



**CITY OF RIVERBANK
REGULAR CITY COUNCIL AND THE
LOCAL REDEVELOPMENT AUTHORITY BOARD
MEETINGS**

(The City Council also serves as the LRA Board)
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA • 95367

AGENDA

TUESDAY, OCTOBER 10, 2017– 6:00 P.M.

(THE AGENDA PACKET IS POSTED AT THE CITY CLERK'S OFFICE AND AT WWW.RIVERBANK.ORG)

- CALL TO ORDER:** Mayor/Chair Richard D. O'Brien
- FLAG SALUTE:** Mayor/Chair Richard D. O'Brien
- INVOCATION:** Riverbank Ministerial Association
- ROLL CALL:** Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

CHANGES TO THE AGENDA: Mayor/Chair Richard D. O'Brien

CONFLICT OF INTEREST
Any Council/Authority Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PRESENTATIONS

- Item 1.1:** Proclamation – Lights on Afterschool – October 20, 2017.
- Item 1.2:** Certificate of Commendation – October 10, 2017.
- Item 1.3:** Update on Stanislaus Consolidated Fire Protection District Board.
- Item 1.4:** StanCOG – Valley Vision Stanislaus 2018 Regional Transportation Plan and Sustainable Communities Strategy.

2. 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 City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the September 26, 2017, City Council and Local Redevelopment Authority Minutes.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

4. UNFINISHED BUSINESS There are no items to consider.

5. PUBLIC HEARINGS

The public notices for Items 5.1, 5.2, and 5.3 were published in the Riverbank News on 9/27/2017. The public notice for Item 5.4 was published in the Riverbank News on 09/20/17.

Item 5.1: **Continuation of the Noticed Public Hearing to Consider the Adoption of a Resolution to Approve the City's Final Budget for Fiscal Year 2017-2018** – Due to the City's ongoing labor negotiations, it is recommended that the City Council:

1. Open the public hearing;
2. Receive comments;
3. Close the public hearing; and
4. By roll call vote, continue the public hearing to the next regular City Council meeting on October 24, 2017.

Item 5.2: **Consideration of a Resolution Approving General Plan Amendment No. 2017-01 to Amend the Land Use Element to Include a Specific Plan Land Use Designation** – It is recommended that the City Council consider the adoption of the proposed Resolution to establish a new Specific Plan Land Use Designation by the approval of General Plan Amendment 2017-01. Based on analysis and findings, Staff recommended that the Planning Commission approve the proposed General Plan Amendment as part of a series of public discussions to consider the Amendment. At the final public discussion that occurred on September 19, 2017, the Planning Commission unanimously adopted PC-Resolution No. 2017-14 to deny the proposed General Plan Amendment.

Item 5.3: **Conduct the First Reading and Introduction by Title Only of a Proposed Ordinance Amending Title XV: Land Usage, Chapter 153: Zoning; Section 153.325 through Section 153.326, Second Dwelling Units; Section 153.003, Definitions; Section 153.030 through Section 153.033, Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048, Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064, Multiple Family Residential District R-3 Zone; and Section 153.184, Off-Street Parking Requirements by Repealing these Sections in their Entirety and Substitute them with New Sections 153.325 through Section 153.326, Accessory Dwelling Units; Section 153.003, Definitions; Section 153.030 through Section 153.033, Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048, Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064, Multiple Family Residential District R-3 Zone; and Section 153.184, Off-Street Parking Requirements to the Riverbank Municipal Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval as presented, which initiates the second reading by title only at the October 24, 2017, regular City Council meeting or soon thereafter to consider its adoption. On September 19, 2017, the Planning Commission, by unanimous vote, adopted PC Resolution No. 2017-017 recommending adoption of the proposed ordinance.

Item 5.4: **A Resolution Authorizing the First Public Hearing for the 2017 Community Development Block Grant Notice of Funding Available (NOFA) Cycle** – It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2017 Community Development Block Grant Notice of Funding Available.

6. NEW BUSINESS

LRA - Item 6.1: **The Local Redevelopment Authority (LRA) Budget Report Fiscal Year End 2016-2017** – It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and accept the fiscal year end 2016-17 LRA Budget Report.

Item 6.2: **Adoption of a Resolution to Approve the List of Projects to be Funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”** – It is recommended that the City Council approve a Resolution accepting the list of projects to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”.

- Item 6.3:** **A Resolution Authorizing Two Applications to the State Water Resources Control Board Water Recycling Funding Program and Authorization of a Designated Authorized Representative to Apply for, Make Certain Representations Regarding, and Accept Financial Assistance from the State Water Resources Control Board for the Riverbank Recycled Water Project** – It is recommended that the City Council consider adopting the proposed resolution, for the submittal of two grant applications for Planning Grant funding from the State Water Resources Control Board under the Water Recycling Funding Program for engineering planning studies and feasibility studies of the City of Riverbank, to implement a Regional Recycled Water Program. An award of any grant received will be presented for City Council's consideration on whether to approve a budget amendment to commit to the matching funds of up to \$75,000 for each grant awarded (\$150,000 total).

