAL AMENDMENT FOR VESTING TENTATIVE SUBDIVISION MAP NO. 01-2025 (DEPT. FILE NO. 25-0010) – MEADOWVIEW – Reso. # 2026-005

The project is a request to amend Condition of Approval No. 9 applied to Vesting Tentative Subdivision Map No. 01-2025 to allow a slope easement in lieu of a block retaining wall, located at 4537 California Avenue, at the northwest corner of the Snedigar Road and California Avenue intersection (APN 062-021-007). The project is exempt from CEQA per Section 21159.21 (a-j), Exemption for Qualified Housing Projects.

Joshua Mann, Community Development Director, presented item 6.1 and a PowerPoint presentation.

Michael Halterman recused himself from item 6.1 due to a conflict of interest.

Commissioner Stewart asked what the benefit of the change would be.

Joshua Mann responded that the city standards of the option and to provide flexibility to the

developer.

The public hearing was opened.

Cary Pope applicant spoke on behalf of the project and stated they wanted options for either standard.

With no further comments, the public hearing was closed at 6:20 p.m.

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

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

Nays: None

Abstained: Chair Halterman

Absent: None

Item 6.2. CONDITIONAL USE PERMIT NO. 01-2026 (DEPT. FILE NO. 26-0010) – MCRITCHIE COMMUNITY CENTER – Reso. # 2026-006

The project is a request for a Conditional Use Permit to allow the existing McRitchie Community Center to be rented out for events and to be able to serve alcoholic beverages during events, located at 6600 3rd Street, between Santa Fe and Stanislaus Street (APN 132-012-024). The project is exempt from CEQA per Section 15301, Existing Facilities.

Teresa McDonald, Senior Planner, presented item 6.2 and the PowerPoint presentation.

Commissioner Basso asked about the ABC License and who was applying for it.

Teresa McDonald responded that it allows the County to rent the space for events that would be able to serve alcohol.

The Public Hearing opened at 6:27 p.m.

Zoom caller Evelyn Halbert had technical difficulties and we could not hear her.

Being no further comments, the public hearing was closed at 6: 30 p.m.

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

Ayes: Planning Commissioners: Halterman, Dinan, Zamora, Stewart, and Basso

Nays: None

Abstained: None

Absent: None

7. NEW BUSINESS

Item 7.1. GENERAL PLAN AMENDMENT 01-2025, ZONING ORDINANCE AMENDMENT 01-2025, SPECIFIC PLAN AMENDMENT 01-2025, REZONE 02-2025 (DEPT. FILE 25-0030) – HOUSING ELEMENT ADOPTION, LAND USE ELEMENT AMENDMENT, ZONING ORDINANCE AMENDMENTS AND 6TH CYCLE HOUSING ELEMENT IMPLEMENTATION REZONES

Approval of a Resolution of the Planning Commission of the City of Riverbank, California, recommending to City Council the Approval of a General Plan Amendment to adopt the 6th Cycle Housing Element, amend the General Plan Land Use Element to establish a maximum density for the Higher Density Residential and Mixed Use General Plan Land Use Designations, and to authorize Staff to submit the 6th Cycle Housing Element to the State of California Housing and Community Development Department for Certification

Approval of a Resolution of the Planning Commission of the City of Riverbank, California, recommending to City Council the approval of an Ordinance amending the Riverbank Municipal Code by amending Sections §153.067 And §153.071 and adding Sections §153.166 Through §153.169 entitled “Regional Housing Needs Assessment Overlay”

Approval of a Resolution of the Planning Commission of the City of Riverbank, California, recommending the City Council approval of site-specific General Plan Amendments and an Ordinance for Specific Plan Amendment to the Crossroads Community Specific Plan, and site-specific Rezones associated 6th Cycle Housing Element Implementation Rezones.

The Project is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Public Resources Code 21080.085

David Niskanen contract Planner with J.B. Anderson Land Use Planning, presented item 7.1 and PowerPoint.

The public hearing opened at 6:37 p.m.

Being no comments, the public hearing was closed at 6:38 p.m.

ACTION: *By motion moved/second (Dinan / Basso passed 5-0) was approved as submitted; Motion carried by unanimous roll call vote. Ayes: Planning Commissioners: Halterman, Dinan, Zamora, Stewart, and Basso*

Nays: None

Abstained: None

Absent: None

8. CORRESPONDENCE/ COUNTY REFERRALS

Item 8.1. Tivoli North- Notice of Preparation

Item 8.1: *Informed the Planning Commission that we received a Notice of Preparation for an upcoming project known as Tivoli North.*

9. STAFF COMMENTS / INFORMATIONAL UPDATES

Item 9.1. Joshua Mann, Community Development Director provided an update to Commissioners on recent and upcoming items and provided an article from Farmland Working Group.

10. ADJOURNMENT - Next Regular Planning Commission Meeting - June 16, 2026 @ 6:00 p.m.

ATTEST: (Adopted 00/00/0000)

APPROVED:

Joshua Mann
Community Development Director

Michael Halterman
Chair

**CITY OF RIVERBANK PLANNING COMMISSION
STAFF REPORT**

ITEM NO: 6.1 **June 16, 2026**

APPLICATION: **Time Extension Application No. 01-2026 for Architecture and Site Plan Review No. 09-2023 (Dept. File No. 23-0026) – Lucky House Tiny Homes**
Request for a one-year time extension to extend the life of ASPR 09-2023 to June 18, 2027. The ASPR permitted the development of thirty-eight detached residential dwellings.

OWNER: Yongwei Huang

APPLICANT: Yongwei Huang

REPRESENTATIVE: NA

LOCATION/APN: 0 Ward Avenue, between Don Court and Don Carlos Avenue

ASSESSOR'S PARCEL: 075-010-065

GENERAL PLAN: Mixed Use (MU)

ZONING: Mixed Use District (CX-1) Zone

ENVIRONMENTAL DETERMINATION: CEQA Exempt – 15332, In-Fill Development Projects

PROJECT PLANNER: Teresa McDonald, Senior Planner

RECOMMENDATION: Make the required findings for project approval and adopt Resolution No. 2026-010 approving Time Extension Application No. 01-2026

EXECUTIVE SUMMARY

This is a request for a one-year time extension to extend the life of Architecture and Site Plan Review (ASPR) No. 09-2023 (Dept. File No. 23-0026) – Lucky House Tiny Homes, from June 18, 2026, to June 18, 2027. The ASPR permitted the development of thirty-eight detached residential dwellings

ANALYSIS

Architecture and Site Plan Review Application No. 09-2023 (Dept. File No. 23-0026) was approved by the Planning Commission on June 18, 2024, by Planning Commission Resolution No. 2024-003, to allow the project site to be developed with thirty-eight detached residential dwellings with private streets located on one legal parcel. The June 18, 2024, Planning Commission Staff Report has been provided as Attachment 2.

In accordance with Section 153.217(G)(3) of the Riverbank Municipal Code, Architecture and Site Plan Reviews expire 24 months after approval unless prior to the expiration date, a valid building permit is in effect for the construction of necessary buildings or appurtenances of the review. The Planning Commission may extend the life of the permit by one year, provided such use is still permitted in the district in which it is proposed to be located. As the permit was approved on June 18, 2024, it is set to expire June 18, 2026. To date, no building permit has been issued for the construction of the project. Accordingly, the applicant has submitted a Time Extension request which, if approved by the Planning Commission, would extend the expiration date to June 18, 2027.

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 the California Environmental Quality Act (CEQA). The proposed Project meets the criteria of Categorical Exemption 15332, 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.

RECOMMENDATION

Staff recommend the Planning Commission approve the request and adopt Resolution No. 2026-010, approving Time Extension Application No. 01-2026, based on the discussion above and on the whole of the record provided to the City. If the Planning Commission approves the project, the aforementioned Resolution provides an overview of the findings and actions required for project approval.

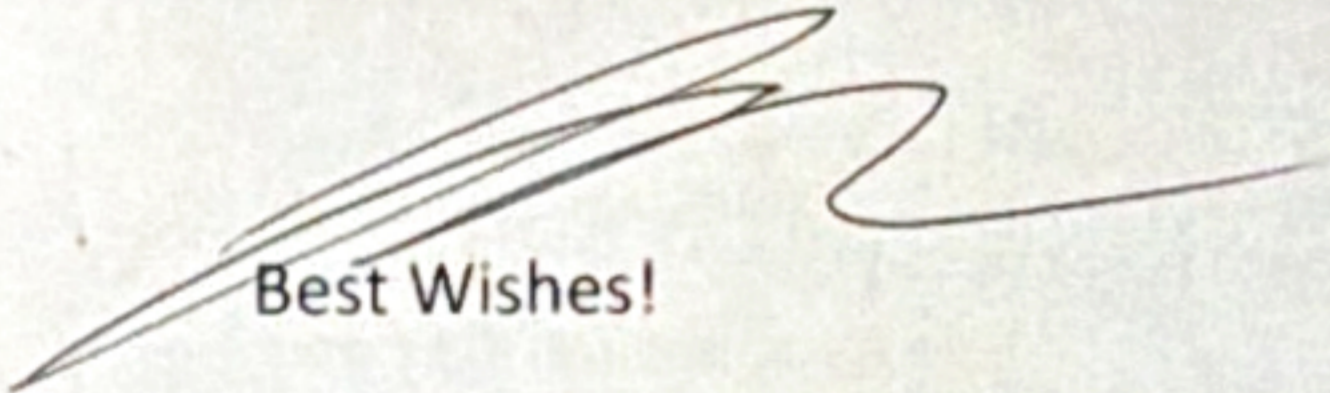
ATTACHMENTS

1. Time Extension Request
2. June 18, 2024, Planning Commission Staff Report
3. Planning Commission Resolution No. 2026-010 (Time Extension Application No. 01-2026)

Respectfully Submitted By: Teresa McDonald, Senior Planner

To whom it may concern,

On behalf of Yongwei Huang, the owner of the Tiny House Project, we request a one (1) year time extension for our Lucky House project. It is currently set to expire on 6/18/2026 and we are currently working on some pre-development research that will need more time and we cannot disclose for the time being and hope you understand our situation. We all appreciate your help!



Best Wishes!

Winnie Huang

5/20/2026

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.2

June 18, 2024

Architecture and Site Plan Review 09-2023 (Dept. File #23-0026) – Lucky House Tiny Homes.

Mid-Valley Engineering, applicant for Architectural and Site Plan Review Application No. APSR 09-2023 is proposing the development of a multi-family residential project consisting of thirty-eight detached residential dwellings with private streets on a vacant 2.25-acre property located on the north side of Ward Avenue.

APPLICANT: Mid-Valley Engineering, Inc.
1117 I Street
Modesto, CA 95354

OWNER: Yongwei Huang
2730 Patterson Road
Riverbank, CA 95367

PROJECT LOCATION: Between Ward Avenue and the westerly extension of Ross Avenue, also located between the northerly extension of Howard and Don Avenues (APN 075-010-065).

PRESENT LAND USE: Inactive and vacant land

GENERAL PLAN: Project Site: Mixed Use (MU)
To the North of the site: Mixed Use (MU)
To the East: Low Density Residential (LDR)
To the South: Low Density Residential (LDR)
To the West: Mixed Use (MU)

ZONING: Subject Site: Mixed Use District (CX-1) Zone
To the North of the Site: Mixed Use District (CX-1) Zone
To the east: Single Family Residential District (R-1) Zone
To the south: Single Family Residential District (R-1) Zone
To the west: Commercial-Industrial (CM) Zone

ENVIRONMENTAL DETERMINATION:	The proposed project was evaluated by staff and determined that the project is Categorically Exempt under CEQA, Section 15332 – Class 32: In-Fill Project.
PROJECT PLANNER:	Miguel Galvez, Contract Planner
RECOMMENDATION:	Approve Planning Commission Resolution No. 2024-03, Approving Architecture and Site Plan Review Application No. ASPR NO. 09-2023, subject to the findings and conditions of Approval as listed in Attachment 1
ACROMYMS:	CEQA – California Environmental Quality Act ASPR – Architecture and Site Plan Review SF – Square Foot or Feet RMC – Riverbank Municipal Code

I. EXECUTIVE SUMMARY:

Mid-valley Engineering, the applicant for the property owner, Yongwei Haung, applied for an ASPR application to develop a multi-family project consisting of thirty-eight detached tiny homes and private streets on a 2.25-acre property located on the northside of Ward Avenue between Howard and Don Avenues, see **Attachments 2**, Location Map, **Attachment 7**, Site Plan and **Attachment 8**, Elevations and Floor Plans. The subject site is bounded by Ward Avenue on the south and the westerly extension of Ross Avenue on the north, see **Attachment 3**, Aerial Map. The proposed project is considered Categorically Exempt under CEQA Section 15332 – In-fill Development.

II. SITE INFORMATION:

The 2.25-acre property has been vacant for many years. Single family residential developed properties are located to the east and south of the project site. A trucking business is located west of the site. A household waste recycling business and a tile fabrication and installation business are presently operating north of the project site. Ross Avenue right-of-way terminates at the northeast corner of the subject property. A paved private road extends west of the Ross Avenue right-of-way onto the subject property. A communication cell tower is located at the northwest of the site and situated on a separate parcel. Communication Tower equipment was recently installed east of the Communications Tower site on the project site without the consent of the property owner and the equipment will have to be relocated. A Twelve-foot-wide alley is located east of the project site and a gate was installed to control access between the alley and the project site.

A six-foot-high wood board fence is located along the eastern property line. There is no fencing on the northern property boundary to buffer the subject property from land uses located to the north. A private paved road is located along the northern boundary of the project site and serves to provide access to the communications tower parcel. The Ross Avenue public street is presently fenced off at the northeast corner of the site. A six-foot-high chain link fence is located along the western property line. A six-foot-high chain link fence with slats is presently located along the southern property line along Ward Avenue. However, the fencing on the southern property line was recently damaged by a hit and run driver.

A 15-foot-wide sanitary sewer easement runs along the property's northern property line along the existing private paved road. In addition, an electrical utility line is also located along the private (Ross) road alignment. An Oakdale Irrigation District standpipe is located at the southeast corner of the property.

PROJECT BACKGROUND

The applicant initially desired to develop a tiny home subdivision under the City's recently adopted Tiny House Ordinance. With lot and house size limits in this Ordinance, the applicant decided to develop the property as a multi-family development project under the Mixed-Use District (CX-1) zoning designation. All of the proposed tiny homes will be located on one parcel.

The applicant proposes this project in response to a lack of affordable housing units available to employees of the applicant's associated businesses. Moreover, the applicant is interested in securing financial assistance from the City and/or the State to make the proposed housing units affordable with long term affordability covenants. The applicant has yet to apply for or receive any financial assistance for development of the project. One of the funding requirements is to have an approved land use entitlement, (i.e., approval of an ASPR application) for the development of the project.

III. ANALYSIS:

A. Site Plan.

The project includes the development of thirty-eight detached dwellings (tiny homes), measuring in size from 426 to 805 square feet, see **Attachments 7 and 8**, Site Plan, Elevations and Floor Plan. Each dwelling unit will be provided with one (9' x 18') off-street parking space for a total of thirty-eight parking spaces. One of the units will be set aside for use by an on-site property manager. Each of the dwelling units will be provided with a fenced private patio area of at least three hundred square feet in size.

A six-foot-high concrete masonry wall is proposed along the western property next to the trucking business. A new six-foot-high wood board fence is proposed along the eastern property line next to the existing residential development. A six-foot-high fence/barrier is also proposed along the north of the property, north of the proposed private road pavement. The existing chain link fencing at the Ross Avenue right-of-way access point will be removed to provide vehicular and pedestrian access to areas north of the site.

B. Parking and Circulation

The project will be served by two private streets in a north to south alignment. These streets will be 37-foot-wide and have an access and utility easement. These private roads will have direct access onto Ward and Ross Avenues. The project site will also be served by two twenty-seven (27) foot wide alley drive lanes that will connect to the private roads. They will also serve to provide vehicular access to private driveways and serve as access and utility easement. The alleyways will be designated as a no parking fire lane.

Each dwelling unit will be provided with one off-street parking space. There are no designated visitor parking spaces, and visitor parking may occur on Ward Avenue or along one side of the private road.

The westerly extension of Ross Avenue, as a private road, will be developed to a 35-foot-wide part-width street. It will incorporate an additional 12-foot paved lane on the adjacent property to the north, which is also owned by the applicant. Ward Avenue is proposed to be developed as a public street, with a 50-foot right-of-way, to current City Standards for a 100-foot-wide Collector Street standard. Vertical curbs, gutters and sidewalks will be developed for all the private and public streets.

The alley located to the east serves properties north of Ward Avenue and south of Ross Avenue. It may serve to provide vehicular access to the rear of these properties. It may also serve as an easement for existing utilities. The subject project proposes terminating access to and from this alley. Any vehicles using the 12-foot-wide alley will now have to back out of the alley as access to the west onto the project site will be ended.

C. Utilities

A French drain system is proposed to capture and dispose of all stormwater run-off collected on site. Stormwater run-off that sheet-flows from the northern property will be directed to remain on that property. Individual garbage totes are proposed for each dwelling unit. An Oakdale Irrigation District (OID) facility (standpipe) is located at the southeast corner of the property and will be removed as required by OID. City water and sanitary services will be extended to serve the site as approved by the City Engineer.

D. Building Design

All the proposed dwellings are single story. The front of the dwellings will incorporate a porch along with a three-foot-high enclosed fenced railing and entryway.

Two housing model sizes are proposed. There are twenty-four (24) one-bedroom units that each measure approximately 430 square feet in size. There are fourteen (14) two-bedroom units that each measure approximately 805 square feet in size. Again, each unit will also incorporate an enclosed patio area of at least 300 square feet in size behind each of the units.

The proposed dwellings will incorporate a concrete tile roof, stucco siding, white vinyl framed windows, outdoor wall lanterns, wood fencing and gates.

The site will be landscaped with walking paths and street light standards proposed along the private streets and walking paths.

F. Site Development Issues

1. Communication Tower Equipment

As mentioned above, communication equipment has been installed outside of the Cell tower's parcel and on the project site. It presently conflicts with the development of the northwestern most dwelling unit. The applicant will have to have this equipment relocated or the affected housing unit removed from the site. The applicant represented that he would work with the Cell Tower business to have its fenced equipment relocated onto the communication tower's leased parcel, which is owned by the applicant. A condition of approval will be included to address this conflict.

2. Proximity to Light Industrial Businesses

The property to the north is used with a variety of commercial and light industrial businesses. The two metal buildings immediately north of the project site are in use with light industrial uses. One building is in use with a tile, granite installation and fabrication business with an outdoor storage area. A second and larger building is operated as a household recycling business. Further north of these businesses is a commercial building with various businesses, including a fueling station.

The recycling business presently uses an outdoor parking lot to receive and store recyclables. This business presently utilizes the project site for employee parking

and outdoor storage. This land use will be restricted by the applicant and property owner to operating their business on their leased area.

Typically, residential development and light industrial uses are not located next to each other without buffering measures to address externalities such as noise, dust, litter, and unsightliness. However, mixed use zoning allows a combination of commercial, light industrial and residential land uses when there are measures to reduce externalities that may affect the less intensified use. A precedence has been set with the properties to the east on Ross Avenue, which consists of both light industrial uses on the north side and residential land uses on the south side of Ross Avenue.

The intent of the project is to provide housing for households that work in the neighboring businesses, helping to achieve a local job-housing balance for the vicinity. Staff is supportive of the residential land use next to the industrial land uses when there are measures to address incompatible land uses. To achieve this, the applicant proposes to install a six-foot-high barrier along the north side of the private Ross Road. The applicant is pursuing funding to erect a six-foot-high masonry wall to run along the length of the northern property line. The actual length or distance has not yet been determined but is expected to run the length of the northern property line. If funding is insufficient, then the applicant would install a wood board fence. A condition of approval will be included in the PC Resolution to address the installation of a wall or fence.

3. Storm Water Run-off

A French drain percolation system is proposed to dispose of stormwater collected on site. Stormwater from the adjacent property to the north has been observed by City staff to sheet-flow south onto the project site. The proposed expansion of private Ross Road width will be designed to have storm water from the northern parcel to remain on the northern parcel. The applicant indicated that a new storm drain basin would be installed to address stormwater runoff on the northern property.

Storm water inlets into the private French drain system will be required to be sized and designed to meet City requirements.

4. Fire and Garbage Truck Access

The Fire Prevention staff reviewed the site plan and found the proposed design to meet fire truck access and circulation design standards. However, the private alleyways will be designated as a fire lane, restricting vehicles from parking in the

alley drive lanes, a condition of approval will be included to address this requirement.

Each dwelling will be served with garbage totes and will be serviced by the solid waste service provider. Gilton Solid Waste did not respond to the project referral identifying any concerns with the garbage pick-up service for this development.

5. Oakdale irrigation District Facilities

An Oakdale Irrigation District (OID) standpipe is located at the southeast corner of the project site. The applicant will need to coordinate the relocation or abandonment of OID irrigation facilities as required by OID. A condition of approval will be added, requiring the applicant to address OID facilities as required by OID.

IV. REQUIRED FINDINGS:

A. General Plan Consistency Findings

These required findings are listed in *italics* below. Staff believes the findings can be made by adopting the **bold text** below, which will be included in the Planning Commission Resolution.

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

Housing Element – “GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW- AND VERY LOW-INCOME HOUSEHOLDS.”

- *To plan for enough dwelling units to meet the City's regional housing share as determined by StanCOG within the confines of environmental considerations.*
- *To address the affordable housing needs of very low- and low-income households and to encourage the private sector to develop housing affordable to these income groups.*
- *To plan for a balanced community that provides housing, employment, commercial services, and recreational opportunities.*

Land Use Element – “Policy LAND-3.3: The City will encourage ‘compact development,’ which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.”

1. *Our City will benefit from an appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature.*

The proposed development will result in both developing vacant and in-fill property with housing stock that will help the City address both its Regional Housing Needs Allocation as well as serve to provide housing opportunities to very low- and low-income households. Furthermore, development in the Mixed-Use land designation will help provide a jobs-housing needs balance for the neighborhood.

B. Zoning Ordinance Consistency Findings

The Planning Commission is required to make the following findings to approve an architecture and site plan review application: These required findings are listed in *italics* below. Staff believes the findings can be made by adopting the **text in bold print** below, which will be included in the Planning Commission Resolution.

- (1) *The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

The proposed tiny home development will help develop vacant in-fill property as well as help the City meet its regional Housing Needs Allocation for low-income housing.

- (2) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

The proposed project will serve to develop vacant property, facilitating pedestrian access to places of employment.

- (3) *The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and compliments the existing surrounding environment and ultimate character of the area under the general plan.*

The proposed tiny homes project will continue the pattern of residential development located to the east and south. Design features of the project will help buffer land uses within the mixed-use zoning designation.

- (4) *The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting, and similar elements, establishes a clear design concept and is compatible with the character of the buildings on adjoining and nearby properties.*

The project is proposed to be developed at a multi-family development density of 17.2 units per gross acre, which is consistent with the minimum net density of eight units per acre of the Mixed-use zoning regulations. The project is also providing private open space requirements consisting of at least three hundred square feet of a fenced patio area.

With the incorporation of the conditions identified above as conditions of approval, Planning staff believes the findings can be made and recommends approval of the proposed Architectural and Site Plan Review application (APSR No. 09-2023).

C. Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was evaluated by staff, which determined that the project is Categorically Exempt under CEQA Section 15332 – Class 32 - In-Fill Project.

Class 32 consists of projects characterized as in-fill development meeting the conditions described below.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project is consistent with the applicable general plan of Mixed use as it allows residential development. The proposal is within the development densities listed for the mixed-use land use designation. The project occurs on a property of 2.2 gross acres. The subject parcel is in an urban area where no rare or threatened species have been identified. The project will not result in a significant increase in traffic as the dwelling units are small. All City utilities are available to serve the project site.

V. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on June 5, 2024, and posted at City Hall North, South, Post Office, and Community Center on June 5, 2024. It was published on the City’s website on June 5, 2024. Public notice mailers were distributed to residents and business within three hundred feet of the Project site in accordance with City standard practices on June 6, 2024. At the time of writing this Staff Report (June 12, 2024), City staff has not received any written public comment, but any written comments received after this date shall be provided to the Commission on the day of the meeting.

VI. CONCLUSION and RECOMMENDATION:

Staff evaluated the project and believes that the project meets the mixed-use development standards, is consistent with appropriate General Plan Goals and Policies. Staff further believes that the findings listed above can be made. Finally, staff recommends approval of ASPR 09-2023 – Lucky Tiny Homes subject to the findings and conditions listed in the proposed Planning Commission Resolution and included as **Attachment 1**

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2024-003 (ASPR No. 09-2023)
Exhibit A: Plans date stamped March 28, 2024
2. Location Map
3. Aerial Map
4. General Plan Map
5. Zoning Map
6. Assessor’s Plat Map
7. Site Plan
8. Elevations and Floor Plans

Respectfully Submitted By:

Miguel Galvez
Miguel Galvez
Contract City Planner

Riverbank Planning Commission
Staff Report 3.2
Meeting of June 18, 2024
Page **10** of **10**

**City of Riverbank
Planning Commission
Resolution No. 2024-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
APPROVING ARCHITETURAL AND SITE PLAN REVIEW APPLICATION 09-2023
FOR LUCKY HOUSE TINY HOMES ON THE NORTH SIDE OF WARD AVENUE
BETWEEN HOWARD AND DON AVENUES (APN 075-010-065)**

WHEREAS, Mid-Valley Engineering, Inc., the applicant on behalf of the property owner, Yongwei Haung, applied for an Architectural and Site Plan Review (ASPR No. 09-2023) to develop a multi-family project consisting of thirty-eight (38) detached tiny homes with private streets on a 2.25-acre property located on the northside of Ward Avenue between Howard and Don Avenues and between Ward Avenue and the westerly extension of Ross Avenue; and

WHEREAS, the project site has a General Plan land use designation of Mixed Use (MU) and zoning designation of Mixed Use District (CX-1) Zone; and

WHEREAS, Riverbank Municipal Code (RMC) Section 153.067 Uses Permitted (B), allows detached residential uses with a minimum density of eight units per acre, including, single family homes, caretaker units, and manufactured homes; and

WHEREAS, the project is proposed to be developed at a density of 17.2 units per gross acre; and

WHEREAS, the proposed development will result in developing vacant and in-fill property with housing stock that will help the City address both its Regional Housing Needs Allocation as well as serve to provide housing opportunities to very low- and low-income households. Furthermore, development in the Mixed-Use land designation will help provide a jobs-housing needs balance for the neighborhood; and

WHEREAS, The Planning Commission is required to make General Plan conformity and zoning ordinance consistency findings to approve an Architecture and Site Plan Review application: and

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

- (1) The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

The proposed tiny home development will help develop vacant in-fill property as well as help the City meet its Regional Housing Needs Allocation for low-income housing.

- (2) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

The proposed project will serve to develop vacant property, facilitating pedestrian access to places of employment.

- (3) *The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and compliments the existing surrounding environment and ultimate character of the area under the general plan.*

The proposed tiny homes project will continue the pattern of residential development located to the east and south. Design features of the project will help buffer land uses within the mixed-use zoning designation.

- (4) *The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting, and similar elements, establishes a clear design concept and is compatible with the character of the buildings on adjoining and nearby properties.*

The project is proposed to be developed at a multi-family development density of 17.2 units per gross acre, which is in conformance with the minimum net density of eight units per acre of the Mixed-use zoning regulations. The project is also providing private open space requirements consisting of at least three hundred square feet of a fenced patio area per unit; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt under CEQA Section 15332 – Class 32 - In-Fill Project, meeting the conditions described below.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

The project is consistent with the applicable general plan of Mixed use as it allows residential development. The proposal is within the development densities listed for the mixed-use land use designation. The project occurs on a property of 2.2 gross acres. The subject parcel is in an urban area where no rare or threatened species have been identified. The project will not result in a significant increase in traffic as the dwelling units are small. All City utilities are available to serve the project site, and

WHEREAS, with the incorporation of the conditions of approval below, the findings can be made; and.

WHEREAS, the Planning Commission held a public hearing on June 18, 2024, to consider ASPR 09-2023 and to take public comment; and

WHEREAS, the request for the Architectural and Site Plan Review application is hereby recommended for conditional approval by the Planning Commission of the City of Riverbank, subject to and modified by the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The applicant shall build the entire project according to the site plans and elevations date stamped March 28, 2024, and on file with the Community Development Department and presented to the Planning Commission as part of this action.
3. Prior to the issuance of a building permit, The applicant shall cause the relocation of the cell tower equipment/facilities presently located on the northwestern portion of the site to the leased communications tower leased parcel or remove one of the proposed dwelling units.
4. Three (3) sets of landscape and irrigation plans conforming to the state's MWELo requirements shall be prepared and submitted with fee for review and approval by the City's contract landscape architect before issuance of a Certificate of Occupancy of any of the residential dwellings.
5. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required.
6. On site drainage shall be provided and may need to be sized to manage water from off-site based on existing drainage patterns.

