



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

Agenda

Tuesday, December 18, 2018 – 6:00 P.M.

CALL TO ORDER: Chair: John Dinan

ROLL CALL: Chair: John Dinan
Vice Chair: Robert Ball
Commissioner: Joan Stewart
Commissioner: Melissa Hughes
Commissioner: Mallory Fenrich, Excused Absence

Commissioner: Steve Link, Alternate Member

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 December 18, 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 December 13, 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 September 18, 2018 and October 16, 2018 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: September 18, 2018 Commissioner: Hughes and for October 16, 2018 Chair: Dinan.*

1ST _____ 2ND _____

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

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: **Project Description: Architecture & Site Plan Review 03-2018 (Dept. File #18-0009) – David Church/NNN Retail Development, applicant; Chapel of Omkara Multicultural Society of USA, owner – 5842 Roselle Avenue, APN: 075-015-006.** The Project consists of the Architecture and Site Plan Review of a Dollar General Store commercial building, parking lot, and landscaping. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects.

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

4. PLANNING MANAGER REFERRALS

Item 4.1: **Mobile Food Vendor Pilot Program** – Guidelines for a six (6) month trial period to allow for temporary and administrative permits for mobile food vendors.

Recommendation: It is recommended that Planning Commission listen to the presentation.

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

None.

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

Item 6.1: **Parcel Map** - Planning received an early referral letter from Stanislaus County concerning a proposed parcel map for an agricultural property northeast of the City.

7. STAFF COMMENTS (Information Only – No Action)

Item 7.1: City Council Meeting Updates.

Item 7.2: Merry Christmas and Happy New Year!

8. ADJOURNMENT - Regular Planning Commission meeting – January 15, 2019 @ 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 13th day of December, 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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**PUBLIC NOTICE
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, December 18, 2018 in Council Chambers, 6707 Third Street, Riverbank, California.

Project Description: Architecture & Site Plan Review 03-2018 (Dept. File #18-0009) – David Church/NNN Retail Development, applicant; Chapel of Omkara Multicultural Society of USA, owner – 5842 Roselle Avenue, APN: 075-015-006. The Project consists of the Architecture and Site Plan Review of a Dollar General Store commercial building, parking lot, and landscaping. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects.

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

Planning Commission Meeting

December 18, 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 December 18, 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).

Dec. 5, 2018
RN #18-129



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: December 5, 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 project described below at 6:00 p.m. on Tuesday, December 18, 2018 in the Council Chambers, 6707 Third Street, Riverbank, California.

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December 18, 2018 at 6:00 pm
City Hall Council Chambers - 6707 Third Street - Riverbank, California**

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City of Riverbank Development Services Department

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

December 5, 2018

Subject: Architecture & Site Plan Review 03-2018 (Dept. File #18-0009) – For a purposed Dollar General Store, Located at 5842 Roselle Avenue, APN: 075-015-006.

To whom it may concern:

You are receiving this letter because you reside within 300 feet of the project described below.

Project Description: Architecture & Site Plan Review 03-2018 (Dept. File #18-0009) – David Church/NNN Retail Development, applicant; Chapel of Omkara Multicultural Society of USA, owner – 5842 Roselle Avenue, APN: 075-015-006. The Project consists of the Architecture and Site Plan Review of a Dollar General Store commercial building, parking lot, and landscaping. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects.

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If you have any questions, please give our office a call, 863-7128.

Sincerely,

Donna M. Kenney

Donna M. Kenney
City of Riverbank
Planning and Building Manager



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

MINUTES
Tuesday, September 18, 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 Dinan, Vice Chair Ball and Commissioners: Fenrich, Stewart and Alternate Commissioner Link

Absent: Commissioner: Hughes

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.

None.

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 September 18, 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 September 6, 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 June 19, 2018 and July 17, 2018 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: None*

Item 2.4: Tentative Subdivision Map Extension 01-2018 – Ward Villas – Ward Avenue and Palmer Avenue, APN: 132-036-003. Request for a one (1) year extension on approved Tentative Subdivision Map 01-2015 to subdivide 2.42 acres into 28 Planned Development single family medium density residential lots.

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

Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link

Nays: None

Absent: Hughes

Abstained: None

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: **Architecture & Site Plan Review 2018-001 (18-0005) – Mark Hart, applicant; St. Francis of Rome, owner – 2818 Topeka Street, APN: 132-024-005.** Request for an Architectural and Site Plan Review of a single story office building with setback exception. Property is currently a paved parking lot across Topeka Street from the existing St. Francis of Rome church. Architectural and Site Plan Review is required for properties redeveloping for a new use in the Downtown Specific Plan. The proposed Architecture and Site Plan review is subject to approval by the Planning Commission pursuant to Section 153.095(G) of the City of Riverbank Code of Ordinances.

- Donna Kenney, Planning and Building Manager presented item 3.1 and Powerpoint.
- Mark Harte Architect for St. Francis of Rome introduced himself to the Planning Commission.
- Chair Dinan opened the Public Hearing at 7:08 p.m.
- Scott McRitchie spoke in favour of the project.
- With being no other comments the Public Hearing was closed at 7:10 p.m.
- Planning Commission discussed item.
- Commissioner Ball asked some question to the architect Mark Harte on when they were hoping the project would be starting.
- Mark Harte responded that they were hoping by spring time.
- Commissioner Fenrich as some questions on the elevations and windows.
- Chair Dinan asked some question to the location of the buildings frontage and asked if it was within the Cannery Zoning District.
- Since there was no immediate clarification if the zoning was within in the Downtown Specific Plan or the Cannery Zoning District they Commission decided to make a motion to continue the item until our next meeting on October 16, 2018.

ACTION: By motion moved/second (Stewart / Dinan / passed 3-2) was approved to continue item until October 16, 2018 to verify zoning and setbacks; motion carried by roll call vote.

Ayes: Planning Commissioners: Dinan, Stewart, and Link

Nays: Planning Commissioners: Ball and Fenrich

Absent: Hughes

Abstained: None

4. PLANNING COMMISSION COMMENTS (Informational Only – No Action)

None.

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

None.

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: August 28th and September 11th City Council Meetings Update.

- Donna Kenney gave the Planning Commission an update to the above meetings.

Item 6.2: Stanislaus County Planning Commission Workshop Update.

- Donna Kenney gave the Planning Commssion an update on the Workshop.

7. ADJOURNMENT - Regular Planning Commission meeting – October 16, 2018 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chair
Planning Commission



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

MINUTES
Tuesday, October 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: Vice Chair Ball and Commissioners: Fenrich, Stewart, Hughes and Alternate Commissioner Link

Absent: Chair: Dinan

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.

None.

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 October 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 October 12, 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.

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

Ayes: Planning Commissioners: Ball, Stewart, Fenrich, Hughes and Link

Nays: None

Absent: Chair: Dinan

Abstained: None

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: **Continuation of Architecture & Site Plan Review 2018-001 (18-0005) – Mark Hart, applicant; St. Francis of Rome, owner – 2818 Topeka Street, APN: 132-024-005.** Request for the Architecture and Site Plan Review of a single story office building with setback exception. Property is currently a paved parking lot across Topeka Street from the existing St. Francis of Rome church. Architecture and Site Plan Review is required for properties redeveloping for a new use in the Downtown Specific Plan. The Planning Commission at their regular meeting of September 18, 2018 requested that staff provide additional information to them and the item was continued.

- Donna Kenney, Planning and Building Manager presented item 3.1 and Powerpoint.
- Public Hearing was opened at 6:09 p.m. There were no comments.
- Public Hearing was closed at 6:10 p.m.
- Planning Commissioner Stewart made a motion to approve item 3.1.

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

Ayes: Planning Commissioners: Ball, Stewart, Hughes, Fenrich and Alternate Link

Nays: None

Absent: Chair: Dinan

Abstained: None

Item 3.2: **Architecture & Site Plan Review 04-2017 (18-0006) – Sheila Annis, applicant; One Church, owner – 6101 Oakdale Road, APN: 074-006-012.** The Project consists of the Architecture and Site Plan Review of five modular classroom units (connected) totaling 2,400 square feet. A fire truck hammerhead turnaround is included in the proposed improvements.

- Donna Kenney, Planning and Building Manager presented item 3.2 and Powerpoint.
- Planning Commission asked Donna Kennay some questions pertaining to the project.
- Donna Kenney responded to the questions.
- Public Hearing was opened at 6:18 p.m.
- The applicant Tracy, Pastor of One Church spoke on behalf of the project.
- Being no further comments the Public Hearing was closed.
- Planning Commissioned made a motion to approve item 3.2.

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

Ayes: Planning Commissioners: Ball, Stewart, Hughes, Fenrich and Alternate Link

Nays: None

Absent: Chair: Dinan

Abstained: None

Item 3.3: **Project Description: Planned Development Rezone, Architecture & Site Plan Review 02-2017, Tentative Subdivision Map 02-2017 (17-0015) – Edward Shamass, applicant; Edward Touma, owner – Riverbank Commons at Seventh and Sierra Streets, APN: 132-015-023.** The Project consists of the Rezone of an existing Planned Development to a new Planned Development, Architecture and Site Plan Review of the structures, and a Tentative Subdivision Map for a fourteen lot gated community including Lot A which consists of streets, parking area, utilities, landscaping, and a small park.