7. COMMENTS/REPORTS

A brief report on notable attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

ADJOURNMENT (The next regular City Council meeting – Tuesday, October 24 at 6:pm)

UPCOMING EVENTS:

Oct. 14 & 15 (Saturday & Sunday)	• <u>41st Annual Cheese, Wine and Craft Beer Exposition</u> - o Saturday, October 14 – 10:am to 8:00 pm - o Sunday, October 15 – 10:am to 7:00 pm
Oct. 17 (Tuesday)	• <u>Ceremony for the First Former Riverbank Army Ammunition Plant Property Transfer</u> - o Riverbank Industrial Park (former RAAP), 5300 Claus Rd, Modesto, at 10:00 a.m.
City Hall Friday Office Hours	• <u>City Offices are Closed Alternating Fridays</u> - o Friday: October 13 and October 27 – OPEN from 8:am to 5:pm - o Friday: October 6 and October 20 – CLOSED
2017 Canceled Regular City Council Meetings	• <u>City Council voted to cancel the following regular meetings:</u> - o Tuesday, May 23, 2017 - o Tuesday, July 11, 2017 - o Tuesday, December 26, 2017

Any documents that are not privileged or part of a Closed Session provided to a majority of the City Council/LRA Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at North City Hall, 6707 Third Street, Riverbank, CA, during normal business hours.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted 72 hours prior to the meeting in accordance to the Brown Act.

Posted this 5th day of October, 2017

/s/Annabelle H. Aguilar, CMC, City Clerk /LRA Recorder

Notice Regarding Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at (209) 863-7122 or cityclerk@riverbank.org. Notification (72) hours before the meeting will enable the City to make reasonable arrangements to ensure any special needs are met. [28 CFR 35.102-35.104 ADA Title II].

Notice Regarding Non-English Speakers: Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City 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.

GENERAL INFORMATION

Meeting Schedule	The City Council Members also serve as the LRA Board Members. The Riverbank City Council/LRA Board meets in the City Hall North Council Chambers. Regular City Council meetings are held on the 2nd and 4th Tuesdays of each month at 6:00 p.m. The Local Redevelopment Authority Board meets on an "as needed" basis. Meetings are held as indicated, unless otherwise noticed.
City Council / LRA Agenda & Reports	The City Council/LRA Board agenda is posted pursuant to the California Brown Act, which only requires these agenda title pages to be posted near the entrance of the location where the meeting is to be held and, when available, on the City's website. Additional documents may be provided by the City in its efforts of transparency to keep the public well informed. The agenda packet (agenda plus supporting documents) are posted for public review at the City Clerk's Office, 6707 Third Street, Riverbank, CA and at www.riverbank.org upon distribution to a majority of the City Council/LRA Board. A subscription to receive the agenda can be purchased for a nominal fee through the City Clerk's Office.
Public Hearings	In general, a public hearing is an open consideration within a regular meeting of the City Council or a meeting of the LRA, for which special notice has been given and may be required. During a specified portion of the hearing, any resident or concerned individual is invited to present protests or offer support for the subject under consideration.
Televised / Video of Meetings	City Council/LRA meetings are televised on Charter Channel 2 and AT&T Uverse Channel 99. Video of the meeting and the schedule of replays may be seen on the City's website, under the "Action 2" Icon. (Note: Technical difficulty occurs on occasion preventing the televising or recording of the meeting.)
Questions	Contact the City Clerk at (209) 863-7122 or aguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	October 10, 2017
Subject:	Proclamation – Lights On Afterschool – October 20, 2017
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council read and present the Proclamation for Lights On Afterschool to Riverbank Unified School District Superintendent, Dr. Daryl Camp.

SUMMARY

Afterschool programs offer many extracurricular opportunities for student enrichment including science, arts, physical activity, and community service. In addition, afterschool programs provide a safe and nurturing environment for students to remain in while awaiting parents or caregivers to come for them at the end of the day. In the month of October, communities nationwide observe Lights On Afterschool to acknowledge the importance of afterschool programs for students. On Friday, October 20, 2017, Riverbank Project A.C.T.I.O.N., Afterschool Care Together In Our Neighborhoods, will be participating in the 18th Annual Lights On Afterschool event. This a free event for the Riverbank Community and will be held at California Avenue Elementary School, 3800 California Avenue, from 3:30 – 5:30 p.m.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Proclamation
2. Flyer



**CITY OF RIVERBANK
PROCLAMATION
LIGHTS ON AFTERSCHOOL**

WHEREAS, Lights On Afterschool is a national celebration of Afterschool Programs and promotes the importance of quality Afterschool Programs in the lives of children, families, and communities; and

WHEREAS, Afterschool Programs provide safe, challenging, engaging, and enriching learning experiences to help children and youth develop their social, emotional, physical, cultural, and academic skills; and

WHEREAS, Afterschool Programs support working families by ensuring children are safe and productive after the regular school day ends; and

WHEREAS, such programs help build stronger communities by involving students, parents, schools, business leaders, and adult volunteers in the lives of young people, thereby promoting positive relationships among youth, families, and adults; and

WHEREAS, Riverbank Unified School District, Project A.C.T.I.O.N., Afterschool Care Together In Our Neighborhoods, is recognized in our schools and community as a fundamental Afterschool Program dedicated to providing extracurricular academic and recreational opportunities for student enrichment in a safe and nurturing environment so students may become diverse individuals.

