



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

Agenda

Tuesday, February 18, 2020 – 6:00 P.M.

CALL TO ORDER: Chair: John Dinan

ROLL CALL: Chair: John Dinan
Vice Chair: Steve Link
Commissioner: Mallorie Fenrich
Commissioner: Joan Stewart
Commissioner: Natasha Basso

Commissioner: Benjamin Reuben, 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 February 18, 2020 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, 2020.

Item 2.2: Approval of the February 18, 2020 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 17, 2019, Planning Commission Meeting having been read by the individual Commissioners and stands approved as submitted. *Commissioners to abstain: from the December 17, 2019 Planning Commission Meeting, Commissioner: None*

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PROCEDURES

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

Item 3.2: Presentation to outgoing Commissioners.

4. PLANNING COMMISSION PUBLIC HEARINGS

Item 4.1: **Development Agreement No. 02-2019 - Rod Lowe – River Run Subdivision -**
The project consists of a Development Agreement for the previously approved River Run subdivision project (TM, GPA, Rezone 02-2016) located at California and Central Avenues. The project site has a General Plan Land Use Designation of Low Density Residential (LDR) and is zoned Planned Development (PD). The adoption of a Development Agreement is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

Recommendation: Approval of Resolution #2020-001 to recommend approval of the Development Agreement to the City Council by roll call vote.

1st _____ 2nd _____

Item 4.2: **Architecture and Site Plan Review No. 01-2019 – McDonald’s**
The project consists of an Architecture and Site Plan Review application for McDonald’s at 6411 Oakdale Road (APN: 074-005-053), to expand the footprint of the building approximately 760 square feet for storage, add a second drive-thru lane, and relocate the trash enclosure. This project qualifies for an In-fill Exemption (15332 Class 32) as it is consistent with the General Plan and Zoning; is within city limits on a site of no more than five acres; has no value as habitat for endangered, rare, or threatened species; will not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can adequately be served by all required utilities and services.

Recommendation: Approval of Resolution #2020-002 by roll call vote to approve the Conditional Use Permit.

1st _____ 2nd _____

Item 4.3: At the time the agenda was due to be published, Development Agreement negotiations regarding this project were not complete between the City and Applicant, therefore staff would request that the Planning Commission consider continuation of the public hearing to date specific or cancellation of the public hearing in which case the item will be re-noticed and agenzized for a future Planning Commission meeting.

Development Agreement No. 03-2019 and Conditional Use Permit 01-2020 – Aeriz - The project consists of a Development Agreement and a Conditional Use Permit to permit commercial cannabis activities at 2906 Santa Fe Street (APN: 132-034-012, 132-023-020, 132-034-017, and 132-010-027). The project site has a General Plan Land Use Designation of Mixed Use (MU) and is zoned Cannery District (CD) within the Downtown Specific Plan. The Project is proposed to be phased with Phase I consisting of a cultivation operation in existing Building 4 and extraction, manufacturing, distribution, and retail operations in existing Building 5. Phase II will consist of cultivation operations in existing Buildings 1, 2, and 3. Phase III will consist of cultivation operations in a new Building with parking and landscape improvements.

Phase I and Phase II of the proposed project qualify for categorical exemptions pursuant to Section 15301 Existing Facilities of Title 14 of the California Code of Regulations, (d) restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use and none of the five buildings of Phases I and II are proposed for expansion. The development of Phase III will require architecture and site plan review with CEQA analysis to ensure compliance with the program EIR certified for the Downtown Specific Plan.

Recommendation: Approval of Resolution #2020-003 to recommend approval of the Development Agreement to the City Council by roll call vote.

1st _____ 2nd _____

Recommendation: Approval of Resolution #2020-004 by roll call vote to approve the Conditional Use Permit.

1st _____ 2nd _____

5. PLANNING COMMISSION COMMENTS

None.

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

None.

7. STAFF COMMENTS (Information Only – No Action)

Item 7.1: 1/28/20 City Council Meeting Update.

8. ADJOURNMENT - Regular Planning Commission meeting – March 17, 2020 @ 6:00 p.m.

AFFIDAVIT OF POSTING

I, hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the hearings/meeting in accordance to the California Ralph M. Brown Act.

Posted this 7th of February 2020

/s/Janet Smullen, Sr. CDS, City of Riverbank

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

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

COMMISSION AGENDA & REPORTS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires 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, that are not privileged, 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.

Any documents that are not privileged or part of a Closed Session provided to a majority of the Planning Commission Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours.