

PLANNING COMMISSION

Chair, Michael Halterman

Vice Chair, John Dinan

Commissioner, Taide Zamora

Commissioner, Joan Stewart

Commissioner, Natasha Basso

Alternate, Armando Jr. Rodriguez

Alternate, Alex Rodriguez



CITY OF RIVERBANK

Planning Commission Meeting

Council Chambers

6707 Third Street • Suite B

Riverbank, CA 95367

SEPTEMBER 15, 2026 — 6:00 PM

(THE AGENDA PACKET IS ONLINE AT [HTTPS://RIVERBANKCA.PORTAL.CIVICCLERK.COM/](https://riverbankca.portal.civicclerk.com/))

1. CALL TO ORDER

2. ROLL CALL

3. 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.

4. 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.

5. 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 5.1. Posting of the Agenda. The Agenda for September 15, 2026, 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 September 2, 2026.

Item 5.2. Approval of September 15, 2026, 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 5.3. Approval of July 21, 2026, Planning Commission Meeting minutes and approval of the August 4, 2026, Special Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted. *Abstain: None*

6. PUBLIC HEARING - (Public Notice for item 6.1 was published on September 2, 2026, in the Riverbank News).

Item 6.1. ARCHITECTURE AND SITE PLAN REVIEW NO. 11-2025 (DEPT. FILE NO. 25-0053) – 3201 SIERRA STREET

The project is a request for an Architecture and Site Plan Review for the construction of a duplex located at 3201 Sierra Street, between 2nd and 3rd Street (APN:132-011-052). The project is exempt from CEQA per Section CEQA Guideline Section 15332: Infill development projects.

7. STAFF COMMENTS / INFORMATIONAL UPDATES

Item 7.1. Joshua Mann, Community Development Director, provided an update to Commissioners on recent and upcoming items.

8. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

9. ADJOURNMENT

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 City Hall public exterior bulletin board, South City Hall public exterior Bulletin, 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 Day of , 2026

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

TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL 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 date of the meeting in order for them to be distributed to the Council 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 acknowledgment of receipt within an hour of submission or by 5:00 p.m., please call the Planning Department at (209) 863-7124 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS **BEFORE THE 5:00 PM DEADLINE**

- **Via Mail Service:** Mail comments to City of Riverbank, Attn: City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Director of Community Development - jmann@riverbank.org
(*Note: This technology is not a guaranteed method.*)
 - Indicate Agenda Item # in the *subject line*. (Call 209-863-7198 / 209-863-7122 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 3 minutes on the agenda item being considered, at which time you will:
 - **Using a computer** — click on the “raise hand” feature in the webinar controls. This will 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.
 - (Please make sure the volume on your device is on and that any nearby device or any nearby device is turned down.)

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 Commission may receive your comments.

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, plus Webinar ID: **867 3788 1996**

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Como Usar Traducción en Español En Vivo

PASO 1



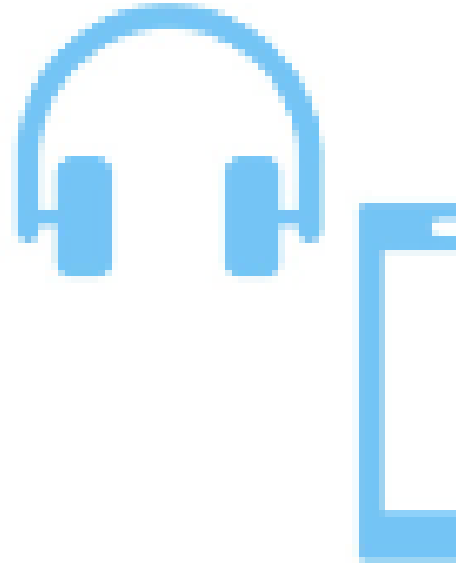
Escanea el código

PASO 2



Escoja el idioma Español

PASO 3



Lea subtítulos en su aparato o use auriculares para escuchar audio

PLANNING COMMISSION

Chair, Michael Halterman

Vice Chair, John Dinan

Commissioner, Taide Zamora

Commissioner, Joan Stewart

Commissioner, Natasha Basso
Alternate, Armando Jr. Rodriguez

Alternate, Alex Rodriguez



CITY OF RIVERBANK

Planning Commission Meeting

Council Chambers
6707 Third Street
Riverbank, CA 95367

[MINUTES JULY 21, 2026] — [6:00 P.M.]

(THE AGENDA PACKET IS ONLINE AT [HTTPS://RIVERBANKCA.PORTAL.CIVICCLERK.COM/](https://riverbankca.portal.civicclerk.com/))

1. CALL TO ORDER

Chair, Michael Halterman, called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: Chair: Michael Halterman, Vice Chair: John Dinan, Commissioners: Taide Zamora, Joan Stewart, Natasha Basso and Commissioner Alternates: Armando Rodriguez Jr. and Alex Rodriguez.

Absent: None

3. CONFLICT OF INTEREST

None.

4. PUBLIC COMMENTS

None.

5. CONSENT CALENDAR

Item 5.1. Posting of the Agenda. The Agenda for the July 21, 2026, 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 July 16, 2026.

Item 5.2. Approval of July 21, 2026, 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 5.3. Approval of June 16, 2026, Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted. *Abstain: None.*

ACTION: By Motion moved/seconded for items 5.1–5.3 were approved by (Zamora / Dinan passed 5-0) as submitted; Motion carried by the following roll call vote.

Ayes: Planning Commissioners: Halterman, Dinan, Zamora, Stewart, and Basso

Nays: None

Abstained: None

Absent: None

6. PUBLIC HEARING - (Public Notice for item 6.1 was published on July 8, 2026, in the Riverbank News).

Item 6.1. CONDITIONAL USE PERMIT NO. 03-2026 (DEPT. FILE NO. 26-0017) – KINFOLKS FLATSTONE GRILL

Request for a Conditional Use Permit to allow the sale and on-site consumption of beer and wine in an existing restaurant with outdoor patio seating located at 3306 Santa Fe Street, between 3rd and 4th Street (APN 132-012-002). The project is exempt from CEQA per Section 15301, Existing Facilities.

- *Teresa McDonald Sr. Planner, presented item 6.1 and PowerPoint.*
- *The Public Hearing was opened with no comments the Public Hearing was closed.*

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

Ayes: Planing Commissioners: Halterman, Dinan, Zamora, Stewart, and Basso

Nays: None

Abstained: None

Absent: None

7. STAFF COMMENTS / INFORMATIONAL UPDATES (Information only - No action)

Item 7.1. Joshua Mann, Community Development Director, provided an update to Commissioners on recent and upcoming items.

- *Joshua Mann, Community Development Director, provided an update to the Planning Commissioners on upcoming items and information about neighboring cities that could affect the City of Riverbank.*
- *Chair Halterman, informed everyone with an update on North County Corridor road closure updates.*

8. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION

Item 8.1. None.

9. ADJOURNMENT - Next Special Planning Commission Meeting - August 4, 2026 @ 6:00 p.m. @ the Community Center

ATTEST: (Adopted 00/00/0000)

APPROVED:

Joshua Mann
Community Development Director

Michael Halterman
Chair

PLANNING COMMISSION

Chair, Michael Halterman

Vice Chair, John Dinan

Commissioner, Taide Zamora

Commissioner, Joan Stewart

Commissioner, Natasha Basso

Alternate, Armando Jr. Rodriguez

Alternate, Alex Rodriguez



CITY OF RIVERBANK

Planning Commission Meeting

Riverbank Community Center

3600 Santa Fe Street

Riverbank, CA 95367

MINUTES

SPECIAL PLANNING COMMISSION MEETING

TUESDAY, AUGUST 4, 2026 — 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTPS://RIVERBANKCA.PORTAL.CIVICCLERK.COM/](https://riverbankca.portal.civicclerk.com/))

1. CALL TO ORDER

Chair Halterman called the meeting to order at 6:00 P.M.

2. ROLL CALL

City Clerk Hernandez conducted the roll call.

Planning Commissioner Present:

Alternate Commissioner, Alex Rodriguez

Alternate Commissioner, Armando Rodriguez

Commissioner, Natasha Basso

Commissioner, Joan Stewart

Commissioner, Taide Zamora

Vice Chair, John Dinan

Chair, Michael Halterman

3. CONFLICT OF INTEREST

None Declared.

4. PUBLIC HEARING - (Public Notice for item 4.1 was published on July 1, 2026, in the Riverbank News).

Item 4.1. RIVER WALK SPECIFIC PLAN (DEPT. FILE NO. 20-0026)

PROJECT LOCATION: The proposed River Walk Project is located in the unincorporated area of Stanislaus County adjacent to the City of Riverbank. The Project Area is generally located north of Patterson Road/State Route 108, east of McHenry Avenue, south of the Stanislaus River and approximately two miles northwest of downtown Riverbank. The overall Project Area includes approximately 1,522 acres. The River Walk Specific Plan Area includes approximately 997 acres within the overall Project Area.

PROJECT DESCRIPTION: The proposed River Walk Project includes approval of

the River Walk Specific Plan, an amendment to the City of Riverbank's General Plan, Sphere of Influence amendment, annexation of the approximately 997-acre Specific Plan Area into the City of Riverbank, rezoning, approval of a Development Agreement between the City and the project applicant, and the extension of infrastructure and utilities necessary to serve future development within the Specific Plan Area. The remaining land within the approximately 1,522-acre Project Area would be included within the proposed Sphere of Influence Amendment and held as Reserve land for possible long-range planning at a future time.

A Development Agreement is proposed to address the applicant's obligations and the City's requirements related to the orderly development of the River Walk Specific Plan Area, including but not limited to infrastructure, utilities, public improvements, phasing, financing, fees, dedications and other terms necessary to implement the Specific Plan.

The Project Area includes 61 Assessor's Parcel Numbers and additional non-parcelized areas, including rights-of-way. The Assessor's Parcel Numbers within the Project Area are:

074-001-001, 074-001-015, 074-001-016, 074-001-003, 074-001-011, 074-001-012, 074-001-013, 074-001-005, 074-001-008, 074-001-009, 074-001-017, 074-001-018, 074-001-019, 074-001-020, 074-002-020, 074-002-019, 074-002-018, 074-002-017, 074-002-025, 074-002-024, 074-002-014, 074-002-013, 074-002-011, 074-002-028, 074-002-026, 074-002-006, 074-002-010, 074-002-031, 074-002-021, 074-002-030, 074-002-029, 074-002-034, 074-002-007, 074-002-033, 074-002-032, 074-002-001, 074-003-022, 074-003-021, 074-003-020, 074-003-016, 074-003-013, 074-003-012, 074-003-023, 074-003-002, 074-003-015, 074-003-014, 074-003-011, 074-003-010, 074-003-019, 074-003-018, 074-003-024, 074-003-008, 074-003-007, 074-003-006, 074-003-005, 074-003-004, 074-003-003, 074-005-012, 074-005-013, 074-005-010 and 074-005-011.

