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

Agenda
Tuesday, August 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 August 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 August 16, 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 March 20, 2019 Special Planning Commission Meeting and April 16, 2019 Planning Commission Meeting, having been read by the individual Commissioners and stands approved as submitted. Commissioners to abstain: from the April 16, 2019 Planning Commission Meeting, Commissioner: Hughes.

Recommended: Approval by roll call vote.
3. PLANNING COMMISSION PUBLIC HEARINGS

Item 3.1: Lucky House, LLC CUP 02-2019 – Request for CUP 02-2019 (License Type 41 – On-Sale General Eating Place) to serve alcohol, beer and wine at the newly remodeled Lucky House restaurant. Property is located at 2730 Patterson Road, APN: 075-010-062.

Recommendation: Approval by roll call vote

1st__________________________________ 2nd ________________________________

4. PLANNING COMMISSION DIRECTION (Request from Staff)

Item 4.1: Downtown Murals – Staff Direction

Item 4.2: Tiny Houses – Staff Direction

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

None.

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

None.

7. STAFF COMMENTS (Information Only – No Action)

Item 7.1: City Council Meeting Updates.

8. ADJOURNMENT - Regular Planning Commission meeting – September 17, 2019 @ 6:00 p.m.
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 ismallen@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
NOTICE OF PUBLIC HEARING

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

Project Description:

Lucky House, LLC CUP 02-2019 – Request for CUP 02-2019 (License Type 41 – On-Sale General Eating Place) to serve alcohol, beer and wine at the newly remodeled Lucky House restaurant. Property is located at 2730 Patterson Road, APN: 075-010-062.

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

Planning Commission Meeting
August 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 August 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).
August 7, 2019

Subject: Lucky House Restaurant, Located at 2730 Patterson Rd., APN: 075-010-065.

To whom it may concern:

This letter is to inform you about the Conditional Use Permit request for Lucky House, since you reside within 300 feet of the purposed project.

**Project Description:**

*Lucky House, LLC CUP 02-2019* – Request for CUP 02-2019 (License Type 41 – On-Sale General Eating Place) to serve alcohol, beer and wine at the newly remodeled Lucky House restaurant. Property is located at 2730 Patterson Road, APN: 075-010-062.

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Aug 7, 2019
RN#19-077
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 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.

**ACTION:** By motion moved/second (Stewart/ Hughes / passed 4-0) was approved as submitted; motion carried by unanimous roll call vote.

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

Nays: None

Riverbank Special Planning Commission
Minutes from March 20, 2019
Page 1 of 3
Absent: None

Abstained: 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.

- Chair Dinan had separated Item 2.4 as a separate item from Items 2.1 – 2.3.
- Donna M. Kenney provided the Commissions with the history of the project as it was approved prior to them being appointed.

**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

### 3. PUBLIC HEARING PRESENTATIONS

**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.

- Donna M. Kenney presented Item 3.1 and Power Point.
- Public Hearing was opened up at 6:15 p.m. being no comments the public hearing was closed.
- Being no further comments the item was voted on.

**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

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

None.

### 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 Meeting, of the CRWSP.
• The Commission would like to know when it will go before LAFCO, so they could attend.

7. **ADJOURNMENT** - Regular Planning Commission meeting – April 17, 2019 @ 6:00 p.m.

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**ATTEST:**

Donna M. Kenney,  
Planning and Building Manager

**APPROVED:**

John Dinan, Chair  
Planning Commission
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, Fenrich and Alternate Link

**Absent:** Hughes

**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 April 16, 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 April 12, 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 / Link / 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: Hughes*

*Abstained: None*
3. PUBLIC HEARING PRESENTATIONS

**Item 3.1:** Development Agreement No. 01-2019 and Conditional Use Permit 02-2019 / Dept. File# 19-0001 – Canna+Rise - The project consists of a Development Agreement (DA) and a Conditional Use Permit (CUP) to permit a cannabis distribution facility (wholesale to wholesale) at 5729 Terminal Avenue (APN: 075-020-016). The project site consists of an existing approximately 6,000 square foot building on an industrial parcel of approximately one (1) acre in size. Parking lot and landscaping were previously installed. The project site has a General Plan Land Use Designation of Industrial/Business Park and is Zoned Light Industrial (M-1).

