



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

Agenda
Tuesday, November 17, 2015 – 6:00 P.M.

CALL TO ORDER: Chair: Hughes

ROLL CALL:

Chair:	Hughes
Vice Chair:	Vacant
Commissioner:	McKinney
Commissioner:	Stewart
Commissioner:	Villapudua

CONFLICT OF INTEREST

Any Planning Commission/Authority Member and Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

1. PUBLIC COMMENTS (No action to be taken)

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

2. CONSENT CALENDAR

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

Item 2.A: Posting of the Agenda. The Agenda for the November 17, 2015, Planning Commission Meeting was posted on the City Chamber bulletin board, City Hall North & South bulletin board, Post Office and sent to the Library on November 13, 2015.

Item 2.B: Approval of the Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Item 2.C: Approval of the Minutes. The Minutes of the October 20, 2015, Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted.

Recommendation: It is recommended that Planning Commission approve the Consent Calendar by roll call vote.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

3. APPEAL

Item 3.1: Dennis Monterosso – Appeal of Citations. Project Description: The Project is an appeal of two Administrative Citations that were issued for grading without a permit. Property is located at the Northwest corner of California and Claus, APN 132-046-078 and -079 and is zoned R-1 (Single Family Residential). The General Plan designation for the site is LDR (Low Density Residential).

Recommendation: Deny the appeal of the citations.

4. PUBLIC NOTICE

Item 4.1: Nana Farkye / Stanislaus Cheese - Modification to Architecture and Site Plan Review Application No. 02-2015. Project Description: The applicant received Architectural and Site Plan Review approval of additions and tenant improvements to an existing milk and cheese processing facility, including a small retail area, at the Planning Commission meeting of September 15, 2015. The applicant now proposes to amend that approval to include a phasing plan. City staff has determined that the proposed additions and tenant improvements are exempt from CEQA pursuant to Section 15301 (Class 32) of the State CEQA Guidelines related to Existing Facilities. Property is located at 3112 Santa Fe Street, APN 132-011-060 and is zoned M-1 Light Industrial. The General Plan designation for the site is MU (Mixed Use). The property is within the Downtown Specific Plan which designates this property as Downtown General.

Recommendation: Deny the modification to the Architecture and Site Plan Review approval of September 15, 2015 based upon the phasing's inconsistency with the General Plan, Downtown Specific Plan and Municipal Code.

5. COMMISSION ITEMS (Information Only – No Action)

Item 5.1: Planning Commission recruitment to fill three seats has been extended to run from Monday, November 2, 2015, to close of business on Tuesday, November 17, 2015. Although terms will expire at the end of December 2015, according to policy, Commissioners may remain in their seat as Commissioner until the new appointments have been sworn in. If you are not interested in remaining in the seat until then, please let the City Clerk know. We anticipate recommending appointments to the City Council by December 8, but due to the holidays, it may not be until the first City Council meeting on January 12, 2016. The City Clerk will inform you as December 8th.

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

None

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Item 7.1: Ward Villas – Infill project that would require a General Plan Amendment, Rezone and Planned Development. Revised plans received this week.

Item 7.2: Diamond Bar West – Final Subdivision Map. Applicants are working on the plans for utilities, streets, hawk foraging land mitigation and oak tree mitigation.

Item 7.3: Diamond Bar West – Architecture and Site Plan Review. Application to be submitted within 2 weeks.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

Item 7.4: KB Home variance – Approved by City Council 11/10/15. Council would like to see the variance ordinance amended for Planning Commission approval instead of a recommendation to Council.

8. NEW BUSINESS (Information Only – No Action)

Item 8.1: Crossroads Shopping Center, Pad “C” – We have received all five (5) tenant improvement plans for Pad “C” - Panda Express, Chipotle, Dickey’s BBQ Pit, AT&T Store and Five Guys.

Item 8.2: Pad “G” next to Bevmo to construct an America’s Tire store.

**9. ADJOURNMENT – The next regular Planning Commission meeting – December 15, 2015
@ 6:00 p.m.**

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board 72 hours prior to the meeting.

*Dated this 13th day of November, 2015
Janet Smallen, Sr. CDS*

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128. Notification 3 business days before the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting [28 CFR 35.102-35.104 ADA Title II].

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

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

COMMISSION AGENDAS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted. Additional documents that are part of this agenda and provided to a majority of the Planning Commission by the City will be made available to the public. The agenda is posted for public review at the City's website www.riverbank.org, at the Development Services Department, and on the exterior of both City Hall North & South buildings bulletin boards, 6707 & 6617 Third Street, Riverbank, CA. Subscription to receive the agenda can be purchased for a nominal fee through the Development Services Department.

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

QUESTIONS: Contact the Developmental Services Department at (209) 863-7128.

Any documents, not privileged or of a closed session, produced by the City and distributed to the majority of the Planning Commission regarding any item on this agenda will be made available at Developmental Services Department, 6617 3rd Street, Riverbank, CA during normal business hours. (if technologically possible) at <http://www.riverbank.org/Depts/planning/default.aspx> upon distribution to a majority of the Planning Commission (typically 72 hours prior to the meeting).



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES
Tuesday, October 20, 2015

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

CALL TO ORDER/ROLL CALL:

Present: Chair Hughes, Commissioner McKinney, Commissioner Stewart and Commissioner Villapudua

Absent: None

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

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

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

Charlie Neal spoke on behalf of the approval of the increased beverage sizes that Galaxy Theaters received and is not happy that it was approved.

2. CONSENT CALENDAR

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

Item No. 2.A: Posting of the October 20, 2015, Planning Commission Meeting.

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

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item No. 2.B: The Agenda for the October 20, 2015, Planning Commission Meeting.

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

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item No. 2.C: The Minutes of the September 15, 2015 Planning Commission Meeting.

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

Ayes: Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

3. PUBLIC HEARING ITEMS

Item 3.1: KB Home Central Valley Inc. / Cornerstone at Crossroads Variance 01-2015 to decrease a setback on Lot 99 from four (4) feet to three (3) feet. The project is exempt from CEQA pursuant to Section 15315 of the State CEQA Guidelines related to Minor Land Divisions. Property is located at 5705 Cornerstone Drive, APN 075-099-051 and is zoned PD Planned Development.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.1.
- Planning Commission discussed item and asked Donna questions.
- Public Hearing was opened at 6:18 p.m.
- Chris Vierra applicant's engineer spoke on item 3.1.
- Being there were no further comments the Public Hearing was closed at 6:24 p.m.
- Planning Commission discussed item.
- Commissioner McKinney asked staff some questions.
- Staff responded to the Planning Commissions questions.

