



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

Agenda
Tuesday, September 16, 2014 – 6:00 P.M.

CALL TO ORDER: Chair: Stewart

ROLL CALL:

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

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 September 16, 2014, 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 September 11, 2014.

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 August 18, 2014, 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.

3. PUBLIC WORKSHOP

Item 3.1: Draft Downtown Specific Plan Workshop - (FEIR has been previously certified by the City Council on March 25, 2013).

4. PUBLIC HEARING

Item 4.1: (Continued Item from the 08/19/2014 Planning Commission Meeting) Rules and Procedures for the City of Riverbank's Planning Commission. Resolution No. 2014-010.

Item 4.2: A Proposed Moratorium on Tattoo establishments to afford Staff time to evaluate and make recommendations as to the appropriate zoning regulations associated with such businesses. The matter affects uses City-Wide. Resolution No. 2014-013.

Recommendation: Approval by roll call vote

5. NEW BUSINESS (Information Only – No Action)

None

6. COMMISSION ITEMS (Information Only – No Action)

None

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

None

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

Item 8.1: Draft Downtown Specific Plan (FEIR has been previously certified by the City Council in 2013).

ADJOURNMENT – The next regular Planning Commission meeting – October 21, 2014 @ 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 on the City Hall bulletin board 72 hours prior to the meeting.

*Dated this 11th day of September, 2014
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 48-hours 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.



City Of Riverbank
Planning Commission Meeting
MINUTES
Tuesday, August 19, 2014

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 Stewart, Commissioner Villapudua, and Commissioner McKinney

Absent: Vice Chair Hughes (Excused), Commissioner Degele (Excused)

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

No one declared a conflict.

1. PUBLIC COMMENTS (No Action 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 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.

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 August 19, 2014, Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item No. 2.B: The Agenda for the August 19 2014, Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item No. 2.C: The Minutes of the July 15, 2014, Planning Commission Meeting.

ACTION: By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

3. PUBLIC WORKSHOP

Item 3.1: Continued Workshop from July 15, 2014 Planning Commission Meeting - Draft Downtown Specific Plan (FEIR has been previously certified by the City Council on March 25, 2013).

- John B. Anderson, City of Riverbank Consulting Planning Director presented the PowerPoint presentation on the DTSP Workshop.
- As John B. Anderson went through the PowerPoint presentation he asked and answered question by the Planning Commission.
- Chair Stewart opened the workshop so the public could give input on the DTSP and the presentation.
- Daryl Daniels spoke on behalf of the DTSP and asked question pertaining to zoning and how it affects property insurance.
- John Von Buren also spoke on the DTSP.
- Joe Cattedra also spoke on the DTSP.
- Norma Arauza also spoke on the DTSP.
- John Von Buren also asked about additional lighting in alley ways.
- Larry King had a question pertaining to the map.
- Evelyn Halbert spoke on behalf of the DTSP and that she is against it and just wants to be out of the plan and is concerned about parking issues.
- John B. Anderson addressed all questions and comments to those that had spoken.
- Chair Stewart asked John B. Anderson some additional questions.

- Teresa Cattedra asked about sidewalks and ADA ramps at corners. She also asked why the school does not have parking for their employees.
- John B. Anderson read Commissioner Degele's comments he had provided in writing in regards to the DTSP to the Commission since he was unable to attend the meeting.
- Planning Commission discussed the item further and asked Mr. Anderson additional questions.
- Chair Stewart suggested we continue the workshop until the September 16, 2014 Planning Commission meeting.
- Commissioner McKinney also agreed that we should continue the workshop.
- Workshop will be continued until September 16, 2014 Planning Commission with some information on historic homes within the DTSP area.
- Being there were no further comments the workshop ended at 7:15 p.m.

4. PUBLIC HEARINGS

Item 4.1: Rules and Procedures for the City of Riverbank's Planning Commission.

- Item was continued until September 16, 2014 Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney passed 3-0) to approve by roll call vote the continuance of the Rules and Procedures for the City of Riverbank's Planning Commission to the September 16, 2014 Motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item 4.2: General Plan Consistency of the 5-year Capital Improvement Program for Fiscal Year 2014-2019.

- John B. Anderson presented the item to the Planning Commission.
- Public Hearing was opened at 7:40 pm
- Public Hearing closed at 7:41 pm
- Commission Villapudua asked how the different items get on the list.
- John B. Anderson explained the process to the Planning Commission.
- **ACTION:** *By motion moved/second (McKinney / Villapudua / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

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- *Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney*
 - *Nays: None*
 - *Absent: Hughes (Excused) and Degele (Excused)*
 - *Abstained: None*

5. NEW BUSINESS

None.

6. COMMISSION ITEMS

None.

7. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

Item 7.1: Referral from Stanislaus County for 1731 & 1729 Patterson Road, requesting to construct a telecommunication facility for Verizon Wireless within a 1,600 sq. ft. lease area in the northwestern corner of a 14.31 acre parcel. The project includes construction of a 104 ft. tall monopole with three (3) antennas, a 202 sq. ft. equipment shelter with attached air conditioners, and a 78 sq. ft. concrete slab with a 30 kilowatt diesel generator and 132 gallon fuel tank. Visitation to the site by a service technician for routine maintenance typically occurs once a month. Access to the site is proposed via a 12 foot easement.

- John B. Anderson presented the item to the Planning Commission.
- Commissioners and John discussed the item and how they wanted to respond to the County in regards to the project. Commissioners were all in favor of a unique way of disguising the cellular tower such as it appearing to look like a windmill, so it would better fit in with the surrounding area, along with any equipment shelter's to look like a barn.
- John B. Anderson will forward the Planning Commissioners comments onto the County.

8. UP-COMING MEETING AGENDA ITEMS

Item 8.1: Continued Public Workshop on the Downtown Specific Plan from the August 19, 2014, Planning Commission meeting - (FEIR has been previously certified by the CC on March 25, 2013).

Item 8.2: Continued Public Hearing item from August 19, 2014, Planning Commission meeting to discuss the Planning Commission Rules and Procedures.

Item 8.3: September 30, 2014 Public Workshop on the Housing Element.

9. ADJOURNMENT

There being no further business, Chair Stewart adjourned the meeting at 7:55 p.m.

ATTEST:

APPROVED:

John B. Anderson
Recording Secretary

Joan Stewart, Chair
Planning Commissioner

ITEM 3.1

CITY OF RIVERBANK

Downtown Specific Plan Workshop #3

Continued item from the Planning Commission Workshops held on July 15, 2014 and August 19, 2014. Issues staff is aware of:

- Connectivity to Zillow Park
- Need for a Downtown Parking Inventory
- Discus Financing Strategies – Section 3.5
- Identification of Historic Structures
- Sante Fe Crossing

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO. 3.1

September 16, 2014

APPLICATION: Downtown Riverbank Specific Plan Workshop #3

LOCATION: City of Riverbank

ENVIRONMENTAL: The City Council certified the Final EIR for the Downtown Specific Plan on March 25, 2013. Copies of the Final EIR and the adopted Mitigation and Monitoring Program are available on the City Web-Site as well as the ability to view associated documents at the Development Services Department counter.

PROJECT PLANNER: John B. Anderson, Contract Community Development Director

PURPOSE: The Third Workshop to update the Planning Commission, Downtown Property Owners and the Citizens of Riverbank on the status of the DTSP since the Planning Commission last saw the matter on March 20, 2012, April 17, 2012, July 15, 2014 and again on August 19, 2014.

ACRONYMS: CEQA – California Environmental Quality Act
DTSP – Downtown Specific Plan
APN – Assessor's Parcel Number
GIS – Geographical Information System

ATTACHMENTS: 1. Map of the proposed 2014 DTSP
2. Public Review Timeline – November 2007 to now

I. EXECUTIVE SUMMARY:

The City Council took action to begin the Downtown Specific Plan (DTSP) effort back in 2006. The EIR for the DSP was certified by council on March 25, 2013 and as you aware several folks in the community expressed concerns about the method by which the plan boundary was determined and

the lack of public involvement in key policy decisions. Because of these concerns the adoption of the DTSP was postponed to allow greater community input. Obviously the DTSP started at a time when the economy was robust and the tools available to council to correct blighted conditions were plentiful through the efforts of the Riverbank Redevelopment Agency (RDA). The DTSP put heavy emphasis on the RDA to provide public assistance and financial support of new business recruitment and retention. Unfortunately the RDA was eliminated by action of the State of California in 2011. We are left with a plan which relies on new-urbanism of the downtown area to support a thriving downtown economy. The plan was to build on the creation of new housing opportunities which would support new businesses downtown. Much of the language in the DTSP relied on additional investment of the RDA downtown.

Over the past several months Staff has been busy taking a document which was created in an electronic publishing format. The City of Riverbank does not have access to the publishing software used on the DTSP. Fortunately, AECOM was able to convert the format of the document to MS Word which allows Staff to make technical changes to the document. The DTSP was extremely fragile and much work has been performed on the document to preserve the original character of the plan and to stabilize the document for future revisions.

I am pleased to report the DTSP document is now saved in an editable format and Staff has finished created a red-lined version of the plan which reflects current realities. This version has been posted on the City web-site for some time now.

Staff's has spent quite a bit of time listening to past PC meeting tapes, reviewing public comments and comparing existing land uses against project land uses. We are pleased to present a plan which we believe addresses most of the concerns raised.

The DTSP does involve several key policy directions described below.

POLICY ISSUES WITH THE DOWNTOWN SPECIFIC PLAN

- A. The plan illustrates the construction of an underpass beneath the B.N.S.F. rail line essentially extending Sante Fe Street as a connection between the Downtown Core area and the Cannery property. The Sante Fe Street underpass is an integral part of the DTSP as a vehicle and pedestrian connection between the Cannery site and downtown Riverbank. This capital improvement is being included in the Nexus update to the System Development Fees and will be a City-wide obligation. Current estimate for this capital project is \$8 Million.
- B. The plan area boundaries extend easterly to Seventh Street, when in fact with the exception of the properties fronting Atchison (SR108); the eastern plan boundary could stop at Fifth or Fourth Street. The lands easterly of Forth Street, for the most part, are comprised of developed

Residential neighborhoods, Cardozo Middle School, the Riverbank Community Center and Pool and the County Library. The rest of the plan boundaries appear to be connected with other land use options which implement the downtown vision. Based on the Planning Commission direction of August 19, 2014 staff will only discuss the suggested 2014 boundaries.

- C. The DTSP describes renovation plans for the Del Rio Theater and a possible multi-story parking structure easterly of the Del Rio along SR 108. Obviously the DTSP will establish design criteria for the property in question, but can make no representations related to financial commitments of the former RDA.
- D. Patterson Road serves as the southern boundary of the DTSP. The illustrative in the DTSP illustrates a 70 foot right of way section which is inconsistent with the adopted 2025 General Plan EIR which suggests up to four lanes of travel between Callendar and Eight Street and the existing right of way of 80 feet currently enjoyed by the City in certain areas along Patterson Road. City staff is currently working with B.N.S.F and Sierra Railroad to define what can be done with the railroads through a joint effort. The ultimate Patterson Roadway needs to accommodate vehicle as well as pedestrian traffic, not to mention storm water drainage. The outcome and the staff research will be illustrated in the DTSP. It appears BNSF is not interested in any form of City roadway facilities in their ROW so staff is in the process of developing a plan line to demonstrate what can be built given the projected right of way constraints.
- E. The DTSP suggests a pedestrian connection with Zerillo and Jacob Meyers Parks. I have not seen, nor have I been presented with, concept plans for such a connection. Given the DTSP location and proximity to the B.N.S.F rail line I am not certain the railroad would support a trail under the viaduct or that the River Cove Neighborhood would appreciate a bridge connection to Jacob Meyers Park. Neither the Nexus analysis nor the DTSP address how this capital improvement would be funded. This connection and any reference to it will be eliminated from the DTSP.
- F. Light Industrial Development in the Cannery site and the area south of Sante Fe Street between Second and First Streets. Both the 2025 General Plan and the DTSP suggest that the existing light industrial uses in the plan area would be discontinued in the short term. Staff has had numerous conversations with representatives of Sun Gangi and the operators of the former Rizo Lopez Cheese Plant. The desire is to continue to use these sites for light industrial uses to generate jobs and revenue to support future redevelopment investment. Staff is of the opinion that as long as commercial traffic, hours of operation and employee parking is regulated, that the light industrial uses can co-exist with the future vision of the DTSP. We are also encouraging the operators to open retail outlets for any merchandise which is manufactured on the premises.
- G. Modifications to the 2025 General Plan Land Use designations on 83 properties in the DTSP to remove the High Density Residential designation. Areas easterly of Callendar north and south

of Topeka comprised of the Catholic Church property; properties north and south side of Topeka between First Street and Third Street – most of these properties are currently zoned R-2; properties east and west of Third Street just north of Patterson Road. Most of these areas make sense as Mixed Use and or Medium Density sites. Staff proposes to use the DTSP process as a means to establish the future land use vision upon which we will introduce modifications to the General Plan Land Use Maps to match the land uses selected in the DTSP. The proposed General Plan Land Uses changes must accompany the DTSP and be a part of the adoption process. In preparation for the second Planning Commission Workshop of August 19, 2014 staff sent out notices to the property owners affected by this change with text of the notice in English and Spanish.