- Donna M. Kenney, Building and Planning Manager presented item 3.1 and Power Point.
- Public Hearing was opened at 6:16 p.m.
- Lauri Avey was opposed to the project and stated there is a school bus stop just across from the project on Terminal and Reich.
- Evelyn Halbert also was opposed to the project and concerned to what will be going on with the process.
- Laurie Avey also had question to the process of the project.
- Don Avey also was opposed to the project and the proximity being next to a residential neighborhood and a school bus stop. Also had concerns of the process they would be doing inside the building along with odor.
- Public Hearing was closed at 6:26 p.m.
- Planning Commissioners discussed project and asked questions.
- Vice Chair Ball had some questions on the fencing and if it would have an air filter system in the building.
- Commissioner Stewart asked about the location to the residential neighborhood near by and the size of vehicles they would be using.
- Applicant Julian Farhoud came up and answered the questions the Commission had on how the process would work.
- Commissioner Fenrich asked Julian Farhoud some questions.
- Applicants Julian Farhoud and Jason responded to questions and spoke on fencing and security.
- Commissioner Stewart asked to show where the bus stop was on Terminal on the site plan.
- Lori Avey came up and pointed out where it is located.
- Commissioner Fenrich asked the applicant if there would be any upgrades to the building or landscaping.
- Applicant stated that everything would be remaining the same.
- Commissioner Stewart asked how many employees they would have and hours of operation
- Julian Farhoud said they would have 8 – 12 employees and the hours of operation would be M – F from 8 to 5p.m.
• Donna M. Kenney also responded to the Commissions questions and stated that the pickup time for the bus in the morning would be before operating hours of the applicant.

• City Attorney Nubia also responded to some of the questions that were brought up.
  • Testing – Per the State it is done by 3rd party.
  • Manufacturing – That there is no manufacturing occurring onsite. It is only processing and have to meet State Standards.
  • Odor and smell – It’s addressed in the Development Agreement and that anytime there are complaints they city can address and always pull permit.

• Being no further comments the Commission voted on item 3.1.

**ACTION:** By motion moved/second (Ball / Fenrich / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Resolution #2019-010 to recommend approval of the Development Agreement (DA) to the City Council.*

  *Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link.*
  *Nays: None*
  *Absent: Hughes*
  *Abstained: None*

**ACTION:** By motion moved/second (Ball / Stewart / passed 5-0) was approved as submitted; motion carried by unanimous roll call vote. *Approval of Resolution #2019-009 to approve the Conditional Use Permit (CUP).*

  *Ayes: Planning Commissioners: Dinan, Ball, Stewart, Fenrich and Link*
  *Nays: None*
  *Absent: Hughes*
  *Abstained: None*

4. **PRESENTATION (Informational Only – No Action)**

**Item 4.1:** GP and HE Report Yearly Presentation

• Donna M. Kenney, Building and Planning Manager presented item 4.1 and Power Point.

• Commission asked Donna some questions.

• Donna M. Kenney responded to Commissions questions.

5. **PLANNING COMMISSION COMMENTS (Information Only – No Action)**

None.

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

None.

7. **STAFF COMMENTS (Informational Only – No Action)**

**Item 7.1:** City Council Meeting Updates.
• Donna M. Kenney, gave an update on the pilot program for Taco Trucks within the city. Currently they have issued one license for shaved ice to be at Castleberg Park. Still waiting on other applicants to submit applications.

• Donna M. Kenney informed everyone that Pizza Plus is now open and they did a great job on remodel and it looks wonderful.

8. **ADJOURNMENT - Regular Planning Commission meeting – May 21, 2019 @ 6:00 p.m.**

ATTEST: ____________________________________________________

Donna M. Kenney,
Planning and Building Manager

APPROVED: ____________________________________________________

John Dinan, Chair
Planning Commission
APPLICATION: Lucky House, LLC CUP 02-2019 – Lucky House - Request for Conditional Use Permit (CUP) 02-2019 (License Type 41 – On-Sale Beer and Wine, General Eating Place) to serve alcohol (beer and wine) at the newly remodeled restaurant. Property is located at 2730 Patterson Road, APN: 075-010-065.

LOCATION: 2730 Patterson Road
APN: 075-010-065

GENERAL PLAN: Mixed Use (MU)

ZONING: Mixed Use (CX-1)

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.