- Donna Kenney, Planning and Building Manager presented item 3.3 and Powerpoint.
- Commissioner Hughes asked Donna Kenney some questions pertaining to the project.
- Donna Kenney responded to Commissioner Hughes' questions.
- Commissioner Stewart also asked some questions about the project.
- Donna Kenney responded to Commissioner Stewart's questions.
- Commissioner Fenrich thought it was a good infill project.
- Public Hearing was opened at 6:35 p.m.
- Leticia , a resident who lives on 7th Street had concerns about parking issues and noise.
- Barbara Trager who resides next door to the project also was concerned about noise, traffic, and dust from the construction and had some fencing concerns.
- Edmund Shamass, the applicant spoke about his project.
- George , a resident who lives on 6th Street had concerns about the sidewalks and the lack of sidewalks in certain areas and that the roads were bad. He was also concerned about additional traffic.
- Angelica , a resident who lives on 7th Street is concerned about traffic in the alley, which is narrow and in bad shape.
- Laura , a resident who lives on 7th Street is concerned about the safety of kids who walk through the area and the lack of sidewalks.
- Eric , who lives in Modesto and has a girlfriend who lives on 7th Street, said that he is concerned about parking on 7th Street. It is already an issue and cars are doing u-turns on the dead end street.
- Public Hearing was closed at 6:54 p.m. being no further comments.
- Planning Commission discussed item and asked some questions of Donna Kenney in regard to the project.
- Donna Kenney responded to the questions the Commission had.
- Planning Commission made a motion to approve item 3.3.

ACTION: *By motion moved/second (Ball / Hughes / passed 5-0) was approved as submitted; motion carried by roll call vote for all three items.*

Ayes: Planning Commissioners: Ball, Stewart, Hughes, Fenrich and Alternate Link

Nays: None

Absent: Chair: Dinan

Abstained: None

4. PLANNING COMMISSION COMMENTS (Informational Only – No Action)

None.

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

None.

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: September 25 and October 9, 2018 City Council Meeting Updates.

- Donna Kenney gave the Planning Commission an update on the above meetings.

7. ADJOURNMENT - Regular Planning Commission meeting – October 16, 2018 @ 6:00 p.m.

ATTEST:

Donna M. Kenney,
Planning and Building Manager

APPROVED:

Robert Ball, Vice Chair
Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO:	3.1	December 18, 2018
APPLICATION:	Project Description: Architecture & Site Plan Review 03-2018 (Dept. File #18-0009) – David Church/NNN Retail Development, applicant; Chapel of Omkara Multicultural Society of USA, owner – 5842 Roselle Avenue, APN: 075-015-006. The Project consists of the Architecture and Site Plan Review of a Dollar General Store commercial building, parking lot, and landscaping. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects.	
OWNER:	NNN Retail Development 15882 Wakefield Lane San Diego, CA 92127	
APPLICANT REPRESENTATIVE:	David Church 15882 Wakefield Lane San Diego, CA 92127	
GENERAL PLAN:	Industrial / Business Park (I/BP)	
ZONING:	Light Industrial (M-1)	
ENVIRONMENTAL DETERMINATION:	The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects. Project pursuant to CEQA Guidelines.	
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager	
RECOMMENDATION:	Approve Architecture and Site Plan Review 03-2018 subject to the conditions in attached Resolution 2018-010.	
ACROMYMS:	CEQA – California Environmental Quality Act	

I. EXECUTIVE SUMMARY:

The applicant proposes to construct a 9,100 square foot commercial building shell located on Roselle Avenue, due south of the intersection of Roselle Avenue and Morrill Road. The commercial building shell will be utilized as a Dollar General Store. It will require the installation of water and sewer lines to city services, the installation of additional electrical services, and the removal of existing structures. The shape of the proposed parking lot provides a hammerhead turnaround for fire safety.

II. BACKGROUND & PROJECT INFORMATION:

The subject property – 5842 Roselle Avenue – is located on the east side of Roselle Avenue, just south of the Roselle Avenue and Morrill Road intersection. Rural ranchettes are located to the north and south of the proposed project site. American Laminates in an industrial building and a single family subdivision is located to the east of the property and a single family subdivision is located to the west. The parcel is 2.1 acres in size and measures approximately 156 feet wide by 560 feet deep. The site's current use is vacant with an old shed, former slab from a demolished home, and various fencing and debris.



III. ANALYSIS:

A. Site Design

The proposed site plan (Exhibit A Page 1) shows a rectangular-shaped parcel with the proposed location of the commercial structure located along the northern edge of the property with parking to the front (west) and south side of the structure. A landscaped storm water basin will be located behind the structure and part of the property will be unused and fenced from the public. It will allow the structure to be enlarged at some time in the future. All existing structures and blight will be removed as a part of the proposed project.

The Applicant proposes to improve a portion of the two- acre property, and leave a portion vacant for future expansion or sale. Improvements include: frontage improvements, paving, ADA Accessibility, and landscaping.

B. Building Design

The proposed commercial building is 9,100 square feet in size to be constructed of CMU blocks, metal, and glass. The floor plan features a 175 square foot office area, a 1,111 square foot warehouse area, and a 7,263 product area.

The exterior building colors are proposed as Light Stone, Medium Bronze, and Polar White (Exhibit A Sheet A2). The roof will be a standing seam metal roof in Burnished Slate with a galvalume finish. Aluminum storefront windows are slightly recessed. The building will include flood lights, wall packs, and emergency lights. Landscaping will be used to soften the west and south elevations. A conceptual landscape plan has been provided. A Condition of Approval will require separate review and approval of the landscaping and irrigation. Construction is estimated to begin in March of 2019 and finish in July 2019.

C. Parking and Traffic

The hours of the proposed Dollar General Store will be 8:00am – 10:00pm Monday through Sunday. The store will have six (6) – ten (10) employees; two (2) to four (4) employees per shift.

Per the Riverbank Municipal Code the use of the proposed project requires one (1) parking space per 300 square feet of gross floor area and one (1) off street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area. This resulted in the requirement of 24 vehicle spaces and one truck space. The applicant has provided 27 spaces including two (2) handicap spaces and one (1) truck unloading space. A bicycle parking area is required and has been added as a condition of approval for the project.

D. Signage

Signage is reviewed under a separate permit and no signage is currently proposed. Signage on the plans is conceptual and not a part of this approval process.

IV. FINDINGS:

A. General Plan Consistency Findings

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

1. Policy Design 2.3: The City will require appropriate signage and traffic control devices to safely accommodate pedestrian, bicyclists, and vehicular traffic. *As proposed the project will feature appropriate signage, and traffic control devices to safely accommodate non-motorized transportation.*
2. Policy DESIGN 8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement need and ensure the aesthetic appeal of new development and rehabilitation. *All materials of the proposed building will be of high quality, durable materials which will lower maintenance and replacement needs to ensure the aesthetic appeal of the project.*
3. Policy DESIGN 10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic. *The proposed project will be required to feature ADA accessibility and bicycle parking.*
4. Policy DESIGN-10.11: The City will require incorporation of architectural and landscape features that allow for secure locking of bicycles in locations easily observed from indoors. *The project will include a bicycle rack in an accessible location within 10 feet of the building's front windows. This requirement will be a condition of approval of the project.*

V. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Riverbank News on December 5, 2018 and posted at City Hall North, South, Post Office, Community Center and website on December 6, 2018. In addition, the Applicant posted a Notice of Development Permit Application at 5842 Roselle Avenue on December 7, 2018 and notices were distributed to residents and business within 300-feet of the Project site in accordance with City standard practices on December 5, 2018. At the time of writing this Staff Report (December 13, 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.

VI. CONCLUSION:

The project is an infill commercial development that will result in construction of a 9,100 square foot dollar general store. The proposed project will clean up an existing vacant industrial site, which will improve the overall aesthetic of the site. The proposed project will also add to the commercial inventory of the City for neighboring residential areas.

VII. ATTACHMENTS:

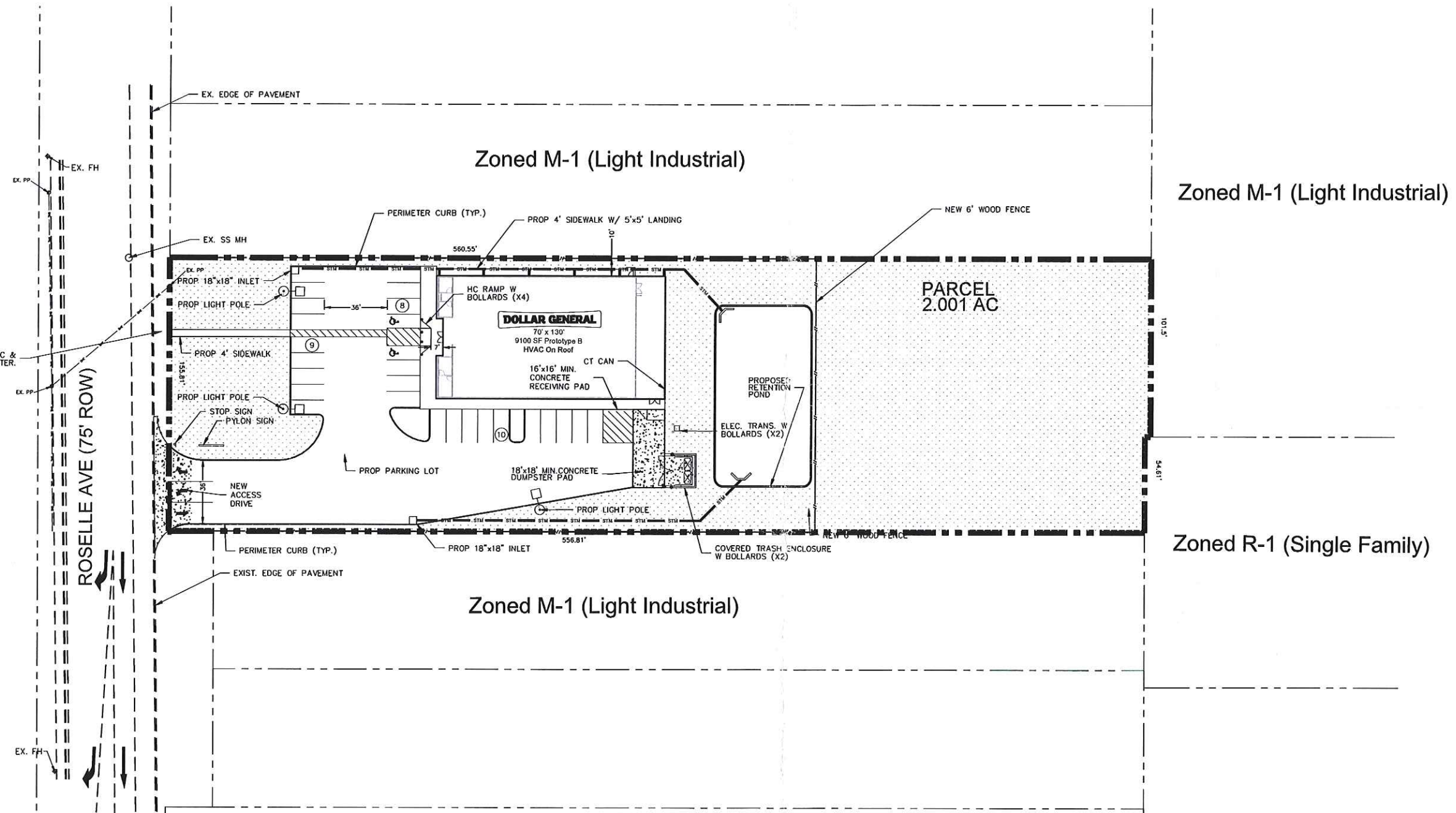
1. Planning Commission Resolution No. 2018-010
Exhibit A - Site Plan, Color Elevations and Concept Landscape Plan

Respectfully Submitted By:

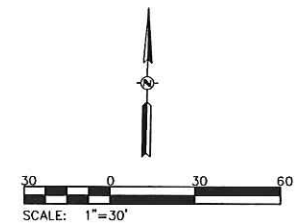
Donna M. Kenney

Donna M. Kenney
Planning and Building Manager

Zoned R-1 (Single Family)



REQUIRED PARKING:
1 SPACE PER 300 SF OF FLOOR AREA. $9100 / 300 =$
27 PLUS ONE DESIGNATED TRUCK LOADING
SPACE



Tentative Plan

DOLLAR GENERAL®

ROSELLE AVENUE AND PATERSON WAY, RIVERBANK, CALIFORNIA

PLANTING NOTES

1. PLANTING SHALL CONFORM TO LOCAL REQUIREMENTS FOR LANDSCAPE SITE DEVELOPMENT.
2. PROVIDE MINIMUM SLOPE OF 1% FOR POSITIVE DRAINAGE AWAY FROM CENTER IN ALL PLANTED AREAS.
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8. ALL PLANT MATERIAL SHALL COMPLY WITH ANSI Z601 'STANDARD FOR NURSERY STOCK'.
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PLANT LEGEND

SYM	BOTANICAL/ COMMON NAME	SIZE	QTY	WATER USE*	REMARKS
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	BERBERIS THUNBERGII 'ATROPURPUREA'	1 GAL	42	LOW	
	JAPANESE BARBERRY	1 GAL	135	LOW	
	DIETES VEGETA	1 GAL	42	LOW	
	FORTNIGHT LILY	5 GAL	103	LOW	
	MUEHLENBERGIA RIGENS/	5 GAL	59	LOW	
	DEER GRASS				
	ROSMARINUS OFFICINALIS TUSCAN				
	BLUE				
	XYLOSMA CONGESTUM 'COMPACTA'				
	SHINY XYLOSMA				
*PLANTER WATER-USE CLASSIFICATION PER WUCOLS REGION 2 'CENTRAL VALLEY'					
BASIN HYDROSEED					
	SEED BOTANICAL NAME/COMMON NAME	SEED RATE/LBS/AC			
	VULPES MICROSTACHYS (THREE WEEKS FESCUE)	4			
	ELYANUS GLAUCUS, NATIVE (NATIVE BLUE WILD RYE)	10			
	ERODIUM CARYOPHYLLUS, NATIVE (NATIVE CALIFORNIA BRODIE)	8			
	LEONARDUS TRICOLORIS, NATIVE (NATIVE CREEPER WILD RYE)	4			
	LUPINUS SUCCULENTUS (ARROYO LUPINE)	4			
	TRICOLORIS TRICOLORIS (TOMCAT CLOVER)	2			

WATER BUDGET CALCULATIONS

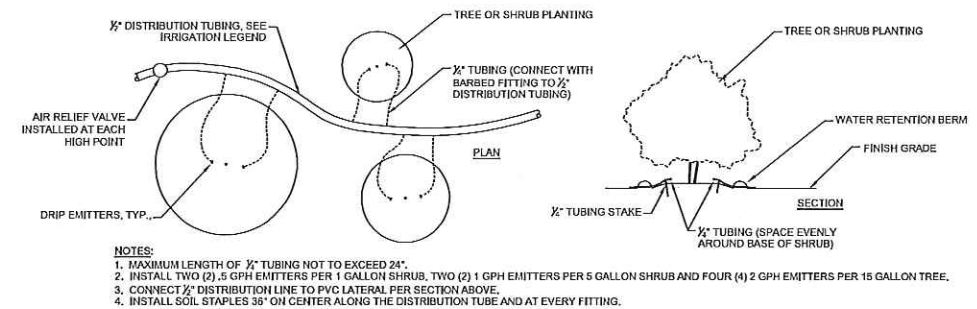
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 $MWVA = (ET_0) (A_2) [(45 \times 87) \times (3 \times 1.48)]$
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 $= 227,916 \text{ GALLONS PER YEAR}$

$ET_{WU} = (ET_0) (A_2) \left(\frac{PE \times 1.48}{IE} \right) + SIA$

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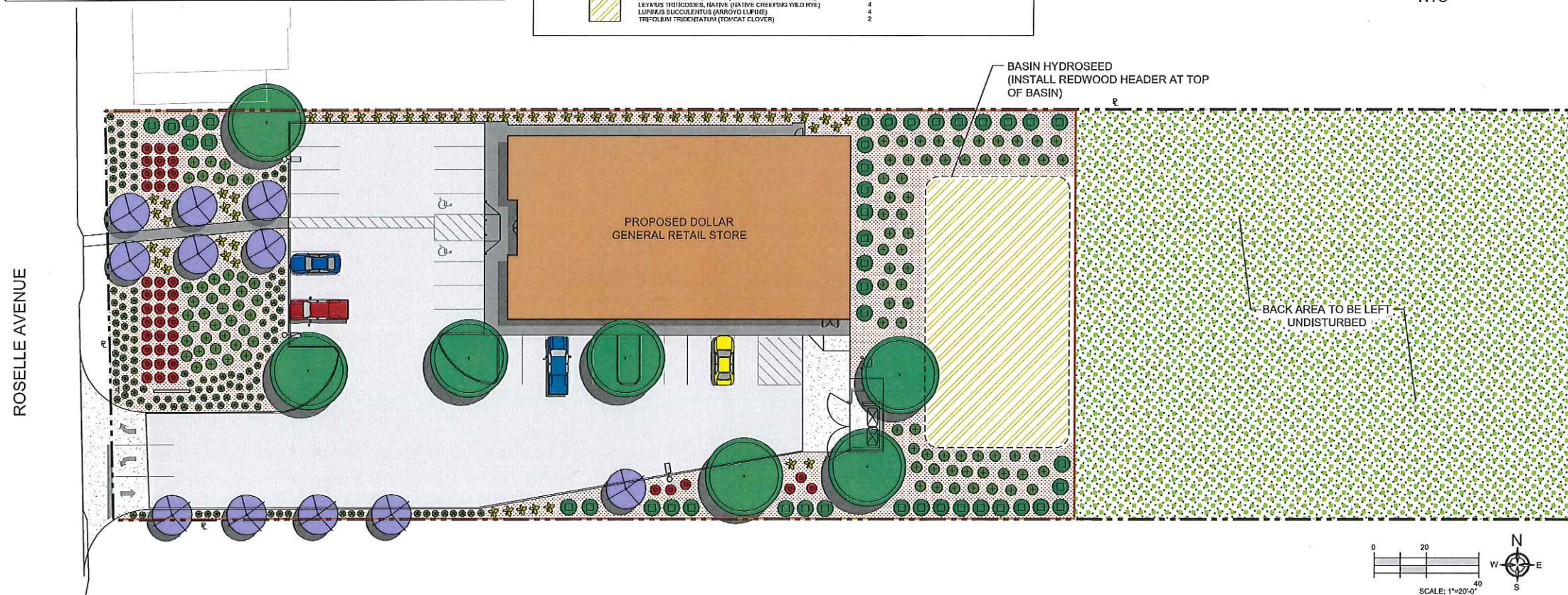
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$ET_{WU} < MWVA$



A- PROPOSED POINT SOURCE DRIP TUBE IRRIGATION LAYOUT

NTS



LANDSCAPE RENDERING

DECEMBER 6, 2018

CONCEPT ONLY

MSLA
LANDSCAPE ARCHITECTURE
306 Canyon Falls Dr. Folsom, CA 95630
ph/fax 916.989.3372 www.msladesign.com



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KM Architecture, Inc.
A Full Service Architectural Practice
3987 Missouri Flat Road, Suite 340-345
Placerville, CA 95667
(530) 344-4073

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DESIGN CONCEPT FOR DOLLAR GENERAL

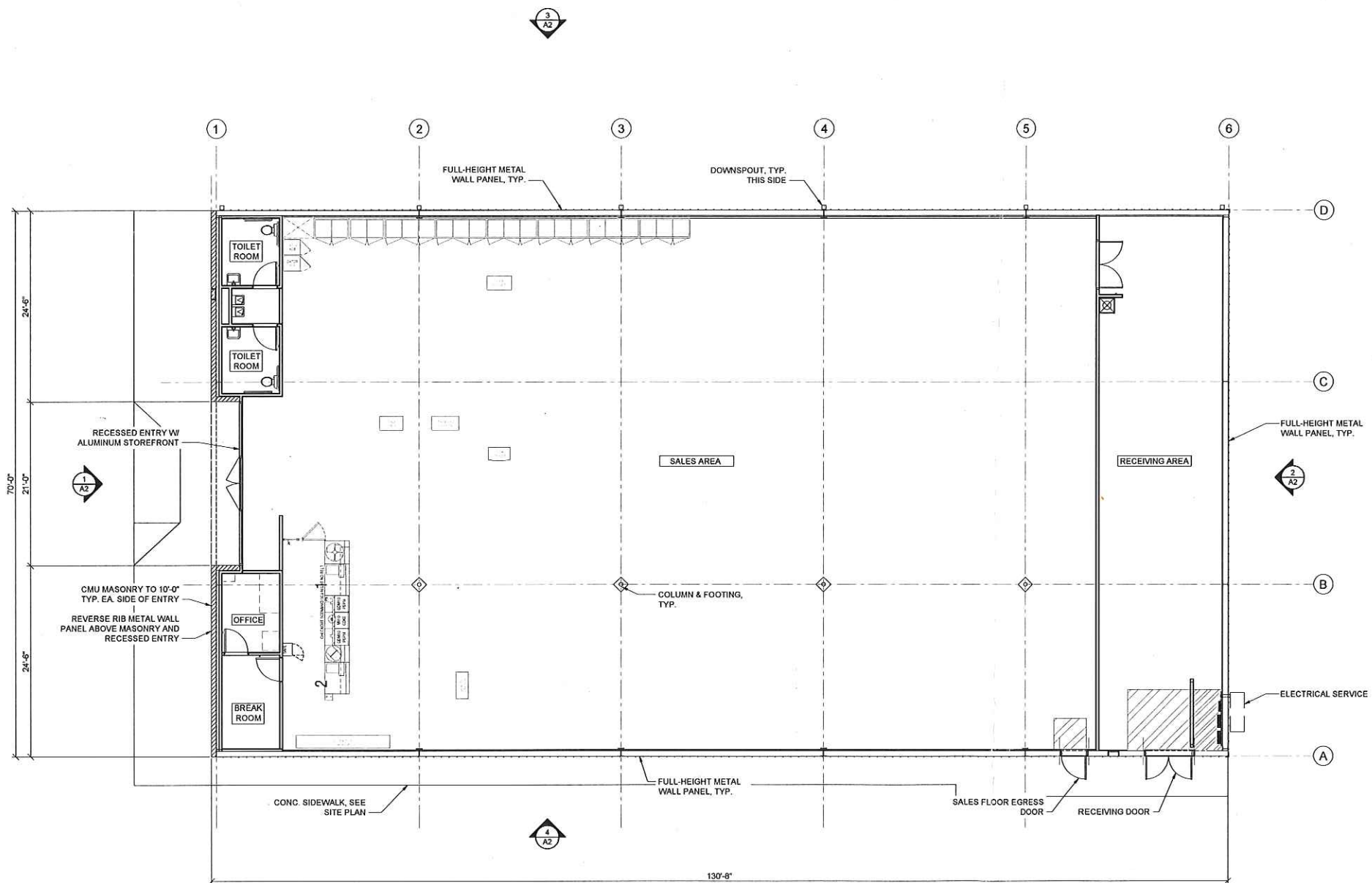
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RIVERBANK, CA

SHEET TITLE

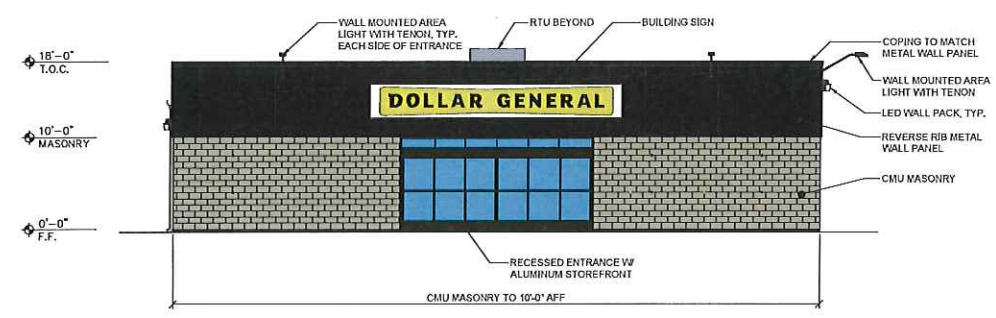
FLOOR PLAN

SHEET NUMBER

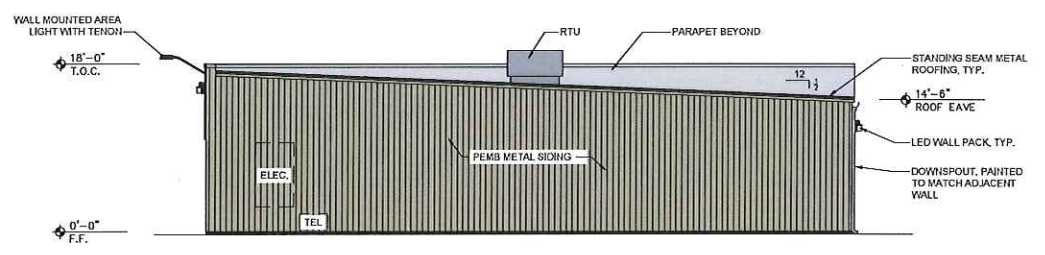
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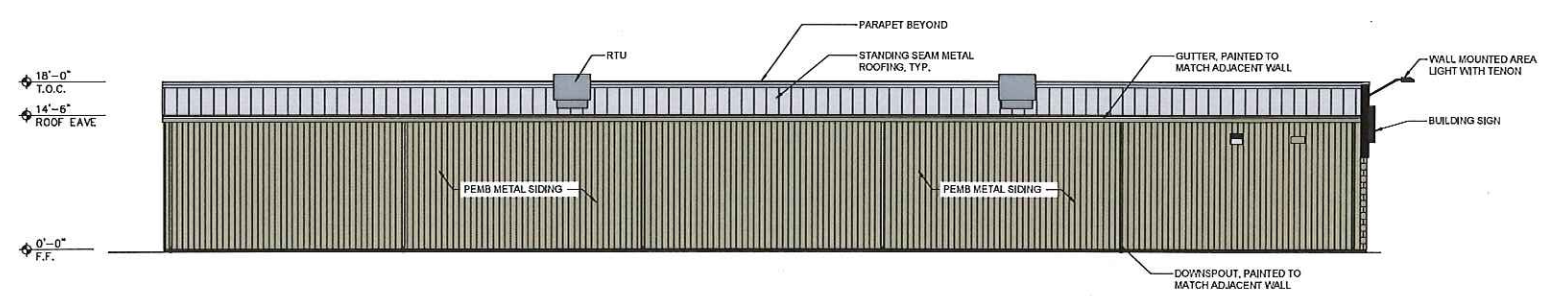
1 FLOOR PLAN
A01 SCALE: 1/8"=1'-0"



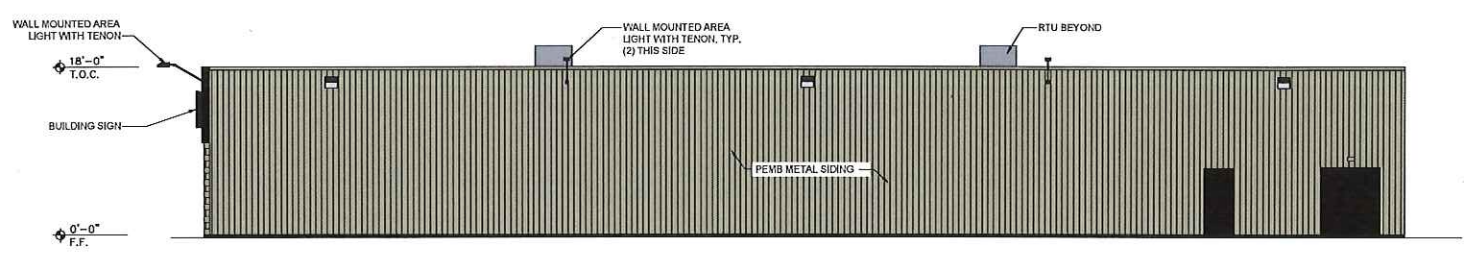
1 WEST ELEVATION
SCALE: 1/8"=1'-0"



2 EAST ELEVATION
SCALE: 1/8"=1'-0"



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



4 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

Color Elevation Legend:

- Pre-finished Metal Panel: LIGHT STONE
- Pre-finished Metal Panel: BURNISHED SLATE
- CMU Block at Building Entrance: Painted to match Light Stone metal wall panels



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DESIGN CONCEPT FOR DOLLAR GENERAL

5842 ROSELLE AVE
RIVERBANK, CA

SHEET TITLE

COLOR ELEVATIONS

SHEET NUMBER

A2

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF KM ARCHITECTURE AND MAY NOT BE DUPLICATED WITHOUT WRITTEN CONSENT OF KM ARCHITECTURE

**City of Riverbank
Planning Commission
Resolution No. 2018-010**

**ADOPTION OF ARCHITECTURE AND SITE PLAN REVIEW 03-2018 (18-0009)
FOR A DOLLAR GENERAL COMMERICAL BUILDING
5842 ROSELLE (APN 075-015-006)**

WHEREAS, An application has been received from David Church, representative for NNN Retail Development, for the Architecture and Site Plan Review of an approximately 9,100 square foot retail building at 5842 Roselle Avenue (APN 075-015-006); and

WHEREAS, The Planning Commission held a public hearing on December 18, 2018, to consider Architecture and Site Plan Review 03-2018 (18-0009); and

WHEREAS, The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects; and

WHEREAS, The Riverbank Planning Commission made the following findings:

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

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

1. Policy DESIGN 2.3 (Signage and Traffic Control);
2. Policy DESIGN 8.3 (Building Materials);
3. Policy DESIGN 10.1 (Site and Building Access); and,
4. Policy DESIGN 10.11 (Bicycle Facilities).