NOW, THEREFORE, the City Council of the City of Riverbank hereby proclaims Friday, October 20, 2017, as **Lights On Afterschool** in the City of Riverbank and encourages everyone to celebrate afterschool programs and their impact in the lives of children.

October 10, 2017

Richard D. O'Brien
Mayor



Project A.C.T.I.O.N.

Afterschool Care Together In Our Neighborhoods

Riverbank is participating in the 18th Annual National Lights On After School event! We are one of more than 8,000 participating communities celebrating after school programs and their important role in the lives of children, families and communities. We are committed to keeping the lights on and doors open after school for the safety and success of our youth.



11th Annual *Lights On* Event & Binational Health Week!

KEEPING STUDENTS SAFE AND ENGAGED AFTER SCHOOL SINCE 1999



Community organizations bringing great information and resources, activities for kids, and much more!

Free event for the Riverbank Community!

Friday, October 20, 2017

California Avenue Elementary

3800 California Avenue, Riverbank, CA 95367

3:30pm-5:30pm



Project A.C.T.I.O.N.

Afterschool Care Together In Our Neighborhoods

Riverbank participará en el 18° evento Anual de Luces Encendidas Después de Escuela! Somos uno de más de 8,000 comunidades participantes celebrando programas después de escuela y el papel importante en las vidas de niños, familias y comunidades. Estamos comprometidos a mantener las luces encendidas y las puertas abiertas después de la escuela para la seguridad y el éxito de nuestra juventud.



11° Evento Anual de Luces Encendidas Y Semana Binacional de Salud!

MANTENIENDO ESTUDIANTES SEGUROS Y ACTIVOS DESPUES DE ESCUELA DESDE 1999



Organizaciones comunitarias ofreciendo información y recursos, actividades para los niños, y mucho más!

Evento gratuito para la comunidad de Riverbank!

Viernes 20 de Octubre 2017

Primaria California Avenue Elementary

3800 California Avenue, Riverbank, CA 95367

3:30pm-5:30pm

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.2

SECTION 1: PRESENTATIONS

Meeting Date:	October 10, 2017
Subject:	Certificate of Commendation – October 10, 2017
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council read and present the Certificate of Commendation to Isidro de Jesus Carrasco Vasquez, resident and business owner of Nifty's Restaurant in Riverbank.

SUMMARY

On Sunday, September 24, 2017, Isidro de Jesus Carrasco Vasquez came to the aid of a fellow Riverbank resident who was being attacked by a vicious dog as she tried to protect her 13 year old Springer Spaniel. Isidro used quick thinking and grabbed a hammer and wrench to assist the woman whom wishes to remain anonymous. The woman was on the ground with the dog on top of her and was screaming. As she tried to kick the dog away, the dog just grabbed at her leg. Without any hesitation or regard for his own safety, Isidro hit the dog numerous times and was finally able to stop the malicious attacking.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Certificate of Commendation



The City of Riverbank
Takes great pride in presenting this certificate of

Commendation of Valor

to

Isidro de Jesus Carrasco Vasquez

For his immediate actions that halted a vicious dog attack. On September 24th, 2017 he intentionally placed himself in grave danger while he fought off the vicious animal and freeing a defenseless resident and her dog, preventing further injury. His noble courage and act of kindness to ensure the safety of his fellow Riverbank resident is an example for all to emulate.

October 10, 2017

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.3

SECTION 1: PRESENTATIONS

Meeting Date:	October 10, 2017
Subject:	Update on Stanislaus Consolidated Fire Protection District Board
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION:

Receive update from Michelle Guzman; City Representative of the Stanislaus Consolidated Fire Protection District Board.

STAFF SUMMARY:

Michelle Guzman represents the City of Riverbank every second Thursday of the month by attending the Stanislaus Consolidated Fire Protection District Board meetings. These meetings rotate monthly between Riverbank, Waterford, and Empire; she will be updating Council on board actions and activities.

FINANCIAL IMPACT:

None

ATTACHMENTS:

None

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.4

SECTION 1: PRESENTATION

Meeting Date:	October 10, 2017
Subject:	StanCOG – Valley Vision Stanislaus 2018 Regional Transportation Plan and Sustainable Communities Strategy
From:	Sean Scully, City Manager
Submitted By:	Kathleen Cleek, Development Services Admin. Manager

RECOMMENDATION

It is recommended that the City Council hear the presentation on behalf of StanCOG regarding the Valley Vision Stanislaus 2018 Regional Transportation Plan and Sustainable Communities Strategy.

SUMMARY

A Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) is mandated by the Federal and State Government and required to be updated every 4 years. The plan documents the region's long-range multi-modal transportation system investment priorities and plans. The RTP/SCS also reflects the shared vision of all the Cities and the County by linking our transportation investments with regional land use, development, housing and employment goals and plans.

Kendall Flint, Outreach Task Manager with Regional Government Services and Elisabeth Hahn, Project Manager with StanCOG will be in attendance and available to answer any questions Council or staff may have at this time in the process.

FISCAL IMPACTS

None at this time.

ATTACHMENTS

Presentation



City of Riverbank Presentation

Regional Transportation Plan/
Sustainable Communities Strategy









Valley Vision Stanislaus: 2018 Regional Transportation Plan & Sustainable Communities Strategy.

- Mandated by the Federal and State Government.
- Minimum 20 Year Horizon updated every 4 years
- Documents the region's long-range multi-modal transportation system investment priorities and plans
- Reflects the shared vision of all of the Cities and the County.
- Links our transportation investments with regional land use, development, housing & employment goals and plans



What must the Plan do?

- Provide a prioritized listing of projects by project type (roadway, transit, active transportation, aviation).
- Be fiscally-constrained - balance available funding (revenues) with costs.
- Meet all federal MPO planning requirements including air quality conformity.
- Demonstrate compliance with state climate change goals (SB 375).
- Be compliant with Federal Environmental Justice Order and Title VI;
- Be compliant with CEQA



What must the Plan do?

- Be consistent with other the state/federal initiatives including:
 - Regional Housing Needs Assessment;
 - 2017 RTP Guidelines;
 - Statewide Transportation Plan;
 - Federal Transportation Performance Management;
 - Be Fiscally Constrained;
 - Social Equity; and,
 - Healthy Communities



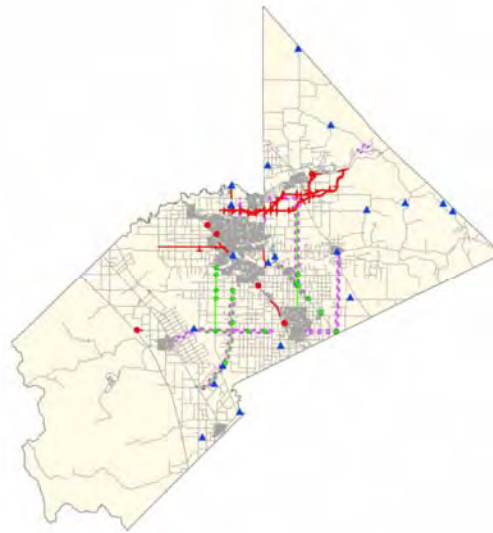
Link Transportation to Land Use

- Coordinate local land use planning with future transportation investments to reduce greenhouse gas emissions
- Required by State Law (SB 375)
- Does not supersede local land use authority



Regional Planning

- Ceres
- Hughson
- Modesto
- Newman
- Oakdale
- Patterson
- Riverbank
- Turlock
- Waterford
- Stanislaus County



Our Approach

- Aggressive Public Outreach
- Extensive Coordination with Local Agencies
 - Financially Constrained and Unconstrained Project Lists
 - Expected Revenue Streams
 - Current and future land use plans/policies
 - Development of four future scenarios



New Revenue Sources to Fund Transportation Projects



Measure L Passed!

SB1 Passed the California State Legislature!



Key Milestones

Establish Goals/Policies; Demographic and Revenue Projections; Performance Metrics
July 2017-August 2017

Create Land Use and Investment Scenarios
August 2017

Perform Technical Studies and Analysis
Prepare Draft and Final Plan
October 2017-March 2018

Environmental Review
November 2017-June 2018



Development of the Scenarios to Meet the Goals of:

- Mobility & Accessibility
- Social Equity
- Economic and Community Vitality
- Sustainable Development Pattern
- Environmental Quality
- Safety & Health
- System Preservation



Scenario Development



- StanCOG will hold workshops in October 2017 and February 2018
- We will be making presentations to City and County members
- Online surveys
- Conduct presentations for community groups, youth, senior and Hispanic residents

Get Involved!

Upcoming Workshops

Oct 16 Mon	Valley Vision Stanislaus Scenarios Workshop: Newman City Council Chambers 6:30pm-8:30pm 938 Fresno Street, Newman, CA Read more...
Oct 26 Thu	Valley Vision Stanislaus Scenarios Workshop: Ceres Community Center 6:30pm-8:30pm 2701 4th Street, Ceres, CA Read more...
Nov 6 Mon	Valley Vision Stanislaus Scenarios Workshop: City of Modesto, Library Auditorium 6:00pm-8:00pm 1500 I Street, Modesto, CA Read more...

Welcome to Our Virtual Workshop

Thank you for taking the time to visit our virtual workshop. If you were unable to attend one of our recent workshops, it's not too late to participate. Comments to shape and guide our vision are welcome. Click [HERE](#) to watch our Workshop Presentation. Once it is downloaded to your computer, play the show and you will have the chance to offer a few seconds.

