



CITY OF RIVERBANK
PLANNING COMMISSION HYBRID MEETING
(In-Person: Face Covering Required, and Virtual via ZOOM)
Tuesday, April 19, 2022 AT 6:00 P.M.

PLANNING COMMISSION AGENDA

TUESDAY, APRIL 19, 2022 – 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE PLANNING DEPARTMENTS OFFICE AND AT WWW.RIVERBANK.ORG)

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 ACT AND THE RECENT STANISLAUS COUNTY HEALTH OFFICER'S MANDATORY FACE COVERING ORDER (SEPT.2, 2021). 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, Alternate

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 April 19, 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 April 14, 2022.

Item 2.2: Approval of the April 19, 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.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

Item 2.3: Approval of the Minutes of the March 15, 2022 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. *Abstain from voting: Commission Basso.*

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Items 3.1, 3.2, and 3.3 was published on April 6, 2022 in the Riverbank News.

Item 3.1: **Conditional Use Permit 01-2022 (Dept. File #22-0005) – VARR, Inc., Pump House – 3301 Atchison Street (APN 132-004-045).** The applicant requests a CUP (License Type 47 – On-Sale General Eating Place) to serve alcohol, beer and wine at the new Pump House bar and grill. Property is located at 3301 Atchison Street, APN: 132-004-045. 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 2022-002 to approve the Conditional Use Permit to serve alcohol.

1st _____ 2nd _____

Item 3.2: **Development Agreement No. 03-2021 (Dept. File #21-0021) – SCM Hearthstone LLC, The Heritage Collection at Sierra Street Subdivision - 6448 Claus Road (APN 062-020-001).** The project consists of a Development Agreement for The Heritage Collection at Sierra Street subdivision project located at 6448 Claus Road (APN 062-020-001). The project site has a General Plan Land Use Designation of Medium Density Residential (MDR) 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: Approve Resolution 2022-003 to recommend approval of the Development Agreement to the City Council.

1st _____ 2nd _____

Item 3.3: **General Plan Amendment 01-2021 and Rezone 02-2021 (Dept. File #21-0024) – Pocket Avenue Senior Apartment Complex – 3318 Pocket Avenue (APN 075-090-063).** The applicant requests a General Plan Amendment to modify the existing Low Density Residential (LDR) land-use designation to High Density Residential (HDR) and to rezone the existing Single Family Residential (R-1) site to Planned Development (PD) for a proposed 40-unit senior apartment complex on 2.01 acres. The subject site is 3318 Pocket Avenue. Pursuant to the California Environmental Quality Act, the proposed Project is exempt pursuant to CEQA Guidelines Section 21159.21 (a-j) Exemption for Qualified Housing Projects.

Recommendation: Approve Resolution 2022-004 to recommend approval of the GPA and Resolution 2022-005 to recommend approval of the Rezone to the City Council.

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 – May 17, 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 14th day of April, 2022

/s/ *Janet Smullen, Sr. CDB, 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.)

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 Developmental Services Department at (209) 863-7191.

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 immediately made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours and posted on the City's Planning Commission agenda webpage <http://www.riverbank.org/agendacenter>.



**PUBLIC PARTICIPATION PROCEDURES
FOR THE PLANNING COMMISSION MEETINGS HELD IN A IN
CONFORMANCE WITH THE BROWN ACT AS AMENDED BY SB 361**

PUBLIC “LIVE” VIEWING

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

SUBMITTING PUBLIC COMMENTS

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:

- 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/85397650954>
- Join by accessing website: <https://zoom.us/join>
 - **Webinar ID:853-9765-0954**
- 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.