WHEREAS, the request and plans of NNN Retail Development, owner, are hereby granted and approved, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-014 and/or receive

confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and

2. The applicant shall build the entire project according to the site plans and elevations date stamped October 12, 2018 and on file with the Community Development Department and presented to the Planning Commission as part of this action; and
3. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required; and
4. Driveway and sidewalks need to conform to ADA standards; and
5. All broken or lifted sidewalks, curbs, and gutters onsite are to be replaced; and
6. Stormwater Plan including geo report, calculations, and hydromodification shall be submitted. A storm filter and drainage maintenance agreement between the project owner and the City is required to be signed; and
7. The water system shall be shown on plans including the backflow device, fire department connection, water meters (1. building service and 2. landscaping), post indicator valve, and water service to the building; and
8. SWWWP for development must be submitted; and
9. ADA signage for entrance to parking lot must be installed (11B-502.8); and utilities shall be undergrounded: electrical, communications, gas, water, fire line, and sewer; and
10. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
11. Provide City Standard details for water and sewer connections; and
12. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code; and
13. The Community Development Director requires and shall approve a bicycle rack design before its installation. Installation shall occur before Building Final; and
14. An application, landscape and irrigation plans including documentation package, water efficient landscape worksheet, soil management report, slopes, drainage

patterns, pad elevations, and finished grade conforming to the state's MWEL requirements, and current fee shall be submitted and approved by the City before the issuance of a Building Permit. Landscaping and irrigation shall be installed and approved before Building Permit Final; and

15. Any new signage shall be reviewed and approved under a separate permit; and

16. All exterior lighting shall be LED and focused downward on the site.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 03-2018 is hereby approved, subject to those conditions established by Resolution No. 2018-0 and as illustrated in Exhibit "A": Site Plans and Elevations date stamped October 12, 2018.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 18th of December, 2018, motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote _-_:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

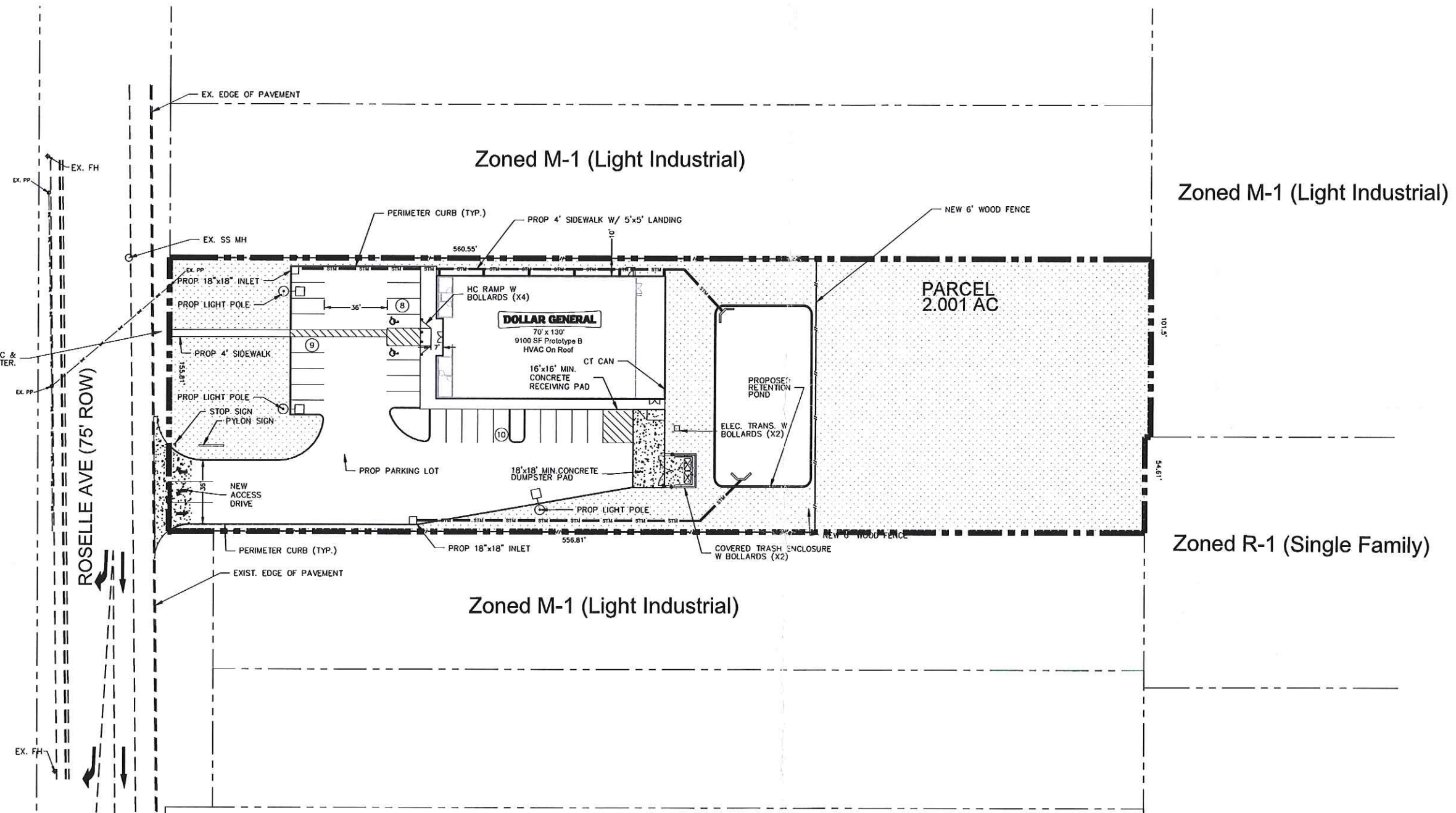
Approved:

Donna M. Kenney,
Planning and Building Manager

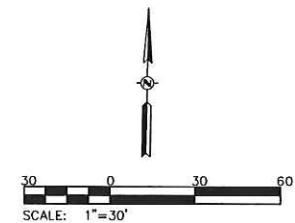
John Dinan, Chair
Planning Commission

Exhibits: A – Site Plans and Elevations

Zoned R-1 (Single Family)



REQUIRED PARKING:
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27 PLUS ONE DESIGNATED TRUCK LOADING
SPACE



Tentative Plan

DOLLAR GENERAL®

ROSELLE AVENUE AND PATERSON WAY, RIVERBANK, CALIFORNIA

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	ROSMARINUS OFFICINALIS TUSCAN BLUE				
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*PLANTER WATER-USE CLASSIFICATION PER WUCOLS REGION 2 'CENTRAL VALLEY'					
BASIN HYDROSEED					
	SEED BOTANICAL NAME/COMMON NAME	SEED RATE/LBS/AC			
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WATER BUDGET CALCULATIONS

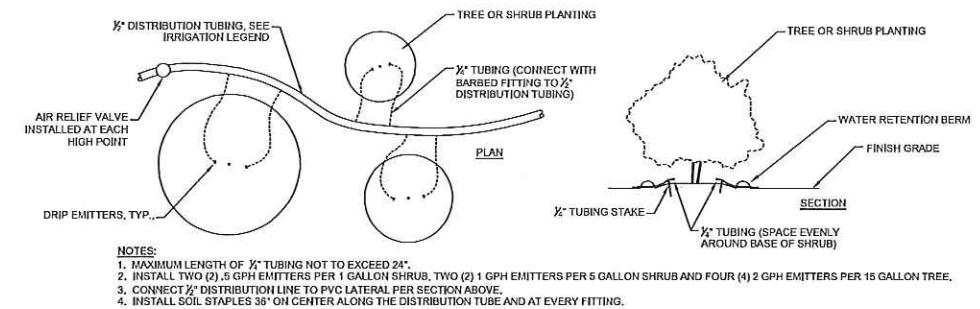
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 $MWVA = (ET_0) (A_2) [(45 \times 87) + (3 \times 5.4)]$
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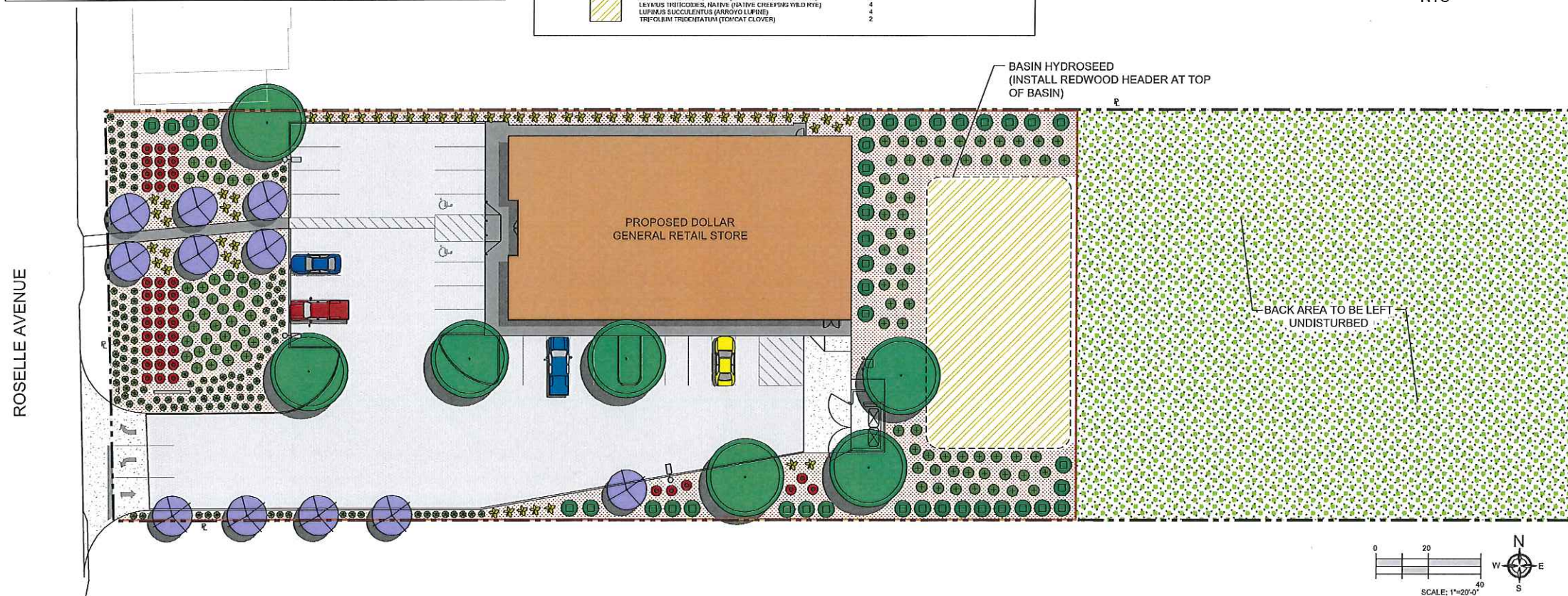
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$ET_{WU} < MWVA$



A- PROPOSED POINT SOURCE DRIP TUBE IRRIGATION LAYOUT

NTS



LANDSCAPE RENDERING

DECEMBER 6, 2018

CONCEPT ONLY

MSLA
LANDSCAPE ARCHITECTURE
306 Canyon Falls Dr. Folsom, CA 95630
ph/fax 916.989.3372 www.msladesign.com



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KM Architecture, Inc.
A Full Service Architectural Practice
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DESIGN CONCEPT FOR DOLLAR GENERAL

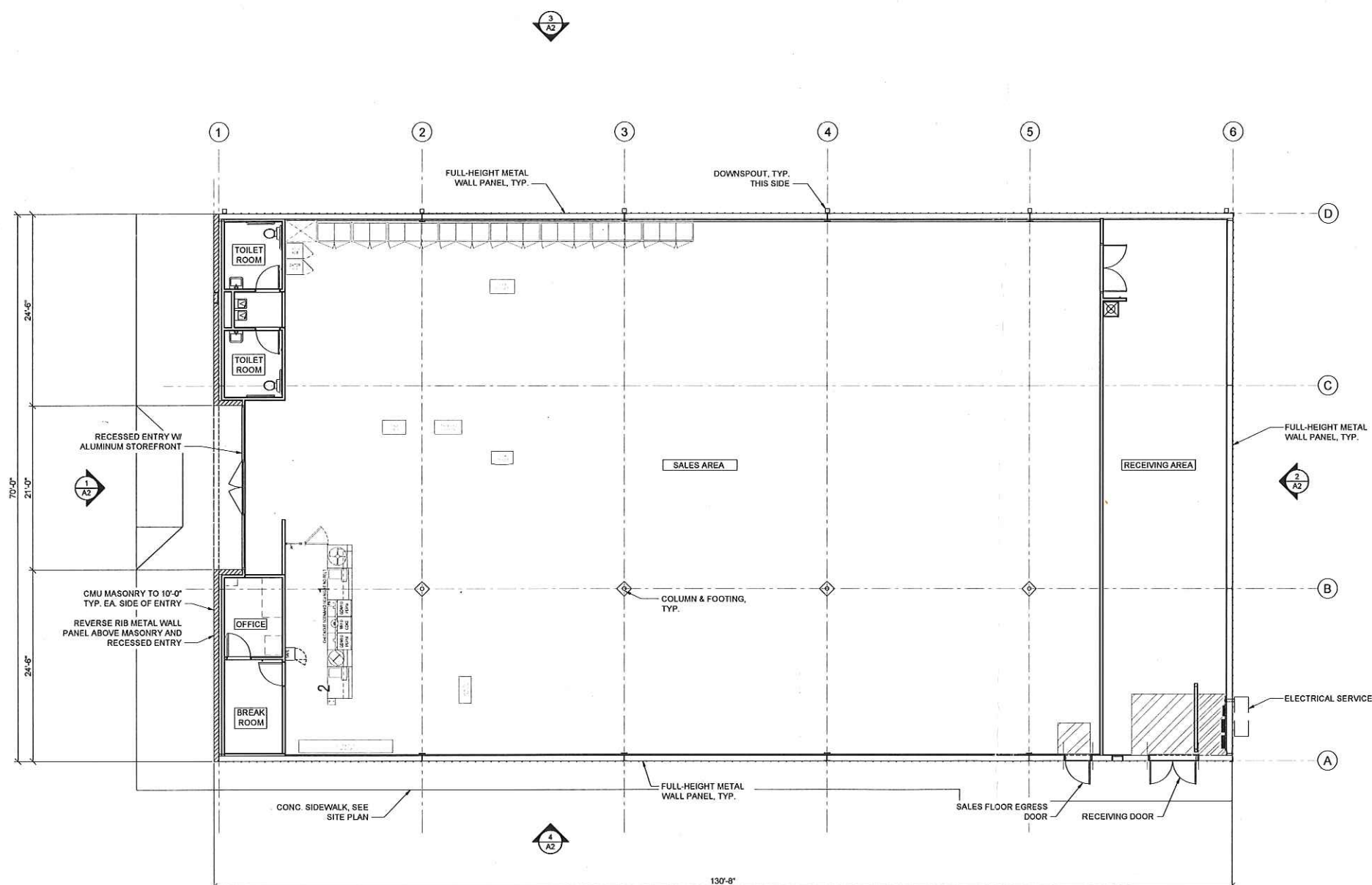
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RIVERBANK, CA

SHEET TITLE

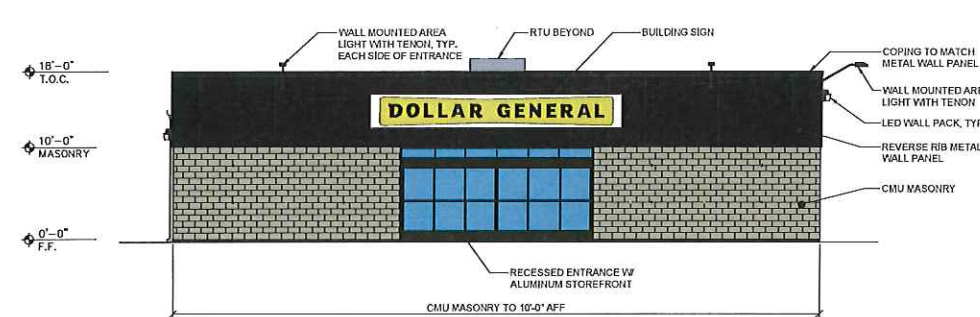
FLOOR PLAN

SHEET NUMBER

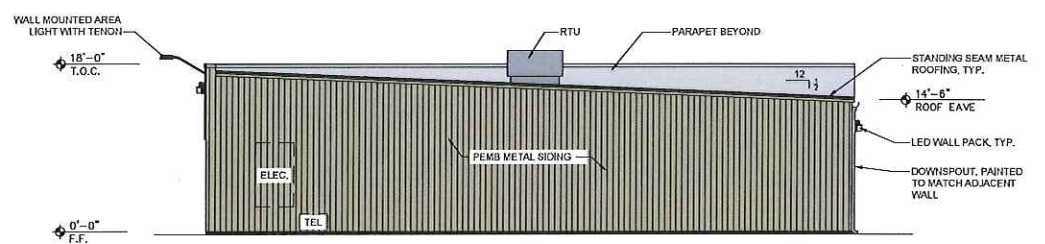
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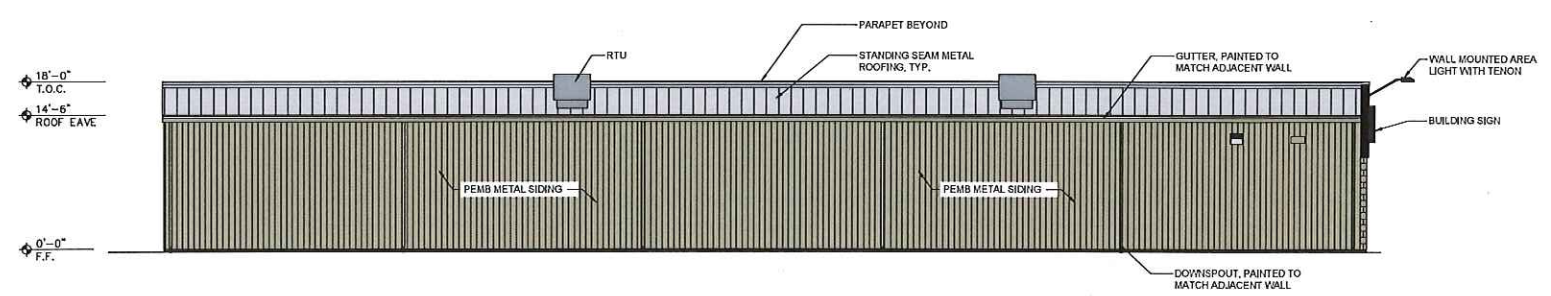
1 FLOOR PLAN
A01 SCALE: 1/8"=1'-0"



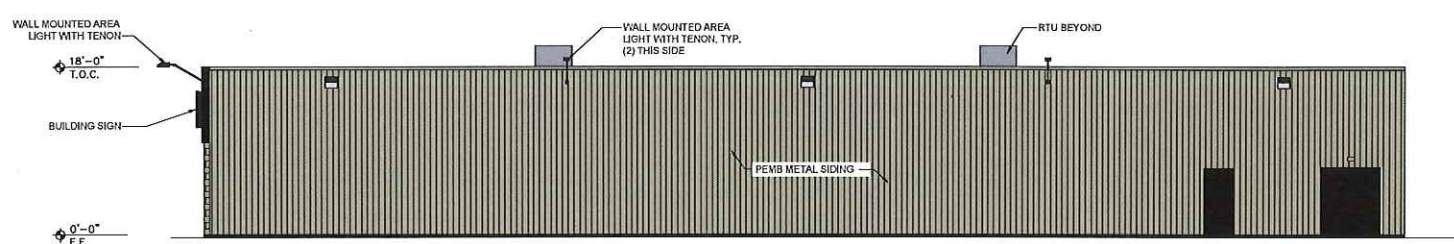
1 WEST ELEVATION
SCALE: 1/8"=1'-0"



