



CITY OF RIVERBANK
Regular Planning Commission Meeting
Tuesday, January 21, 2025 AT 6:00 P.M.
Council Chambers, 6707 Third St., Suite B, Riverbank CA 95367

PLANNING COMMISSION AGENDA

TUESDAY, JANUARY 21, 2025 – 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

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1. PUBLIC COMMENTS (No Action Can Be Taken)

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2. CONSENT CALENDAR

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Item 2.1: Posting of the Agenda. The Agenda for the January 21, 2025 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 January 16, 2025.

Item 2.2: Approval of the January 21, 2025 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 December 17, 2024 Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted.
Abstain from voting: Basso and Zamora.

3. PLANNING COMMISSION PROCEDURES

Item 3.1: Annual Nomination and Appointment of Chair and Vice Chair – Per Planning Commission Rules and Procedures. Current order is: Chair Stewart, Vice Chair Zamora, Commissioners Halterman, Dinan, and Basso. Alternate Commissioners Link and Rueben.

New Order: Chair Zamora, Vice Chair Halterman, Commissioners Dinan, Basso, Stewart. Alternate Commissioners Link and Rueben.

4. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for item 3.1 was published on November 6, 2024 in the Riverbank News. Item was continued until January 21, 2025.

Item 4.1: Exception Request and Tentative Parcel Map Application 01-2023. Request to subdivide one (1) parcel (APN: 132-048-053) totaling approximately 20,076 square feet (sf) into: Parcel A (13,324 sf) and a designated Remainder (6,752 sf).

5. PLANNING COMMISSION COMMENTS

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

None.

7. STAFF COMMENTS (Information Only – No Action)

Item 7.1: Reminder to all Planning Commissioners to fill out their 700 Form.

Item 7.2: Planning Commission Academy to be held March 5-7, 2025 in Santa Rosa. Deadline to register is Feb. 26, 2025.

Item 7.3: Joshua Mann, Community Development Director to update the Commission on upcoming planning applications and Council actions.

8. ADJOURNMENT Next Regular Planning Commission meeting – February 18, 2025 @ 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 16th day of January, 2025.

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

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November 19, 2024

MEMO TO: City of Riverbank Planning Commission

FROM: Joshua Mann, Director of Community Development

**SUBJECT: ITEM 3.1 – Exception Request and Tentative Parcel Map Application No. 01-2023
– 3818 Sierra Street**

Staff is requesting that Item 3.1, Exception Request and Tentative Parcel Map No. 01-2023, be continued to the January 21, 2025 Planning Commission meeting in order to allow time for the Applicant or Applicant Representative to modify the proposed Tentative Parcel Map for consistency with City Standards.

RECOMMENDATION

Staff recommends the Planning Commission approve a continuance for Item 3.1, Exception Request and Tentative Parcel Map Application No. 01-2023, to the January 21, 2025 Planning Commission meeting.



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**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: **4.1** **January 21, 2025**

APPLICATION: **Exception Request and Tentative Parcel Map Application
01-2023. Shafer – 3818 Sierra Street. (File No. 23-0018)**

Project Description: Request to subdivide one (1) parcel (APN: 132-048-053) totaling approximately 20,076 square feet (sf) into one (1) parcel, Parcel A (13,324 sf), and a designated Remainder (6,752 sf). The project specifically includes a Request for an Exception to the Riverbank Municipal Code Sections 153.033 (G)(3) and 152.029(C) with respect to lot width and depth to allow a flag lot configuration for the proposed Designated Remainder. Proposed Parcel A contains an existing single-family residence, one (1) shed, and one (1) covered patio. The property is located at 3818 Sierra Street and is zoned Single-Family Residential.

**PROPERTY OWNER/
APPLICANT:** Dennis & Esther Shafer
3818 Sierra Street
Riverbank, CA 95367

**APPLICANT
REPRESENTATIVE:** Jack Smith
139 Church Avenue
Oakdale, CA 95361

GENERAL PLAN: Medium Density Residential (MDR)

ZONING: Single-Family Residential (R-1)

**ENVIRONMENTAL
DETERMINATION:** Pursuant to the California Environmental Quality Act, the proposed Tentative Parcel Map meets the conditions prescribed by CEQA Section 15332 (Class 32, In-Fill Development Projects) for an exemption.

PROJECT PLANNER: Joshua Mann, Director of Community Development

RECOMMENDATION: The Planning Commission adopt Resolution No. 2025-001 recommending approval to the City Council for the Parcel Map and Exception Request to allow for flag lot configuration, based on required findings.

