



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

Agenda
Tuesday, March 20, 2018 – 6:00 P.M.

<u>CALL TO ORDER:</u>	Chair:	Vacant
<u>ROLL CALL:</u>	Chair:	Vacant
	Vice Chair:	John Dinan
	Commissioner:	Joan Stewart
	Commissioner:	Robert Ball
	Commissioner:	Melissa Hughes
<u>Alternate Member:</u>	Commissioner:	Steve Link (serves in the absence of a primary commissioner).

CONFLICT OF INTEREST

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

1. PUBLIC COMMENTS (No action to be taken)

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

2. CONSENT CALENDAR

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

Item 2.1: Posting of the Agenda. The Agenda for the March 20, 2018 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on March 15, 2018.

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

Item 2.3: Approval of the Minutes of the January 16, 2018 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.

1ST _____ 2ND _____

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

3. PLANNING COMMISSIONER PROCEDURES

Item 3.1: Nomination and Appointment of new Chair and Vice Chair – Per Planning Commission Rules and Procedures. Welcome new Commissioner and Alternate Commissioner.

4. PUBLIC HEARING PRESENTATIONS

Item 4.1: Zoning Ordinance Amendment No. 2018-01. The project consists of a proposed amendment to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1) concerning personal skate ramps in residential yards.

1ST _____ 2ND _____

Recommendation: Approval by roll call vote

5. PLANNING COMMISSION WORKSHOP

Item 5.1: California Environmental Quality Act (CEQA)

6. PLANNING COMMISSION COMMENTS

None.

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

None.

8. STAFF COMMENTS (Information Only – No Action)

Item 8.1: City Council meeting update

Item 8.2: Planning Commissioner trainings:
1. League of Cities/Monterey April 4-6, 2018;
2. Stanislaus County Planning Directors/Modesto April 14, 2018, 9:00 am – 12:00 pm

Item 8.3: Upcoming workshop topics – Development Agreements, Specific Plans, Zoning Code

9. ADJOURNMENT – The next regular Planning Commission meeting – April 17, 2018 @ 6:00 p.m.

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

AFFIDAVIT OF POSTING

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

*Posted this 15th day of March, 2018
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 or jsmallen@riverbank.org. Notification 72-hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

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

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

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

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

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

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

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City of Riverbank Development Services Department

Planning Division ≈ Building Division ≈ Neighborhood Improvement Division

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

PUBLISH DATE: March 7, 2018

LEGAL DEPT: PLANNING

CITY OF RIVERBANK **NOTICE OF PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a public hearing to consider the projects, described below at 6:00 p.m. on Tuesday March 20, 2018, in Council Chambers 6707 Third Street, Riverbank, California.

Zoning Ordinance Amendment No. 2018-01. The project consists of an amendment to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1) concerning skate ramps in residential yards.

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

Planning Commission Meeting
March 20, 2018 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California

ALL INTERESTED PARTIES are invited to attend the public hearing on **March 20, 2018** at the time and place specified above to express opinions or submit evidence for or against the subject matter being considered. Written comments via e-mail to dkenney@riverbank.org by postal service, or hand delivered to **6707 Third Street, Suite A, Riverbank, California, 95367**, will be accepted by the Development Services Department up to 5:00 p.m. on said date. All written comments received by said time will be distributed to the Planning Commission for consideration. Oral comments will be received by the Planning Commission prior to the close of the Public Hearing on the subject matter being considered. The Planning Commission will receive all testimony prior to taking action. Testimony cannot be given over the telephone. If you challenge the City's action on these matters in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

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March 7, 2018

RN #18-026



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

MINUTES
Tuesday, January 16, 2018

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

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Vice Chair King and Commissioners: Tabacco, McRitchie and Stewart

Absent: None

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

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

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

No one spoke.

2. CONSENT CALENDAR

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

Item 2.1: Posting of the Agenda. The Agenda for the January 16, 2018 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on January 11, 2018.

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

Item 2.3: Approval of the Minutes of the December 19, 2017 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, McRitchie and Tabacco

Nays: None

Absent: None

Abstained: None

3. PLANNING COMMISSIONER PROCEDURES

Item 3.1: Annual Nomination and Appointment of Chair and Vice Chair – Per Planning Commission Rules and Procedures. Welcome new Commissioners.

- Donna Kenney, Planning and Building Manager stated for the new year 2018, per the procedures manual that the new Chair would be Larry King and the New Vice Chair would be Edward Tabacco.

Item 3.2: Presentation to outgoing Planning Commissioners.

- Donna Kenney presented plaques to outgoing Planning Commissioners Anthony McKinney and Scott McRitchie.
- At this time the new Planning Commissioner members were introduced and Robert Ball and John Dinan joined the Commission at the dias and Alternate Commissioner Melissa Hughes was on stand by in the audience.

4. PLANNING COMMISSION WORKSHOP

Item 4.1: Site Plan Design Review and Conditional Use Permits.

- Roman Acosta, with JB Anderson Land Use Planning presented the PowerPoint presentation.

Item 4.2: Discussion of Skateboard Ramps in the R-1 Zoning District.

- Donna Kenney presented Power Point presentation.
- Planning Commission discussed item and gave Donna Kenney direction on what they wanted to see on this item moving forward.