2 EAST ELEVATION
SCALE: 1/8"=1'-0"



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



4 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

Color swatches and material descriptions:

- Pre-finished Metal Panel: LIGHT STONE
- Pre-finished Metal Panel: BURNISHED SLATE
- CMU Block at Building Entrance: Painted to match Light Stone metal wall panels



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DESIGN CONCEPT FOR DOLLAR GENERAL

5842 ROSELLE AVE
RIVERBANK, CA

SHEET TITLE

COLOR ELEVATIONS

SHEET NUMBER

A2

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**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO:	4.1
APPLICATION:	Mobile Food Vendor Pilot Program – Guidelines for a six (6) month trial period to allow for temporary and administrative permits for mobile food vendors.
CEQA:	Exempt from environmental review pursuant to Section 15311, Class 11(C) (Accessory Structures) of the CEQA Guidelines.
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager
RECOMMENDATION:	That the Planning Commission reviews the provided information, takes public comment, then provides staff with direction. Staff will present these Guidelines to the City Council before commencing the pilot program.
ACROMYMS:	AUP – Administrative Use Permit CEQA – California Environmental Quality Act CUP – Conditional Use Permit TUP – Temporary Use Permit Vendor – Mobile Food Vendor

I. SUMMARY

As mobile food vendors (“vendors”) become more prevalent in the region, the perception is that they can negatively impact brick and mortar restaurants, cafes, and coffee shops which pay more overhead. There are areas in Riverbank that lack these businesses, where residents and employees must drive some distance from their homes and jobs to purchase a coffee, their lunch, or dinner. Current Riverbank code allows mobile food vendors like lunch wagons and push carts to operate under a permit but to refrain from stopping or parking more than ten (10) minutes in any one location for a bona fide sale. Larger cities, which have experimented with alternative permitting such as stationary locations, monthly or special events, and permanent group locations, have experienced

success in attracting diners to the mobile food vendors as well as bringing in dollars to the surrounding businesses.

II. BACKGROUND

The Planning Commission and public had requested a review of the current Riverbank Municipal Code Regulations pertaining to mobile food vendors to discuss various options and to provide staff with direction.

Paraphrased, Riverbank Municipal Code §71.12 currently states that:

- (A) No vehicle selling goods at parks or upon city streets may stop longer than 10 minutes to make a sale.
- (B) No vehicle selling goods at parks or upon city streets may do so without a permit that designates specific locations.
- (C) Does not apply to food trucks.
- (D) Does not apply to food trucks.
- (E) If a vendor violates their permit by operating outside of their specified locations, they could be convicted by a court, their permit revoked by the Council, and no permit reissued for six months after the conviction.

On June 19, 2018, City Staff presented a mobile food vendor workshop to the Planning Commission in order to provide staff with direction. Pursuant to this workshop, staff is suggesting a six (6) month pilot program, or trial period that would apply to temporary parking locations along the perimeter of parks and permanent parking spaces on commercial and industrial zoned properties throughout the City. The program would also be applicable to all the commercial areas of the Downtown Specific Plan Area. If approved, there are two parts to the program: Temporary Use Permits (“TUP”) for city park perimeter parking locations and Administrative Use Permits (“AUP”) for private property parking locations.

PROPOSAL

As stated above, at their meeting of June 19, 2018, the Planning Commission conducted a public workshop to provide direction to City Staff to develop regulations pertaining to mobile food vendors throughout the City. Based upon the direction that the Planning Commission provided, staff has prepared the guidelines below for a proposed six (6) month pilot program, or trial period before amending the Municipal Code.

Temporary Use Permit (“TUP”): For park perimeter locations, and public or private events per the Director of Parks and Recreation. Only food may be sold. May be issued as a one (1) day permit or up to one hundred eighty (180) days for this trial period. Days do not have to be sequential. For example, a vendor could apply to attend four weekly farmers markets in one month.

Administrative Use Permit (“AUP”): On private property in commercial and industrial zoning designations only throughout the City, including the Downtown Specific Plan Area

(DTSP) commercial properties. Only food may be sold. Only permitted in locations where the mobile food vendor will supplement an existing non-restaurant business. Stand-alone vendors on a property that does not have a primary business will not be considered or allowed. Having an AUP does not exclude the vendor from also applying for a TUP. For example, a vendor with an AUP in an industrial zone could apply for a TUP to also participate in an evening farmer's market downtown.

Transferability: Multiple AUPs can be issued on a single property to allow multiple mobile food vendors; however, AUPs cannot be transferred to a new location and an AUP issued to a vendor cannot be transferred to another vendor.

Aesthetics: Mobile food vendors with TUPs are permitted to operate; however, are not allowed to have tables, chairs, and shade structures for people to congregate or consume purchased food. Vendors with AUPs must have all proposed structures reviewed and approved by the Community Development Director. Structures must be well maintained, remain in their approved locations, and not impact pedestrian and traffic flows.

Hours of Operation: Park perimeter mobile food vendors with TUPs may operate from 11am - dusk. The Director of Parks and Recreation may extend these hours for events. Vendors with AUPs – the same as the business which they supplement; however, no vendor shall operate between the hours of 11pm – 7am.

Restroom Facilities: TUP vendors shall locate as near to park restroom facilities as possible and limit their hours of operation to three hours if there are no restrooms available. If park restrooms close due to inclement weather, the TUP vendor must limit operations for that day to three hours. AUP vendors shall have the written approval of the primary business owner to utilize restroom facilities for employees and customers. Restroom facilities shall be within 200-feet of a vendor. The vendor may not operate during the hours and days the primary business is closed.

Permission to Apply: A TUP application requires written approval by the Director of Parks and Recreation or designee. An AUP application requires the property owner's written approval by letter.

Waste Collection: The TUP mobile food vendor shall provide a trash can and leave the bagged refuse in a predetermined location daily for park staff. If littering is allowed to occur, the TUP maybe revoked by the Director of Parks and Recreation. The AUP vendor shall provide trash cans and have written approval from the property owner that the vendor can dispose of refuse daily in bins/dumpsters on the property from which they vend. If littering is allowed to occur on a regular basis during the term of this pilot program, the AUP may be revoked by the property owner or Community Development Director.

Licensing: Mobile food vendor vehicles shall be inspected and currently licensed by Stanislaus County Department of Environmental Health. Proof of commissary is required. The vehicle shall also be a licensed vehicle in the State of California and hold necessary insurance certificates.

Business License: All mobile food vendors shall have a City of Riverbank Business License.

Permit Display: All mobile food vendors shall have their permits and licenses prominently displayed in their vehicle while operating at their approved location within the City of Riverbank.

Additional Information

Mobile food vendors with TUPs will not be allowed to locate along the perimeter of the Sports Complex, Castleburg Park, Rotary Park, or Jacob Meyers Park. They will not be allowed to operate within parks unless approved by the Director of Parks and Recreation for public or private events. Vendors are limited to one at a time per park for the duration of the pilot program. The vendor will propose a location near a park and, once approved for a permit by the Community Development Director and Director of Parks and Recreation, would be limited to that park location only. Locations are first come, first served. If there are no public restrooms within the park, the vendor will be restricted to a three hour block of operation. A second approved vendor may follow in that location with the same restrictions. One trash can is required in a location that does not obstruct vehicle or pedestrian traffic flows. No tables, benches, flags, outdoor music/speakers are allowed under a TUP.

The trial regulations will allow AUP vendors to be located on private property in commercial and industrial areas to supplement an existing business that is not a restaurant, café or similar food use. They are prohibited from residentially zoned parcels. They cannot locate on vacant property because they must have access to restroom and trash/ recycling facilities. They cannot vend anything that is not a food.

General Plan:

Goals of the General Plan that are relevant to this workshop are as follows:

- *Policy LAND – 4.3: The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means. The Mobile Food Vendors Pilot Program is a streamlined process with flexible standards that encourages small businesses to locate in Riverbank in hopes they will thrive and expand into cafes and restaurants in permanent structures.*
- *Policy ED-2.5: The City of Riverbank will take a targeted approach to business attraction that focuses on industry sectors that help the City address the following priorities:*
 - Attract businesses that tie into regional growth opportunities

- Attract businesses that address local-serving and regional retail market opportunities.
- Attract uses that contribute towards a vibrant and revitalized downtown district. *The City would like AUP vendors to locate on DTSP commercial properties to bring people downtown and encourage revitalization efforts.*
- *Policy ED-8.1:* The City will continue to promote downtown Riverbank as a vibrant and pedestrian-oriented center for local-serving business activity, and future office activity. **The Pilot Program ...**
- *Policy ED-8.5:* Downtown revitalization will include exploring new options for entertainment and visitor-serving uses. *The Pilot Program is one new option for the City to entice visitors as well as commercial employees into the downtown area for meals.*
- *Policy ED-8.7:* The City will continue to support visitor attracting activities, such as the annual Cheese and Wine Exposition, and seek out similar activities that raise the visibility of downtown. *The Pilot Program will allow mobile food vendors to operate downtown and attract diners while raising its visibility.*

III. ENVIRONMENTAL REVIEW:

The pilot program is exempt from environmental review pursuant to Section 15311, Class 11(C) (Accessory Structures) of the CEQA Guidelines. Placement of seasonal or temporary use items such as lifeguard towers, mobile food units, portable restrooms, or similar items in generally the same locations from time to time in publicly owned parks, stadiums, or other facilities designed for public use.

IV. PUBLIC NOTICE:

No public notice is required to implement a trial or pilot program.