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

Ayes: Planning Commissioners: Hughes, McKinney, Stewart and Villapudua

Nays: None

Absent: None

Abstained: None

Item 3.2: Nana Farkye / Stanislaus Cheese modification to Architectural and Site Plan Review Application No. 02-2015. Project Description: The applicant received Architectural and Site Plan Review approval of additions and tenant improvements to an existing milk and cheese processing facility,

Riverbank Planning Commission

Minutes from October 20, 2015

Page 2 of 5

including a small retail area, at the Planning Commission meeting of September 15, 2015. The applicant now proposes to amend that approval to include a phasing plan. City staff has determined that the proposed additions and tenant improvements are exempt from CEQA pursuant to Section 15301 (Class 32) of the State CEQA Guidelines related to Existing Facilities. Property is located at 3112 Santa Fe Street, APN 132-011-060 and is zoned M-1 Light Industrial. The General Plan designation for the site is MU (Mixed Use). The property is within the Downtown Specific Plan which designates this property as Downtown General.

- Donna M. Kenney presented the staff report and PowerPoint on item 3.2.
- Planning Commission discussed item and asked Donna some questions.
- Public Hearing was opened at 6:38 p.m.
- Applicants Architecture Jose Perez spoke on behalf of project.
- Planning Commission asked the applicants questions.
- Applicant Nana Farkye also spoke on behalf of his project.
- Planning Commission asked Mr. Farkye additional questions.
- Applicant states if he is able to defer to two phases he would pull permits for second phase by January 2017.
- Evelyn Halbert spoke against item 3.2 and was concerned about noise and odors.
- Charlie Neal speaking for Assembly of God Church also spoke against item 3.2 and concerned about parking and the DTSP.
- Donna also commented on item 3.2 and staff's recommendation.
- Public Hearing was closed at 6:59 p.m.
- Planning Commission discussed item.
- Commissioner Stewart asked questions pertaining to the DTSP and noise and if they could provide information on equipment noise and odors.
- City Attorney Robin Baral responded to the Planning Commissioners question on CEQA and the noise.
- Public Hearing was reopened at 7:03 p.m.
- Charlie Neal spoke against item 3.2.
- Evelyn Halbert spoke against item 3.2.
- Applicant Nana Farkye spoke in favor of his project and addressed some questions the Planning Commissioners had.
- Public Hearing was closed at 7:06 p.m.
- Planning Commission discussed item.
- Commissioner Villapudua commented on noise and fencing.

- Commissioner Stewart stated she wanted information on noise per CEQA.
- Commissioner Stewart stated that they should make a motion to continue item until the next Planning Commission meeting.
- Commissioner McKinney commented that we need to maintain and be consistent with the General Plan and DTSP.

ACTION: *By motion moved/second (Stewart / McKinney / passed 3-1) Item 3.2 to be continue until the November 17, 2015 Planning Commission Meeting; motion carried by a 3 – 1 roll call vote.*

Ayes: Planning Commissioners: Hughes, McKinney, Stewart

Nays: Villapudua

Absent: None

Abstained: None

4. COMMISSION ITEMS (Information Only – No Action)

Item 4.1: Update on drought regulations, as of September 22, 2015 the City Council adopted emergency water restrictions in order to help the City meet the required 32% reduction imposed by the State. The revised watering schedule is as follows:

<u>ODD</u> Address numbers: 1, 3, 5, 7 & 9 may water on MONDAY and FRIDAY	<u>EVEN</u> Address numbers: 2, 4, 6, 8 & 0 may water on TUESDAY and SATURDAY
<u>DO NOT WATER ANY DAY BETWEEN 9 A.M. AND 9 P.M.</u>	

Item 4.2: Chair Hughes updated staff that herself and Commissioner McKinney attended the Stanislaus County Planning Commissioners Workshop and that they enjoyed it and it was very informative.

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

None

6. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

Item 6.1: Ward Villas – Infill project that would require a General Plan Amendment, Rezone and Planned Development.

Item 6.2: Diamond Bar West – Final Subdivision Map.

Item 6.3: Diamond Bar West – Architecture and Site Plan Review.

Item 6.4: Include e-cigarettes in the tobacco ordinance – Ordinance Amendment.

7. NEW BUSINESS (Information Only – No Action)

Item 7.1: Crossroads Shopping Center, Pad “C” – So far we have received four tenant improvement plans for Panda Express, Chipotle, Dickey’s BBQ Pit and AT&T Store.

Item 7.2: Pad “G” next to Bevmo to construct an America’s Tire store.

8. ADJOURNMENT – There being no further business, Chair Hughes adjourned the meeting at 7:20 p.m.

ATTEST:

Donna M. Kenney
Recording Secretary

APPROVED:

Patricia Hughes, Chair
Planning Commissioner

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO: 3.1 **November 17, 2015**

APPLICATION: **Administrative Citation Appeal. Project Description:** The Project is an appeal of two Administrative Citations that were issued for grading without a permit. Property is located at the Northwest corner of California and Claus, APN 132-046-078 and -079 and is zoned R-1 (Single Family Residential). The General Plan designation for the site is LDR (Low Density Residential).

OWNER: Dennis A. Monterosso
1932 Evergreen Court
Modesto, California 95350

APPLICANT: Dennis A. Monterosso
1932 Evergreen Court
Modesto, California 95350

ENGINEER: Rodrick Hawkins PE
436 Mitchell Road
Modesto, California 95354

LOCATION/APN: The proposed project is located at the Northwest corner of California and Claus, APN 132-046-078 (.536 acre) and -079 (1.658 acres) for a total of 2.21 acres of project site.

GENERAL PLAN: LDR Low Density Residential (no change requested)

ZONING: R-1 Single Family Residential (no change requested)

ENVIRONMENTAL DETERMINATION: This is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, no CEQA analysis is required.

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

RECOMMENDATION: Planning Staff recommends denial of the appeal.

I. EXECUTIVE SUMMARY

The proposed project consists of the appeal of two administrative citations (Attachment 2) for grading without a permit, one citation for each of the two parcels involved. City staff observed active earth-moving equipment and trucks on-site and a large dust cloud drifting across Claus Road towards Riverbank High School, obstructing the view of Claus Road vehicles, California Avenue vehicles, and pedestrians, creating a health and safety concern.

II. BACKGROUND

The subject property is two parcels located at the Northwest corner of California Avenue and Claus Road and is bounded by existing single family housing to the North, Claus Road to the East, California Avenue to the South, and 1 single family residence and proposed Matthew Lane to the West. Riverbank High School is located to the northeast across Claus Road. The subject property has an approved Vesting Tentative Map for ten (10) single family lots.

On September 22, 2015 at approximately 2:30 PM, the Planning and Building Manager observed large trucks on northbound Claus Road turning left onto California Avenue and then making a right onto the subject parcels, APNs 132-046-078 and -079. There was earth moving equipment working on site, trucks dropping loads of dirt, and a large dust cloud was drifting across Claus Road, obstructing the view of vehicles and pedestrians, many of whom were leaving the high school for the day. There was no water truck in sight to mitigate the dust and the City soon received a call from a motorcyclist who had encountered spilled dirt on California Avenue and almost lost control of his vehicle when he hit it. Staff verified there was no grading permit issued or Traffic Control Plan or Stormwater Pollution Plan ("SWPPP") submitted for review.

