



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

Agenda

Wednesday, March 20, 2019 – 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

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 March 20, 2019 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, 2019.

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 18, 2018 Planning Commission Meeting and February 13, 2019 Special Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: from the December 18, 2018 Planning Commission Meeting, Commissioner: Fenrich.*

Item 2.4: Approval of Extension of Tentative Subdivision Map 02-2014 for Cary Pope / Diamond Bar East. Request to extend the Tentative Map for 12 months Resolution #2019-007.

Recommendation: Approval by roll call vote

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

Item 3.1: **Me and Mike's Pizza, LLC CUP 01-2019** – Request for CUP 01-2019 (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer and wine at the new Pizza Plus restaurant and banquet room. Property is located at 3325 and 3327 Santa Fe Street, APN: 132-009-060, within the Downtown Core Zoning District of the Downtown Specific Plan.

Recommendation: Approval of Reso #2019-008 by roll call vote.

1st _____ 2nd _____

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

None.

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

None.

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: City Council Meeting Updates.

7. ADJOURNMENT - Regular Planning Commission meeting – April 16, 2019 @ 6:00 p.m.

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 of March 2019
Janet Smallen, Sr. CDS*

AFFIDAVIT OF POSTING

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.

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.



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: February 28, 2019

DEPT: PLANNING

LEGAL

CITY OF RIVERBANK NOTICE OF SPECIAL PUBLIC HEARING

Notice is hereby given that the City of Riverbank Planning Commission will conduct a special public hearing to consider the request for a Conditional Use Permit (CUP), described below at 6:00 p.m. on Wednesday March 20, 2019, in Council Chambers 6707 Third Street, Riverbank, California.

Project Description:

Me and Mike's Pizza, LLC CUP 01-2019 – Request for CUP 01-2019 (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer and wine at the new Pizza Plus restaurant and banquet room. Property is located at 3325 and 3327 Santa Fe Street, APN: 132-009-060, within the Downtown Core Zoning District of the Downtown Specific Plan.

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

**Planning Commission Meeting
March 20, 2019 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, 2019** 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 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).

**PUBLIC NOTICE
CITY OF RIVERBANK
NOTICE OF SPECIAL PUBLIC HEARING**

Notice is hereby given that the City of Riverbank Planning Commission will conduct a special public hearing to consider the request for a Conditional Use Permit (CUP), described below at 6:00 p.m. on Wednesday March 20, 2019, in Council Chambers 6707 Third Street, Riverbank, California.

Project Description:

Me and Mike's Pizza, LLC CUP 01-2019 – Request for CUP 01-2019 (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer and wine at the new Pizza Plus restaurant and banquet room. Property is located at 3325 and 3327 Santa Fe Street, APN: 132-009-060, within the Downtown Core Zoning District of the Downtown Specific Plan.

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

Planning Commission Meeting
March 20, 2019 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, 2019 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 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).

March 6, 2019

RN#19-022



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

MINUTES
Tuesday, December 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: Stewart, Hughes and Alternate Link

Absent: Commissioner: Fenrich

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 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.

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

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

Nays: None

Absent: Planning Commissioner: Fenrich

Abstained: None

Item 2.3 Approval of the Minutes of the September 18, 2018 and October 16, 2018 Planning Commission Meetings, having been read by the individual Commissioners and stands approved as submitted.

ACTION: *By motion moved/second (Stewart / Ball / passed 3-2) was approved as submitted; motion carried by roll call vote.*

Ayes: Planning Commissioners: Ball, Stewart, and Link

Nays: None

Absent: Planning Commissioner: Fenrich

Abstained: Planning Commissioners: Dinan and Hughes

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.

- Donna Kenney, Planning and Building Manager presented item 3.1 and Powerpoint.
- Public Hearing was opened at 6:11 p.m.
- Public Hearing was closed at 6:12 p.m. Being there were no comments.
- Planning Commissioner had no further comments on item 3.1.

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

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

Nays: None

Absent: Commissioner: Fenrich

Abstained: None

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.