ACROMYMS: CEQA - California Environmental Quality Act
HDR - Higher Density Residential
LAFCO - Local Agency Formation Commission
PM - Parcel Map
SF/sf - Square Feet, Square Foot
TPM - Tentative Parcel Map

I. EXECUTIVE SUMMARY:

Applicants, Mr. Dennis and Esther Shafer, are requesting that the Planning Commission recommend approval to the City Council of Riverbank for a Request for an Exception to allow for the configuration of a flag lot and Tentative Parcel Map No. 01-2023 (Exhibit A). The proposal includes a Request for an Exception to allow for the configuration of a flag lot and to subdivide one (1) existing parcel, Parcel 132-048-053 (20,076± sf), into one (1) resulting parcel, Parcel A (13,324± sf) and a designated Remainder (6,752± sf). The property is zoned R-1, Single-Family Residential and the General Plan Land Use designation for the site is Medium-Density Residential.

II. BACKGROUND AND ANALYSIS:

Mr. Dennis and Esther Shafer are the owners of the subject property, an approximately 20,076± sf parcel, located at 3818 Sierra Street. Other than the Request for an Exception and Tentative Parcel Map, there is no development proposed at this time. Future development would occur under the building permit process. No Architecture and Site Plan Review is required for custom-built homes on a single residential lot.

If approved this Parcel Map would separate the existing single-family residence onto Parcel A and the designated Remainder would be vacant and undeveloped. Once construction is proposed on the designated Remainder, certain improvements would need to take place to the unimproved portion of Front Street along the full width of the designated Remainder's frontage, approximately twenty (20) feet in length. These required improvements will include road pavement, curb, gutter, sidewalk, extending city utilities (sewer and water) and installation of a new fire hydrant at the east end of front street. In addition to the above future improvements, the project will be subject to the

City's Standard Conditions of Approval as contained in Planning Commission Resolution No. 2013-14 (see Exhibit B).

A. Development Standards

Lot Size

The proposed Tentative Parcel Map would subdivide one (1) existing parcel totaling 20,076± square feet (sf) into one (1) parcel and a designated Remainder. The Project site is located within the City's R-1, Single-Family Residential Zoning District and is designated Medium Density Residential (MDR) per the General Plan. For the R-1 Zone, the minimum interior lot size requirement is 6,000 square feet. The resulting parcel and designated Remainder as proposed comply with the minimum lot size requirement: Parcel A totals 13,324± sq. ft. and the designated Remainder totals 6,752± sq. ft.

Lot Width

In the R-1 zoning district, the minimum lot width requirement for interior lots is 55 feet. According to the Tentative Parcel Map, Parcel A has a lot width of approximately 65 feet and the Designated Remainder has a lot width of 20 feet. Parcel A meets the minimum lot width requirements for the R-1 zoning district while the designated Remainder does not meet the minimum lot width standard for the R-1 zoning district.

Lot Depth

In the R-1 Zoning District, the minimum lot depth requirement is 100 feet unless otherwise approved by the Planning Commission or City Council. Per section 152.029 of the Riverbank Municipal Code, the depth of lots shall not exceed the road frontage by more than three (3) times. Both Parcel A and the designated Remainder meet the minimum lot depth requirements for the R-1 zoning district; however, the depth of the designated Remainder exceeds the road frontage provided by more than three (3) times. The designated Remainder flag lot configuration provides a street frontage of 20 feet; strict application of Section 152.029 would allow a maximum lot depth of 60 feet for the designated Remainder. The proposed lot depth for the designated Remainder exceeds the maximum lot depth permitted by 120 feet.

The table below illustrates the minimum lot size, width, and depth requirements for the lots along with the dimensions proposed for the resulting parcel and designated Remainder:

R-1 Zoned Parcels	Lot Size (Minimum 6,000 sf)	Lot Width (Minimum 55 ft)	Lot Depth (Minimum 100 ft)
Parcel A	13,324± sf	65± ft	205± ft

Remainder	6,752± sf	20± ft	180± ft
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Existing Structures

Parcel A contains an existing single-family residence, a covered patio, one (1) shed, and a combination of small structures to remain. The designated Remainder contains one (1) barn to be moved or demolished prior to recordation of the Parcel Map.

B. General Plan Consistency Findings

Policy CONS-8.6: “The City will encourage compact development to achieve more efficient use of resources and provision of public facilities and services.”

Approval of a tentative parcel map may lead to the development of a single-family dwelling unit on the designated Remainder as the creation of one (1) flag lot makes it possible for the development and sale of a residential dwelling unit. Additionally, the designated Remainder could be further developed with an Accessory Dwelling Unit. As mentioned previously once development is proposed on the designated Remainder certain improvements to Front Street will be required.

III. ENVIRONMENTAL DETERMINATION

Pursuant to the California Environmental Quality Act, staff has determined that the proposed Parcel Map is exempt pursuant to Section 15332 (Class 32) of the State CEQA Guidelines. The proposed Parcel Map meets the conditions prescribed by CEQA Section 15332 in that 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; the proposed development occurs within the city limits on a project site of no more than five (5) acres substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services.

