



CITY OF RIVERBANK
Regular Planning Commission Meeting
Tuesday, March 21, 2023 AT 6:00 P.M.
 Council Chambers, 6707 Third St., Suite B, Riverbank CA 95367

PLANNING COMMISSION AGENDA

TUESDAY, MARCH 21, 2023 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

CALL TO ORDER: Chair: Steve Link

ROLL CALL: Chair: Steve Link
 Vice Chair: Natasha Basso
 Commissioner: John Dinan
 Commissioner: Joan Stewart
 Commissioner: Benjamin Reuben
 Commissioner: Vacant

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

2. CONSENT CALENDAR
 All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commission Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the Planning Commission.

Item 2.1: Posting of the Agenda. The Agenda for the March 21, 2023 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, 2023.

Item 2.2: Approval of the March 21, 2023 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 20, 2022 Planning Commission Meeting, having been read by the individual Planning Commissioners and stands approved as submitted. *Abstain from voting: Joan Stewart.*

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. Current order is: Chair Link, Vice Chair Basso, Commissioners Dinan, Reuben, and Stewart. Alternate Commissioner is vacant.

New order: Chair Basso, Vice Chair Stewart, Commissioners Dinan, Rueben, Zamora. Alternate Commissioners Link and Halterman

4. PLANNING COMMISSION PRESENTATION

Item 4.1: Annual General Plan and Housing Element Report

5. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Items 5.1, 5.2, 5.3, and 5.4 was published on March 8, 2023 in the Riverbank News.

Item 5.1: Architecture and Site Plan Review 03-2023 (Dept. File #23-0004) – Ward Villas/McRoy Wilbur Communities, Inc – 2912 Ward Avenue (APN 132-036-003).

The project is the Architecture and Site Plan Review of the floor plans and elevations for 28 homes in the approved Ward Villas subdivision. The applicant proposes duets on zero lot lines. The proposed project will not have a significant effect on the environment and is not a Project pursuant to CEQA Guidelines.

Recommendation:

Approve Resolution 2023-001 to approve the ASPR.

1st _____ 2nd _____

Item 5.2: Architecture and Site Plan Review 02-2023 (Dept. File #23-0002) – Diamond Bar East/LGI Homes – 4424 Santa Fe Street (APN 062-020-010/-025).

The project is the Architecture and Site Plan Review of the floor plans and elevations for 83 homes in the approved Diamond Bar East subdivision. A larger number of lots was originally proposed but the basin was enlarged to make it a regional basin. The proposed project will not have a significant effect on the environment and is not a Project pursuant to CEQA Guidelines.

Recommendation:

Approve Resolution 2023-002 to approve the ASPR.

1st _____ 2nd _____

Item 5.3: Architecture and Site Plan Review 01-2023 (Dept. File #22-0031) – Countryside 2/DR Horton – (APN 062-022-019 & -022). The project is the Architecture and Site Plan Review of the floor plans and elevations for 34 homes in the approved Countryside 2 subdivision. The subdivision contains 40 homes but another developer has constructed 6 homes before selling the rest of the project. The proposed project will not have a significant effect on the environment and is not a Project pursuant to CEQA Guidelines.

Recommendation:

Approve Resolution 2023-003 to approve the ASPR.

1st _____ 2nd _____

Item 5.4: Conditional Use Permit 02-2023 (Dept. File #23-0003) – Black Diamond Event Center Alejandro Aguilar – 6701 Second Street (APN 132-010-051). The project is a Conditional Use Permit to serve alcohol (Type 47 License) in a bona fide eating establishment and to permit a dance hall. Both uses require a use permit per the Downtown Specific Plan. The property is located at 6701 Second Street APN 132-010-051. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Infill Development.

Recommendation:

Approve Resolution 2023-004 to approve the CUP.

1st _____ 2nd _____

6. PLANNING COMMISSION COMMENTS

None.

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

None.

8. STAFF COMMENTS (Information Only – No Action)

Item 8.1: April 18, 2023 meeting is canceled.

**9. ADJOURNMENT
Next Regular Planning Commission meeting – May 16, 2023 @ 6:00 pm**

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 meeting in accordance to the California Ralph M. Brown Act. Posted this _____ day of March, 2023.

/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 Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements. A notification of 48 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. (Exception: When a State statute requires that at a public hearing that includes a substantial number of the population that are not able to speak or understand English, the City should provide interpreters. This determination is left at the discretion of the City.)

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.

GENERAL INFORMATION

MEETING SCHEDULE: The 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.

City Hall Hours: City Hall is open to the public Monday through Thursday, 7:30 am – 5:30 pm.

QUESTIONS: Contact the Development Services Department at (209) 863-7138.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION
COMMENT PROCEDURES FOR THE PLANNING COMMISSION MEETING HELD
IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Charter Government Channel – 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the day of the meeting in order for them to be distributed to the Planning Commission prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 p.m., please call the Planning and Building Manager at (209) 863-7124.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367.
(Call 209-863-7124 / 209-863-7198 to ensure they were received.)
- **Via Email:** Email to dkenney@riverbank.org (Note: This technology is not a guaranteed method.)
Indicate Agenda Item # in the **subject line**.
(Call 209-863-7124 / 209-863-7198 to ensure receipt.)
- **Oral Comments In-Person:** The Chair will ask the public if anyone wishes to comment and at that time, you may approach the podium.
- **Oral Comments via Zoom:** The Chair will announce when public comments may be made for a limit of 5 minutes on the agenda item being considered, at which time you will:
(Please make sure the volume on your video device or any nearby device is turned down.)
 - **Using a computer** – Click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak and you will be unmuted.
 - **Using a Phone** – Press *9 to “raise hand”. This will alert staff that you wish to speak and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that the Commission may receive your comments. The Commission will be waiting for your call. Thank you.

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/82147035124>

- Join by accessing website: <https://zoom.us/join>, enter Webinar ID: 82147035124
- Join by telephone: 1-669-444-9171 OR 1-669-900-9128, enter Webinar ID: 82147035124

Learn about using ZOOM: - Visit <https://zoom.us/j/94943925973?status+success> for a free account or to download the application.