The River Walk Specific Plan proposes a mixed-use development with a range of residential densities, neighborhood-serving mixed-use areas, parks, recreation, open space, greenways, trails, landscaping, pedestrian and bicycle facilities and supporting infrastructure. Proposed land use categories include Low Density Residential, Medium Density Residential, High Density Residential, Mixed Use, Park, Dual Use Park/Ponding Basin, Buffer/Greenway/Open Space - Bluff, Buffer/Greenway/Open Space - Canal, Buffer/Greenway/Open Space - River Park and Reserve.

The existing Project Area is predominantly used for agricultural operations, including almond, walnut and cherry orchards, fallow land, rural residential uses, agricultural accessory structures, private irrigation facilities, a horse ranch, a commercial nursery business, truck storage, an approximately 150-acre solar farm and the Modesto Rifle Club. Modesto Irrigation District canals, easements and irrigation facilities are also located within the Project Area.

The proposed Project is intended to provide for orderly long-term planning, expand the City's Sphere of Influence, allow for future annexation and development of the Specific Plan Area and increase the supply and variety of housing within the City of Riverbank planning area.

The City has prepared an Environmental Impact Report (SCH: 2021060098) for the River Walk Specific Plan in accordance with the California Environmental Quality Act. The Environmental Impact Report evaluates the potential environmental effects of the proposed Project and identifies mitigation measures where applicable. Significant and unavoidable impacts of development of the River Walk Specific Plan subject to mitigation measures include the following: Aesthetics; agricultural resources; greenhouse gases, climate change, and energy; noise; public services and recreation; transportation and circulation; utilities; and cumulative impacts.

Director of Community Development, Mann, gave a comprehensive staff report and PowerPoint presentation on the River Walk Specific Plan.

Steve McMurtry of De Novo Planning Group gave a PowerPoint presentation on the River Walk Environmental Impact Report.

Dave Romano, applicant, gave a brief 20-minute presentation.

Chair Halterman opened the Public Hearing at 6:57 P.M.

Public Comments:

Kate Donovan, Riverbank resident, opposed to the River Walk project.

Vivian Lopez, League of Women Voters of Stanislaus County, opposed to the River Walk Project.

Vivian Lopez, Riverbank resident, opposed to the River Walk project.

Karen Conrotto, Stanislaus County resident, opposed to the River Walk project.

Robert Donovan, Riverbank resident, opposed to the River Walk project.

Diego Hernandez, Riverbank resident, opposed to the River Walk project.

Celia Duran, Riverbank resident, opposed to the River Walk project.

Jami Aggers, Stanislaus County resident, opposed to the River Walk project.

Bob DeMont, Stanislaus County resident, opposed to the River Walk project.

Dan Whetstone, Stanislaus County resident, opposed to the River Walk project.

Cal Campbell, Riverbank resident, opposed to the River Walk project.

Garry Pearson, Riverbank resident, opposed to the River Walk project.

Gretchen Brown, Stanislaus County resident, opposed to the River Walk project.

Kent Mitchell, Riverbank resident, opposed to the River Walk project.

Irvin Moya, Riverbank resident, opposed to the River Walk project.

Richard O'Brien, Riverbank resident, in support of the River Walk project.

Mike Bennett, Riverbank resident, opposed to the River Walk project.

Bill Berryhill, Property owner of the proposed River Walk project, in support of the River Walk project.

Aaliyah Brown, Riverbank resident, opposed to the River Walk project.

**Chair Halterman moved to a brief recess at 7:49 P.M.
Reconvened from Recess at 8:00P.M.**

Richard Merciadis, Riverbank resident, opposed to the River Walk project.

Milt Trieweller, Stanislaus County resident, opposed to the River Walk project.

Rosa Medrano, Riverbank resident, opposed to the River Walk project.

Lenora Gerber, Riverbank resident, opposed to the River Walk project.

Michael Christie, Riverbank resident, in support of the River Walk project.

Roosevelt Brown, Riverbank resident, opposed to the River Walk project.

Danielle Higby LeBeouf, Stanislaus County resident, opposed to the River Walk project.

Cindy Higby, Stanislaus County resident, opposed to the River Walk project.

Roger Higby, Stanislaus County resident, opposed to the River Walk project.

Rich Holmer, Stanislaus County resident, opposed to the River Walk project.

Carissa Commons, Riverbank resident, opposed to the River Walk project.

Brian Elliott, Stanislaus County resident, opposed to the River Walk project.

Gavin Bruce, Modesto resident, opposed to the River Walk project.

Laura Plascencia, Stanislaus County resident, opposed to the River Walk project.

Jose Borroel, Stanislaus County resident, opposed to the River Walk project.

Gilberto Duran, Riverbank resident, opposed to the River Walk project.

Edgar Garibay, Stanislaus County resident, opposed to the River Walk project.

Armando Nunez, Riverbank resident, opposed to the River Walk project.

Chris Schalck, Riverbank resident, opposed to the River Walk project.

Gisselle Nunez, Riverbank resident, opposed to the River Walk project.

Jay Medrano, Riverbank resident, opposed to the River Walk project.

Edward Jones, Riverbank resident, opposed to the River Walk project.

Colleen Preston, Stanislaus County resident, opposed to the River Walk project.

Lori Wolf, Stanislaus County resident, opposed to the River Walk project.

Annabelle Gammon, Stanislaus County resident, opposed to the River Walk project.

Jordan Davidson, Riverbank resident, opposed to the River Walk project.

Bianca Lopez, Riverbank resident, opposed to the River Walk project.

Written Comments Submitted:

Annabel Gammon- Exhibit A

Marcos Rojas - Exhibit B

Colleen Preston - Exhibit C

Consuelo Herrera - Exhibit D

Rocio Rojas - Exhibit E

There being no further public comment, Chair Halterman Closed the Public Hearing at 9:23 P.M.

Dave Romano, Applicant, gave a 5-minute rebuttal to address public comments.

The Planning Commission discussed the item with staff.

There being no further discussion, Chair Halterman brought the item back for consideration.

ACTION: *Motioned by and Seconded (Dinan / Zamora 4/1) to approve Exhibit K: PC Resolution Recommendation to Deny Approval of the River Walk Specific Plan to the City Council.*

Motion carried by the following roll call vote. Ayes: Planning Commissioners: Dinan, Zamora, Stewart, and Basso

Nays: Halterman Abstained: None Absent: None

5. ADJOURNMENT

The Special Planning Commission Meeting was adjourned at 9:44 P.M.

ATTEST: (Adopted 00/00/0000)

APPROVED:

Joshua Mann
Community Development Director

Michael Halterman
Planning Commission, Chair

EXHIBIT A



tel: 916.455.7300 • fax: 916.244.7300
510 8th Street • Sacramento, CA 95814

August 3, 2026

SENT VIA EMAIL

jmann@riverbank.org; cityclerk@riverbank.org

Gabriela Hernandez, City Clerk
City of Riverbank
6707 3rd Street, Suite A
Riverbank, California 95367

Re: Comments on Agenda Item No. 4.1 of the August 4, 2026 Planning Commission Meeting regarding the River Walk Specific Plan and Final Environmental Impact Report

Dear Ms. Hernandez:

These comments, submitted on behalf of Riverbank residents Annabel Gammon and Dr. J. Allen Gammon, pertain to the Final Environmental Impact Report (“FEIR”) and the River Walk Specific Plan (“RWSP” or “Project”) prepared by the City of Riverbank (“City”). Specifically, these comments address the inadequacy of responses to this firm’s May 16, 2024 comment letter on the Project’s Draft Environmental Impact Report (“DEIR”) in contravention to the basic requirements of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq. [“CEQA”].) Also attached as Exhibit A is a letter from Dr. Shawn Smallwood explaining that he did not trespass on the Project site as alleged in the FEIR. (FEIR, Vol. II, p. 4.0-95.)

The City continues to disregard the fact that these comments are submitted on behalf of Riverbank residents Annabel Gammon and Dr. J. Allen Gammon. Our DEIR comment letter noted that the DEIR mistakenly listed the Notice of Preparation comments submitted on behalf of Ms. Gammon and Dr. Gammon as having been submitted on behalf of Soluri Meserve and requested that the FEIR correct this error. This error, however, has not been corrected. (FEIR, Vol. II, Comment R-14, p. 4.0-2, fn. 1 [misattributing comments to law firm].) Then, the FEIR lists our May 16, 2024 DEIR comment letter as being submitted by Osha Meserve on behalf of Soluri Meserve. (FEIR, Vol. II, pp. 4.0-2, 4.0-191.) Again, as clearly stated in the comment letter, our firm prepared the comments for Riverbank residents Ms. Gammon and Dr. Gammon, whose names should have been listed in the FEIR.

I. RESPONSES TO COMMENTS AND FEIR FAIL TO REMEDY LEGAL DEFICIENCIES OF DEIR

As the CEQA lead agency for the Project, the City must evaluate comments on the DEIR and prepare written responses in the FEIR. (Pub. Resources Code, § 21091, subd. (d).) The FEIR must include a “detailed” written response to all “significant environmental issues” raised by commenters, and must provide a reasoned, good faith analysis. (Cal. Code Regs., tit. 14, § 15000 et seq. [“CEQA Guidelines”], § 15088, subd. (c).) Failure to provide a substantive response renders the EIR legally inadequate. (*Rural Landowners Association v. City Council* (1983) 143 Cal.App.3d 1013, 1020.) If the public suggests a feasible mitigation measure or alternative, the agency may only decline to implement it if it provides substantial evidence that the mitigation measure or alternative is infeasible. (*Covington v. Great Basin Unified Air Pollution Control District* (2019) 43 Cal.App.5th 867.)

The responses to comments on a DEIR must state reasons for rejecting suggested mitigation measures and comments on significant environmental issues. “Conclusory statements unsupported by factual information” are not adequate responses. (CEQA Guidelines, § 15088, subds. (b), (c); *Cleary v. County of Stanislaus* (1981) 118 Cal.App.3d 348; *Environmental Protection Information Center v. Johnson* (1985) 170 Cal.App.3d 604, 628 [“Non-specific, general, or conclusory responses unsupported by empirical information, scientific authorities or explanatory information ‘fail to crystallize issues’”]; *People v. County of Kern* (1974) 39 Cal.App.3d 830, 841 [Responses to comments must “set forth in detail the reasons why the particular comments and objections were rejected . . . ”].) The need for a substantive, detailed response is particularly appropriate when experts or other agencies have raised comments. (*Berkeley Keep Jets Over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1367; *People v. Kern* (1976) 72 Cal.App.3d 761 [*Berkeley Keep Jets*].) A reasoned analysis of the issue and references to supporting evidence are required for substantive comments raised. (*California Oak Foundation v. Santa Clarita* (2005) 133 Cal.App.4th 1219.)

The FEIR fails to meet these legal standards as it is riddled with conclusory and false statements lacking any factual support or analysis. Further, the FEIR also fails to comply with the duty of good faith by deploying a strategy of piecemealing public comments and the associated responses in order to avoid addressing the overall point of each comment.

A. Land Use and General Plan Consistency

1. *The Response Does Not Disclose or Justify the Removal of the General Plan’s Agricultural Resource Conservation Area Designation*

An EIR must accurately describe the existing environmental setting, including the applicable land use and regulatory setting, because that setting provides the baseline against which the significance of Project impacts is measured. (CEQA Guidelines, § 15125, subd. (a); see Pub. Resources Code, § 21100, subd. (b)(1).) Eliminating or substantially altering an existing general plan land use designation is part of the “whole action” that is subject to CEQA review. (CEQA Guidelines, § 15378, subd. (a); Gov. Code, § 65300.5.) A lead agency cannot discharge that disclosure obligation by asserting bare consistency with the general plan without addressing the specific policy change at issue.

Comment R-15 of the May 16, 2024 DEIR comment letter explained that the Project would eliminate the General Plan’s Agricultural Resource Conservation Area (“ARCA”) designation under Stanislaus Local Agency Formation Commission’s (“Stanislaus LAFCO”) Agricultural Preservation Policy (“Policy 22”). Policy 22 contains Stanislaus LAFCO’s mandates for the preservation of agricultural land, including but not limited to fully considering the impacts a proposal will have on existing agricultural land. Comment R-15 emphasized that Stanislaus LAFCO itself characterized the removal of the ARCA designation, in its NOP comments, as “a significant shift in General plan policies, the impacts of which will need to be fully discussed and considered.” (FEIR, Vol. II, Comment R-15, p. 4.0-34 [citing, Stanislaus LAFCO NOP comments, p. 3].)

Response R-15 does not address Stanislaus LAFCO’s warning. In Response R-15, the City cross-references Master Responses 1, 2, and 7, and Responses to Comments N-4 and N-10 from Volume 1 of the FEIR. (FEIR, Vol. II, Response R-15, p. 4.0-208.) Each of these responses, however, addresses a different question than the one the comment raised. Master Responses 1, 2, and 7 concern the general adequacy of the Project’s agricultural mitigation measures, primarily where the one-to-one conservation easement ratio required by Mitigation Measures 3.2-1 and 3.2-2 satisfies CEQA. (FEIR, Vol. I, Master Response 1, pp. 2.0-3 to 2.0-4, Master Response 2 at pp. 2.0-4 to 2.0-9, Master Response 7 at 2.0-15 to 2.0-16.) Response N-10 furthers the lack of response as it also cross-references back to the same Master Responses 1, 2, and 7. (FEIR, Vol. I, Response N-10 at p. 3.0-106.) Response N-5 also does not address Comment R-15, as the analysis addresses whether Mitigation Measure 3.2-2 constitutes an impermissibly deferred mitigation measure lacking an identified performance standard. (FEIR, Vol. I, Response N-5 at pp. 3.0-91 to 3.0-94.) None of the five responses addresses LAFCO’s actual

comment: that eliminating the ARCA designation, independent of whatever mitigation applies to the resulting farmland conversion, is a significant change in City land use policy, the impacts of which the FEIR fails to disclose or analyze.

2. *The Response Does Not Resolve the Williamson Act Analysis as to the Seven of Nine Affected Parcels*

Response to Comment R-14 is inadequate, as it does not undergo the requested analysis regarding seven of the nine parcels of land under the Williamson Act. Comment R-14 explained that the Project's three proposed approach to nine parcels under the Williamson Act—requiring the landowner to file a notice of nonrenewal and wait nine years, pay a cancellation fee equal to 12.5 percent of the land's value, or a complete agricultural easement exchange—does not preserve agricultural land by merely resolving the existing conflict between the Williamson Act contract and the Project on terms that leave the underlying conversion impact unmitigated. (FEIR, Vol. II, Comment R-14, pp. 4.0-32 to 4.0-34.) In response to Comment R-14 on the Williamson Act, the City responded solely with a cross-reference to Master Response 6. (FEIR, Vol. II, Comment R-14, pp. 4.0-207 to 4.0-208.)

Master Response 6 addresses only two of the nine parcels, specifically those subject to the City's 1976 protest to Stanislaus LAFCO under former Government Code section 51243.5, which was upheld by LAFCO Resolution 76-2397 (adopted April 19, 1978). (FEIR, Vol. I, Section 2.0 Agency Comments on Draft EIR and Responses, Master Response 6, pp. 2.0-14 to 2.0-15.) Master Response 6 explains that under Government Code section 51243.5 subdivision (e), these two contracts will become null and void as to the annexed land by operation of the law upon annexation, thus eliminating the conflict for those two parcels without resorting to the three proposed approaches. (*Ibid.*)

DEIR Table 3.2-7 confirms, by Assessor's Parcel Number, that the two parcels Master Response 6 addresses (APN 074-003-013 and APN 074-003-014) are the only parcels whose protest was upheld in 1978; the remaining seven parcels under Williamson Act contract (APNs 074-001-001, 074-001-008, 074-001-009, 074-001-010, 074-001-011, 074-002-024, and 074-002-025) are unaffected by that resolution. (DEIR, Vol. I, Section 3.2 Agricultural Resources, Table 3.2-7, p. 3.2-12; FEIR, Vol. I, Master Response 6, pp. 2.0-14 to 2.0-15.) The statement in Master Response 6 that "the other nine Williamson Act contracts" would not conflict with the Sphere of Influence/Reserve Area extension does not match this count—nine total parcels minus the two resolved leaves seven, not nine. (*Id.* at p. 2.0-15.) The response does not otherwise engage Comment R-14's central point: that the three-option framework does not preserve agricultural land but merely resolves the legal conflict between the contract and the

Project on terms that leave the underlying conversion impact unmitigated. (FEIR, Vol. II, Comment R-14, pp. 4.0-32 to 4.0-34.)

The Response's silence as to the seven non-protested parcels, compounded by its miscount of their number, means the record does not establish that this unmitigated conflict has been resolved for the majority of the Williamson Act land at issue. The FEIR accordingly fails to remedy the deficiency identified in Comment R-14.

B. Water Supply and Groundwater Reliability

1. *The Response Does Not Resolve the Department of Water Resources' Specific Findings Regarding Subbasin-Wide Groundwater Overdraft*

Future water supplies must be identified and analyzed as an agency cannot rely on "paper water" whose actual future availability has not been demonstrated. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 432.) An EIR's water supply analysis "must address the impacts of *likely* future water sources" along with "a reasoned analysis of the circumstances affecting the likelihood of the water's availability." (*Ibid.*)

Comment R-10 cited to the California Department of Water Resources' ("DWR") January 2024 Staff Report evaluation of the January 2022 Modesto Subbasin Groundwater Sustainability Plan ("GSP"), which found the GSP's baseline overdraft calculation underestimated the actual reported overdraft by more than a factor of ten, and estimated that correcting the actual reported storage loss at the GSP's proposed implementation pace would require approximately 218 years. (FEIR, Vol. II, Comment R-10, pp. 4.0-23 to 4.0-28.)

Response R-10 cross-referenced as Master Response 9 discloses that the GSP was revised in July 2024 and presents historical groundwater elevation data from a single representative well ("Langon Merle 241") near the city, showing the GSP's Minimum Threshold and Measurable Objective since 2016. (FEIR, Vol. II, Response R-10, p. 4.0-205; see FEIR, Vol. 1, Master Response 9, pp. 2.0-26 to 2.0-32.) Master Response 9 does not resolve DWR's specific concern because it answers a different and narrower question. Evidence that groundwater levels are stable at one representative well does not establish that the Subbasin-wide overdraft accounting methodology DWR specifically found deficient has since been corrected.

Response R-10 also cites Master Response 10, which addresses a further separate question: the Project's own water demand relative to existing agricultural use on the site.

(FEIR, Vol. II, Response R-10, p. 4.0-205; see FEIR, Vol. I, Master Response 10, p. 2.0-32 to 2.0-35.) Master Response 10 states the Project's post-development groundwater demand (approximately 1,657 acre-feet annually, including a remaining orchard parcel) represents a net reduction of around 489 acre-feet from the approximately 2,146 acre-feet the Specific Plan Area's existing agricultural irrigation demands today. (FEIR, Vol. I, Master Response 10, p. 2.0-34; see also FEIR Vol. II, p. 5.0-74.) That comparison also does not address DWR's critique. Whether the Project's own marginal water use goes up or down does not establish that the Subbasin-wide overdraft accounting underlying the GSP's "highly reliable" supply conclusion is itself accurate. An incrementally smaller increase in demand in a high priority subbasin that is still in overdraft still creates significant effects on groundwater.

The FEIR also clarifies that three, rather than two new wells may be needed to serve the Project. (FEIR, Vol. I, p. 3.0-23.) Adding new wells to an overdrafted subbasin would logically worsen groundwater conditions in the region. In addition, the FEIR should not assume that a smaller demand on water from urban development under the Project would necessarily have less impact on limited groundwater supplies. Currently, water applied to irrigated agriculture is allowed to recharge groundwater over time. If the Project is built out, these same areas would largely be covered with impervious surfaces, reducing groundwater recharge. Thus, even if the overall water demand is smaller, there may be more impact on groundwater over the long term due to changes in runoff patterns from the addition of impervious surfaces.

The Errata attributes the 489-acre-foot reduction figure Master Response 10 relies upon to a technical memorandum by Rob Christensen, PE, dated October 4, 2024, after the DEIR's public comment period had closed. (FEIR, Vol. II, pp. 5.0-397 to 5.0-403.) The memorandum also calculates a further potential reduction of up to 861 acre-feet based on the State Water Resources Control Board's July 2024 water use objectives. (*Id.* at 5.0-400 to 5.30-401.) Both figures address only the Project's own marginal groundwater demand; neither engages DWR's Subbasin-wide overdraft findings or whether the GSP's baseline accounting has been corrected within the FEIR.

The Response therefore does not resolve DWR's specific, documented finding that the Subbasin's overdraft accounting understated actual conditions by a factor of ten. (FEIR, Vol. II, Comment R-10, pp. 4.0-23 to 4.0-28.) Nothing in the record establishes that the revised GSP's baseline overdraft methodology corrects the deficiency DWR identified in the prior version upon which the DEIR relied. Absent that showing, the FEIR's characterization of the Project's water supply as "highly reliable" rests on a groundwater sustainability plan that in itself was underreporting the overdraft calculations. (FEIR, Vol. II, p. 5.0-71.)

2. *The FEIR Does Not Resolve Uncertainty Regarding the Project's Stormwater Infrastructure Design*

Under CEQA, an EIR must describe the range of reasonable alternatives for a project that would “feasibly attain most of the basic objectives” of a project while avoiding or substantially lessening “any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” (*Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [citing CEQA Guidelines, § 15126.6, subd. (a)] [*Association of Irrigated Residents*].) The EIR must include sufficient information for each alternative for “meaningful evaluation, analysis, and comparison with the proposed project.” (*Association of Irrigated Residents, supra*, 107 Cal.App.4th at 1400 [citing CEQA Guidelines, § 15126.6, subd. (d)].)

Comment R-12 noted that the DEIR’s stormwater collection and detention design remains substantially undesigned: exact basin locations, pipe and swale layout, and the terms of the Project’s discharge arrangement with Modesto Irrigation District (“MID”) are all deferred to a future improvement-plan phased approach, with no disclosed fallback design should an agreement with MID not be reached. (FEIR, Vol. II, Comment R-12, pp. 4.0-29 to 4.0-30.) The City’s Response to Comment R-12 describes the Project’s general stormwater design approach and the applicable regulatory permitting framework but does not address whether an agreement with MID has been executed nor does it disclose or analyze the alternative retention/infiltration design that would be required in its absence. (FEIR, Vol. II, Response R-12, p. 4.0-206.)