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

None

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Flavors Update.

- Donna Kenney gave the Commission a status update on the above.

Item 6.2: Riverbank Cannabis Collective Update.

- Donna Kenney gave the Commission a status update on the above.

Item 6.3: State of the City Address.

- Donna Kenney informed the Commission that the Mayor will be giving his State of the City Address on February 22, 2018 and that they are welcome to attend.

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

Item 7.1: Larry King informed staff and the Commission that he will be resigning as Planning Commission, as he bought a home outside of Riverbank.

8. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:

Donna M. Kenney,
Planning and Building Manager

APPROVED:

Larry King, Chair
Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO:	4.1
APPLICATION:	Zoning Ordinance Amendment No. 2018-01. The project consists of an amendment to Title XV: Land Usage, Chapter 153 Section 153.032: Uses Permitted with a Use Permit, Single-Family Residential District (R-1).
CEQA:	The amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager
RECOMMENDATION:	That the Planning Commission reviews the provided information, takes public comment, and makes a recommendation to the City Council to: 1. Approve Resolution 2018-001 (Attachment 1), recommending the approval of Ordinance No. 2018-XXX (Exhibit A to Attachment 1), to add language (Attachment 2) to the code regulating personal skate ramps in the R-1 zoning district; or 2. Approve Resolution 2018-001 (Attachment 3), recommending the approval of Ordinance No. 2018-XXX (Exhibit A to Attachment 3), to ban personal skate ramps (Attachment 4) in the R-1 zoning district; or 3. Determine skate ramps in the R-1 zoning district should not be regulated.
ACROMYMS:	CEQA – California Environmental Quality Act CC&Rs – Codes, Covenants and Restrictions CUP – Conditional Use Permit HOA – Home Owners Association

I. EXECUTIVE SUMMARY:

A code enforcement case involving privacy, noise, and lighting concerns with a personal skate ramp in a residential yard has continued for months, hindered by a lack of specific regulations to address those concerns. Staff requests the Riverbank Planning Commission review the information provided, take public comment, and recommend to the City Council whether or not personal skate ramps in single family residential districts (R-1) should be regulated, banned, or unregulated.

II. BACKGROUND AND ANALYSIS:

A code enforcement case involving privacy, noise, and lighting concerns with a personal skate ramp (Attachment 5) has continued for months, hindered by a lack of specific regulations to address those concerns. Police reports and excessive watering complaints have been made and Code Enforcement cases opened and closed between the neighboring families. The owner of the personal skate ramp has twice been cited for operating an unpermitted home business - constructing personal skate ramps in the home's garage and advertising them for sale on Craig's List to the Modesto-Riverbank area (Attachment 6):

Home Occupations, §153.267 Prohibited Uses, (B) Manufacturing, including cabinet shops and similar uses.

Regulation:

Staff previously brought an amendment to regulate personal skate ramps with a Conditional Use Permit (CUP) to the Planning Commission September 19, 2017 as part of a comprehensive update to the residential code sections, but the Planning Commission requested this item be removed from that update so further research and discussion could occur. Staff then brought this forward as an informational item to the regular January 16, 2018 meeting to get direction. There was general agreement that the Planning Commission still wanted to discuss this item. Staff conducted research into other cities' regulations but did not find much locally. There were newspaper articles online outlining neighbor complaints in various cities but a search of the cities' zoning codes shows not many of the complaints led to the regulation of personal skate ramps. The language in Attachment 2 is a modified version of Salt Lake City's ordinance that requires a CUP. The City of Pleasanton also requires a CUP in their R-1 zoning districts.

A CUP can be used to regulate personal skate ramps on a case by case basis and generally includes hours of use, setbacks, and lighting/music restrictions as well as case specific requirements for enhanced landscaping or larger setbacks for example. In addition to personal skate ramps, the Planning Commission had suggested staff look into other noisy activities as well, like trampolines, pools, tennis courts, and basketball courts. Staff did not find any examples of cities regulating these activities in residential zoning districts.

Ban:

The Planning Commission could consider a ban on personal skate ramps rather than using the CUP process to regulate them. It would cost a prospective skate ramp owner \$2,658.56 in fees plus two sets of mailing labels from a title company to apply to the City for a CUP with no guarantee that the Planning Commission would approve the application. In addition, there could be citizen fines if the ramp is built before applying for a CUP, ramp modification costs if CUP approval conditions later dictate change, and city code enforcement costs to get a citizen to public hearing. If personal skate ramps are banned, there would be minimal code enforcement costs to abate the structure. Neighbors of the cited citizen who was discussed above prefer banning skate ramps.

Nonregulation:

One might be of the opinion that residential activities like skate ramps, swimming pools, and basketball hoops are a normal part of life in a residential back yard and sometimes noisy. Or one could assume that the activities discussed above are or could be covered by Codes, Covenants, and Restrictions (CC&Rs) or Home Owner Association (HOA) rules and regulations. If so, the Planning Commission may decide that the regulation of skate ramps is unnecessary and choose not to regulate them.

General Plan:

The draft Ordinances regulating or banning skate ramps in residential rear yards are consistent with the General Plan because the Overarching Goal for the Environment presented in the General Plan, is to ensure that noise does not substantially reduce the quality of urban life.