Click [HERE](#) to take our online survey. Haga clic [AQUÍ](#) para tomar nuestra encuesta en línea.

Thank you for taking the time to visit our virtual workshop. If you were unable to attend one of our recent workshops, it's not too late to participate. Comments to shape and guide our vision are welcome. Click [HERE](#) to watch our Workshop Presentation. Once it is downloaded to your computer, play the show and you will have the chance to offer a few seconds.

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Click [HERE](#) to take our online survey. Haga clic [AQUÍ](#) para tomar nuestra encuesta en línea.

Questions? Comments?

- Kendall Flint, Outreach Task Manager
Regional Government Services
kflint@rgs.ca.gov
(650) 455-1201
- Elisabeth Hahn, Project Manager
StanCOG
(209) 525-4633
ehahn@stancog.org

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 3.A

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 10, 2017
Subject:	Waiver of Readings
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the waiver of readings of Ordinances and Resolutions, except by title.

SUMMARY

The approval of the waiver of readings will allow Ordinances and Resolutions to be introduced by title only and acted upon without the need to read the entire text of the item into the public record. The documents related to proposed Ordinances and Resolutions are available for review by the public on the City's website and in the City Clerk's office at City Hall (North).

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 3.B**

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 10, 2017
Subject:	Approval of the September 26, 2017, City Council and Local Redevelopment Authority Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

It is recommended that the City Council / Local Redevelopment Authority Board approve the City Council /LRA Meeting Minutes as presented.

SUMMARY

The Draft Minutes of the September 26, 2017, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. September 26, 2017, City Council and LRA Minutes



City of Riverbank
REGULAR CITY COUNCIL AND
LOCAL REDEVELOPMENT AUTHORITY BOARD
(The City Council also serves as the LRA Board)

MINUTES OF
TUESDAY, SEPTEMBER 26, 2017



Verbatim proceedings of the meetings may be viewed on-line or a copy may be provided for a fee.

CALL TO ORDER:

The City Council and Local Redevelopment Authority Board of the City of Riverbank met at 6:00 p.m. on this date at the Riverbank Community Center, 3600 Santa Fe Street, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Pack 10 Riverbank Cub Scouts

INVOCATION: Father Misael Avila, Saint Frances of Rome Church

ROLL CALL: Mayor/Chair Richard D. O'Brien
Present Vice Mayor/Chair Leanne Jones Cruz
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member District 4 Darlene Barber-Martinez
Council/Authority Member Cal Campbell

AGENDA CHANGES: Mayor/Chair Richard D. O'Brien – *No changes were made.*

CONFLICT OF INTEREST

Any Council/Authority 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.
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No one declared a conflict.

1. PRESENTATIONS

Item 1.1: Proclamation – Walk to School Day – October 4, 2017

On behalf of the School Districts that serve Riverbank, Mayor O'Brien presented the proclamation to Councilmember Jones Cruz who is a Special Education Teacher.

2. 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 City Council/LRA Board. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be

discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the City Council/LRA Board.

No one spoke.

3. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the City Council/LRA Board unless requested by an individual Council/Authority Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the City Council/LRA Board.

Item 3.A: Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 3.B: Approval of the September 12, 2017, City Council and Local Redevelopment Authority Minutes.

Item 3.B-1: Approval of the September 12, 2017, Special City Council Minutes.

Item 3.C: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2017-008 Ordinance Amending Title XV: Land Usage; Chapter 150: Building Regulations, by Adding a New Section 150.17: Electric Vehicle Charging Systems to the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2017-008 and consider its adoption by roll call vote.

Item 3.D: **Second Reading by Title Only and Adoption of Proposed Ordinance No. 2017-009 Amending Title III: Administration by Repealing in its Entirety Chapter 32: Commissions and Authorities and Substituting in its Place a New Chapter 32: City Boards, Commissions, and Committees of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the second reading by title only of proposed Ordinance No. 2017-009 and consider its adoption by roll call vote.

Recommendation: It is recommended that City Council/LRA Board approve the Consent Calendar items by roll call vote.

ACTION: *By motion moved and seconded (Campbell / Jones Cruz / passed 5-0) to approve Consent Calendar Items 3.A, 3.B, and 3.B-1 as presented. Motion carried by unanimous City Council and LRA Board general consent vote.*

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor/Chair O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None

ACTION: *By motion moved and seconded (Campbell / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.C – the adoption of Ordinance No. 2017-008 and Item 3.D – the adoption of Ordinance No. 2017-009 as presented; Motion carried by unanimous City Council roll call vote.*

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

4. UNFINISHED BUSINESS There were no items to consider.

5. PUBLIC HEARINGS There were no items to consider.

6. NEW BUSINESS

Item 6.1: **Consideration of a Resolution [No. 2017-064] Supporting the Extension of a 1/8 Cent Sales Tax (Measure S) Which Would Fund the Stanislaus County Libraries** – Council consider resolution of support for an extension of Measure S which is a one-eight cent sales tax which funds the Stanislaus County Libraries.