The Response therefore does not cure the deficiency identified in Comment R-12. Without confirmation that an agreement with MID has been executed, and without any disclosure of the fallback design that would govern in its absence, the DEIR’s stormwater and water quality remains based on undefined infrastructure rather than the reasonably foreseeable project features CEQA requires an agency to disclose and analyze. (CEQA Guidelines, § 15126.6, subds. (a), (d).)

C. Biological Resources: Survey Methodology and Species Count

1. *The FEIR Does Not Disclose Methodology Underlying the DEIR's Baseline Biological Surveys*

An EIR’s description of the existing environmental setting must be sufficiently detailed to allow the public to understand and meaningfully evaluate the agency’s findings. (CEQA Guidelines, § 15125, subd. (a); *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404-405 [EIR must include sufficient information to permit “informed decisionmaking and informed public

participation”].) Under CEQA, the agency must disclose relevant information when the failure to disclose the information precludes informed decision-making and public participation. (See *Association of Irrigated Residents, supra*, 107 Cal.App.4th at 1391.) A response directed at an unrelated topic does not constitute a good faith, reasoned response CEQA requires. (CEQA Guidelines § 15088, subd. (c).)

Comment R-5 identified specific, unanswered questions regarding the DEIR’s summary of four reconnaissance surveys conducted by Steven McMurtry in December 2019 and in March, May, and June 2020: the date and time of the surveys, the duration of the survey, if a species-needs checklist was used, and Mr. McMurtry’s qualifications. (FEIR, Vol. II, Comment R-5, pp. 4.0-9 to 4.0-11.) Comment R-5 additionally noted that the City confirmed, by email, that no technical report memorializing these surveys was ever prepared. (*Id.* at pp. 4.0-9 to 4.0-10, fn. 3.)

In Response R-5, the City cross-referenced Master Response 11. Master Response 11, however, addresses the adequacy of the DEIR’s biological mitigation measures (enforceability of performance standards, propriety of preconstruction surveys as a mitigation tool) and the distinction between habitat assessments and the point-in-time detection surveys. (FEIR, Vol. I, Master Response 11, pp. 2.0-35-2.0 to 2.0-45.) It does not address the specific baseline-survey methodology questions Comment R-5 raises: no dates, times, durations, or checklist methodology for the McMurtry surveys appear in Master Response 11. No further response was provided to adequately respond to Comment R-5, leaving the comment unaddressed by the general response of Master Response 11. As the survey methodology underlying the DEIR’s biological baseline is undisclosed, the DEIR’s environmental setting description does not satisfy CEQA’s informational requirements.

2. The Response Mischaracterizes the Record Regarding Special-Status Species Omitted from the DEIR’s Analysis

Comment R-6, supported by the report of Dr. Shawn Smallwood (Comment R-Attachment 1), identified 101 special-status species warranting further analysis based on a review of the California Natural Diversity Data Base and the US Fish and Wildlife Service occurrence records, categorized by distance from the Project site. (Comment R-Attachment 1, Table 2, pp. 38-42 [FEIR, Vol II, pp. 4.0-75 to 4.0-79].) Comment R-6 highlights the fact that the DEIR analyzed occurrence likelihood for only 24 of these species, leaving 77 species entirely unaddressed, including 10 species that were documented within the Specific Plan Area itself. (FEIR, Vol II, p. 4.0-14.)

The City’s Response to Comment R-6 states that “the commenter does not provide a list of the 77 species, does not identify any specific species, [and] does not provide the

records of occurrences and locations of these species.” This statement ignores the fact that Table 2 of the Smallwood Report, marked as Comment R-Attachment 1, is precisely such a list, organized by occurrence-distance category. (See FEIR, Vol II, pp. 4.0-75 to 4.0-79.) The Response’s assertion that no such list was provided is incorrect, as both the comment letter cited the table and Dr. Smallwood’s report containing the table was submitted to the City.

The City’s response to a separate comment, Response G-58, reveals the City’s actual position: California Department of Fish and Wildlife’s (“CDFW”) silence affirmatively establishes that no special-status species are missing from the DEIR’s analysis, citing *Gentry v. City of Murrietta* (1995) 36 Cal.App.4th 1359, 1380 (*Gentry*). (FEIR, Vol. I, Response G-58, p. 2.0-158.) The City appears to extend this same reasoning in Comment R-6, treating CDFW’s silence as the basis for disregarding Dr. Smallwood’s data-supported identification, in Table 2 of his report, of 77 species the DEIR’s analysis omits. (FEIR, Vol. II, Response R-6, p. 4.0-199.) This approach inverts the burden from the lead agency (the City) to the commenter. As noted in *Santa Clarita Organization for Planning v. County of Los Angeles*, “it is not enough for the EIR simply to contain information submitted by the public and experts.” An inference drawn from an agency’s silence is not substantial evidence of anything in particular but at most the absence of evidence that cannot substitute for the reasoned, fact-based analysis CEQA requires once an expert’s comments disclose new or conflicting data. (*Clearly v. County of Stanislaus* (1981) 118 Cal.App.3d 348, 357 [where a responsible expert’s comments disclose new or conflicting data, “these comments may not simply be ignored. There must be good faith, reasoned analysis in response”]; *Berkeley Keep Jets*, *supra*, 91 Cal.App.4th at 1367 [heightened need for substantive, detailed responses to comments from experts and responsible agencies].)

The City’s reliance on the *Gentry* case does not excuse this defect. *Gentry* applies when the reviewing agency had the opportunity and occasion to notice the specific omission at issue. (36 Cal.App.4th at 1380.) CDFW did submit comments on the DEIR, but those comments reflect a review of the DEIR’s own special-status species table (DEIR Table 3.4-7), which lists only 24 species—not a review of Table 2 of the Smallwood Report, an attachment to our Original Comments identifying 77 additional species the DEIR’s table omits. (FEIR, Vol. I, Comment F, pp. 2.0-78 to 2.0-84.) Nothing in the record establishes that CDFW was ever presented with Table 2 or had the opportunity to compare it against the DEIR’s own table. A reviewing agency cannot be said to have noticed, and implicitly approved, an omission it was never shown. Substituting this unsupported inference for actual analysis is precisely the kind of conclusory response, unsupported by empirical information or explanatory analysis, that fails to crystallize the issue a comment raises. (*Environmental Protection Information Center*, *supra*, 170 Cal.App.3d at 628; *County of Kern*, *supra*, 39 Cal.App.3d at 841.)

Because the Response does not substantively engage the 77 species Table 2 identifies, the DEIR's occurrence-likelihood analysis remains unsupported as to each of them, and the City's failure to provide a substantive response renders the DEIR's biological resources analysis legally inadequate in this respect. (*Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1020.)

3. *The Response Does Not Resolve the Circularity in the DEIR's Cumulative Biological Impact Analysis*

Under CEQA Guidelines, a project's contribution to a significant cumulative impact may be found less than cumulatively considerable only where the agency identifies facts and analysis showing the project is required to implement or fund its fair share of mitigation measures designed to alleviate that cumulative impact. (CEQA Guidelines, §§ 15065, subd. (a)(3), 15130, subd. (a)(3).)

Comment R-8 explained that the DEIR conflates these two questions, treating the fact that project-level mitigation has been "presented" as itself sufficient to support a finding that cumulative biological impacts are less than cumulatively considerable. (FEIR, Vol. II, Comment R-8, pp. 4.0-17 to 4.0-18.) The City's response to Comment R-8 explains the DEIR's methodology under CEQA Guidelines section 15130, subdivision (b)(1) and quantifies the relevant biological setting, but it does not explain why applying project-level mitigation also resolves the separate, cumulative-level question the comment raised. (FEIR, Vol. II, Response R-8, pp. 4.0-17 to 4.0-18.) Without an explanation connecting the two, the DEIR's "less than cumulatively considerable" finding remains a conclusory statement unsupported by disclosed facts and analysis, the very deficiency CEQA Guidelines section 15130, subdivision (a)(3) rejects and the very deficiency Response R-8 claims to avoid.

4. *The Response to Comment R-3 and R-Attachment 1 Relies on an Unsubstantiated Allegation Regarding the Commenter's Biological Expert Rather Than Addressing His Analysis*

A lead agency's response to comments must address the significant environmental issues raised by the comment. (CEQA Guidelines, § 15088, subd. (c).) Comment R-3 presented the species extrapolation methodology set forth in the Smallwood Report, comparing observed detection rates at the Project site to two substantially larger prior survey datasets, from which Dr. Smallwood estimated that continued survey effort would likely detect approximately 196 vertebrate species, including around 34 special-status species, at the Project site.

The City's response to Comment R-3 and Comment R-Attachment 1 do not address this extrapolation methodology. (FEIR, Vol. II, pp. 4.0-193 to 4.0-195, 4.0-208 to 4.0-215.) Instead, both responses state the property owner has represented that Dr. Smallwood accessed the Berghill property without authorization and furthermore claim that the property owner photographed Dr. Smallwood and his vehicle during the alleged encounter (no such photographs were provided). As explained by Dr. Smallwood in the letter attached as Exhibit A, Dr. Smallwood conducted visual surveys of the Project site by foot along a social path adjacent to the Stanislaus River, which he accessed from Ms. Gammon's and Dr. Gammon's property. Dr. Smallwood did not see any signage regarding private property during his field visits. Moreover, at no time did Dr. Smallwood travel by vehicle on the Project site.

An allegation regarding a commenter's expert's conduct, unrelated to and unsupported within the response itself, does not constitute a response to the technical analysis presented in Comment R-3. The City's false statements in the FEIR regarding Dr. Smallwood's conduct, which are harmful to his professional reputation, must be corrected.

Substantively, the FEIR fails to acknowledge the extent to which agricultural land provides habitat values, which would be directly impacted by the Project. While the Response points to species richness in the riparian area along the river (FEIR, Vol. II, p. 4.0-194), it fails to recognize how agricultural land supports birds and other wildlife. For instance, the discussion of Swainson's hawk fails to acknowledge the loss of foraging habitat on the Project site, and also makes the unsubstantiated assumption that hawks are not foraging there because there are nests in the area. (FEIR, Vol. II, p. 4.0-201.)

II. NEW INFORMATION IN FEIR ERRATA REQUIRES RECIRCULATION

A. Sanitary Sewer System Would Have Substantially More Severe Impacts

The FEIR discloses that Construction of the sanitary sewer force mains crossing the Stanislaus River would be performed using Horizontal Directional Drilling. (FEIR, Vol. II, p. 5.0-26.) According to the City, "Construction of the sewer force mains under the river corridor will require a host of permits from various agencies such as the California State Lands Commission, US Army Corps of Engineers, and the Central Vally Water Quality Control Board." (FEIR, Vol. II, p. 5.0-27.) No description of the actual activities to be permitted is provided. While the FEIR claims that there would be no disturbance of the riparian corridor (and no impacts to wetlands), with no design details, the FEIR's less than significant impact determination is without support. (FEIR, Vol. II, pp. 5.0-61 to 5.0-64.)