- Donna Kenney, Planning and Building Manager presented item 4.1 and PowerPoint.
- Planning Commissioners discussed and asked Donna Kenney some questions.
- Donna Kenney responded to the Commissioners questions.

5. PLANNING COMMISSION COMMENTS (Informational 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.

- Donna Kenney informed the Planning Commission of the information that staff had given to the County.

7. STAFF COMMENTS (Informational Only – No Action)

Item 7.1: City Council Meeting Updates.

- Donna Kenney gave an update to the Planning Commission on the City Council Meetings.

Item 7.2: Merry Christmas and Happy New Year!

8. ADJOURNMENT - Regular Planning Commission meeting – January 15, 2019 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chair
Planning Commission



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

MINUTES
Wednesday, February 13, 2019

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: Stewart, Hughes, Fenrich and Alternate Link

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.

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 February 13, 2019 Special 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 February 7, 2019.

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

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

Nays: None

Absent: None

Abstained: None

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: **Crossroads West Specific Plan, General Plan Amendments, Prezone, Certification of Environmental Impact Report, and Submission of Annexation Application to LAFCO. Project Location:** The Crossroads West Specific Plan (Project) is located within the unincorporated area of Stanislaus County. The approximately 380-acre Plan Area is within the Riverbank Sphere of Influence (SOI). An Environmental Impact Report (EIR) has been prepared by the City of Riverbank, as the lead agency over this Project.

Project Description: The proposed Project includes development of up to 1,872 Low Density Residential (LDR) units, up to 192 Medium Density Residential (MDR) units, and up to 388 High Density Residential (HDR) units. The Project also includes up to 550,000 square feet (sf) of Mixed Use 1 (MU-1) uses, and up to 27,000 sf of Mixed Use 2 (MU-2) uses. It is noted that development in MU-1 could consist of a maximum of 550,000 sf of retail uses and no residential uses, or up to 350 units of residential uses and 360,000 sf of retail uses. A 10 to 12-acre elementary school and 20-acre middle school are also possible within the Plan Area as well as a location for a 1-2 acre west Riverbank fire station. The proposed Project would provide approximately 42 acres of park, open space, and Regional Sports Park uses.

The Project includes a request for approval of General Plan Amendments, Specific Plan, pre-zoning, certification of the EIR, and submission of an annexation application to LAFCO for the entire Project site.

- Donna Kenney, Planning and Building Manager introduced John B. Anderson with JB Anderson Land Use Planning, the City's contract planner who presented item 3.1 and Powerpoint.
- John B. Anderson, stated there is a technical change on Resolution 2019-003 page 2, that it should read Prezone instead of Rezone.
- Public Hearing was opened at 6:46 p.m.
- Linda Silva, who resides on Coffee Road asked about road improvements along Morrill Road.
- Rod Hoover, who resides on Coffee Road asked about the future connection between old Crawford Road and the proposed new Crawford Road.
- Elaine Gormon, who resides on Crawford Road asked about pedestrian connections.
- Carry Harwood, who resides on Anna Court off of Coffee Rd. asked about U turns and speed limits.
- Evelyn Halbert, resident of Riverbank said that her comments on the Draft EIR were not addressed and feels that she should have more time to review the project documents.
- Annabelle Gammon, County resident commented on the Draft EIR and stated that there was not enough time for her to review the documents and suggested the item be continued. She is also concerned with traffic and air quality impacts.
- Dave Romano, representing the landowners spoke on the item and the time that has been spent on it.
- Public Hearing was closed at 7:05 p.m. as there were no further comments.
- Planning Commissioners asked that the developer, Darryl Browman comment on the commercial part of the project.

-
- Mr. Browman elaborated on his vision for the proposed new shopping center. It will be state of the art and be flexible enough to meet new commercial demands.
 - John B. Anderson responded to the questions that were asked by the public during the Public Hearing portion of the meeting.
 - Commissioners asked additional questions of traffic consultant Ken Anderson in regard to the project.
 - Donna Kenney also responded to questions the Commissioners had.
 - Being no further comments the Planning Commission voted on item 3.1 and the following Resolutions.

