



**CITY OF RIVERBANK
PLANNING COMMISSION MEETING
SPECIAL NOTICING OF MEETING PROCEDURES FOR
Tuesday, May 19, 2020 AT 6:00 P.M.**

NOTICE: THIS MEETING WILL BE HELD BY THE FOLLOWING PROCEDURES IN ACCORDANCE WITH THE GOVERNOR'S NEW EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.

CITY PLANNING COMMISSION PARTICIPATION STATEMENT

The Governor's Executive Order temporarily waives Brown Act "teleconferencing" provisions, and authorizes City Commissioners to hold public meetings via teleconferencing. The requirement of physical presence of Planning Commission Members, the Clerk, other Personnel, or the public as a condition of participation in or a quorum to conduct a public meeting is waived.

The Chair has the right to stop any uncivil behavior during the meeting.

PUBLIC PARTICIPATION STATEMENT

This meeting will not be physically open to the public. All members of the public will be given the opportunity to provide comments by participating in the meeting telephonically, via email, or by other platforms. Every possible effort will be made to have these technological systems available and in working order.

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaguilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

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 Board shall be in English and anyone wishing to address the 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.

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited, to posting the notice of changes on the City's website.

REPLAY OF THE MEETING RECORDING

The video recording of this meeting is usually posted on YouTube within 24-48 hours of the adjournment of the meeting, and as long as there are no technical difficulties.

Please visit the City's website at <http://www.riverbank.org/agendacenter>

FOR QUESTIONS

Contact Donna M. Kenney, Planning & Building Manager at dkenney@riverbank.org or (209) 863-7124, **before 4:00 p.m.** on Tuesday, May 19, 2020.

PUBLIC "LIVE" VIEWING

- Charter Government Channel – 2
- AT&T U-VERSE Government Channel – 99
- YouTube Live Streaming at <https://www.youtube.com/watch?v=7UN98ekdzdk>

PUBLIC COMMENTS

Every effort is made to receive your comments for the record. Please be aware that technology has its potential to fail. If you believe your written comments were not received, please contact the Donna M. Kenney at dkenney@riverbank.org or (209) 863-7124.

Via U.S. Postal Service: Mail comments to City of Riverbank, Attn. Donna M. Kenney, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received prior to the meeting.)

Via Email to dkenney@riverbank.org

- Emails before the meeting: (Will be distributed to the Planning Commission)
 - **No later than 5:00 p.m.** on the day of the meeting; and
 - The **subject line** must contain the Agenda Item # and brief title. (e.g., **Item 3.1 – Canna Mart**)
- Emails during the meeting:
 - The **subject line** must contain the Agenda Item # and brief title. (e.g., **Item 3.1 – Canna Mart**)

Every effort will be made to read all comments up to (5) minutes, however, this allotted time and reading comments is at the discretion of the Mayor. Comments received during this time will be made part of the record.

Via Telephone:

- Call **(209) 863-7172**; only one call at a time may be received.

The normal allotment of (5) minutes to comment will be allowed; however, this remains at the discretion of the Chair due to the new process of commenting.

Via Other Platforms:

At the preparation of this agenda the use of the other platforms are being tested for public participation. Information will be posted when other means of participation are established.



(BY TELECONFERENCE ONLY)

CITY OF RIVERBANK
REGULAR PLANNING COMMISSION MEETING
(Location closed to the public)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367



AGENDA

TUESDAY, MAY 19, 2020 – 6:00 P.M.

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

<u>CALL TO ORDER:</u>	Chair:	Mallorie Fenrich
<u>ROLL CALL:</u>	Chair:	Mallorie Fenrich
	Vice Chair:	Joan Stewart
	Commissioner:	John Dinan
	Commissioner:	Steve Link
	Commissioner:	Natasha Basso
	Commissioner:	Benjamin Reuben, Alternate

Send comments via email to dkenney@riverbank.org
or call (209) 863-7172, or other platforms posted. In the subject line indicate “#1 Public Comment”.

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.

2. CONSENT CALENDAR - Continued

Item 2.1: Posting of the Agenda. The Agenda for the May 19, 2020 Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website, and emailed to the Library on May 14, 2020. In addition, we had posted the Public Notice along with the staff report and documents for Item 3.1 on the city website on May 6, 2020 for the public to have additional time to review and comment due to the current conditions.

Item 2.2: Approval of the May 19, 2020 Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Recommendation: Approval by roll call vote.

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for Item 3.1. was published in the Riverbank News on May 6, 2020. The 300 ft. property owner notice of the public hearing was mailed out via US Postal Service on May 6, 2020.

Item 3.1: Project Description: Development Agreement No. 03-2020 and Conditional Use Permit 02-2020 / Dept. File# 20-0009 – Canna Mart - The project consists of a Development Agreement and a Conditional Use Permit for a commercial cannabis dispensary with retail delivery to be located at Patterson Road (APN 075-009-053). The project site consists of the future construction of a 5,100 square foot building on an existing vacant lot approximately 13,700 square feet in size. The project site has a General Plan designation of Community Commercial (CC) and is zoned General Commercial (C-2). Site Plan Design Review will be required for the new building and staff has recently conducted a preapplication review on it.

The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects pursuant to CEQA Guidelines.

Recommendation: Approval of Resolution #2020-004 to recommend approval of the Development Agreement to the City Council by roll call vote.

1st _____ 2nd _____

Recommendation: Approval of Resolution #2020-005 to recommend approval of the Conditional Use Permit.

1st _____ 2nd _____

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 May, 2020

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

NOTICE REGARDING AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Development Services Department at (209) 863-7128 or jsmullen@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].

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GENERAL INFORMATION

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

COMMISSION AGENDA & REPORTS: The Planning Commission agenda is posted pursuant to the California Brown Act, which only requires agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when technologically able, on the City's website. Additional documents, that are not privileged, may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the Development Services Department, 6617 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the Planning Commission. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.

PUBLIC HEARINGS: In general, a public hearing is an open consideration within a meeting of the Planning Commission Board, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.

Televised/Video of Meetings: Charter – Channel 2; AT&T Uverse – Channel 99

Visit www.riverbank.org to connect to meeting videos. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)

City Hall Hours: City Hall is open Monday – Thursday: 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays.

QUESTIONS: Contact the Developmental Services Department at (209) 863-7128.

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