- H. By State law, the City of Riverbank has the ability to recover all costs associated with the DTSP including the EIR though the imposition of a Specific Plan Area fee. This fee would only be assessed on new development and would be based on a fee per acre of land developed.

II. PUBLIC NOTICE:

The prior two Planning Commission Workshop were noticed to some 800 property owners in Spanish and English text in addition to the newspaper publishing in the Riverbank News on numerous occasions. This Workshop notice was also posted at City Hall North, South and Community Center as well as the City of Riverbank web-site. For this third Workshop staff did not send special notices to property owners or businesses that might be affected by the DTSP. The direction of the Planning Commission was that ample notice had been given to the public based on the prior two Planning Commission Workshops.

III. PURPOSE OF THE DTSP WORKSHOP:

It is extremely difficult to receive constructive input on any planning related document unless time is spent with the Community through the Planning Commission to review all aspects of the proposal. The entire DTSP effort has been going on since November of 2007. During the past six months I have heard from several business owners that they thought the process had concluded, yet we have heard from others that details related to the plan boundary and specific treated related to mixed use developments had not been properly vetted in the community. The role of the Planning Commission in this process is to sort out and record the community concerns and seek plan revisions to accommodate concerns raised by the Community of Riverbank. This is the first Workshop the current Planning Commission has conducted on the matter and in my opinion the Planning Commission should not be in a hurry to render a decision or recommendation to the City Council until they understand the plan. It is important that the community has had a chance to review the latest plan and that all concerns expressed be heard by staff and the Commission.

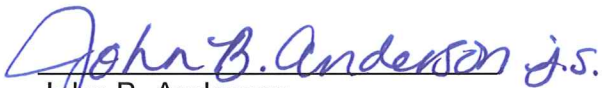
IV. NEXT STEPS:

The Commission has the ability to schedule this matter for a fourth Workshop, request that Staff addresses certain issues and bring those issues back to the Commission for consideration and /or give staff direction to bring the entire matter back to the Commission for a formal recommendation to the City Council. I would recommend that Staff be allowed sufficient time to complete the latest revision to the plan and post this final version on the City web-site for additional public input. After which any subsequent changes will be handled by an errata sheet which will record any future changes to the DTSP document itself.

Staff has fielded questions posed by the developers of the former Cannery property and staff's written responses have been shared with the Commission. As a follow-up, staff did meet with representatives of the Sun garden Gangi team on August 22, 2014 and a current electronic copy of the DTSP has been shared with their group. Planning staff does anticipate comments to be presented by the Sun Garden Gangi tem and these concerns will be shared with the Commission when they become available.

Staff hopes to be able to bring this entire matter back to the Commission in November but we will of course pursue this planning matter anyway the Commission decides.

Respectfully Submitted By:



John B. Anderson
Contract Community Development Director

Attachments:

1. Map of the proposed 2014 DTSP
2. Map of the proposed General Plan land Use changes proposed as part of the DTSP action
3. Public Review Timeline – November 2007 to now

Downtown Specific Plan GPA Survey

Sites Identified for General Plan Amendment within the Downtown Specific Plan

APN	Ownership	ADDRESS	ACRES	CURRENT	NOTES AND EXISTING LAND USE	PROPOSED GP Designation
075-004-069	Pedro, Alberto	6707 Callander Ave	0.516	HDR	GP Single Family House	MU
075-004-073	Bell, Brent & Amanda N	0 Topeka & Callander Ave STS	0.216	HDR	Bell Family Dentistry	MU
132-006-008	Setliff, Gladys C TRS ET AL, Gladys C Setliff 2007 Trust	3701 Atchison St	0.674	MDR	Aqua Blast Car Wash / Underutilized Building	MU
132-007-003	Hernandez, Jesus & Ortencia	3728 Atchison St	0.146	LDR	Single Family House	MU
132-007-004	Zarate, Carlos & Lourdes	3732 Atchison St	0.293	LDR	Single Family House	MU
132-007-005	Alberto, Monica	3738 Atchison St	0.131	LDR	Single Family House	MU
132-007-006	Alberto, Pedro S	3744 Atchison St	0.307	LDR	Restaurant / Underutilized Building	MU
132-007-035	Hernandez, Jesus & Ortencia	3720 Atchison St	0.141	LDR	Single Family House	MU
132-007-036	C W Brower Inc.	3702 Atchison St	0.431	LDR	Stop N Save Mini Mart / Gas Station	MU
132-009-012	Cattedra, Joseph L & Teresa G	3443 Topeka St	0.136	HDR	Single Family House	LDR
132-009-013	Mayfield, Thelma L TR, Mayfield Family 2013 Trust	3437 Topeka St	0.146	HDR	Single Family House	LDR
132-009-014	Toste, Luciano & Joann - 2009 Floyd Ave, Modesto, CA 95355	3431 Topeka St	0.140	HDR	Single Family House	LDR
132-009-015	Alfaro, Juan & Fabiola	3425 Topeka St	0.141	HDR	Single Family House	LDR
132-009-016	Faubion, Donald R TR, Donald Faubion 2008 Trust, 8572 River Oaks Dr, Oakdale, CA 95361	3419 Topeka St	0.140	HDR	Single Family House	LDR
132-009-017	Velasco, Juan & Susana	3411 Topeka St	0.286	HDR	Single Family House	LDR

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Downtown Specific Plan GPA Survey

132-009-018	Ramos, Toni TR, 3605 E. Orangeburg Ave, Modesto, CA 95355	6818 4th St	0.144	HDR	Single Family House	LDR
132-009-019	Payne, Glenda M, 6224 8th St., Riverbank, CA 95367	3343 Topeka St	0.135	HDR	Single Family House	MDR
132-009-020	Wilson, Shonna L, PO Box 1566, Oakdale, CA 95361	3339 Topeka St	0.144	HDR	Single Family House	MDR
132-009-021	Conrad, Dan O & Kathy A	3333 Topeka St	0.143	HDR	Single Family House	MDR
132-009-029	Dominguez, Sarah R	3330 Topeka St	0.120	HDR	Single Family House	MDR
132-009-030	Boss, Larry D	3336 Topeka St	0.142	HDR	Single Family House	MDR
132-009-031	Lerin, Maria C ET AL	3342 Topeka St	0.134	HDR	Single Family House	MDR
132-009-063	Absher, David S TR, PO Box 5, Modesto, CA 95353	0 Topeka St	0.151	HDR	Single Family House	MDR
132-009-064	Absher, David S TR, PO Box 5, Modesto, CA 95353	3323 Topeka St	0.144	HDR	Single Family House	MDR
132-010-016	Smith, Terry Lee, 7029 Burneyville Rd, Riverbank, CA 95367	3225 Topeka St	0.144	HDR	Single Family House	MDR
132-010-017	Smith, Terry Lee, 7029 Burneyville Rd, Riverbank, CA 95367	3219 Topeka St	0.144	HDR	Single Family House	MDR
132-010-018	Clark, Darleen R, PO Box 363, Riverbank, CA 95367	3213 Topeka St	0.142	HDR	Single Family House	MDR
132-010-019	John, Edward C & ET UX	3209 Topeka St	0.150	HDR	Single Family House	MDR
132-010-020	Smith, Doris ET AL	3201 Topeka St	0.136	HDR	Single Family House	MDR
132-010-023	Mora, Leticia R, 444 Locarno Ct, Oakdale, CA 95361	3119 Topeka St	0.141	HDR	Single Family House	MDR
132-010-024	Zarate, Cecilia ET AL	3113 Topeka St	0.147	HDR	Single Family House	MDR
132-010-026	Martinez, Ruth ET AL, 3048 Atchison St, Riverbank, CA 95367	3037 Topeka St	0.503	HDR	Single Family House	MDR
132-010-027	Sun Garden-Gangi Canning Co., 99 Almaden Blvd STE 565, San Jose, CA 95113	0 Topeka St	0.111	HDR	Undeveloped Parcel	MDR

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Downtown Specific Plan GPA Survey

132-010-028	Deutsche Bank National Trust C, C/O Onewest Bank, 888 E Walnut St., Pasadena CA 91101	3036 Topeka St	0.094	HDR	Single Family House	MDR
132-010-029	Poust, Thomas A, PO Box 291, Stockton, CA 95201	3038 Topeka St	0.140	HDR	Single Family House	MDR
132-010-030	Mendoza, Vincente S ET AL, 2155 Poland Rd., Riverbank, CA 95358	6725 1st St	0.215	HDR	Single Family House	MDR
132-010-031	Halbert, Evelyn, 3104 Topeka St., Riverbank, CA 95367	0 1st St & Topeka St	0.075	HDR	Undeveloped Parcel / Small scale Agriculture - Attached to Single Family House on 132-010-032	MDR
132-010-032	Halbert, Evelyn	3104 Topeka St	0.216	HDR	Single Family House	MDR
132-010-033	Long, Gerald, 807 Annabelle, Modesto, CA 95350	3112 Topeka St	0.147	HDR	Duplex/Quadplex	MDR
132-010-034	Arauz, George & Norma, Arauz Trust, 2425 Colony Manor Drive, Riverbank, CA 95367	3118 Topeka St	0.233	HDR	Apartments	MDR
132-010-035	Botto, Christopher & June, Carol, Botto Family 2003 Trust, 11505 Oak Hill Dr., Oakdale, CA 95361	3130 Topeka St	0.193	HDR	Single Family House	MDR
132-010-036	Cruz-Sosa, Augustin	3136 Topeka St	0.134	HDR	Single Family House	MDR
132-010-037	Cronkite, James Edward, 3144 Topeka St., Riverbank, CA 95367	3142 Topeka St	0.154	HDR	Duplex	MDR
132-010-038	Galas, Steven L, 1533 Marsha, Modesto, CA 95350	6726 2nd St	0.135	HDR	Duplex	MDR
132-010-039	Davis, Terese Mac	3208 Topeka St	0.148	HDR	Single Family House	MDR
132-010-040	Ibarra, Vicky, 6012 Soares Pl., Riverbank, CA 95367	3212 Topeka St	0.143	HDR	Single Family House	MDR
132-010-041	Mendoza, Gustavo & Cindy L	3218 Topeka St	0.142	HDR	Single Family House	MDR

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	Bordona, Steven Richard SR & JU, Bordona Family 2008 Trust, 911 Durant St., Modesto, CA 95350	3224 Topeka St	0.142	HDR	Single Family House	MDR
132-010-042	Sandoval, Andy Richard, 5279 Mesa Dr., Oakdale, CA 95361	6709 1st St	0.143	HDR	Undeveloped Parcel	MU
132-010-057						
	Britt, Gary & Deborah, 8242 Jantzen Ave., Modesto, CA 95357	3043 Santa Fe St	0.186	HDR	Single Family House - Abandoned	MU
132-010-058	Carrasco, Israel Aaron & Martin	3125 Topeka St	0.142	HDR	Single Family House	MDR
132-010-060	Guider, Yolanda E ET AL, PO Box 248, Riverbank, CA 95367	3135 Topeka St	0.146	HDR	Single Family House	MDR
132-010-061	Millan, Magdalena	6800 1st St	0.146	HDR	Single Family House	MDR
132-010-064	Garcia, Maria Guadalupe	3107 Topeka St	0.146	HDR	Single Family House	MDR
132-010-065	Wright, Jesse L TRS & ME, 2449 Topeka St., Riverbank, CA 95367	3145 Topeka St	0.145	HDR	Single Family House	MDR
132-010-066	Podesto, Melinda L, 13891 Henry Rd., Oakdale, CA 95361	3139 Topeka St	0.142	HDR	Single Family House	MDR
132-010-067		6617 Third St	0.218	MU	City Hall	C
132-011-018	City of Riverbank					
	Garcia, Heriberto & Rosa Maria, Garcia Family 2010 Trust, 7210 Richardson Rd., Oakdale, CA 95361	3312 Sierra St	0.219	HDR	Single Family House	MU
132-017-015						
	MV Holdings Inc., 15700 Winchester Blvd., Los Gatos, CA 95030	3418 3rd St	0.447	HDR	Apartments	MU
132-017-020						
	Magana, Eugene J ET AL, 2101 Preston Ln., Modesto, CA 95355	6430 3rd St	0.455	HDR	Single Family House	MU
132-017-021						
	Van Buren, Victoria, C/O James Van Buren, 1501 Christina Ave., Stockton, CA 95204	0 3rd St	0.679	HDR	Undeveloped Parcel	MU
132-017-022						
	Van Buren, Victoria, C/O James Van Buren, 1501 Christina Ave., Stockton, CA 95204	6431 3rd St	0.222	HDR	Single Family House	MU
132-017-023						