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, Lucky House LLC (DBA “Lucky House”) 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:

Lucky House restaurant has been in operation at 2730 Patterson Road under the current business owners since 2004. The owners are completing an interior remodel and would like to sell beer and wine for on-site consumption when they reopen. The remodeled restaurant now has seating for forty customers (40), including new ADA seating, new ADA compliant restrooms, and a newly remodeled kitchen and freezers. Flower boxes with drip irrigation, a coating of asphalt and newly painted parking spaces will be completed at the end of this month. There is no outdoor seating proposed at this time. A grease interceptor is existing and a new trash enclosure has been deferred for one (1) year. Curb, gutter, and sidewalks have been deferred until the City and/or Caltrans has a project in that area of Patterson Road. The business will be open Tuesdays through Sundays from 11:00 am to 9:00 pm daily. Approximately six (6) employees will be working the one shift each day.

The General Plan designation of the Lucky House site 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 the site is Mixed Use (CX-1) in the Municipal Code. Under §153.067 (G)(2), this zoning district allows full service restaurants to serve alcoholic beverages after obtaining a conditional use permit (“CUP”). There are other Type 41 Licenses at various restaurant locations along Patterson Road plus Type 20 licenses (grocery stores selling packaged liquor) along Patterson as well. In the future, if the restaurant were to expand to include outdoor seating with the approximately 480 sf of current restaurant seating, an amendment to the CUP would be required to cover the new seating area. This amendment would come before the Planning Commission.

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 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 August 7, 2019 and posted at City Hall North and South on August 7, 2019. In addition, the Applicant posted a Notice of Development Permit Application at 3325 / 3327 Santa Fe Street on August 10, 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 (August 4, 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.

Riverbank Planning Commission
Staff Report 3.1
Meeting of August 20, 2019
Page 2 of 3
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 2019-011.

VI. ATTACHMENTS:

1. Resolution No. 2019-011
2. Floor Plan

Respectfully Submitted By:

Donna M. Kenney
Donna M. Kenney
Planning and Building Manager
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 Located at 2730 Patterson Road APN: 075-010-062.

Whereas, the proposed sale of permitted alcoholic beverages is located within the City of Riverbank at 2730 Patterson Road (APN: 075-010-062); and

Whereas, the property has a General Plan Land Use Element Designation of Community Commercial (CC); and

Whereas, the Community Commercial designation is the primary category for Riverbank to accommodate retail, employment, and/or commercial services located along major roadways on the periphery of existing and planned neighborhoods during the buildout of the General Plan; and

Whereas, the proposed conditional use permit for Huaug Yong Wei, DBA “Lucky House” would allow beer and wine sales within a full service restaurant located on Patterson Road between Callander Avenue and Howard Avenue; and

Whereas, the property has a zoning designation of Mixed Use (CX-1); and

Whereas, conditionally permitted uses in the CX-1 District include “Sales of alcoholic beverages require a conditional use permit in accordance with §153.361 Retail Sale of 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 a commercial 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 Lucky House, 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. Lucky House 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. Lucky House 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.

11. The restaurant shall pay off all existing deficit accounts associated with processing this application by January 1, 2020.
12. Any expansion of the seating area of Lucky House, including patio seating, shall require an amendment to this CUP to serve alcohol in the new area.

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

AYES: 
NAYS: 
ABSENT: 
ABSTAIN: 

Attest: 
Approved: 

Donna M. Kenney, Secretary 
Planning and Building Manager

John Dinan, Chairperson 
Planning Commission
CITY OF RIVERBANK
PLANNING COMMISSION

STAFF REPORT

ITEM NO: 4.1

APPLICATION: Discussion on Murals. The Planning Commission will have a discussion on the review of new murals on private property city-wide.

CEQA: A discussion is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

PROJECT PLANNER: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: That the Planning Commission reviews the provided information, takes public comment, and provides direction to staff.

ACRONYMS: ASPR – Architecture and Site Plan Review
CEQA – California Environmental Quality Act
CUP – Conditional Use Permit

I. BACKGROUND INFORMATION:

The City was recently approached by a downtown business which desires to paint a mural on the side of their building that faces an alley (Attachment 1). The design of this mural is to represent the calming health and wellness activities inside. Although there are currently murals downtown on private and public property, there is no established review process in the Downtown Specific Plan for approving murals. According to City staff who worked here in 2006-2008 when murals and mosaic art pieces were installed in the City, a former City Manager selected an artist and approved the designs for artwork downtown and in Crossroads. Planning has not been able to locate any historical documents that support or detract from this account.