A) Environmental Impact Report Resolution #2019-001

- **Exhibit A - CEQA Findings and Statement of Overriding Considerations**
- **Exhibit B – CWSP Mitigation and Monitoring Reporting Program**

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

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

Nays: None

Absent: None

Abstained: None

B) General Plan Amendment Resolution #2019-002

- **Exhibit A - General Plan Area Map**

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

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

Nays: None

Absent: None

Abstained: None

C) Specific Plan Resolution #2019-003

- **Exhibit A - Crossroads West Specific Plan Dated February 2019**
- **Exhibit B Draft CC Pre-Zone Ordinance #2019-XXX**

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

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

Nays: None

Absent: None

Abstained: None

D) LAFCO Annexation of CWSP Resolution #2019-004

- **Exhibit A - Annexation Area Map**

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

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

Nays: None

Absent: None

Abstained: None

Item 3.2: **Tentative Map 18-0004, Preliminary Development Plan, and Development Agreement – Western Pacific Holdings, Inc. – APN 074-014-007.** The Project consists of Tentative Map, Preliminary Development Plan, and Development Agreement to create an approximately 58 acre commercial retail center consisting of thirty-five (35) parcels, including future mixed use and possibly residential development in accordance with the Crossroads West Specific Plan.

- Donna Kenney, Planning and Building Manager presented the tentative map and preliminary development plan of item 3.2 and PowerPoint.
- Robin Baral, City Attorney presented and discussed the Development Agreement portion of item 3.2.
- Planning Commissioners discussed and asked questions.
- Public Hearing was opened at 7:41 p.m.
- Evelyn Halbert, resident asked some questions.
- Robin Baral city attorney responded to Evelyn Halbert's questions.
- Public Hearing was closed at 7:44 p.m. as there were no further comments.
- Being no further comments the Planning Commission voted on item 3.2 and the following Resolutions.

A) Tentative Map & Preliminary Development Plan Resolution #2019-005

- **Exhibit A - Preliminary Development Plan**
- **Exhibit B - Tentative Map 2018-0004**

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

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

Nays: None

Absent: None

Abstained: None

B) Development Agreement Resolution #2019-006

- **Exhibit A - Draft Development Agreement**
- **Exhibit B - Draft CC Ordinance 2019-XXX**

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

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

Nays: None

Absent: None

Abstained: None

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

Item 4.1: Chair John Dinan wanted to thank staff for all their hard work on items 3.1 & 3.2.

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

None.

6. STAFF COMMENTS (Informational Only – No Action)

Item 6.1: Donna Kenney updated the Planning Commission on the City Council Meetings, Dollar General and Taco Truck pilot program updates.

7. ADJOURNMENT - Regular Planning Commission meeting – March 19, 2019 @ 6:00 p.m.

ATTEST:

APPROVED:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chair
Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO:	2.3	March 20, 2019
APPLICATION:	Tentative Subdivision Map Extension 17-0004 – Diamond Bar East – Santa Fe Street and Central Avenue, APN: 062-020-010/-025. Request for a 12-month extension on approved Tentative Subdivision Map 02-2014 to subdivide 17.99 acres into 96 Planned Development single family low density residential lots, a 42,605 square foot basin lot, and 6 internal streets.	
OWNER:	Shane Parson	
APPLICANT REPRESENTATIVE:	Cary Pope	
GENERAL PLAN:	Low Density Residential (LDR)	
ZONING:	Planned Development (PD)	
ENVIRONMENTAL DETERMINATION:	The extension of a currently approved tentative subdivision map is not a Project pursuant to CEQA Guidelines.	
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager	
RECOMMENDATION:	Approve the 12-month Map Extension request for Tentative Subdivision Map 02-2014 (Exhibit A).	
ACROMYMS:	CEQA – California Environmental Quality Act FT – Feet or foot LDR - Low Density Residential	

I. BACKGROUND:

The applicant proposes the extension of Tentative Subdivision Map 02-2014 for ninety-six (96) single family residences within a 17.99 acre subdivision. The application (Attachment 2) is for a 12-month extension of the map to complete the process towards the approval of the Final Map.