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132-022-010	Romero, Jesus, 5612 Saxon Way, Riverbank, CA 95367	2924 Sierra St	0.241	MU	Undeveloped Parcel	HDR
132-022-011	Monschein, Frank & NA, 6344 Roselle Ave., Riverbank, CA 95367	2942 Sierra St	0.723	MU	Apartments	HDR
132-022-012	Taylor, Mildred	2950 Sierra St	0.368	MU	Single Family House	HDR
132-022-024	Aguiniga, Guadalupe Pena	2920 Sierra St	0.103	MU	Single Family House	HDR
132-022-025	Mitchell, Evelyn A ET AL TRS, Evelyn A Mitchell Trust, 6512 Almondwood Ave., Riverbank, CA 95367	2916 Sierra St	0.139	MU	Duplex	HDR
132-022-026	Mitchell, Evelyn A ET AL TRS, Evelyn A Mitchell Trust, 6512 Almondwood Ave., Riverbank, CA 95367	2910 Sierra St	0.301	MU	Quadplex	HDR
132-022-027	Sandoval, Richard M & ET UX, 2854 Sierra Ave., Riverbank, CA 95367	6412 Palmer Ave	0.227	MU	Single Family House	HDR
132-023-024	Cho, Herbert & Grace TRS, Cho Rev 1999 Trust, 2504 Van Hoeks Cir., Modesto, CA 95356	2854 Stanislaus St	0.289	MU	Quadplex	HDR
132-023-030	Quinonez, John M & Silvia S, 3908 Fallen Oak Dr., Modesto, CA 95355	2836 Stanislaus St	0.207	MU	Apartments	HDR
132-023-031	Rivac, Felix M & Leticia C, 272 Ebony Way, Hayward, CA 94544	2840 Stanislaus St	0.202	MU	Apartments	HDR
132-024-002	Pastor of St. Francis of Rome	2827 Topeka St	0.604	HDR	Commercial Development	MU
132-024-003	Pastor of St. Francis of Rome	2827 Topeka St	0.815	HDR	St. Francis of Rome Church	MU
132-024-004	Valencia, Jose P R & ET UX	2830 Topeka St	0.260	HDR	Single Family House	MU
132-024-005	Pastor of St. Francis of Rome, 2827 Topeka St., Riverbank, CA 95367	2818 Topeka St	0.255	HDR	Parking Lot	MU

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132-024-008	Mitchell, Evelyn A ET AL TRS, Evelyn A Mitchell Trust, 6512 Almondwood Ave., Riverbank, CA 95367	2825 Santa Fe St	0.258	HDR	Apartments	MU
132-024-009	Rodriguez, Robert ET AL, 1118 Magnolia St., Oakdale, CA 95361	2831 Santa Fe St	0.262	HDR	Single Family House	MU
132-024-010	Pastor of St. Francis of Rome, 2827 Topeka St., Riverbank, CA 95367	0 Callander Ave	0.333	HDR	Parking Lot	MU
132-024-011	Pastor of St. Francis of Rome, 2827 Topeka St., Riverbank, CA 95367	0 Callander Ave	0.341	HDR	Parking Lot	MU
132-024-012	Pastor of St. Francis of Rome, 2827 Topeka St., Riverbank, CA 95367	0 Callander Ave	0.352	HDR	Parking Lot	MU
132-034-015	Brooks, Henry F II & Martinez-B, Brooks Family 2001 Trust, 904 Ruby Ct., Ripon, CA 95366	2921 Sierra St	0.246	MU	Apartments	HDR
132-034-016	Phillely, Charles F & Shelley M, Phillely 2008 Trust, 1714 Melissa Dr., Ripon, CA 95366	2918 Stanislaus St	0.248	MU	Apartments	HDR
Total Acres			19.240			

LEGEND	
General Plan Designations	
LDR	Low Density Residential
MDR	Medium Density Residential
HDR	High Density Residential
CC	Community Commercial
I/BP	Industrial/Business Park
MU	Mixed Use
C	Civic

July 15, 2014

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO.	4.1	September 16, 2014
APPLICATION:	Continued Consideration of Rules and Procedures for the City of Riverbank's Planning Commissioners from PC Meeting of August 19, 2014.	
LOCATION:	N/A	
ENVIRONMENTAL DETERMINATION:	The proposed action to adopt Rules, Regulations and Procedures is not a project as defined by Section 15378 of the CEQA Guidelines	
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director	
RECOMMENDATION:	Staff recommends that the planning commission (" <u>Commission</u> ") motion to adopt Resolution No. 2014-010, adopting rules, regulations and procedures for the City of Riverbank's (the " <u>City</u> ") planning commissioners (" <u>Commissioners</u> ").	
ACRONYMS:	CEQA – California Environmental Quality Act	
ATTACHMENTS:	1. Resolution No. 2014-010 2. Draft Redline Planning Commission Rules and Procedures 3. Resolution 94-05; Planning Commission Brown Act Rules and Regulations 4. Planning Commission Minutes of July 15, 2014 5. Draft Planning Commission Minutes of August 19, 2014	

I. SUMMARY:

Resolution No. 2014-010 (the "Resolution") adopts comprehensive rules and procedural guidelines for the Commission ("Rules") to provide clarity to noticing and conducting Commission meetings. These Rules comply with state open government laws and offer guidance for conducting an orderly meeting. A violation of these Rules in itself does not invalidate a meeting or an action taken at a meeting. These Rules merely offer the Commission an official procedure to follow and avoid confusion or inconsistency.

II. ENVIRONMENTAL DETERMINATION

The proposed action to adopt Rules, Regulations and Procedures is not a project as defined by Section 15378 of the CEQA Guidelines and therefore will not require any environmental determination.

III. BACKGROUND

The city council ("City Council") has the authority to create rules, procedures and standards for the Commission as long as they do not conflict with state or federal law.¹ Under the R.M.C. the City Council has tasked the Commission with the responsibility of adopting rules for the transaction of business.²

Staff has discovered existing rules and procedures for the Commission that were adopted in 1994. These rules and procedures are outdated. The rules and procedures from 1994 state a meeting time that is different from the Commission's current meeting time and, as far as staff can determine, these rules and procedures are not being used actively. While there are some state laws concerning meetings of public commissions, these laws are not comprehensive and it is important to have local guidelines in place to ensure that meetings are carried out in a fair and consistent way. As such, there are many gaps regarding how the Commission should conduct itself, leading to the potential for inconsistency.

IV. ANALYSIS

The Resolution formally adopts the Rules as the standard operating guidelines for the Commission. The Rules discuss the method and criteria for appointing a Chair and Vice-Chair to the Commission. The Rules establish the powers and the responsibilities of community development director, acting as the Commission secretary. The Rules also provide a mechanism for requesting the City Council to declare a Commissioner's seat vacant after three (3) unexcused absences.

¹ Cal. Govt. Code §65102.

² R.M.C. §32.39.

The Rules distinguish between different types of meetings including regular, special, emergency, and workshop meetings. Additionally, the Rules provide requirements for noticing different kinds of meetings and posting agendas for each meeting. The requirements for noticing, holding and acting at different meetings comply with state law requirements.

The Rules provide procedural guidelines for conducting meetings, including rules about voting and establishing a quorum. Under the Rules, if a quorum of Commissioners is not present, the meeting will be adjourned. The Rules provide guidelines for how a public hearing should be conducted. This allows the Commission to hold public hearings in a consistent manner, to ensure that each applicant or project is treated the same. The Rules also describe what motions are appropriate for different circumstances and how multiple motions should be dealt with.

State law provides a limited number of requirements for conducting public meetings and taking action as a public commission. As a supplement, many cities have adopted *Robert's Rules of Order* to provide structure for conducting meetings. *Robert's Rules of Order* provide parliamentary rules for conducting a public meeting. These rules provide formal procedures that echo traditional parliamentary procedures. While many of these procedures are useful, they can also be overly formal for conducting business in a fast-paced forum where the Commission reviews numerous projects and applications.

The proposed Rules are more closely tailored to California law and the purposes of a planning commission. By adopting these Rules, the Commission and City staff will have a reference guide when procedural questions arise regarding a Commission meeting.

V. PLANNING COMMISSION MEETINGS OF JULY 15, 2014 AND AUGUST 19, 2014

At the regularly scheduled Planning Commission meeting of July 15, 2014, the Commission reviewed the Draft Rules and Procedures presented by Staff and continued the item to the August 19th meeting with a few revisions per Staff and Commission comments. Additionally, at the regularly scheduled Planning Commission meeting of August 19, 2014, the Commission again reviewed the Draft Rules and Procedures and decided to continue the item to the next regularly scheduled meeting of September 16, 2014 due to the suggestion that the majority of Commissioners should be present before adopting the Resolution.

Revisions by Planning Commission and Legal to the PC Rules and Procedures include:

4.1 Chair. The Chair shall preside at all meetings of the Commission. The Chair shall appoint all committees and perform all other duties necessary, customary, or incidental to this office, including but not limited to calling special meetings of the Commission and signing documents on behalf of the Commission. The Chair may move, second, and debate matters before the Commission, subject only to the limitations imposed on all Commissioners, and the Chair shall not be deprived of any rights and privileges of a Commissioner by reason of her acting as Chair. The Chair shall preserve strict order and decorum at all Commission meetings. The Chair may announce special rules for a particular agenda item, including, but not limited to: (A) the length of time persons may speak; (B) asking a spokesperson to address the Commission on behalf of a group of individuals

with the same views; and (C) in the event of a hearing, providing time for arguments and rebuttals from proponents and opponents.

5.1 Regular Meetings. Regular meetings shall be open to the public and shall be held on the third (3rd) Tuesday of each month at 6:00 p.m. in the City Hall Council Chambers at 6707 3rd Street, Riverbank, California, as may be amended from time to time by City Council resolution. Whenever the day fixed for any regular meeting of the Commission falls upon a day designated as a holiday, such meeting may be held at the same hours on the next succeeding business day, which is not a holiday.

5.2 Special Meetings. Special meetings of the Commission shall be open to the public and shall be held at such time as the Commission may determine. The Chair, ~~or~~ a majority of the Commission, and/or the Community Development Director may call a special meeting at any time by posting providing a twenty-four (24) hours advanced notice, pursuant to the Riverbank Code of Ordinances Section 32.32.(B). ~~has been published~~ Such notice shall be delivered to each Commissioner at least twenty-four (24) hours before the special meeting, provided however, that a Commissioner may waive a failure to receive notice to a special meeting by filing a written waiver with the Commission before the meeting or by appearing at the special meeting. Additionally, such notice shall be delivered twenty-four (24) hours in advance to each radio station and local newspaper of general circulation which have requested such notice.

6.1 Notice of Meetings. The agenda for all Commission meetings shall be available to the general public and the Secretary shall cause a copy thereof to be posted at least seventy-two (72) hours before a regular or adjourned meeting in a place and/or places which that is are accessible to the public twenty-four (24) hours a day, seven (7) days a week.

6.2 Delivery of Agenda. For regular and adjourned meetings, the agenda shall be delivered to Commissioners, available to the general public only after the delivery to the Commissioners, and posted in a spot that is accessible to the public twenty-four (24) hours a day, seven (7) days a week, at least seventy-two (72) hours before the meeting. Additionally, individuals wishing to receive a copy of the agenda by mail may do so by paying the City an annual fee to offset the costs of mailing.

7.1 Public Comments. Members of the public will have the opportunity to directly address the Commission on any item of interest to the public, which is within the subject matter jurisdiction of the Commission. Members of the public will have the opportunity to comment on an item posted on the agenda when the item appears before the Commission. For items not listed on the agenda, which are of public interest and under the subject matter jurisdiction of the Commission, there shall be a public comment period. During public comment period for regular or adjourned meetings, any person may address the Commission on any subject pertaining to the Commission that does not appear on the agenda. During public comments for special meetings, the public may be limited to addressing the Commission only on subjects appearing on the meeting's agenda. At the Chair's

discretion, the Chair may impose a time limit for each person wishing to address the Commission during public comments of no less than two (2) minutes per person.

Any person desiring to address the Commission at a meeting shall first secure the permission of the Chair to do so, provided however, that any interested person shall have the right to address the Commission upon obtaining recognition by the Chair.

~~During public comments for regular or adjourned meetings any person may address the Commission on any subject pertaining to Commission, regardless of whether the matter is listed on the meeting agenda or not. During public comments for special meetings, the public may address the Commission on any subject appearing on the meeting's agenda. At the Chairpersons discretion, the Chair may impose a time limit for each person wishing to address the Commission during public comments of no less than five (5) minutes per person.~~

12.1 Length of Meetings. Unless a majority of the Commissioners present at a meeting find that exceptional circumstances require otherwise, the Commission will adjourn its meetings after three (3) hours on or before 11:00 p.m. with any unfinished business being continued to the next, regular, adjourned, or special meeting, unless the based on special circumstances the Commission votes to extend the time frame for the meeting. At approximately ~~480:00~~ p.m., the Chair will call review of any remaining agenda items to consider whether they will likely be completed by ~~449:00~~ p.m., or whether continuances should be considered. The Secretary, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

VI. FINANCIAL IMPACT

There is no evidence fiscal impact from adopting the Rules.

VII. RECOMMENDATION:

Staff recommends that the planning commission ("Commission") motion to adopt Resolution No. 2014-010, adopting rules, regulations and procedures for the City of Riverbank's (the "City") planning commissioners ("Commissioners").