The Downtown Specific Plan has some general principles, guidelines, and standards of how structures should look but nothing that speaks directly to murals:
➢ 2.3.1.A General Principles
1. Building Design Guidelines – Building should appear welcoming and support pedestrians through attractive façade design.
2. Building Design Guidelines – Buildings should be distinctive. Monotony should be avoided.
3. Finish and Articulation Standards – All visible building facades shall maintain a high degree of finish and articulation.

➢ 3.7.3 Alternative Development and Design Standards
1. Promote attractive and active streetscapes.

➢ Revitalization Strategies
6. Arts and Culture
   A. Expand Downtown’s role as a regional destination for arts and culture.
   5. Expand land uses that increase arts awareness, including for example, a visual arts gallery, fine art studios, art classes, and performance studios and classes.

➢ The Downtown Specific Plan does speak to the review of buildings with language that could be loosely interpreted to apply to murals (underline by staff for emphasis):
   • Site Plan Review – Any proposed construction or reconstruction of buildings and related facilities shall require Site Plan Review as established by the Riverbank Municipal Code and must adhere to the development standards and design guidelines contained in this Specific Plan. City review will address building placement and layout, architecture, landscape and open space design, parking location and design, signage location, and design of proposed conditions affecting the function and visual appearance of the project and its surroundings.

➢ Generally the Community Development Director may authorize minor adjustments to a development proposal not specified by or anticipated by this Plan. Should a mural be considered a minor adjustment if a building has previously had Architecture and Site Plan Review but a mural was not proposed at that time? What if the building is existing and proposes no construction but just wants a mural to spruce up a bare wall?

Some cities like Ventura and San Francisco have an Art Commission, which reviews murals and art installations. Others, like Palm Springs or Brookings, Oregon refer murals to a Public Art Committee for content and a Site Review Committee for location.

II. REQUEST FOR DIRECTION:

Staff requests the Planning Commission hold a conversation with the public to begin determining the community’s thoughts on murals and give staff some direction:
1. What is the appropriate process for reviewing murals – Architecture and Site Plan Review with the Planning Commission? Staff review? No review or oversight?
2. Should there be size limits? For example, a 50 sf mural would not need review, a 100 sf mural would need staff review, and anything larger would require Planning Commission review.
3. Should location matter? For example, should murals on the façade or street facing wall require Planning Commission approval but murals on buildings with interior lot sides or rear receive staff approval?
4. Should murals only be allowed in the Downtown Specific Plan area or city-wide?
5. Should a mural with text be considered a sign and not a true mural?
6. Should there be restrictions on topics or eras? For example, should murals be limited to past historical events or antique photos of Riverbank? Should those events depicted be pre-1900 or pre-2000? Could murals depict a vision of what Riverbank should or could be? Everyday life? Abstract art?

III. ATTACHMENTS:

1. Letter and Proposed Mural

Respectfully Submitted By:

Donna M. Kenney
Planning and Building Manager
Attachment 1

6/24/2019

ATTN: Planning Department
Project: Proposed Mural for 6609 3rd St, Downtown Riverbank

The main focal point of our mural features a feminine mother earth/Buddha like figure resting in nature. It is meant to be a reminder of peace and serenity. We encourage our customers to mind their overall wellness by providing our complimentary holistic services such as yoga, reiki, and aromatherapy.

The artist is from Fresno and intends to use paint and spray paint to complete the mural. We are intending to have the mural located on the side of the building facing the alleyway, please see attached photos. The design would reach approximately 1 story high on our building and span most of the length of the building width wise.

Our property owner, Mr. Chavez has given his full approval of us painting murals on the building as well. If you need him to submit a letter stating this, please let me know.

Please feel free to reach out if you have any questions or need additional information.

With Gratitude,
Danielle Gravelle
Director, Riverbank Cannabis Co.
831-332-2766 | riverbankwellness@gmail.com
ITEM NO: 4.2  
APPLICATION: Discussion on Tiny Houses. The Planning Commission will have a discussion on Tiny Houses for consideration of possible housing solutions.

CEQA: A discussion is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

PROJECT PLANNER: Gabriel Salazar, Associate Planner  
Donna M. Kenney, Planning and Building Manager

RECOMMENDATION: That the Planning Commission reviews the provided information, takes public comment, and provides direction to staff.