City Manager Sean Scully presented the staff report. Ms. Diane McDonnell, Library Director of Stanislaus County, made a presentation on Measure S.

ACTION: *By motion moved and seconded (Barber-Martinez / Jones Cruz / passed 5-0) to adopt Resolution No. 2017-064 Supporting the Extension of a 1/8 Cent Sales Tax (Measure S) as presented. Motion carried by unanimous City Council roll call vote.*

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **A Resolution [No. 2017-065] approving the appointment of John Dinan as Alternate Planning Commissioner effective January 1 2018, to serve for a two year term which will expire December 31, 2019** – Council Consider appointing Mr. John Dinan to the position of Alternate Planning Commissioner effective January 1, 2018. The appointment shall include the normal two (2) year period of appointment to expire on December 31 of 2019.

City Manager Sean Scully presented the staff report

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to adopt Resolution No. 2017-065 approving the appointment of John Dinan as Alternate Planning Commissioner effective January 1 2018, to serve for a two year term which will expire December 31, 2019, as presented. Motion carried by unanimous City Council roll call vote.*

AYES: Fosi, Barber-Martinez, Campbell, Jones Cruz, and Mayor O'Brien

NAYS: None / **ABSENT:** None / **ABSTAINED:** None

Item 6.3: **Workshop – Immigration Concerns and Public Safety.**

City Manager Sean Scully presented the staff report. Mayor O'Brien opened the workshop for discussion.

Discussion between the Mayor and audience participants ensued.

Stanislaus County Official, Sheriff Adam Christianson spoke in regards to the relationship between the Sheriff's Department and Federal Authorities, and his Department's focus on the health and safety of the communities and victims—not as frontline enforcers of the federal immigration laws.

Council Members made their closing comments.

7 **COMMENTS/REPORTS**

A brief report on attendance of a meeting or conference or other notable topics of business shall be made. The Brown Act does not allow for discussion or action by the City Council.

Item 7.1: Staff

- *City Manager Scully announced the upcoming Cheese and Wine Festival.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Barber-Martinez: 1) reiterated the importance of recognizing "Walk to School Day" and 2) reported on her attendance of the "Expanding Your Horizons Workshop" at the University of the Pacific.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: 1) encouraged Riverbank residents to apply to serve on City Boards, Commissions, or Committees; and 2) invited everyone to the ceremony on the first transfer of the Riverbank Army Ammunition Plant property, which will have several dignitaries in attendance, on October 17th at 10:00 a.m.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:28 p.m.

ATTEST: (Adopted 10/10/2017)

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date:	October 10, 2017
Subject:	Continuation of the Noticed Public Hearing to Consider the Adoption of a Resolution to Approve the City's Final Budget for Fiscal Year 2017-2018
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Asst. City Manager/Director of Finance

RECOMMENDATION

Due to the City's ongoing labor negotiations, it is recommended that the City Council:

1. Open the public hearing;
2. Receive comments;
3. Close the public hearing; and
4. By roll call vote, continue the public hearing to the next regular City Council meeting on October 24, 2017.

SUMMARY

Due to the City's ongoing labor negotiations, the City's budget is unable to be finalized at this point. Therefore, it is staff's request that the noticed public hearing that was scheduled to be conducted during this evening's regular City Council meeting, for the consideration of a resolution to adopt the City's final FY 2017-2018 budget, be continued to the next regular meeting on October 24, 2017.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date: October 10, 2017

Subject: Consideration of a **Resolution** Approving General Plan Amendment No. 2017-01 to Amend the Land Use Element to Include a Specific Plan Land Use Designation

From: Sean Scully, City Manager

Submitted by: John B. Anderson, Contract Planner

RECOMMENDATION

It is recommended that the City Council consider the adoption of the proposed Resolution to establish a new Specific Plan Land Use Designation by the approval of General Plan Amendment 2017-01. Based on analysis and findings, Staff recommended that the Planning Commission approve the proposed General Plan Amendment as part of a series of public discussions to consider the Amendment. At the final public discussion that occurred on September 19, 2017, the Planning Commission unanimously adopted PC-Resolution No. 2017-14 to deny the proposed General Plan Amendment.

SUMMARY

The proposed General Plan Amendment would establish a new Specific Plan Land Use Designation, as part of the General Plan Land Use Element. If approved, the Specific Plan Land Use Designation would allow areas within the City to be designated with the development standards of an approved Specific Plan, so long as those development standards are consistent with all other elements of the City's General Plan (Circulation, Community Character, etc.). A landowner would therefore apply for this proposed General Plan designation only in areas where the City is processing a Specific Plan for a specific area. The proposed General Plan Amendment to the Land Use Element is attached to this Staff Report as Attachment 6.

BACKGROUND

Every parcel in the City of Riverbank has a General Plan Land Use Designation, such as Low Density Residential, Community Commercial, or Light Industrial, etc. The proposed General Plan Amendment would establish a new Specific Plan Land Use Designation.