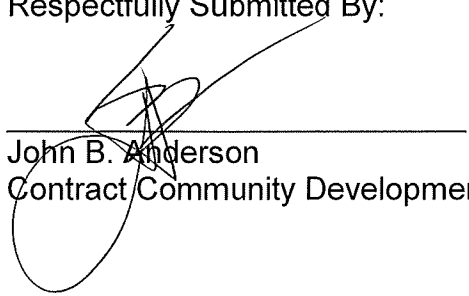
VIII. ALTERNATIVE ACTIONS

The Planning Commission's options regarding Resolution 2014-010 include:

1. Motion to adopt Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures;
2. Motion to adopt Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures with changes or revisions as provided by the Planning Commission;

3. Reject the Resolution No. 2014-010, adopting the City of Riverbank, California Planning Commission Rules and Procedures.

Respectfully Submitted By:



John B. Anderson
Contract Community Development Director

Attachment 1

**CITY OF RIVERBANK
PLANNING COMMISSION
RESOLUTION NO. 2014-010**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK

WHEREAS, California Government Code section 65102 allows a city to adopt rules and procedures for its planning commission; and,

WHEREAS, Riverbank Municipal Code section 32.39 states that the planning commission must draft rules for conducting its business; and,

WHEREAS, the proper and consistent operation of the planning commission is vital to ensuring a well-planned city; and,

WHEREAS, the City of Riverbank planning commission currently have rules or procedures that were adopted in 1994 through Resolution No. 94-05 to guide the planning commission in noticing or conducting public meetings; and,

WHEREAS, the existing rules and procedures for the planning commission are outdated and should be updated to reflect changes which have occurred since 1994; and

WHEREAS, the planning commission finds that the City of Riverbank, California Planning Commission Rules and Procedures, which are attached hereto and incorporated by this reference, provide a clear and consistent basis for carrying out the planning commission's business in a way that is consistent with applicable state laws; and

WHEREAS, the planning commission finds that it is in the best interest of the city to adopt the City of Riverbank, California Planning Commission Rules and Procedures.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Riverbank hereby revokes and replaces Resolution No. 94-05 and adopts the City of Riverbank, California Planning Commission Rules and Procedures, which are attached hereto as Attachment 1.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on 16th day of September, 2014; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

John B. Anderson
Contract Community Development Director

Joan Stewart
Planning Commission Chair

Attachments: 1. Planning Commission Rules and Procedures



**CITY OF RIVERBANK, CALIFORNIA PLANNING
COMMISSION RULES AND PROCEDURES**

Adopted _____, 2014 by Resolution No. 2014-010

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ORGANIZATION

Section 1. Purpose, Effect and Authority. The purpose and intent of adopting these Planning Commission Rules and Procedures (the "Rules") for the City of Riverbank Planning Commission (the "Commission") is to provide the Commission with guidance for conducting public business pursuant to Riverbank Code of Ordinances Section 32.39(A). Any noncompliance or violation of these Rules will not affect the validity of any action taken, unless otherwise specifically provided under state law. In the event that there is any inconsistency between these Rules and state law, state law shall prevail.

Section 2. Rotation of Presiding Officers.

2.1 The Commission shall have a chairperson ("Chair") and a vice-chairperson ("Vice-Chair").

2.2 The Chair and the Vice-Chair of the Commission shall each serve a term of one (1) year, pursuant to the Riverbank Code of Ordinances Section 32.36 (C).

2.3 The Chair shall be the most senior member of the Commission who has served as Vice-Chair previously but has not served as the Chair. If all planning commissioners ("Commissioner" or "Commissioners") have already served as Chair, the Chair shall be the Commissioner who has not served as Chair for the longest period of time.

2.4 The Vice-Chair shall be the most senior member of the Commission who has not served as the Vice-Chair. If all Commissioners have already served as Vice-Chair, the Vice-Chair shall be the Commissioner who has not served as Vice-Chair for the longest period of time.

2.5 For the purposes of determining the rotational order to Chair and Vice-Chair appointment, in the event that two or more Commissioners begin serving at the same time, their respective orders for appointment shall be determined by drawing straws, with the Commissioner drawing the shortest straw going first in the rotation and so on. Commissioners re-appointed to successive terms will remain in the rotation order established with their initial appointment.

2.6 No Commissioner shall have the obligation to serve as either Chair or Vice-Chair. A Commissioner shall not serve successive terms as Chair or Vice-Chair, unless all other Commissioners decline to serve.

2.7 The Vice-Chair shall succeed the Chair in the event the Chair vacates the office prior to the end of the term and shall serve the remainder of the unexpired term of the vacated office.

Section 3. Commission Secretary. The City's Community Development Director shall act as the secretary to the Commission ("Secretary"). If the City does not have a Community Development Director, the Commission may select an individual to serve as Secretary, pursuant to the Riverbank Code of Ordinances Section 32.36(D).

Section 4. Duties of Presiding Officers and Secretary.

4.1 Chair. The Chair shall preside at all meetings of the Commission. The Chair shall appoint all committees and perform all other duties necessary, customary, or incidental to this office, including but not limited to calling special meetings of the Commission and signing documents on behalf of the Commission. The Chair may move, second, and debate matters before the Commission, subject only to the limitations imposed on all Commissioners, and the Chair shall not be deprived of any rights and privileges of a Commissioner by reason of her acting as Chair. The Chair shall preserve strict order and decorum at all Commission meetings. The Chair may announce special rules for a particular agenda item, including, but not limited to: (A) the length of time persons may speak; (B) asking a spokesperson to address the Commission on behalf of a group of individuals with the same views; and (C) in the event of a hearing, providing time for arguments and rebuttals from proponents and opponents.

4.2 Vice-Chair. In the event of absence of the Chair or of her inability to act, the Vice-Chair shall take her place and perform her duties.

4.3 Secretary. The Secretary shall: (A) provide professional and technical advice to the Commission; (B) sign approved final subdivision maps; (C) assist the Commission in the discharge of its responsibilities; and (D) maintain minutes of meetings and records of hearings and official actions.

4.4 Absence of Chair and Vice-Chair. In the absence of the Chair and Vice-Chair, any other Commissioner shall call a Commission meeting to order and the Commission shall then elect a Chair pro tem to preside over meeting.

MEETINGS

Section 5. Types of Meetings.

5.1 Regular Meetings. Regular meetings shall be open to the public and shall be held on the third (3rd) Tuesday of each month at 6:00 p.m. in the City Hall Council Chambers at 6707 3rd Street, Riverbank, California, as may be amended from time to time by City Council resolution. Whenever the day fixed for any regular meeting of the Commission falls upon a day designated as a holiday, such meeting may be held at the same hours on the next succeeding business day, which is not a holiday.

5.2 Adjourned Meetings. Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting cannot be reconvened.

5.3 Special Meetings. Special meetings of the Commission shall be open to the public and shall be held at such time as the Commission may determine. The Chair, a majority of the Commission, and/or the Community Development Director may call a special meeting at any time by posting a twenty-four (24) hour advanced notice, pursuant to the Riverbank Code of Ordinances Section 32.32.(B). Such notice shall be delivered to each Commissioner at least twenty-four (24) hours before the special meeting, provided however, that a Commissioner may waive a failure to receive notice to a special meeting by filing a written waiver with the Commission before the meeting or by appearing at the special meeting. Additionally, such notice shall be delivered twenty-four (24) hours in advance to each radio station and local newspaper of general circulation which have requested such notice.

5.4 Emergency Meetings. When a majority of the Commission determines that an emergency situation, such as work stoppage or another activity which severely impairs public health or safety exists, it may call an emergency meeting. Absent a dire emergency, the Commission shall provide notice to media outlets that have requested such notice at least one (1) hour before the meeting. In dire emergencies, notice shall be provided to media outlets that have requested such notice around the same time that notice is provided to the Commissioners. If telephone services are not working and notice cannot be sent to media outlets prior to the meeting, a report must be provided to media outlets as soon as possible after the meeting. After an emergency meeting, the Commission shall post a notice for ten (10) days in a public place which states: (A) the minutes of the meeting; (B) a list of persons who the Commission notified; (C) a list of persons who the Commission attempted to notify of the meeting; (D) a copy of the roll call vote; and (E) any actions taken at the meeting.

5.5 Workshops/Study Sessions. The Commission may hold a workshop or study session as part of a regular, adjourned, or special meeting. For workshops and study sessions on specific matters for which a future public hearing is anticipated, the Secretary will cause public notice to be given of such workshop or study session in the

same manner as required for public hearings, and a record of the workshop or study session shall be entered into the minutes of any such future public hearings. A workshop or study session shall be for discussion only and the Commission will take no action on the items discussed. No quorum of the Commissioners will be required to hold a workshop or study session.

Section 6. Notice and Agenda.

6.1 Notice of Meetings. The agenda for all Commission meetings shall be available to the general public and the Secretary shall cause a copy thereof to be posted at least seventy-two (72) hours before a regular or adjourned meeting in a place and/or places which are accessible to the public twenty-four (24) hours a day, seven (7) days a week.

6.2 Delivery of Agenda. For regular and adjourned meetings, the agenda shall be delivered to Commissioners, available to the general public only after the delivery to the Commissioners, and posted in a spot that is accessible to the public twenty-four (24) hours a day, seven (7) days a week, at least seventy-two (72) hours before the meeting. Additionally, individuals wishing to receive a copy of the agenda by mail may do so by paying the City an annual fee to offset the costs of mailing.

Section 7. Order of Business. Generally the order of business at a Commission meeting shall be as follows:

7.1 Call to Order.

7.2 Roll Call. Before proceeding with the business of the Commission, the Secretary shall call the roll of the Commission and the names of those present shall be entered into the minutes.

7.3 Conflict of Interest.

7.4 Acceptance of the Agenda. A motion should be made to approve the agenda for the current meeting. At this time or during approval of the consent calendar, any Commissioner may request that any item appearing on the consent calendar be withdrawn from the consent calendar for separate consideration.

7.5 Public Comments. Members of the public will have the opportunity to directly address the Commission on any item of interest to the public, which is within the subject matter jurisdiction of the Commission. Members of the public will have the opportunity to comment on an item posted on the agenda when the item appears before the Commission. For items not listed on the agenda, which are of public interest and under the subject matter jurisdiction of the Commission, there shall be a public

comment period. During public comment period for regular or adjourned meetings, any person may address the Commission on any subject pertaining to the Commission that does not appear on the agenda. During public comments for special meetings, the public may be limited to addressing the Commission only on subjects appearing on the meeting's agenda. At the Chair's discretion, the Chair may impose a time limit for each person wishing to address the Commission during public comments of no less than two (2) minutes per person.

Any person desiring to address the Commission at a meeting shall first secure the permission of the Chair to do so, provided however, that any interested person shall have the right to address the Commission upon obtaining recognition by the Chair.

7.6 Consent Calendar. Items of a routine nature, which are non-controversial, may be placed on the consent calendar. All items appearing on the consent calendar may be approved with a single, blanket motion. The approval of items on the consent calendar can be severed and any Commissioner can make a motion to approve any number of the items appearing on the consent calendar.

7.7 Public Hearings. Public hearings shall be conducted in the following order:

A. Staff Report. After the Chair announces the item as it appears on the agenda, City staff will give a presentation to the Commission and the public on the staff report prepared for the matter.

B. Initial Questions to Staff by the Commissioners. Prior to opening up a public hearing on a matter, Commissioners may ask questions of staff or third party consultants regarding the staff report and the issue.

C. Chair opens the public hearing:

i. Applicant Presentation.

ii. Appellant (If different from Applicant).

iii. Public Testimony. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Chair may, at the beginning of the hearing, place a time limit on public testimony, but in no event for less than one (1) minute per individual. Any person may be authorized to speak for longer than the allotted time limit, upon approval of the Commission, when circumstances make such time extension appropriate, such as when the person is speaking as a representative of a group or has a graphic or slide presentation that requires additional time.

- iv. **Applicant Rebuttal.**
- v. **Appellant Rebuttal.**
- vi. **Chair closes hearing.**

D. Questions and discussion from the Commissioners. The Commissioners should not express their opinions on an item prior to the close of the public hearing, as the Commissioners should not form or express an opinion until after all testimony has been received. Questions and comments from the Commission should not be argumentative and the Commission should not engage in debates with staff or those members of the public testifying an opinion until after all testimony has been received.

As a matter of preferred protocol and courtesy to fellow members of the Commission, normally each Commissioner should only speak once on any one subject until every other Commission wishing to speak thereon has spoken.

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9.9 Motions include Staff Recommendations. A motion to adopt or approve staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in both the written staff report on file on the matter and any oral staff report presented during the hearing.

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10.1 Points of Order. Immediately after an infraction of the Rules or improper decorum in speaking occurs at a Commission meeting, any Commissioner may call for a point of order. Once a point of order has been raised, the Chair will make a ruling as to whether the Rules have been violated. Any Commissioner may appeal the Chair's ruling to the entire Commission, which will vote on whether to sustain the Chair's determination.

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i. If a Commissioner is called to order by the Chair while she is speaking, she shall cease speaking immediately until the question of order is determined. If ruled to be in order, the Commissioner shall be permitted to proceed. If ruled to not be in order, the Commissioner shall remain silent or shall alter her remarks so as to comply with the rules of the Commission.

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11.1 Processing of Motions. When a motion is made and seconded, it shall be stated by the Chair before debate. A motion so stated shall not be withdrawn by the Commissioner who initiated the motion, without the consent of the Commissioner who seconded the motion.