ACRONYMS: ADU – Accessory Dwelling Unit  
ASPR - Architecture and Site Plan Review  
CEQA – California Environmental Quality Act  
JADU – Junior Accessory Dwelling Unit

I. BACKGROUND INFORMATION:

The State of California (“State”) is experiencing a significant shortage of housing for its residents. To address this challenge of insufficient housing, the State requires that cities and counties encourage housing developers and work with them towards increasing the number of housing units annually. As part of the Regional Housing Needs Determination for the State’s Housing Element process for Stanislaus County, for the period of January 1, 2014 through September 30, 2023, the housing need is 21,330 units county-wide. In April 2019, the Modesto Bee noted that Riverbank produced 71 new housing units of low-priced, affordable housing for 2017-2019. We produced over 40 market rate homes during this same time period. Even with Riverbank as one of the leaders in housing production in the county, the overall number in new housing production county-wide is approximately
3% of the 21,330 housing unit objective, where at this juncture it should be closer to 25% of that objective.

The 2005-2025 City of Riverbank General Plan indicates that California State Housing laws require each community to plan for its fair share of housing affordable to the full range of income groups. The 2005-2025 General Plan Land Use Element estimates 10,700 new dwelling units could be accommodated in the City by 2025, but the addition of 2,100 units in Crossroads West and approximately 400 new homes on the east side of town shows we are far below that estimate and our contribution to the county-wide need. The City is required to submit an annual report to the Office of Planning and Research and the Department of Housing and Community Development on the status of its Housing Element goals and objectives and progress in its implementation. Considering the lack of affordable housing, increasing housing costs, and homelessness, Riverbank must determine a way to join cities state-wide in working with housing developers and social service providers to develop new solutions to these problems.

Tiny houses (Attachment 1) have increasingly come to the forefront in the discussions and creative plans of some cities to address these issues. Tiny houses are becoming popular for a variety of reasons such as size, character, temporary and transportable ability, and affordability. The most common are constructed on wheeled frames, but there are many modulars and Amazon models that have a foundation. Thus, there are two basic types: those with a permanent foundation and those with wheels. Wheels can be either temporarily or permanently removed.

**Topics of this discussion item include:**

**Size**

With respect to the size of the tiny house, they have a wide range of sizes and are typically determined by the jurisdiction in their land-use regulations. For example, Rockledge, Florida allows tiny houses which range in size from 170 square feet to 1,100 square feet, while Portland, Oregon limits the size to 400 square feet. Spur, Texas allows them to a maximum area of 900 square feet. Santa Rosa has Junior Accessory Dwelling Units (JADUs) that are limited to 500 square feet maximum (Attachment 2). The International Residential Code defines the size of a tiny house as 400 square feet. If the City of Riverbank were to allow tiny houses, an ordinance amendment would be needed because the Municipal Code requires houses to be a minimum of 900 square feet in size. If the City were to permit tiny houses, what range of sizes might be appropriate? Wheels or foundations or a combination?

**Placement**

Cities and counties must also define the appropriate location for tiny houses. For example, Los Angeles, Portland, and Seattle allow them but only as accessory dwelling units. The City of Fresno allows them as well, under the Backyard Cottage category but also as accessory dwelling units. Accessory Dwelling Units are residential units, secondary to a primary residential dwelling unit and located usually in the rear yard of a lot. Other jurisdictions have been more flexible and allow for tiny houses in a wider range...
of zoning districts. For example, El Paso County in Colorado allows them in Agricultural, Residential and Recreational Vehicle Park Zoning Districts. The County of Sonoma permits Cottage Housing Developments (Attachment 3) and special permits for integration into mobile home parks while the City of Santa Rosa has Junior Accessory Dwelling Units (“JADUs”) for rear yards with a maximum size of 500 square feet, which do not require plumbing.

If the City of Riverbank were to allow tiny houses, thought must be given to the appropriate zoning districts. Single family or duplex residential (R-1 or R-2) zoning could allow one or two tiny houses in place of an accessory dwelling unit. Multifamily residential zoning (R-3) could permit a cluster of them on one lot for multigenerational/large family housing. Public/Quasi Public (P/QP) zoning could permit housing for the homeless, managed by a nonprofit.