The City's Neighborhood Improvement Specialist and Building Inspector were sent out to the site with a stop work order. When they arrived, trucks were observed entering the site on the smaller of the two affected parcels (-078) and driving to the larger parcel (-079) to dump imported dirt (Attachment 3). Plant debris appeared to have been scraped into piles on the larger parcel and pushed over to the smaller parcel directly north of where the trucks were entering and exiting. There was no "track out" area to remove dirt from the truck tires before they left the site and onto California Avenue. The Public Works Superintendent was called to the site at the request of property owner Mr. Monterosso. He supported staff's actions, and directed Mr. Monterosso to contact Planning and Building for grading permit requirements. Mr. Monterosso then brought in a water truck to settle the dust and removed spilled dirt from the streets with a shovel. Two (2) administrative citations were issued for Cases #2015-0302 and #2015-0303.

III. ANALYSIS

Chapter 155 of the Riverbank Municipal Code (“RMC”) establishes grading/clearing performance standards and permit thresholds for all grading/clearing (including initial clearing, brushing or grubbing, and subsequent excavating or filling) on private and public lands. Based on the definitions below from this chapter, staff determined Mr. Monterosso was clearing, filling and grading without a permit on property larger than 1 acre in size (Mr. Monterosso’s 2 parcels total approximately 2.21 acres):

1. Brushing – The selective removal of vegetation.
2. Clearing – The substantial removal of vegetation.
3. Excavation – The removal of earth material by manual labor, mechanical equipment, blasting, or other such means.
4. Fill – The addition of earth material by manual labor, mechanical equipment, blasting, or other such means.
5. Grading – The excavation or filling of a site.
6. Grading/Clearing Permit – An official document issued by the City authorizing the grading/clearing activity specified by the grading/clearing permit conditions. [A major grading/clearing permit is required when proposed activities will affect an area greater than 1 acre.]
7. Grubbing – The removal of trees and other large plants by their roots.
8. Stockpiling – Temporary storage of earth materials.

The administrative citations were issued pursuant to RMC Section 155.11 Enforcement and Penalties, which states: “For a major grading/clearing permit and other violations of this chapter including but not limited to the performance standards, an initial fine of \$600 depending upon the severity of the violation and a fine of not more than \$600 for each day of violation where the offense is a continuing offense, but such fine may not exceed \$25,000.” Mr. Monterosso was fined \$600 for each of two parcels for a total of \$1,200. He stopped working when asked, then worked with the City Engineer to draft his Stormwater Pollution Plan (“SWPPP”) which includes the placement of straw waddles for erosion control. Mr. Monterosso’s appeal was received by the City Clerk’s office on October 21, 2015 (Attachment 4). He applied for his grading permit on November 10, 2015 and as of the writing of this staff report (November 12, 2015), it is still under review by staff.

VI. PUBLIC NOTICE

An appeal does not require a public hearing or noticing.

VII. RECOMMENDATION

Planning Staff recommends denial of the appeal for both citations.

VIII. ATTACHMENTS

1. Resolution 2015-025
2. Administrative citations
3. Appeal Request and Invoice dated October 19, 2015
4. Photos

Respectfully Submitted By:

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

Attachment 1
City of Riverbank
Planning Commission
Resolution No. 2015-025

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK DENYING THE APPEAL BY DENNIS MONTEROSSO OF
TWO ADMINISTRATIVE CITATIONS FOR CASES #2015-0302 AND 2015-
0303 FOR GRADING WITHOUT A PERMIT AT THE INTERSECTION OF
CALIFORNIA AVENUE AND CLAUS ROAD (APN: 132-046-078 AND -079)**

WHEREAS, On September 22, 2015, city staff observed grading was occurring on two parcels (APN 132-046-078 and -079) at the intersection of California Avenue and Claus Road, creating unmonitored truck traffic, a dust cloud, and a dangerous situation for vehicles and pedestrians in the area; and

WHEREAS, It was determined that the grading was being done without a grading permit, traffic control plan, or Stormwater Pollution Prevention Plan ("SWPPP"); and

WHEREAS, After further inspection of the site and dirt moving activities by the Neighborhood Improvement Specialist and Building Inspector, two administrative citations were issued to Mr. Dennis Monterosso, property owner of the two parcels; and

WHEREAS, Work was stopped so no further citations were issued.

NOW THEREFORE, BE IT RESOLVED, the City of Riverbank Planning Commission denies the appeal of the two (2) Administrative Citations for Cases #2015-0302 and #2015-0303 attached as Exhibit "A" to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney
Planning and Building Manager

Patricia Hughes, Chairperson
Planning Commission

Exhibit A: Administrative Citations for Cases #2015-0302 and #2015-0303



Attachment 2

City Of Riverbank Development Services Department

Planning Division Building Division Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7190 FAX (209) 869-7126

MONTEROSSO DENNIS A

September 22, 2015

2900 SCENIC BEND

MODESTO CA 95355

ADMINISTRATIVE CITATION

0 CLAUS RD -Case#2015-0302.

<u>Muni Code</u>	<u>Violation</u>	<u>Corrective Action</u>
RCC 155.11 (B)(1)(B)	GRADING	IMMEDIATELY DISCONTINUE ALL GRADING PRIOR TO OBTAINING A GRADING PERMIT

<u>Dates/Fines</u>				
CITATION - 117-000.000-655.000	9/22/2015	1.00	600.00	600.00

FAILURE TO RESPOND OR CORRECT VIOLATION(S): You are hereby order to discontinue and correct the violation(s) by:

CORRECTION DATE: 9/22/2015

Failure to respond or to correct the violations(s) by this date may result in additional citations. If you are fined a third time for a violation of the same code within twelve (12) months the fine will be \$500.00. Further legal proceedings may be undertaken resulting in a lien on your property for penalties, the cost of enforcement and collection, including attorney fees.

PAYMENT OF FINE OR PENALTY: Payment of fine must be made within thirty (30) days. Make your check or money order payable to: CITY OF RIVERBANK. DO NOT SEND CASH. To ensure proper credit please write citation number on your check or money order. Penalty and back charges will be assessed for check returned by your bank. IN ADDITION, YOU SHALL BE LIABLE FOR A FOR A 10% LATE FEE IF THE FINE IS PAID LATE.

APPEALS PROCESS OF ADMINISTRATIVE CITATION: If you wish to contest this citation you must file in writing to request an appeal with City of Riverbank within 30 working days of the citation date. Upon timely receipt of a properly completed hearing and deposit, the City shall set a date for a hearing before the Appeals Board not less that fifteen (15) days and not more than sixty (60) from the request of hearing filed. FAILURE TO TIMELY FILE A REQUEST FOR HEARING SHALL CONSTITUTE A WAIVER OF YOUR RIGHT TO APPEAL THE ADMINISTRATIVE CITATION.