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11.3 Precedence of Motions. When a motion is before the Commission, no motion shall be entertained except the following, which shall have precedence in the following order:

A. Motion to adjourn the meeting. (not debatable) A motion to adjourn shall be in order at any time, except as follows:

- i. When repeated without intervening business or discussion.
- ii. When made as an interruption of a Commissioner who is speaking.
- iii. When the previous question has been ordered.
- iv. While a vote is being taken.

A motion to adjourn “to another time” shall be debatable only as to the time to which the meeting is adjourned.

B. Motion to fix hour of adjournment. Such motion shall be to set a definite time as which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posed on or near the door where the meeting was held within twenty-four (24) hours of the adjournment. If the subsequent meeting occurs within five (5) days of the original meeting, the Commission may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted.

C. Motion to table. A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be “taken from the table” at any time by a motion made prior to the end of the meeting. If the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.

D. Motion to amend. A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating a

different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending upon whether the motion to amend carries.

E. Motion to substitute. A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.

F. Motion for Previous Question. A motion for previous question shall be used to close debate on the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

G. Motion to Continue. Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set. If desired, the Commissioner who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

11.4 Multiple Motions Before the Commission. There can be up to three (3) motions before the Commission at one time. The Chair may reject a fourth (4th) motion until the Commission has addressed the three (3) that have been proposed first. When there are multiple motions before the Commission at one time, the Commission shall address the motions beginning with the most recently made motion.

Section 12. Policies.

12.1 Attendance. Each Commissioner shall attend every regular or special meeting unless unavailable for a valid reason. A Commissioner may be excused if prior notice is given to the Secretary, and if the reason for the absence is stated. In the minutes and in the attendance record the Secretary shall indicate members present and excused. The Commission may recommend to the City Council that the office of any Commissioner who is absent from three (3) consecutive regular meetings, unless excused for cause by vote of the Commission, be declared vacant and that a successor be appointed.

12.2 Length of Meetings. Unless a majority of the Commissioners present at a meeting find that exceptional circumstances require otherwise, the Commission will adjourn its meetings after three (3) hours . with any unfinished business being continued to the next, regular, adjourned, or special meeting, unless based on special circumstances the Commission votes to extend the time frame for the meeting. At approximately 800 p.m., the Chair will call review of any remaining agenda items to consider whether they will likely be completed by 9:00 p.m., or whether continuances

should be considered. The Secretary, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

12.3 Amendments. These Rules may be amended by the Commission at any regular meeting by a majority vote, or at any special meeting, provided that the proposed amendment is included in a written notice of such meeting.

Attachment 2



**CITY OF RIVERBANK, CALIFORNIA PLANNING
COMMISSION RULES AND PROCEDURES**

Adopted _____, 2014 by Resolution No. _____

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ORGANIZATION

Section 1. Purpose, Effect and Authority. The purpose and intent of adopting these Planning Commission Rules and Procedures (the "Rules") for the City of Riverbank Planning Commission (the "Commission") is to provide the Commission with guidance for conducting public business pursuant to Riverbank Code of Ordinances Section 32.39(A). Any noncompliance or violation of these Rules will not affect the validity of any action taken, unless otherwise specifically provided under state law. In the event that there is any inconsistency between these Rules and state law, state law shall prevail.

Section 2. Rotation of Presiding Officers.

2.1 The Commission shall have a chairperson ("Chair") and a vice-chairperson ("Vice-Chair").

2.2 The Chair and the Vice-Chair of the Commission shall each serve a term of one (1) year, pursuant to the Riverbank Code of Ordinances Section 32.36 (C).

2.3 The Chair shall be the most senior member of the Commission who has served as Vice-Chair previously but has not served as the Chair. If all planning commissioners ("Commissioner" or "Commissioners") have already served as Chair, the Chair shall be the Commissioner who has not served as Chair for the longest period of time.

2.4 The Vice-Chair shall be the most senior member of the Commission who has not served as the Vice-Chair. If all Commissioners have already served as Vice-Chair, the Vice-Chair shall be the Commissioner who has not served as Vice-Chair for the longest period of time.

2.5 For the purposes of determining the rotational order to Chair and Vice-Chair appointment, in the event that two or more Commissioners begin serving at the same time, their respective orders for appointment shall be determined by drawing straws, with the Commissioner drawing the shortest straw going first in the rotation and so on. Commissioners re-appointed to successive terms will remain in the rotation order established with their initial appointment.

2.6 No Commissioner shall have the obligation to serve as either Chair or Vice-Chair. A Commissioner shall not serve successive terms as Chair or Vice-Chair, unless all other Commissioners decline to serve.

2.7 The Vice-Chair shall succeed the Chair in the event the Chair vacates the office prior to the end of the term and shall serve the remainder of the unexpired term of the vacated office.

Section 3. Commission Secretary. The City's Community Development Director shall act as the secretary to the Commission ("Secretary"). If the City does not have a Community Development Director, the Commission may select an individual to serve as Secretary, pursuant to the Riverbank Code of Ordinances Section 32.36(D).

Section 4. Duties of Presiding Officers and Secretary.

4.1 Chair. The Chair shall preside at all meetings of the Commission. The Chair shall appoint all committees and perform all other duties necessary, customary, or incidental to this office, including but not limited to calling special meetings of the Commission and signing documents on behalf of the Commission. The Chair may move, second, and debate matters before the Commission, subject only to the limitations imposed on all Commissioners, and the Chair shall not be deprived of any rights and privileges of a Commissioner by reason of her acting as Chair. The Chair shall preserve strict order and decorum at all Commission meetings. The Chair may announce special rules for a particular agenda item, including, but not limited to: (A) the length of time persons may speak; (B) asking a spokesperson to address the Commission on behalf of a group of individuals with the same views; and (C) in the event of a hearing, providing time for arguments and rebuttals from proponents and opponents.

4.2 Vice-Chair. In the event of absence of the Chair or of her inability to act, the Vice-Chair shall take her place and perform her duties.

4.3 Secretary. The Secretary shall: (A) provide professional and technical advice to the Commission; (B) sign approved final subdivision maps; (C) assist the Commission in the discharge of its responsibilities; and (D) maintain minutes of meetings and records of hearings and official actions.

4.4 Absence of Chair and Vice-Chair. In the absence of the Chair and Vice-Chair, any other Commissioner shall call a Commission meeting to order and the Commission shall then elect a Chair pro tem to preside over meeting.

MEETINGS

Section 5. Types of Meetings.

5.1 Regular Meetings. Regular meetings shall be open to the public and shall be held on the third (3rd) Tuesday of each month at 6:00 p.m. in the City Hall Council Chambers at 6707 3rd Street, Riverbank, California, as may be amended from time to time by City Council resolution. Whenever the day fixed for any regular meeting of the Commission falls upon a day designated as a holiday, such meeting may be held at the same hours on the next succeeding business day, which is not a holiday.

5.2 Adjourned Meetings. Any meeting may be adjourned to a time, place and date certain, but not beyond the next regular meeting. Once adjourned, the meeting cannot be reconvened.

5.3 Special Meetings. Special meetings of the Commission shall be open to the public and shall be held at such time as the Commission may determine. The Chair, ~~or~~ a majority of the Commission, and/or the Community Development Director may call a special meeting at any time by ~~posting~~providing a twenty-four (24) hours advanced notice, pursuant to the Riverbank Code of Ordinances Section 32.32.(B). ~~has been published~~ Such notice shall be delivered to each Commissioner at least twenty-four (24) hours before the special meeting, provided however, that a Commissioner may waive a failure to receive notice to a special meeting by filing a written waiver with the Commission before the meeting or by appearing at the special meeting. Additionally, such notice shall be delivered twenty-four (24) hours in advance to each radio station and local newspaper of general circulation which have requested such notice.

5.4 Emergency Meetings. When a majority of the Commission determines that an emergency situation, such as work stoppage or another activity which severely impairs public health or safety exists, it may call an emergency meeting. Absent a dire emergency, the Commission shall provide notice to media outlets that have requested such notice at least one (1) hour before the meeting. In dire emergencies, notice shall be provided to media outlets that have requested such notice around the same time that notice is provided to the Commissioners. If telephone services are not working and notice cannot be sent to media outlets prior to the meeting, a report must be provided to media outlets as soon as possible after the meeting. After an emergency meeting, the Commission shall post a notice for ten (10) days in a public place which states: (A) the minutes of the meeting; (B) a list of persons who the Commission notified; (C) a list of persons who the Commission attempted to notify of the meeting; (D) a copy of the roll call vote; and (E) any actions taken at the meeting.

5.5 Workshops/Study Sessions. The Commission may hold a workshop or study session as part of a regular, adjourned, or special meeting. For workshops and study sessions on specific matters for which a future public hearing is anticipated, the Secretary will cause public notice to be given of such workshop or study session in the

same manner as required for public hearings, and a record of the workshop or study session shall be entered into the minutes of any such future public hearings. A workshop or study session shall be for discussion only and the Commission will take no action on the items discussed. No quorum of the Commissioners will be required to hold a workshop or study session.

Section 6. Notice and Agenda.

6.1 Notice of Meetings. The agenda for all Commission meetings shall be available to the general public and the Secretary shall cause a copy thereof to be posted at least seventy-two (72) hours before a regular or adjourned meeting in a place and/or places which that is are accessible to the public twenty-four (24) hours a day, seven (7) days a week.

6.2 Delivery of Agenda. For regular and adjourned meetings, the agenda shall be delivered to Commissioners, available to the general public only after the delivery to the Commissioners, and posted in a spot that is accessible to the public twenty-four (24) hours a day, seven (7) days a week, at least seventy-two (72) hours before the meeting. Additionally, individuals wishing to receive a copy of the agenda by mail may do so by paying the City an annual fee to offset the costs of mailing.

Section 7. Order of Business. Generally the order of business at a Commission meeting shall be as follows:

7.1 Call to Order.

7.2 Roll Call. Before proceeding with the business of the Commission, the Secretary shall call the roll of the Commission and the names of those present shall be entered into the minutes.

7.3 Conflict of Interest.

7.4 Acceptance of the Agenda. A motion should be made to approve the agenda for the current meeting. At this time or during approval of the consent calendar, any Commissioner may request that any item appearing on the consent calendar be withdrawn from the consent calendar for separate consideration.

7.5 Public Comments. Members of the public will have the opportunity to directly address the Commission on any item of interest to the public, which is within the subject matter jurisdiction of the Commission. Members of the public will have the opportunity to comment on an item posted on the agenda when the item appears before the Commission. For items not listed on the agenda, which are of public interest and under the subject matter jurisdiction of the Commission, there shall be a public

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comment period. During public comment period for regular or adjourned meetings, any person may address the Commission on any subject pertaining to the Commission that does not appear on the agenda. During public comments for special meetings, the public may be limited to addressing the Commission only on subjects appearing on the meeting's agenda. At the Chair's discretion, the Chair may impose a time limit for each person wishing to address the Commission during public comments of no less than two (2) minutes per person.

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~~7.6~~

~~7.7~~**6 Consent Calendar.** Items of a routine nature, which are non-controversial, may be placed on the consent calendar. All items appearing on the consent calendar may be approved with a single, blanket motion. The approval of items on the consent calendar can be severed and any Commissioner can make a motion to approve any number of the items appearing on the consent calendar.

~~7.8~~**7.7 Public Hearings.** Public hearings shall be conducted in the following order:

A. Staff Report. After the Chair announces the item as it appears on the agenda, City staff will give a presentation to the Commission and the public on the staff report prepared for the matter.

B. Initial Questions to Staff by the Commissioners. Prior to opening up a public hearing on a matter, Commissioners may ask questions of staff or third party consultants regarding the staff report and the issue.

C. Chair opens the public hearing:

- i. **Applicant Presentation.**
- ii. **Appellant (If different from Applicant).**

iii. **Public Testimony.** Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Chair may, at the beginning of the hearing, place a time limit on public testimony, but in no event for less than one (1) minute per individual. Any person may be authorized to speak for longer than the allotted time limit, upon approval of the Commission, when circumstances make such time extension appropriate, such as when the person is speaking as a representative of a group or has a graphic or slide presentation that requires additional time.

iv. **Applicant Rebuttal.**

v. **Appellant Rebuttal.**

vi. **Chair closes hearing.**

D. Questions and discussion from the Commissioners. The Commissioners should not express their opinions on an item prior to the close of the public hearing, as the Commissioners should not form or express an opinion until after all testimony has been received. Questions and comments from the Commission should not be argumentative and the Commission should not engage in debates with staff or those members of the public testifying an opinion until after all testimony has been received.

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- iv. While a vote is being taken.

A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

B. Motion to fix hour of adjournment. Such motion shall be to set a definite time as which to adjourn and shall be undebatable and unamendable except to the time set. Notice of the adjournment and the date of the subsequent meeting shall be conspicuously posted on or near the door where the meeting was held within twenty-four (24) hours of the adjournment. If the subsequent meeting occurs within five (5) days of the original meeting, the Commission may consider matters placed on the original meeting agenda without posting a new agenda. If the subsequent meeting occurs more than five (5) days from the original meeting, a new agenda must be prepared and posted.