In addition, the FEIR somehow finds an additional .2 million gallons per day of capacity for the City's Wastewater Treatment Plan than previously discussed in the DEIR. (FEIR, Vol. I, p. 3.0-39; FEIR, Vol. II, p. 5.0-102.) This allegedly would accommodate 31 percent of the wastewater capacity needs for the entire Specific Plan. The FEIR project description is unstable and unsubstantiated with respect to necessary treatment of wastewater from the Project.

B. New Biological Resources Identified

Section 5.0 Errata opens with a blanket assertion that its revision “do not result in new significant environmental impacts, do not constitute significant new information, and do not alter the conclusion of the environmental analysis that would warrant recirculation of the Draft EIR pursuant to State CEQA Guidelines Section 15088.5.” (FEIR, Vol. II, p. 5.0-1.) The Errata's own content is in tension with the assertion. Table 3.4-1, as revised, identifies only six parcels that have been field surveyed within the Berghill Boundary, with the remaining parcels comprising the Reserve Area being separately listed in Table 3.4-3 as “Not Field Surveyed.” (FEIR, Vol. II, p. 5.0-45.) Table 3.4-7's presence determinations for special-status wildlife and fish species, however, appear to apply across the full Project Area, including the not field surveyed Reserve Area parcels, with no accompanying explanation anywhere in the Errata or FEIR of the methodology used to reach a determination where no field survey occurred. (FEIR, Vol. II, p. 5.0-45.)

Revisions in the Errata to the same table add three special-status invertebrates never identified in the circulated DEIR, the American bumble bee (*Bombus pensylvanicus*), the Antioch mutilid wasp (*Myrmosula pacifica*), and the San Joaquin Valley giant flower-loving fly (*Rhaphiomidas trochilus*), increasing the documented special-status invertebrate count from nine to twelve. (FEIR, Vol. II, pp. 5.0-46 to 5.0-47.) The revised table assigns the American bumble bee a “Moderate” potential to forage within the Project Area, a species-specific presence determination never before disclosed and, like every other entry in Table 3.4-7. unsupported by any stated methodology. (FEIR, Vol. II, p. 5.0-46.) A one-third increase in the documented special-status invertebrate count, including a new species-specific presence finding for a portion of the Project Area the record confirms was never field surveyed, is the kind of addition CEQA Guidelines section 15088.5, subdivision (a) is designed to reach. The Errata's blanket statement that none of its revisions constitute significant new information does not address this disclosure specifically, and the FEIR does not otherwise explain why recirculation is unnecessary.

III. CONCLUSION

The DEIR continues to fall short as a source of meaningful information, and the FEIR only deepens the City's CEQA violations by failing to respond in good faith to public comments that identified the DEIR's many shortcomings. Moreover, new information in the Errata portion of the FEIR triggers recirculation. For the reasons set forth above, the City must provide substantive, good-faith responses to each of the comments on the DEIR and in this letter, address the identified deficiencies in the FEIR, and then recirculate the FEIR before considering certifying the FEIR, or taking any action to approve the Project.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Osha R. Meserve

cc: Joshua Mann, Director of Community Development, City of Riverbank,
jmann@riverbank.org

Attachment: Exhibit A, Letter dated July 24, 2026, from Dr. Shawn Smallwood re:
Trespassing Allegation

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Miguel Galvez, Contract City Planner
City of Riverbank
6707 3rd Street, Suite A
Riverbank, California 95367

July 24, 2026

**Re: Correction to Final EIR Misstatements Regarding Access During 2024
Biological Surveys**

Dear Mr. Galvez,

I prepared the biological report submitted as Attachment 1 to the May 16, 2024 comment letter on the Draft Environmental Impact Report ("EIR") for the River Walk Specific Plan submitted on behalf of Riverbank residents Annabel Gammon and Dr. J. Allen Gammon. This letter pertains to misstatements in the City's Final EIR responses to the May 16, 2024 comment, designated as Comment R, which state that I accessed the Berghill property without authorization during my 2024 site visits. (Final EIR for the River Walk Specific Plan, Vol. II, Section 4.0 Citizen DEIR Comments and Responses, Response R-3 & Response R-Attachment 1, pp. 4.0-195, 4.0-209.)

In fact, I reached the river corridor by way of a social path along the Stanislaus River, accessing the area from Ms. Gammons' property. Nothing along that path or other marking distinguished it from any other social trail or indicated that the area was private property or closed to public access. In addition, I never traveled by vehicle on any portion of the project site.

I request that the City publicly correct the record with respect to its misstatements regarding trespassing, which are factually incorrect and are potentially damaging to my reputation as a professional biologist.

Sincerely,



Shawn Smallwood, Ph.D.

From: [REDACTED]
To: [City Clerk](#)
Subject: Opposition to the River Walk Project
Date: Tuesday, August 4, 2026 3:45:19 PM
Attachments: [inky-injection-inliner-03755809cc10337ec572b1f12a6beedf.png](#)
[inky-injection-inliner-e0c5e04ec3692c9149434d474b0acb15.png](#)



[REDACTED]
First-Time Sender [Details](#)



[Safe](#) [Spam](#) [Phish](#) [More...](#) [Quarantine](#) [Allow & Block](#)

[REDACTED]
I am writing to express my strong opposition to the proposed River Walk Project.

While I understand the need for thoughtful growth, I believe this project comes at too great and largely irreversible a cost. It would permanently convert irreplaceable farmland into development, significantly increase traffic congestion, and place additional strain on already burdened roads, schools, water systems, and emergency services. It also poses a serious risk to the Stanislaus River ecosystem and surrounding wildlife. In addition, it would erode the small-town character that makes Riverbank such a special and valued place to live.

I support responsible and forward-looking development, but it must be pursued in a way that genuinely protects our agricultural heritage, natural resources, and overall quality of life. I also urge the City to more fully consider and meaningfully address the concerns of residents before advancing a project of this scale and impact.

I respectfully ask you to reconsider the River Walk Project in its current form.

Thank you for your time and consideration.

Sincerely,

Marcos Rojas
Riverbank Resident

From: [Colleen Preston](#)
To: [City Clerk](#); [Joshua Mann](#)
Subject: River Walk Special Planning Commission Meeting
Date: Sunday, August 2, 2026 2:57:44 PM
Attachments: [inky-injection-inliner-03755809cc10337ec572b1f12a6beedf.png](#)
[inky-injection-inliner-e0c5e04ec3692c9149434d474b0acb15.png](#)



First-Time Sender [Details](#)



[Safe](#) [Spam](#) [Phish](#) [More...](#) [Quarantine](#) [Allow & Block](#)

Dear City Clerk and Joshua,

Could you please distribute the message below to the Commissioners and confirm delivery?

Thank you,

Colleen Preston

Dear Commissioners,

The word "Civic" is derived from the Latin *civicus*, meaning "relating to a citizen" and their rights and duties. By addressing you tonight, I am participating in this process and fulfilling my civic duty. I am here due to my conviction regarding the importance of civic responsibility, and my belief that managed growth is a core element of the quality of life not only in Riverbank, but across the entire county.

I want to recognize all of you for your service in local governance. As a commissioner on a committee for the city of Modesto, I understand the commitment, accountability, transparency, and duty required to represent the interests of fellow citizens. It is the core duty of commissioners to represent the community's interests.

Measure M is on the ballot this November because your citizens desire to participate and want their voices heard on growth. Measure M stands for Managed Growth, Making Riverbank Better, and My City, My Vote. Measure M matters to your citizens, and they deserve to vote and participate in this process.

As commissioners, you have a civic duty to respect these concerns and ensure that the voices of the citizens are heard. The upcoming vote in November provides the necessary feedback for Riverbank governance to represent its constituents, demonstrate transparency, uphold democracy, and maintain trust.

I have confidence that you will uphold your civic duty to the residents and vote to await Measure M.

Thank you,

Colleen Preston

--

Colleen O'Brien Preston

Confidentiality Notice: This E-Mail transmission may contain confidential or legally privileged information that is intended only for the individual or entity named in the E-Mail address. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or reliance upon the contents of this E-Mail is strictly prohibited. If you have received this E-Mail transmission in error, please reply to the sender, so arrangements can be made for proper delivery, and then delete the message from your system. Please consider the environment before printing this email.

From: [REDACTED]
To: [City Clerk](#)
Subject: Riverwalk
Date: Tuesday, August 4, 2026 3:39:08 PM
Attachments: [inky-injection-inliner-6f42d488d348cfd86bff9497caf9f6a.png](#)
[inky-injection-inliner-e0c5e04ec3692c9149434d474b0acb15.png](#)



[Graymail](#) [Spam](#) [Phish](#) [More...](#) [Quarantine](#) [Allow & Block](#)

[REDACTED]

My name is Consuelo and I am a proud Riverbank senior resident.

I am writing because I respectfully ask you to reconsider the proposed River Walk Project.

Like many residents, I understand that Riverbank will continue to grow. Growth itself is not the issue. The issue is where and how we choose to grow. Once this farmland is developed, it is gone forever. We cannot replace productive agricultural land or undo the loss of open space along the Stanislaus River.

I am also concerned about the long-term impacts this project could have on our community. Thousands of new homes will increase traffic on roads that are already heavily traveled. Our schools, emergency services, water, sewer systems, and other infrastructure will all face additional demands. Before approving a project of this scale, I believe we need confidence that these systems can support it without lowering the quality of life for current residents.

Another concern is protecting the Stanislaus River corridor. This area is one of Riverbank's greatest natural assets. It provides habitat for wildlife, beautiful open space, and a connection to the natural environment that many of us value. We should be careful about making changes that could permanently affect these resources.

Most importantly, I hope the City continues to listen to the people who live here. Many residents chose Riverbank because it has maintained a small-town character and strong agricultural roots. We want thoughtful, responsible planning that protects what makes our community unique while meeting future needs.

I respectfully ask you to slow down, carefully consider the long-term consequences of this project, and explore alternatives that preserve our farmland, protect our river, and ensure our infrastructure can truly support future growth.

The decisions made today will shape Riverbank for generations. I hope those decisions reflect not only the needs of tomorrow but also the values of the community that calls Riverbank home.

Thank you for your time

Consuelo Herrera
Riverbank Senior Resident

**CITY OF RIVERBANK PLANNING COMMISSION
STAFF REPORT**

ITEM NO:	6.1	September 15, 2026
APPLICATION:	Architecture and Site Plan Review Application No. 11-2025 (Dept. File No. 25-0053) – 3201 Sierra Request to approve the design of a proposed duplex at 3201 Sierra Street.	
OWNER:	Abdo Almolaiki and Amal Ali	
APPLICANT:	DJ&J Engineering Inc.	
REPRESENTATIVE:	Jose Zepeda	
LOCATION/APN:	3201 Sierra Street, between 2 nd and 3 rd Street	
ASSESSOR'S PARCEL:	132-011-052	
GENERAL PLAN:	Mixed Use (MU)	
ZONING:	Downtown Specific Plan (SP-3), Mixed-Use Neighborhood	
ENVIRONMENTAL DETERMINATION:	CEQA Exempt – CEQA Guidelines Section 15332, Class 32, Infill Development Projects	
PROJECT PLANNER:	Teresa McDonald, Senior Planner	
RECOMMENDATION:	Make the required findings for project approval and adopt Resolution No. 2026-014 approving Architecture and Site Plan Review Application No. 11-2025 (Dept. File No. 25-0053)	

EXECUTIVE SUMMARY

An application has been submitted to allow construction of a duplex at the project site. While the Downtown Specific Plan (DTSP) zoning permits a duplex, the DTSP states that the proposed construction or reconstruction of buildings and related facilities within the DTSP area requires site plan review as established by Riverbank Municipal Code (RMC). Accordingly, the applicant has submitted the subject application for review by the Planning Commission.