7. Ward Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
8. Ross Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping. Private Ross Avenue shall be improved to a half street on the south side plus a 12-foot paved lane.
9. The intersection of 40-foot Ross Avenue and 40-foot (unnamed street) Avenue needs to be improved to City Standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
10. Provide dedication for all necessary road rights-of-way and easements for utilities and sidewalks.
11. Show the location of the existing sewer line and sewer easement in Ross Avenue.
12. The internal streets need to be constructed to City Standards if they are intended to be public streets.
13. Indicate "No Parking" for streets with less than 40 feet, with curb to curb.
14. A minimum six-foot-high concrete masonry wall is required along the westerly boundary.
15. Prior to the issuance of a certificate of occupancy for any dwelling units, a six-foot high wood board fence shall be installed on the eastern property line.
16. Prior to the issuance of a certificate of occupancy, a six-foot-high barrier (wood board fence or masonry wall) shall be installed on the north side of the private Ross Road. The length of the barrier and building material to be approved by the Community Development Director.
17. Provide a copy of the soils report including percolation testing for the storm drain system.
18. All storm water needs to be managed on-site. No new connection to the existing storm system is permitted.
19. All storm inlets shall be fitted with storm filter inlets.
20. Provide support proving that the existing sanitary sewer has sufficient capacity and integrity to handle the new development.
21. Show the existing O&D facilities and indicate if they are to remain or be abandoned.
22. The water system shall be designed to meet City Standards and include hydrants, services, and blow offs.
23. The sanitary sewer system shall be designed to City Standards and include manholes, services, and cleanouts.

24. All sidewalks and ramps need to meet ADA standards and provide connection to all public streets.
25. The location of any OID facilities shall be shown and any proposed relocation or improvements including easements.
26. Any block walls shall be reviewed and approved under a separate permit.
27. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.
28. All private street names shall be approved by the Community Development Director, in coordination with Stanislaus County 911 dispatch.
29. 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.
30. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1.**
31. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1.**
32. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3.**
33. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1.**
34. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4.**

35. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day.
36. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
37. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
38. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
39. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used.
40. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
41. Applicant shall comply with San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review.
42. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
 - a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.
43. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for

the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

- a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
 - c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
 - d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project.
44. 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 Development Services Department page on the City's website.
45. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:
- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
 - b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
 - c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (neighboring dwellings).
 - d. Unnecessary idling of internal combustion engines shall be prohibited.
 - e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (neighboring dwellings).
 - f. Construction-related traffic shall be routed along major roadways (Roselle Avenue and Claribel Road) and as far as feasible from sensitive receptors.

- g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RESOLVES that it approves Architectural and Site Plan Approval ASPR No. 09-2023 for the Lucky House Tiny Homes project, attached hereto as “**Exhibit A**” and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 18th of June 2024; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ___-___:

AYES: Commissioners:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

 Joshua E. Mann,
 Community Development Director

 Taide Zamora, Vice-Chair
 Planning Commission

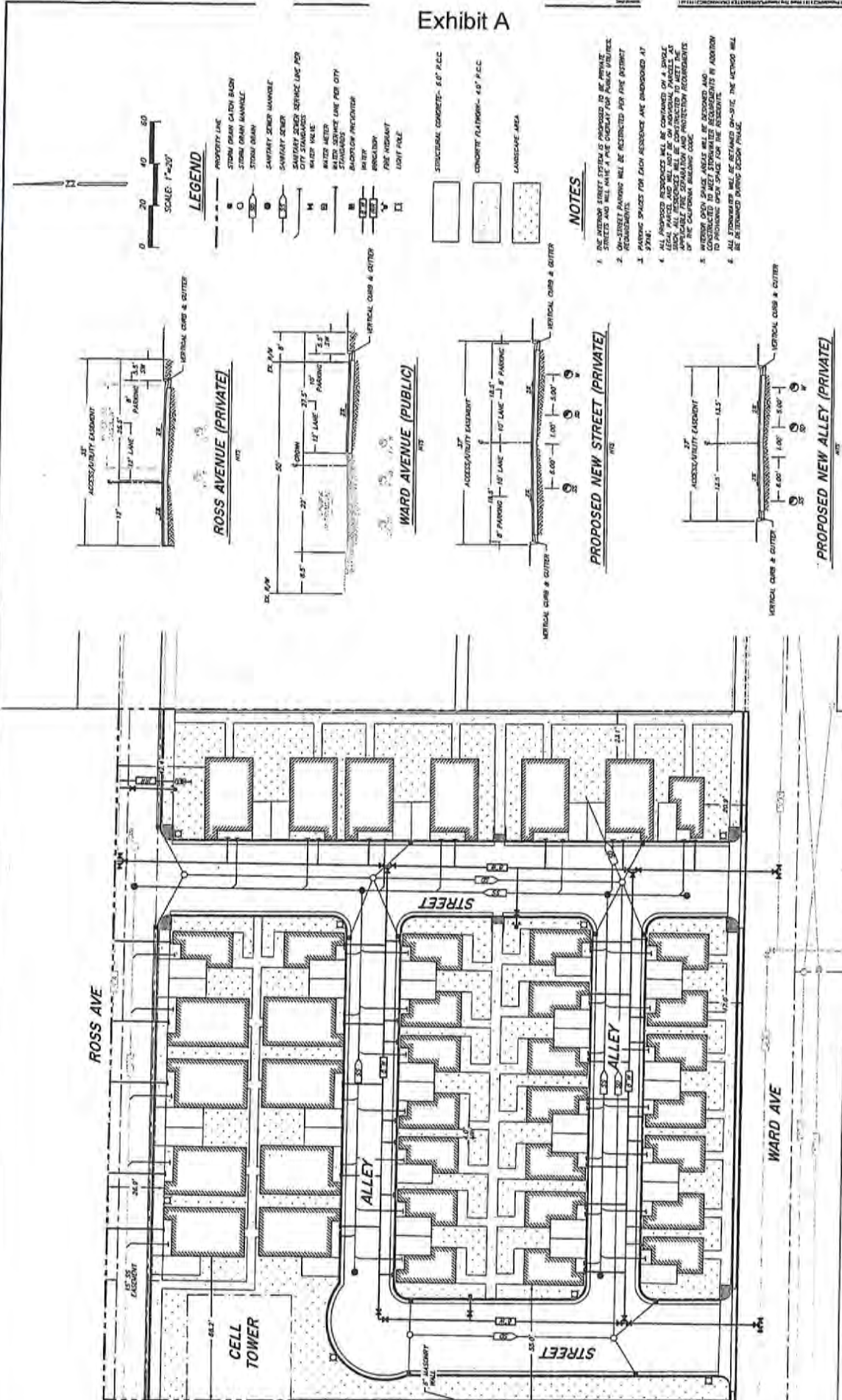
Exhibit A – Lucky House Tiny Homes Site Plan Floor Plan and Elevations.

Exhibit A

MAR 28 2024

DEVELOPMENT SERVICES

Exhibit A



UNAUTHORIZED CHANGES & USES
THE ENGINEER PREPARING THESE PLANS WILL NOT BE RESPONSIBLE FOR DAMAGE TO OR DESTRUCTION OF EXISTING UTILITIES OR STRUCTURES. ALL CHANGES TO THESE PLANS MUST BE IN WRITING AND MUST BE APPROVED BY THE PREPARER OF THESE PLANS.

811
Call before you dig.

REVISIONS

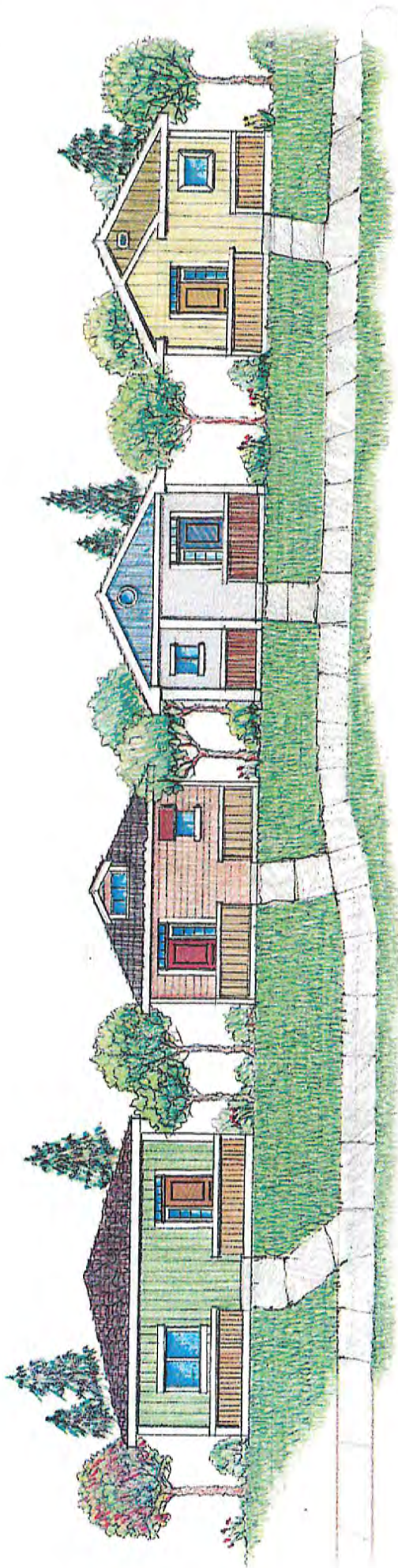
NO.	DATE	ISSUED FOR	BY

Drawn By: AS
Issue Date: 3/28/24
AS No.: NC2118
Checked By: AS
Design By: AS

WARD AVENUE TINY HOMES PRELIMINARY SITE PLAN

MVE Inc.
 1171 L Street, Modesto, CA 95354 | 503.525.4214 | www.mve.com
 Northern California | Southern California | Nevada

DWC: CS1
SHEET: 1
DATE: 03-28-24



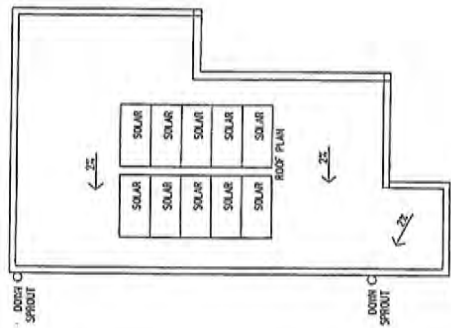
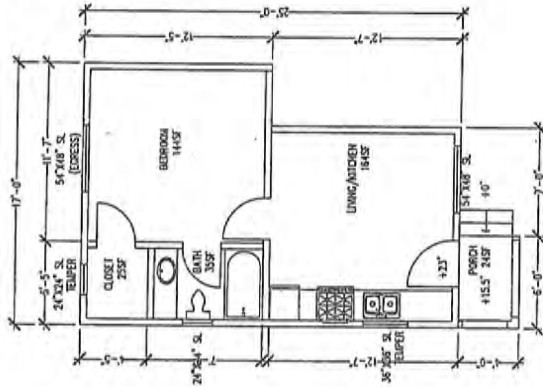
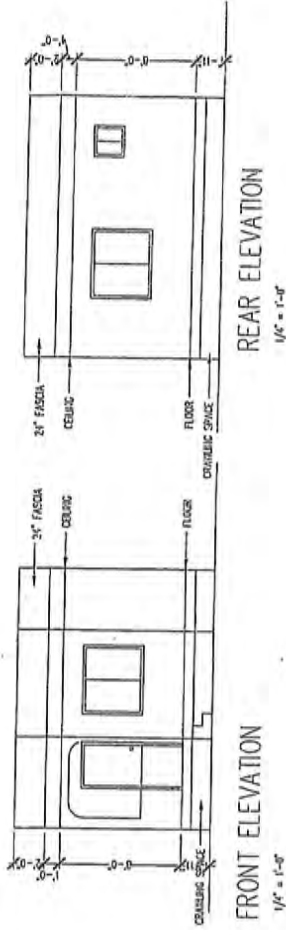
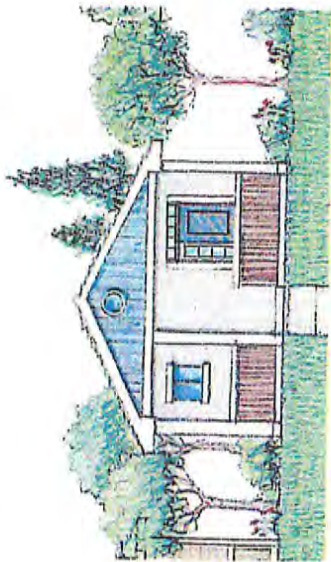
PROJECT NO. 2024-01

MVE Inc.
 11771 Singson
 24000-006, CA 95234
 916-276-5734
 www.mveinc.com

WARD AVE TINY HOMES STREET VIEW
 Riverbank, California

YONGWEI HUANG

Project Management • Civil/Structural Engineering • Urban Design • Land Planning • Entitlements • Right-of-Way/Permitting • Surveying • Construction Staking • Graphics
 Providing services in California, Nevada, and Washington



(N) FLOOR PLAN
1/4" = 1'-0"

(N) ROOF PLAN
1/4" = 1'-0"

RIGHT ELEVATION
1/4" = 1'-0"

LEFT ELEVATION
1/4" = 1'-0"

WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 2
Riverbank, California

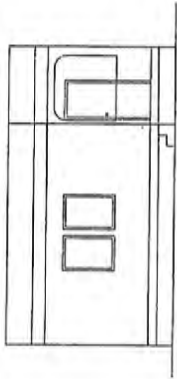
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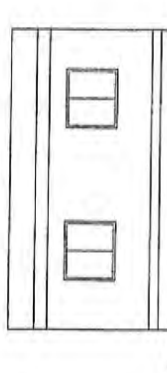
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MAR 28 2024

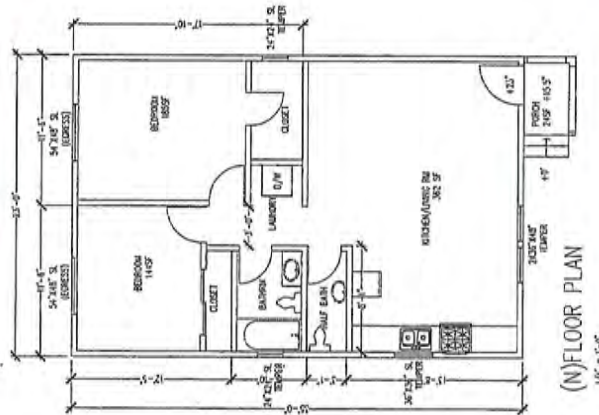
DEVELOPMENT SERVICES



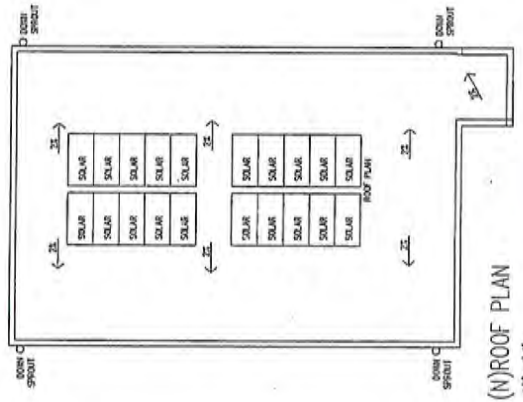
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REAR ELEVATION
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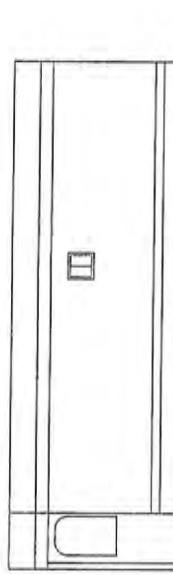