If you have any questions or concerns, please call the Neighborhood Improvement Division at (209) 863-7190. Para informacion, en espanol sobre esta carta, por favor llame al 863-7194 y deje un mensaje y le regresamos su llamada.

Sincerely,

CITY OF RIVERBANK,

Community Development Department

CC:

Attachment 3



City Of Riverbank Development Services

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

6707 Third Street, Riverbank, CA 95367 Office (209) 863-7190 Fax (209) 863-7125

CITY OF RIVERBANK

OCT 21 2015

RECEIVED

NEIGHBORHOOD IMPROVEMENT DIVISION:
APPEAL REQUEST FORM

I hereby appeal the citation related to Case # 117000000655006 and Case # 117000000655000 for the property located at:

CLAUSE Road 132-046-078-000-132,045-079-000

My legal interest in this property is:

☒ Owner ☐ Beneficiary ☐ Other: _____

I submit the following material facts to substantiate action in reversing, modifying or setting aside the action of the City of Riverbank:

See Attached letter Please

I hereby certify under penalty of perjury that the information submitted in the appeal is true.

Printed Name:

Phone Number:

DENNIS A. MONTEROSSO

(209) 204-5157 ✓

Address:

2900 Scenic Bend

Modesto, Calif 95350

City: Modesto

State: CA Zip: 95355

Signature:

Dennis A. Monterosso

Date: Oct 20 - 2015

NOTE: If this form is received incomplete, it will be returned to you and may result in a delay in scheduling your case before the Appeals Board.

email: ddan1932@AOL.com

209-204-5157

City of Riverbank Development Services
6707 Third Street
Riverbank, California 95367

Re: Citation 117000000655000

Amount \$1200.00

Dennis Monterosso

Claus Road and 3949 California

Riverbank, California

I am submitting the following statement pursuant to the matter of setting aside the action of the City of Riverbank.

1. Current Planning Commission approval for a ten lot subdivision.
2. The citation is for two lots one of which no fill dirt was placed.
3. Once I was notified of the error I was compliant and adhered to the city's request and requirements.
4. Please note there was no grading done on the property only fill dirt placed.
5. I observed a near property opposite the high school on Claus where fill dirt is being moved in on a continuous basis and I know that they do not have a grading permit or permission. This information came directly from Donna Kenney.
6. The property presently approved environmental mediation and plan approved by Bill Kohl City Engineer of Riverbank. Waddle material has been placed for containment around the property.

I am asking for reconsideration of each citation.

Respectfully,



Dennis Monterosso

2900 Scenic Bend Drive

Modesto, California 95355

209-204-5157 ddano1932@aol.com



City of Riverbank
Development Services Department

INVOICE

6707 Third Street
Riverbank, CA 95367
Phone 209-863-7128 Fax 209-869-712

Date: Oct 19, 2015

For: Code Enforcement
Violations

Bill To:

MONTEROSSO DENNIS A
494 BRAVANDA CT
OAKDALE CA 95361

THIS IS A BILL

2013-0346	9/4/2013	CITATION - 117-000.000-655.000	1,000.00
2013-0346	9/23/2013	CITATION - 117-000.000-655.000	-1,000.00
2015-0303	9/22/2015	CITATION - 117-000.000-655.000	600.00
2015-0302	9/22/2015	CITATION - 117-000.000-655.000	600.00

TOTAL AMOUNT DUE: 1,200.00

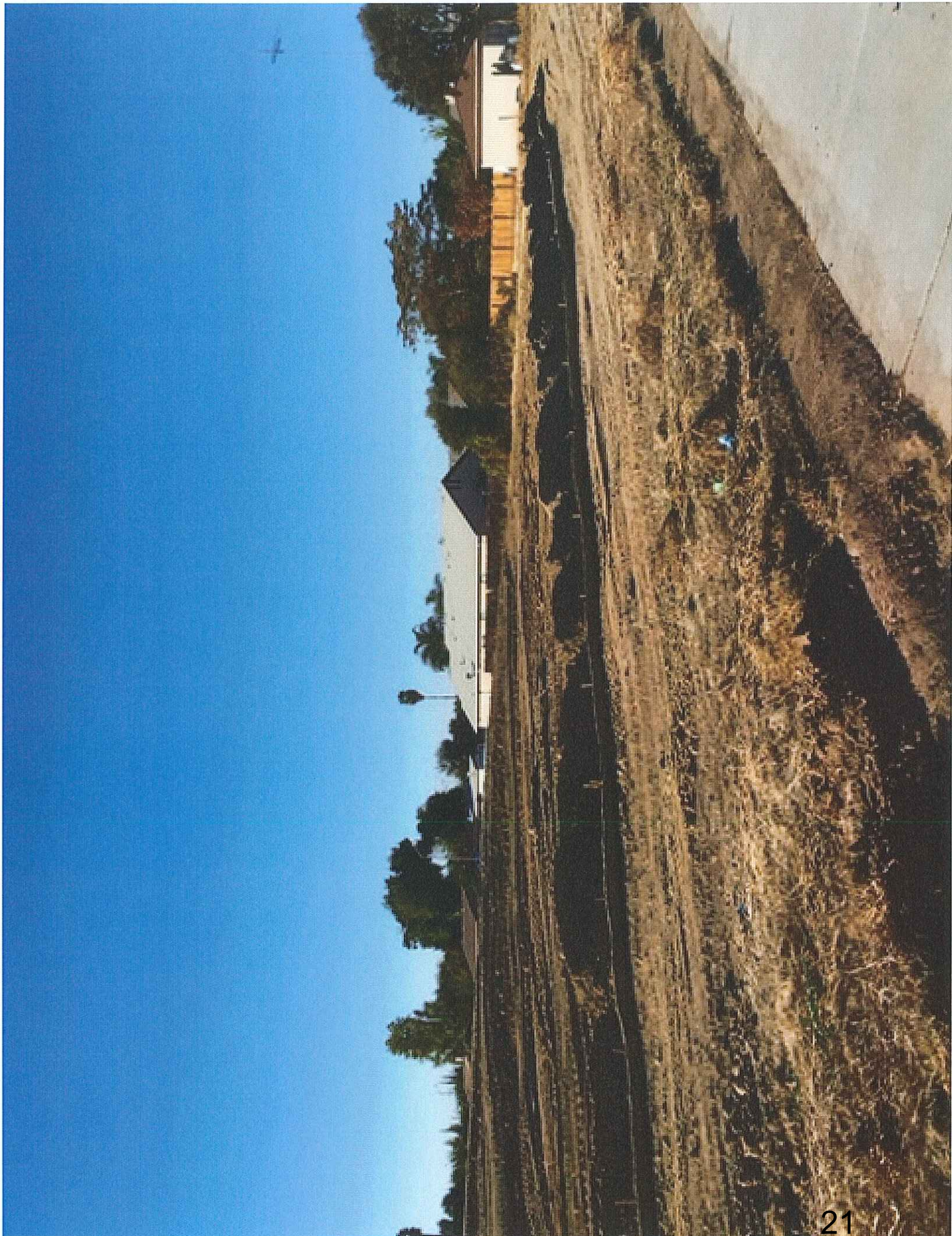
Make all checks payable to: **City of Riverbank**

If you have any questions concerning this invoice please contact the Development Services (209) 863-7128

THANK YOU FOR YOUR BUSINESS







**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 4.1 November 17, 2015

APPLICATION: **Modification to Architecture & Site Plan Review 02-2015 – Stanislaus Cheese – 3112 Santa Fe Street, APN: 132-011-060.** Request for a modification to the Architectural and Site Plan Review approval of additions and tenant improvements to an existing milk and cheese processing facility, including a small retail area. The proposed modification, a phasing of the improvements is subject to approval by the Planning Commission pursuant to Section 153.124 (G) of the Riverbank Municipal Code (“RMC”). This item was continued from the regular Planning Commission meeting of October 20, 2015.

OWNER: Rizo Lopez

**APPLICANT
REPRESTATIVE:** Nana Farkye / Stanislaus Cheese

GENERAL PLAN: Mixed Use (MU)

**DOWNTOWN SPECIFIC
PLAN:** Downtown General (DG)

ZONING: Light Industrial (M-1)

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

RECOMMENDATION: Deny the modification to the Architecture and Site Plan Review approval of September 15, 2015 based upon the proposal’s inconsistency with the General Plan, Downtown Specific Plan, and Municipal Code.

ACROMYMS: CEQA – California Environmental Quality Act
RMC – Riverbank Municipal Code
DSP – Downtown Specific Plan
ADA – Americans with Disabilities Act
Spec Sheet – Equipment Specifications Sheet

I. EXECUTIVE SUMMARY:

The applicant proposes a modification to their Architecture and Site Plan Review approval of additions and tenant improvements to an existing milk and cheese processing facility that was approved by the Planning Commission on September 15, 2015. Specifically, the applicant would like to construct his project in two phases. This item was continued from the regular Planning Commission meeting of October 20, 2015 in order for the applicant to provide additional information to staff and make some changes to the phasing. Staff is recommending the Planning Commission deny the application based on visual, and possibly noise and odor impacts that do not meet the policies or ordinances in the General Plan, Downtown Specific Plan, and Municipal Code.

II. BACKGROUND & PROJECT INFORMATION:

The subject property – 3112 Santa Fe Street – is located on the south side of the 3100 block of Santa Fe Street, between 1st and 2nd Streets. The site is an existing vacant building that was previously a milk and cheese processing facility.

The facility will manufacture traditional cheeses from sheep's milk and local consumers will be able to purchase consumer-size packages in the new retail addition. The hours of daily operation are expected to be 4 am to 9 pm in two shifts. The anticipated number of employees during operation is expected to be four full-time and two part-time employees. An Industrial Wastewater Discharge Permit has been reviewed and approved by Public Works.

A. Approved Site Design (September 15, 2015)

The approved site plan includes the following additions and tenant improvements to the existing 4,050 sf building on a lot of 9,375 sf, increasing the enclosed structure to 4,985 sf.:

1. Warehouse of 600 sf for a new smoker and ager area;
2. Retail space of 335 sf for local consumer sales;
3. Canopy of 2,250 sf on the east side to protect the milk delivery area;
4. Canopy of 687 sf on south side to cover equipment and two roll up doors leading to storage areas;
5. Façade improvements and landscape pots with drip irrigation on the north side of the facility; and
6. Parking, sidewalk and driveway improvements, also on the north side.

B. Phasing (October 20, 2015)

The applicant, after receiving construction bids and reviewing the costs associated with construction, requested at the Planning Commission meeting of October 20, 2015 that

he be allowed to modify his September 15, 2015 Planning Commission approval and move forward in two phases:

Phase 1 -

- Construct the necessary structural items to the existing building.
- Construct the necessary items to bring the existing building up to current California Building Codes.
- Revise the existing building to allow for ADA requirements.
- Construct the exterior canopies to protect the milk delivery area.
- Install the ager and smoker equipment in front of the existing building with a temporary six (6) foot slatted chain link fence and landscape pots to screen it.

Phase 2 -

- Plans to be submitted for construction by January 2017.
- Construct the retail addition.
- Construct the addition around the installed ager and smoker equipment.
- Construct the façade as previously approved.
- Construct the off-site improvements (accessible parking, new driveway)

C. Modified Phasing (November 17, 2015)

During the public comment portion of the hearing on October 20, 2015, a citizen raised concerns about the possibility of noise from the ager equipment refrigeration unit and odors from the smoker equipment, both of which are proposed to be installed outside of the existing building during Phase 1. The Planning Commission voted to continue this item to the November 17, 2015 meeting so the applicant could submit “cut sheets” for the equipment (Attachments 2 and 3). In addition, State law requires the ADA safe-path-of-travel and parking space work be moved to Phase 1 and the applicant agreed to do that. Finally, the slatted chain link fence has been replaced with a taller wooden fence that is smaller in area (Attachment 4).

Phase 1 -

- Construct the necessary structural items to the existing building.
- Construct the necessary items to bring the existing building up to current California Building Codes.
- Revise the existing building to allow for ADA requirements.
- Construct the exterior canopies to protect the milk delivery area.
- Install the ager and smoker equipment in front of the existing building with a temporary ~~six (6)~~ eight (8) foot ~~slatted chain link fence~~ wooden wall and landscape pots to screen it.
- Construct the off-site improvements (accessible parking, new driveway)

Phase 2 -

- Plans to be submitted for construction by January 2017.
- Construct the retail addition.

- Construct the addition around the installed ager and smoker equipment.
- Construct the façade as previously approved.
- ~~Construct the off-site improvements (accessible parking, new driveway)~~

III. ANALYSIS:

Pursuant to General Plan Policy DESIGN-10.8, the City will require ground floor façade treatments and activities that generate pedestrian interest and comfort. Similarly, in the Downtown Specific Plan (“DSP”), Section 2.3.1.A General Principles, buildings should appear welcoming and support pedestrians through attractive façade design. All visible building facades shall maintain a high degree of finish and articulation. The building facade in Phase 1 is not attractive. The proposed front elevation (Attachment 4, Stanislaus Cheese Front Elevation Phase 1) shows a stripped down building with a small door, the shingled overhang removed, and a temporary wooden wall which does not fit the style and character of the existing building. What is not shown in the front elevation is the exhaust pipe for the smoker equipment that will extend above the wooden wall and the roofline of the building.