C. Motion to table. A motion to table shall be used to temporarily bypass the subject. A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. The tabled item may be "taken from the table" at any time by a motion made prior to the end of the meeting. If

the item is not taken from the table prior to the end of the meeting, it shall be placed on a future agenda as a new matter.

D. Motion to amend. A motion to amend can be made after a motion is introduced and seconded. A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating a different matter shall not be in order. A motion to amend shall be voted on first, followed by a vote on the original motion, as amended or as originally stated, depending upon whether the motion to amend carries.

E. Motion to substitute. A motion to substitute can be made after a motion is introduced and seconded. A substitute motion on the same subject shall be acceptable, and voted on before a vote on a motion to amend the main motion amendment.

F. Motion for Previous Question. A motion for previous question shall be used to close debate on the main motion and shall be undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

G. Motion to Continue. Motions to continue to a definite time shall be amendable and debatable as to the propriety of postponement and time set. If desired, the Commissioner who initiates the motion to continue may also move to reopen the hearing to receive further testimony.

11.4 Multiple Motions Before the Commission. There can be up to three (3) motions before the Commission at one time. The Chair may reject a fourth (4th) motion until the Commission has addressed the three (3) that have been proposed first. When there are multiple motions before the Commission at one time, the Commission shall address the motions beginning with the most recently made motion.

Section 12. Policies.

12.1 Attendance. Each Commissioner shall attend every regular or special meeting unless unavailable for a valid reason. A Commissioner may be excused if prior notice is given to the Secretary, and if the reason for the absence is stated. In the minutes and in the attendance record the Secretary shall indicate members present and excused. The Commission may recommend to the City Council that the office of any Commissioner who is absent from three (3) consecutive regular meetings, unless excused for cause by vote of the Commission, be declared vacant and that a successor be appointed.

12.2 Length of Meetings. Unless a majority of the Commissioners present at a meeting find that exceptional circumstances require otherwise, the Commission will adjourn its meetings after three (3) hours on or before 11:00 p.m. with any unfinished business being continued to the next, regular, adjourned, or special meeting, unless the based on special circumstances the Commission votes to extend the time frame for the meeting. At approximately 480:00 p.m., the Chair will call review of any remaining agenda items to consider whether they will likely be completed by 449:00 p.m., or whether continuances should be considered. The Secretary, or designee, will post notice of any continued hearing or other unfinished business, as required by law.

12.3 Amendments. These Rules may be amended by the Commission at any regular meeting by a majority vote, or at any special meeting, provided that the proposed amendment is included in a written notice of such meeting.

Attachment 3

RESOLUTION NO. 94-05(PC)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK AMENDING THE PLANNING COMMISSION BROWN ACT
RULES AND PROCEDURES

WHEREAS, the Planning Commission adopted rules and regulations
on May 23, 1994 to guide the Commission in the conduct of its
meetings and to formalize its procedures; and

WHEREAS, the Planning Commission finds it necessary to amend
these Rules and Regulations to keep them current.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of
the City of Riverbank that the "Planning Commission Brown Act Rules
and Procedures" is hereby amended as shown in Exhibit A.

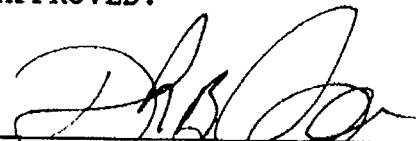
PASSED AND ADOPTED this 19th day of July, 1994 by the
following vote:

AYES: Commissioners Shewmake, McRitchie, Frace, Adams,
Hedlund

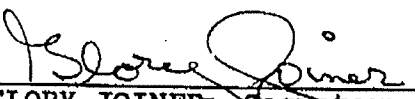
NOES: None

ABSENT: Commissioners Savage, Banuelos

APPROVED:


DAVID ADAMS, Chair

ATTEST:


GLORY JOINER, Secretary

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EXHIBIT "A"

**PLANNING COMMISSION BROWN ACT
RULES AND REGULATIONS**

1. REGULAR MEETINGS

(a) Time. Regular meetings of the Planning Commission shall be held on the third Tuesday of each month at the hour of 7:00 p.m. Whenever the day fixed for any regular meeting of the Commission falls upon a day designated as a holiday, such meeting may be held at the same hour on the next succeeding day not a holiday.

(b) Place. All regular meetings of the Planning Commission shall be held in the place designated by ordinance.

(c) Public. All meetings of the Commission shall be open to the public; provided, however, the Planning Commission may hold closed sessions as provided by the laws of the State of California.

2. SPECIAL MEETINGS

A special meeting may be ordered at any time by the Chair of the Planning Commission whenever the public business may require it or upon the written request of any three members of the Commission. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by mail by the Secretary to the Planning Commission to each member of the Commission and to each local newspaper of general circulation and radio station requesting notice in writing. Such notice must be delivered at least twenty-four hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Commission. The written notice may be dispensed with as to any member of the Commission who, at or prior to the time the meeting convenes, files with the Secretary to the Commission a written waiver of notice.

3. AGENDA

In order to facilitate the orderly conduct of the business of the Commission, the Secretary to the Commission shall be notified no later than 5:00 p.m. of the Wednesday immediately preceding a regular meeting of all reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Commission or discussed at such meeting. Immediately thereafter the Secretary to the Commission shall arrange an agenda

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3 of such matters according to the order of business and furnish each
4 member of the commission, the City Manager, the Planning Director,
5 and the City Attorney with a copy of the agenda prior to the
6 Commission meeting and as far in advance of the meeting as time for
7 preparation will permit. Persons who wish to receive copies of the
8 agenda by mail may receive them by payment of \$15 per year. The
9 agenda shall contain a brief general description of each item of
10 business to be transacted or discussed at the meeting.

11 The Secretary to the Planning Commission shall mark with the
12 "Consent Calendar" those items on the agenda regarding which it can
13 reasonably be expected that there will be no discussion by members
14 of the Planning Commission, the City staff or interested persons in
15 the audience. The Commission shall consider all of the items on
16 the agenda marked "consent" at one time by vote after a motion has
17 been duly made and seconded. If any member of the Commission or
18 City staff or any interested person in the audience requests that
19 a consent item be removed from the list of consent items, such item
20 shall be taken up for consideration and disposition after action on
21 the Consent Calendar. At least 72 hours before each regular
22 meeting the Secretary of the Planning Commission shall post the
23 agenda with a brief general description of each item therein at the
24 following place:

25 1. The entrance door to the City Council Chambers, 6707 Third
26 Street, Riverbank, California 95367.

The Secretary of the Planning Commission shall prepare a
report prior to each meeting on the posting of the agenda. This
report shall be reflected in the minutes of each meeting.

4. THE PRESIDING OFFICER

The Chair shall preside at all its meetings and perform such
other duties consistent with the office as may be imposed by the
Commission or City Council.

The Chair shall preserve strict order and decorum, at all
regular and special meetings of the Commission. The Chair may
announce special rules for the consideration of a particular item
on the agenda, such as, but not limited to; the length of time
persons may speak; require that, if desirable, a spokesman address
the Commission on behalf of a group of persons and, in the event of
a hearing, provide time for arguments and rebuttals from proponents
and opponents. The Chair shall state every question coming before
the Commission, call for the vote, announce the decision of the
Commission on all questions of order, subject, however, to an

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3 appeal to the Commission, in which event a majority vote of the
4 Commission shall govern and conclusively determine such question of
5 order. The Chair shall sign all resolutions adopted by the
6 Commission during the Chair's presence. In the event of the
7 absence of the Chair, the Vice-Chair shall sign resolutions as then
8 adopted.

6

5. CALL TO ORDER

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8 The Chair, or in the Chair's absence, the Vice-Chair, shall
9 take the chair at the hour appointed for the meeting, and shall
10 immediately call the Commission to order. In the absence of the
11 Chair or Vice-Chair, the Secretary of the Commission shall call the
12 Commission to order whereupon a temporary chair shall be elected by
13 the members of the Commission present. Upon the arrival of the
14 Chair or Vice-Chair, the temporary Chair shall immediately
15 relinquish the chair upon the conclusion of the business
16 immediately before the Commission.

12

6. ATTENDANCE

13

14 Before proceeding with the business of the Commission, the
15 Secretary of the Commission shall enter into the minutes the names
16 of the members present or absent. No formal roll call need be
17 taken.

15

7. QUORUM

16

17 A majority of the members of the Commission shall constitute
18 a quorum for the transaction of business, but a lesser number than
19 a quorum may adjourn from time to time. The Commission may adjourn
20 any regular, adjourned regular, special or adjourned special
21 meeting to a time and place specified in the order of adjournment
22 as authorized by section 54954 of the Government Code. If all
23 members are absent from any regular or adjourned regular meeting,
24 the Secretary to the Commission may declare the meeting adjourned
25 to a stated time and place. The Secretary shall cause written
26 notice of the adjournment to be given in the same manner as
provided for special meetings. A copy of the order or notice of
adjournment shall be posted at the City Office and other places
designated by the Commission within twenty-four hours after the
time of adjournment. Whenever a regular or adjourned regular
meeting is adjourned as provided in this section, the resulting
adjourned regular meeting is a regular meeting for all purposes.
When an order of adjournment of any meeting fails to state the hour
at which the adjourned meeting shall be held, it shall be held at
the hour specified for regular meetings. A regular meeting shall

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3 stop at 11:00 p.m. unless the Commission votes to extend it in 30
minute increments.

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5 8. ORDER OF BUSINESS

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7 Promptly at the hour set on the date of each regular meeting,
8 the members of the Planning Commission and Planning Director shall
take their regular stations in the Council Chambers and the
business of the Commission shall be taken up for consideration and
disposition in the following order except that the unanimous
consent of the Commission, matters may be taken up out of order:

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1. Roll Call
2. Minutes
- 10 3. Declaration of Conflict of Interest
4. Consent Items
- 11 5. Public Hearings
6. Other Matters
- 12 7. Public Business from the Floor
8. Written Communications
- 13 9. Director's Report
10. Commissioner's Comments
- 14 11. Adjournment

15 9. READING OF MINUTES

16 Unless the reading of the minutes of a Commission meeting is
17 requested by a member of the Commission, such minutes may be
approved without reading if the Clerk has previously furnished each
member with a copy thereof.

18

19 10. ADDRESSING THE COMMISSION

20

21 Any person desiring to address the Commission at a meeting
shall first secure the permission of the Presiding Officer so to
do; provided, however, that under the following headings of
business, any qualified and interested person shall have the right
to address the Commission upon obtaining recognition by the
Presiding Officer:

22

23 (a) Public Business from the Floor. Interested persons in
the audience or their authorized representatives may address the
24 Commission by oral communication on any matters over which the
Commission has subject matter jurisdiction, provided, however, that
25 preference shall be given to those persons who have notified the
Secretary to the Commission in advance of their desire to speak in
26 order that the same may appear on the agenda of the Commission.

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3 However, no action shall be taken on any item not appearing on the
4 agenda unless the action is otherwise authorized by paragraph 12 of
this Resolution or by Section 54954.2 of the Government Code.

5 (b) Written Communications. Interested persons or their
6 authorized representative may address the Commission by written
communication on any matters concerning the Commission's business.

7 Such written communication shall be delivered to the Secretary to
8 the Planning Commission no later than 5:00 p.m. of the Wednesday
immediately preceding the regular Commission meeting the agenda for
9 which such written communication is intended.

10 11. MANNER OF ADDRESSING COMMISSION

11 Each person shall stand at the podium, if one is available,
12 and give his or her name and address for the record. All remarks
13 shall be addressed to the Commission as a body and not to any
14 member thereof. No person, other than the Commission and person
15 having the floor, shall be permitted to enter into any discussion,
either directly or through a member of the commission, without the
16 permission of the Presiding Officer. No question shall be asked a
Commissioner or a member of the City Staff except through the
17 Presiding Officer. No person may address the Commission for more
18 than five minutes unless the Presiding Officer allows more time.

19 12. ACTION ON ITEMS NOT APPEARING ON THE POSTED AGENDA

20 No action shall be taken on any item not appearing on the
21 posted agenda unless:

22 (a) A majority of the Commissioners determine that an
23 emergency situation, as defined by Government Code Section 54956.5
exists.

24 (b) Commissioners determined by a two-thirds vote, or by a
25 unanimous vote if less than two-thirds of the Commissioners are
present, that there is a need for immediate action and the need for
26 immediate action come to the attention of the Commission after the
agenda was posted.

(c) The item was included in a properly posted agenda for a
prior meeting occurring not more than five days prior to the
meeting at which the action is taken and was continued to the
meeting at which the action is taken.

Any items not on the posted agenda requiring action by the

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3 Commission which are raised by Commissioners or by members of the
4 public shall be automatically referred to staff by the presiding
officer and placed on the agenda for the next regular meeting.

5 13. VOTING

6 (a) Members of the Commission shall vote by "voice vote" on
7 all ordinances, resolutions and other matters unless a roll call
8 vote is required by law or is requested by a Commission. Silence
shall be recorded as an affirmative vote. The Secretary of the
9 Commissions shall show on ordinances and resolutions the names of
Commissions voting "Aye" and "No."

10 (b) The vote on any matter being considered by the Commission
may be delayed by the Presiding Officer until all members of the
11 Commission present for a meeting, and not excused, are present at
the Commission table.

