



CITY OF RIVERBANK
Regular Planning Commission Meeting
Tuesday, June 18, 2024 AT 6:00 P.M.
Council Chambers, 6707 Third St., Suite B, Riverbank CA 95367

PLANNING COMMISSION AGENDA

TUESDAY, JUNE 18, 2024 – 6:00 P.M.
(THE AGENDA PACKET IS ONLINE AT T [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

CALL TO ORDER: Chair: Joan Stewart

ROLL CALL: Chair: Joan Stewart
Vice Chair: Taide Zamora
Commissioner: John Dinan
Commissioner: Michael “Syd” Halterman
Commissioner: Natasha Basso
Commissioner (Alternant): Steve Link
Commissioner (Alternant): Ben Reuben

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 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. **Under State Law, matters presented during the public comment period cannot be discussed or acted upon.** For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission Members.

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 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 June 18, 2024 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 June 14, 2024.
- Item 2.2:** Approval of the June 18, 2024 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 March 19, 2024 Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted. *Abstain from voting: Stewart and Link.*

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

1st _____ 2nd _____

3. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for items 3.1 and 3.2 were published on June 5, 2024 in the Riverbank News.

Item 3.1: Architecture and Site Plan Review 08-2023 (Dept. File #23-0020) – Masonic Lodge - Black Diamond Event Center, 6701 2nd St., APN: 132-010-051

The proposed Architecture and Site Plan Review (ASPR) application proposes modifications to the exterior of the existing building located at 6701 Second Street, Riverbank (APN 132-010-051). A Conditional Use Permit was previously approved on March 21, 2023, to allow the sale of alcohol by the drink and live music with dancing for the Black Diamond Event Center. The current application is to consider the installation of new windows and doors on the existing building. This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Exemption for Existing Facilities.

Recommendation: **Approval of Resolution 2024-002 to approve the ASPR.**

1st _____ 2nd _____

Item 3.2: Architecture and Site Plan Review 09-2023 (Dept. File #23-0026) – Lucky House Tiny Homes – Yongwei Huang, APN: 075-010-065

The proposed Architecture and Site Plan Review (ASPR) application proposes the development of a Tiny House Village of thirty-eight detached residential dwellings with private streets to be located on vacant land between Ward Avenue and the westerly extension of Ross Avenue (APN 075-010-065). This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15332, Exemption for In-fill Development Projects.

Recommendation: **Approval of Resolution 2024-003 to approve the ASPR.**

1st _____ 2nd _____

4. PLANNING COMMISSION COMMENTS

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

None.

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Miguel Galvez, Contract City Planner, will provide an update on the proposed Housing Element Update.

Item 6.2: Josh Mann, Community Development Director to update the Commission on upcoming planning applications and Council actions.

7. ADJOURNMENT

Next Regular Planning Commission meeting – July 16, 2024 @ 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 at the meeting location, on the North & South City Hall public exterior bulletin board, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this 14th day of June, 2024.

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



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 cityclerk@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 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.

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.



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

PUBLIC “LIVE” VIEWING

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

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

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

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

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367.
(Call 209-863-7124 / 209-863-7198 to ensure they were received.)
- **Via Email:** Email to jmann@riverbank.org (Note: This technology is not a guaranteed method.)
 - Indicate Agenda Item # in the ***subject line***. (Call 209-863-7124 / 209-863-7198 to ensure receipt.)
- **Oral Comments In-Person:** The Chair will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Chair will announce when public comments may be made for a limit of 3minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

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

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/86737881996>

Join by accessing website: <https://zoom.us/join>, enter Webinar ID: 867 3788 1996

Join by telephone: 1-669-444-9171 OR 1-669-900-9128 or 1-336-248-27799, enter Webinar ID: 867 3788 1996

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



City of Riverbank

6707 Third Street • Riverbank CA 95367
Office: (209) 863-7128 • FAX: (209) 869-7126

This table is not for publication	
PUBLISH DATE: June 5, 2024	
DEPT.: Planning	Riverbank News

NOTICE OF PUBLIC HEARING **CITY OF RIVERBANK PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Riverbank will hold a public hearing on **Tuesday, June 18, 2024, at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361). This public hearing is to consider the following matter:

Architecture and Site Plan Review 08-2023 (Dept. File #23-0020) – Masonic Lodge - Black Diamond Event Center

The proposed Architecture and Site Plan Review (ASPR) application proposes modifications to the exterior of the existing building located at 6701 Second Street, Riverbank (APN 132-010-051). A Conditional Use Permit was previously approved on March 21, 2023, to allow the sale of alcohol by the drink and live music with dancing for the Black Diamond Event Center. The current application is to consider the installation of new windows and doors on the existing building. This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Exemption for Existing Facilities.

Architecture and Site Plan Review 09-2023 (Dept. File #23-0026) – Lucky House Tiny Homes – Yongwei Huang

The proposed Architecture and Site Plan Review (ASPR) application proposes the development of a Tiny House Village of thirty-eight detached residential dwellings with private streets to be located on vacant land between Ward Avenue and the westerly extension of Ross Avenue (APN 075-010-065). This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15332, Exemption for In-fill Development Projects.

Planning Commission Meeting
June 18, 2024 at 6:00 pm
City Hall Council Chambers - 6707 Third St., Suite B - Riverbank, California

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours.

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to planning@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

Oral Comments In-Person During the Meeting. Oral comments may be made at the time the Chair officially opens the hearing for public comment and in the order as called upon by the Chair. Public attendees in the Council Chambers may approach the podium upon the Chair's request to do so.

ADA COMPLIANCE: In accordance with ADA, every effort will be made to accommodate any person requiring special assistance to participate in the meeting. Contact the City Clerk at (209) 863-7198 or cityclerk@riverbank.org at least (48) hours prior to the meeting.

Questions regarding the proposed subject matter may be made to Contract City Planner Michael Arroyo at (209) 863-7124 or email planning@riverbank.org or email the City Clerk. Questions in regards to meeting procedures contact the City Clerk (209) 863-7198 or call the Administration Dept. at (209) 863-7122 **prior to 4:00 p.m. on the day of the meeting.**

Published this 5th day of June 2024.

/s/ Michael Arroyo, Contract Planner, City of Riverbank

AFFIDAVIT OF POSTING
I, Janet Smallen, hereby certify under penalty of perjury under the laws of the State of California that the foregoing public notice was posted on the exterior bulletin board of North City Hall, South City Hall, and at the Community Center, Riverbank, CA. Dated this 5 th day of June 2024. /s/ Janet Smallen, Senior Community Development Specialist, Riverbank, CA

For official use only:

Posted: 6/5/2024	Publish: 6/5/2024	Remove: 6/19/2024
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**NOTICE OF PUBLIC HEARING
CITY OF RIVERBANK PLANNING
COMMISSION**

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**Architecture and Site Plan Review
08-2023 (Dept. File #23-0020) –
Masonic Lodge - Black Diamond Event
Center**

The proposed Architecture and Site Plan Review (ASPR) application proposes modifications to the exterior of the existing building located at 6701 Second Street, Riverbank (APN 132-010-051). A Conditional Use Permit was previously approved on March 21, 2023, to allow the sale of alcohol by the drink and live music with dancing for the Black Diamond Event Center. The current application is to consider the installation of new windows and doors on the existing building. This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Exemption for Existing Facilities.

**Architecture and Site Plan Review
09-2023 (Dept. File #23-0026) – Lucky
House Tiny Homes – Yongwei Huang**

The proposed Architecture and Site Plan Review (ASPR) application proposes the development of a Tiny House Village of thirty-eight detached residential dwellings with private streets to be located on vacant land between Ward Avenue and the westerly extension of Ross Avenue (APN 075-010-065). This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15332, Exemption for In-fill Development Projects.

Planning Commission Meeting

June 18, 2024 at 6:00 pm

City Hall Council Chambers - 6707

Third St., Suite B - Riverbank,

California

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ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record **Written Comments Prior to the Meeting.** Written comments may be delivered in-person to the City of

Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to planning@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk no later than 4:00 p.m. on the day of the meeting. Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

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Published this 5th day of June 2024.

/s/ Michael Arroyo, Contract Planner, City of Riverbank

June 5, 2024

RN#24081



City of Riverbank

6707 Third Street • Riverbank CA 95367
Office: (209) 863-7128 • FAX: (209) 869-7126

June 5, 2024

Public Hearing Notice

To Whom It May Concern:

This letter is to provide public notice about a Public Hearing scheduled before the Riverbank Planning Commission for its consideration of an Architectural and Site Plan Review application to consider proposed exterior improvements to property generally located at the northwest corner of Second Street and Santa Fe Avenue, specifically at 6701 Second Street, Riverbank 95367.

Project Description:

Architectural and Site Plan Review 08-2023 (Dept. File #23-0020) – Black Diamond Event Center, 6701 Second Street, Riverbank 95367.

The proposed Architectural and Site Plan Review (ASPR) application proposes modifications to the exterior of the existing building located at 6701 Second Street, Riverbank (APN 132-010-051). A Conditional Use Permit was previously approved on March 21, 2023, to allow the sale of alcohol by the drink and live music with dancing at the Black Diamond Event Center. The current application is to consider the proposed improvements to the exterior of the building, not limited to the installation of new windows, doors, a new sign, and other modifications to the existing building. This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project qualifies to be Categorically Exempt pursuant to CEQA Guidelines Section 15301, Exemption for Existing Facilities.

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

**Planning Commission Meeting
June 18, 2024, at 6:00 pm
City Hall Council Chambers
6707 Third St., Suite B - Riverbank, California**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Riverbank will hold a public hearing on **Tuesday, June 18, 2024, at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361) in regard to teleconference/virtual public meeting requirements, the Governor's "reopening" orders, and the recent California Department of Public Health COVID orders (all of which are subject to change before the meeting date).

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours.

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to jmann@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. The Director of Community Development must receive all written comments **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record but will not be read aloud during the meeting.

Oral Comments Via ZOOM or In-Person During the Meeting. Oral comments may be made at the time the Chair officially opens the hearing for public comment and in the order as called upon by the Chair. Via In-Person: Public attendees in the Council Chambers may approach the podium upon the Chair's request to do so. Via Zoom: <https://us02web.zoom.us/j/85851304211>. The public participation and comment procedures are provided on the last page of the agenda that is posted (72) hours prior to the meeting at <http://www.riverbank.org/AgendaCenter>.

TECHNICAL DIFFICULTIES: In accordance with the amended Brown Act, if there is disruption of the meeting broadcast, or in the ability to take call-in or internet based public comment during the conduct of the meeting, the Planning Commission may recess until the issue is resolved, or may adjourn the remainder of the agenda business to a stated time and place, which allows the current meeting to be continued.

American Disabilities Act (ADA) COMPLIANCE: In accordance with the ADA, every effort will be made to accommodate any person requiring special assistance to participate in the meeting. Contact the City Clerk at (209) 863-7198 or cityclerk@riverbank.org at least (48) hours prior to the meeting.

For questions regarding the proposed subject matter, please contact the Director of Community Development Josh Mann at jmann@riverbank.org or (209) 863-7124. If you have any questions regarding meeting procedures contact the City Clerk (209) 863-7198 or by calling the Administration Dept. at (209) 863-7122 prior to 5:00 p.m. on the day of the meeting.

Location Map





City of Riverbank

6707 Third Street • Riverbank CA 95367
Office: (209) 863-7128 • FAX: (209) 869-7126

NOTICE OF PUBLIC HEARING

June 5, 2024

This letter is to provide Public Notice of **Architecture and Site Plan Review Application No. ASPR No. 09-2023** (Dept. File #23-0026) – Lucky House Tiny Homes – Yongwei Huang

The proposed ASPR application proposes the development of a Tiny House Village of thirty-eight detached residential dwellings with private streets to be located on vacant land between Ward Avenue and the westerly extension of Ross Avenue and between Howard and Don Avenues (APN 075-010-065). This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is considered Categorically Exempt pursuant to CEQA Guidelines Section 15332, Exemption for In-fill Development Projects.

The City is required to notify surrounding properties within three hundred feet of the proposed project.

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Riverbank will hold a Public Hearing on **Tuesday, June 18, 2024, at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361) regarding teleconference/virtual public meeting requirements, the Governor's "reopening" orders, and the recent California Department of Public Health COVID orders (all of which are subject to change before the meeting date).

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours. You may obtain a copy of the above subject application from the Planning Department of the City of Riverbank located at 6617 Third Street., (209) 863-7124.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to jmann@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. The Director of Community Development must receive all written comments **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record but will not be read aloud during the meeting.

Oral Comments Via ZOOM or In-Person During the Meeting. Oral comments may be made at the time the Chair officially opens the hearing for public comment and in the order as called upon by the Chair. Via In-Person: Public attendees in the Council Chambers may approach the podium upon the Chair's request to do so. Via Zoom: <https://us02web.zoom.us/j/85851304211>. The public participation

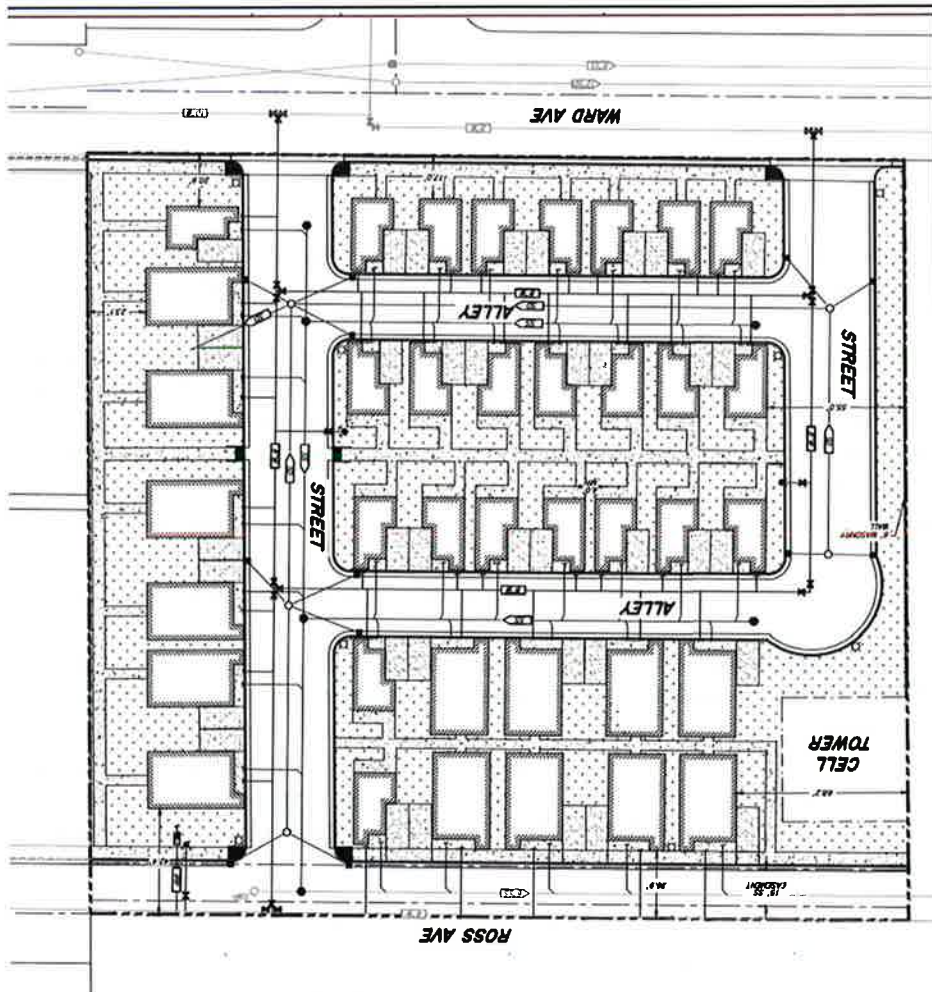
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Architecture and Site Plan Review Application No. ASPR No. 09-2023





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

MINUTES
Tuesday, March 19, 2024
(In-Person)

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: Commissioners: Basso, Dinan, Zamora, Halterman, Reuben (Alternate)

Absent: Commissioners: Stewart and Link (Alternate)

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 3 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.

- *Karen Conrotto spoke against the River Walk Project.*
- *Fred Walton spoke against the River Walk Project.*
- *Milt Treewater spoke against the River Walk Project*

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 19, 2024, 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 14, 2024.

Item 2.2: Approval of the March 19, 2024 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 February 20, 2024 Planning Commission Meeting minutes.

ACTION: By motion moved/second (Rueben / Dinan / passed 5-0) was approved as submitted; Motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Basso, Dinan, Zamora, Halterman and Reuben (Alternate)

Nays: None

Absent: Commissioners: Stewart and Link (Alternate)

Abstained: None

3. PLANNING COMMISSION PUBLIC WORKSHOP & OTHER MATTERS

The public workshop for Item 3.1 was published on March 6, 2024 in the Riverbank News

Item 3.1: City of Riverbank 2023 Housing Element Annual Progress Report. An Annual Progress Report on the implementation of the City of Riverbank's Housing Element, one of the Elements of the City of Riverbank 2005-2025 General Plan.

- John B. Anderson with JB Anderson Land Use Planning Contract Planner for the city working on the Housing Element Update, introduce himself and Michael Arroyo.
- Michael Arroyo with JB Anderson Land Use Planning presented item 3.1 and PowerPoint.
- Commissioner Halterman had a few questions.
- John Anderson with JB Anderson Land Use Planning responded to Commissioner Halterman's questions.
- Public Hearing was opened at 6:23 p.m.
- Milt Treewater spoke on item 3.1.
- Commissioner Zamora asked if the city has every been penalized for not meeting the housing goals.
- John Anderson responded to Commissioner Zamora's question.
- Karen Conrotto asked why the housing units have gone up.
- John Anderson responded to Mrs. Conrotto's questions.
- Being no further comments the Public Hearing was closed at 6:34 p.m.