In order to establish the proposed Specific Plan Land Use Designation on any parcel in the City, a landowner or other applicant for a Specific Plan must follow the criteria below:

1. Facilitate the comprehensive planning of large strategic area utilizing progressive planning techniques to ensure high quality development, and integrate such development with the provision of infrastructure.
2. Be located in strategic locations that will be impacted by land use decisions not totally within the control of the City of Riverbank.
3. Include a mix of land uses in the area is desirable, and the City desires to maintain the flexibility to adjust to changing market conditions.
4. Establish effective land use controls to preserve the integrity of existing adjacent development while enabling property owners to adjust to changing market conditions.

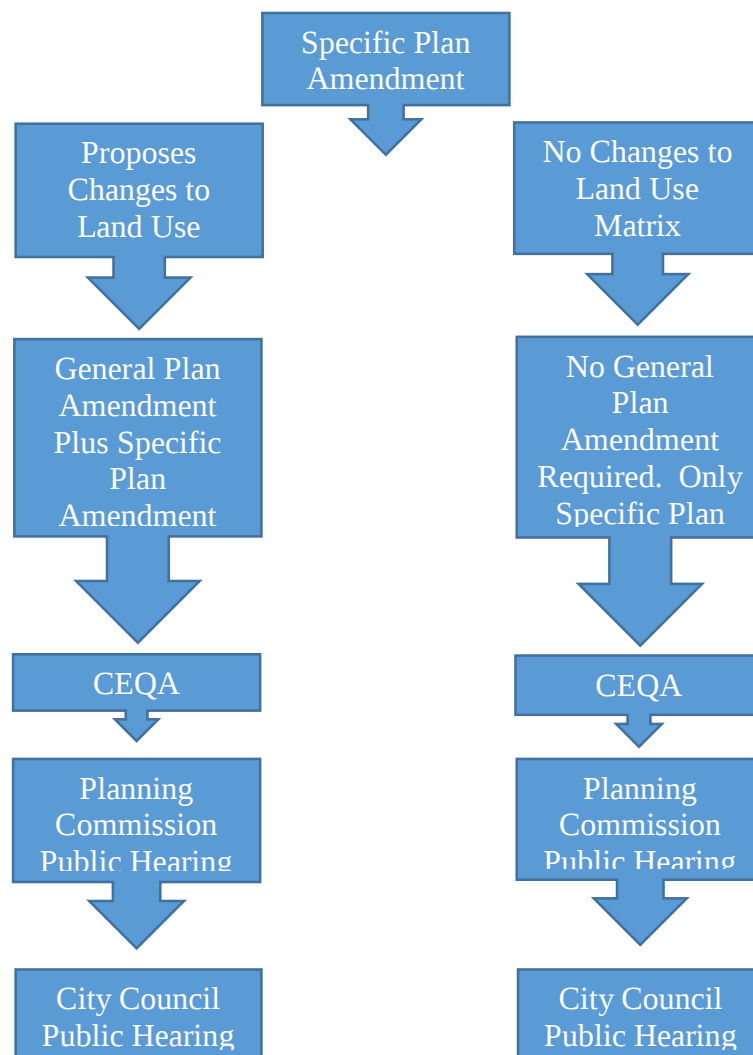
A copy of the City's General Plan Land Use Map is attached (Attachment 7). The purpose of the Specific Plan Land Use Designation is to allow for flexibility and modifications to the orientation of land uses of a Specific Plan area over time. Specific Plan Land Use Designation will only be considered in defined areas and shall comply with the following process/criteria:

1. The City shall adopt a Specific Plan covering a defined area, as defined by Sections 65450-65457 of the California Government Code and include content as specified by the CA Gov't Code;
2. Preparation of multiple Specific Plans for an area may be allowed under certain circumstances;
3. Consideration of a Specific Plan shall be consistent with the City's Annexation Strategies, as discussed in the Implementation Section of the General Plan.
4. Submittal of the Specific Plan shall include a matrix of anticipated land uses within the defined specific plan area, which in turn will be used in the Specific Plan Designation to establish max building intensities and densities;
5. The Specific Plan Land Use Designation must follow the boundaries of the adopted Specific Plan area;
6. Prior General Plan Land Use Designations will be abandoned in favor of Specific Plan Land Use Designation; and

The Specific Plan Land Use Designation is a tool that allows a future applicant to designate a specific plan area as "Specific Plan". Only proposals that meet the above reasons/criteria will be considered for the Specific Plan Land Use Designation. The Specific Plan Land Use Designation will only affect new specific plan areas. In other words, properties within an approved Specific Plan (i.e. Downtown Specific Plan, Crossroads and Riverbank Industrial Complex) will remain unchanged.

Adoption of a new Specific Plan that includes the Specific Plan Land Use Designation will include an amendment to the General Plan Map to include the Specific Plan Land Use Designation and Amendment to the City's General Plan Land Use Element to include a the Specific Plan project description and land use matrix. The land use matrix details specific development projections and land use assumptions within the defined plan area. For example, the land use matrix may include a mixture of Low, Medium and High Density Residential. Details will be included in the land use matrix, including acres, estimated number of dwelling units, population (based on persons per household) and intensity (dwelling units per acre).