III. ENVIRONMENTAL REVIEW:

The proposed amendment to regulate skate ramps in the R-1 zoning district is not project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, the amendment is exempt from CEQA.

IV. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Riverbank News on March 7, 2018 and posted at City Hall North, South, Post Office, Community Center and website on March 7, 2018. At the time of writing this Staff Report (March 14, 2018), the City has not received any written public comment. Written comments received by the City shall be supplied to the Commission on the day of the meeting.

V. ATTACHMENTS:

Attachment 1 – Planning Commission Resolution 2018-001 (To Amend)
Exhibit A to Attachment 1- Draft City Council Ordinance No. 2018-XXX
Attachment 2 - Draft City Council Ordinance No. 2018-XXX redlined version
Attachment 3 – Planning Commission Resolution 2018-001 (To Ban)
Exhibit A to Attachment 3 - Draft City Council Ordinance No. 2018-XXX
Attachment 4 - Draft City Council Ordinance No. 2018-XXX redlined version
Attachment 5 – Complaint letters
Attachment 6 – Skate ramp business

Respectfully Submitted By:

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

Attachment 1

**City of Riverbank
Planning Commission
Resolution No. 2018-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE
AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SINGLE-FAMILY
RESIDENTIAL DISTRICT R-1 ZONE, BY ADDING NEW SECTION 153.032 (F) TO
REQUIRE A CONDITIONAL USE PERMIT FOR PERSONAL SKATE RAMPS IN THE
SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONES.**

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district back yard, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on March 7, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on March 20, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of personal skate ramps through the conditional use permit process is consistent with the goals, policies, programs, and uses of the General Plan.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2018-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th of March 2018, by the following vote____-____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chairperson
Planning Commission

EXHIBIT A

**THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2018-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.032 USES PERMITTED WITH A USE PERMIT, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTION 153.032 USES PERMITTED WITH A USE PERMIT, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district back yard, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on March 7, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on March 20, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of personal skate ramps through the conditional use permit process is consistent with the goals, policies, programs, and uses of the General Plan.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.032 Uses Permitted with a Use Permit, Single-Family Residential District R-1 Zone, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Title

XV: Land Usage, Chapter 153: Zoning, Section 153.032 Uses Permitted with a Use Permit, Single-Family Residential District R-1 Zone, which shall read as follows:

Title XV: Land Usage, Chapter 153: Zoning

§ 153.032 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utility, quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.
- (D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.
- (E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.
- (F) Half-Pipes and similar structures.
 - (1) Every proposed half-pipe or similar structure shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe may be located below ground, but in no case shall any portion of the half-pipe exceed six (6) feet in height above ground level excluding hand rails. Hours of operation shall be from 8:00 a.m. to 9:00 p.m. Lighting is prohibited.
 - (2) Walls, fences, hedges, trees or other screen plantings shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development. No commercial or advertised use of the half-pipe shall be permitted and no donations or contributions shall be solicited or received for use or attendance at half-pipe activities.
 - (3) The proposed half-pipe shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks, minimum of six (6) feet from other structures, lot coverage, and size regulations for accessory structures.
 - (4) For purposes of this section, “half-pipe” means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as skateboarding, freestyle BMX, or inline skating.

(‘67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion

of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage April 24, 2018, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on April 10, 2018. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 24th day of April, 2018; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

Attachment 2

§ 153.032 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utility, quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.
- (D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.
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(F) Half-Pipes and similar structures.

- (1) Every proposed half-pipe or similar structure shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half-pipe usage. Portions of the half-pipe may be located below ground, but in no case shall any portion of the half-pipe exceed six (6) feet in height above ground level excluding hand rails. Hours of operation shall be from 8:00 a.m. to 9:00 p.m. Lighting is prohibited.
- (2) Walls, fences, hedges, trees or other screen plantings shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development. No commercial or advertised use of the half-pipe shall be permitted and no donations or contributions shall be solicited or received for use or attendance at half-pipe activities.
- (3) The proposed half-pipe shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks, minimum of six feet from other structures, lot coverage, and size regulations for accessory structures.
- (4) For purposes of this section, “half-pipe” means a smooth-surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as skateboarding, freestyle BMX, or inline skating.

(‘67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

Attachment 3

**City of Riverbank
Planning Commission
Resolution No. 2018-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE
AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SINGLE-FAMILY
RESIDENTIAL DISTRICT R-1 ZONE, BY ADDING NEW SECTION 153.032.1
PROHIBITED USES, TO BAN PERSONAL SKATE RAMPS IN THE SINGLE-FAMILY
RESIDENTIAL DISTRICT R-1 ZONES.**

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district back yard, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on March 7, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on March 20, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, the Riverbank Planning Commission made the following finding:

1. A ban on skate ramps in R-1 Single Family Residential zoning districts is consistent with the goals, policies, programs, and uses of the General Plan.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2018-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th of March 2018, by the following vote____-____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chairperson
Planning Commission