12 (c) A member of the Commission who has a conflict of interest
13 regarding any matter being considered by the Commission shall
declare the conflict and excuse himself or herself from
14 participating in the Commission's deliberation and decision
regarding that matter.

15 14. ORDER AND DECORUM

16 (a) By Commissioners. While the Commission is in session,
17 the members must preserve order and decorum, and a member shall
neither by conversation or otherwise, delay or interrupt the
18 proceedings or the peace of the Commission nor disturb any member
while speaking or refuse to obey the order of the Commission or its
19 Presiding Officer, except as otherwise herein provided.

20 (b) By Other Persons. Any person making personal,
impertinent, or slanderous remarks or who shall become boisterous
21 while addressing the Commission or who shall by conversation or
otherwise delay or interrupt the proceedings or the peace of the
22 Commission or disturb any member while speaking or refuse to obey
the orders of the Commission or its Presiding Officer shall be
forthwith barred by the Presiding Officer from further audience
23 before the Commission, unless permission to continue be granted by
a majority vote of the Commission. In the interest of an orderly
24 meeting, applause shall not be permitted.

25 (c) Enforcement of Order and Decorum. A law enforcement
26 officer may be designated as Sergeant-at-Arms of the Commission
when requested by the Presiding Officer. The officer shall carry

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3 out all orders and instructions given at the Commission meeting.
4 Upon instruction of the Presiding Officer, it shall be the duty of
5 the Sergeant-at-Arms, as to any person who violates the order and
6 decorum of the meeting, to remove and bar such person from the
7 Commission meeting.

8 (d) Smoking. Smoking shall not be permitted in the Council
9 Chambers during the meetings of the Commission.

10 15. SPECIAL COMMITTEES.

11 All special committees shall be appointed by the Presiding
12 Officer with the approval of the Commission.

13 16. PROTESTS

14 Any commissioner shall have the right to have the reasons for
15 his dissent from or protest against, any action of the Commission
16 entered on the minutes.

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Attachment 4



City Of Riverbank
Planning Commission Meeting
MINUTES
Tuesday, July 15, 2014

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 Stewart, Commissioner Villapudua, Commissioner Degele and Commissioner McKinney

Absent: Vice Chair Hughes (Excused)

Invocation: Pastor Mario Jimenez, Community Praise Tabernacle

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 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 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.

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 July 15, 2014, Planning Commission Meeting.

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

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

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item No. 2.B: The Agenda for the July 15 2014, Planning Commission Meeting.

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

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

Nays: None

Absent: Hughes (Excused)

Abstained: None

Item No. 2.C: The Minutes of the April 15, 2014 and May 21, 2014, Planning Commission Meetings.

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

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

Nays: None

Absent: Hughes (Excused)

Abstained: None

3. PUBLIC WORKSHOP

Item 3.1: Draft Downtown Specific Plan (FEIR has been previously certified by the City Council on March 25, 2013).

- John B. Anderson, City of Riverbank Consulting Planning Director presented the PowerPoint presentation on the DTSP.
- As Mr. Anderson went through the PowerPoint presentation he asked the Planning Commission if they had any questions. Mr. Anderson answered all there questions as he went through the presentation.
- Chair Stewart opened the workshop so the public could give input on the DTSP and the presentation.
- Angie Timpony spoke on the DTSP and had suggested the city have more water recreational facilities for teenaged kids such as Pasco Washington were she had just visited.
- Evelyn Halbert spoke on the DTSP and questioned the published public noticing, the letters sent to the affected property owners and business owners and proposed zone districts.
- Robert Guardiola asked questions on the parking along Atchison / State Route 108 and the height of buildings.

- Planning Commission discussed the item further and asked Mr. Anderson additional questions.
- Evelyn Halbert asked questions on the parking for businesses & residential within the DTSP area.
- Robert Guadiola spoke again on the parking and suggested parking permits.
- Commissioner McKinney suggested we have another workshop.
- Chair Stewart requested she wanted some information on parking permits.
- Planning Commissioners' would like some financial information for future improvements of the DTSP.
- Planning Commissioners' suggested we have another workshop at our regular scheduled meeting date in August and at that the notices be in Spanish and English.
- Being there were no further comments the workshop ended at 7:34 p.m.

4. PUBLIC HEARINGS

Item 4.1: Rules and Procedures for the City of Riverbank's Planning Commission.

- John B. Anderson, City of Riverbank Consulting Planning Director presented the staff report.
- Planning Commissioners' discussed item and made some changes.
- Chair Stewart suggested a time change of (3) hours minimum for meetings and then added that could be changed at the discretion of the Planning Commission Chair.
- Chair Stewart opened the public hearing.
- Robert Guardiola stated that he did not agree to the time limit on meetings.
- Planning Commissioners' suggested to continue this item until the August 19, 2014 regularly scheduled Planning Commission meeting.
- Chair Stewart closed the public hearing.

ACTION: *By motion moved/second (Degele / Villapudua / passed 4-0) to approve by roll call vote the continuance of the Rules and Procedures for the City of Riverbank's Planning Commission to the August 19, 2014 Motion carried by unanimous roll call vote.*

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

Nays: None

Absent: Hughes (Excused)

Abstained: None

5. NEW BUSINESS

None.

6. COMMISSION ITEMS

Item 6.1: Chair Stewart asked if cinder block walls were allowed. And had asked what can be done about neglected properties.

7. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

None.

8. UP-COMING MEETING AGENDA ITEMS

Item 8.1: Continued Public Workshop on the Downtown Specific Plan (FEIR has been previously certified by the CC on March 25, 2013).

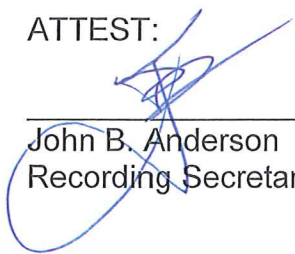
Item 8.2: Continued Public Hearing item from July 15, 2014, Planning Commission meeting to discuss the Planning Commission Rules and Procedures.

Item 8.3: Review of the 5-Year Capital Improvement Program (CIP) for Fiscal Years 2014-2019 for General Plan Conformance.

9. ADJOURNMENT

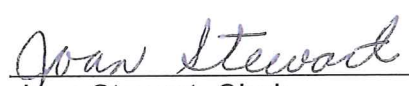
There being no further business, Chair Stewart adjourned the meeting at 7:53 p.m.

ATTEST:



John B. Anderson
Recording Secretary

APPROVED:



Joan Stewart, Chair
Planning Commissioner

Attachment 5



City Of Riverbank
Planning Commission Meeting
MINUTES
Tuesday, August 19, 2014

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 Stewart, Commissioner Villapudua, and Commissioner McKinney

Absent: Vice Chair Hughes (Excused), Commissioner Degele (Excused)

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

No one declared a conflict.

1. PUBLIC COMMENTS (No Action 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 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.

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 August 19, 2014, Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item No. 2.B: The Agenda for the August 19 2014, Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item No. 2.C: The Minutes of the July 15, 2014, Planning Commission Meeting.

ACTION: By motion moved/second (Villapudua / McKinney / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

3. PUBLIC WORKSHOP

Item 3.1: Continued Workshop from July 15, 2014 Planning Commission Meeting
- Draft Downtown Specific Plan (FEIR has been previously certified by the City Council on March 25, 2013).

- John B. Anderson, City of Riverbank Consulting Planning Director presented the PowerPoint presentation on the DTSP Workshop.
- As John B. Anderson went through the PowerPoint presentation he asked and answered question by the Planning Commission.
- Chair Stewart opened the workshop so the public could give input on the DTSP and the presentation.
- Daryl Daniels spoke on behalf of the DTSP and asked question pertaining to zoning and how it affects property insurance.
- John Von Buren also spoke on the DTSP.
- Joe Cattedra also spoke on the DTSP.
- Norma Arauza also spoke on the DTSP.
- John Von Buren also asked about additional lighting in alley ways.
- Larry King had a question pertaining to the map.
- Evelyn Halbert spoke on behalf of the DTSP and that she is against it and just wants to be out of the plan and is concerned about parking issues.
- John B. Anderson addressed all questions and comments to those that had spoken.
- Chair Stewart asked John B. Anderson some additional questions.

- Teresa Cattedra asked about sidewalks and ADA ramps at corners. She also asked why the school does not have parking for their employees.
- John B. Anderson read Commissioner Degele's comments he had provided in writing in regards to the DTSP to the Commission since he was unable to attend the meeting.
- Planning Commission discussed the item further and asked Mr. Anderson additional questions.
- Chair Stewart suggested we continue the workshop until the September 16, 2014 Planning Commission meeting.
- Commissioner McKinney also agreed that we should continue the workshop.
- Workshop will be continued until September 16, 2014 Planning Commission with some information on historic homes within the DTSP area.
- Being there were no further comments the workshop ended at 7:15 p.m.

4. PUBLIC HEARINGS

Item 4.1: Rules and Procedures for the City of Riverbank's Planning Commission.

- Item was continued until September 16, 2014 Planning Commission Meeting.

ACTION: *By motion moved/second (Villapudua / McKinney passed 3-0) to approve by roll call vote the continuance of the Rules and Procedures for the City of Riverbank's Planning Commission to the September 16, 2014 Motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney

Nays: None

Absent: Hughes (Excused) and Degele (Excused)

Abstained: None

Item 4.2: General Plan Consistency of the 5-year Capital Improvement Program for Fiscal Year 2014-2019.

- John B. Anderson presented the item to the Planning Commission.
- Public Hearing was opened at 7:40 pm
- Public Hearing closed at 7:41 pm
- Commissioner Villapudua asked how the different items get on the list.
- John B. Anderson explained the process to the Planning Commission.
- **ACTION:** *By motion moved/second (McKinney / Villapudua / passed 3-0) was approved as submitted; motion carried by unanimous roll call vote.*

-
- *Ayes: Planning Commissioners: Stewart, Villapudua, and McKinney*
 - *Nays: None*
 - *Absent: Hughes (Excused) and Degele (Excused)*
 - *Abstained: None*

5. NEW BUSINESS

None.

6. COMMISSION ITEMS

None.

7. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

Item 7.1: Referral from Stanislaus County for 1731 & 1729 Patterson Road, requesting to construct a telecommunication facility for Verizon Wireless within a 1,600 sq. ft. lease area in the northwestern corner of a 14.31 acre parcel. The project includes construction of a 104 ft. tall monopole with three (3) antennas, a 202 sq. ft. equipment shelter with attached air conditioners, and a 78 sq. ft. concrete slab with a 30 kilowatt diesel generator and 132 gallon fuel tank. Visitation to the site by a service technician for routine maintenance typically occurs once a month. Access to the site is proposed via a 12 foot easement.

- John B. Anderson presented the item to the Planning Commission.
- Commissioners and John discussed the item and how they wanted to respond to the County in regards to the project. Commissioners were all in favor of a unique way of disguising the cellular tower such as it appearing to look like a windmill, so it would better fit in with the surrounding area, along with any equipment shelter's to look like a barn.
- John B. Anderson will forward the Planning Commissioners comments onto the County.

8. UP-COMING MEETING AGENDA ITEMS

Item 8.1: Continued Public Workshop on the Downtown Specific Plan from the August 19, 2014, Planning Commission meeting - (FEIR has been previously certified by the CC on March 25, 2013).

Item 8.2: Continued Public Hearing item from August 19, 2014, Planning Commission meeting to discuss the Planning Commission Rules and Procedures.

Item 8.3: September 30, 2014 Public Workshop on the Housing Element.

9. ADJOURNMENT

There being no further business, Chair Stewart adjourned the meeting at 7:55 p.m.

ATTEST:

APPROVED:

John B. Anderson
Recording Secretary

Joan Stewart, Chair
Planning Commissioner

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

ITEM NO:	4.2	September 16, 2014
APPLICATION:	A Proposed Moratorium on Tattoo establishments to afford Staff time to evaluate and make recommendations as to the appropriate zoning regulations associated with such businesses. The matter affects uses City-Wide.	
LOCATION:	City-Wide	
GENERAL PLAN:	N/A	
ZONING:	N/A	
ENVIRONMENTAL DETERMINATION:	The proposed moratorium on tattoo establishments is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the project is required.	
PROJECT PLANNER:	John B. Anderson, Contract Community Development Director	
RECOMMENDATION:	Staff recommends that the planning commission (" <u>Commission</u> ") motion to adopt Resolution No. 2014-013, recommending the City Council of the City of Riverbank (" <u>City</u> ") adopt interim urgency Ordinance No. 2014-013 creating a forty-five (45) days moratorium on the establishment and operation of new tattoo establishments.	
ACROMYMS:	CEQA – California Environmental Quality Act	
ATTACHMENTS:	1. Planning Commission Resolution No. 2014-013	

I. EXECUTIVE SUMMARY:

Resolution No. 2014-013 (the "Resolution") recommends that the City Council adopts an interim urgency ordinance to create a moratorium on the establishment and operation of tattoo establishments. The City's Municipal Code does not currently regulate the operation or location of tattoo establishments. The proposed moratorium provides City staff with time to review the City's Municipal Code to determine how to properly regulate tattoo establishments. Beyond the public health concern with tattoo establishments in terms of the transmission of infectious disease, these types of establishments often carry with them negative secondary effects. To properly manage the secondary effects such as gang related activities and illegal drug activity that are often associated with tattoo establishments and can result in a decrease in neighboring property value, the City must review the City's zoning code to determine where tattoo establishments should be located.