**Purpose**
The County of El Paso allows people to live in a tiny house for up to 12 months, and only if the property owner’s primary home is under construction. However, they are also allowed for permanent residential living provided the following is met: a unit is built on a permanent chassis with no attached motor as the means of propulsion; it is constructed to ANSI RVIA standards or certified by a professional structural engineer; or it is to be used as a dwelling unit with the exterior appearance of a single-family house. These requirements also extend to tiny houses on single lots and in recreational vehicle parks.

Tiny Homes Detroit is a program implemented in that city which provides a means for low-income individuals to become homeowners through tiny houses constructed by Cass Social Services. This model is the only rent-to-own model in the country. The houses range from 250 to 400 square feet in size and each one is architecturally different and on a foundation. Residents come from a variety of experiences (formerly homeless people, senior citizens, college students, and former employees). A similar program in Riverbank in partnership with the County or nonprofits could help veterans, families breaking the domestic violence cycle, or aged-out foster kids trying to find their place in the world.

The City of Rockledge, Florida allows the use of a tiny house for permanent, residential purposes. Their development code also allows the cluster development of tiny houses where there may be up to 12 in an area and of which a maximum of 4 can be on wheels. Santa Rosa is also allowing them for displaced fire victims while their homes are being rebuilt.

**Process and Fees**
How a tiny house is processed and what fees it will require could make or break a program. Currently the City has several review processes it could use or modify to accommodate tiny houses. An accessory dwelling unit (“ADU”) receives staff review pursuant to adopted standards and must apply for a building permit. A mobile home, modular, or traditional house on a single lot also receives staff review and must apply for a building permit. A multifamily project larger than a single fourplex must have Architecture and Site Plan Review (“ASPR”) by the Planning Commission. To bring a
project for ASPR requires deposits and fees totaling approximately $1,600. City impact fees on a single dwelling or accessory dwelling unit are approximately $27,500 plus school, fire, county, and city building permit and utility connection fees. No $10,000-$20,000 tiny homes will be constructed if their fees total over $40,000. Santa Rosa provides fee reductions based on the size and location (attached or detached) of the tiny house (Attachment 4).

On August 5, 2019, the American Planning Association released a report entitled Residential Impact Fees in California – Current Practices and Policy Considerations to Improve Implementation of Fees Governed by the Mitigation Fee Act, which surveyed 40 jurisdictions, provides an in-depth case study of 10 localities, and reports on interviews of almost 30 fee experts in an effort to compile Best Practices. Current fee practices are reviewed around fee transparency and to improve predictability, typical fee rate structures and proposals that would adjust fee structures are examined and weighed to better promote housing supply and affordability, the tools that localities use to design fee programs and analyze their potential impacts are outlined, and alternative options available to fund local infrastructure and outline the trade-offs of different approaches are considered in this report. If tiny houses are permitted in Riverbank, this study (among others) could provide a basis for determining their fees.

**SB2 Planning Grant**

In 2017, Governor Brown signed a 15-bill housing package aimed at addressing the state’s housing shortage and high housing costs. The Building Homes and Jobs Act (SB2, 2017) established a $75 recording fee on real estate documents to increase the affordable housing supply in California. As part of SB2 funding, local governments have an opportunity to receive funding and technical assistance from the State to prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production.

The State of California released a Notice of Funding Availability (Attachment 5) with a deadline of November 30, 2019 for funding requests. The City of Riverbank, if it moves in the direction of allowing tiny houses, may qualify for a planning grant available from the state. The SB2 grant would give Riverbank the opportunity to apply for monies in one of the state’s Priority Policy Areas such as the Accessory Dwelling Units or Other Innovative Building Strategies category. Such funding could be used to research and amend the zoning code to allow tiny houses in the City, to review and adjust the impact fees associated with constructing and permitting tiny houses (again, the current fees are greater than the cost of many tiny houses), and to determine how tiny houses could help Riverbank’s residents (including the homeless, low income, veterans, and aged-out foster children) obtain no cost or low cost housing.

**II. REQUEST FOR DIRECTION:**

Staff requests the Planning Commission hold a conversation with the public to begin determining:

1. Should tiny houses be considered a housing option in Riverbank?
2. If so, how large should a range of tiny houses be?
3. In which zones could tiny houses be constructed (R-1, R-3, PD)?
4. What would be the purpose or function of tiny houses in Riverbank?
5. By which process should tiny houses be reviewed (staff or Planning Commission); and
6. Should City staff move forward to apply for a planning grant to receive funding and technical assistance to implement a tiny house program(s) and fee structure?