SITE DESCRIPTION

The 6,250± square foot project site is located at 3201 Sierra Street, between 2nd and 3rd Street. The project site is currently vacant and unimproved, and has access to Sierra Street, 2nd Street, and a 20-foot-wide alley located between Sierra and Stanislaus Street. The site is surrounded by commercial and residential uses.

ISSUES

No specific issues have been identified as part of the review of the project. Standard conditions of approval have been applied to the project.

GENERAL PLAN CONSISTENCY

The project site is designated as Mixed Use (MU) in the City of Riverbank General Plan. The MU designation accommodates neighborhood-scale retail uses, offices, personal and commercial services and other similar uses. The Mixed Use designation also allows for higher-density residential development in a vertical or horizontal mixed-use setting.

The project site is located within the General Plan's designated Infill Opportunity Area, which is an already developed portion of the City, and many properties within this area are vacant or otherwise underutilized. The General Plan supports reinvestment, redevelopment, and revitalization efforts within the Area. Specifically, Goal LAND-2, Policy LAND-2.4 of the Land Use Element is to encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development. Accordingly, staff finds that the proposed duplex is consistent with the General Plan because it supports residential infill development on vacant and underutilized land within the Infill Opportunity Area.

ZONING ORDINANCE CONSISTENCY

The project site is located within the Downtown Specific Plan (DTSP) area and is zoned Mixed-Use Neighborhood. As outlined in the DTSP, the Mixed-Use Neighborhood is comprised primarily of residential and workplace uses, and the Mixed-Use Neighborhood encourages new investment to create an urban neighborhood in the Downtown Specific Plan. Redevelopment of this District's many opportunity sites will add new investment that complements existing residences and businesses. Buildings are set back slightly from neighborhood streets, and new landscapes and open spaces support pedestrian activity. The Mixed-Use Neighborhood zone allows a variety of residential uses, including a multiplex. A multiplex may contain two, three, four or more units which may be stacked. Dwelling units may be flats or townhouses. Common development types include duplex, triplex, quads, and villas.

Architecture and Site Plan Review

As stated previously, any proposed construction or reconstruction of buildings and related facilities within the DTSP area requires site plan review as established by RMC and must adhere to the development standards and design guidelines contained in the DTSP to address building placement and layout, architecture, landscape and open space design,

parking location and design, signage location, and design of proposed conditions affecting the function and visual appearance of the project and its surroundings. The proposed plans and elevations are provided as Exhibit A of Attachment 1.

In order to approve an architecture and site plan review, the Planning Commission shall make 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;
2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;
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; and
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.

Staff has reviewed the proposed plans and elevations and finds the project is consistent with the Downtown Specific Plan and the Riverbank Municipal Code.

ENVIRONMENTAL DETERMINATION

The project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, Class 32, Infill Development Projects. The project is consistent with the applicable General Plan designation, General Plan policies, zoning designation and zoning regulations. The project site is less than five acres (6,250 square feet, is located within city limits and is substantially surrounded by urban uses. The site is vacant and unimproved and does not contain habitat value for endangered, rare or threatened species. The site can be adequately served by all required utilities and public services. Therefore, the project qualifies for the Class 32 infill exemption.

CONDITIONS OF APPROVAL

The project shall be subject to all Conditions of Approval outlined in *Exhibit B of Attachment 1 - Conditions of Approval for Architecture and Site Plan Review No. 11-2025*.

PUBLIC NOTICE

The Planning Commission hearing notice was published in the Riverbank News, posted at City Hall North and South, and mailed to landowners within 300-feet of the project site on September 2, 2026. In addition, the applicant posted a Notice of Development Permit Application at the project site on September 2, 2026. At the time of writing this report, the City has not received any correspondence from surrounding landowners.

RECOMMENDATION

Staff recommends that the Planning Commission approve the project, make the required findings and adopt Resolution No. 2026-014 approving Architecture and Site Plan Review Application No. 11-2025, based on the discussion above and on the whole of the record provided to the City. If the Planning Commission approves the project, the aforementioned Resolution provides an overview of the findings and actions required for project approval.

ATTACHMENTS

1. Planning Commission Resolution No. 2026-014 (Architecture and Site Plan Review Application No. 11-2025)
 - Exhibit A - Plans and Elevations
 - Exhibit B - Conditions of Approval for Architecture and Site Plan Review No. 11-2025

Respectfully Submitted By: Teresa McDonald, Senior Planner

**City of Riverbank
Planning Commission
Resolution No. 2026-014**

A Resolution of the Planning Commission Approving Architecture and Site Plan Review
Application No. 11-2025 (Dept. File No. 25-0053) for the construction of a duplex at
3201 Sierra Street, APN: 132-011-052

Whereas, an Architecture and Site Plan Review application has been received for the design of a duplex at 3201 Sierra Street (APN: 132-011-052); and

Whereas, the property has a General Plan Land Use designation of Mixed Use (MU) and is zoned Mixed-Use Neighborhood within the Downtown Specific Plan (DTSP); and

Whereas, any proposed construction or reconstruction of buildings and related facilities within the DTSP area requires site plan review as established by Riverbank Municipal Code; and

Whereas, Section 153.217 of the Riverbank Municipal Code requires an architecture and site plan review be approved by the Planning Commission at a public hearing; and

Whereas, the Planning Commission held a public hearing on September 15, 2026, to consider Architecture and Site Plan Review No. 11-2025 and take public comment; and

Whereas, the proposed Project is exempt from analysis pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332, Infill Development Projects; and

Whereas, the Planning Commission made the following required architecture and site plan review 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;
2. The proposed project will not create conflicts with vehicular, bicycle, or pedestrian transportation modes of circulation;
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; and
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.

Whereas, the Planning Commission has reviewed the proposed site plan and elevations included as Exhibit A and desires to approve Architecture and Site Plan Review Application No. 11-2025, subject to the Conditions of Approval attached hereto as Exhibit B and incorporated herein by this reference;

Therefore, Be It Resolved by the Planning Commission of the City of Riverbank as follows:

Section 1. The Planning Commission finds that the Project is exempt from CEQA pursuant to CEQA Guidelines Section 15332, Class 32, Infill Development Projects.

Section 2. The Planning Commission makes the required architecture and site plan review findings based on the staff report, project plans, conditions of approval and the whole of the record before the Planning Commission.

Section 3. Architecture and Site Plan Review Application No. 11-2025 is hereby approved, as illustrated in Exhibit A and subject to the Conditions of Approval attached hereto as Exhibit B and incorporated herein by this reference.

Passed and adopted by the Planning Commission of the City of Riverbank at a meeting held on the 15th day of September, 2026; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____-____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

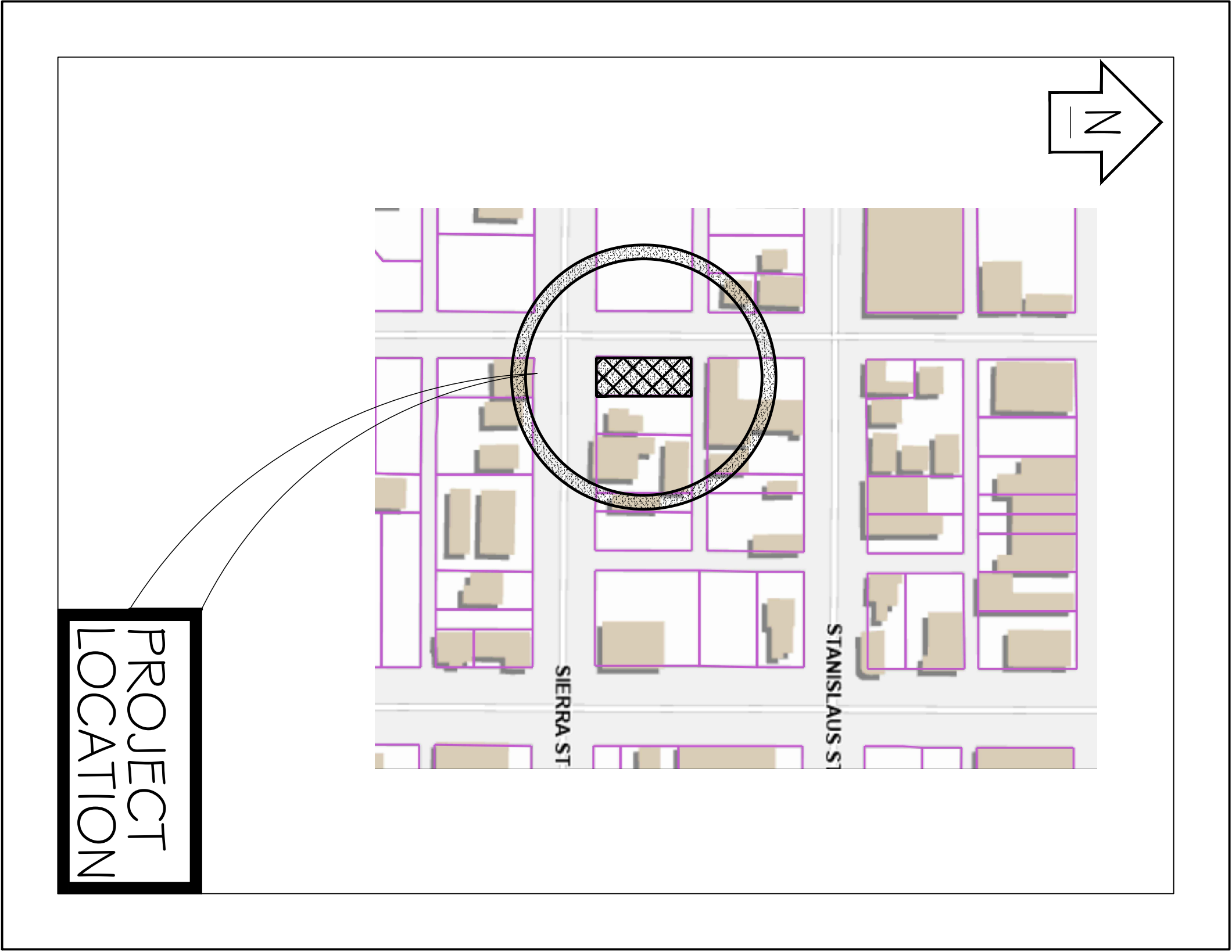
Joshua E. Mann,
Community Development Director

