



**CITY OF RIVERBANK**  
**Regular Planning Commission Board Hybrid Meeting**  
**(Virtual via ZOOM)**  
**Tuesday, September 20, 2022 AT 6:00 P.M.**  
 Council Chambers, 6707 Third St., Ste B, Riverbank CA 95367

## PLANNING COMMISSION AGENDA

TUESDAY, SEPTEMBER 20, 2022 – 6:00 P.M.

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

**NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES. WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.**

**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 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 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 Board.

**Item 2.1:** Posting of the Agenda. The Agenda for the September 20, 2022 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 15, 2022.

**Item 2.2:** Approval of the September 20, 2022 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 21, 2022 & July 19, 2022 Planning Commission Meetings, having been read by the individual Commissioners and stands approved as submitted. *Abstain from voting: None.*

**Recommendation:** Approval by roll call vote.

1st \_\_\_\_\_ 2nd \_\_\_\_\_

**3. PLANNING COMMISSION PUBLIC HEARINGS**  
The public notice for Items 3.1 & 3.2 was published on September 7, 2022 in the Riverbank News.

**Item 3.1:** Conditional Use Permit 03-2022 (Dept. File #22-0025) – El Jacalito / DBA: Rio Grande LLC / Joaquin Rodriguez – 3203 Atchison Street (APN 132-004-049). The applicant requests a CUP (License Type 41 – On-Sale Beer and Wine, Eating Establishment) to serve beer and wine at the existing restaurant. Property is located at 3203 Atchison Street, APN: 132-004-049. 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 2022-010 to approve the Conditional Use Permit for a Type 41 Alcohol license.

1st \_\_\_\_\_ 2nd \_\_\_\_\_

**Item 3.2:** Architecture and Site Plan Review 04-2022 and Variance 01-2022 (Dept. File #22-0017) – Dutch Brothers Coffee / Barghausen Consulting Engineers, Inc. – 2300 Patterson Road (APN 075-011-002). The project is the review of a 950 sf coffee shop with drive-through and walk-up windows and a variance to allow the east façade to be used to calculate signage and to permit 3 parking spaces to encroach into a side setback. 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 2022-011 to approve the Architecture and Site Plan Review for Dutch Brothers Coffee.

1st \_\_\_\_\_ 2nd \_\_\_\_\_

**Recommendation:** Approve Resolution 2022-012 to approve a Variance for Dutch Brothers Coffee.

1st \_\_\_\_\_ 2nd \_\_\_\_\_

**4. PLANNING COMMISSION COMMENTS**

None.

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

None.

**6. STAFF COMMENTS (Information Only – No Action)**

None.

**7. ADJOURNMENT  
Next Regular Planning Commission meeting – October 18, 2022 @ 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 15th day of September, 2022  
*/s/ Janet Smallsen, 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](mailto: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.)

**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](http://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 Developmental Services Department at (209) 863-7191.



## TELECONFERENCE/VIRUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE HYBRID CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361

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### PUBLIC “LIVE” VIEWING

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- Via ZOOM Platform (See instructions below)

### SUBMITTING PUBLIC COMMENTS FOR THE RECORD

**Written Comments via Mail Service:** Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received **by 4:00 p.m.** on the day of the meeting. To ensure receipt call the Manager at (209) 863-7124.)

**Written Comments via Email to [cityclerk@riverbank.org](mailto:cityclerk@riverbank.org):**

- Written comments must be received **by 4:00 p.m.** on the day of the meeting (Indicate Agenda Item # in the *subject line*.) Comments received will not be read aloud at the meeting, however, will be made part of the record and distributed to the Planning Commission prior to consideration of the matter.
- Technology is not a 100% proven communication tool; therefore, you are asked to call the Planning and Building Manager at (209) 863-7124 to verify receipt of your comments.

**Join via ZOOM Platform:**

- **Learn about using ZOOM** - visit <https://support.zoom.us/hc/en-us/categories/201146643>
- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- Join by this link: <https://us02web.zoom.us/j/89239942912>
- Join by accessing website: <https://zoom.us/join>
  - **Webinar ID:892 3994 2912**
- Join by telephone:**1 669 900 9128 or 1 346 248 7799, plus Webinar ID**

**ORAL COMMENTS VIA ZOOM:** The Chair will announce when public comments may be made for the agenda item being considered, at which time you will:

- Using a computer – click on the “raise hand” feature in the webinar controls. This will let us know you wish to speak.
  - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- Using a Phone – press \*9 to “raise the hand”.
  - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

**ORAL COMMENTS IN-PERSON:** The Chair will ask the audience if anyone wishes to comment, at that time you may approach the podium.

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 Council may receive your comments. Council will be waiting for your call. Thank you

#### JOIN THE MEETING VIA ZOOM PLATFORM

- Join by this link: <https://us02web.zoom.us/j/89239942912>
- Join by accessing website: <https://zoom.us/join> , enter Webinar ID: 89239942912
- Join by telephone: 1 669 900 9128 or 1 346 248 7799, plus Webinar ID 89239942912

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

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.
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