III. ATTACHMENTS:

1. Tiny House Photos
2. Santa Rosa ADUs and JADUs
3. Sonoma County Cottage Housing Development
4. Santa Rosa ADU Fees
5. Notice of Funding Availability

Respectfully Submitted By:

Gabriel R. Salazar
Associate Planner
Santa Rosa ADUs and JADUs

What is an ADU?
An Accessory Dwelling Unit (ADU) is an attached or detached residential dwelling, located on the same parcel as an existing single-family dwelling, that provides complete independent living facilities, including sleeping, cooking, bathing, and sanitation. An ADU can be located on any property where the zoning district allows single-family residential by right, and on any parcel that already contains only one single-family residence.

What is a JADU?
A Junior ADU (or JADU) is a new category of dwelling unit created by the State of California and adopted by the City of Santa Rosa. There are several distinctions between a standard ADU and a JADU detailed in the table below. The main difference is that a JADU is not required to have a dedicated bathroom.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>ADU</th>
<th>JADU</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Unit Size</td>
<td>Yes. Generally up to 1,200 square feet or 50% of living area.</td>
<td>Yes. 500-squarefoot maximum.</td>
</tr>
<tr>
<td>Kitchen</td>
<td>Yes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Bathroom</td>
<td>Yes.</td>
<td>No. Common sanitation allowed.</td>
</tr>
<tr>
<td>Separate Entrance</td>
<td>Depends.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Parking</td>
<td>Depends. Parking may be eliminated and cannot be required under specified conditions.</td>
<td>No. Parking cannot be required.</td>
</tr>
<tr>
<td>Owner Occupancy</td>
<td>Depends. Owner occupancy may be required</td>
<td>Yes. Owner occupancy is required.</td>
</tr>
<tr>
<td>Ministerial Approval Process</td>
<td>Yes.</td>
<td>Yes.</td>
</tr>
<tr>
<td>Prohibition on Sale of ADU</td>
<td>Yes.</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

The following are the materials required for submittal of a building permit for both an ADU and JADU:
- Site plan
- Floor plan
- Foundation plan
- Interior cross sections
- Construction details
- Elevations for new structures
- Photographs of site for new structures
- Materials and color board for new structures
- Deed Restriction or affordability contract as applicable (see the owner occupancy information below)
- Historic Resource Survey as applicable (see the historic preservation district information below)

Neither an ADU nor a JADU not be rented for periods of less than 30 days.

The following outlines the parking requirements for both ADUs and JADUs:

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Number of Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADU – New Detached Unit</td>
<td>1 additional parking space is required</td>
</tr>
<tr>
<td></td>
<td>With the following exceptions - no additional parking is required if one or more of the following exist:</td>
</tr>
<tr>
<td></td>
<td>- The ADU is 750 square feet or less; or</td>
</tr>
<tr>
<td></td>
<td>- The property is located in a historic preservation district; or</td>
</tr>
<tr>
<td></td>
<td>- The property is within 1/2 mile of a transit stop; or</td>
</tr>
<tr>
<td></td>
<td>- The property is within one block of a car-share vehicle.</td>
</tr>
<tr>
<td>ADU – Internal Conversion</td>
<td>No additional parking required</td>
</tr>
<tr>
<td>JADU</td>
<td>No additional parking required</td>
</tr>
</tbody>
</table>
Sonoma County Cottage Housing Development

Cottage housing developments provide for a type of housing referred to as the “missing middle”—housing types that offer smaller units in buildings of a similar scale as a single family-home. The County’s new code encourages the development of these smaller units with shared parking and common open areas within existing low- and medium-density urban residential neighborhoods. The County allows two types of cottage housing developments—detached and attached.

Applicability
Cottage housing developments are allowed in the Low Density Residential (R1) and Medium-Density Residential (R2) zones on parcels located in Urban Service Areas. Tiny homes may be utilized as cottage housing developments when building codes are met and the homes are placed on foundations.

Within the areas affected by the 2017 Sonoma Complex Fires, cottage housing developments are limited as follows:
Glen Ellen: One cottage housing development allowed per 400 foot radius
Larkfield-Wikiup/Mark West area: Prohibited within the burn area at this time

Permit Requirements
All cottage housing developments are subject to design review unless there are no external changes (conversion of an existing residence). A use permit is required for any cottage housing development with more than three cottages or units, or that does not meet the adopted development standards.