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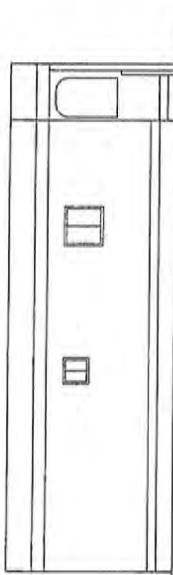


(N) ROOF PLAN
1/4" = 1'-0"

RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

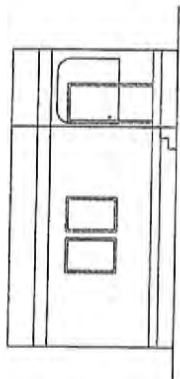
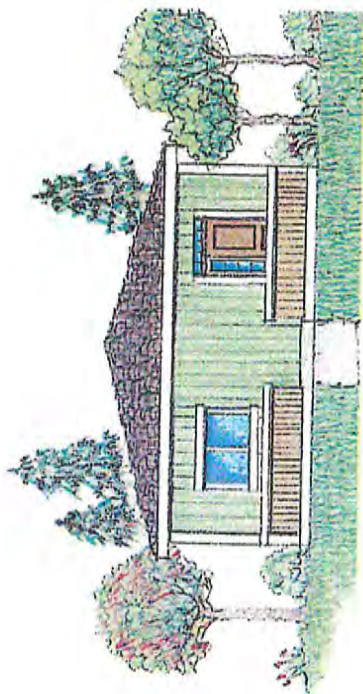


03.20.2024

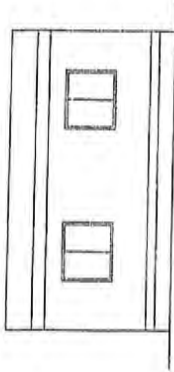
WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 2
Riverbank, California

YONGWEI HUANG

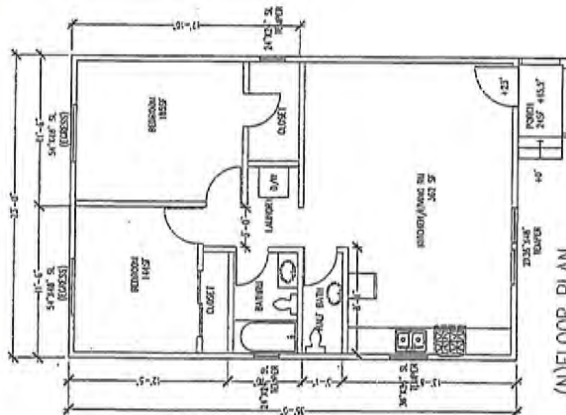
Project Management • Civil/Structural Engineering • Urban Design • Land Planning • Entitlements • Right-of-Way/Permitting • Surveying • Construction Staking • Graphics
Providing services in California, Nevada, and Washington



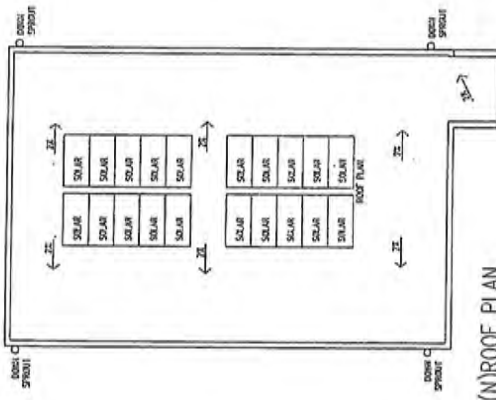
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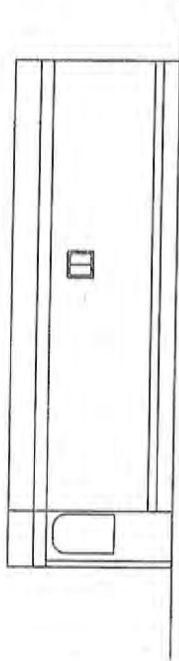
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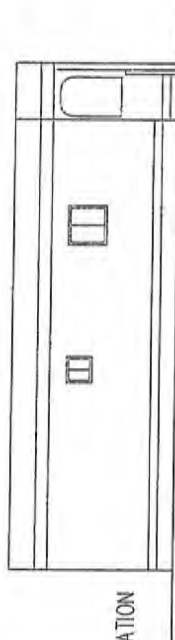
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1/4" = 1'-0"



(N) ROOF PLAN
1/4" = 1'-0"



RIGHT ELEVATION
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LEFT ELEVATION
1/4" = 1'-0"



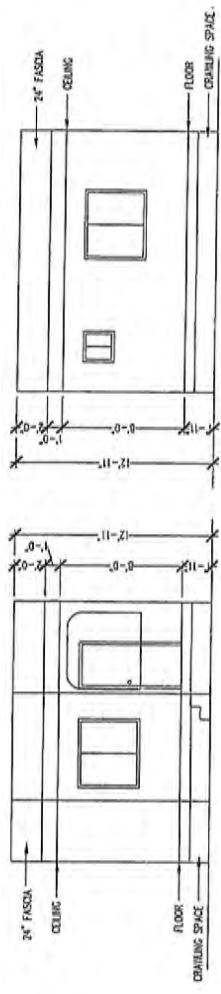
WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 3
Riverbank, California

YONGWEI
HUANG

Project: Floor plans, Civil/Structural Engineering, Urban Design, Land Planning, Environmental, Right-of-Way/Permitting, Surveying, Construction Staking, Graphics
Provided services in California, Nevada, and Washington.

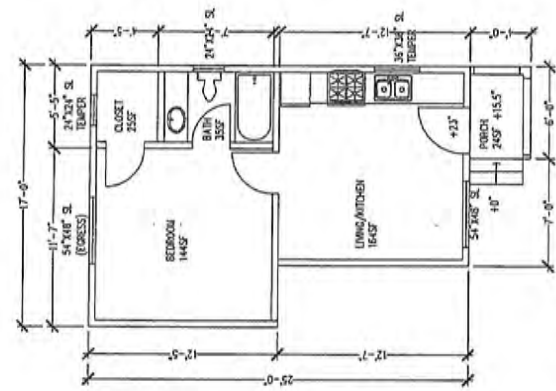
MAR 28 2024

DEVELOPMENT SERVICES

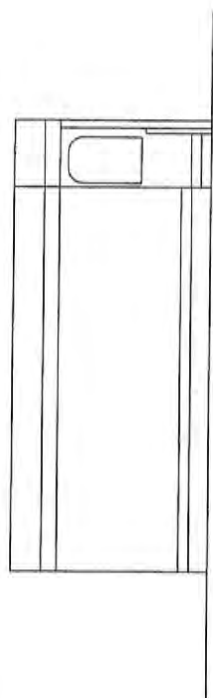


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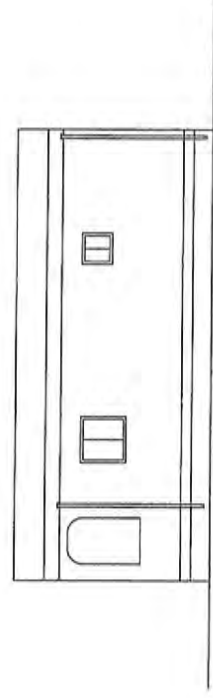
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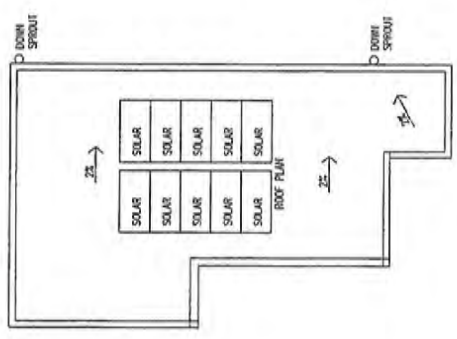
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1/4" = 1'-0"



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1/4" = 1'-0"



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1/4" = 1'-0"



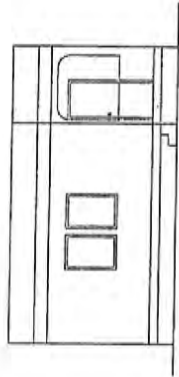
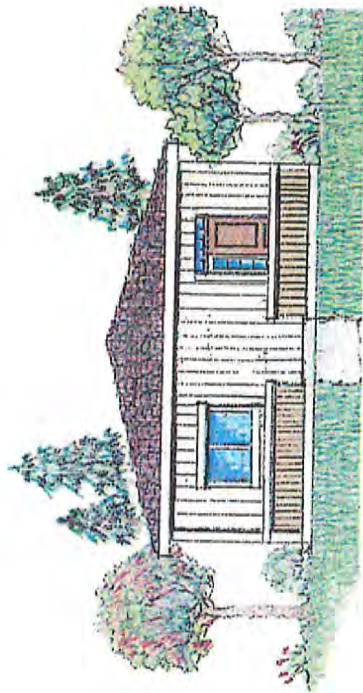
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202.726.1216
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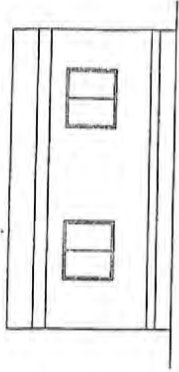
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Riverbank, California

YONGWEI
HUANG

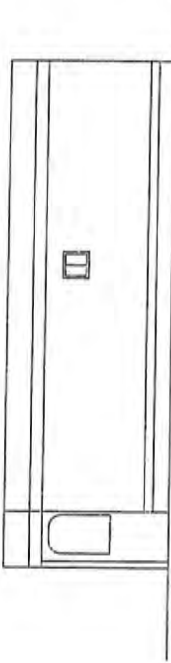
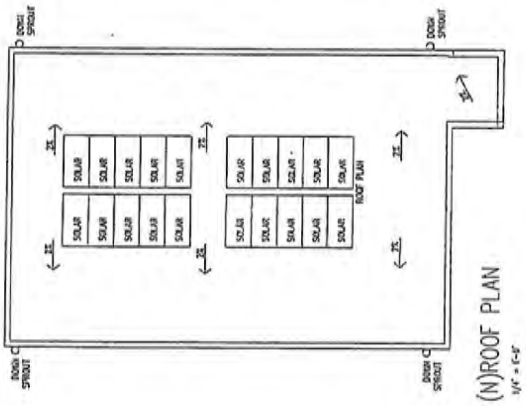
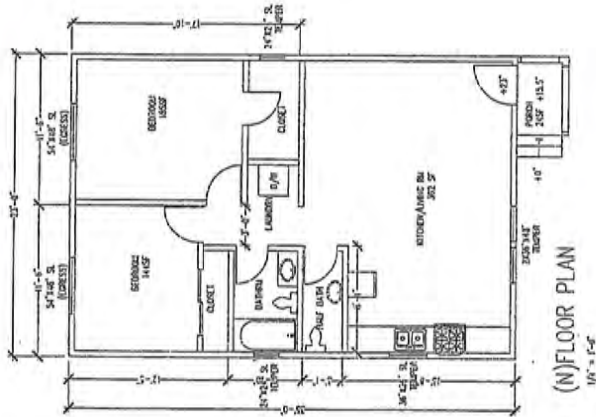
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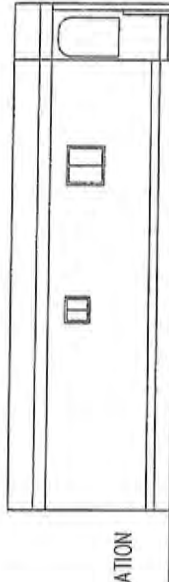
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REAR ELEVATION
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RIGHT ELEVATION
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LEFT ELEVATION
1/4" = 1'-0"



ME ENGINEERS
11111 111th St
San Diego, CA 92121
(619) 581-1111

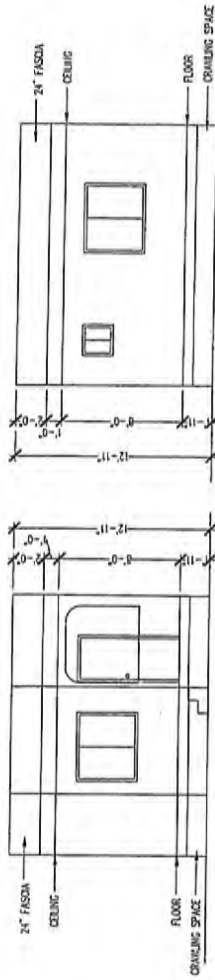
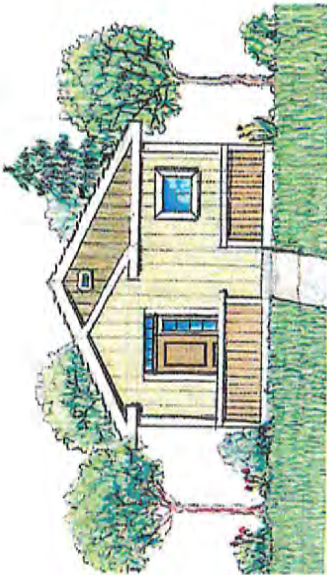
WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 1
Riverbank, California

**YONGWEI
HUANG**

Professional Engineer - Civil/Structural Engineering - Urban Design - Land Planning - Exhibitions - Right-of-Way/Permitting - Surveying - Construction Staking - Grading
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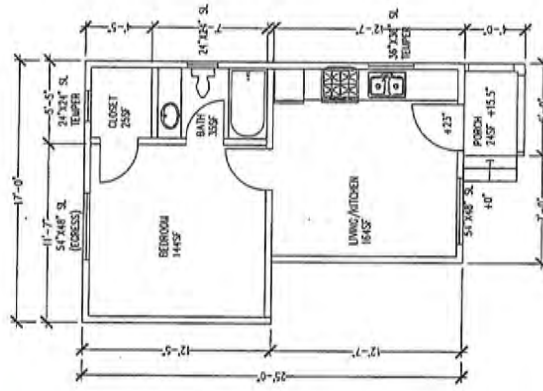
MAR 28 2024

DEVELOPMENT SERVICES

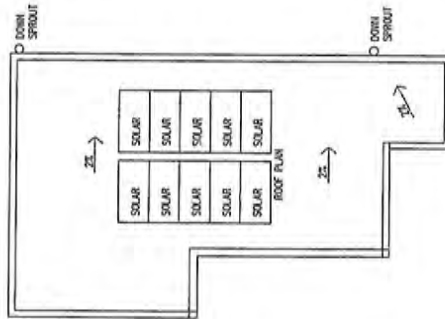


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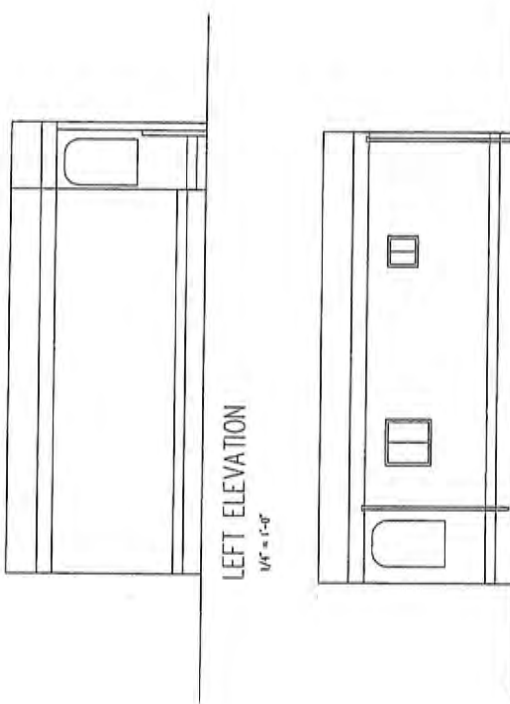
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(N) FLOOR PLAN
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(N) ROOF PLAN
1/4" = 1'-0"