Downtown Specific Plan Section 2.3.2.E (3) and (4) Fences, Walls and Screening Standards, *prohibits* both fences over three (3) feet in height and chain link fencing. The previously proposed six (6) foot slatted chain link fence running the entire width of the building would have provided some screening for the outdoor equipment but did not meet Code. There is now a proposed eight (8) foot tall temporary wooden wall to screen the view of the equipment, which is an improvement over the chain link fence, but will not screen the smoker’s exhaust pipe (Attachment 2, smoker equipment spec sheet, page 1-3). Staff has no information at this time as to how and where the refrigeration unit for the ager will be installed; it is unknown if it will be visible above the wooden wall like the smoker exhaust pipe would be.

Riverbank Municipal Code Section 153.124, Development Standards for the Light Industrial M-1 Zone states that “no operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site.” During the meeting of October 20, 2015 a citizen asked about noise and odors from the processing equipment to be installed outdoors. The applicant stated there would be no noise or odors from the cheese ager or the smoker. The Planning Commission had asked for equipment specifications sheets (“spec sheets”) to review. According to the smoker spec sheets (11 pages), an exhaust pipe (Attachment 2) is required which will be visible above the wooden wall. The spec sheet does not address possible odors. The ager has a temperature controlled refrigeration unit like what is found on a refrigerated trailer (Attachment 3) and its spec sheets (97 pages) do not address noise. Staff was told by the applicant that both units are self-contained and do not need protection from the rain.

Another comment at the October 20, 2015 meeting concerned the size of the trucks that will be delivering milk. The applicant has supplied a photo of the milk tank within the box truck (Attachment 5).

IV. CONCLUSION:

The project approved September 15, 2015 proposes a beautiful upgrade to a vacant building in the downtown, including a retail use serving the local citizens. The tenant improvement work and façade upgrades will contribute considerably to the enhancement of the built environment downtown, and hopefully can attract other businesses which will serve the same clients. Unfortunately, staff cannot support the phasing of the project due to Phase 1 aesthetics (the smoker exhaust pipe and possibly ager refrigeration unit), possibly noise (there are no noise levels provided in the ager spec sheet), and possibly odors (from the smoker). Therefore, staff recommends the Planning Commission deny the modification to the September 15, 2015 approval based on its inconsistency with General Plan and Downtown Specific Plan policies and the Municipal Code.

V. CONSISTENCY FINDINGS:

The proposed project phasing is inconsistent with the following policies and ordinances:

- A. General Plan Policy DESIGN-10.8 – The City will require ground floor building façade treatments and activities that generate pedestrian interest and comfort. *The proposed front elevation shows a stripped down building with the shingled overhang removed. There is a small door for the entrance and an eight (8) foot tall wooden wall to screen the view of the facility, but not the smoker exhaust pipe. The type of ager refrigeration unit being proposed is normally installed in a refrigerated trailer, using either a diesel engine or electricity to run. There is no location provided for its installation so staff does not know if it will be visible to the public. Therefore, Phase 1 of the project is not consistent with this policy of the General Plan.*
- B. General Plan Policy LAND-4.4 – Industrial uses that create noise, air emissions, traffic, or other substantial incompatibilities with residential uses shall be buffered or otherwise designed to avoid such impacts to new and existing residential uses. *Neither the ager nor the smoker spec sheets contain information about noise or odor although the smoker does have an exhaust pipe and refrigeration units are known to emit some noise when in operation.*
- C. Downtown Specific Plan General Principles 2.3.1.A.2 & 3, Finish and Articulation Standards requires that all building facades shall maintain a high degree of finish and articulation. Building facades that are visible from public spaces shall be designed and finished to be consistent with the primary building façade. All

building facades shall be unified in style and character. *The smoker exhaust pipe cannot be screened behind a wooden wall and no location is provided for the ager refrigeration unit. The proposed wooden wall does not fit the character of the existing building. Therefore, Phase 1 of the project is not consistent with this policy of the Downtown Specific Plan.*

- D.** Riverbank Municipal Code Section 153.124 Development Standards for the Light Industrial M-1 Zone states that “no operation shall be conducted on any premises in such a manner as to cause an unreasonable amount of noise, odor, dust, smoke vibration or electrical interference detectable off the site.” *Neither the ager nor the smoker spec sheets contain information about noise or odor although the smoker does have an exhaust pipe and refrigeration units are known to emit some noise when in operation.*

VI. ENVIRONMENTAL REVIEW:

CEQA Guidelines do not apply to projects that are denied by the Planning Commission.

VII. PUBLIC NOTICE:

This item was continued from the regular meeting of October 20, 2015 so did not need public noticing.

ATTACHMENTS:

1. Resolution 2015-024
2. Smoker equipment cut sheet page 1-3 (of 11 pages)
3. Ager equipment cut sheet pages 23 and 24 (of 97 pages)
4. Revised plans Phase 1 and Phase 2
5. Milk tank in truck photo

Respectfully Submitted By:

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

Attachment 1
City of Riverbank
Planning Commission
Resolution No. 2015-024

**DENIAL OF REQUEST TO PHASE ARCHITECTURE
AND SITE PLAN REVIEW 02-2015 FOR STANISLAUS CHEESE
LOCATED AT 3112 SANTA FE STREET (APN 132-011-060)**

WHEREAS, On September 15, 2015 the Planning Commission of the City of Riverbank approved Architecture and Site Plan Review 02-2015 for Nana Farkye and Stanislaus Cheese, which proposed a tenant improvement for a dairy processing facility use with additions and upgrades to the façade located at 3112 Santa Fe Street (APN 132-011-060); and

WHEREAS, On October 20, 2015 Nana Farkye and Stanislaus Cheese requested that the Planning Commission approve a phasing plan for the September 15, 2015 approval, but the item was continued to the regular meeting of November 17, 2015 so that Mr. Farkye could provide Planning staff with additional information on the smoker and ager equipment; and

WHEREAS, The additional smoker and ager information provided to staff in the form of specification ("spec") sheets was reviewed by Planning staff who determined visual impacts are present and noise and odor impacts may be present which do not meet the criteria or intent of the General Plan, Downtown Specific Plan, and Municipal Code.