EXHIBIT A

**THE CITY COUNCIL
OF THE CITY OF RIVERBANK
ORDINANCE NO. 2018-XXX**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.032 USES PERMITTED WITH A USE PERMIT, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTIONS 153.032 USES PERMITTED WITH A USE PERMIT AND 153.032.1 PROHIBITED USES, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on March 7, 2018, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on March 20, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, the Riverbank Planning Commission made the following finding:

1. A ban on skate ramps in R-1 Single Family Residential zoning districts is consistent with the goals, policies, programs, and uses of the General Plan.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.032 Uses Permitted with a use permit, Single-Family Residential District R-1 Zone, by Repealing this Section in its Entirety and Substituting it with New Sections 153.032 Uses Permitted with a Use Permit and 153.032.1 Prohibited Uses, Single-Family Residential District R-1 Zone, to the Riverbank Municipal Code of Ordinances, which shall read as follows:

Title XV: Land Usage, Chapter 153: Zoning

§ 153.032 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utility, quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.
- (D) Mobile home park, which meets the "Mobile Home Park Standards" as adopted by Resolution of the City Council.
- (E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

§ 153.032.1 PROHIBITED USES.

- (A) All personal half-pipes and similar skate ramp structures are prohibited.

('67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage April 24, 2018, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on April 10, 2018. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 24th day of April, 2018; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

Attachment 4

§ 153.032 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utility, quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.
- (D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.
- (E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

§ 153.032.1 PROHIBITED USES.

(A) All personal half-pipes and similar skate ramp structures are prohibited.

(`67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

September 19, 2017

City of Riverbank

Topic on Agenda Re: Private Skateboard Ramps

Hello everyone,

I live next door to the half pipe that has brought this issue to the table. I respect my neighbors right to utilize his property for his enjoyment. Unfortunately, the way he chooses to utilize his property is impacting my legally protected right to the peaceful enjoyment of my property. The noise from the skateboard wheels on the wood ramp is disturbing my peace. The ramp was constructed at an elevation above the top of our shared 6' privacy fence, completely taking away the privacy the fence was intended to provide. Some of you may now be getting the impression I am the grouchy old complaining neighbor. I assure you that is not the case. My wife and I purchased this property August 2009 with the hope of raising our family in a nice peaceful neighborhood. Approximately 1 year later Mr. Hoyt purchased the home next door. My wife and I were pleased that a married couple raising a family were moving in next door. Very shortly after, Mr. Hoyt moved in, began the construction of the first half pipe. This half pipe is not the one that has raised this issue. This structure was erected at a much lower elevation. Also, there are some other incidents I feel that are pertinent and should be mentioned because they illustrate the type of disturbances Mr. Hoyt brought to the neighborhood. In addition to the noise disturbances from Mr. Hoyt's half pipe skating, Mr. Hoyt dug holes and built mounds for jumping motorcycles and moto cross bicycles on the canal bank behind our homes. After seeing 10-20 teens using Mr. Hoyt's dirt obstacle course behind my home and having these teens looking over my fence I felt it was time to take some action. Instead of calling the police I made a complaint to MID who responded immediately bringing out tractors and several pieces of heavy

equipment to level Mr. Hoyt's obstacle course. Next Mr. Hoyt constructed another dirt track complete with jumps, mounds and holes across the street from our homes under the power lines on the right of way property maintained by Hetch Hetchy. The noise and dust created from Mr. Hoyt's motorcycle on his dirt track became unbearable. We contacted Hetch Hetchy and they responded with tractors and heavy equipment to level Mr. Hoyt's moto cross track. Shortly after that, Mr. Hoyt constructed another track on the Hetch Hetchy Right of Way. Again, we made the report and again Hetch Hetchy had to bring out the heavy equipment to level Mr. Hoyt's moto cross track. Next, the construction of the ramps for sale to the public began. There was the constant construction noise, wood sawing, drilling, and screwing from Mr. Hoyt. Ramps were being constructed on the street, sidewalk and backyard. This went on for over a year until we reported Mr. Hoyt to the City for operating a fabrication business in a residential area which City of Riverbank Code Enforcement immediately responded and resolved the issue. Then, the old half pipe was deconstructed and the new half pipe which is now in question was constructed. Hopefully, you all are getting the picture that I am not the grouchy old man next door by now. I feel we have been overly tolerant of Mr. Hoyt's disturbances. I would also like to state that we bought this home not only as a place to reside but as an investment in our retirement as I am sure most of us have. The intention being to sell and downsize once our children have moved on. I have been informed by several real estate agents that the noise and privacy issues from Mr. Hoyt's half pipe will have to be disclosed to any potential buyers, and more likely than not will have a negative impact on the value of my home. Not many buyers out there are looking for a residence next door to a Tony Hawk amusement park. Depending on the results of this hearing, litigation to my property value loss will be an option I will be considering. Hopefully the council will understand this is impacting my legally protected right to the peaceful