A General Plan Amendment, Rezone, and Tentative Map 02-2014 to subdivide the site were approved by the City Council on March 24, 2015. According to State Subdivision law, an approved tentative map has a life of twenty-four (24) months, so this particular map was set to expire on March 24, 2017. Pursuant to the City's Subdivision Ordinance, the Planning Riverbank Special Planning Commission Meeting
Staff Report 2.3
Meeting of March 20, 2019
Page 1 of 2

Commission may approve a requested extension of an additional three (3) years. The applicant had previously requested an extension of 24-months which was approved by the Planning Commission on March 21, 2019. The property and map is in the process of being sold. Therefore, the new owner will need time to bring the project to its Final Map stage. All Conditions of Approval applied to the project during its 24-month extension and will continue to apply during the proposed 12-month extension.

II. ENVIRONMENTAL REVIEW:

A map extension for an approved subdivision is not a Project pursuant to CEQA Guidelines.

III. PUBLIC NOTICE:

This item did not require public noticing.

IV. RECOMMENDATION:

Approve the 12-month Map Extension request for Tentative Subdivision Map 02-2014.

V. ATTACHMENTS:

1. Resolution 2019-007
Exhibit A: Tentative Subdivision Map 02-2014
2. Application

Respectfully Submitted By:

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

**Planning Commission
Resolution No. 2019-007**

A Resolution of the City of Riverbank Planning Commission
Approving the Request of Cary Pope for a 12-month Extension of
Tentative Subdivision Map 02-2014 to Develop 17.99 Acres into 96 Planned
Development Single Family Low Density Residential Lots,
Located on Santa Fe Street, Between Central Avenue and Snedigar Road
APN's: 062-020-010 & 062-020-025.

Whereas, an application has been received from Cary Pope for a 12-month extension of Tentative Subdivision Map 02-2014 ("Diamond Bar East") to subdivide 17.99 acres into 96 medium low single family residential lots, APN'S: 062-020-010 & 062-020-025; and

Whereas, Tentative Subdivision Map 02-2014 was approved by the Riverbank Planning Commission at a regular meeting held on March 24, 2015 in the manner prescribed by law; and

Whereas, Tentative Subdivision Map 02-2014 received a 24-month extension by the Riverbank Planning Commission at a regular meeting held on March 21, 2017 in the manner prescribed by law; and

Whereas, the Planning Commission reviewed a Negative Declaration with mitigation measures pursuant to the California Environmental Quality Act and considered that to be the appropriate level of environmental review; and

Whereas, all conditions of approval required of Tentative Subdivision Map 02-2014 continued to apply during the 24-month extension period and will continue to apply during the proposed 12-month extension period; and

Whereas, Tentative Subdivision Map 02-2014, as conditioned, is consistent with the adopted policies of the General Plan Land Use and Housing Elements; and

Whereas, the requested 12-month extension is required to construct subdivision improvements and the Final Map process.

NOW THEREFORE, BE IT RESOLVED that the City of Riverbank Planning Commission approves the requested 12-month extension for Tentative Subdivision Map No. 02-2014 as shown in Exhibit "A" and subject to its Conditions of Approval and by this reference incorporated herein.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th day of March 2019, by the following vote ____:

AYES:

NOES:

ABSENT

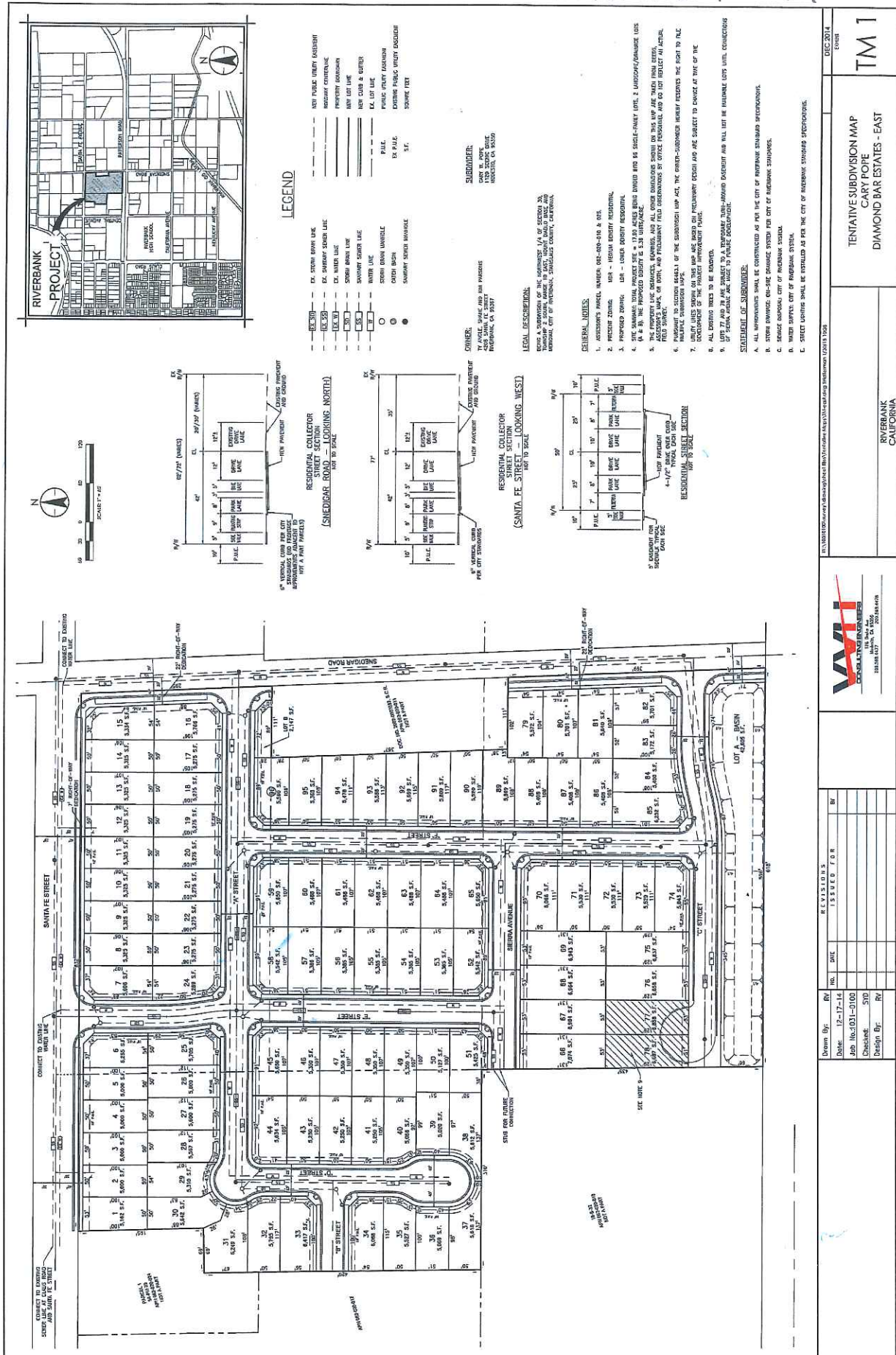
ABSTAIN:

Approved:

John Dinan,
Chairperson

Attest:

Donna M. Kenney,
Secretary to the Planning Commission



**City of Riverbank Development Services Department****Planning Application**

6707 Third Street, Riverbank, CA 95367

Office (209) 863-7128 FAX (209) 869-7126

OFFICE USE ONLY

Date Received: _____

Dept. File No(s): _____

PLEASE PRINT BLUE OR BLACK INK ONLY

Applicant: Cary Pope
Name of Contact: Cary Pope
Email Address: CPope@pm2.com
Applicant's Address: 3237 Riverside Dr.
City Riverbank State CA Zip 95367 Day Phone 209-456-6297
Representative (if any): _____
Name of Contact: _____
Email Address: _____
Representative's Address: _____
City _____ State _____ Zip _____ Day Phone _____
Property Owner (if other than applicant): Shore Person
Email Address: KimLisle@hotmail.com
Owner's Address: 6055 Central Ave.
City Ceres State CA Zip 95307 Day Phone 209-608-5704

Please check all for which you are applying:

- ☐ Annexation
- ☐ General Plan Amendment
- ☐ Rezone
- ☐ Rezone to PD
- ☐ Conditional Use Permit
- ☐ Architectural & Site Plan Review
- ☐ Parcel Map
- ☐ Parcel Map Exempt from CEQA
- ☐ Tentative/Subdivision Map
- ☐ Vesting Tentative Map
- ☐ Variance
- ☐ Lot Line Adjustment/Merger
- ☐ Second Unit
- ☐ Temp Mobile Home
- ☐ Cell Tower
- ☒ Extensions
- ☐ Development Agreement
- ☐ Landscape Review
- ☐ Final Map/ Imp. Plan Submittal

Please indicate if all correspondence is to be sent to: ☒ The Applicant ☐ The Representative ☐ The Property OwnerDescription of Request (please be specific): Extension of Tentative map for 24 months
12Project Location: Santa Fe 4 Snodgrass Current General Plan Designation: PDAssessor's Parcel Number: 062-020-0254-010 Current Zone District: _____
(ATTACH SEPARATE LEGAL DESCRIPTION)**APPLICANT/REPRESENTATIVE:** I have reviewed this completed application and the attached material. The information provided is accurate. I understand the city might not approve this request, or might set conditions of approval.

Sign _____

Date 2-20-19**PROPERTY OWNER/AUTHORIZED AGENT:** I have read this completed application and consent to its filing.
(Notarized letter of Agency may be required)

Sign _____

Date 2-20-2019

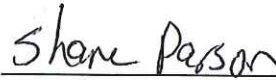
SIGNATURE PAGE

Consent of Applicant and Property Owner(s):

The consent of the applicant and property owner, if not the applicant, is required for filing an application for a land use development permit within the City of Riverbank. The signatures of the applicant and property owner(s) below constitutes consent for filing of this application. *Applicants shall be responsible for all costs and fees associated with their application.* The applicant shall be responsible for maintaining a zero balance with the Services Development Department for the City of Riverbank. If a negative balance occurs, it may cause the application to become incomplete until sufficient funds are paid to the City of Riverbank.

1. 

Property Owner(s) Signature(s)

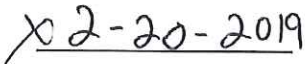


Print Name

2. _____

Property Owner(s) Signature(s)

Print Name



Date



Applicants Signature



Print Name



Date

**CITY OF RIVERBANK
PLANNING COMMISSION
STAFF REPORT**

Agenda Item No. 3.1

March 20, 2019

APPLICATION:	Me and Mike's Pizza, LLC CUP 01-2019 – Pizza Plus - Request for Conditional Use Permit (CUP) 01-2019 (License Type 41 – On-Sale Beer and Wine, General Eating Place) to serve alcohol (beer and wine) at the new Pizza Plus restaurant and banquet room. Property is located at 3325 and 3327 Santa Fe Street, APN: 132-009-060, within the Downtown Core Zoning District of the Downtown Specific Plan.
LOCATION:	3325 and 3327 Santa Fe Street APN: 132-009-060
GENERAL PLAN:	Mixed Use (MU)
ZONING:	Downtown Core Zoning District / Downtown Specific Plan
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).
PROJECT PLANNER:	Donna M. Kenney, Planning and Building Manager
RECOMMENDATION:	Conditionally approve the sale of alcoholic beverages for on premise consumption within a full service restaurant in the Downtown Core Zoning District.
ACROMYMS:	ABC – Alcoholic Beverage Control CEQA – California Environmental Quality Act CUP – Conditional Use Permit RMC – Riverbank Municipal Code SF or sf – Square Feet or Foot

I. EXECUTIVE SUMMARY:

The applicant, Me and Mike's Pizza LLC (DBA "Pizza Plus") is seeking a Conditional Use Permit ("CUP") to allow the sale of beer and wine for on-premises consumption (License Type 41), indoors only at a full service restaurant. With proper conditions addressing the sale of alcoholic beverages and property maintenance, the use is not expected to impact neighboring commercial uses.