Michael Halterman, Chairperson
Planning Commission

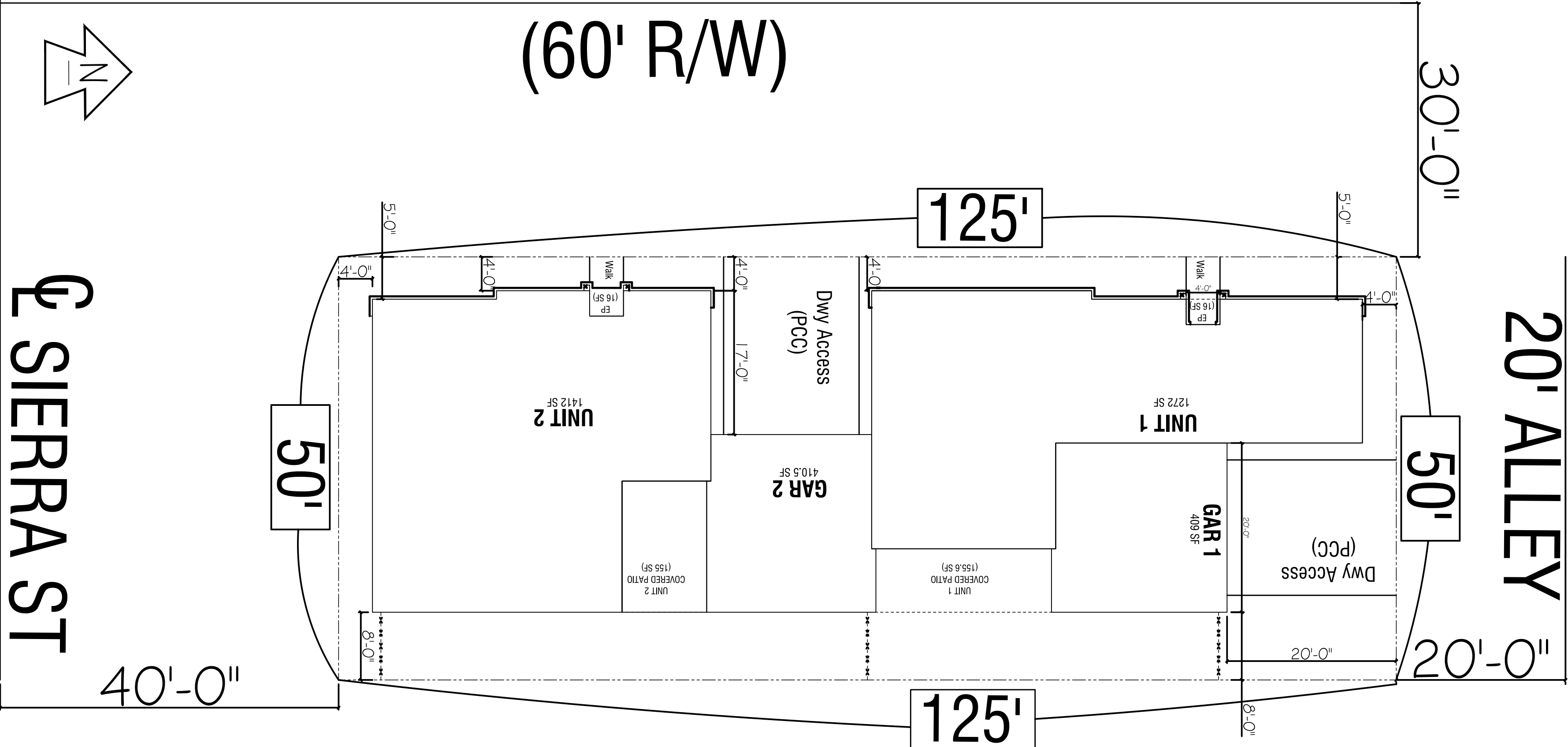
Exhibit A – Plans and Elevations

Exhibit B – Conditions of Approval for Architecture and Site Plan Review No.11-2025

EXHIBIT "A"



2ND ST
(60' R/W)



SITE PLAN
SCALE: 1" = 10'



REVISION	DATE

PROJECT LOCATION:
SIERRA ST DUPLEX
3201 SIERRA ST,
RIVERBANK CA 95367
APN: 132-011-052

PROJECT OWNER:
CONTACT:
ABDO ALMOLAIKI (209) 968-3989



ENGINEERING

3/28/2024

915 13TH STREET

MODESTO CA 95354

EMAIL: DALENGENRNGT@GMAIL.COM

CELL: (209) 646-9227

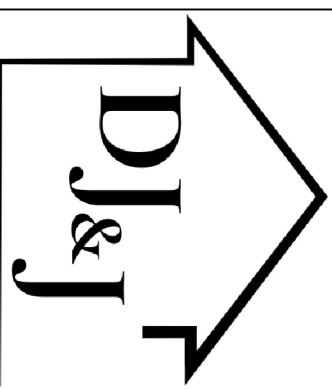
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CHECKED	JZ
DATE	07/10/26
SCALE	AS SHOWN

SHEET NO.
1 OF 3
SITE AND VICINITY

REVISION	DATE

PROJECT LOCATION:
SIERRA ST DUPLEX
3201 SIERRA ST,
RIVERBANK CA 95367
APN: 132-011-052

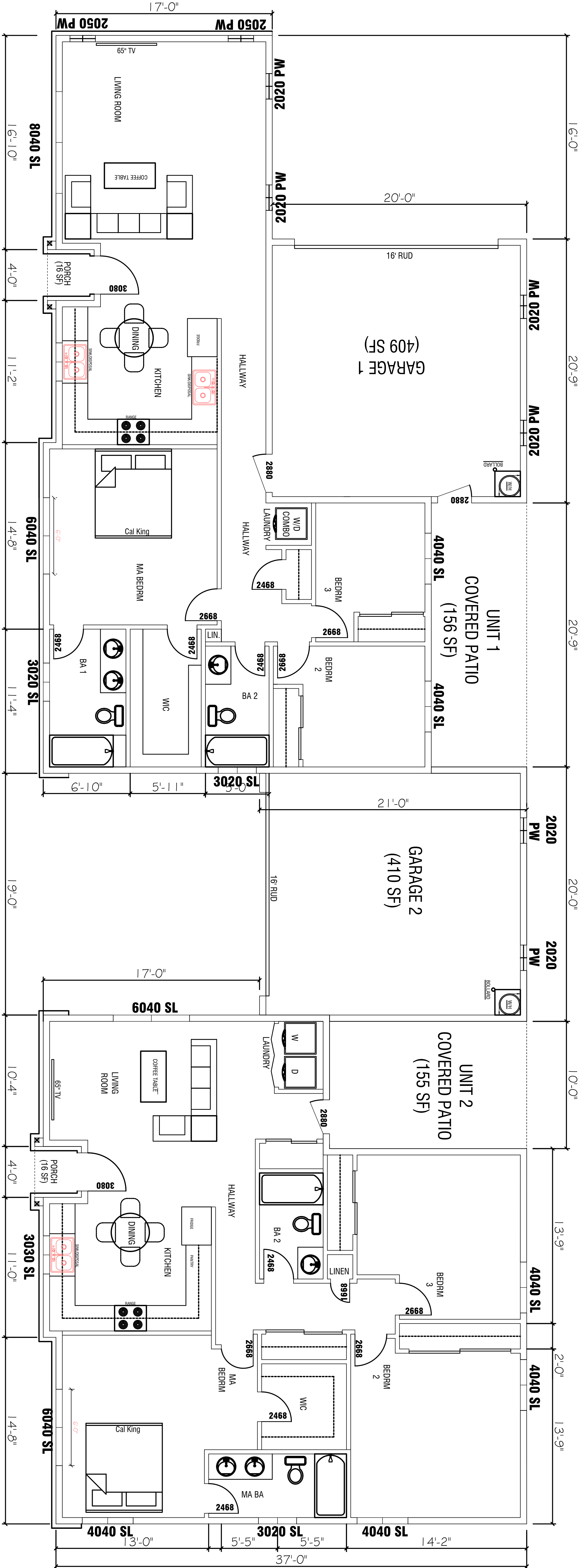
PROJECT OWNER:
CONTACT:
ABDO ALMOLAIKI (209) 968-3989



ENGINEERING
3/28/2024
915 13TH STREET
MODESTO CA 95354
EMAIL: DULENGENRNG@GMAIL.COM
CELL: (209) 646-9227

DRAWN	DZ
CHECKED	JZ
DATE	07/10/26
SCALE	AS SHOWN

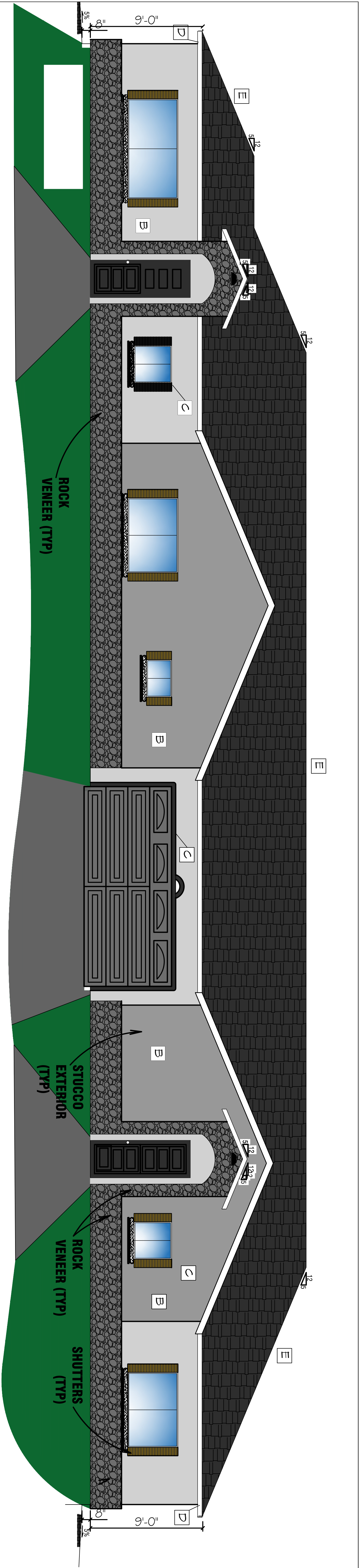
SHEET NO.
2 OF 3
FLOOR PLAN (DUPLEX)