II. BACKGROUND

In 2010, in the case of *Anderson v. City of Hermosa Beach*, the Ninth Circuit Court of Appeals ruled that a city may not impose a total prohibition on the establishment and operation of tattoo parlors as tattooing is a "purely expressive activity."¹ Therefore the City may regulate the time, place, and manner in which tattoos are given, but it may not ban tattoo establishments entirely in the City.² Currently, the City does not regulate tattoo establishments at all. This is in part because the public health impacts of tattoos are largely regulated by state law where tattoo establishments are properly in compliance with state law.

Beyond the public health impacts of tattooing and related body modification techniques through the transmission of infectious diseases such as hepatitis, syphilis, tuberculosis, and HIV, tattoo establishments are also usually associated with a number of negative secondary effects. These secondary effects include gang related activity and illegal drug transactions. To avoid such impacts, the City needs time to study and implement zoning code regulations to determine how best to regulate where these business are located and manage any related effects.

This ordinance ensures that the City is not faced with an unmanageable problem while it takes the time to properly identify areas that are well suited to allowing new tattoo establishments in the City. This moratorium does not affect currently operating tattoo establishments. Thus, the citizens of the City are still able to exercise their First Amendment rights and receive tattoos during the moratorium period. The moratorium only serves to limit new tattoo establishments while the City studies the issues and finds solutions to the issues that have resulted from tattoo establishments recently.

¹ *Anderson v. City of Hermosa Beach* (9th Cir. 2010) 621 F.3d 1051, 1055.

² *Id.*

III. ANALYSIS

The resolution recommends that the City Council adopt an ordinance that will give City staff the time needed to draft regulations that address the establishment and operation of tattoo establishments. The moratorium is essentially a time out for the City to evaluate the best way possible to regulate these businesses in the City while avoiding any negative impacts from rushing into regulation without a careful study first. The City Council will also review the proposed regulations and make a decision whether or not to impose the proposed moratorium. The Commission's recommendation to adopt the moratorium makes clear that giving City planning staff time to properly address this issue is an important interest in the overall planning activities for the City.

A city may adopt an interim ordinance under Government Code section 65858 that prohibits any use that may be in conflict with a contemplated zoning proposal that the legislative body, planning commission, or planning department is considering, studying, or intending to study within a reasonable time. For the initial adoption of the urgency interim ordinance that establishes the forty-five (45) day moratorium on the use the City Council must comply with two (2) requirements. First, the City Council must find that the interim ordinance is required to protect the public health, safety, and welfare. Second, the ordinance must be passed by a four-fifths (4/5) majority vote of the City Council. Here, the ordinance is required to protect the public health, safety, and welfare as tattoo establishments can result in the transmission of infectious disease and carry with them negative secondary effects.

IV. ENVIRONMENTAL DETERMINATION

The proposed moratorium on tattoo establishments is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately. Therefore, no CEQA analysis of the project is required.

V. FISCAL IMPACT

There is no direct cost in adopting the interim ordinance. However, the City will not receive new business license fees from applicants wishing to open tattoo establishments. Also, prohibiting new businesses can inhibit the growth of the City's tax base, but only temporarily while the City develops a strategy for incorporating these businesses into the City.

VI. PUBLIC NOTICE

Where the City complies with these requirements under Government Code section 65858, it may adopt a moratorium ordinance immediately without abiding by the typically required notice requirements for ordinances. Thus, the notice of the proposed moratorium contained in the agenda for the City Council meeting is sufficient for the City to adopt the moratorium.

Should the City choose to extend the moratorium beyond the forty-five (45) day limit created under this proposed urgency interim ordinance, the City Council must pass another interim ordinance. That ordinance is subject to a ten (10) day notice requirement under Government Code section 65090, and

it extends the moratorium for ten (10) months and fifteen (15) days. The City may then extend the moratorium for one (1) additional year, also subject to the notice requirements under Government Code section 65090, for a moratorium that last a total of two (2) years. Any extension of the moratorium must be passed during the period the moratorium is in place.

VII. ALTERNATIVE ACTIONS

The City Council's options regarding Resolution 2014-013 include:

1. Motion to adopt Resolution No. 2014-013, recommending the City Council of the City of Riverbank ("City") adopt interim urgency Ordinance No. 2014-XX creating a forty-five (45) days moratorium on the establishment and operation of new tattoo establishments;
2. Motion to adopt Resolution No. 2014-013 as amended by the Commission, recommending the City Council of the City of Riverbank ("City") adopt interim urgency Ordinance No. 2014-XX creating a forty-five (45) days moratorium on the establishment and operation of new tattoo establishments;
3. Reject the Resolution No. 2014-013, not recommending the City Council of the City of Riverbank ("City") adopt interim urgency Ordinance No. 2014-XX creating a forty-five (45) days moratorium on the establishment and operation of new tattoo establishments.

VIII. RECOMMENDATION:

Staff recommends that the planning commission ("Commission") motion to adopt Resolution No. 2014-013, recommending the City Council of the City of Riverbank ("City") adopt interim urgency Ordinance No. 2014-XX creating a forty-five (45) days moratorium on the establishment and operation of new tattoo establishments.

Respectfully Submitted By:



John B. Anderson

Contract Community Development Director

Riverbank Planning Commission

Staff Report 4.2

Meeting of September 16, 2014

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Attachment 1

**CITY OF RIVERBANK
PLANNING COMMISSION
RESOLUTION NO. 2014-013**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK

WHEREAS, the City of Riverbank's ("City") Municipal Code is silent with regard to the regulation and location of tattoo establishments. It is necessary for the City to study the potential impact such facilities may have on the public health, safety, and welfare; and

WHEREAS, the provisions of the City's Municipal Code that may regulate the development, establishment, and operation of tattoo establishments in the City are inadequate and need review, study, and revision. The current provisions also fail to thoroughly address the impacts related to the location and manner of development, establishment, and operation of tattoo establishments in relation to public health, safety, and welfare concerns, including, but not limited to, the impacts these businesses may have on parking, surrounding uses, and the community; and

WHEREAS, it is necessary that the City study the possible adoption of amendments to the City's Municipal Code regarding tattoo establishments. City staff needs time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Riverbank hereby recommends City Council approval of Ordinance No. XXXX, attached hereto as **Exhibit A** and incorporated herein by this reference, establishing a moratorium on the establishment and operation of new tattoo establishments for a period of forty-five (45) days based on the following findings:

- a. There is a threat to the public health, safety, and welfare of the community if new tattoo establishments businesses locate in the City without proper regulations in place; and
- b. Tattooing and related body modification techniques are activities that, if undertaken in unsanitary conditions, can lead to the transmission of infectious disease, including hepatitis, syphilis, tuberculosis, and HIV. In addition, tattoo establishments often result in secondary negative impacts, such as an increase in crime and the sale of illegal drugs immediately surrounding tattoo establishments and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to tattoo establishments; and

- c. The proliferation tattoo establishments may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th of September, 2014; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

John B. Anderson
Contract Community Development Director

Joan Stewart
Planning Commission Chair

Attachments:

Exhibit A: City Council Ordinance XXX

EXHIBIT A

CITY OF RIVERBANK CITY COUNCIL ORDINANCE 2014-XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK FOR A TEMPORARY MORATORIUM ON THE ESTABLISHMENT AND OPERATION OF NEW TATTOO ESTABLISHMENTS FOR A PERIOD OF FORTY-FIVE (45) DAYS PENDING STUDY OF ZONING REGULATIONS THAT ARE NEEDED TO ALLEVIATE A CURRENT AND ACTUAL THREAT TO THE PUBLIC HEALTH, SAFETY, AND WELFARE

WHEREAS, the City of Riverbank's ("City") Municipal Code is silent with regard to the regulation and location of tattoo establishments. It is necessary for the City to study the potential impact such facilities may have on the public health, safety, and welfare; and

WHEREAS, there is a threat to the public health, safety, and welfare of the community if tattoo establishments continue to locate in the City without proper regulations in place; and

WHEREAS, tattooing and other related body modification techniques are activities that, if undertaken in unsanitary conditions, can lead to the transmission of infectious disease, including hepatitis, syphilis, tuberculosis, and HIV. In addition, tattoo establishments often result in secondary negative impacts, such as an increase in crime and the sale of illegal drugs immediately surrounding tattoo establishments and the impairment of the market values and aesthetic and visual qualities of the properties adjacent to tattoo establishments; and

WHEREAS, the proliferation of tattoo establishments may adversely affect the City's ability to attract and retain businesses and shoppers in the City, adversely affecting the City's economic vitality; and

WHEREAS, it is necessary that the City study the possible adoption of amendments to the City's Municipal Code regarding tattoo establishments. City staff needs time to study whether to limit such businesses to certain zoning districts, and which zoning districts would be appropriate for such uses; and

WHEREAS, Government Code section 65858 provides for the adoption of interim ordinances for certain express purposes and by a vote of four-fifth (4/5) majority of the voting City Council members; and

WHEREAS, this moratorium shall remain in effect for forty-five (45) days from the date of its adoption and may be extended, after notice and public hearing, for a maximum of twenty-two (22) months and fifteen (15) days for a total duration of two (2) years; and

WHEREAS, California Government Code section 65858, subsection (c) provides that legislative bodies may not adopt or extend such interim ordinances unless they contain

findings that there is a current and immediate threat to the public health, safety, or welfare, and that the approval of additional entitlements would result in that threat to the public health, safety, or welfare; and

WHEREAS, the City Council desires to (1) address the community concerns regarding tattoo establishments, (2) study the potential impacts that tattoo establishments may have on the public health, safety, and welfare, (3) study and determine what local regulations may be appropriate or necessary for tattoo establishments, (4) study and determine the appropriate zoning and location for tattoo establishments, and (5) determine appropriate controls for the protection of public health and welfare.

THE CITY COUNCIL OF THE CITY OF RIVERBANK DOES ORDAIN AS FOLLOWS:

Section 1. Recitals Made Findings.

The above recitals are hereby declared to be true and correct and findings of the City Council of the City.

Section 2. Moratorium Established.

After the effective date of this ordinance, the City shall prohibit the issuance of permits or licenses for all new tattoo establishments within the boundaries of the City.

Section 3. Definitions.

1. "Tattoo establishment" shall mean any premise or establishment and facilities incidental thereto which engages in the business of marking or coloring skin which is the method of placing designs, letters, scrolls, figures, symbols, or other marks upon or under the skin with ink or any other substance resulting in the coloration of the skin by the aid of needles or any other instrument designed to penetrate the skin. "Tattoo establishment" shall include any premise or establishment and facilities incidental thereto that engages in any form of permanent alteration to one's skin or body parts including, but not limited to, body piercing, scarification, and branding. "Tattoo establishment" shall not include a permanent cosmetic facility.

2. "Body piercing" shall mean the creation of an opening in the body of a human being for the purpose of inserting jewelry or other decoration. This includes, but it not limited to piercing of an ear, lip, tongue, nose, or eyebrow. "Body piercing" does not, for the purpose of this chapter, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

3. "Scarification" shall mean the use of methods or techniques to produce scars on the human body for decorative purposes, including but not limited to cutting and skin peeling.

4. "Branding" shall mean the use super-heated metal object, chemical, or electricity to burn an image into the human body.

3. "Permanent cosmetic facility" shall mean any premise or establishment and facilities incidental thereto which involves the application of pigments to or under human skin for the purpose of permanently changing the color or other appearance of the skin. This includes but is not limited to permanent eyeliner, eye shadow, or lip color.

Section 4. Public Nuisance.

The establishment, maintenance, or operation of new or expanded tattoo establishment as defined herein within the City limits is a public nuisance. Violations of the Ordinance may be enforced by any applicable law, including but not limited to, injunctions, administrative citations, or criminal penalties.

Section 5. California Environmental Quality Act ("CEQA").

Pursuant to Section 15001 of the CEQA Guidelines, the Ordinance is exempt from CEQA based on the following:

(1) This Ordinance is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or ultimately.

(2) This Ordinance is not subject to CEQA under the general rule that CEQA applies only to a project or projects which have the potential for causing a significant effect on the environment. For the reason set forth in subparagraphs (1), above, it can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

Section 6. Severability.

If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause, or application; and to this end, the provisions of this ordinance are declared to be severable.

Section 7. Effective Date and Duration.

This Ordinance shall become effective upon adoption if passed and adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for forty-five (45) days unless extended by the City a maximum of twenty-two (22) months and fifteen (15) days for a total duration of two (2) years in accordance with Government Code section 65858.

The foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Riverbank held on _____, 2014, and Councilmember _____ seconded by Councilmember _____, moved the adoption of said ordinance, and upon roll call was carried by the following vote:

AYES: COUNCIL MEMBERS
NOES: COUNCIL MEMBERS
ABSENT: COUNCIL MEMBERS
ABSTAIN: COUNCIL MEMBERS

ATTEST:

APPROVED

Annabelle Aguilar, CMC
City Clerk

Richard O'Brien
Mayor