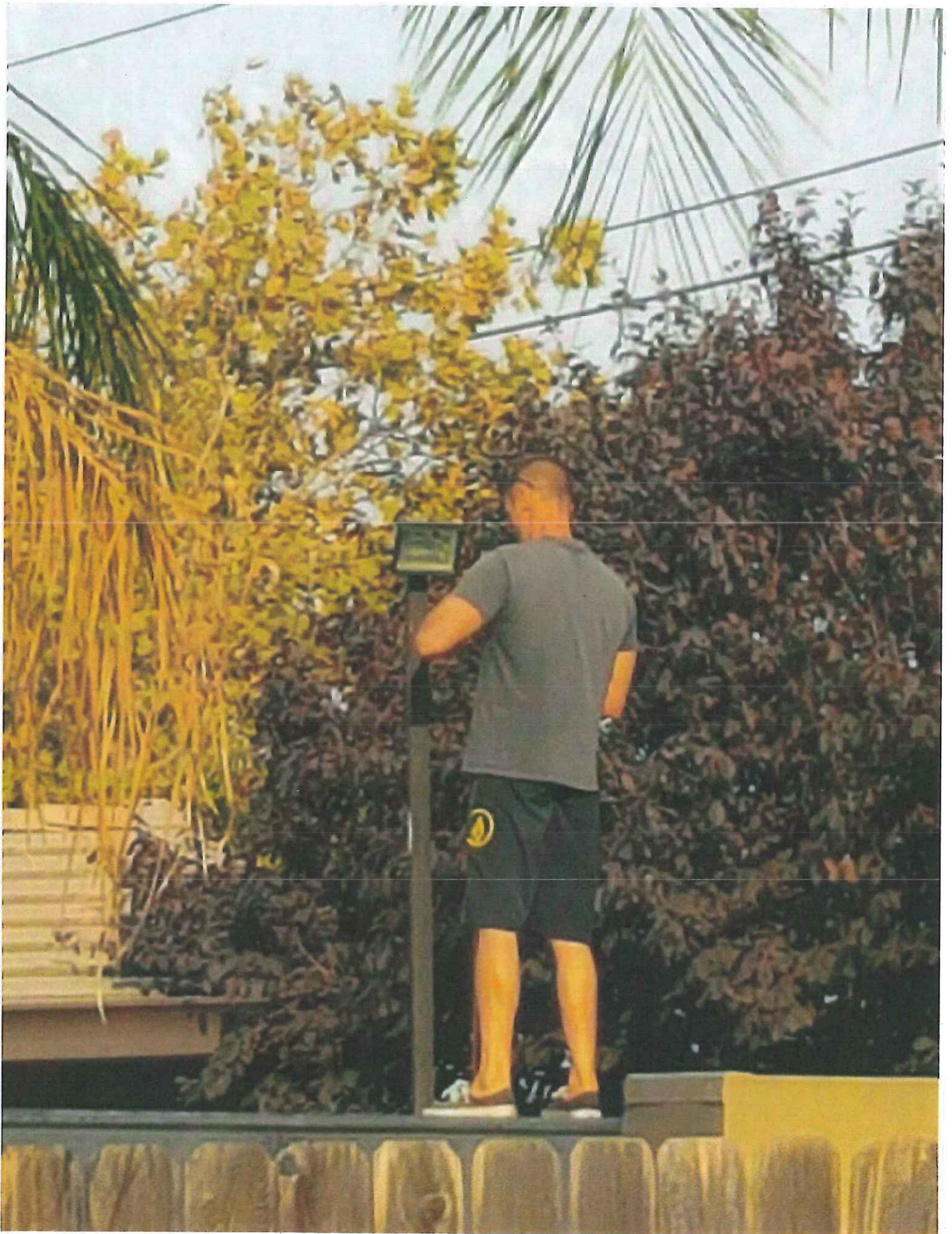
enjoyment of my home. I am not against the extreme sports Mr. Hoyt enjoys. I find the x-games on TV entertaining, but there is a time and place for these activities and I do not believe a residential subdivision is the place. The City has graciously already provided a skate park for the skating enthusiasts, and judging from the commercial area the City chose to erect this park, it would appear noise impact was considered in determining the parks location.