LEFT ELEVATION
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RIGHT ELEVATION
1/4" = 1'-0"



03.20.2024

WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 3

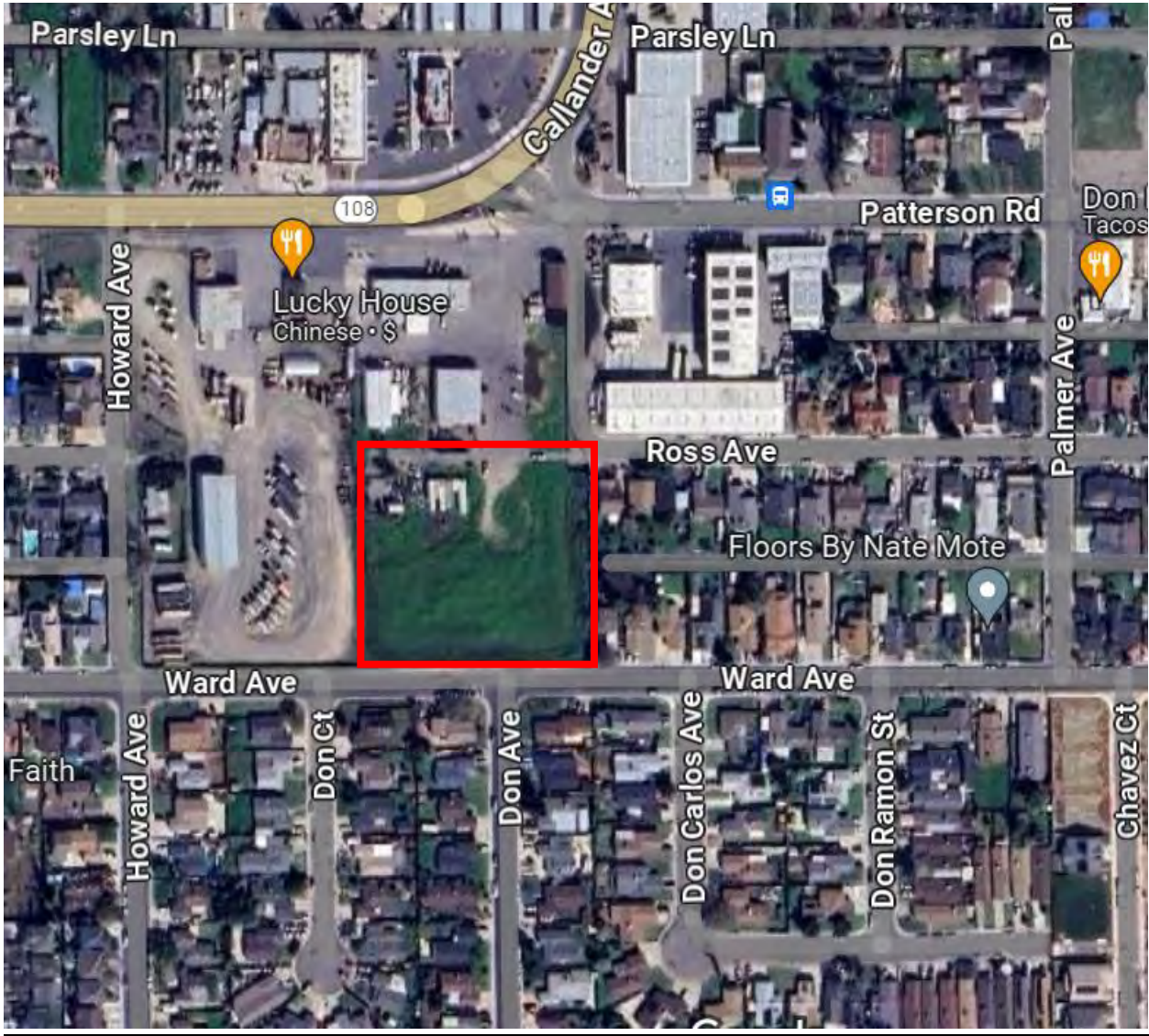
Riverbank, California

YONGWEI HUANG

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Architectural and Site Plan Review Application No. ASPR 09-2023
– Lucky House Tiny Homes (APN 075-010-065)

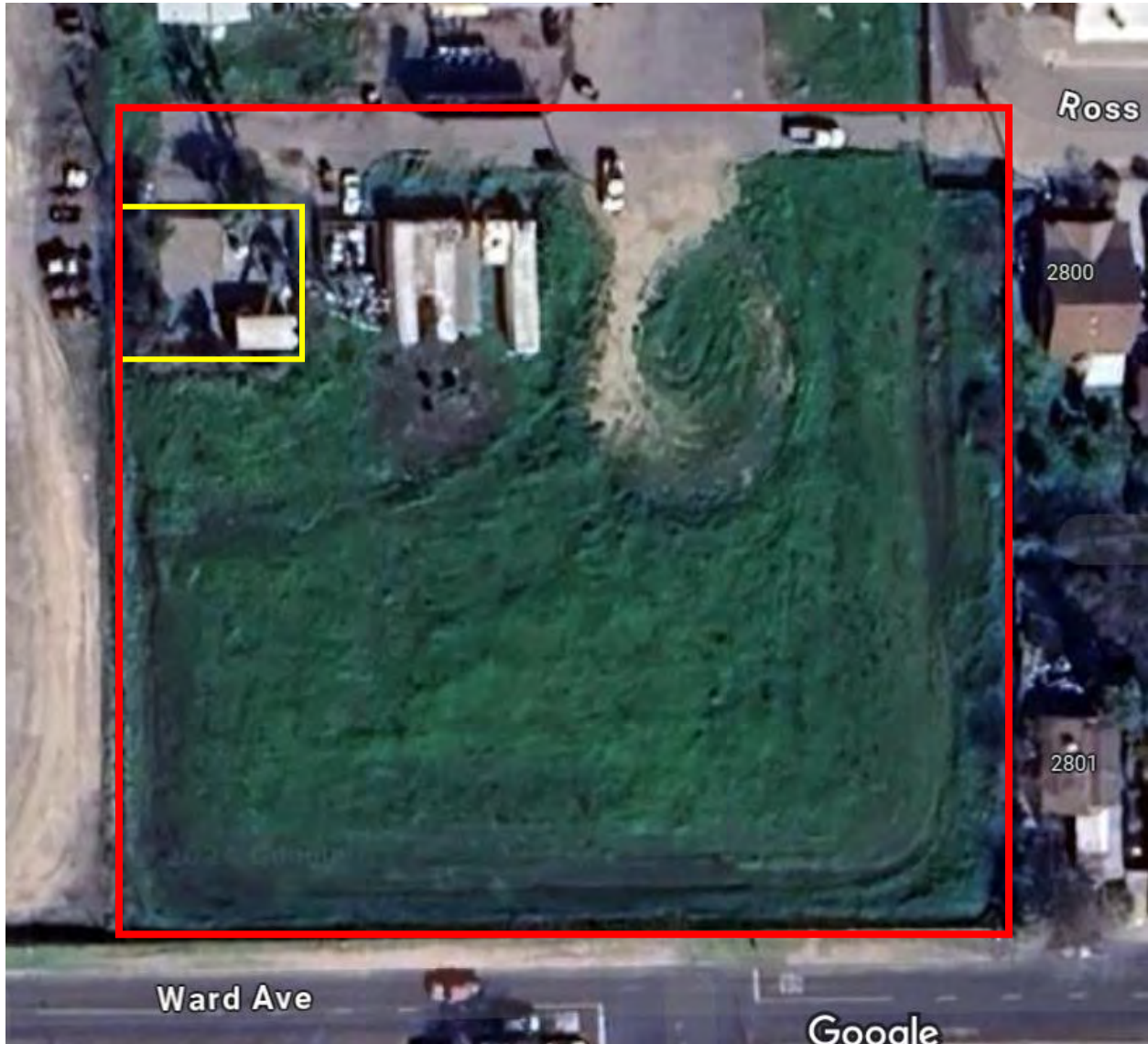
Location Map



Project Site: 

Architectural and Site Plan Review Application No. ASPR 09-2023
Lucky House Tiny Homes (APN 075-010-065)

Aerial Map



Project Site:

Leased property (Not part of project site):

Architectural and Site Plan Review Application No. ASPR 09-2023 –
Lucky House Tiny Homes (APN 075-010-065)

City of Riverbank General Plan Map



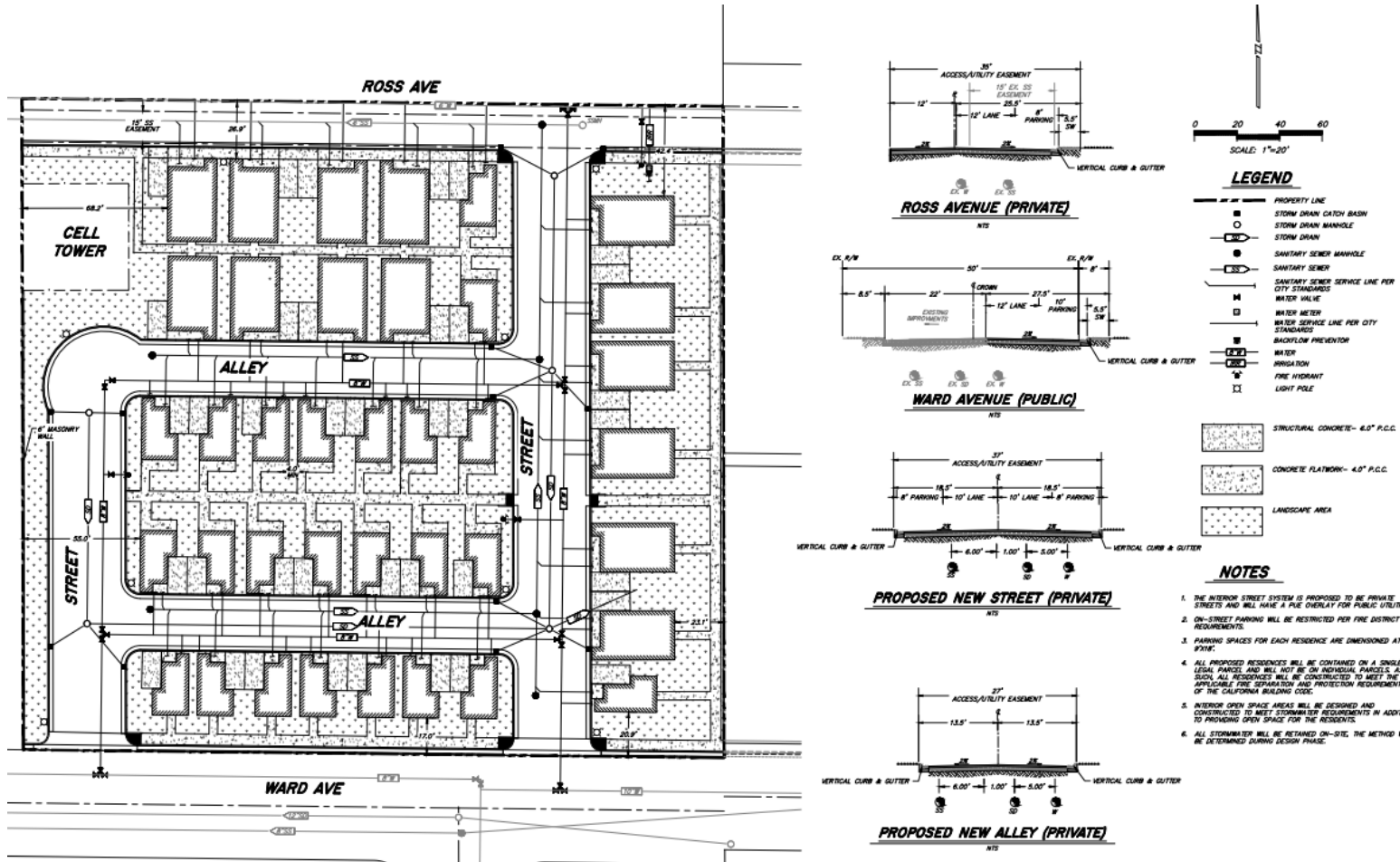
Architectural and Site Plan Review Application No. ASPR 09-2023 –
Lucky House Tiny Homes (APN 075-010-065)

City of Riverbank - Zoning Map

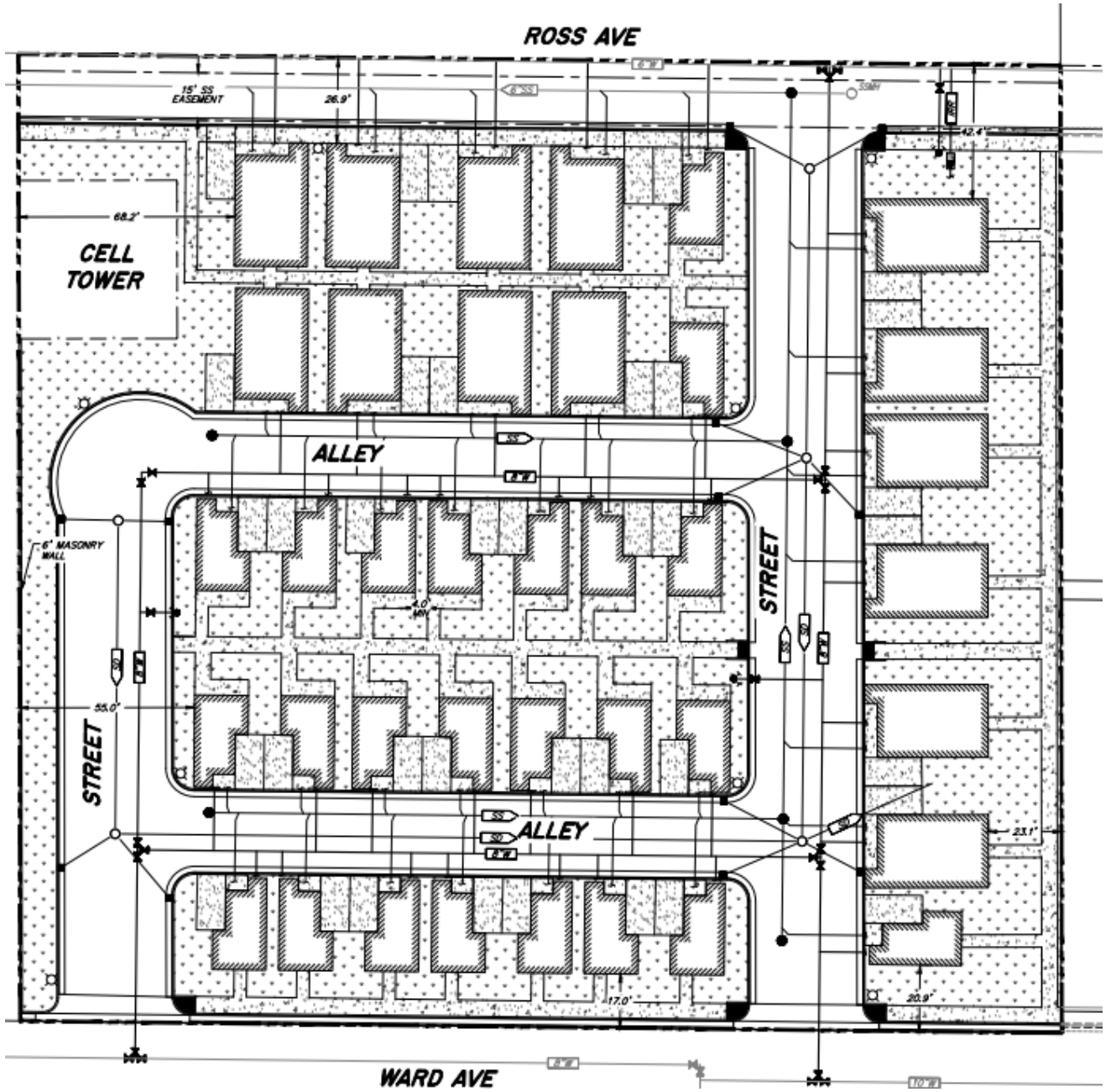


Architectural and Site Plan Review Application No. ASPR 09-2023 – Lucky House Tiny Homes

Site Plan



Lucky House Tiny Homes Site Plan



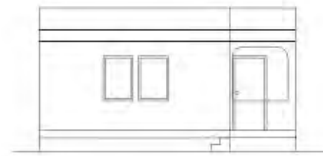
Architectural and Site Plan Review Application No. ASPR 09-2023 – Lucky House Tiny Homes

Elevations and Floor Plans

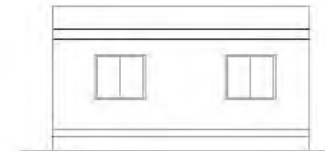


03.20.2024	 <p>1117 L Street Modesto, CA 95354 866.528.4214 www.mve.net</p>	<p>WARD AVE TINY HOMES STREET VIEW Riverbank, California</p>	<p>YONGWEI HUANG</p>
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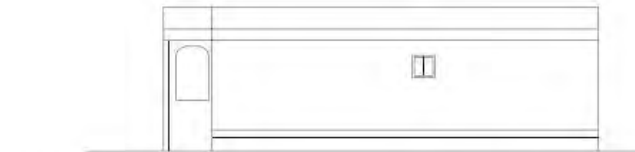
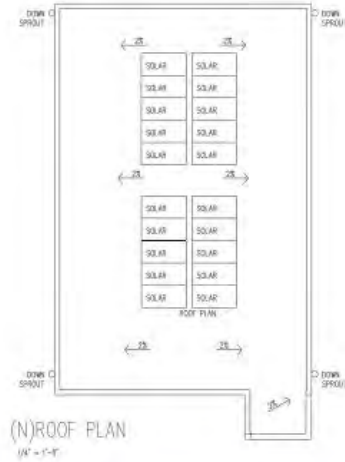
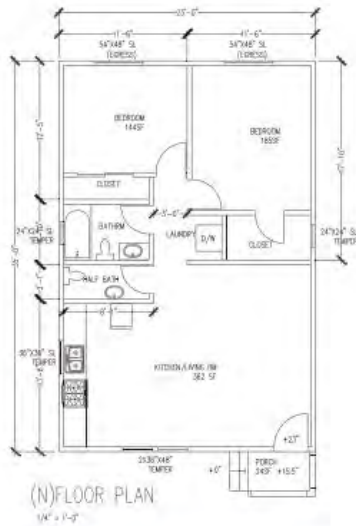
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FRONT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

03.30.2024

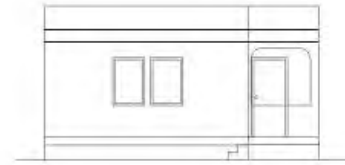


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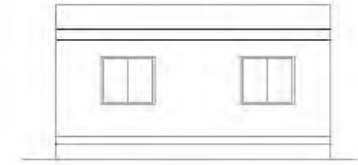
WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 1
Riverbank, California

**YONGWEI
HUANG**

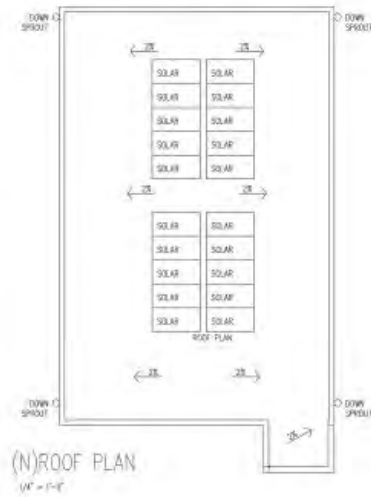
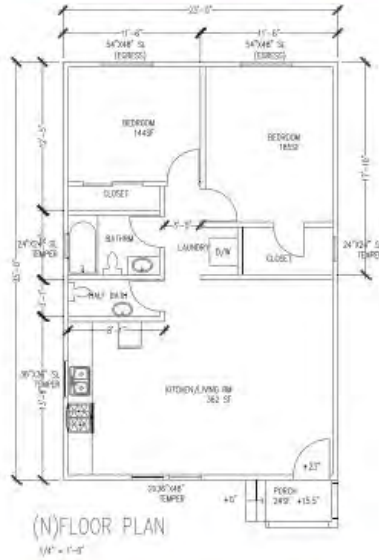
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FRONT ELEVATION
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REAR ELEVATION
1/8" = 1'-0"



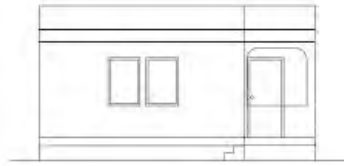
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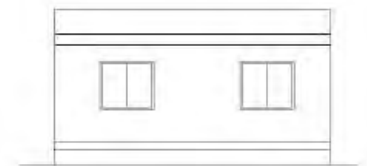
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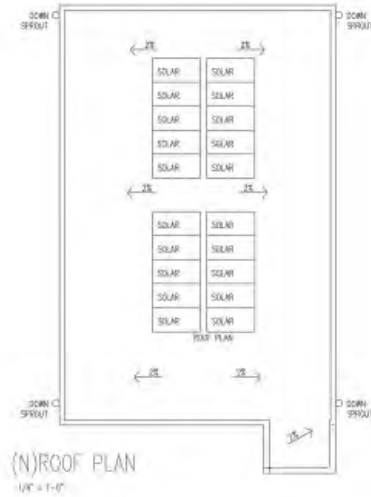
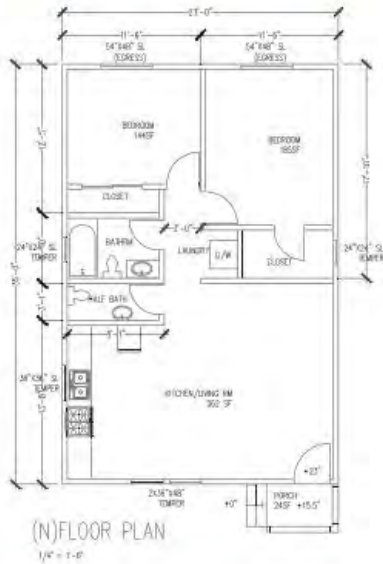
Project Management • Civil/Structural Engineering • Urban Design • Land Planning • Entitlements • Right-of-Way/Permitting • Surveying • Construction Staking • Graphics



FRONT ELEVATION
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REAR ELEVATION
1/4" = 1'-0"



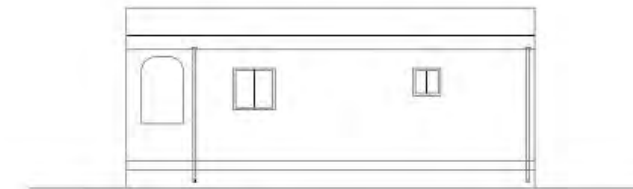
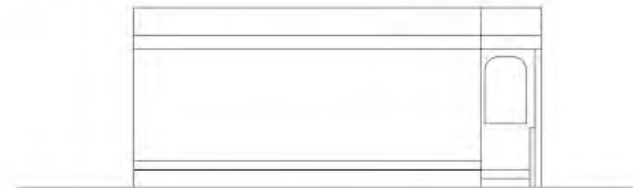
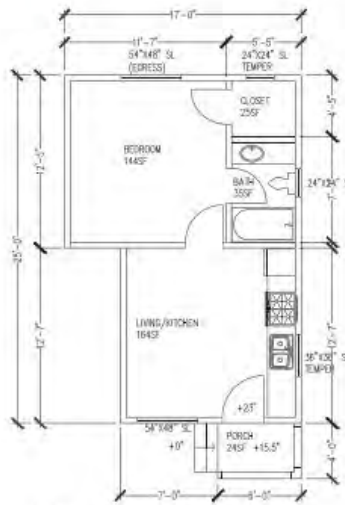
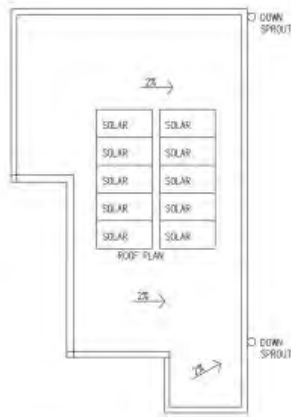
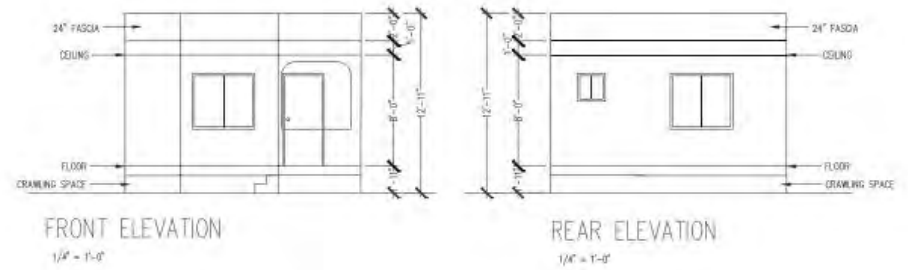
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LEFT ELEVATION
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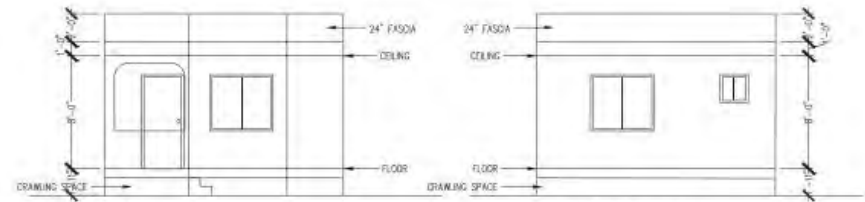
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03.20.2024	 <p>1117 L Street, Modesto, CA 95354 956.526.4314 www.mveinc.net</p>	<h2>WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 1</h2> <p>Riverbank, California</p>	<p>YONGWEI HUANG</p>
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FRONT ELEVATION
1/4" = 1'-0"

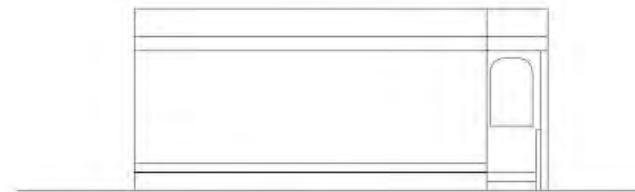
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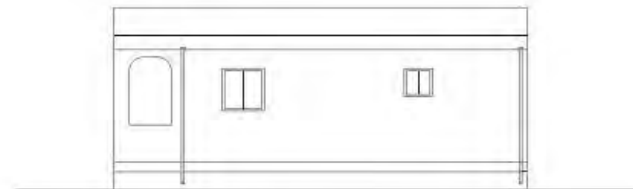
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1/4" = 1'-0"



(N) FLOOR PLAN
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RIGHT ELEVATION
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LEFT ELEVATION
1/4" = 1'-0"

03-20-2024

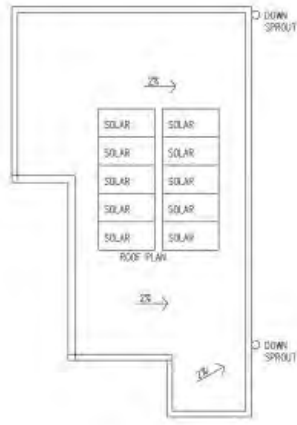
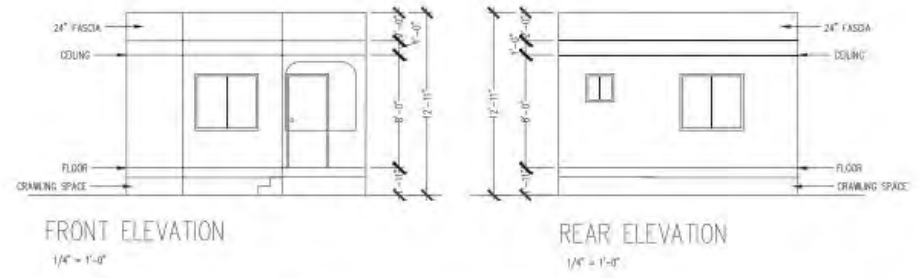


1117 L Street
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866.326.4214
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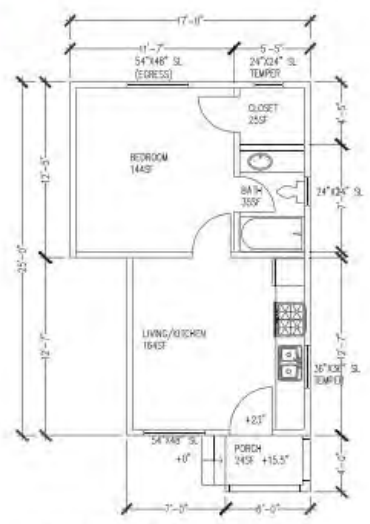
WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 2
Riverbank, California

YONGWEI HUANG

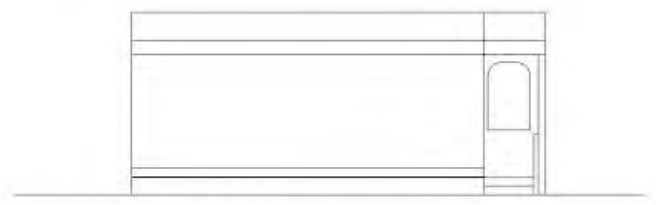
Project Management • Civil/Structural Engineering • Urban Design • Land Planning • Entitlements • Right-of-Way/Permitting • Surveying • Construction Staking • Graphics