II. BACKGROUND AND ANALYSIS:

The project business, Pizza Plus, has been operating for years under a lease at 3308 Santa Fe Street. The building at 3325 / 3327 Santa Fe Street recently came up for sale and the business owner “Me and Mike’s Pizza LLC” decided to purchase the building and move the restaurant across the street. The 4,623 sf clothing store converted into a restaurant with 117 seats will be open for business from 11 am to 10 pm daily. Approximately twelve (12) employees will be employed at five (5) employees per shift.

There is no outdoor seating proposed. Although there are two addresses, five internal doorways allow access between the two sides (Attachment 2). A smaller dining room seats 44 people and a larger banquet room with bar seats 73 people. A game room accommodates 27 players and the rest of the building contains the kitchen, food prep area, restrooms, and storage areas. A grease interceptor has been installed and a new trash enclosure has been deferred for a year. Signage will be obtained under a separate permit.

The applicant is working with ABC to transfer his existing Type 41 License (7/31/19 expiration date) to the new location because he would like to continue to offer patrons a glass of beer or wine with their pizzas. According to the Police Chief, the existing Pizza Plus does not generate any police activity. Across the street from its former location, the subject site is an appropriate place for alcohol service in connection with a bona fide eating place. Parking on this block of Santa Fe Street between Third and Fourth Streets may increase but should not change noticeably after the move. The site is within walking and biking distance for diners living and working in the downtown and mere blocks from bus stops.

The General Plan designation of both the existing and proposed Pizza Plus sites is Mixed Use (MU). This MU designation accommodates neighborhood-scale retail uses, office uses, personal and commercial services, and similar land uses. This land use designation is anticipated to be mainly nonresidential; however, this designation also explicitly allows for higher-density residential development in a vertical or horizontal mixed-use setting. There is no housing proposed for this project nor is any required to satisfy a Mixed Use designation.

The zoning designation of both the existing and proposed sites is Downtown Core in the Downtown Specific Plan. Under the subcategory of General Commercial, this zoning district allows eating and/or drinking establishments to serve alcoholic beverages after obtaining a conditional use permit. Conditional Use Permits “run with the land” so if a business moves, a CUP must be obtained for the new location. The closest business to this site that served alcohol was the Red Carpet Bar at 3319 Santa Fe Street, which closed several months ago and its ABC license allowed to expire on February 28, 2019. The second closest business serving alcohol is Carolina’s at 3222 Santa Fe Street whose ABC license will expire February 29, 2020. There are other Type 41 Licenses at various locations along Atchison Street and Type 20s (grocery stores selling packaged liquor) further south on Third Street.

III. ENVIRONMENTAL DETERMINATION:

The project will have minimal impact upon the environment and meets all applicable criteria to qualify as categorically exempt from further review under CEQA. The project meets the criteria of Article 19 Categorical Exemptions 15332 (a-e) In-Fill Development Projects. The project is consistent with the Riverbank Special Planning Commission Meeting

Staff Report 3.1

Meeting of March 20, 2019

Page 2 of 3

applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

IV. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Riverbank News on March 6, 2019 and posted at City Hall North and South on March 6, 2019. In addition, the Applicant posted a Notice of Development Permit Application at 3325 / 3327 Santa Fe Street on March 7, 2019 and notices were distributed to residents and business within 300-feet of the Project site in accordance with City standard practices. At the time of writing this Staff Report (March 14, 2019), the City has not received any written public comment. Written comments received by the City shall be supplied to the Commission at the day of the meeting and read into the public record.

V. RECOMMENDATION:

Find that the project is categorically exempt under Article 19 Section 15332 (a-e), and approve the Conditional Use Permit pursuant to findings and conditions contained in attached Resolution 2019-008.