IV. PUBLIC NOTICE

The Planning Commission Public Hearing notice was published in the Riverbank News on November 6, 2024 and posted at City Hall North, South, Post Office, library and website on November 6, 2024. In addition, the Applicant posted a Notice of Development Permit Application at 3813 Sierra Street on October 30, 2024 and notices were distributed to 34 properties within 1,000-feet of the Project site in accordance with City standard practices on November 6, 2024. At the time of writing this Staff Report (January 9, 2024), the City has not received any written public comment. Written comments received by the

City shall be supplied to the Commission on the day of the meeting. Because this item was continued to a specific date, January 21, 2025, there are no additional noticing requirements; however, the Applicant revised and reposted a Notice of Development Permit Application at 3813 Sierra Street on January 12, 2025.

V. RECOMMENDATION

The Planning Commission adopt Resolution No. 2025-001 recommending approval to the City Council for the Parcel Map and Exception Request to allow for flag lot configuration, based on required findings.

VI ATTACHMENTS:

1. Planning Commission Resolution No. 2025-001
Exhibit A – Tentative Parcel Map 01-2023
Exhibit B – Standard Conditions (PC Resolution 2013-14)

Respectfully Submitted By:

Joshua Mann

Joshua Mann
Director of Community Development

**City of Riverbank
Planning Commission
Resolution No. 2025-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK RECOMMENDING APPROVAL TO THE CITY COUNCIL OF
THE CITY OF RIVERBANK OF THE REQUEST OF THE SHAFER FAMILY
FOR AN EXCEPTION REQUEST AND TENTATIVE PARCEL MAP 01-2023,
LOCATED AT 3818 SIERRA STREET (APN 132-048-053)**

WHEREAS, an application was received from Muir Consulting, Inc. for Tentative Parcel Map 01-2023 to divide one (1) existing parcel totaling approximately 20,076± square feet into one (1) parcel and a designated Remainder, specifically sized as follows:

Parcel 1: Approximately 13,324± square feet

Remainder: Approximately 6,752± square feet

WHEREAS, the proposed tentative map is consistent with General Plan Conservation Element Policy 8.6, which states: “The City will encourage compact development to achieve more efficient use of resources and provision of public facilities and services”; and

WHEREAS, Tentative Parcel Map 01-2023 was reviewed by the Riverbank Planning Commission at a regular meeting held on January 21, 2025, in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a proposed Exemption pursuant to the California Environmental Quality Act and considers this to be the appropriate level of environmental review in this case. The Planning Commission finds that the proposed project meets the conditions prescribed in Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines and

WHEREAS, the Riverbank Planning Commission recommends approval to the City Council for the requested Tentative Parcel Map as prepared by Muir Consulting, Inc. and date stamped January 13, 2025, presented by Dennis and Esther Shafer as depicted in attached **Exhibit “A”**, incorporated herein as a part of this Planning Commission Resolution; and

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

- A. The project is consistent with the General Plan in that the project directly implements General Plan Conservation Policy 8.6.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code.
- C. According to the California Environmental Quality Act, the proposed project is exempt pursuant to Section 15332 (Class 32, In-Fill Development Projects) of the State CEQA Guidelines. The proposed Project meets all conditions prescribed by CEQA Section 15332.
- D. The approval of Tentative Parcel Map 01-2023 for the subdivision of one (1) existing parcel totaling approximately 20,076 square feet into one (1) resulting parcel and a designated

Remainder will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that proposed map is similar to, and compatible with, neighboring uses in the area.

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

- A. There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights-of-way, unique location of easements, and the like.
- B. Because of the unique nature of a particular subdivision concept, design innovations are proposed which meet the functional standards of Zoning and Subdivision Regulations without strict adherence to the requirements of this chapter.
- C. In the case of a parcel map, the applicant is being denied the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or zone in which the property is located.
- D. The granting of the exception will not be injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the general plan or these regulations.

WHEREAS, the Planning Commission recommends approval to the City Council for a Tentative Parcel Map, subject to the following conditions:

- 1. Applicant/Developer shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-014 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the project;
- 2. Prior to obtaining a building permit on the designated Remainder, a Conditional Certificate of Compliance shall be obtained from the City of Riverbank.