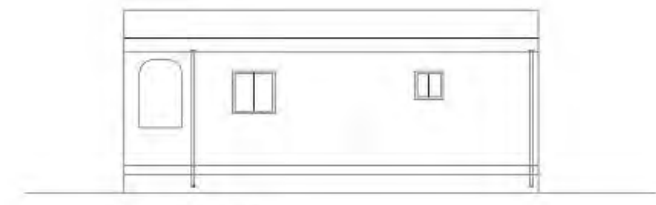
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LEFT ELEVATION
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RIGHT ELEVATION
1/4" = 1'-0"

03.20.2024	 <p>1177 L Street Modesto, CA 95354 866.526.4215 www.mve.net</p>	<h2>WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 3</h2> <p>Riverbank, California</p>	<p>YONGWEI HUANG</p>
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**City of Riverbank
Planning Commission
Resolution No. 2026-010**

**A Resolution of the Planning Commission Approving Time Extension Application
No. 01-2026 for Architecture and Site Plan Review No. 09-2023 (Dept. File No. 23-
0026) – Lucky House Tiny Homes, Located at 0 Ward Avenue, APN: 075-010-065**

Whereas, Architecture and Site Plan Review (ASPR) Application No. 09-2023 (Dept. File No. 23-0026) was approved by the Planning Commission on June 18, 2024, under Planning Commission Resolution No. 2024-003, to allow 0 Ward Avenue (APN: 075-010-065) to be developed with thirty-eight detached residential dwellings with private streets located on one legal parcel; and

Whereas, in accordance with Section 153.217(G)(3) of the Riverbank Municipal Code, Architecture and Site Plan Reviews expire 24 months after approval unless prior to the expiration date, a valid building permit is in effect for the construction of necessary buildings or appurtenances authorized by the review; and

Whereas, no building permit has been issued for the construction of the project, and ASPR No. 09-2023 is scheduled to expire on June 18, 2026; and

Whereas, the Planning Commission may extend the life of the permit by one year, provided such use is still permitted in the district in which it is proposed to be located; and

Whereas, the applicant submitted a request for a one-year time extension to extend the life of ASPR No. 09-2023 from June 18, 2026, to June 18, 2027; and

Whereas, the Planning Commission held a public hearing on June 16, 2026, to consider Time Extension Application No. 01-2026 and take public comment; and

Whereas, the Planning Commission finds there is no evidence of any significant changes involving this project since the time it was originally approved that would result in a new significant environmental effect or a substantial increase in the severity of a previously identified environmental effect, which could trigger a significant environmental effect and that the project remains categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332, In-Fill Development Projects.

Therefore, Be It Resolved by the Planning Commission that Time Extension Application No. 01-2026 is hereby approved, extending the life of the ASPR No. 09-2023 to June 18, 2027, with all other approved Conditions of Approval from Planning Commission Resolution No. 2024-003 remaining in effect, as listed in “**Exhibit A**”.

Passed and adopted by the Planning Commission of the City of Riverbank at a meeting held on the 16th day of June 2026, motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of __-__:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

Approved:

Joshua E. Mann
Community Development Director

Michael Halterman, Chairperson
Planning Commission

Exhibit A – Planning Commission Resolution No. 2024-003

**City of Riverbank
Planning Commission
Resolution No. 2024-003**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
APPROVING ARCHITETURAL AND SITE PLAN REVIEW APPLICATION 09-2023
FOR LUCKY HOUSE TINY HOMES ON THE NORTH SIDE OF WARD AVENUE
BETWEEN HOWARD AND DON AVENUES (APN 075-010-065)**

WHEREAS, Mid-Valley Engineering, Inc., the applicant on behalf of the property owner, Yongwei Haung, applied for an Architectural and Site Plan Review (ASPR No. 09-2023) to develop a multi-family project consisting of thirty-eight (38) detached tiny homes with private streets on a 2.25-acre property located on the northside of Ward Avenue between Howard and Don Avenues and between Ward Avenue and the westerly extension of Ross Avenue; and

WHEREAS, the project site has a General Plan land use designation of Mixed Use (MU) and zoning designation of Mixed Use District (CX-1) Zone; and

WHEREAS, Riverbank Municipal Code (RMC) Section 153.067 Uses Permitted (B), allows detached residential uses with a minimum density of eight units per acre, including, single family homes, caretaker units, and manufactured homes; and

WHEREAS, the project is proposed to be developed at a density of 17.2 units per gross acre; and

WHEREAS, the proposed development will result in developing vacant and in-fill property with housing stock that will help the City address both its Regional Housing Needs Allocation as well as serve to provide housing opportunities to very low- and low-income households. Furthermore, development in the Mixed-Use land designation will help provide a jobs-housing needs balance for the neighborhood; and

WHEREAS, The Planning Commission is required to make General Plan conformity and zoning ordinance consistency findings to approve an Architecture and Site Plan Review application: and

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

- (1) *The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

The proposed tiny home development will help develop vacant in-fill property as well as help the City meet its Regional Housing Needs Allocation for low-income housing.

- (2) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

The proposed project will serve to develop vacant property, facilitating pedestrian access to places of employment.

- (3) *The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and compliments the existing surrounding environment and ultimate character of the area under the general plan.*

The proposed tiny homes project will continue the pattern of residential development located to the east and south. Design features of the project will help buffer land uses within the mixed-use zoning designation.

- (4) *The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting, and similar elements, establishes a clear design concept and is compatible with the character of the buildings on adjoining and nearby properties.*

The project is proposed to be developed at a multi-family development density of 17.2 units per gross acre, which is in conformance with the minimum net density of eight units per acre of the Mixed-use zoning regulations. The project is also providing private open space requirements consisting of at least three hundred square feet of a fenced patio area per unit; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt under CEQA Section 15332 – Class 32 - In-Fill Project, meeting the conditions described below.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

The project is consistent with the applicable general plan of Mixed use as it allows residential development. The proposal is within the development densities listed for the mixed-use land use designation. The project occurs on a property of 2.2 gross acres. The subject parcel is in an urban area where no rare or threatened species have been identified. The project will not result in a significant increase in traffic as the dwelling units are small. All City utilities are available to serve the project site, and

WHEREAS, with the incorporation of the conditions of approval below, the findings can be made; and.

WHEREAS, the Planning Commission held a public hearing on June 18, 2024, to consider ASPR 09-2023 and to take public comment; and

WHEREAS, the request for the Architectural and Site Plan Review application is hereby recommended for conditional approval by the Planning Commission of the City of Riverbank, subject to and modified by the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The applicant shall build the entire project according to the site plans and elevations date stamped March 28, 2024, and on file with the Community Development Department and presented to the Planning Commission as part of this action.
3. Prior to the issuance of a building permit, The applicant shall cause the relocation of the cell tower equipment/facilities presently located on the northwestern portion of the site to the leased communications tower leased parcel or remove one of the proposed dwelling units.
4. Three (3) sets of landscape and irrigation plans conforming to the state's MWELo requirements shall be prepared and submitted with fee for review and approval by the City's contract landscape architect before issuance of a Certificate of Occupancy of any of the residential dwellings.
5. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required.
6. On site drainage shall be provided and may need to be sized to manage water from off-site based on existing drainage patterns.

7. Ward Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
8. Ross Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping. Private Ross Avenue shall be improved to a half street on the south side plus a 12-foot paved lane.
9. The intersection of 40-foot Ross Avenue and 40-foot (unnamed street) Avenue needs to be improved to City Standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
10. Provide dedication for all necessary road rights-of-way and easements for utilities and sidewalks.
11. Show the location of the existing sewer line and sewer easement in Ross Avenue.
12. The internal streets need to be constructed to City Standards if they are intended to be public streets.
13. Indicate "No Parking" for streets with less than 40 feet, with curb to curb.
14. A minimum six-foot-high concrete masonry wall is required along the westerly boundary.
15. Prior to the issuance of a certificate of occupancy for any dwelling units, a six-foot high wood board fence shall be installed on the eastern property line.
16. Prior to the issuance of a certificate of occupancy, a six-foot-high barrier (wood board fence or masonry wall) shall be installed on the north side of the private Ross Road. The length of the barrier and building material to be approved by the Community Development Director.
17. Provide a copy of the soils report including percolation testing for the storm drain system.
18. All storm water needs to be managed on-site. No new connection to the existing storm system is permitted.
19. All storm inlets shall be fitted with storm filter inlets.
20. Provide support proving that the existing sanitary sewer has sufficient capacity and integrity to handle the new development.
21. Show the existing OID facilities and indicate if they are to remain or be abandoned.
22. The water system shall be designed to meet City Standards and include hydrants, services, and blow offs.
23. The sanitary sewer system shall be designed to City Standards and include manholes, services, and cleanouts.

24. All sidewalks and ramps need to meet ADA standards and provide connection to all public streets.
25. The location of any OID facilities shall be shown and any proposed relocation or improvements including easements.
26. Any block walls shall be reviewed and approved under a separate permit.
27. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.
28. All private street names shall be approved by the Community Development Director, in coordination with Stanislaus County 911 dispatch.
29. 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.
30. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1.**
31. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1.**
32. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3.**
33. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1.**
34. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4.**

35. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day.
36. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
37. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
38. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
39. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used.
40. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
41. Applicant shall comply with San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review.
42. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
 - a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.
43. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for

the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

- a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
 - c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
 - d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project.
44. 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 Development Services Department page on the City's website.
45. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:
- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
 - b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
 - c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (neighboring dwellings).
 - d. Unnecessary idling of internal combustion engines shall be prohibited.
 - e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (neighboring dwellings).
 - f. Construction-related traffic shall be routed along major roadways (Roselle Avenue and Claribel Road) and as far as feasible from sensitive receptors.

- g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RESOLVES that it approves Architectural and Site Plan Approval ASPR No. 09-2023 for the Lucky House Tiny Homes project, attached hereto as “**Exhibit A**” and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 18th of June 2024; motioned by Commissioner Rueben, seconded by Commissioner Dinan, and upon roll call was carried by the following vote of 4 - 0:

AYES: Commissioners: Zamora, Dinan, Link and Rueben

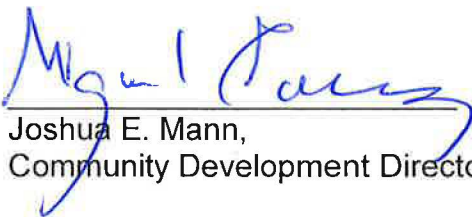
NAYS: None

ABSENT: Stewart, Halterman and Basso

ABSTAIN: None

Attest:

Approved:

For 
 Joshua E. Mann,
 Community Development Director


 Taide Zamora, Vice-Chair
 Planning Commission

Exhibit A – Lucky House Tiny Homes Site Plan Floor Plan and Elevations.

**CITY OF RIVERBANK PLANNING COMMISSION
STAFF REPORT**

ITEM NO: 6.2 **June 16, 2026**

APPLICATION: **Conditional Use Permit Application No. 02-2026 (Dept. File No. 26-0015) – Target**
Request for a Conditional Use Permit to amend Target’s existing Department of Alcoholic Beverage Control Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license, which allows the sale of distilled spirits, and to allow for a Type 86 Instructional Tasting license.

OWNER: Target Corporation

APPLICANT: Target Corporation

REPRESENTATIVE: Beth Aboulafia, Hinman & Carmichael LLP

LOCATION/APN: 2425 Claribel Road, between Oakdale Road and Squire Wells Way

ASSESSOR’S PARCEL: 075-093-031

GENERAL PLAN: Community Commercial (C/C)

ZONING: Crossroads Community Specific Plan (SP-1), Regional Commercial/Business Park (RC/BP)

ENVIRONMENTAL DETERMINATION: CEQA Exempt – 15301 Existing Facilities

PROJECT PLANNER: Teresa McDonald, Senior Planner

RECOMMENDATION: Make the required findings for project approval and adopt Resolution No. 2026-011 approving Conditional Use Permit Application No. 02-2026.

EXECUTIVE SUMMARY

Section 153.361 of the Riverbank Municipal Code requires a Conditional Use Permit for the retail sale of alcoholic beverages. Target Corporation (“Target”) has applied to the Department of Alcoholic Beverage Control to upgrade its existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of distilled spirits in addition to beer and wine, and for a Type 86 Instructional Tasting license. Because Target’s existing Conditional Use Permit (CUP No. 06-2005) allows the sale of beer and wine only, Target is requesting a new Conditional Use Permit to allow the sale of beer, wine and distilled spirits for off-site consumption and to allow the incidental on-site consumption of alcoholic beverages in connection with instructional tastings. Occasional tasting events will take place in the grocery section of the store near the

alcoholic beverage aisles. During the instructional tasting event, the tasting area will be cordoned off by a rope, cable, cord or other temporary barrier. No one under 21 will be permitted to enter the designated tasting area, and customers will not be permitted to leave the tasting area with any open containers of alcoholic beverages. No other operational changes are proposed.

SITE DESCRIPTION

The project site is located at 2425 Claribel Road, between Oakdale Road and Squire Wells Way in the Crossroads shopping center. The property is improved with a 123,575± square foot Target store, landscaping, and paved parking lot on a 10± acre parcel. The site has access onto Squire Wells Way and is surrounded by residential uses to the north, commercial and residential uses to the east across Squire Wells Way, and commercial uses to the south and west.

ISSUES

No specific issues have been identified as part of the review of the project. The conditions of approval and performance standards require the applicant to comply with all applicable City and State requirements for alcohol service and operate the use in a manner that is not detrimental to health, safety, and general welfare of the neighborhood.

GENERAL PLAN CONSISTENCY

The project site is designated Community Commercial (C/C) in the City of Riverbank General Plan. The C/C designation accommodates retail, employment, and commercial uses and is intended for areas located along major roadways on the periphery of existing and planned neighborhoods. Goal ED-3, Policy ED-3.1 states that the City will continue to prioritize local business retention, with particular emphasis on retaining businesses that are significant sources of employment and/or tax revenue for the City. Policy ED-3.2 further supports exploring opportunities for local business expansion, including opportunities for businesses to expand within their existing locations. The requested amendment is consistent with the existing use of the building, and approval of the request would not alter the commercial character of the site. Additionally, allowing Target to sell distilled spirits would provide an opportunity for the business to expand its market offerings within the existing commercial establishment and be competitive with other Target stores that already offer the sale of distilled spirits. Staff find that the proposed use is consistent with the General Plan.

ZONING ORDINANCE CONSISTENCY

The project site is located within the Crossroads Community Specific Plan (SP-1) and is zoned Regional Commercial/Business Park (RC/BP). As outlined in the Specific Plan, the

RC/BP area is intended to serve as a regional commercial center and/ or industrial business park. The area may have a variety of office park, retail, or commercial uses. The use of the site as a Target store is a consistent use with this designation.