ACTION: By motion moved/second (Halterman / Basso / passed 5-0) was approved as submitted; Motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Basso, Dinan, Zamora, Halterman, Reuben (Alternate)

Nays: None

Absent: Commissioners: Stewart and Link (Alternate)

Abstained: None

4. PLANNING COMMISSION COMMENTS

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only) NO ACTION

None

6. STAFF COMMENTS (Information Only) NO ACTION

ITEM 6.1: John Anderson, contract Planner with JB Anderson Land Use Planning, updated the Commission on recent City Council actions on planning matters.

9. ADJOURNMENT - Regular Planning Commission Meeting – April 16, 2024 at 6:00 p.m.

ATTEST:

APPROVED:

John B. Anderson
Contract Planner

Taide Zamora, Vice Chair
Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.1

June 18, 2024

Architecture and Site Plan Review 08-2023 (Dept. File #23-0020) – Masonic Lodge - Black Diamond Event Center 6701 2nd Street (APN 132-010-051).

Mr. Alejandro Aguilar, applicant for Architectural and Site Plan Review Application No. APSR 08-2023 is proposing to make exterior improvements to an existing building, the former Masonic Lodge. The project is located at the northwest corner of Second Street and Santa Fe Street at 6701 2nd Street in the City of Riverbank

PROJECT LOCATION: Northwest corner of Second Street and Santa Fe Street (APN 132-010-051).

OWNER: Alejandro Aguilar
2212 Barger Way
Riverbank, CA 95367

APPLICANT: Alejandro Aguilar
2212 Barger Way
Riverbank, CA 95367

GENERAL PLAN: Mixed Use (MU)

ZONING: Downtown Specific Plan (DTSP) – Downtown General (DG)

ENVIRONMENTAL DETERMINATION: The proposed project will not have a significant effect on the environment and is categorically exempt under CEQA Article 19 Section 15301 (a and d) Existing Facilities.

PROJECT PLANNER: Michael Arroyo, Contract Planner

RECOMMENDATION: Approve Architecture and Site Plan Review Application No. ASPR NO. 08-2023, subject to the conditions in attached Resolution 2024-002.

ACROMYMS:	CEQA – California Environmental Quality Act
	ASPR – Architecture and Site Plan Review
	SF – Square Foot or Feet
	RMC – Riverbank Municipal Code

I. EXECUTIVE SUMMARY:

The applicant and property owner, Alejandro Aguilar, proposes to improve and enhance the existing structure located at 6701 2nd Street. The applicant previously obtained a Conditional Use Permit for the location in order to serve alcohol and serve as an event center. The Black Diamond Event Center intends to cater food, serve alcohol, and allow dancing for weddings, quinceaneras, birthday celebrations, and other similar events. With proper conditions addressing the sale of alcohol and properly trained staff, the use is not anticipated to impact neighboring uses. The current application for an Architectural and Site Plan Review to consider exterior improvements to the existing structure. The propose is consider exempt under CEQA Section 15301 - Existing Facilities.

II. BACKGROUND & PROJECT INFORMATION:

The subject property is located on the northwest corner of 2nd Street and Santa Fe Street. Developed residential properties are located to the north, northwest, and northeast of the proposed project site. Additionally, developed commercial properties are located to the east, south and west of the subject property. The subject parcel is 0.28 acres in size and measures approximately 100 feet wide by 125 feet deep. The site is currently developed with a two-story 10,000 square foot building and 16 on-site parking spaces.

Further, the subject property is located within the City of Riverbank's Downtown Specific Plan. Section 2.2.2 Land Use Categories of the Downtown Specific Plan requires a Conditional Use Permit be obtained for eating and drinking establishments serving alcoholic beverages. Consistent with this Specific Plan requirement, the Project Proponent previously obtained Planning Commission approval for a Conditional Use Permit, Conditional Use Permit No. 02-2023, on March 21st, 2023. The approval permits the on-site sale and consumption of alcoholic beverages for a bona fide eating establishment (Type 47 License).

III. ANALYSIS:

A. Land Use Site Plan

Conference centers, clubhouses, community centers, lodges and socials halls are permitted uses in the Downtown Core zoning of the Downtown Specific Plan. The proposed site plan (Attachment 4) shows a rectangular-shaped lot, where the proposed

Black Diamond Event Center and parking lot are situated and contiguous to the Riverbank Memorial Chapel to the west, a former food processing but vacant facility to the south, and both single and multi-family residential dwellings to the north and east. The site plan shows an alley to the north of the event center which may be used as a driveway to exit the property, and shared with the adjacent properties to the north.

Vehicles will access the property from an existing driveway located on the west side of the property. Vehicular access is also provided via the adjacent alley located along the northern property line. The perimeter of the parcel is dedicated to landscaping and pedestrian travel. While the applicant has worked hard to meet all the City's Downtown Core zoning development standards and Specific Plan design guidelines, the site and layout are largely unchanged.

B. Building Design

As is illustrated in Attachment 5, the proposed elevations display a combination of quality materials including new smooth stucco finish of a light gray color while also maintaining the existing physical building characteristics of the Masonic Lodge to ensure that the improvements communicate a high level of craftsmanship. Consistent with the Downtown Specific Plan Standards, service entries are proposed to be located along the rear and sides of the building and are not visible from Santa Fe Street. Existing decorative molding and existing cupola will remain which accentuates the roof line at the front elevation and adds to the aesthetic appeal to the exterior of the building.

The proposed exterior alterations include a new enlarged entry door along Santa Fe elevation, door and window replacements. Interior modifications are contemplated but are not part of the ASPR application review.

C. Parking and Traffic

The hours of the proposed Black Diamond Event Center will be 2:00pm – 1:00am or less when there is an event. There will be no more than 350 attendees at any one event, and the event center anticipates having fifteen (15) employees per event. Per the proposed site plan, the existing surface parking lot offers two (2) ADA parking stalls and twelve (12) additional parking stalls

Per the Downtown Specific Plan, the proposed project requires one (1) parking space per every third fixed seat. Non-residential parking may be provided on-site, or off-site within 800 feet of the project site, which is two blocks. There is ample parking surrounding and adjacent to the subject property. Lastly, all or part of non-residential parking requirements may be satisfied through payment of a one time in-lie fee per each space of required parking.

D. Historical Building Evaluation

The Masonic Lodge, constructed in 1914, is a two-story building consisting of approximately 10,000 square feet. The Masonic Lodge, also known as the Callander Building, is identified as one (1) of six (6) historically significant structures located within the Downtown Specific Plan. Although the Specific Plan does identify these historically significant structures within the Downtown area, it provides no guidance in terms of preserving the structures exterior appearance. Furthermore, there are no restrictions contained in the Specific Plan for remodeling or updating of the exterior appearance of the identified structures.

In an effort to ensure that the proposed project would not compromise the historic significance or subvert any preservation measure that may have been established for the Masonic Lodge, on October 17, 2023, City Staff referred the proposed project to the California State Historic Preservation Office (SHPO). Consequently, City Staff received no response for consultation from SHPO, nor was it determined that the subject property had been designated as a historical resource. It is important to note that when a building or property is considered historically significant, SHPO will provide comments. Further, a review of both state and federal registries resulted in no records of the Masonic Lodge. Staff has determined that the building is not registered as a historical building and subject to preservation measures. Despite the lack of a SHPO Historically Significant status, the established District-Wide Regulations ensure that new architecture fulfills the community's vision for built forms that are attractive, while preserving the existing neighborhoods and enhancing the City's small-town character.

E. Signage

The Applicant intends to install a new sign above the proposed entrance along Santa Fe Street. The new sign will be an indication to the community, surrounding businesses, and neighboring residences of the new event center. The sign will be placed above the proposed new entry doors and will identify the building as the Black Diamond Event Center.

IV. REQUIRED FINDINGS:

A. General Plan Consistency Findings

Pursuant to the City of Riverbank General Plan, the Planning Commission must make the following findings relevant to the Architectural and Site Plan Review of the project:

1. Policy Design-8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement needs and ensure the aesthetic

Riverbank Planning Commission

Staff Report 3.1

Meeting of June 18, 2024

Page 4 of 6

appeal of new development and rehabilitation. *The proposed improvements to the existing structure will improve the overall aesthetic to the site, which will improve the view along Santa Fe Street and enhance the surrounding commercial properties.*

2. Policy Design-10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic. *The existing sidewalks on Santa Fe Street and Second Street will lead citizens directly to the entrances. Bicyclists and pedestrians will have a safe path of travel to access the business.*

V. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on June 5, 2024 and posted at City Hall North, South, Post Office and Community Center on June 5, 2024. It was published on the City's website on June 5, 2024. Public notice mailers were distributed to residents and business within 300 feet of the Project site in accordance with City standard practices on June 6, 2024. At the time of writing this Staff Report (June 12, 2024), City staff has not received any written public comment, but any written comments received subsequent to this date shall be provided to the Commission on the day of the meeting.

VI. CONCLUSION:

The project will result in aesthetically improved event center. The proposed project will improve the existing but dilapidated Masonic Lodge, which will improve the overall physical appearance of the site. The proposed project will also add to the commercial inventory and vibrancy of the City.

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2024-002 (ASPR 08-2023)
2. ASPR 08-2023 Conditions of Approval
3. City of Riverbank Standard Conditions
4. Site Plan
5. Elevations

Respectfully Submitted By:

Michael Arroyo

Michael Arroyo
Contract Planner

**City of Riverbank
Planning Commission
Resolution No. 2024-002**

**APPROVAL OF ARCHITECTURE AND SITE PLAN REVIEW 08-2023
FOR THE BLACK DIAMOND EVENT CENTER LOCATED AT 6701 2nd STREET
(APN 132-010-051)**

WHEREAS, an application has been received from Mr. Alejandro Aguilar for an Architecture and Site Plan Review for proposed improvements to the exterior of an existing building located at 6701 2nd Street (APN 132-010-051); and

WHEREAS, the Planning Commission held a public hearing on June 18th, 2024 to consider Architecture and Site Plan Review 08-2023 and take public comment; and

WHEREAS, the proposed project is exempt from analysis per the California Environmental Quality Act (CEQA) Section 15301 (a and d), Existing Facilities; and

WHEREAS, the Riverbank Planning Commission has made the following required findings:

1. The proposed project, together with the provisions for its design and improvements, is consistent with the goals, policies, program and uses of the General Plan; and
2. The proposed Architecture and Site Plan Review along with the Conditions of Approval is in conformity with both the intent and provisions of the Zoning Ordinance, Title 153, of the City of Riverbank Code of Ordinances and the Downtown Specific Plan; and

WHEREAS, the proposed project is consistent with the following General Plan policies:

1. Policy Design 8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement needs and ensure the aesthetic appeal of new development and rehabilitation.
2. Policy Design 10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic; and

WHEREAS, the request and plans of Mr. Alejandro Aguilar are hereby granted and approved, subject to the following conditions of approval:

1. Applicant shall comply with the City of Riverbank Standard Conditions, Attachment 3, 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 project; and
2. Applicant shall build the entire project according to the site plans and elevations date stamped June 13, 2024, and on file with the Community Development Department and presented to the Planning Commission as part of this action; and
3. Applicant shall adhere to the Downtown Specific Plan's District-Wide Regulations; specifically, but not limited to, Section 2.3.1.E Windows and Section 2.3.1.F Walls; and
4. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required; and
5. Driveway and sidewalks shall conform to current ADA standards; and
6. Stormwater Plan including geo report, calculations, and hydromodification shall be submitted. A storm filter and drainage maintenance agreement between the project owner and the City is required to be signed; and
7. The water system shall be shown on plans including the backflow device, fire department connection, water meters (1. building service and 2. landscaping), post indicator valve, and water service to the building; and
8. SWPPP for development must be submitted; and
9. ADA signage for entrance to parking lot must be installed (11B-502.8) and utilities shall be undergrounded: electrical, communications, gas, water, fire line, and sewer; and
10. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
11. Provide City Standard details for water and sewer connections; and
12. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code; and

13. The Community Development Director requires and shall approve a bicycle rack design before its installation. Installation shall occur near the new building before Building Final; and
14. An application, landscape and irrigation plans including documentation package, water efficient landscape worksheet, soil management report, slopes, drainage patterns, pad elevations, and finished grade conforming to the state's MWELO requirements, and current fee shall be submitted and approved by the City before the issuance of a Building Permit. Landscaping and irrigation shall be installed and approved before Building Permit Final; and
15. A covered trash enclosure consistent with the City's standards is required near the existing building; and
16. The parking lot shall be restriped consistent with the City's Parking Design Standards; and
17. For any Food Service Establishment (FSE) a grease interceptor shall be required prior to operation consistent with the City's Fats, Oils, and Grease (FOG) Program; and
18. New signage shall be reviewed and approved under a separate permit; and
19. All exterior lighting shall be LED and focused downward on the site; and
20. The structure shall be improved such that it meets the 2022 California Fire Code; and
21. The structure shall be fire sprinklered throughout building; and
22. The door located on the west side of building shall open outwards.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 08-2023 is hereby approved, subject to those conditions established by Resolution No. 2024-002 and as illustrated in **Exhibit A, Elevations and Site Plan**

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 18th of June 2024; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____ - ____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

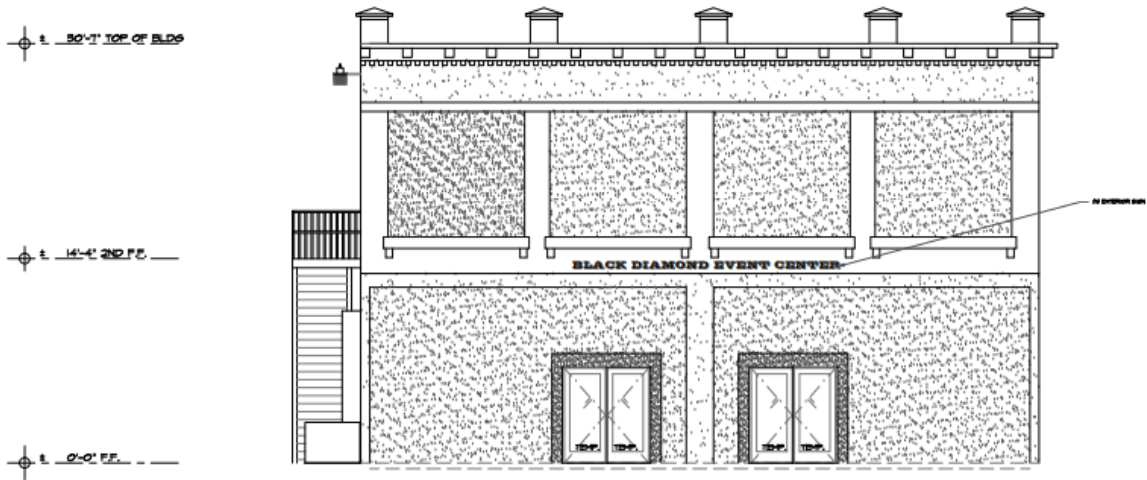
Joshua Mann,
Community Development Director

Taide Zamora, Vice-Chair
Planning Commission

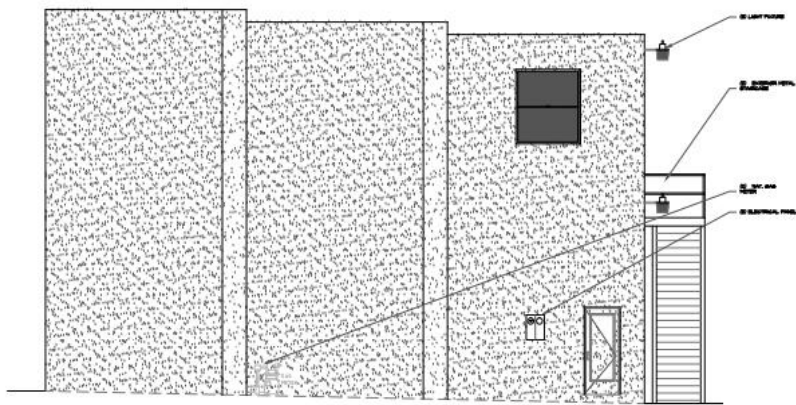
Exhibit A

BLACK DIAMOND EVENT CENTER – ELEVATIONS

FRONT OF BUILDING:



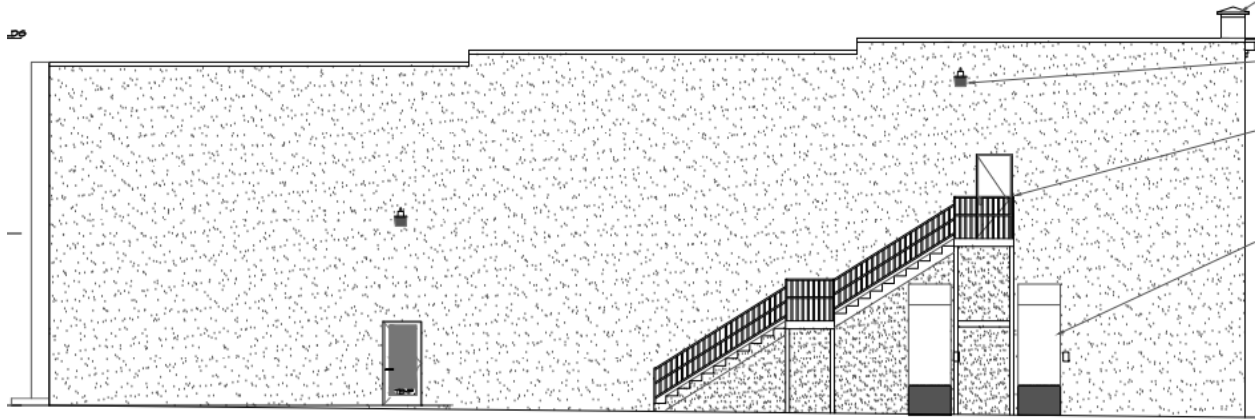
REAR OF BUILDING:



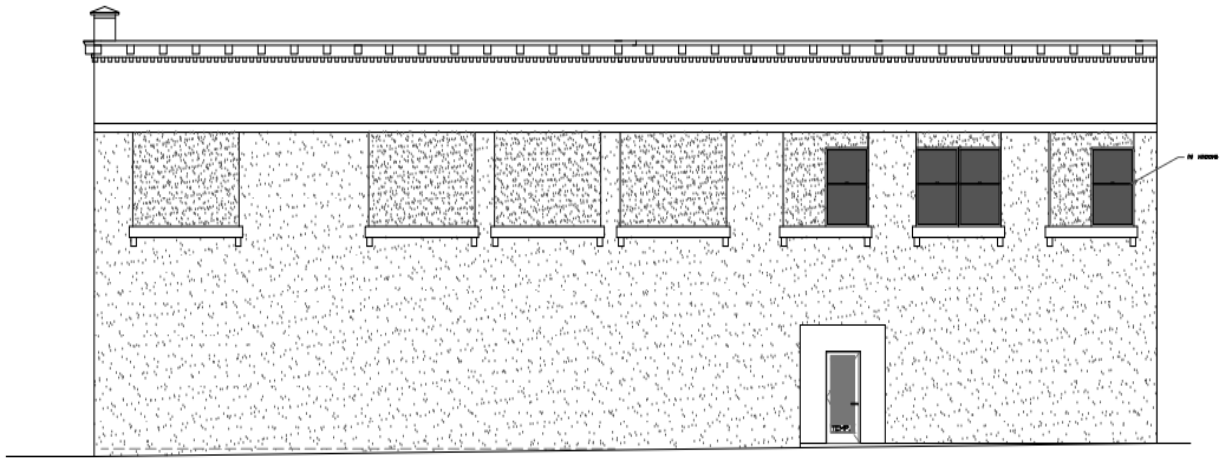
PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"

SIDE OF THE BUILDING:



2ND STREET SIDE OF BUILDING:



STUCCO COLOR:

WALLS TO BE STUCCO SMOOTH FINISH ON A LIGHT GRAY COLOR



[illegible]



City of Riverbank

Development Services Department

Planning Division

ASPR 08-2023 Black Diamond Event Center

Conditions of Approval

1. Applicant shall comply with the City of Riverbank Standard Conditions, Attachment 1, 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 project; and
2. Applicant shall build the entire project according to the site plans and elevations date stamped June 13, 2024, and on file with the Community Development Department and presented to the Planning Commission as part of this action; and
3. Applicant shall adhere to the Downtown Specific Plan's District-Wide Regulations; specifically, but not limited to, Section 2.3.1.E Windows and Section 2.3.1.F Walls; and
4. Applicant shall complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required; and
5. Driveway and sidewalks shall conform to current ADA standards; and
6. Stormwater Plan including geo report, calculations, and hydromodification shall be submitted. A storm filter and drainage maintenance agreement between the project owner and the City is required to be signed; and
7. The water system shall be shown on plans including the backflow device, fire department connection, water meters (1. building service and 2. landscaping), post indicator valve, and water service to the building; and
8. SWPPP for development must be submitted; and
9. ADA signage for entrance to parking lot must be installed (11B-502.8) and utilities shall be undergrounded: electrical, communications, gas, water, fire line, and sewer; and



City of Riverbank

Development Services Department

Planning Division

ASPR 08-2023 Black Diamond Event Center

10. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
11. Provide City Standard details for water and sewer connections; and
12. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code; and
13. The Community Development Director requires and shall approve a bicycle rack design before its installation. Installation shall occur near the new building before Building Final; and
14. An application, landscape and irrigation plans including documentation package, water efficient landscape worksheet, soil management report, slopes, drainage patterns, pad elevations, and finished grade conforming to the state's MWELO requirements, and current fee shall be submitted and approved by the City before the issuance of a Building Permit. Landscaping and irrigation shall be installed and approved before Building Permit Final; and
15. A covered trash enclosure consistent with the City's standards is required near the existing building; and
16. The parking lot shall be restriped consistent with the City's Parking Design Standards; and
17. For any Food Service Establishment (FSE) a grease interceptor shall be required prior to operation consistent with the City's Fats, Oils, and Grease (FOG) Program; and
18. New signage shall be reviewed and approved under a separate permit; and
19. All exterior lighting shall be LED and focused downward on the site; and
20. The structure shall be improved such that it meets the 2022 California Fire Code; and



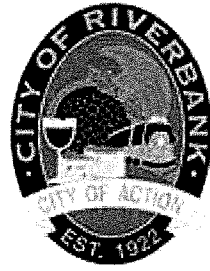
City of Riverbank

Development Services Department

Planning Division

ASPR 08-2023 Black Diamond Event Center

21. The structure shall be fire sprinklered throughout building; and
22. The door located on the west side of building shall open outwards.



City of Riverbank
STANDARD CONDITIONS
Resolution 2013-014

STANDARD CONDITIONS

A. General Conditions

All projects must meet the following standard conditions unless specifically exempted by the Planning Commission and/or City Council.

1. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
2. The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. The applicant shall comply with all regulations and code requirements of the Community Development Director, City Engineer, Building Official, Modesto Regional Fire Authority, Stanislaus Consolidated Fire Protection District, the Police Chief and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final maps, site plans, public improvement plans, grading plans and building plans.
4. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
5. Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
6. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site, either wind or water, during the construction and operation of the project covered by this approval.
7. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting

Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.

8. If construction or operation of the activity is not begun within one year, or as allowed by State of California Subdivision Map Act, as amended, this entitlement shall lapse and the applicant shall reapply to the City of Riverbank for a new project entitlement. The applicant may not begin construction or operation of the activity until a new entitlement is granted. Reapplications for entitlement shall state the reasons why the applicant will be able to begin the activity within a year from the granting of a new entitlement, if so granted. Reapplications for entitlement may include information submitted in the initial application by reference. The zoning will not expire; however, any associated applications (except lot line adjustments, boundary adjustments, vacation and abandonment applications) will expire, unless otherwise stated in the conditions of approval. The application(s) will expire in one year at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the applicant a copy of this permit.
10. The hours of construction, including equipment warm-up, shall be limited to 7:00 a.m. - 6:30 p.m. on weekdays and 8:00 a.m. - 5:00 p.m. on weekends and legal holidays.
11. Development of the property must conform to the plans as submitted with revisions as specified by the City of Riverbank City Council and / or Planning Commission.
12. All new construction requires building permits in accordance with all applicable building and fire codes and submission of a plot and grading plan prepared by a registered professional civil engineer showing property lines, building locations, topography and such other data as required by the Community Development Department.
13. All geologic hazards must be plotted on a plot plan, and habitable structures shall comply with the restrictions specified in all applicable building and fire codes.
14. Drainage and / or traffic studies must be submitted and approved and all improvements must comply with the approved studies. Further, street and storm water management dedication and / or improvements may be required.
15. If the property is located in a flood zone, a drainage study must be submitted to and approved by the Floodplain Administrator prior to any permits being issued.

16. Fire hydrants must be provided in compliance with Fire Department specifications and a three foot fire hydrant, a 10 foot PUE is typically required and the fire hydrant can be in that easement if it cannot be within the right of way easement is required around all street frontage lot lines. Waivers of street improvements do not waive fire hydrant requirements.
17. All necessary utility easements shall be retained or reserved.
18. Mobile homes and / or manufactured housing require building permits before they are moved and inspection for the California Safety Seal prior to occupancy.
19. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
20. All activities undertaken in accordance with this approval shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code or map-specific conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) Municipal Code regulations; 2) project-specific conditions; 3) standard conditions.
21. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
22. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineers Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount equal to the annual rate of inflation set forth in the Engineering News Record Construction Cost Index.
23. If it is determined that the project will impact existing agricultural uses, the construction and maintenance of necessary mitigation measures are the financial responsibility of the developer until the City formally accepts these improvements. Additionally, the developer shall bear the financial responsibility of, and shall dedicate to the City, agricultural runoff control easements, as needed, and may be required to financially support the maintenance of said facilities.
24. The property owner/manager/HOA shall be responsible for the maintenance of all common areas, such as landscaping, parking, access roads, and easements.
25. With respect to any claim, action of proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying entitlements of any type, the Developer agrees to indemnify, hold harmless and defend the City and its elected and appointed councils, boards,

commissions, officers, agents, employees, and representatives from any and all claims, costs, and liability for claims of damage, for any property damage or personal injury, including death, which may arise as a result of any negligent acts or omissions by Developer or Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, or operation, of the Project. Developer agrees to indemnify, hold harmless and defend the City and its officers, agents, employees, and representatives from any and all actions for damages caused or alleged to have been caused by Developer's activities in connection with the Project. This Agreement applies to all damages and claims for damages suffered or alleged to have been suffered arising out of or in connection to any and all Project operations, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the Project.

26. In the event any legal action or special proceeding is commenced by any person or entity challenging any agreements between Developer and City, any entitlement or component of the Project such as the Project EIR, or any other City approval for the Project (collectively, "Project Litigation"), the Parties agree to cooperate with each other as set forth herein. City may elect to tender the defense of any lawsuit filed and related in whole or in part to Project Litigation. Upon the commencement of Project Litigation, Developer will indemnify and hold harmless the City from all costs and expenses incurred related thereto, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. Developer shall pay all litigation fees to the City within thirty (30) days of receiving a written request and accounting of such fees and expenses from the City. Notwithstanding the aforementioned, City may request a deposit to cover City's reasonably anticipated Project Litigation fees and costs, and Developer will provide such deposit to City within seven (7) days of any such request.
27. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
28. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.
29. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
30. The applicant shall negotiate school mitigation with the appropriate School District before issuance of building permit. Applicant shall present evidence of School District compliance to the City of Riverbank.

31. The project shall annex into a storm water management district for on-going maintenance of the public system.
32. The project shall annex into a Community facilities district for the on-going Public Services operations including Fire and Police services.
33. The project shall annex into a Lighting and Landscaping District for the on-going maintenance to project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
34. Where required, automatic fire sprinkler systems shall be designated and installed in compliance with NFPA (National Fire Protection Association) standards. Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
35. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)
36. Fire apparatus access roads shall be designated and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
37. Where applicable, NO PARKING – FIRE LANE signage and/or marking(s) shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

B. Improvement Plans

1. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Riverbank Subdivision and Zoning Ordinances.
2. Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
3. Environmental and engineering studies, as directed by the Community Development Director, must be complete and on file prior to commencement to plan checking.

Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.

4. The Applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, with existing water, sewer and utilities software simulation program that will demonstrate any remedial action necessary to abate the deficiency and shall submit for plan check and take all necessary actions at the applicant's expense.
5. Developer shall underground existing and required on and off-site utilities as specified in the Municipal Code or as deemed necessary by the City Engineer.
6. All site development shall comply with all applicable provisions of the City of Riverbank Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
7. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
8. The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Riverbank Municipal Code.
9. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
10. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Riverbank upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.
11. Due to LID requirements, on site storage, retention/detention should be permitted.
12. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
13. The developer shall provide joint trenching for telephone, gas, electric, cable TV and fiber optic service for every parcel.

14. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
15. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City.
16. Developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Stanislaus County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of Riverbank. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
17. Regional and Sub-regional Drainage fees shall be paid in an amount acceptable to the City Engineer prior to approval of the final map.
18. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's Master Plans prior to any final map or plan approval.
19. All on and off site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited, and may be memorialized through a reimbursement agreement with the Developer.

20. The sub divider shall submit plans and specifications for improvements of all public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage facilities to the Department of Public Works for approval by the City Engineer.
21. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the Community Development Director and the City Engineer.
22. The exact depth of imported base material shall be based on soil tests which have been approved by the Director of the Department of Public Works.
23. Sight distance requirements at all street intersections shall conform to City Standards.
24. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Department of Public Works to ensure that any damage to the existing roadway is repaired in a timely manner.
25. Portland cement concrete cross gutters or culverts shall be installed where water crosses the roadways.
26. An adequate energy dissipater shall be constructed at the outlet of the storm drain, or verification shall be provided that such improvement is not needed.
27. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the Director of the Department of Public Works, or verification shall be provided that such calculations are not needed.
28. Developer shall submit a study addressing on and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, the developer must provide plans and install any additional storm water and/or sanitary and sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Riverbank General Plan.
29. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was built (As-Builts) to the satisfaction of the City Engineer. These plans shall be 3D.
30. The installation (if required) of all gas, electric, sewer, and water lines and any other below surface utilities is to take place before the installation of any concrete curbs, gutter, sidewalks, and the surfacing of the streets.

31. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director.
32. The design of any masonry sound wall shall be approved by the Community Development Department. It shall match or harmonize with existing sound walls of neighboring projects along that street.

C. Grading Plans

1. Prior to the issuance of any grading permits, if the applicant submits a grading plan which the City Engineer, determines to show a significant deviation from the grading shown on the approved tentative map, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Planning Commission shall review the plan for a finding of substantial conformance. If the Planning Commission fails to make such a finding, the applicant shall process a revised tentative map; or, if a final map has been recorded, the applicant shall process a new tentative map or a site development permit application per City of Riverbank Municipal Code. Additionally, the applicant shall process a new environmental assessment for determination by the decision making entity.
2. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the City Engineer, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the City Engineer
3. Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the City Engineer, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the applicant shall conduct such measures in a manner meeting the approval of the City Engineer.
4. Prior to the issuance of any grading permit or revisions thereto, the Community Development Director shall determine that the proposed grading is consistent with the grading depicted within this approved planning application.
5. The sub divider shall submit grading plans, a permit application, and plan check and inspection fees and deposits to the Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
6. The grading plan shall contain a certificate signed by a registered civil engineer that the grading plan has preserved a minimum of 100 square feet of solar access for each lot created by this subdivision pursuant to Section 81.401(n) of the Subdivision Ordinance.

7. Finished grading shall be certified by a registered civil engineer and inspected by the City Engineer for drainage clearance. Approval of rough grading does not certify finished grading due to potential surface drainage problems that may be created by landscaping accomplished after rough grading certification.
8. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
9. 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Riverbank Standard Plans and Specifications. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb." Curb Cuts shall be allowed to conform to LID Standards.
10. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities.

D. Architecture

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.
2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access and a sloped roof. The enclosure shall have materials and colors consistent with the primary building.
3. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.
4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.
5. Finish quality of exterior design elements including, but not limited to, building façade landscaping shall be subject to approval of the Community Development Director prior to issuance of Certificate of Occupancy.
6. All signs shall be submitted to the Community Development Director for design review per the sign ordinance of the Riverbank Municipal Code.
7. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of

the Community Development Department. Screening devices shall be shown on construction and/or landscape plans.

8. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Standards and shall compliment the site and building architecture.
9. For residential projects, the CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the owner and prohibit parking on the public street for long than 72 hours.

E. Landscaping

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.
3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.
4. All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:
one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to

insure continued regular watering of landscape areas, and health and vitality of landscape materials.

6. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
7. All landscape areas shall be maintained in a healthy, thriving and weed free condition.
8. The site shall be maintained in a neat and clean manner free of trash and debris.
9. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director. Walls shall match or harmonize with existing sound walls of neighboring projects along that street.

F. Minimum Construction Site Management Practices

1. **(Projects involving land disturbances of less than five (5) acres)** – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

Or

2. **(Projects involving land disturbances of five (5) acres or more)** – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent to the State Water Resources Control Board and the Storm water Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.
3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best

Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically.

4. The applicant shall comply with all regulations and code requirements of the Community Development Department, Public Works Department, Stanislaus Consolidated Fire Protection District, the Sheriff's Department and any other agencies requiring review of the project. If required, the applicant shall be responsible to insure that these agencies are supplied copies of the final building and site plans.
5. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties
7. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as deemed necessary by the Public Works Department.
9. All off-site development shall comply with all applicable provisions of the Riverbank Municipal Code as determined by the City Engineer. Issuance of an encroachment permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.

TENTATIVE MAP

1. Applicant is responsible for street name signs in accordance with City of Riverbank Standards.
2. All subsequent maps shall plot dedication and/or the relinquishment of all effected utility easements.
3. If applicable, all beneficiaries of record to sign a consent statement to record with the Final Map.
4. The sub divider of residential projects shall record CC&R's at the time of recordation of the final parcel map creating the individual lots of this subdivision. The CC&R's will provide for a manager to be responsible for maintenance and repair, with each lot owner responsible for its pro rata share of the maintenance costs. The manager may be an owner, a third party manager designated by the owners, or a special purpose entity such as an owners' association. The CC&R's shall be subject to the review and approval of the City Attorney and Community Development Director prior to recordation of the final parcel map, and shall include the following:

5. All housing units built on this project are subject to the design standards of the City of Riverbank General Plan.
6. The City of Riverbank Police Department shall have the authority to enforce the State Vehicle Code on private streets within this subdivision. This enforcement shall commence only upon receipt of a written request from the developer or individual homeowners in the subdivision. The requesting party shall pay all costs associated with posting the private streets as required by the State Vehicle Code. The Police Department shall have the authority to enforce the State Vehicle Code and all Riverbank laws on future public roads offered for dedication, but not yet accepted by the City.
7. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
8. Except as shown on the approved tentative map or as modified by the conditions contained herein, all street, thoroughfare or highway improvements shall be constructed as required in the Riverbank Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the General Plan shall be constructed as directed by the City Engineer.
9. All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
10. Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all street lights and landscaping within or adjacent to the site.
11. In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

12. The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map, and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
15. To the extent applicable by past or future City Council actions prior to the recordation of final maps, the developer shall participate in the City's Capital Improvement Financing Plan to finance required infrastructure
16. The subdivider shall construct, or agree to construct, the public improvements and private road improvements shown on the improvement plans as approved by the City Engineer.
17. If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
18. All new and existing utility distribution facilities, including cable television lines, within the boundaries of the subdivision or within any half street abutting the subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this condition, and shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators, for the installation of such facilities.
19. The subdivider shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
20. The subdivider shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the Director of the Department of Public Works. Any required drainage channel shall be lined with the suitable material as specified by the Director of the Department of Public Works. All such drainage easements shall be monumented along property lines at locations approved by the Director of the Department of Public Works. An access easement shall be provided to each drainage system maintenance access point not directly accessible from a public roadway. Such access easement is to be improved, fenced, and aligned to the satisfaction of the Director of the Department of Public Works.

The subdivider shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:

- a. All fixtures shall use a low pressure sodium vapor light source.

- b. All light standards and heads shall be ornamental in nature not to exceed 16 feet in height designed to the satisfaction of the Community Development Director and spaced and located to the satisfaction of the City Engineer.
- c. Deposit with the City of Riverbank, through the Department of Public Works, a cash deposit sufficient to:
 - i. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to a City designated lighting district to operate and maintain the system.

22. If the project is a Planned Development, then the following conditions shall apply:

- a. Minimum unobstructed private road width (face to face of curb) shall be twenty-four feet (24').
- b. Private road structural section shall be a minimum of two inches (2") of asphaltic concrete over four inches (4") of approved base. Grades shall be a minimum of 1.0 percent and a maximum of 15 percent and designed to drain the surface water properly. Adequacy of the structural section and surface drainage shall be inspected and certified by the City Engineer.
- c. Property owners shall agree to preserve and save harmless the City of Riverbank and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner. Hold harmless forms are available from City Hall.
- d. The applicant shall deposit with the Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.
- e. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.

The applicant shall construct and improve the pedestrian circulation system to the following design standards to the satisfaction of the Community Development Director:

- a. The pedestrian system shall provide a minimum eight feet (8') of landscaping of trees and shrubs between the sidewalk and curbing of any street on all projects.
 - b. Sidewalk surface shall consist of pervious concrete, or other pervious material approved by the Community Development Director.
 - c. Sidewalk gradients shall not exceed 15 percent. Where natural grades exceed 15 percent, sufficient width for switchbacks shall be provided to accommodate a 15 percent gradient path.
 - d. Sidewalks shall intersect roads at approximately 90 degree angles.
 - e. The sidewalk system shall be continuous through the subdivision.
 - f. Points where sidewalk exists, the subdivision shall be coordinated with existing or planned sidewalk locations on adjacent property.
21. Notwithstanding any grading/elevations that are shown on the tentative map, or the provisions of the City of Riverbank Municipal Code, approval of this tentative map does not authorize the issuance of any grading permits.
22. Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City Engineer, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the City of Riverbank before recordation of the letter.
23. The sub-divider shall deposit with the City the required fees at the time the lot grading plan or improvement is submitted. The deposit will be made with whichever plan is first submitted. Said deposit shall be used to cover the cost of site inspection by the City to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.

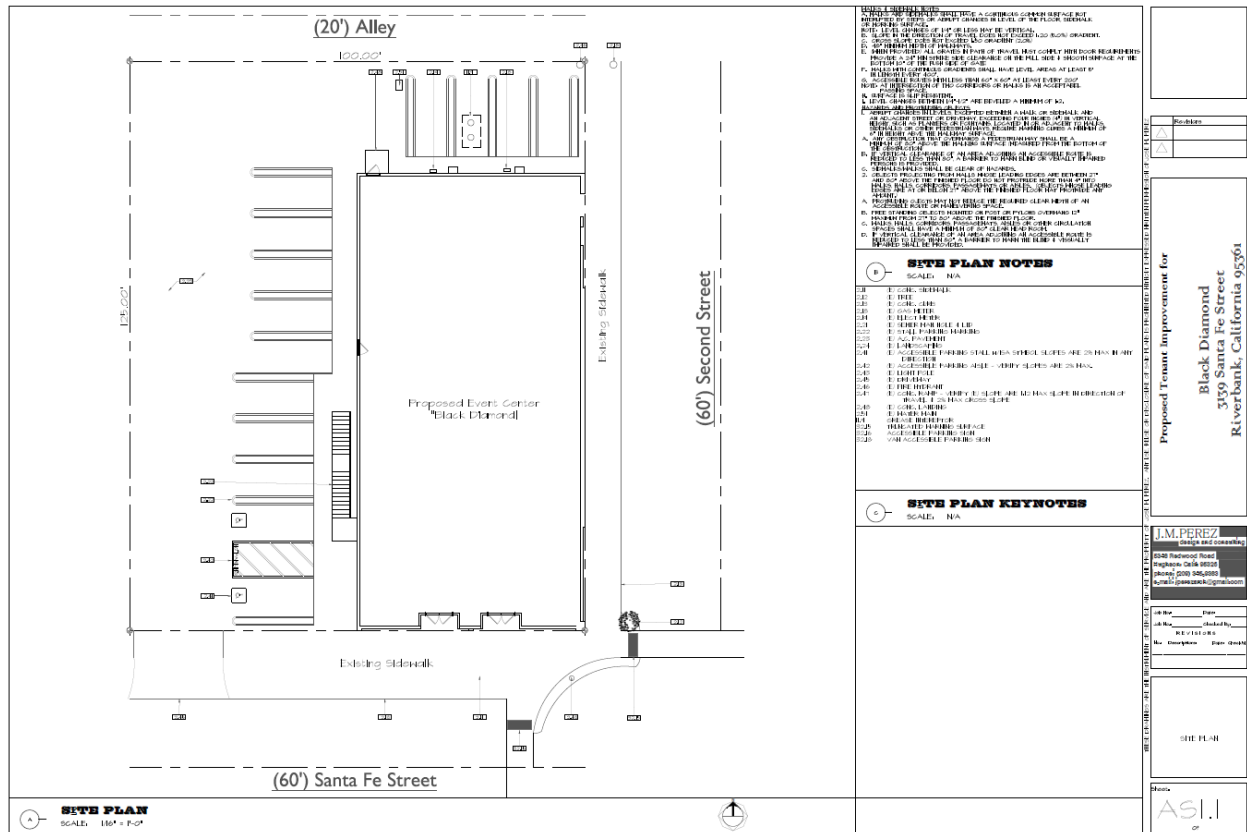
FINAL MAP RECORDATION

1. The Final Map shall show the dedication of all onsite drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the Public Works Director, or verify that no easements are required.

2. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
3. Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on the Final Map shall be in substantial conformance to that shown on the Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.
4. Upon notification by the City of Riverbank that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Stanislaus County Recorder's Office.
5. The sub divider shall accomplish the following prior to approval of the Final Map by the City Council:
 - a. Provide the Department of Public Works with standard forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).]
 - b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the sub divider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.
 - c. Grant to the appropriate agency, by recorded document, all required offsite easements and all onsite water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
 - d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
 - e. If the sub divider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff to begin eminent domain proceedings for acquisition of said property rights in accordance with Board Policy J-33. The developer shall agree to pay full City costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

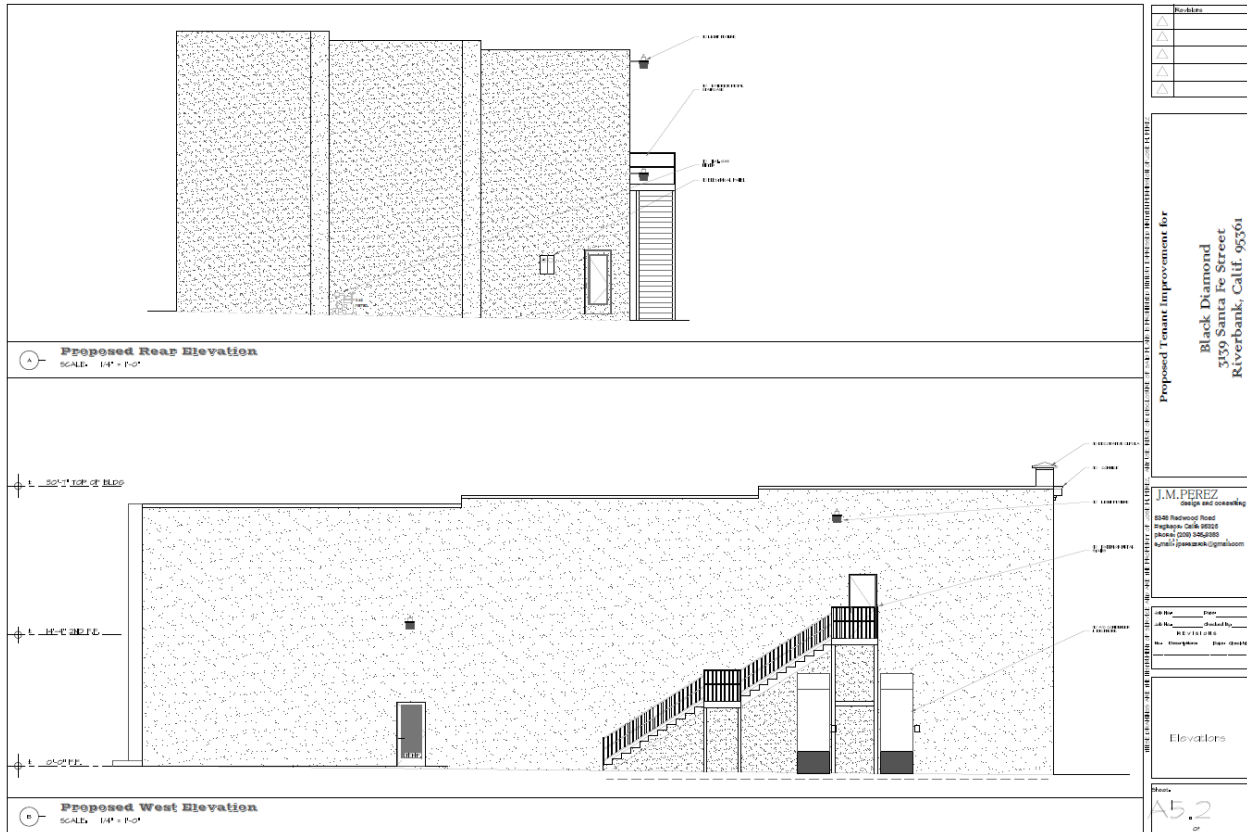
- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City

SITE PLAN



ELEVATIONS





**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.2

June 18, 2024

Architecture and Site Plan Review 09-2023 (Dept. File #23-0026) – Lucky House Tiny Homes.

Mid-Valley Engineering, applicant for Architectural and Site Plan Review Application No. APSR 09-2023 is proposing the development of a multi-family residential project consisting of thirty-eight detached residential dwellings with private streets on a vacant 2.25-acre property located on the north side of Ward Avenue.

APPLICANT: Mid-Valley Engineering, Inc.
1117 I Street
Modesto, CA 95354

OWNER: Yongwei Huang
2730 Patterson Road
Riverbank, CA 95367

PROJECT LOCATION: Between Ward Avenue and the westerly extension of Ross Avenue, also located between the northerly extension of Howard and Don Avenues (APN 075-010-065).

PRESENT LAND USE: Inactive and vacant land

GENERAL PLAN: Project Site: Mixed Use (MU)
To the North of the site: Mixed Use (MU)
To the East: Low Density Residential (LDR)
To the South: Low Density Residential (LDR)
To the West: Mixed Use (MU)

ZONING: Subject Site: Mixed Use District (CX-1) Zone
To the North of the Site: Mixed Use District (CX-1) Zone
To the east: Single Family Residential District (R-1) Zone
To the south: Single Family Residential District (R-1) Zone
To the west: Commercial-Industrial (CM) Zone

ENVIRONMENTAL DETERMINATION:	The proposed project was evaluated by staff and determined that the project is Categorically Exempt under CEQA, Section 15332 – Class 32: In-Fill Project.
PROJECT PLANNER:	Miguel Galvez, Contract Planner
RECOMMENDATION:	Approve Planning Commission Resolution No. 2024-03, Approving Architecture and Site Plan Review Application No. ASPR NO. 09-2023, subject to the findings and conditions of Approval as listed in Attachment 1
ACROMYMS:	CEQA – California Environmental Quality Act ASPR – Architecture and Site Plan Review SF – Square Foot or Feet RMC – Riverbank Municipal Code

I. EXECUTIVE SUMMARY:

Mid-valley Engineering, the applicant for the property owner, Yongwei Haung, applied for an ASPR application to develop a multi-family project consisting of thirty-eight detached tiny homes and private streets on a 2.25-acre property located on the northside of Ward Avenue between Howard and Don Avenues, see **Attachments 2**, Location Map, **Attachment 7**, Site Plan and **Attachment 8**, Elevations and Floor Plans. The subject site is bounded by Ward Avenue on the south and the westerly extension of Ross Avenue on the north, see **Attachment 3**, Aerial Map. The proposed project is considered Categorically Exempt under CEQA Section 15332 – In-fill Development.

II. SITE INFORMATION:

The 2.25-acre property has been vacant for many years. Single family residential developed properties are located to the east and south of the project site. A trucking business is located west of the site. A household waste recycling business and a tile fabrication and installation business are presently operating north of the project site. Ross Avenue right-of-way terminates at the northeast corner of the subject property. A paved private road extends west of the Ross Avenue right-of-way onto the subject property. A communication cell tower is located at the northwest of the site and situated on a separate parcel. Communication Tower equipment was recently installed east of the Communications Tower site on the project site without the consent of the property owner and the equipment will have to be relocated. A Twelve-foot-wide alley is located east of the project site and a gate was installed to control access between the alley and the project site.

A six-foot-high wood board fence is located along the eastern property line. There is no fencing on the northern property boundary to buffer the subject property from land uses located to the north. A private paved road is located along the northern boundary of the project site and serves to provide access to the communications tower parcel. The Ross Avenue public street is presently fenced off at the northeast corner of the site. A six-foot-high chain link fence is located along the western property line. A six-foot-high chain link fence with slats is presently located along the southern property line along Ward Avenue. However, the fencing on the southern property line was recently damaged by a hit and run driver.

A 15-foot-wide sanitary sewer easement runs along the property's northern property line along the existing private paved road. In addition, an electrical utility line is also located along the private (Ross) road alignment. An Oakdale Irrigation District standpipe is located at the southeast corner of the property.

PROJECT BACKGROUND

The applicant initially desired to develop a tiny home subdivision under the City's recently adopted Tiny House Ordinance. With lot and house size limits in this Ordinance, the applicant decided to develop the property as a multi-family development project under the Mixed-Use District (CX-1) zoning designation. All of the proposed tiny homes will be located on one parcel.

The applicant proposes this project in response to a lack of affordable housing units available to employees of the applicant's associated businesses. Moreover, the applicant is interested in securing financial assistance from the City and/or the State to make the proposed housing units affordable with long term affordability covenants. The applicant has yet to apply for or receive any financial assistance for development of the project. One of the funding requirements is to have an approved land use entitlement, (i.e., approval of an ASPR application) for the development of the project.

III. ANALYSIS:

A. Site Plan.

The project includes the development of thirty-eight detached dwellings (tiny homes), measuring in size from 426 to 805 square feet, see **Attachments 7 and 8**, Site Plan, Elevations and Floor Plan. Each dwelling unit will be provided with one (9' x 18') off-street parking space for a total of thirty-eight parking spaces. One of the units will be set aside for use by an on-site property manager. Each of the dwelling units will be provided with a fenced private patio area of at least three hundred square feet in size.

A six-foot-high concrete masonry wall is proposed along the western property next to the trucking business. A new six-foot-high wood board fence is proposed along the eastern property line next to the existing residential development. A six-foot-high fence/barrier is also proposed along the north of the property, north of the proposed private road pavement. The existing chain link fencing at the Ross Avenue right-of-way access point will be removed to provide vehicular and pedestrian access to areas north of the site.

B. Parking and Circulation

The project will be served by two private streets in a north to south alignment. These streets will be 37-foot-wide and have an access and utility easement. These private roads will have direct access onto Ward and Ross Avenues. The project site will also be served by two twenty-seven (27) foot wide alley drive lanes that will connect to the private roads. They will also serve to provide vehicular access to private driveways and serve as access and utility easement. The alleyways will be designated as a no parking fire lane.

Each dwelling unit will be provided with one off-street parking space. There are no designated visitor parking spaces, and visitor parking may occur on Ward Avenue or along one side of the private road.

The westerly extension of Ross Avenue, as a private road, will be developed to a 35-foot-wide part-width street. It will incorporate an additional 12-foot paved lane on the adjacent property to the north, which is also owned by the applicant. Ward Avenue is proposed to be developed as a public street, with a 50-foot right-of-way, to current City Standards for a 100-foot-wide Collector Street standard. Vertical curbs, gutters and sidewalks will be developed for all the private and public streets.

The alley located to the east serves properties north of Ward Avenue and south of Ross Avenue. It may serve to provide vehicular access to the rear of these properties. It may also serve as an easement for existing utilities. The subject project proposes terminating access to and from this alley. Any vehicles using the 12-foot-wide alley will now have to back out of the alley as access to the west onto the project site will be ended.

C. Utilities

A French drain system is proposed to capture and dispose of all stormwater run-off collected on site. Stormwater run-off that sheet-flows from the northern property will be directed to remain on that property. Individual garbage totes are proposed for each dwelling unit. An Oakdale Irrigation District (OID) facility (standpipe) is located at the southeast corner of the property and will be removed as required by OID. City water and sanitary services will be extended to serve the site as approved by the City Engineer.

D. Building Design

All the proposed dwellings are single story. The front of the dwellings will incorporate a porch along with a three-foot-high enclosed fenced railing and entryway.

Two housing model sizes are proposed. There are twenty-four (24) one-bedroom units that each measure approximately 430 square feet in size. There are fourteen (14) two-bedroom units that each measure approximately 805 square feet in size. Again, each unit will also incorporate an enclosed patio area of at least 300 square feet in size behind each of the units.

The proposed dwellings will incorporate a concrete tile roof, stucco siding, white vinyl framed windows, outdoor wall lanterns, wood fencing and gates.

The site will be landscaped with walking paths and street light standards proposed along the private streets and walking paths.

F. Site Development Issues

1. Communication Tower Equipment

As mentioned above, communication equipment has been installed outside of the Cell tower's parcel and on the project site. It presently conflicts with the development of the northwestern most dwelling unit. The applicant will have to have this equipment relocated or the affected housing unit removed from the site. The applicant represented that he would work with the Cell Tower business to have its fenced equipment relocated onto the communication tower's leased parcel, which is owned by the applicant. A condition of approval will be included to address this conflict.

2. Proximity to Light Industrial Businesses

The property to the north is used with a variety of commercial and light industrial businesses. The two metal buildings immediately north of the project site are in use with light industrial uses. One building is in use with a tile, granite installation and fabrication business with an outdoor storage area. A second and larger building is operated as a household recycling business. Further north of these businesses is a commercial building with various businesses, including a fueling station.

The recycling business presently uses an outdoor parking lot to receive and store recyclables. This business presently utilizes the project site for employee parking

and outdoor storage. This land use will be restricted by the applicant and property owner to operating their business on their leased area.

Typically, residential development and light industrial uses are not located next to each other without buffering measures to address externalities such as noise, dust, litter, and unsightliness. However, mixed use zoning allows a combination of commercial, light industrial and residential land uses when there are measures to reduce externalities that may affect the less intensified use. A precedence has been set with the properties to the east on Ross Avenue, which consists of both light industrial uses on the north side and residential land uses on the south side of Ross Avenue.

The intent of the project is to provide housing for households that work in the neighboring businesses, helping to achieve a local job-housing balance for the vicinity. Staff is supportive of the residential land use next to the industrial land uses when there are measures to address incompatible land uses. To achieve this, the applicant proposes to install a six-foot-high barrier along the north side of the private Ross Road. The applicant is pursuing funding to erect a six-foot-high masonry wall to run along the length of the northern property line. The actual length or distance has not yet been determined but is expected to run the length of the northern property line. If funding is insufficient, then the applicant would install a wood board fence. A condition of approval will be included in the PC Resolution to address the installation of a wall or fence.

3. Storm Water Run-off

A French drain percolation system is proposed to dispose of stormwater collected on site. Stormwater from the adjacent property to the north has been observed by City staff to sheet-flow south onto the project site. The proposed expansion of private Ross Road width will be designed to have storm water from the northern parcel to remain on the northern parcel. The applicant indicated that a new storm drain basin would be installed to address stormwater runoff on the northern property.

Storm water inlets into the private French drain system will be required to be sized and designed to meet City requirements.

4. Fire and Garbage Truck Access

The Fire Prevention staff reviewed the site plan and found the proposed design to meet fire truck access and circulation design standards. However, the private alleyways will be designated as a fire lane, restricting vehicles from parking in the

alley drive lanes, a condition of approval will be included to address this requirement.

Each dwelling will be served with garbage totes and will be serviced by the solid waste service provider. Gilton Solid Waste did not respond to the project referral identifying any concerns with the garbage pick-up service for this development.

5. Oakdale irrigation District Facilities

An Oakdale Irrigation District (OID) standpipe is located at the southeast corner of the project site. The applicant will need to coordinate the relocation or abandonment of OID irrigation facilities as required by OID. A condition of approval will be added, requiring the applicant to address OID facilities as required by OID.

IV. REQUIRED FINDINGS:

A. General Plan Consistency Findings

These required findings are listed in *italics* below. Staff believes the findings can be made by adopting the **bold text** below, which will be included in the Planning Commission Resolution.

Pursuant to the City of Riverbank General Plan, the Planning Commission must make the following findings relevant to the Architectural and Site Plan Review of the project:

Housing Element – “GOAL 2: ENCOURAGE AND ASSIST IN THE DEVELOPMENT OF ADEQUATE HOUSING TO MEET THE NEEDS OF EXTREMELY LOW-, LOW- AND VERY LOW-INCOME HOUSEHOLDS.”

- *To plan for enough dwelling units to meet the City's regional housing share as determined by StanCOG within the confines of environmental considerations.*
- *To address the affordable housing needs of very low- and low-income households and to encourage the private sector to develop housing affordable to these income groups.*
- *To plan for a balanced community that provides housing, employment, commercial services, and recreational opportunities.*

Land Use Element – “Policy LAND-3.3: The City will encourage ‘compact development,’ which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.”

1. *Our City will benefit from an appropriate balance between housing, commerce, industry, circulation, and open spaces for agriculture and nature.*

The proposed development will result in both developing vacant and in-fill property with housing stock that will help the City address both its Regional Housing Needs Allocation as well as serve to provide housing opportunities to very low- and low-income households. Furthermore, development in the Mixed-Use land designation will help provide a jobs-housing needs balance for the neighborhood.

B. Zoning Ordinance Consistency Findings

The Planning Commission is required to make the following findings to approve an architecture and site plan review application: These required findings are listed in *italics* below. Staff believes the findings can be made by adopting the **text in bold print** below, which will be included in the Planning Commission Resolution.

- (1) *The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

The proposed tiny home development will help develop vacant in-fill property as well as help the City meet its regional Housing Needs Allocation for low-income housing.

- (2) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

The proposed project will serve to develop vacant property, facilitating pedestrian access to places of employment.

- (3) *The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and compliments the existing surrounding environment and ultimate character of the area under the general plan.*

The proposed tiny homes project will continue the pattern of residential development located to the east and south. Design features of the project will help buffer land uses within the mixed-use zoning designation.

- (4) *The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting, and similar elements, establishes a clear design concept and is compatible with the character of the buildings on adjoining and nearby properties.*

The project is proposed to be developed at a multi-family development density of 17.2 units per gross acre, which is consistent with the minimum net density of eight units per acre of the Mixed-use zoning regulations. The project is also providing private open space requirements consisting of at least three hundred square feet of a fenced patio area.

With the incorporation of the conditions identified above as conditions of approval, Planning staff believes the findings can be made and recommends approval of the proposed Architectural and Site Plan Review application (APSR No. 09-2023).

C. Environmental Assessment

Pursuant to the California Environmental Quality Act (CEQA), the proposed project was evaluated by staff, which determined that the project is Categorically Exempt under CEQA Section 15332 – Class 32 - In-Fill Project.

Class 32 consists of projects characterized as in-fill development meeting the conditions described below.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project is consistent with the applicable general plan of Mixed use as it allows residential development. The proposal is within the development densities listed for the mixed-use land use designation. The project occurs on a property of 2.2 gross acres. The subject parcel is in an urban area where no rare or threatened species have been identified. The project will not result in a significant increase in traffic as the dwelling units are small. All City utilities are available to serve the project site.

V. PUBLIC NOTICE:

The Planning Commission public hearing notice was published in the Riverbank News on June 5, 2024, and posted at City Hall North, South, Post Office, and Community Center on June 5, 2024. It was published on the City's website on June 5, 2024. Public notice mailers were distributed to residents and business within three hundred feet of the Project site in accordance with City standard practices on June 6, 2024. At the time of writing this Staff Report (June 12, 2024), City staff has not received any written public comment, but any written comments received after this date shall be provided to the Commission on the day of the meeting.

VI. CONCLUSION and RECOMMENDATION:

Staff evaluated the project and believes that the project meets the mixed-use development standards, is consistent with appropriate General Plan Goals and Policies. Staff further believes that the findings listed above can be made. Finally, staff recommends approval of ASPR 09-2023 – Lucky Tiny Homes subject to the findings and conditions listed in the proposed Planning Commission Resolution and included as **Attachment 1**

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2024-003 (ASPR No. 09-2023)
Exhibit A: Plans date stamped March 28, 2024
2. Location Map
3. Aerial Map
4. General Plan Map
5. Zoning Map
6. Assessor's Plat Map
7. Site Plan
8. Elevations and Floor Plans

Respectfully Submitted By:

Miguel Galvez

Miguel Galvez
Contract City Planner

Riverbank Planning Commission
Staff Report 3.2
Meeting of June 18, 2024
Page **10** of **10**

City of Riverbank
Planning Commission
Resolution No. 2024-003

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
APPROVING ARCHITETURAL AND SITE PLAN REVIEW APPLICATION 09-2023
FOR LUCKY HOUSE TINY HOMES ON THE NORTH SIDE OF WARD AVENUE
BETWEEN HOWARD AND DON AVENUES (APN 075-010-065)**

WHEREAS, Mid-Valley Engineering, Inc., the applicant on behalf of the property owner, Yongwei Haung, applied for an Architectural and Site Plan Review (ASPR No. 09-2023) to develop a multi-family project consisting of thirty-eight (38) detached tiny homes with private streets on a 2.25-acre property located on the northside of Ward Avenue between Howard and Don Avenues and between Ward Avenue and the westerly extension of Ross Avenue; and

WHEREAS, the project site has a General Plan land use designation of Mixed Use (MU) and zoning designation of Mixed Use District (CX-1) Zone; and

WHEREAS, Riverbank Municipal Code (RMC) Section 153.067 Uses Permitted (B), allows detached residential uses with a minimum density of eight units per acre, including, single family homes, caretaker units, and manufactured homes; and

WHEREAS, the project is proposed to be developed at a density of 17.2 units per gross acre; and

WHEREAS, the proposed development will result in developing vacant and in-fill property with housing stock that will help the City address both its Regional Housing Needs Allocation as well as serve to provide housing opportunities to very low- and low-income households. Furthermore, development in the Mixed-Use land designation will help provide a jobs-housing needs balance for the neighborhood; and

WHEREAS, The Planning Commission is required to make General Plan conformity and zoning ordinance consistency findings to approve an Architecture and Site Plan Review application: and

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

- (1) The proposed project is consistent with the objectives of the general plan, complies with applicable zoning regulations, planned development, master plan or specific plan provisions, improvement standards, and other applicable standards and regulations adopted by the city.*

The proposed tiny home development will help develop vacant in-fill property as well as help the City meet its Regional Housing Needs Allocation for low-income housing.

- (2) *The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation.*

The proposed project will serve to develop vacant property, facilitating pedestrian access to places of employment.

- (3) *The site layout (orientation and placement of buildings and parking areas), as well as the landscaping, lighting, and other development features, is compatible with and compliments the existing surrounding environment and ultimate character of the area under the general plan.*

The proposed tiny homes project will continue the pattern of residential development located to the east and south. Design features of the project will help buffer land uses within the mixed-use zoning designation.

- (4) *The proposed architecture, including the character, scale, and quality of the design, relationship with the site and other buildings, building materials, colors, screening of exterior appurtenances, exterior lighting, and similar elements, establishes a clear design concept and is compatible with the character of the buildings on adjoining and nearby properties.*

The project is proposed to be developed at a multi-family development density of 17.2 units per gross acre, which is in conformance with the minimum net density of eight units per acre of the Mixed-use zoning regulations. The project is also providing private open space requirements consisting of at least three hundred square feet of a fenced patio area per unit; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the proposed project is Categorically Exempt under CEQA Section 15332 – Class 32 - In-Fill Project, meeting the conditions described below.

- (a) 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.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value, as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

WHEREAS, the Planning Commission of the City of Riverbank hereby finds and adopts the following findings:

The project is consistent with the applicable general plan of Mixed use as it allows residential development. The proposal is within the development densities listed for the mixed-use land use designation. The project occurs on a property of 2.2 gross acres. The subject parcel is in an urban area where no rare or threatened species have been identified. The project will not result in a significant increase in traffic as the dwelling units are small. All City utilities are available to serve the project site, and

WHEREAS, with the incorporation of the conditions of approval below, the findings can be made; and.

WHEREAS, the Planning Commission held a public hearing on June 18, 2024, to consider ASPR 09-2023 and to take public comment; and

WHEREAS, the request for the Architectural and Site Plan Review application is hereby recommended for conditional approval by the Planning Commission of the City of Riverbank, subject to and modified by the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project.
2. The applicant shall build the entire project according to the site plans and elevations date stamped March 28, 2024, and on file with the Community Development Department and presented to the Planning Commission as part of this action.
3. Prior to the issuance of a building permit, The applicant shall cause the relocation of the cell tower equipment/facilities presently located on the northwestern portion of the site to the leased communications tower leased parcel or remove one of the proposed dwelling units.
4. Three (3) sets of landscape and irrigation plans conforming to the state's MWELo requirements shall be prepared and submitted with fee for review and approval by the City's contract landscape architect before issuance of a Certificate of Occupancy of any of the residential dwellings.
5. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required.
6. On site drainage shall be provided and may need to be sized to manage water from off-site based on existing drainage patterns.

7. Ward Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
8. Ross Avenue needs to be fully improved to city standards including curb, gutter, sidewalk, pavement widening, streetlights and striping. Private Ross Avenue shall be improved to a half street on the south side plus a 12-foot paved lane.
9. The intersection of 40-foot Ross Avenue and 40-foot (unnamed street) Avenue needs to be improved to City Standards including curb, gutter, sidewalk, pavement widening, streetlights and striping.
10. Provide dedication for all necessary road rights-of-way and easements for utilities and sidewalks.
11. Show the location of the existing sewer line and sewer easement in Ross Avenue.
12. The internal streets need to be constructed to City Standards if they are intended to be public streets.
13. Indicate "No Parking" for streets with less than 40 feet, with curb to curb.
14. A minimum six-foot-high concrete masonry wall is required along the westerly boundary.
15. Prior to the issuance of a certificate of occupancy for any dwelling units, a six-foot high wood board fence shall be installed on the eastern property line.
16. Prior to the issuance of a certificate of occupancy, a six-foot-high barrier (wood board fence or masonry wall) shall be installed on the north side of the private Ross Road. The length of the barrier and building material to be approved by the Community Development Director.
17. Provide a copy of the soils report including percolation testing for the storm drain system.
18. All storm water needs to be managed on-site. No new connection to the existing storm system is permitted.
19. All storm inlets shall be fitted with storm filter inlets.
20. Provide support proving that the existing sanitary sewer has sufficient capacity and integrity to handle the new development.
21. Show the existing O&D facilities and indicate if they are to remain or be abandoned.
22. The water system shall be designed to meet City Standards and include hydrants, services, and blow offs.
23. The sanitary sewer system shall be designed to City Standards and include manholes, services, and cleanouts.

24. All sidewalks and ramps need to meet ADA standards and provide connection to all public streets.
25. The location of any OID facilities shall be shown and any proposed relocation or improvements including easements.
26. Any block walls shall be reviewed and approved under a separate permit.
27. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5, If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98.
28. All private street names shall be approved by the Community Development Director, in coordination with Stanislaus County 911 dispatch.
29. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code.
30. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1.**
31. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1.**
32. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3.**
33. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1.**
34. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4.**

35. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day.
36. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
37. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
38. All vehicle speeds on unpaved roads shall be limited to fifteen (15) miles per hour.
39. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used.
40. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
41. Applicant shall comply with San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review.
42. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
 - a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit.
43. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for

the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:

- a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas, and/or routing of runoff swales and other small-scale facilities distributed throughout the site.
 - c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
 - d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project.
44. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the Development Services Department page on the City's website.
45. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:
- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
 - b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
 - c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (neighboring dwellings).
 - d. Unnecessary idling of internal combustion engines shall be prohibited.
 - e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (neighboring dwellings).
 - f. Construction-related traffic shall be routed along major roadways (Roselle Avenue and Claribel Road) and as far as feasible from sensitive receptors.

- g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RESOLVES that it approves Architectural and Site Plan Approval ASPR No. 09-2023 for the Lucky House Tiny Homes project, attached hereto as “**Exhibit A**” and incorporated herein by this reference.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a special meeting held on the 18th of June 2024; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____-____:

AYES: Commissioners:

NAYS:

ABSENT:

ABSTAIN:

Attest:

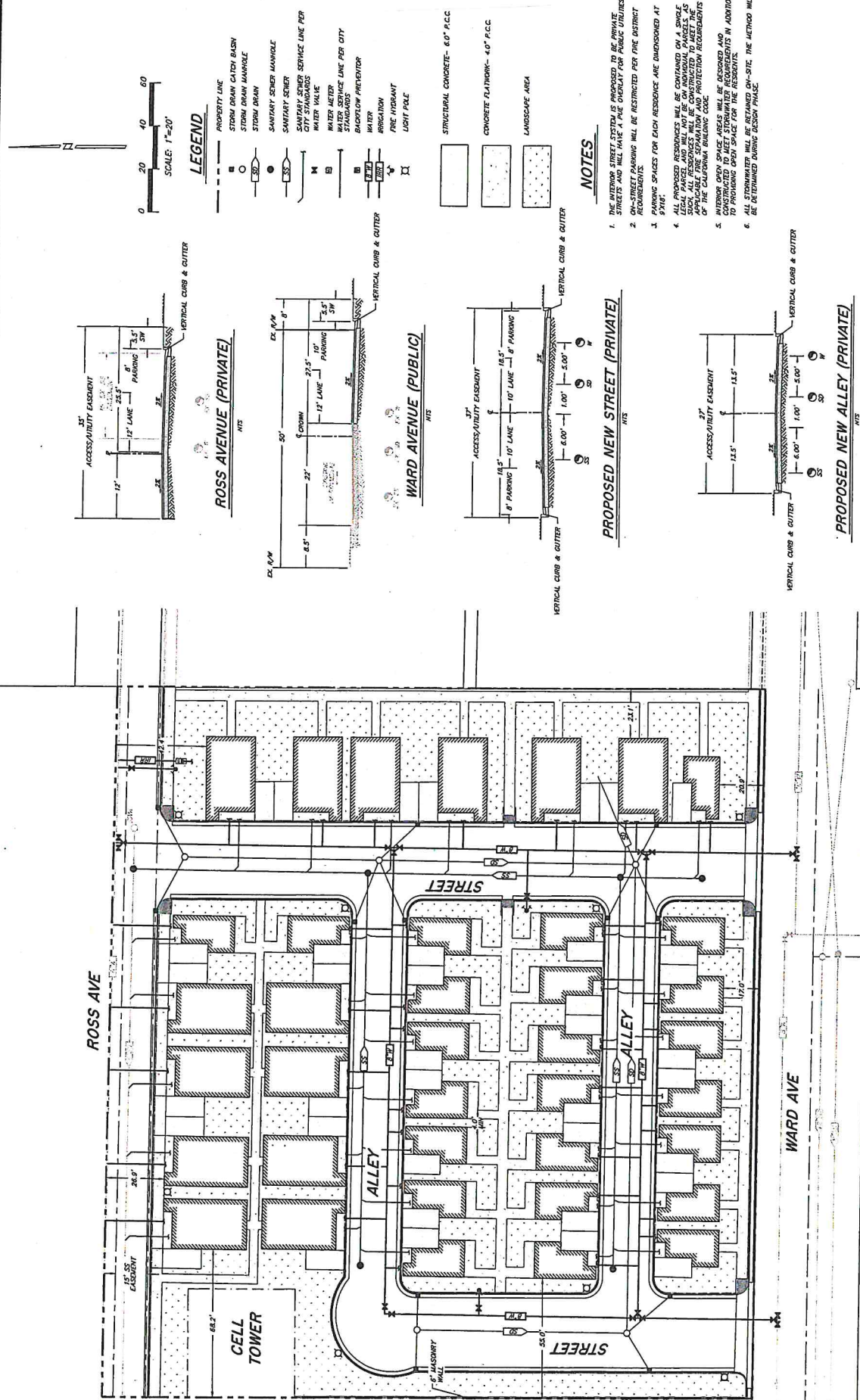
Approved:

Joshua E. Mann,
Community Development Director

Taide Zamora, Vice-Chair
Planning Commission

Exhibit A – Lucky House Tiny Homes Site Plan Floor Plan and Elevations.

Exhibit A



what's below

PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL CALL UNDERGROUND SERVICE ALERT FOR UNDERGROUND CLEARANCE. USA WILL PROVIDE INFORMATION ABOUT OR LOCATE AND MARK UNDERGROUND FACILITIES.

UNAUTHORIZED CHANGES & USES

REVISIONS		ISSUED FOR		BY	
NO.	DATE				
Drawn By:	AB				
Issue Date:	3/28/24				
Job No.:	NC2119				
Checked:	DAM				
Design By:	AB				

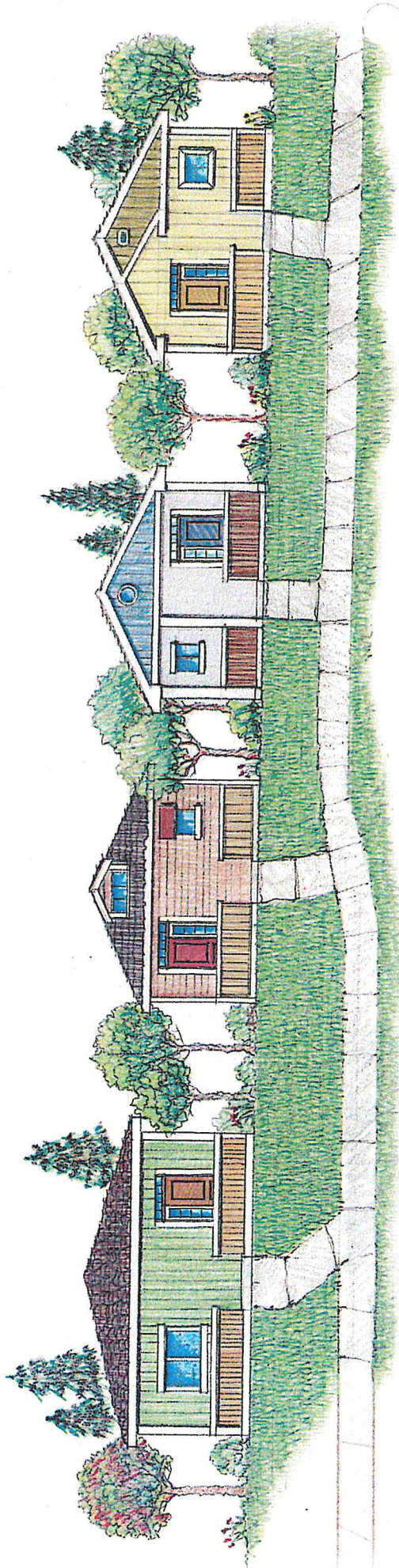


MVE Inc.
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Northern California | Southern California | Nevada

WARD AVENUE TINY HOMES
PRELIMINARY SITE PLAN

CS1
SHEET 1 OF 1

MAR 28 2024



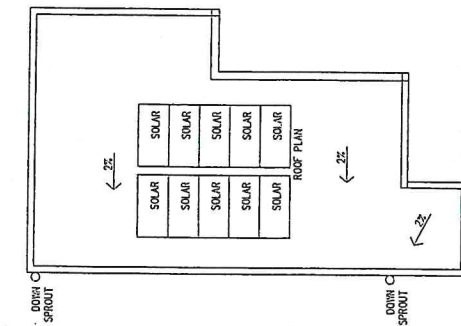
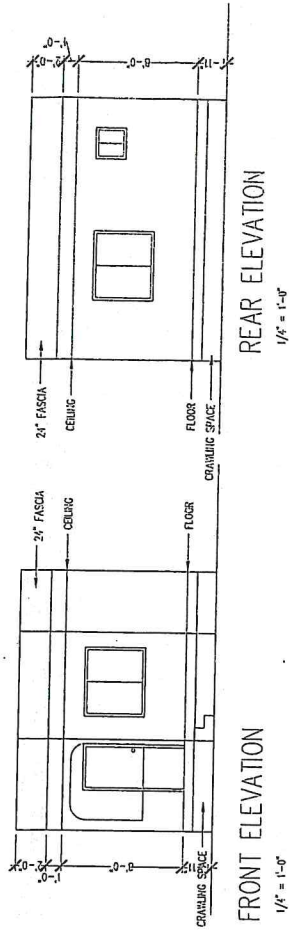
03.20.2024



WARD AVE TINY HOMES STREET VIEW
Riverbank, California

**YONGWEI
HUANG**

Project Management • Civil/Structural Engineering • Urban Design • Land Planning • Entitlements • Right-of-Way/Permitting • Surveying • Construction Staking • Graphics
Providing services in California, Nevada, and Washington.



(N) FLOOR PLAN
1/4" = 1'-0"

LEFT ELEVATION
1/4" = 1'-0"

REAR ELEVATION
1/4" = 1'-0"

FRONT ELEVATION
1/4" = 1'-0"

RIGHT ELEVATION
1/4" = 1'-0"

LEFT ELEVATION
1/4" = 1'-0"

WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 2
Riverbank, California

YONGWEI
HUANG

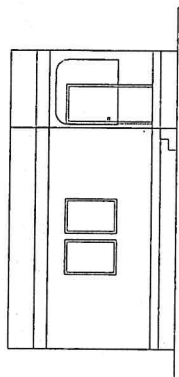
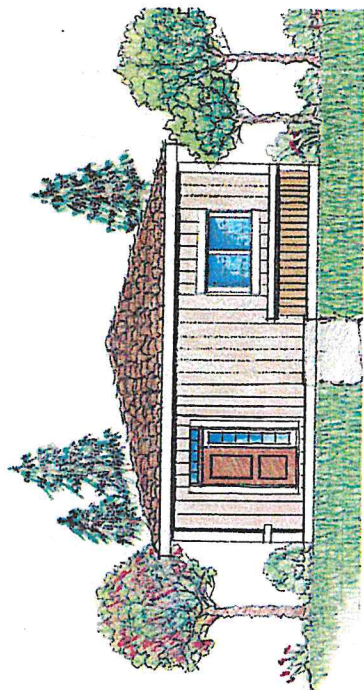
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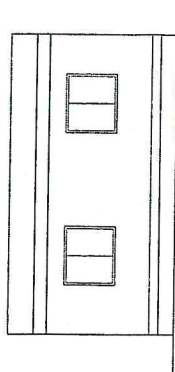
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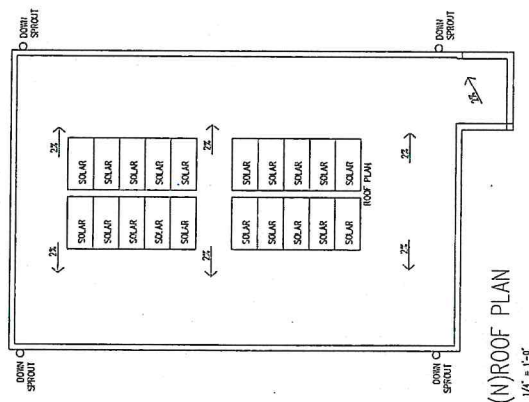
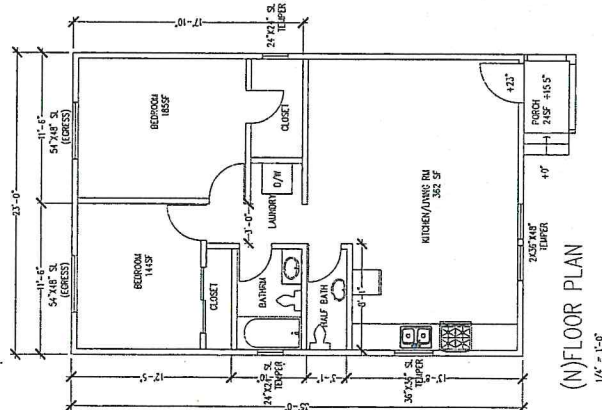
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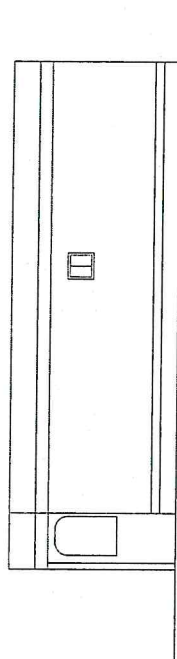
FRONT ELEVATION
1/4" = 1'-0"



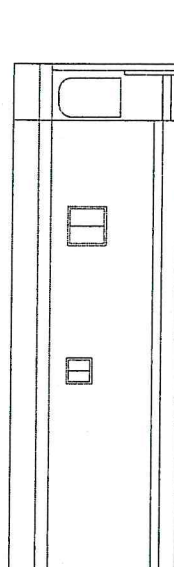
REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



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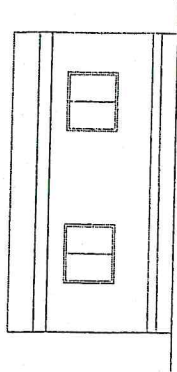
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WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 2

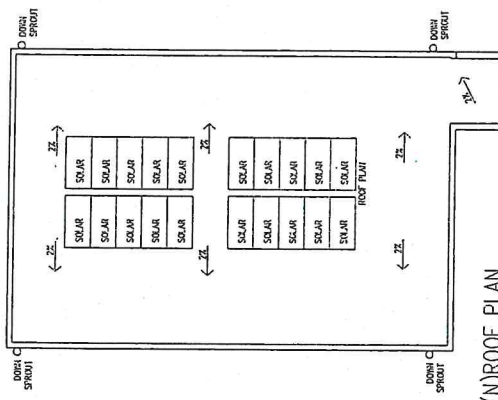
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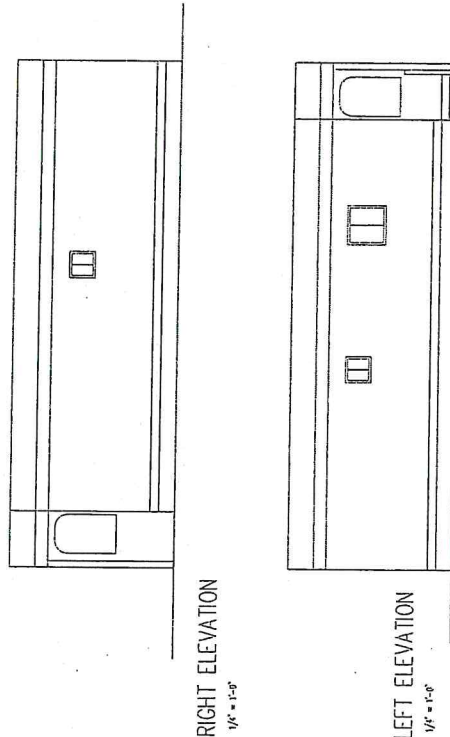
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REAR ELEVATION
1/4" = 1'-0"



(N) ROOF PLAN
1/4" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"

LEFT ELEVATION
1/4" = 1'-0"

WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 3
Riverbank, California

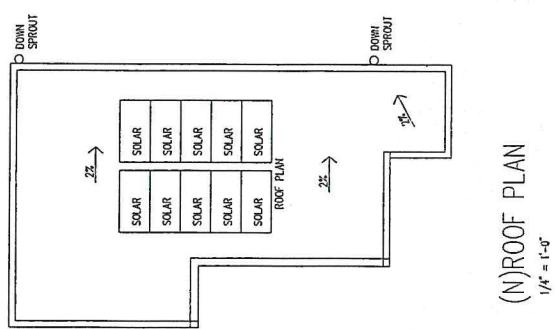
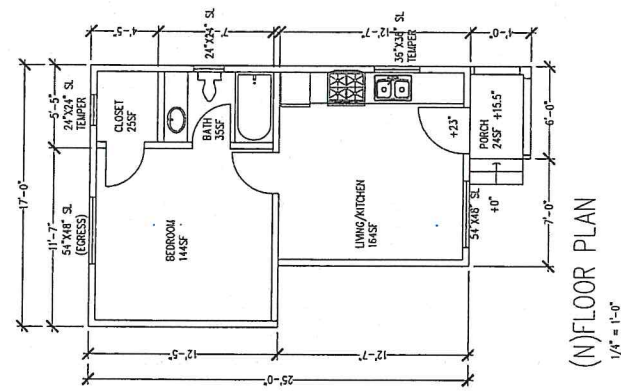
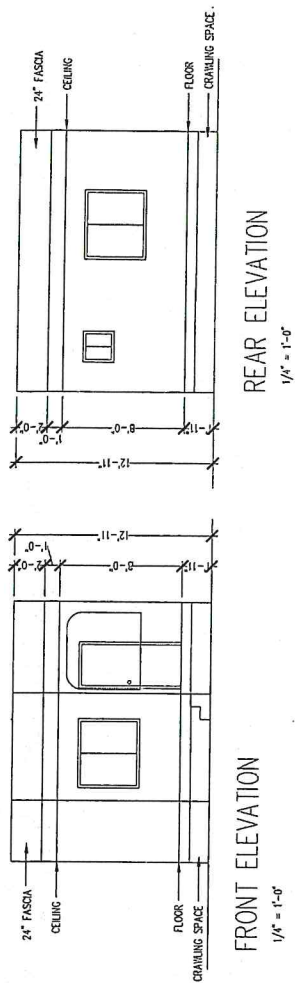
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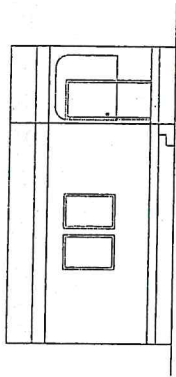
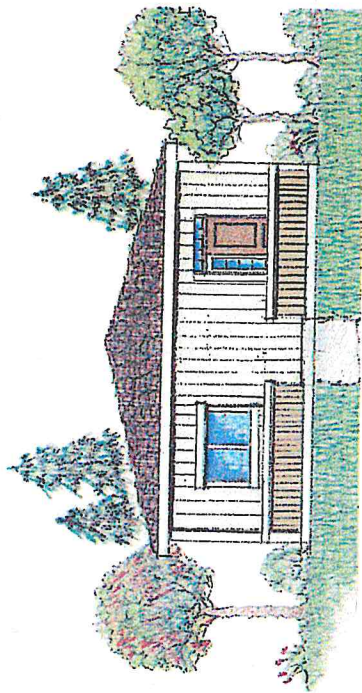
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Riverbank, California

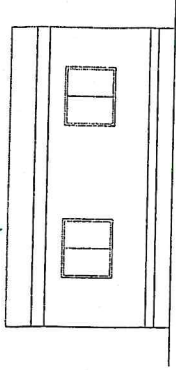
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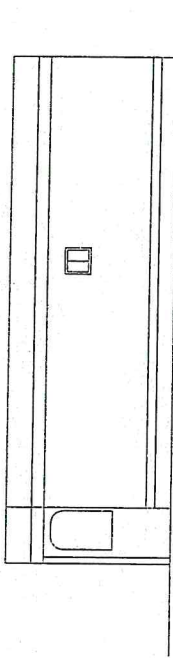
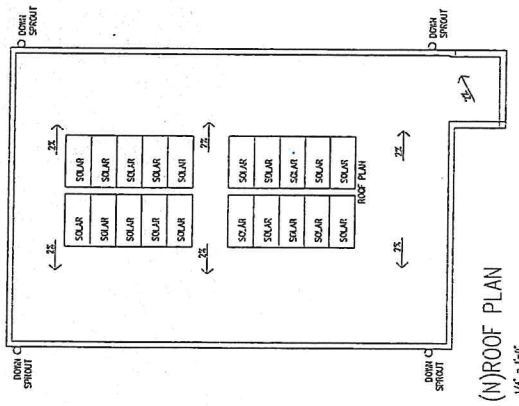
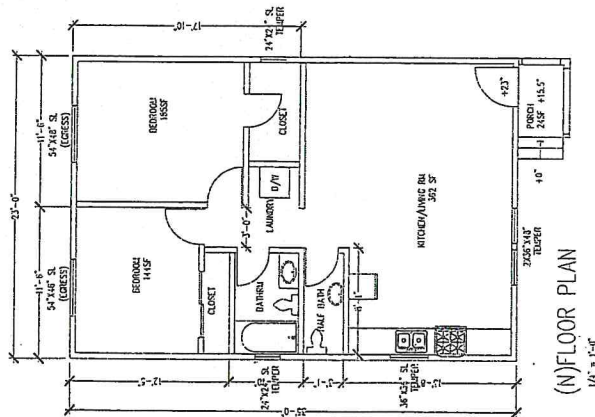
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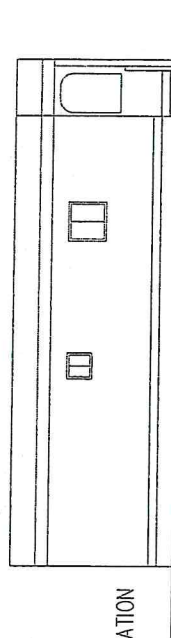
FRONT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



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WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 1

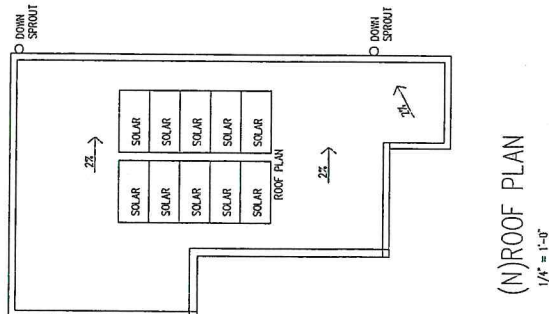
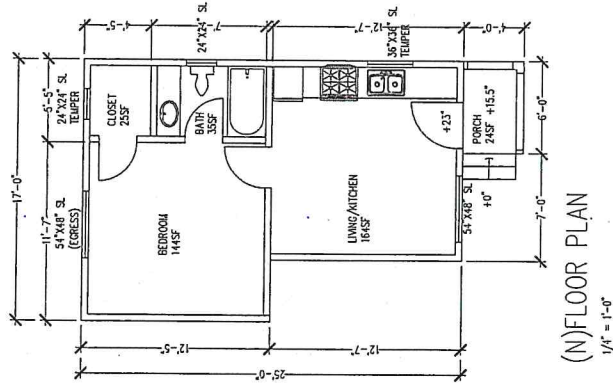
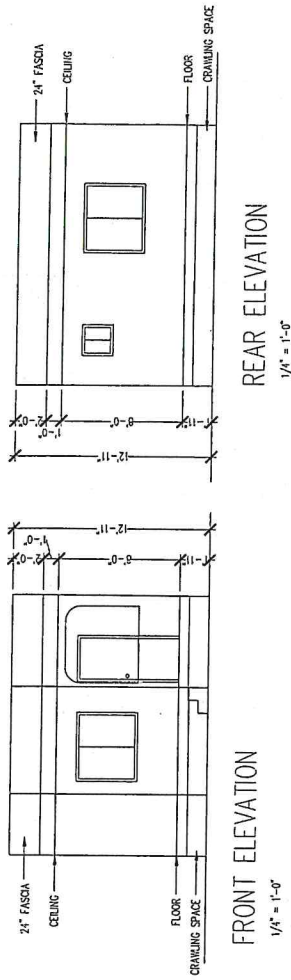
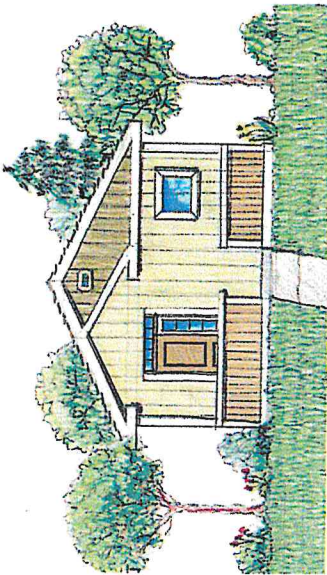
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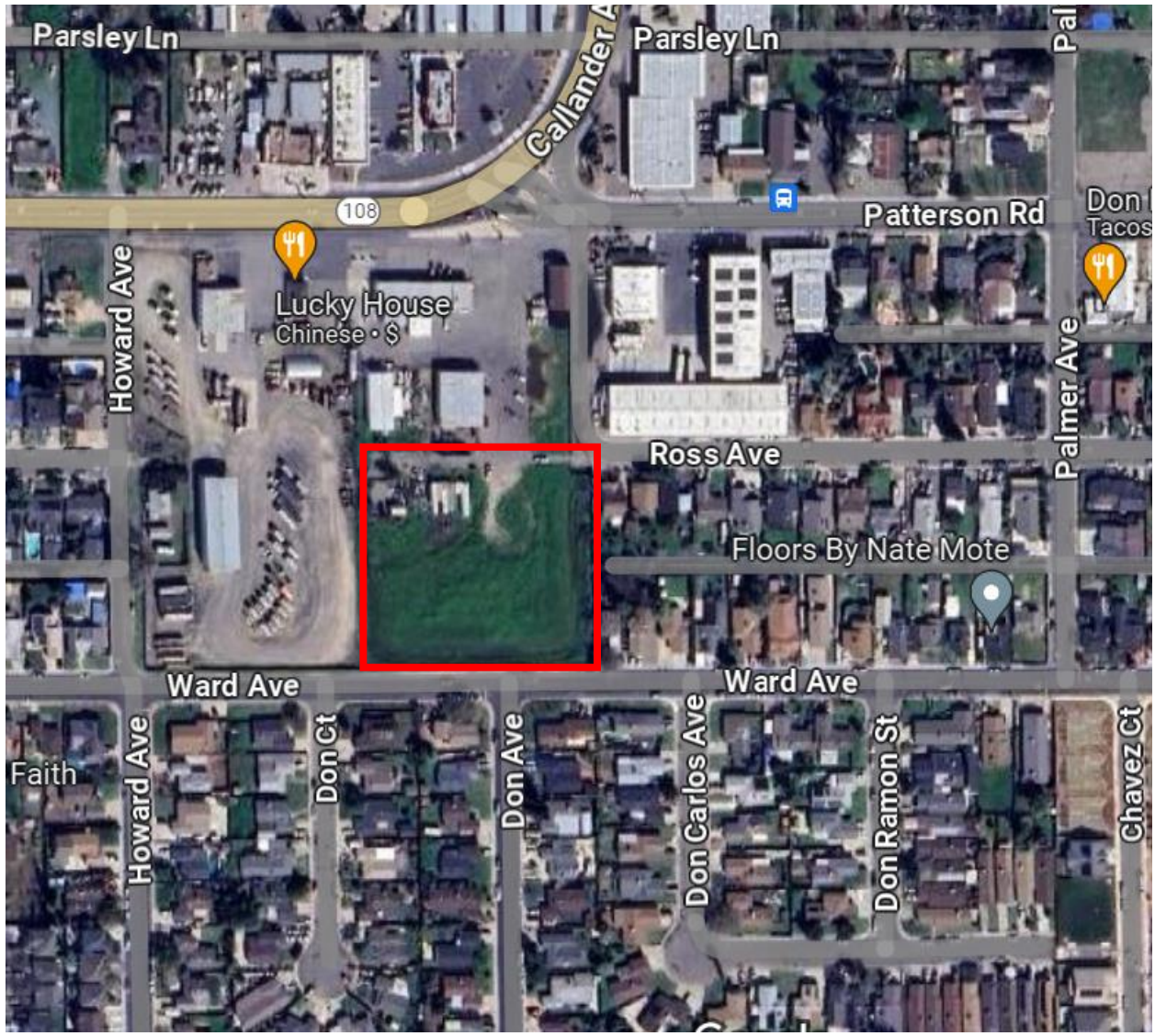
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– Lucky House Tiny Homes (APN 075-010-065)

Location Map



Project Site:



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Lucky House Tiny Homes (APN 075-010-065)

Aerial Map



Project Site:



Leased property (Not part of project site):



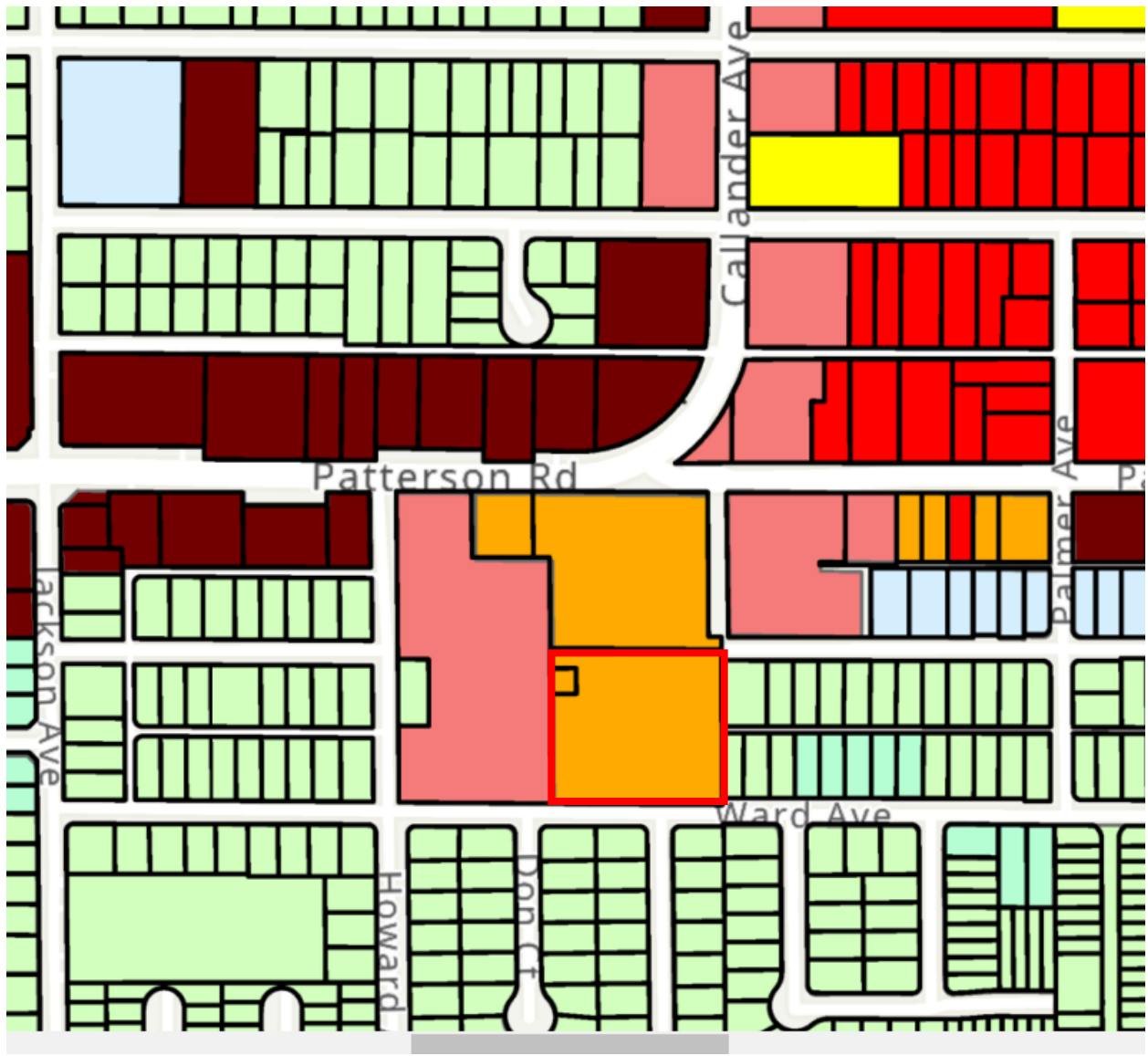
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Lucky House Tiny Homes (APN 075-010-065)

City of Riverbank General Plan Map



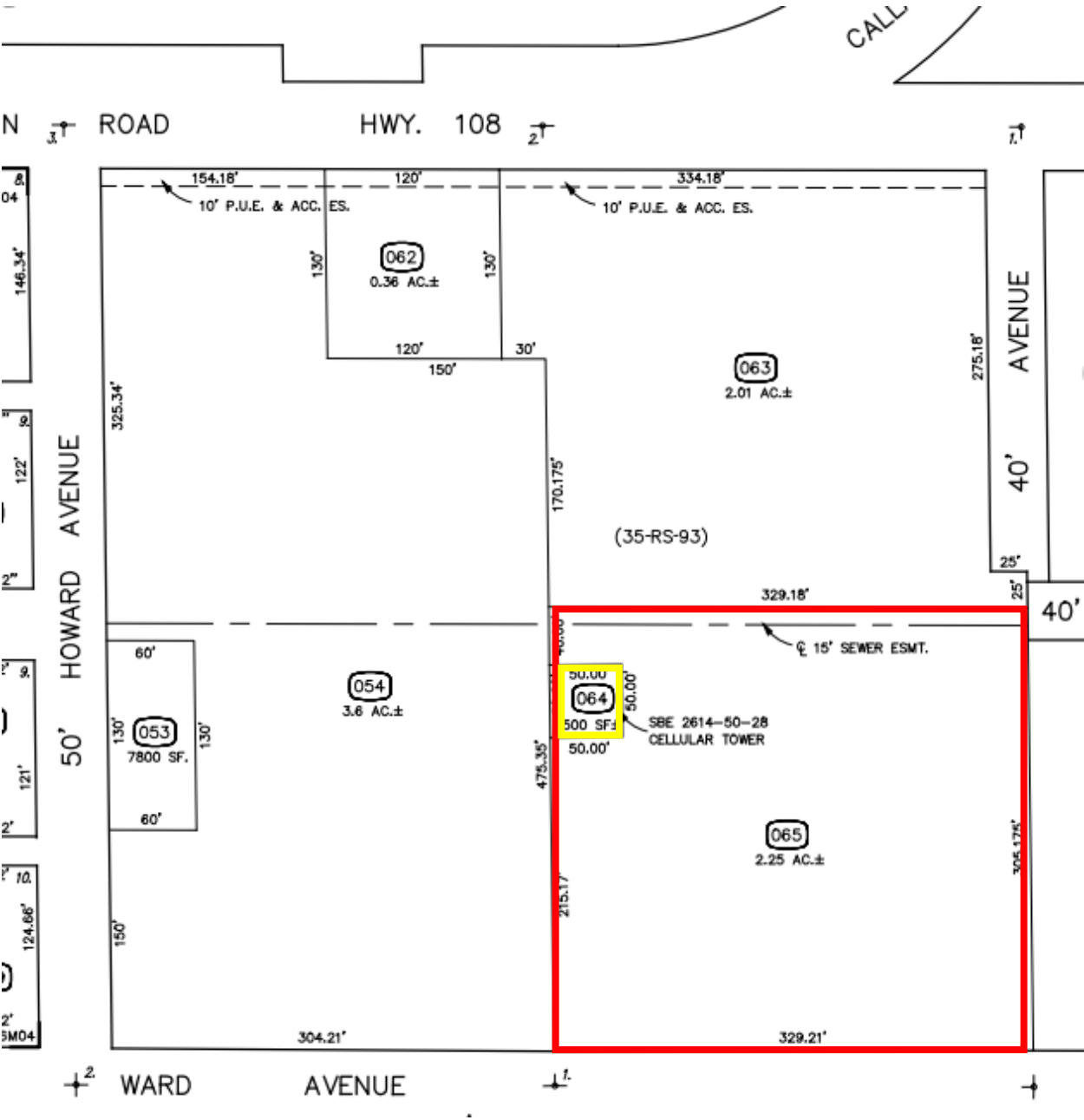
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Lucky House Tiny Homes (APN 075-010-065)