The Conditional Certificate of Compliance will include the following improvements:

- a. Install a City standard Fire Hydrant at east end of Front Street;
- b. Upgrade Storm Water Man Hole on Front Street;
- c. Provide a ten (10) foot Public Utility Easement (PUE) at Project frontage;
- d. Extend Front Street for the full width along the property frontage including paving, curb, gutter and sidewalk;
- e. Extend water and sewer along the property frontage and provide water and sewer stubs to Parcel B;
- f. Remove or relocate the existing barn that extends over the property line;
- g. New driveway approach shall be installed on Front Street at property frontage;
- h. Any existing wells and septic tanks shall be abandoned;

- i. A City standard barricade shall be installed at the end of the roadway extension;
- j. A City standard No Parking sign shall be installed on south side of Front Street.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission recommends approval to the City Council for Tentative Parcel Map No. 01-2023, subject to those conditions established by Resolution No. 2025-001 and to be recorded as illustrated in **Exhibit “A”** to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 21st of January, 2025; motioned by _____, seconded by _____, and upon roll call was carried by the following vote of __-__:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Joshua E. Mann
Community Development Director

Taide Zamora, Chairperson
Planning Commission

Exhibit A – Tentative Parcel Map 01-2023

Exhibit B – City of Riverbank Standard Conditions (PC Resolution No. 2013-14)

Exhibit A – Tentative Parcel Map 01-2023

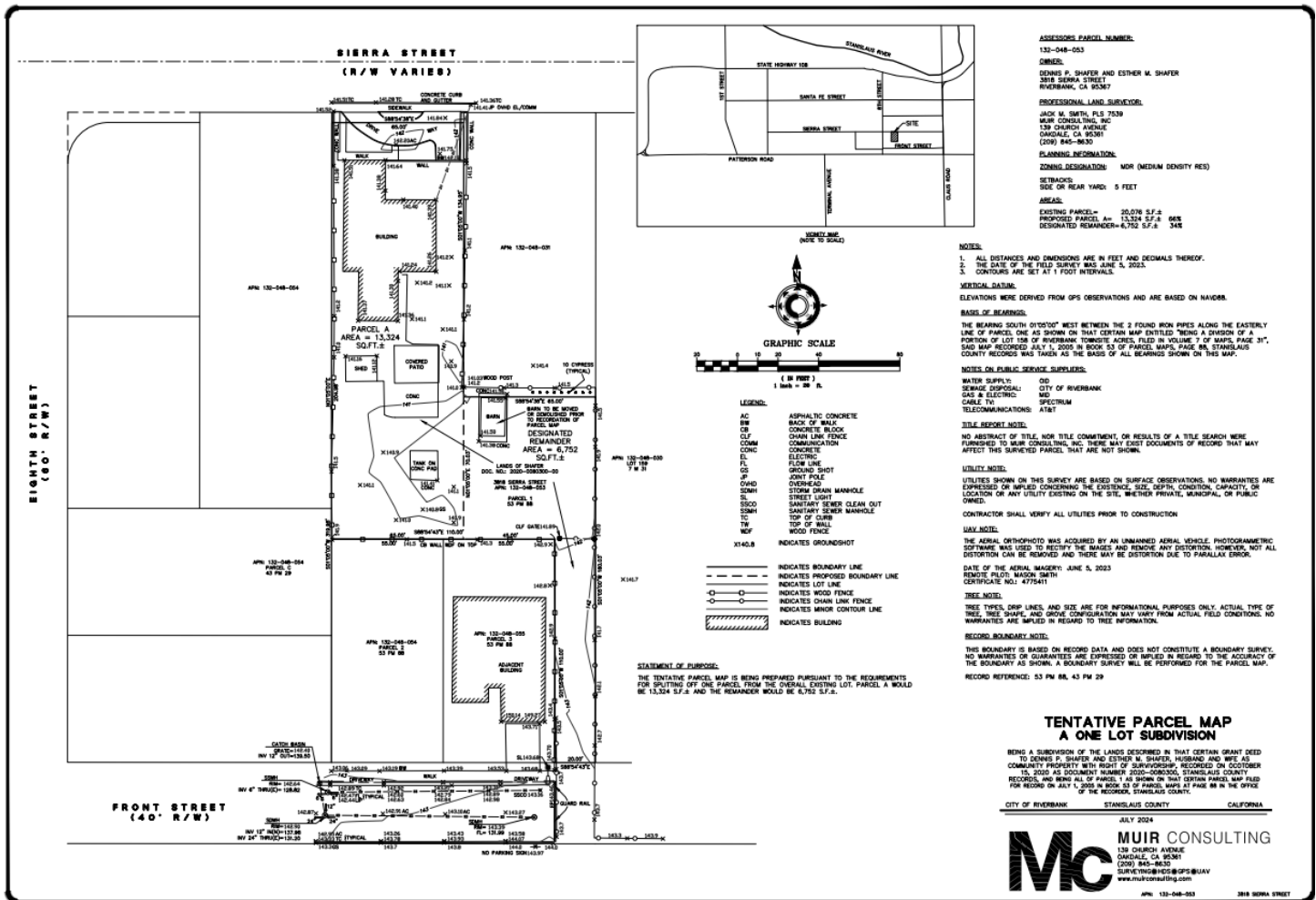


Exhibit B – City of Riverbank Standard Conditions



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-Built) 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