Section 10.2 of the Specific Plan states that the Specific Plan zoning classification is consistent with the Riverbank Zoning Ordinance and when standards or regulations are not specified in the Specific Plan, the requirements of the Riverbank Municipal Code shall provide the regulatory authority. Accordingly, the sale of alcoholic beverages is regulated by the Riverbank Municipal Code.

Conditional Use Permit

The Riverbank Municipal Code regulates the sale of alcoholic beverages, including beer and wine, for on- or off-site consumption throughout the City of Riverbank. A conditional use permit (CUP) allows the City to apply appropriate conditions to the use permit that ensure compliance with the established performance standards, approved activities, and penalties for violations. In order to be approved, the activity is required to adhere to the following performance standards:

1. That it 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 disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions 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; and
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.

In addition to the performance standards outlined above, the following findings are required for the Planning Commission to approve any use permit:

1. The proposed use is consistent with the general plan, any applicable specific plan, and all applicable provisions of this chapter;
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, and general welfare of the

persons residing or working in the neighborhood or to the general welfare of the city;

3. The proposed use is consistent with the purpose of the applicable zoning district or districts; and
4. The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city and state.

Section 153.367 of the RMC establishes formal procedures should the applicant violate, fail to meet, or not adhere to the performance standards outlined above. Should the City receive complaints from the public, Police Department, or any other interested parties and verify that violations have occurred or are occurring, the approval of the CUP may be reviewed by the Planning Commission at a public hearing. The Planning Commission, after receiving public testimony, may add new conditions, amend existing conditions or revoke the CUP.

Based on the project location, existing building and use, Regional Commercial/Business Park zoning, proposed operational conditions and the City's ability to review, modify or revoke the CUP if nuisance conditions occur, staff believes the proposed use can satisfy the required findings. The project will not change the overall character of the site's operation. Staff believe the project can be found to be consistent with the Crossroads Community Specific Plan and the Riverbank Municipal Code.

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 the California Environmental Quality Act (CEQA). The proposed Project meets the criteria of Article 19, Categorical Exemption 15301, Existing Facilities. 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.

CONDITIONS OF APPROVAL

The project shall be subject to all Conditions of Approval outlined in Exhibit A of Attachment 4 - *Planning Commission Resolution No. 2026-011 (Conditional Use Permit 02-2026)*.

PUBLIC NOTICE

The Planning Commission hearing notice was published in the Riverbank News, posted at City Hall North and South, and mailed to landowners within 300-feet of the project site on June 3, 2026. In addition, the applicant posted a Notice of Development Permit

Application at the project site on June 6, 2026. At the time of writing this Report, the City has not received any correspondence from surrounding landowners.

RECOMMENDATION

Staff recommend the Planning Commission approve the project, make the required findings and adopt Resolution No. 2026-011 approving Conditional Use Permit Application No. 02-2026, based on the discussion above and on the whole of the record provided to the City. If the Planning Commission approves the project, the aforementioned Resolution provides an overview of the findings and actions required for project approval.

ATTACHMENTS

1. Site Plan and Floor Plan
2. Project Description
3. Conditional Use Permit Findings
4. Planning Commission Resolution No. 2026-006 (Conditional Use Permit Application No. 01-2026)
Exhibit A – Conditions of Approval

Respectfully Submitted By: Teresa McDonald, Senior Planner

Target, 2425 Claribel Rd., Riverbank, CA 95367

Note: Fixtures over 8'-0" require seismic design and installation in accordance with Target's standard operating procedures.

TARGET CORPORATION

TARGET CORPORATION, PROPERTY DEVELOPMENT
1800 NICOLLET Mall
MINNEAPOLIS, MINNESOTA 55403

NOTICE: VERIFY ALL DIMENSIONS AND CONDITIONS of the Target Corporation and contains proprietary information of Target Corp. The possession of this document does not convey any rights to reproduce, disclose its contents or to produce, use or sell anything it may describe. Reproduction, disclosure or use without specific prior written authorization from Target Corporation is strictly forbidden.

CEILING HEIGHT

A & A: 14'-0"
Hardlines: 14'-0"
Stockroom: 18'-6"
* USE HEIGHT TO BOTTOM OF STRUCTURE



■ = Alcoholic beverage display area
384 sq ft
■ = Approx. AB tasting location

TARGET

ISSUE DATE:
PLOT DATE: 07-OCT-2025 18:42
PLANNER: John O'Day
SCALE: 1/40"=1'-0"
PROJECT

NAME Riverbank
Riverbank, CA
STORE NO. T-2096
TITLE FIXTURE PLAN

PLAN TYPE SHEET NO.
P04 FZ1
P09RS Page 11 of 80

Attachment - Project Description
Target, 2425 Claribel Rd., Riverbank

Target Corporation ("Target") has applied to the Department of Alcoholic Beverage Control to upgrade its existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of distilled spirits in addition to beer and wine, and for a Type 86 Instructional Tasting license. Because Target's existing Conditional Use Permit (CUP No. 06-2005) allows the sale of beer and wine only, Target is requesting a new Conditional Use Permit to allow the sale of beer, wine and distilled spirits for off-site consumption and to allow the incidental on-site consumption of alcoholic beverages in connection with instructional tastings.

Since Target began selling beer and wine in 2005, Target's retail model has changed to include a significant grocery component. Target's market section offers a full-range of grocery products, including fresh meats, fresh vegetables and produce and fresh bakery items, along with a wide selection of dry goods. To complement its market section, Target would like to be able to offer customers a full-range of alcoholic beverage products, including distilled spirits. Adding distilled spirits will provide a more complete shopping experience and added convenience for Target's customers.

To further enhance the shopping experience, Target will also offer occasional on-site instructional tastings to educate customers about the qualities and characteristics of various alcoholic beverage products. The occasional tasting events will take place in the grocery section of the store near the alcoholic beverage aisles. During the instructional tasting event, the tasting area will be cordoned off by a rope, cable, cord or other temporary barrier. No one under 21 will be permitted to enter the designated tasting area, and customers will not be permitted to leave the tasting area with any open containers of alcoholic beverages.

Most other Target stores in California sell a full range of alcoholic beverage products, including distilled spirits. Target would like to be able to offer customers of its Riverbank store the same full selection of alcoholic beverage products available at other Target stores.

The addition of distilled spirits will not change the character of Target's operations. Alcoholic beverage sales will continue to be a very small component of Target's overall retail operations, but will provide customers with the conveniences they expect from a full-service grocery.

Target is a well-respected retailer and takes seriously the responsibility of selling alcoholic beverages. Target has policies and protocols to ensure that alcohol sales are handled in a responsible manner and to deter crime, loitering and other undesirable activity. In addition to video surveillance throughout the store, Target has a dedicated team of asset protection personnel who monitor the interior and exterior of the store during business hours. Further, all cashiers receive training in responsible alcoholic beverage sales. The training focuses on cashier responsibilities in preventing underage sales, methods for verifying identification, handling intoxicated guests and cashier liability. Target also extends its underage sales prevention to its POS system, which is programmed with prompts to help cashiers when processing alcohol transactions. Adding distilled spirits sales, therefore, will not have any adverse effect on the general welfare of the surrounding neighborhood.

Attachment – Findings
Target, 2425 Claribel Rd., Riverbank

Findings for Conditional Use Permit:

(1) The proposed use is consistent with the general plan, any applicable specific plan, and all applicable provisions of this chapter;

The General Plan designation is Community Commercial. Areas within the Community Commercial designation are intended for the provision of retail services. The project is also within the Crossroads Community Specific Plan, which is intended, in part, to provide regional-serving commercial uses. The addition of a full range of alcoholic beverages to Target's existing retail operations is consistent with these Plans.

(2) The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, and general welfare of the persons residing or working in the neighborhood or to the general welfare of the city;

The Target store is located in a large commercial shopping center oriented away from the residential areas to the north and therefore will not impact those residential uses. Furthermore, Target has been selling beer and wine at the store since 2005 without any negative impacts on the surrounding community. The addition of distilled spirits sales will not change the nature of Target's operations.

(3) The proposed use is consistent with the purpose of the applicable zoning district or districts;

The project is consistent with the purpose of the Crossroads Community Specific Plan to provide regional-serving commercial uses, and with the underlying Neighborhood Commercial zoning.

(4) The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city and state.

The proposed use is conditionally permitted under the City's land use regulations and complies with all other local and state requirements.

Findings for Alcohol Beverage Sales:

(A) That it does not result in adverse effects to the health, peace, or safety of persons residing or working in the surrounding area;

The Target store is located in a large commercial shopping center oriented away from the residential areas to the north and therefore will not impact those residential uses. Furthermore, Target has been selling beer and wine at the store since 2005 without any negative impacts on the surrounding community. The addition of distilled spirits sales will not change the nature of Target's operations.

(B) That it does not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area;

Target provides a broad range of everyday essentials to meet the needs of local residents. The sale of distilled spirits in addition to beer and wine as part of Target's grocery offerings will not change the character of the existing retail use. The hours of operation, types of vehicular traffic, number of people involved (both as employees and as customers), outdoor activities and other operational aspects of the store will be unchanged. Alcoholic beverage sales will continue to be a small component of Target's overall retail use. The addition of distilled spirits sales, therefore, will not adversely affect the surrounding community.

(C) That it does not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions and arrests;

Target has policies and protocols to ensure that alcohol sales are handled in a responsible manner and to deter crime, loitering and other undesirable activity, including responsible alcohol sales training for employees, video surveillance security systems and dedicated security personnel who monitor the store and the perimeter of the store. The shopping center also has security personnel who patrol the parking lot.

(D) That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute;

Target has conducted, and will continue to conduct, its operations, including the sale of alcoholic beverages in compliance with all laws.

(E) 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.

The Target store is located in a major commercial shopping center. The sale of alcoholic beverages at the store has already been determined to be compatible with adjacent properties and the surrounding neighborhood, and will not adversely affect or degrade the surrounding neighborhood.

**City of Riverbank
Planning Commission
Resolution No. 2026-011**

**A Resolution of the Planning Commission Approving Conditional Use Permit
Application No. 02-2026 (Dept. File No. 26-0015) for Target Located at 2425
Claribel Road, APN: 075-093-031**

Whereas, a Conditional Use Permit application has been received to amend Target's existing Department of Alcoholic Beverage Control Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of beer, wine and distilled spirits, and to allow for a Type 86 Instructional Tasting license, located at 2425 Claribel Road (APN: 075-093-031); and

Whereas, the property has a General Plan Land Use designation of Community Commercial (C/C) and is zoned Regional Commercial/Business Park (RC/BP) within the Crossroads Community Specific Plan (SP-1); and

Whereas, areas with the Community Commercial (C/C) General Plan designation accommodate retail, employment, and commercial uses; and

Whereas, Section 10.2 of the Crossroads Community Specific Plan specifies that when standards or regulations are not specified in the Specific Plan, the requirements of the Riverbank Municipal Code shall provide the regulatory authority; and

Whereas, Section 153.361 of the City of Riverbank's Municipal Code requires a Conditional Use Permit (CUP) be obtained for the sale of alcoholic beverages, including beer and wine, for on-site or off-site consumption; and

Whereas, approval of CUP Application No. 02-2026 would allow Target to amend its existing Department of Alcoholic Beverage Control Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of beer, wine and distilled spirits, and would also allow a Type 86 Instructional Tasting license, subject to the conditions of approval and compliance with all applicable City and State requirements; and

Whereas, the Planning Commission held a public hearing on June 16, 2026, to consider CUP Application No. 02-2026 and take public comment; and

Whereas, the Planning Commission has made the following use permit findings;

1. The proposed use is consistent with the General Plan, any applicable specific plan, and all applicable provisions of this chapter;
2. The establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and

operating characteristics), be detrimental to the health, safety, and general welfare of the persons residing or working in the neighborhood or to the general welfare of the city;

3. The proposed use is consistent with the purpose of the applicable zoning district or districts; and
4. The proposed use meets the minimum requirements of this title applicable to the use and complies with all other applicable laws, ordinances, and regulations of the city and state; and

Whereas, the Planning Commission has made the following additional findings required for the sale of alcoholic beverages:

1. That it 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 disturbance of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, curfew violations, lewd conduct, or police detentions 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; and
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; and

Whereas, the Planning Commission finds that the project is categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301, Existing Facilities because the request involves operation of an existing retail store with no proposed expansion of the building.

Therefore, Be It Resolved by the Planning Commission that Conditional Use Permit Application No. 02-2026 is hereby approved, subject to the conditions as listed in “**Exhibit A**”.

Passed and adopted by the Planning Commission of the City of Riverbank at a meeting held on the 16th day of June 2026, motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ___-___:

AYES:

NAYS:

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ABSENT:

ABSTAIN:

Attest:

Approved:

Joshua E. Mann
Community Development Director

Michael Halterman, Chairperson
Planning Commission

Exhibit A – Conditions of Approval

EXHIBIT “A”
CONDITIONS OF APPROVAL

Conditional Use Permit Application No. 02-2026
(Dept. File No. 26-0015) – Target

This project is subject to the following conditions unless specifically exempted, as determined by the Community Development Director or his/her designee.

A. GENERAL CONDITIONS

1. The subject use permit shall be null and void 24 months from the date of final approval thereof unless prior to such expiration date, the property is being used for the purpose of which the use permit was granted or unless a valid building permit is in effect for the construction of necessary buildings or appurtenances to such use. The Planning Commission may defer expiration of the permit for a period not exceeding one year upon application, in writing, by the owner of the property prior to expiration provided such use is still permitted in the district in which it is proposed to be located.
2. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
3. The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to operation, as appropriate.
4. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.
5. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
6. With respect to any claim, action of proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying entitlements of any type, the Developer agrees to indemnify, hold harmless and defend the City and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives from any and all claims, costs, and liability for claims of damage, for any property damage or personal injury, including death, which may arise as a result of any negligent acts or omissions by Developer or Developer’s contractors, subcontractors, agents, or employees in

connection with the construction, improvement, or operation, of the Project. Developer agrees to indemnify, hold harmless and defend the City and its officers, agents, employees, and representatives from any and all actions for damages caused or alleged to have been caused by Developer's activities in connection with the Project. This Agreement applies to all damages and claims for damages suffered or alleged to have been suffered arising out of or in connection to any and all Project operations, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the Project.

7. In the event any legal action or special proceeding is commenced by any person or entity challenging any agreements between Developer and City, any entitlement or component of the Project such as the Project EIR, or any other City approval for the Project (collectively, "Project Litigation"), the Parties agree to cooperate with each other as set forth herein. City may elect to tender the defense of any lawsuit filed and related in whole or in part to Project Litigation. Upon the commencement of Project Litigation, Developer will indemnify and hold harmless the City from all costs and expenses incurred related thereto, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. Developer shall pay all litigation fees to the City within thirty (30) days of receiving a written request and accounting of such fees and expenses from the City. Notwithstanding the aforementioned, City may request a deposit to cover City's reasonably anticipated Project Litigation fees and costs, and Developer will provide such deposit to City within seven (7) days of any such request.
8. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
9. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.
10. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.