Respectfully Submitted By:

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

DRAFT
Itinerant Food Vendors (Mobile Food Vendors)
Standard Conditions of Approval and Performance Standards for Temporary Use Permits
and Administrative Use Permits – Six (6) Month Trial Period

The differentiating factor between the Temporary Use Permit (TUP) and Administrative Use Permit (AUP) is the locations and the process by which they may be considered for approval. TUPs and AUPs for food vendors may be approved ministerially by the Community Development Director and/or Director of Parks and Recreation. Locations for mobile food vendors are:

TUP – For special use events throughout the City as approved by the Director of Parks and Recreation.

TUP – For park perimeter locations as approved by the Director of Parks and Recreation and Community Development Director.

AUP – In conjunction with or to supplement an existing business as approved by the Community Development Director.

Any permit issued for a mobile food vendor may be reviewed for possible revocation on an as needed basis as determined by the City. If Conditions of Approval and Performance Standards are not being met, then either additional conditions may be imposed at the review or the permit may be terminated due to failure of compliance. In no case, shall any Mobile Food Vendor be permitted to operate in a way that would subject the public to health and safety concerns.

An AUP shall first be obtained authorizing the establishment of an itinerant restaurant vehicle in the Commercial and/or Industrial Zone Districts pursuant to 153.066 Mixed Use (CX-1), 153.075 Neighborhood Commercial (C-1), 153.090 General Commercial (C-2), 153.105 Commercial – Industrial (C-M), 153.120 Light Industrial (M-1), and 153.135 Heavy Industrial (M-2) of the Riverbank Municipal Code; and the Downtown Core, Downtown General, Highway Boulevard, Mixed-Use Neighborhood, Downtown Neighborhood zoning districts of the Downtown Specific Plan.

Supplemental Temporary Use Permit and Administrative Use Permit Application Materials:

- (a) Completed application, including written description of the proposed vending activity (which would also identify the applicant's intended days and hours of operation).
- (b) Legal names of vending business owner and/or operator
- (c) Proof of valid Riverbank business license
- (d) Proof of valid health permit(s) and commissary.
- (e) Photocopy of valid form of identification (i.e. driver's license) for business owner and operator.
- (f) Color photographs showing the front, sides, and rear views of the vending vehicle (i.e. mobile food vendor), and site plan of the proposed location for vending. An AUP

applicant shall also provide on their site plan locations for all proposed stationary structures such as tables, shade structures, etc.

- (g) Dimensioned sample or rendering of proposed vehicle signage.
- (h) Non-refundable application fee of \$100 for TUPs and \$200 for AUPs.
- (i) If an applicant proposes to vend from a single location for more than three (3) consecutive hours at a time, the applicant must identify the location of an available restroom on the site plan to be used by the vendor.
- (j) A letter from the property-owner approving the proposed AUP operation, including the use of restrooms and trash & recycling facilities.

General TUP and AUP Conditions and Performance Standards for Itinerant Food Vendors

- (a) No person(s) may engage in vending in any location within the City of Riverbank unless the conduct of that activity meets each of the following criteria listed below, and unless the person is operating under and by the authority of a valid TUP and/or AUP during the six month trial period, (Itinerant Food Vendor).
- (b) The permit shall address, and the vendor shall comply with, the following items:
 - (1) General. The City may impose conditions on the Permit as it deems necessary for health and safety, and/or to mitigate the impact of vending on an area. This may include the imposition of additional conditions and/or stricter requirements than identified below.
 - (2) Health Permit. Vending of food, produce, or other edible items requires valid health or other permit(s) issued by the appropriate agency (i.e. Stanislaus County Department of Environmental Resources). Said health permit(s) shall be obtained from the appropriate agency prior to the submission of a City TUP/AUP application to the Planning Department and evidence of the valid permits shall be submitted to the City with the application, including proof of commissary.
 - (3) Shall not Obstruct or Create Hazards. Vendors shall not obstruct site visibility, vehicular traffic, bicycle traffic, sidewalk pedestrian traffic, or accessibility to vehicles parked adjacent to the curb, and shall not create public health or safety hazards.
 - (4) Hours of Operation. Vending shall be conducted within the hours of operation established in the Permit or be similar to the hours of operation of the business that they supplement. In no case, shall operators/vendors be allowed after the hours of 11 pm or prior to 7am. Mobile food vendors shall not be permitted to be parked at their approved site(s) during non-operating hours. Notwithstanding approved hours of operation, all activities are subject to the restrictions of the City's Noise Ordinance requirements.

- (5) Signage. No more than one sign is allowed associated with each Permit. The sign shall not exceed ten (10) square feet and shall be affixed to the vehicle from which the goods or merchandise are being vended. Any other signage is prohibited.
- (6) Number of Permits AUP. Each property or designated space of vending shall require an AUP. If multiple designated spaces of vending are under the same ownership or management at the same property, then they may secure one AUP for vending and allow multiple operators/vendors access to that approved location; however, in no case, for the said AUP during the trial period, shall there be more than one operator/vendor on a property at the same time.
- (7) Number of Permits TUP. Each park perimeter location shall require a TUP. TUPs will not be granted for private property.
- (8) Business License. TUP and AUP vendors shall have a valid City of Riverbank business license prior to being allowed to operate.
- (9) Sanitary Facilities. AUP vendors shall have written agreement from an existing business establishment for use of restroom facilities by vendors and patrons within 200-feet of the vehicle's location.
- (10) Indemnification. As a condition of issuance, the vendor/operator agrees to indemnify, hold harmless, and defend the City and its representatives against liability and/or loss arising from activities connected with and/or undertaken pursuant to the Permit. The City is not liable for any business loss, property loss, or other damage that may result from use of the Permit, or suspension or revocation of the Permit, and no vendor shall maintain any claim or action against the City, its officials, officers, employees, or agents on account of any suspension or revocation.
- (11) Property Owners Approval. AUP permit application must include the written approval of any property owner (in the form of a letter to the City's attention) whose property will be used for vending. Vending on private property must comply with any development conditions imposed on the private property and all requirements of the appropriate zoning category.
- (12) Other Applicable Regulations. The vendor shall conform at all times with all applicable City and governmental requirements, including without limitation, the Americans with Disability, health and safety regulations, local zoning, and applicable redevelopment regulations.
- (13) Term of Permit during six month trial period. The maximum term for a TUP or an AUP is 180 days during the trial period. The trial period begins with the issuance of the first TUP or AUP. At the conclusion of the trial period, the City will either determine if an extension of the trial period is warranted, or direct staff to either

amend the Municipal Code to allow mobile food vendors, or terminate the program altogether.

- (14) Transferability. A Permit is not transferable to any entity or person or property and is valid only as to the original applicant and at their original location. AUP applications shall state if a property is requesting approval of a mobile food vendor that may have multiple vendors utilizing a property over the course of a permit; however, in no case, for any AUP shall there be multiple mobile food vendors on a property operating at the same time during this pilot program.
- (15) Proximity to Other Items. No food vending may occur within twenty (20) feet of a propane tank, gasoline pumps, fire hydrant, fire escape, building entrance, bus stop, loading zone, handicapped parking space or access ramp, fire station driveway, or police station driveway. A greater distance or separation from other uses may be required under the Permit in order to preserve line-of-sight, or for other safety reasons. The vending shall not use or damage landscaped areas.
- (16) Appearance and Storage. The vendor shall maintain the area within which vending activities occur in a clean, safe, sanitary, and dust-controlled condition. The vendor shall remove all evidence of vending and leave the site in a clean state at the close of each business day including any trash that was generated by that activity.
- (17) Lighting. Vending may not occur after dark unless appropriate lighting is provided, or an exemption from this requirement is specifically granted as a part of the Permit due to the type of activity (e.g. one-time permit for food vending at a special nighttime event).
- (18) Parking. Prior to the issuance of any Permit, the City shall confirm that an acceptable area for customer parking exists, or must specifically exempt the food vendor from this requirement due to the nature and/or location of the use. Parking for the vendor shall be specified pursuant to the permit. The AUP vendor shall not indicate exclusive roadway parking or reserve any public parking area for the vendor's customer parking. Vendors shall not park or set up their operations within designated American Disability Act (ADA) handicapped parking stalls, loading spaces, and walkways or ramps that are part of an ADA designated space or area.
- (19) Location on Roadways. Food vending is limited to an approved parking location on a public street at the perimeter of a park.
- (20) Security. Subject to review of the AUP, the City may require special security features for the mobile food vehicle or the vendor, including but not limited to a condition that the mobile food operator/permittee shall install signage that loitering is not permitted and customers may only remain on the lot for up to 15 minutes after consuming their food. If applicable, the operator shall enforce the no-loitering rule.

- (21) Number of Vendors and/or Operators. The City may limit the number of vendors at any one location or within an area, or limit the number of operators, sales persons, or other engaged in the act of vending for any one owner or permittee at the requested or approved location. Additionally, approved locations for mobile food vehicles shall not be located within 1,000 feet from another approved mobile food vehicle location. Special events authorized by a TUP are not subject to the separation requirement noted above.
- (22) Design and Setup of Vehicle for Vending. The width, length, and height of all vendor vehicles and devices shall be subject to review as part of consideration of the Permit. The City's review shall include but not be limited to color, materials, and appearance of the vending vehicle or device; accessories (including ice chests and trash receptacles); maneuvering necessary for setup and takedown. Vending vehicles or devices shall be designed such that they add to the aesthetic value of the vicinity. A site plan of the area at which AUP vending will occur must be provided, and is subject to City discretionary review. The area of vending activity (excluding parking) shall be specified under the Permit and shall not generally exceed 200 square feet.
- (23) Tables/Chairs/Shade Structures/Easy-Ups/Pop-Out Tents. Tables/chairs/shade structures/easy-ups/pop-out tents for use by customers shall be prohibited for TUPS and shall be reviewed for the AUPs by the Community Development Director.
- (24) Trash. AUP vendors shall have a written agreement with property owner(s)/business owner(s) of existing business establishment(s) to allow for the use of their existing trash receptacle(s)/enclosure(s).
- (25) Permit Display. Vendor permits and business licenses must be prominently displayed on the vehicle for vending.