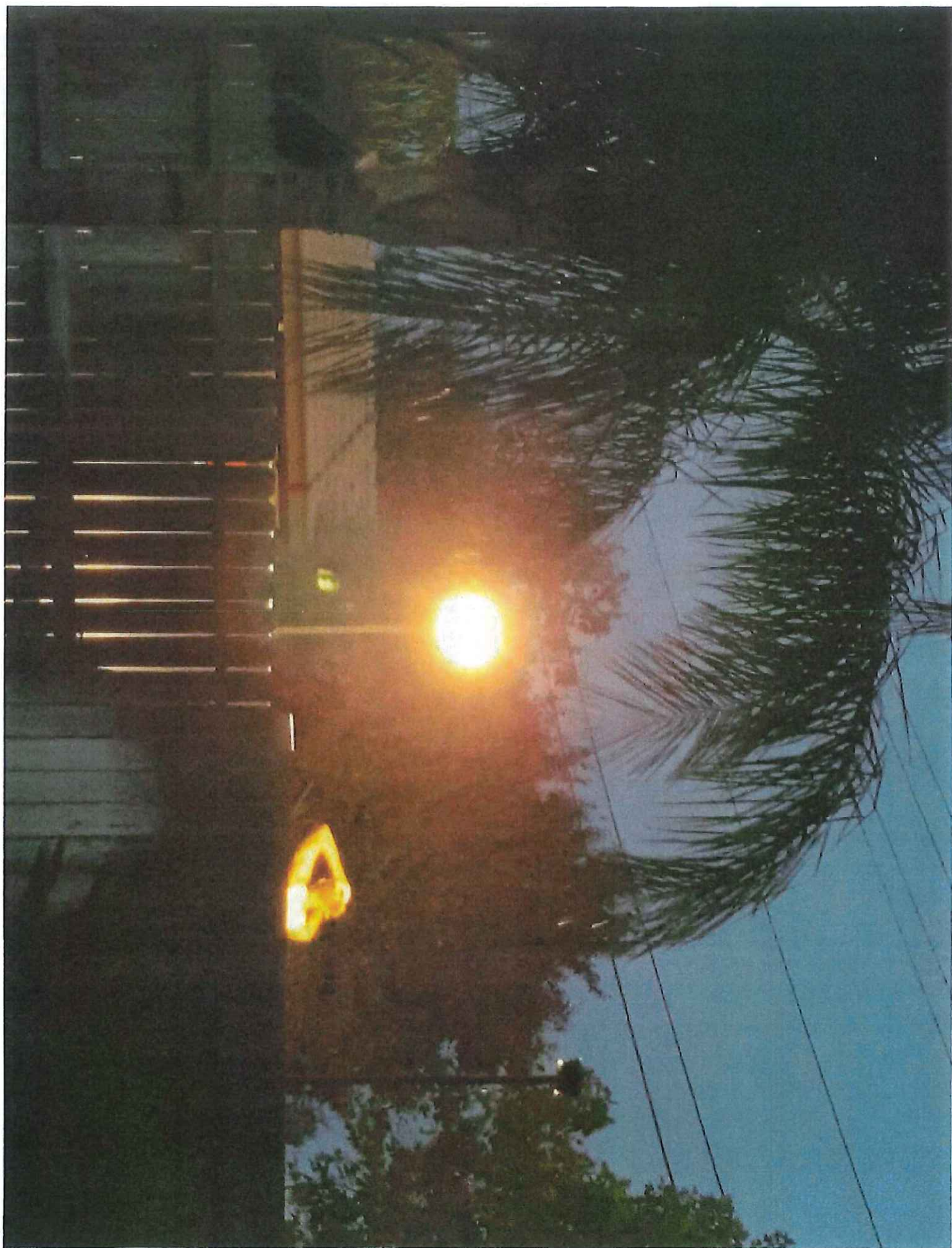
In the event you disagree with me there are restrictions I hope you will consider as follows:

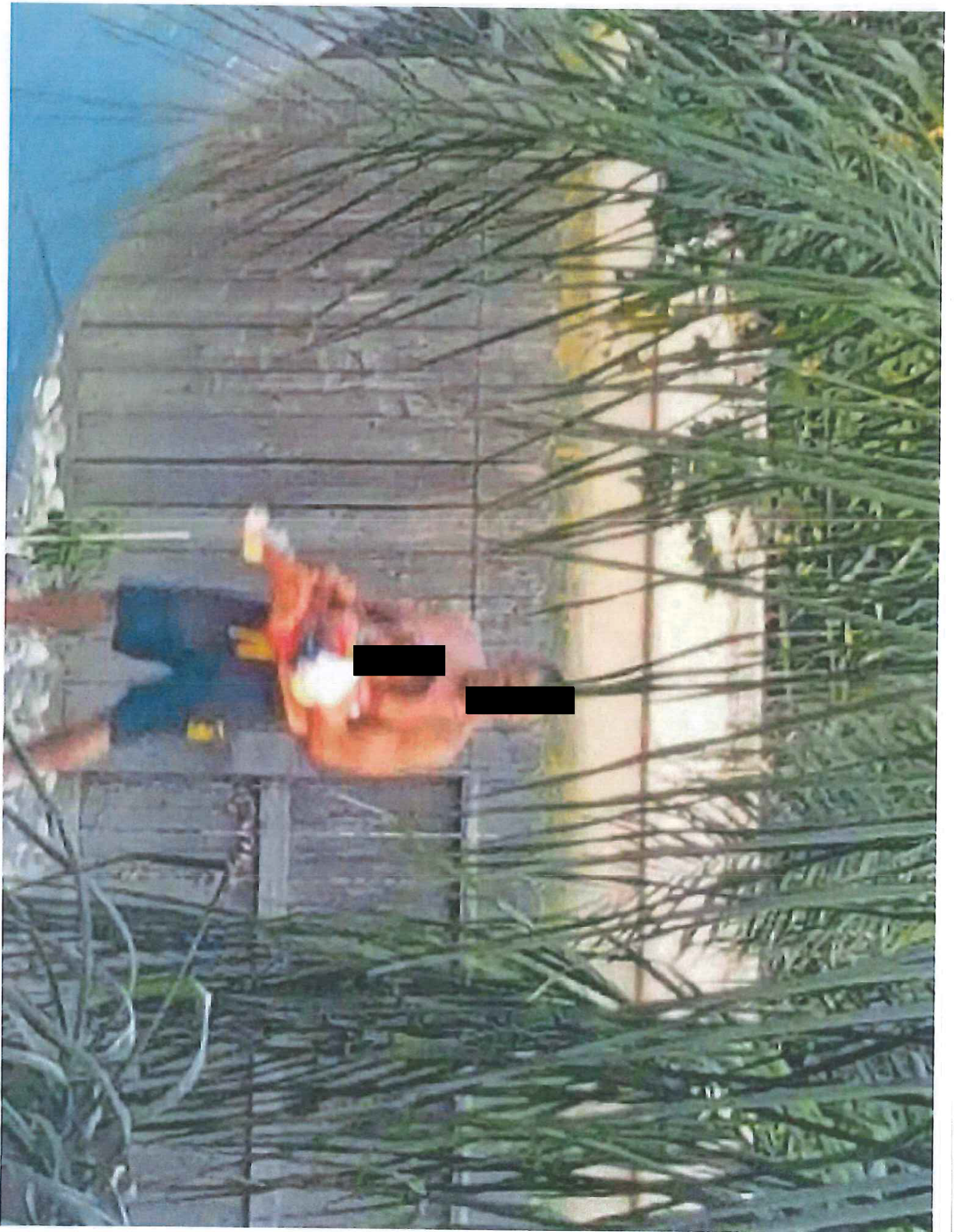
- 1) Turn the half pipe in a north to south direction. There is not a shared fence on the south fence line, therefore no residents to impact on the south line.
- 2) Time restrictions that will impact adjacent neighbors less. My recommendation is 12:00 p.m. to 5:00 p.m., Mon - Sat and no skating on Sundays to allow residents 1 day a week of complete relief.
- 3) Utilization of noise reduction construction materials. There are several noise reduction materials on the market and I cannot see any reason why these materials shouldn't be utilized.