Parcel Requirements
The minimum parcel size for cottage housing developments (attached and detached) is 8,000 square feet. Sites utilized for cottage housing developments shall be located within designated Urban Service Areas and shall be served by public sewer.

Development Standards
Parking
One reserved space shall be provided per unit and one guest parking space shall be provided for every three cottages or portion thereof. Parking must be provided within a common parking area.

Density
Once the minimum parcel size has been met, the allowed density shall be one cottage per 2,500 square feet of lot area for attached and detached cottage housing developments.

Cottage Size
The total building square footage for a cluster of three cottages is 2,700 square feet unless a use permit has been granted and a larger size allowed after an analysis of neighborhood compatibility and design review.
Open Space
Open space of at least 200 square feet per unit required; 60 square feet may be private, and the remainder must be provided as common open space.

Porches
Front porches facing the open space are strongly encouraged.

Occupancy
No transient occupancy (stays of less than 31 days, time shares, vacation rentals) allowed.
Santa Rosa - Accessory Dwelling Units

Zoning Code Revisions
On December 12, 2017 and October 2, 2018, the City Council adopted ordinances amending the Accessory Dwelling Unit (ADU) section of the Santa Rosa Zoning Code in compliance with State law and in support of the City's Housing Action Plan.

The ordinances were incorporated into Zoning Code Section 20-42.130 (Accessory Dwelling Units).

Fee Reductions

Development Impact Fees
Certain development impact fees for ADUs have been reduced. The amount to be paid for each of the following fees is identified in the chart below:
- Capital Facilities fees
- Parks fees

<table>
<thead>
<tr>
<th>Unit Size (Square Feet)</th>
<th>Percentage of Impact Fees Assessed (the % of the fee to be paid by the applicant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Larger Than Up To</td>
<td></td>
</tr>
<tr>
<td>Internal Conversion</td>
<td>0%</td>
</tr>
<tr>
<td>- 750</td>
<td>0%</td>
</tr>
<tr>
<td>751 950</td>
<td>25%</td>
</tr>
<tr>
<td>951 1,200</td>
<td>50%</td>
</tr>
</tbody>
</table>

Utility Connections and Fees

Pursuant to Zoning Code Section 20-42.130(D)(3)(b), no new or separate utility connection, or related connection fee or capacity charge, will be required for the following ADUs:
- Internal conversions of existing space within a single-family residence or an accessory structure; or
- New ADUs (detached or attached) that are 750 square-feet or smaller.
March 28, 2019

MEMORANDUM FOR: All Potential Applicants

FROM: Zachary Olmstead, Deputy Director
Division of Housing Policy Development

SUBJECT: NOTICE OF FUNDING AVAILABILITY - SB 2 PLANNING GRANTS PROGRAM

The Department of Housing and Community Development (Department) is pleased to announce the release of this Notice of Funding Availability (NOFA) for approximately $123 million under the Senate Bill 2 (SB 2, 2017) Planning Grants Program (PGP). SB 2 established a permanent source of funding intended to increase the affordable housing stock in California. The legislation directs the Department to use 50 percent of the first year’s revenue to establish a program that provides financial and technical assistance to local governments to update planning documents and land-use ordinances. The PGP is intended for the preparation, adoption, and implementation of plans that streamline housing approvals and accelerate housing production.

In order to be eligible for grant funding, an applicant must submit a complete, signed original application and an electronic copy on CD or USB flash drive. OTC applications will be accepted for an eight-month period ending on November 30, 2019. The Department will only accept applications through a postal carrier service that provides date stamp verification confirming delivery to the Department’s office, such as the U.S. Postal Service, UPS, FedEx, or other carrier services. No facsimiles, late applications, incomplete applications, application revisions, electronic submittals, or walk-in application packages will be accepted. All applications must be submitted to the Department at the following address:

Department of Housing and Community Development
Division of Housing Policy Development
2020 West El Camino Ave, Suite 500
Sacramento, CA 95833

PGP applications and forms are available on the Department’s website. Please refer to the Planning Grants Program Guidelines for detailed information on eligible activities, applicants, and awards. If you have questions regarding this NOFA, please email the Department at sb2planninggrant@hcd.ca.gov.

Attachment