UNIT 1 SUMMARY
LIVING AREA..... 1,272.0 SF
PORCH..... 16.0SF
GARAGE..... 409.0 SF
REAR PATIO..... 1,556.0 SF

UNIT 2 SUMMARY
LIVING AREA..... 1,412.0 SF
PORCH..... 16.0 SF
GARAGE..... 410.5 SF
REAR PATIO..... 155.0 SF

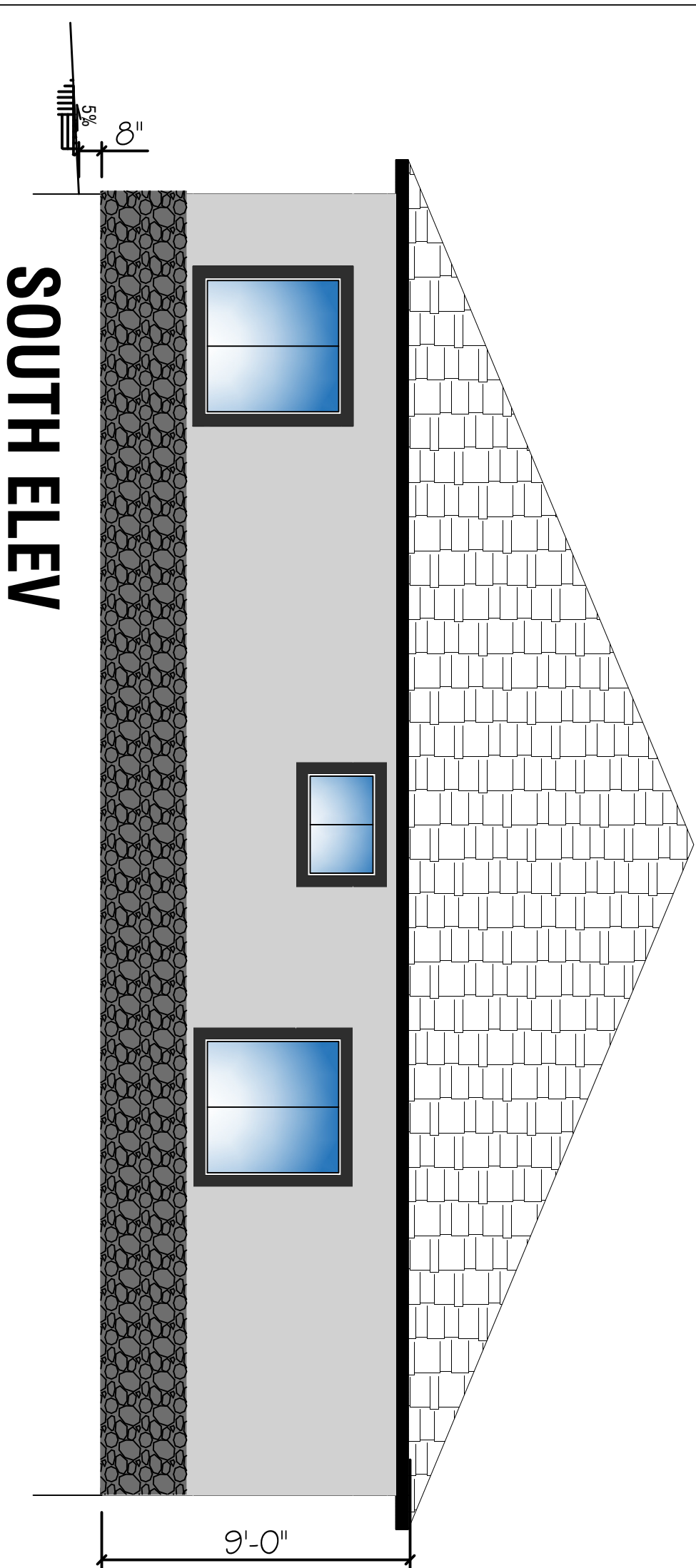
3201 SIERRA ST DUPLEX PLANS



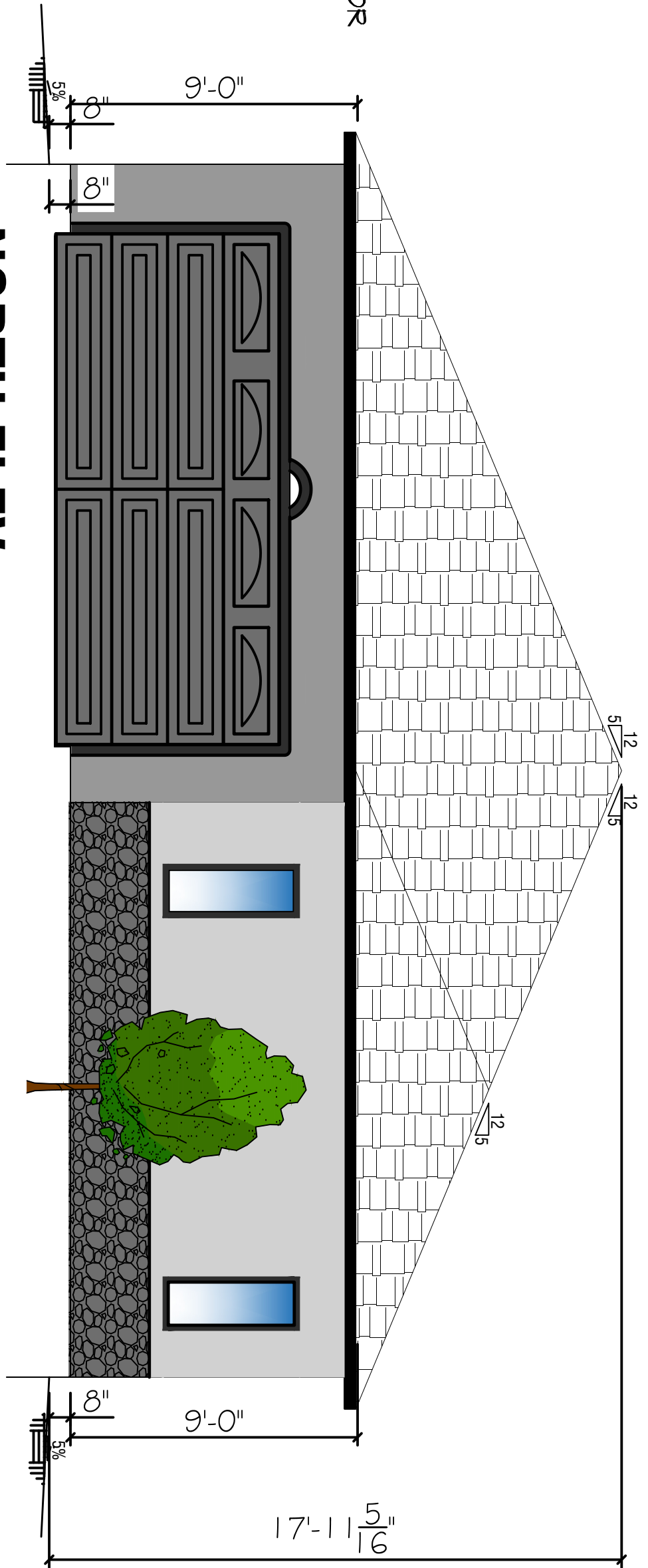
FRONT ELEVATION "WEST"

EXTERIOR FINISH LEGEND

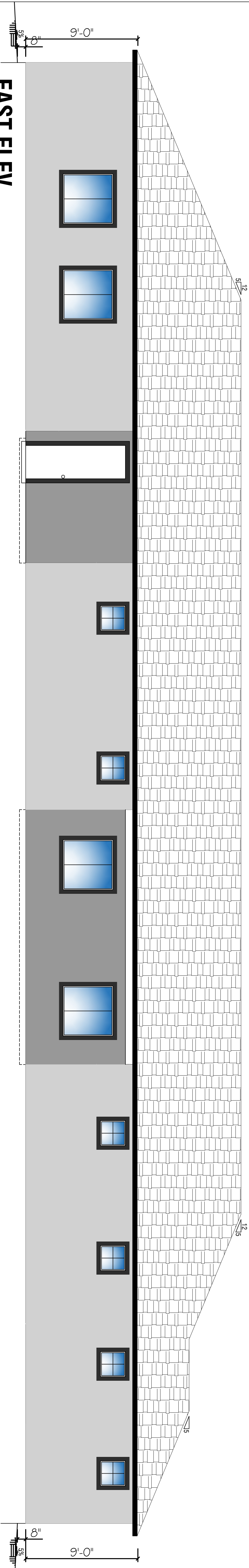
- | | | |
|---|----------------------------------|-----------------------------|
| A | STUCCO | SA T005 |
| B | STUCCO DRYVIT AT CEMENT PLASTER. | PURE WHITE |
| C | STUCCO TRIM AT CEMENT PLASTER. | SA T014 "VICTORIAN LACE" |
| D | PAINT TRIM: | SA T016 CYBER SPACE |
| E | SHINGLES / GRAGE DOOR | BLACK |
| C | DOOR | WOOD SOLID CORE DOOR "BLUE" |



SOUTH ELEV



NORTH ELEV

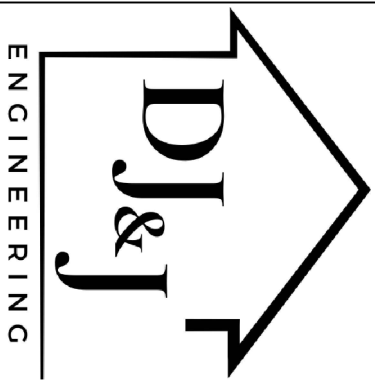


EAST ELEV

REVISION	DATE

PROJECT LOCATION:
SIERRA ST DUPLEX
3201 SIERRA ST,
RIVERBANK CA 95367
APN: 132-011-052

PROJECT OWNER:
CONTACT:
ABDO ALMOLAIKI (209) 968-3989



915 13TH STREET
MODESTO CA 95354
EMAIL: DULENGENRMR2@GMAIL.COM
CELL: (209) 968-8910

DRAWN	DZ
CHECKED	JZ
DATE	04/01/2026
SCALE	AS SHOWN

SHEET NO.
3 OF 3

EXHIBIT “B”

CONDITIONS OF APPROVAL

Architecture and Site Plan Review Application No. 11-2025 (Dept. File No. 25-0053) – 3201 Sierra Street Duplex

This project is subject to the following conditions unless specifically exempted, as determined by the Community Development Director or his/her designee.

A. GENERAL CONDITIONS

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 subject entitlement shall be null and void 24 months from the date of final approval thereof unless prior to such expiration date, a valid building permit is in effect for the construction of necessary buildings or appurtenances of the review. The Planning Commission may defer expiration of the permit for a period not exceeding one year upon application, in writing, by the owner of the property prior to expiration provided such use is still permitted in the district in which it is proposed to be located.
3. Either (1) a Certificate of Merger shall be recorded for the project site prior to issuance of a building permit, or (2) the building permit plans shall clearly show that the proposed development can be accommodated within the boundaries of the legal parcel on which it is located.
4. All landscaped areas shall be maintained in an attractive condition. The premises shall be kept free of weeds, trash, and other debris. Dead or dying plants shall be replaced with materials of equal size and similar variety within 30 days, at the property owner's expense.
5. 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.
6. 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.

7. 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 Community Development Director must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
8. Site development plans shall be in substantial conformance to the approved 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 site development plans.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. All necessary utility easements shall be retained or reserved.
16. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
17. 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.

18. With respect to any claim, action or 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.
19. 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.
20. 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.
21. 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.
22. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
23. 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.

24. Landscape and irrigation plans must be submitted under a separate building permit and are subject to the standards governed by the Model Water Efficient Landscape Ordinance (MWELO). Landscaping is required to be installed and inspected prior to Certificate of Occupancy.

B. ARCHITECTURE

25. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public rights-of-way prior to issuance of certificate of occupancy.
26. 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.
27. 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.
28. 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.
29. All signs shall be submitted to the Community Development Director for design review in accordance with the sign guidelines of the Downtown Specific Plan (DTSP).
30. 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.