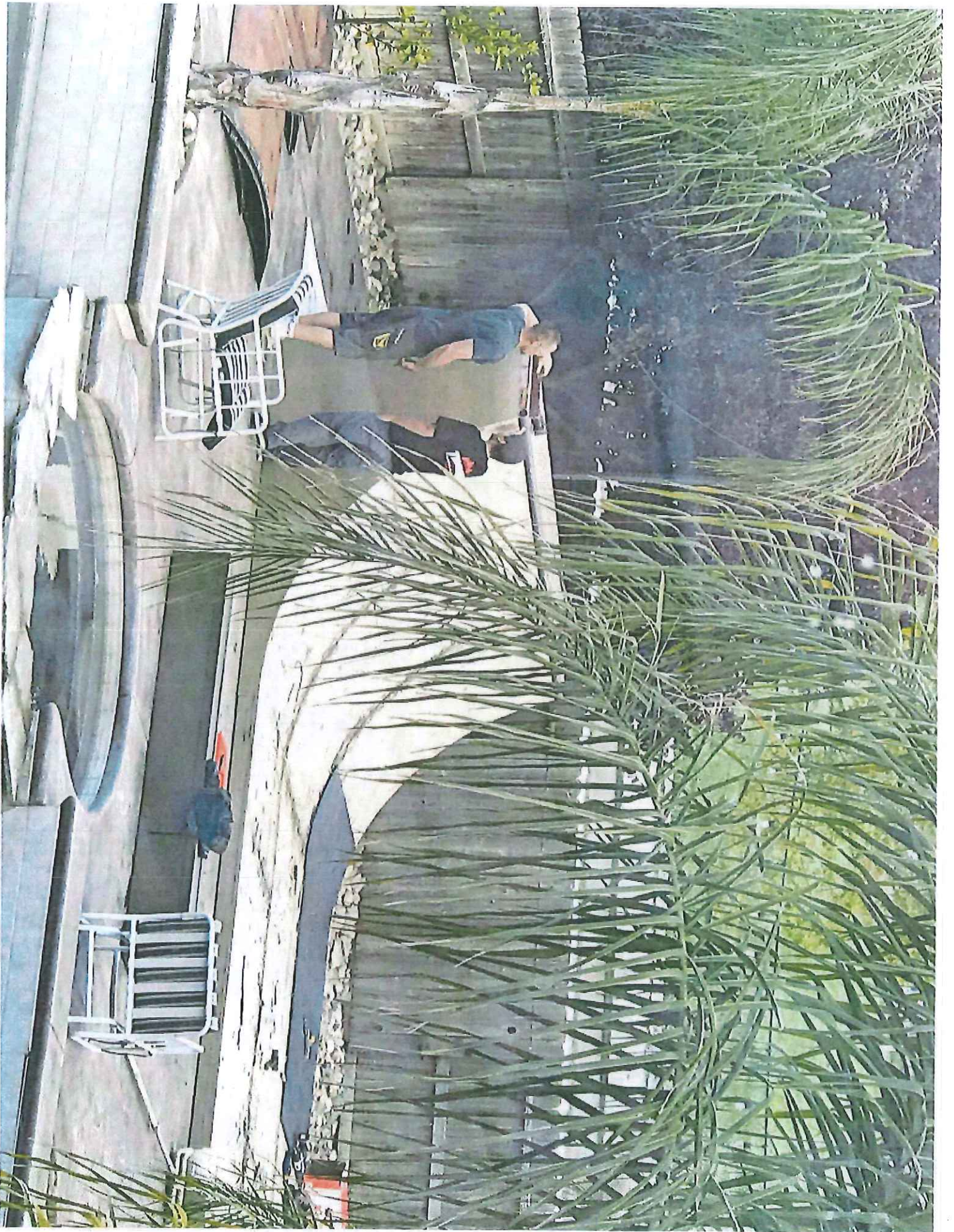












Don't T. A. T.
[REDACTED]
[REDACTED]
Riverbank, CA 95367

March 2, 2018

Re: March 20, 2018 Meeting
Issue: Skateboard Ramps

Council Members of City of Riverbank

First, I would like to start out by thanking all of you for the time you have put into this issue and listening and considering options for skate ramps in backyards of subdivision residential areas.