NOW THEREFORE, BE IT RESOLVED, the City of Riverbank Planning Commission denies this request to phase Architecture and Site Plan Review 02-2015 based on visual, noise, and odor impacts which do not meet the criteria or intent of the General Plan, Downtown Specific Plan, and Municipal Code.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 17th of November, 2015, by the following vote:

AYES:

NOES:

ABSENT:

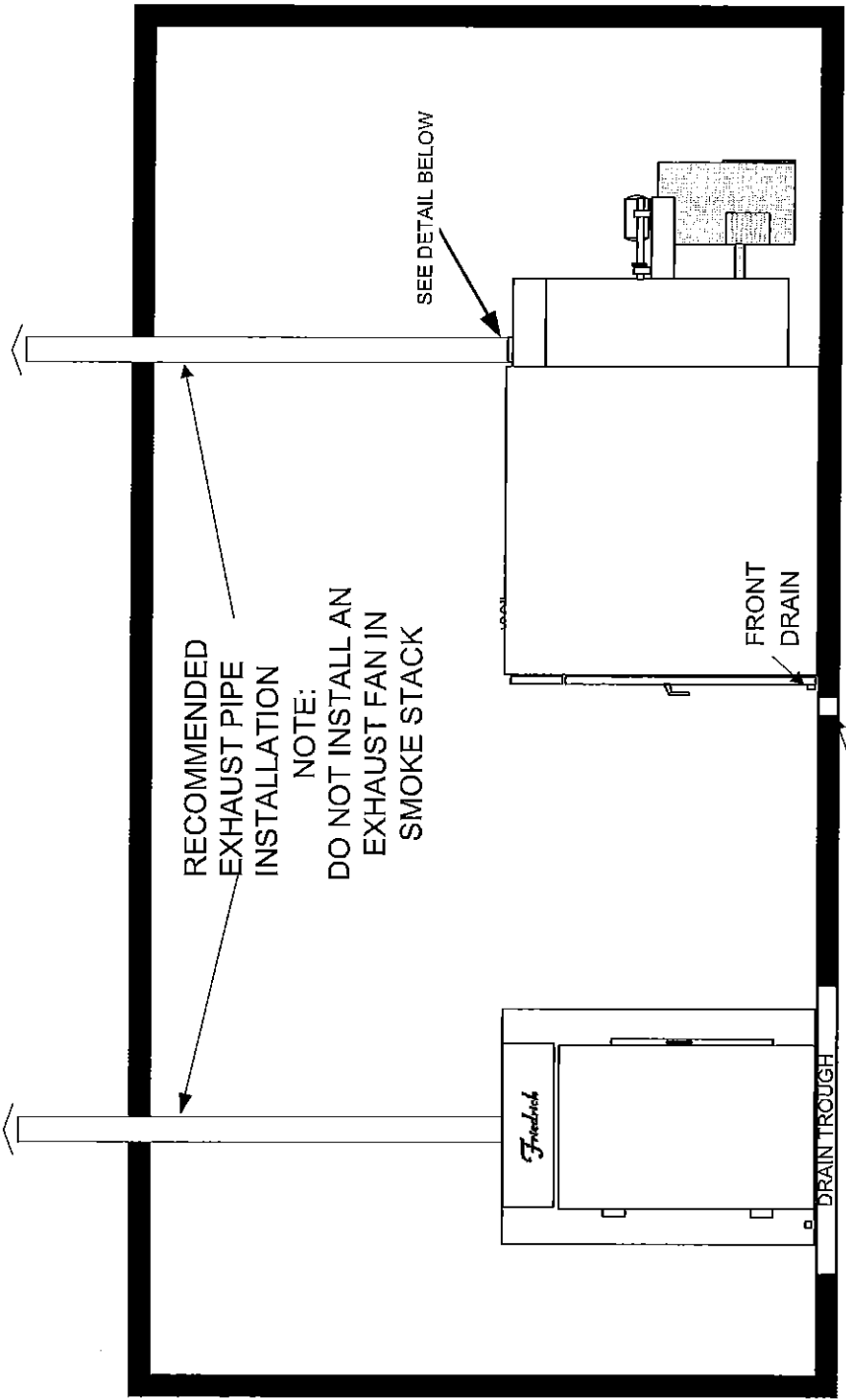
ABSTAIN:

Attest:

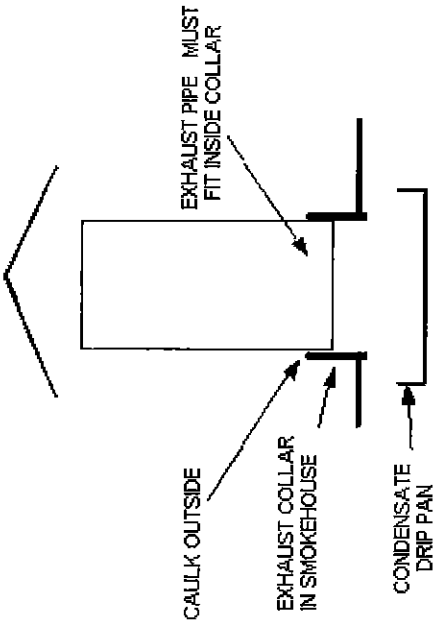
Approved:

Donna M. Kenney
Planning and Building Manager

Patricia Hughes, Chairperson
Planning Commission



NOTE:
WE SUGGEST MINIMUM
CLEARANCE OF 4.5 INCHES
FROM EXHAUST PIPE TO RAIN CAP.



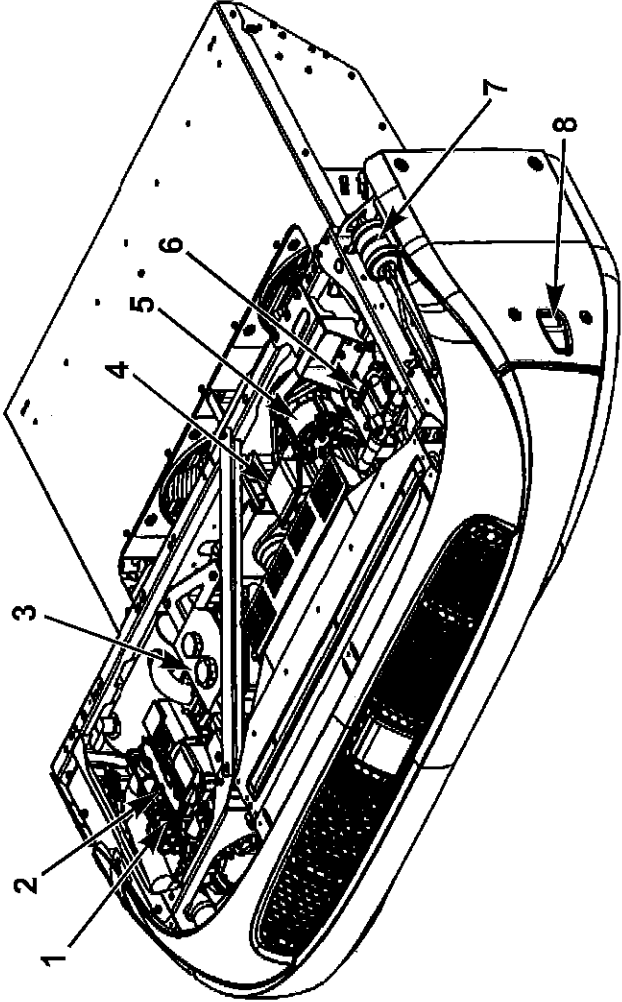
<i>Friedrich</i> METAL PRODUCTS	
EXHAUST & DRAIN INSTALLATION	
-	09/17/2012 3 page 1-3 drain exhaust.vsd
SCALE: 1/4" = 1' 0"	