VI. ATTACHMENTS:

1. Resolution No. 2019-008
2. Site Plan & Floor Plan

Respectfully Submitted By:

Donna M. Kenney
Planning and Building Manager

**City of Riverbank
Planning Commission
Resolution No. 2019-008**

A Resolution of the Planning Commission of the City of Riverbank Approving a Conditional Use Permit for the Sale of Alcoholic Beverages for On Premises Consumption (Type 41 License) in a Full Service Restaurant within the Downtown Core Zoning District of the Downtown Specific Plan, Located at 3325 and 3327 Santa Fe Street, APN: 132-009-060.

Whereas, the proposed sale of permitted alcoholic beverages is located within the Downtown Specific Plan APN: 132-009-060; and

Whereas, the property has a General Plan Land Use Element Designation of Mixed Use (MU); and

Whereas, the Mixed Use designation is the primary category for Riverbank to accommodate neighborhood-serving retail, services, offices, and similar needs during the buildout of the General Plan; and

Whereas, the proposed conditional use permit for Me and Mike's Pizza, LLC DBA "Pizza Plus" would allow beer and wine sales within a full service restaurant within a former retail building located on Santa Fe Street between Third and Fourth Streets; and

Whereas, the property has a zoning designation of Downtown Core (DC) within the Downtown Specific Plan; and

Whereas, conditionally permitted uses in the DC District include "Eating and/or drinking establishments serving alcoholic beverages"; and

Whereas, this use permit shall only apply indoors and shall not apply to a patio area or an indoor expansion of the restaurant unless this CUP is amended by the Planning Commission in public hearing; and

Whereas, the City of Riverbank has had an undue concentration of licenses for the retailing of alcoholic beverages; and

Whereas, compliance with the conditions of this use permit is expected to mitigate impacts created by the retail sale of alcoholic beverages and will further the public convenience by providing the sale of alcoholic beverages within the existing downtown area.

Therefore, Be It Resolved by the Planning Commission of the City of Riverbank that it hereby approves the conditional use permit to allow the sale of beer and wine for on site consumption by Pizza Plus, 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 operator shall operate and abide under all conditions of the State of California Alcoholic Beverage Control Type 41 License, On-Sale Beer and Wine - Eating Place, in a full service restaurant. This Use Permit is not in effect outside of the building - there shall be no alcohol sales in any patio area or within an indoor expansion of the restaurant unless this Conditional Use Permit is amended by the Planning Commission.
3. The applicant shall insure that the sale of beer and wine does not cause any condition that will result in repeated activities that are harmful to the health, peace or safety of persons residing or working in the surrounding area. This includes, but is not limited to: disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises (especially in the late night or early morning hours), traffic violations, lewd conduct, or police detention and arrests.
4. This use permit is subject to a periodic review to monitor potential problems and for possible corrective action of the Department.
5. No variance from any City of Riverbank adopted code, policy or specification is granted or implied by the approval of this resolution.
6. Pizza Plus shall be prohibited from externally advertising or promoting specific or individual beer, wine and/or distilled spirits, including, but not limited to, window and exterior wall signage.
7. Pizza Plus shall not sell alcoholic beverages to underage minors pursuant to state and federal laws. The offering of sale of such will result in the automatic review and possible suspension of this use permit.
8. The retail sale of alcoholic beverages shall not adversely affect the peace, or safety within and adjacent to the downtown. If determined that selling such products are interfering with the normal operation of the area or quiet enjoyment of neighboring properties, the use permit may be reviewed for possible suspension of the license. It is expected that the retail establish will not result in repeated nuisance activities within the premises or in close proximity of the premises, including but not limited to disturbance of the peace, illegal drug

activity, harassment of passersby, acts of vandalism, excessive littering, loitering, graffiti, illegal parking, curfew violations, or police detentions and arrests.

9. That it does not result in violations to any applicable provision of any other city, state, or federal regulation, ordinance or statute.
10. The restaurant shall be assessed an additional \$250 annually during the routine annual business license renewal process to offset DUI police enforcement activities.

Passed and adopted by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th day of March 2019, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Attest:

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

Approved:

John Dinan, Chairperson
Planning Commission