At the last meeting, Planning Commissioner Robert Ball commented people have trampolines, and you are correct. In fact, another neighbor does have one as well. There is not an issue with the trampoline. These are people jumping up and down in matter of seconds and honestly no privacy issue is my thought with trampolines. We love hearing the kids jumping, laughing and having a great time. We love hearing everyone and the gatherings at their homes and the laughter that goes with it all, we have them! We have 4 boys, 2 still at home. Trust me we have family gatherings or the boys have had friends over. Difference, we did not have structures allowing anyone to stand at the top of looking over at neighbors, disturbing them and their yard and tempting them to comment.

This issue is a matter of either banning and if not then regulating the size of skateboard ramps height, width, depth, the times of use in respect for people that work different schedules and hugely PRIVACY. The height of this particular ramp that is subject stands taller than our fence at peak height at each end of ramp and the ramp takes up then entire back end of the yard almost fence to fence with exception of structure requirements how far away from fence. This neighbor and whoever he has over literally stands up there having conversation, looking over our fence, antagonizes our dogs and at times he and his guests have made comment to us while we are sitting back there "what are you looking at" "is there a problem", well excuse us your standing there looking over my fence and at us making the comments, this is our backyard. We have had to call the police out several times due to incidents of things said to us over the fence and leaded to the front and everyone arguing. NOT OK! The noise is only an issue with skateboarding due to times chosen to use it.

When we have guests over and swimming I have had more comments about it as well. Sorry but not all of us want to be seen publicly in our bathing suits or we would have invited you. We cannot go out in mornings in our pajamas and have coffee not knowing if we will have company of him and his ramp and looking over our fence. The issue is merely the fact rules/regulations if anything need to be implemented if this is going to be allowed out of respect and privacy of the

neighbors. We are in a subdivision not out into the country with large property. Everyone should be able to enjoy the privacy of their property.

Please consider if not banning it in residential properties then at least implementing rules/regulations. The size, the materials used to build should include noise reduction materials, the times for use, the height of the lighting attached to the ramps (neighbor has posts high up with lighting all around it like an amusement park). I truly would hate to see anyone else have to go through some of the incidents we have had to here. It is difficult, it is embarrassing and uncalled for and well have to live next to each other still, we own our homes! To avoid this regulations at least need to be implemented, I cannot emphasize that enough. Preference would certainly be banning, there are parks for this activity with the no privacy or noise issues to worry about.

Food for thought, if it mattered to him much why have they not showed up to any of the meetings to argue their side. We have attended each meeting. The neighbor on other side of us is trying to clear their schedule to attend March 20th as well as a few others in area if their schedules allow. Hard for many due to work, children and/or school. We do not have neighbors behind us it is a canal and we do not have neighbors across the street it is field owned by Hetch Hetchy. Otherwise, I am sure this would have caused issues with others.

Thank you for your consideration,

[Redacted signature block]

CL

SF bay area > east bay > for sale >

ATTACHMENT 6

sporting goods - by owner

Posted a day ago on: 2018-03-11 9:53pm

Contact Information:

SKATEBOARD / Scooter RAMPS - \$250

image 4 of 22



condition: new

DURABLE SKATEBOARD RAMPS STARTING AT \$225.

(SERIOUS BUYERS CALL ONLY/NO TEXTING OR EMAILS)

- 4' wide by 2' tall quarter pipes \$250
- 4'x3' quarter \$350
- 4' wide by 2' tall half pipes \$550

serious/adults buyers call ([show contact info](#))))

skateboard ramp, quarter pipe, half pipe, skate ramp, bike ramp,

Thanks

Skateboard, skater, skateboard ramp, skateboard ramps, skate, skate ramps, skate ramp, half pipe, quarterpipe, ramp, halfpipe, skateboarding, half pipes, quarter pipe, quarterpipes, grind box, fun box, pyramid, launch ramp, vert ramp, mini ramp, bowl, pool, tony hawk, skateboarder, ramps, fun, free, wood, orange county, los Angeles, skateboard ramp kits, skate ramp kits, skater ramp kits, pre-assemble, tony hawk, grinding rails, grind rail, grind bench, extreme,

QR Code Link to This Post



hardcore, kicker ramps, kickers, skateboard ram
p installation, install, build, pre build, ollie, kickflip, skateboard decks, trucks, wheels, snowboard, park, orange
county, free shipping, in line, rollerblade, scooter, bike, bicycle, billabong, volcom, rvca, quicksilver, deck, bearings,
SkatePaint, surf, surfboard, bodyboard,