City of Riverbank - Zoning Map



Architectural and Site Plan Review Application No. ASPR 09-2023 –

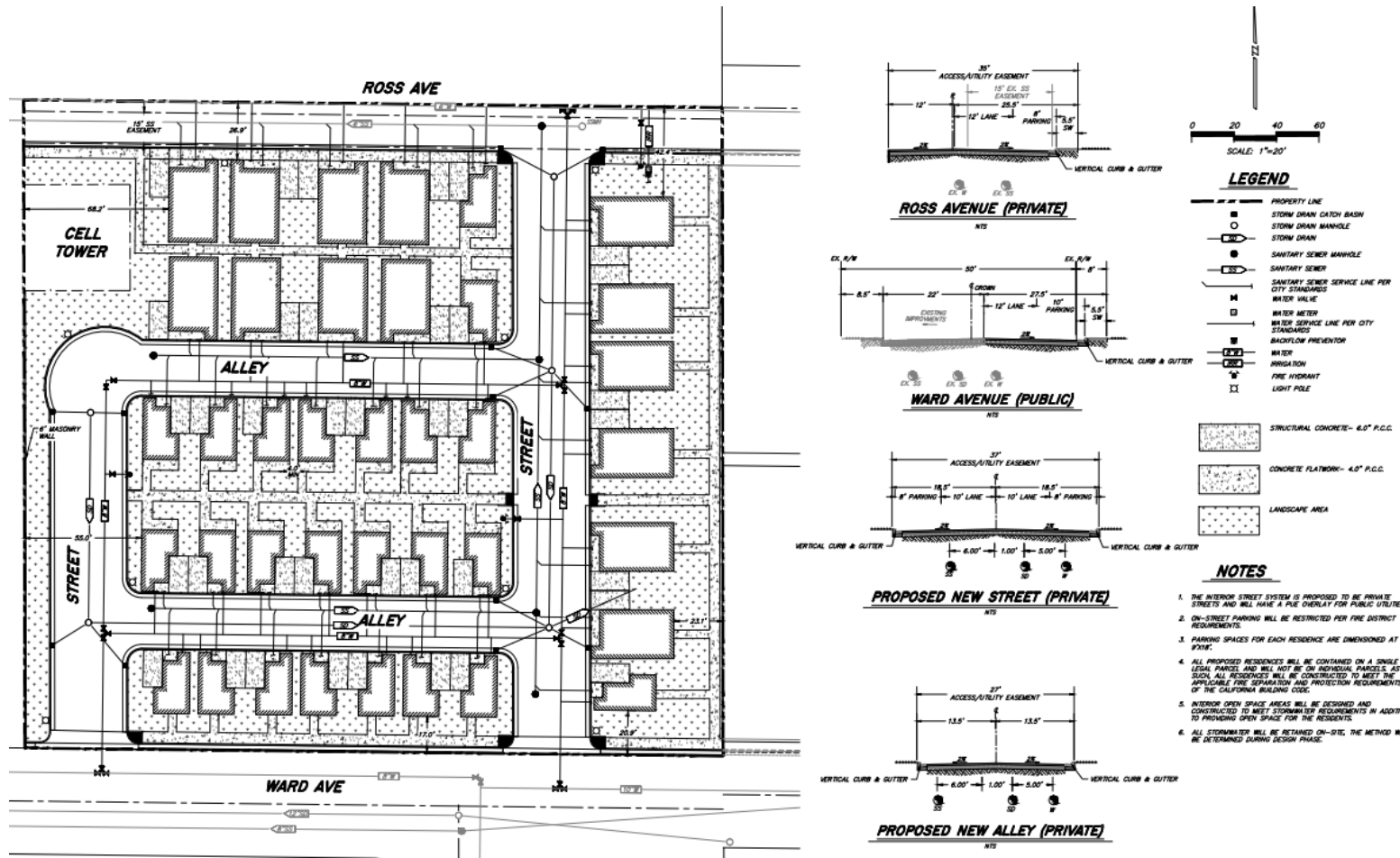
Assessor's Plat Map



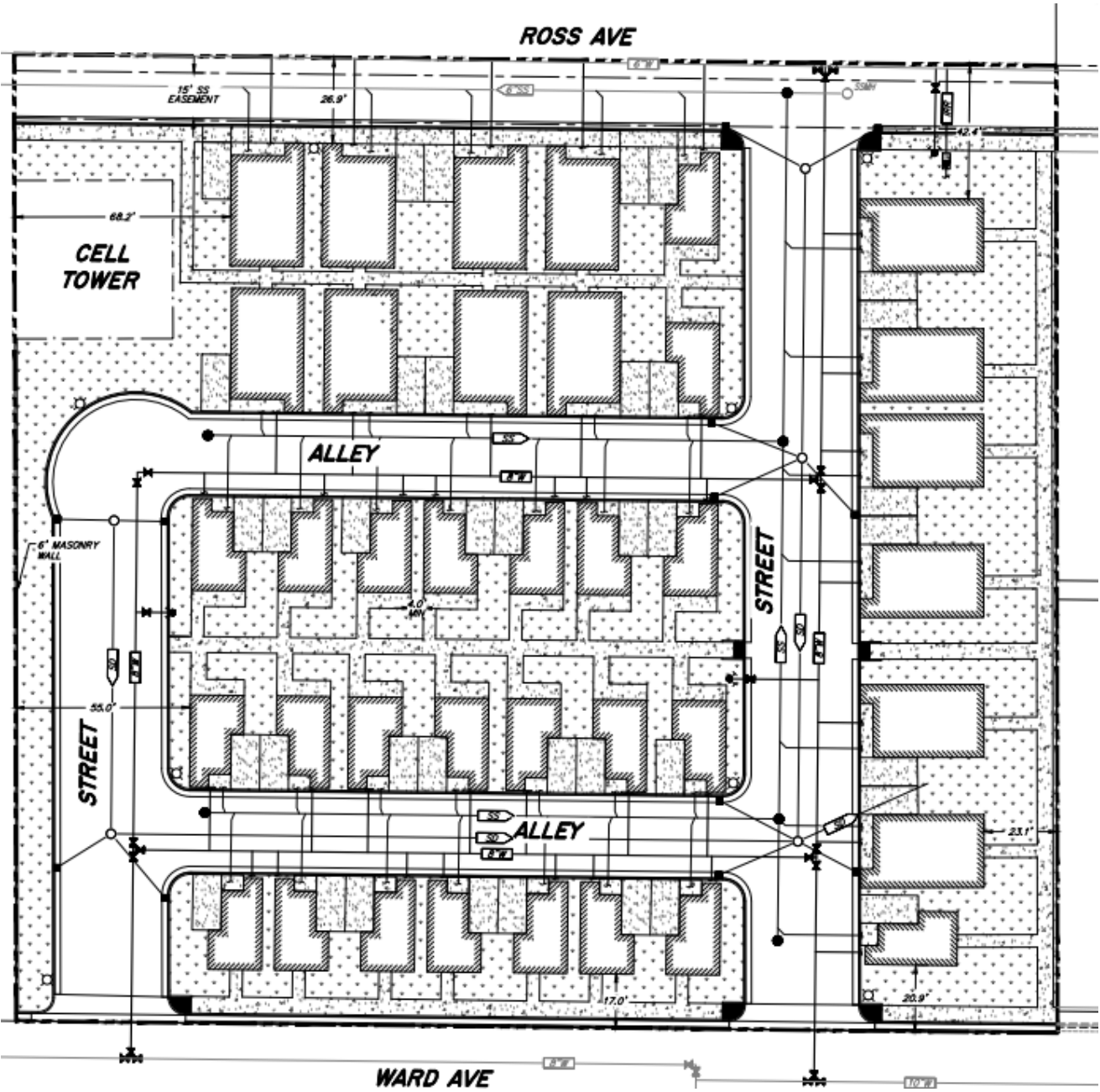
Project Site: ☐

Leased property (Not part of project site): ☐

Architectural and Site Plan Review Application No. ASPR 09-2023 – Lucky House Tiny Homes

Site Plan

Lucky House Tiny Homes Site Plan



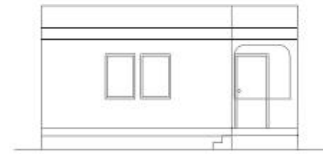
Architectural and Site Plan Review Application No. ASPR 09-2023 – Lucky House Tiny Homes

Elevations and Floor Plans

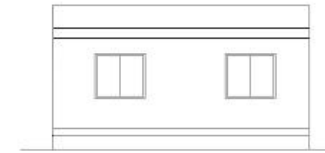


03.20.2024	 1117 L Street Modesto, CA 95354 866.526.4214 www.mve.net	WARD AVE TINY HOMES STREET VIEW Riverbank, California	YONGWEI HUANG
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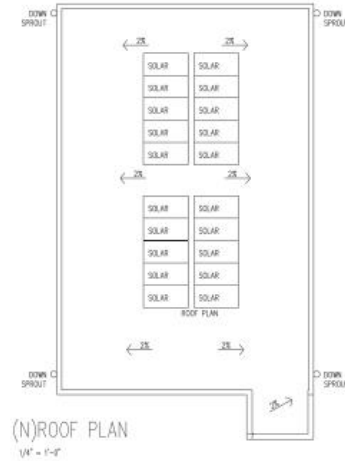
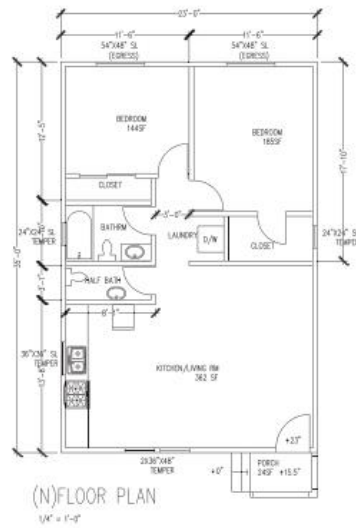
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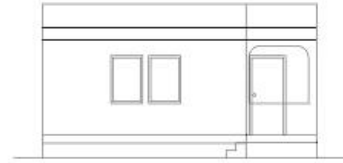
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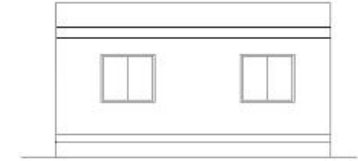
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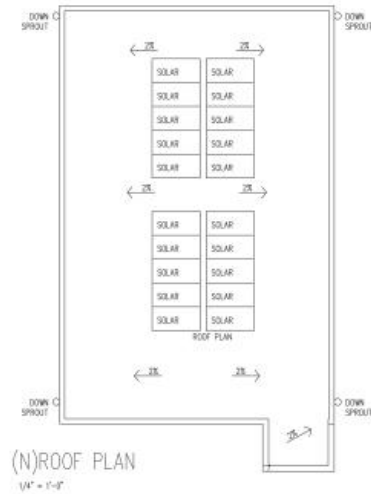
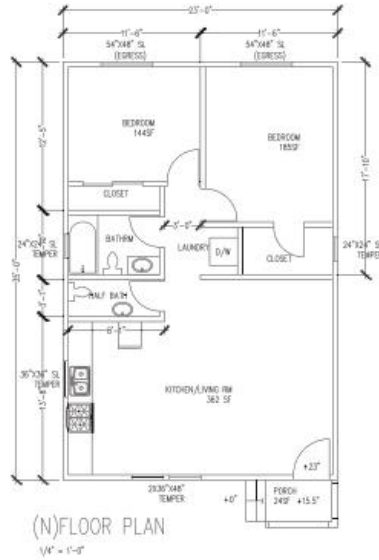
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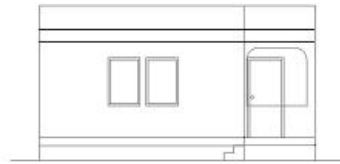
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WARD AVE TINY HOMES - 2 BEDROOM - ALTERNATIVE 2

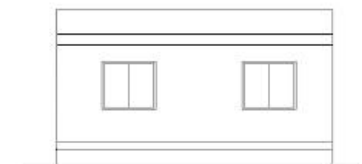
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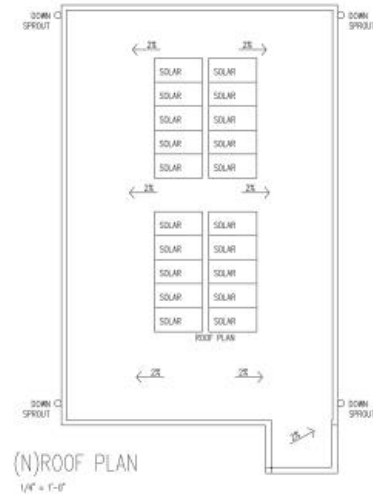
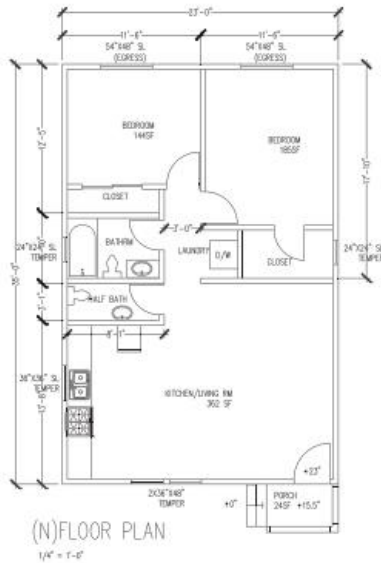
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FRONT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

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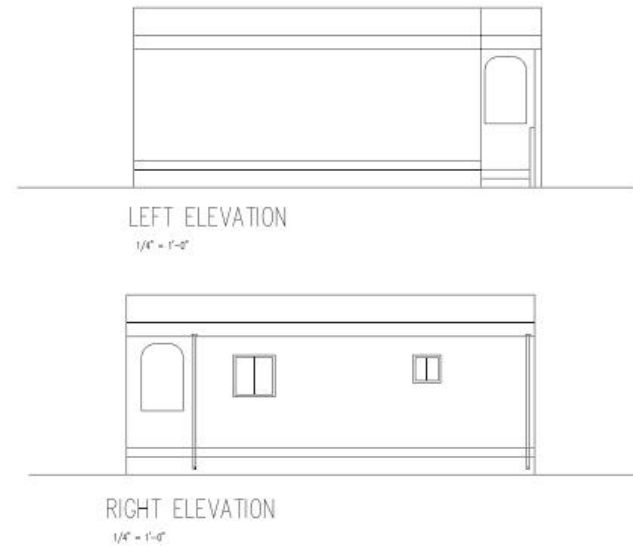
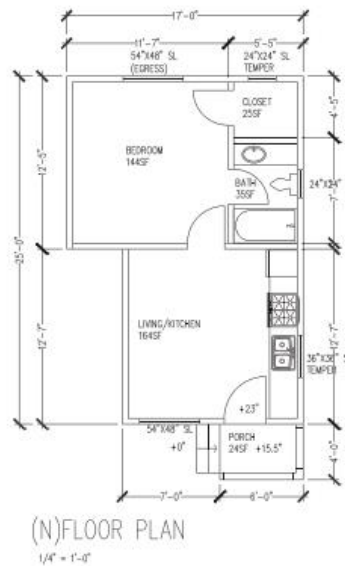
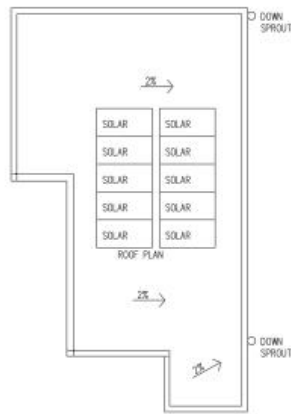
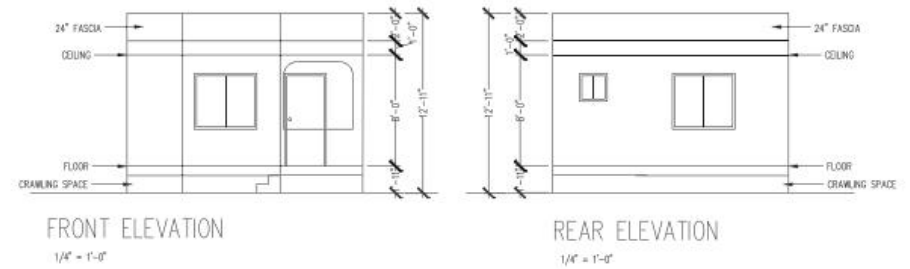
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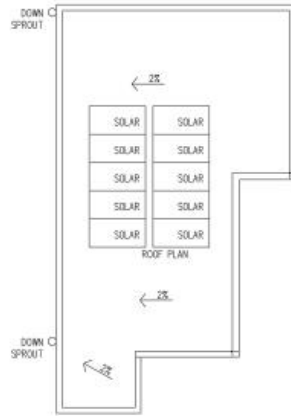
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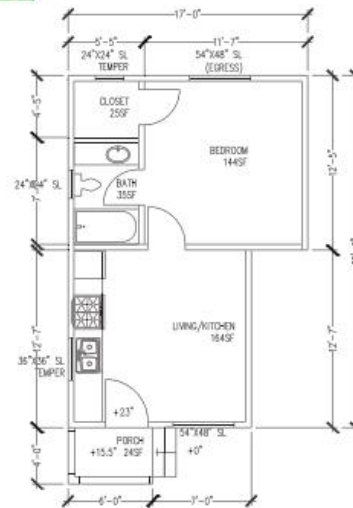
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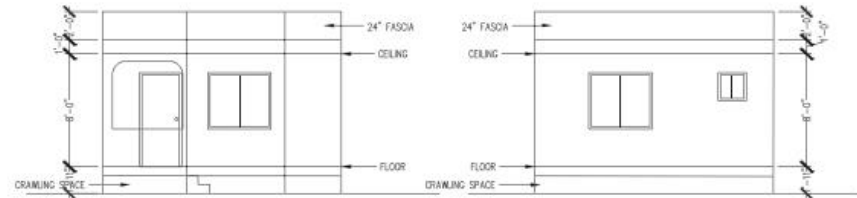
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(N) ROOF PLAN
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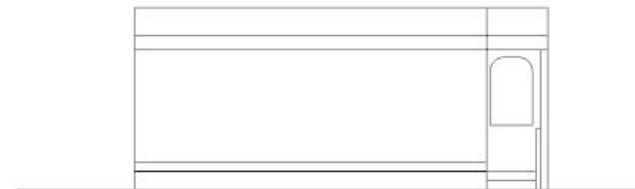


(N) FLOOR PLAN
1/4" = 1'-0"



FRONT ELEVATION
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REAR ELEVATION
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RIGHT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
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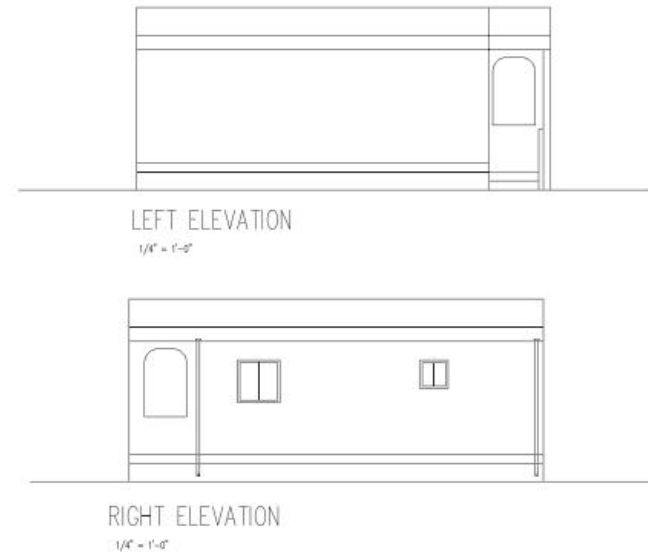
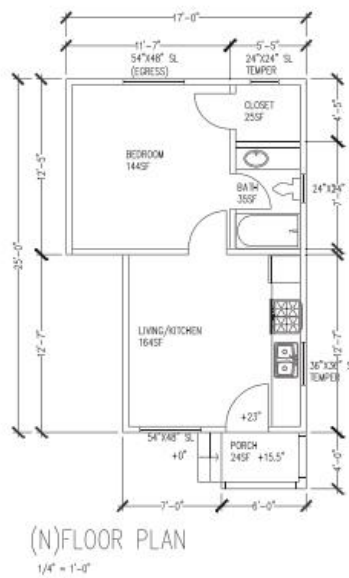
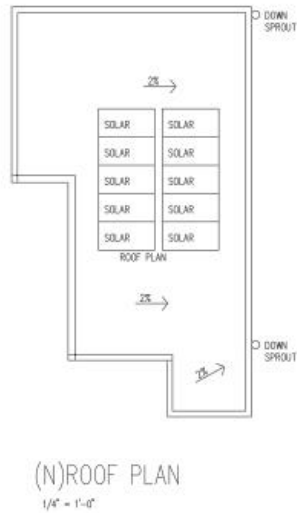
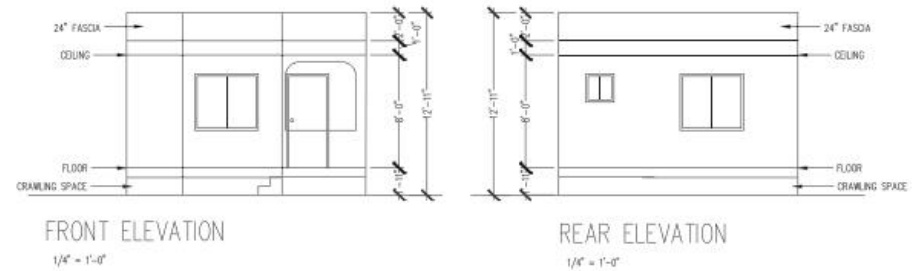
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WARD AVE TINY HOMES 1 BEDROOM - ALTERNATIVE 2

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