Unit Description



Figure 9: T-580R Front View

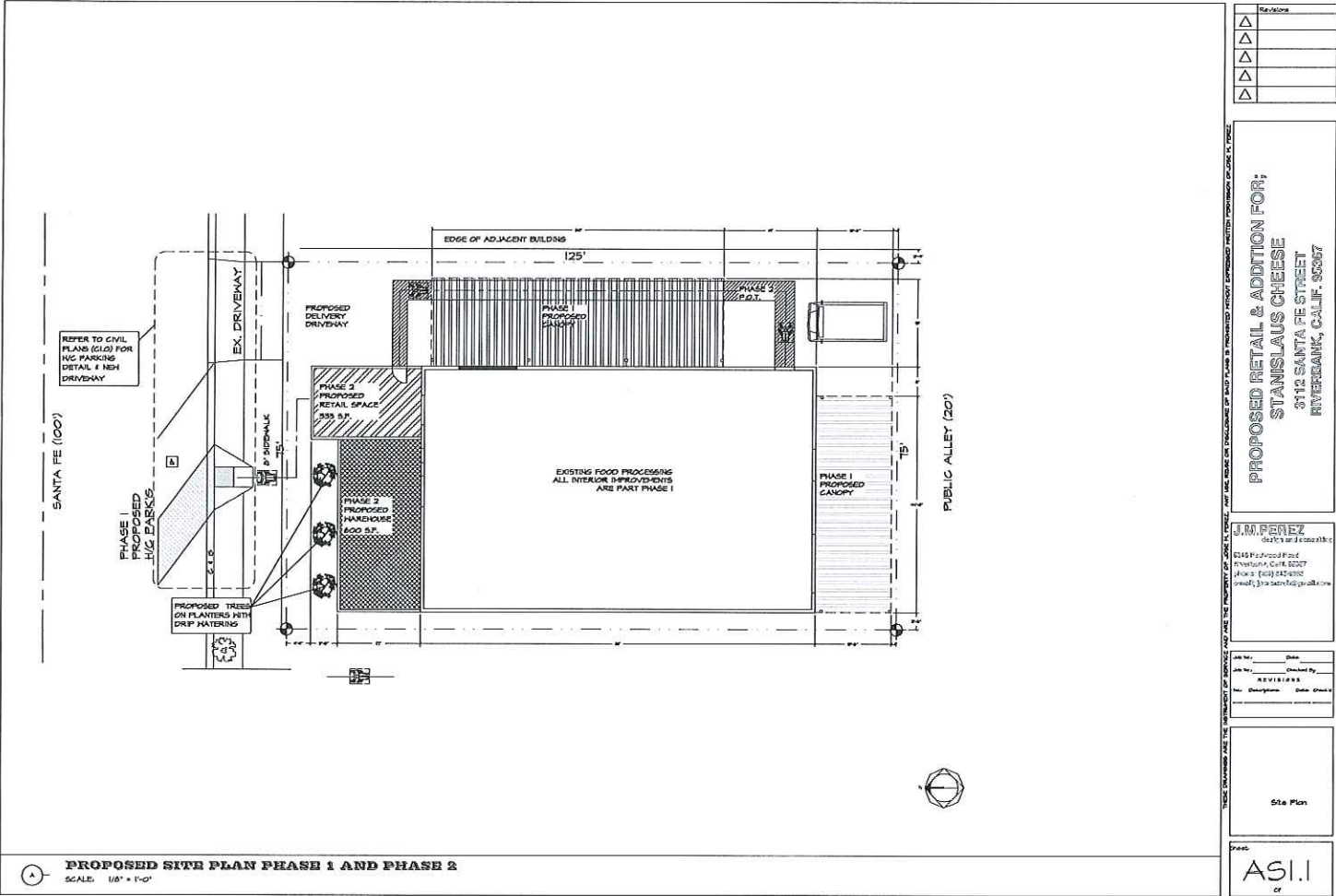
Unit Description



1.	Engine Oil Dipstick (on side of engine)
2.	Engine
3.	Coolant Expansion Tank
4.	Electric Motor
5.	Alternator
6.	Compressor
7.	Dehydrator (Filter-Drier)
8.	On/Off Switch

Figure 10: Main Components

Attachment 4



Rev.	Notes
1	
2	
3	
4	
5	

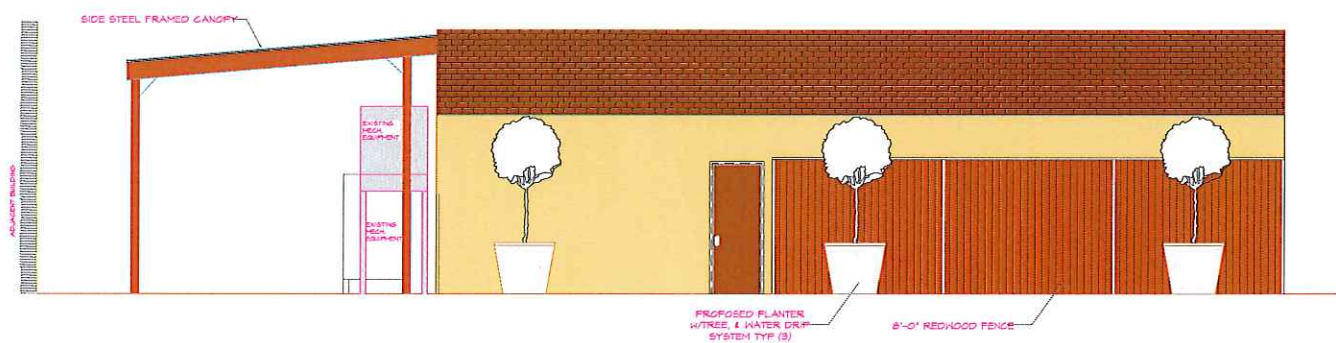
PROPOSED RETAIL & ADDITION FOR:
STANLAUS CHEESE
3112 SANTA FE STREET
RIVERSIDE, CALIF. 92507

J. PEREZ
Architect
6145 Foothill Blvd.
Foothill, CA 91030
Phone: (909) 242-0000
Cell: (909) 242-0000

Job No.	Date
Drawn By	Checked By
Reviewed	Date Check

Site Plan

AS.1.1



STANISLAUS CHEESE, FRONT ELEVATION, PHASE I
3112 SANTA FE STREET, RIVERBANK



STANISLAUS CHEESE, FRONT ELEVATION, PHASE 2
3112 SANTA FE STREET, RIVERBANK



STAINLESS STEEL TANK @ INTERIOR OF FIBERGLASS TRAILER -
STANISLAUS CHEESE

11/2/2015

IMG_003111.jpg



MILK TANK, AT INTERIOR OF FIBERGLASS TRAILER - STANISLAUS CHEESE