Future amendments to an adopted Specific Plan may occur and the application is reviewed by Planning Commission and City Council. A General Plan Amendment would be necessary if changes to the land use matrix are proposed. For example, if the proposed Specific Plan amendment includes additional residential acreage and less commercial acreage. No General Plan Amendment is necessary if the defined area land use matrix is not modified. Below is a Specific Plan amendment flowchart that shows the process in which a Specific Plan amendment is adopted with and without changes to the land use matrix.



California Native American tribes Consultation (Senate Bill 18)

In accordance with Senate Bill 18 (SB18), the City requested the Local Government Tribal Consultation List from the Native American Heritage Commission ("the Commission") on May 9, 2017. A list from the Commission was received on May 24, 2017.

The City mailed referrals/consultation requests to five (5) California Native American tribes on May 30, 2017. No comment and/or consultation was received during the ninety (90) consultation timeframe. The referral was mailed to the following California Native American tribes:

- California Valley Miwok Tribe
- North Valley Yokuts Tribe
- Southern Sierra Miwuk Nation
- Tule River Indian Tribe
- Tuolumne Band of Me-Wuk Indians

PLANNING COMMISSION

There have been two (2) Planning Commission meetings and one (1) public workshop related to this item. Below is a summary of each meeting:

July 18, 2017 Public Hearing

On July 18, 2017, the Planning Commission held a duly noticed Public Hearing to consider the proposed General Plan Amendment. Four (4) Planning Commissioners were present at this meeting, including Chair McKinney, Vice-Chair King, Commissioner Stewart, and Commissioner Tabacco.

During their deliberation, the Planning Commission raised questions and concerns regarding the creation of a new Specific Plan Land Use Designation. The Planning Commission discussed the purpose of the new Land Use Designation, how it is created for specific projects and why it is needed for the City. In addition, the Planning Commission requested additional information and feedback from staff necessary to make a decision on the item. The Planning Commission requested information related to why the Specific Plan Land Use Designation is being requested, examples of other Cities utilizing this tool, benefits to the City, and who is requesting the General Plan Amendment.

No one from the public spoke in favor or opposition to the item.

Vice Chair King made the motion to continue the public hearing to September 19, 2017. Commissioner Stewart seconded the motion and the public hearing was continued to the September 19, 2017 Planning Commission meeting with a 4-0 vote.

August 15, 2017 Public Workshop

On August 15, 2017, the Planning Commission held a duly noticed Public Workshop to discuss the Specific Plan General Plan Land Use Designation. Four (4) Planning

Commissioners were present at this meeting, including Chair McKinney, Vice-Chair King, Commissioner Stewart, and Commissioner Tabacco. During the presentation, staff answered questions regarding the Specific Plan Land Use Designation, based on the Planning Commission deliberation from the July 18, 2017 public hearing. Below are some of the questions and answers presented at the July 18, 2017 public workshop:

- Who is proposing the General Plan Amendment and why?

The applicant for the Crossroads West Specific Plan has requested the General Plan Amendment. Purpose is to add flexibility to the land uses in the Crossroads West Specific Plan to adapt to future market changes.

- What does the Specific Plan Land Use Designation do?

It is unique to the intensity and density of development in the specific plan area. Land use configurations are defined the Specific Plan.

- Why is it needed?

Allows the applicant/developer to have flexibility of land uses within the defined area. The Specific Plan Land Use Designation guides the orientation of specific plan uses within the plan area.

- Does this change the authority of the Planning Commission in adoption and potential future changes to Specific Plans?

The Planning Commission will continue to review and recommend to City Council approval/denial of a Specific Plan and future amendments.

- Which other Cities have adopted the Specific Plan Land Use Designation?

Brentwood, Cotati and Colusa County have adopted the Specific Plan Land Use Designation.

During the public comment period, there were some concerns raised by the public regarding the adoption of a Specific Plan Land Use Designation.

September 19, 2017 Public Hearing

On September 19, 2017, the Planning Commission held a duly noticed Public Hearing to discuss the Specific Plan General Plan Land Use Designation. Five (5) Planning Commissioners were present at this meeting, including Chair McKinney, Vice-Chair King, Commissioner Stewart, Commissioner Tabacco, and Commissioner McRitchie. During their deliberation, the Planning Commission asked staff to clarify language in the Staff Report and Resolution regarding the criteria and location of the General Plan Amendment.

During the public comment period, there were a number of concerns raised by the public regarding the Specific Plan adoption process; the designation would take out a “step” in processing a new Specific Plan, and requests that the item be continued.

Planning Staff's recommendation to Planning Commission was to adopt Resolution No. 2017-14, recommending to City Council approval of the proposed General Plan Amendment. The Planning Commission over-turned staff's recommendation. Vice-Chair King made the motion to recommend denial the proposed General Plan Amendment to establish the Specific Plan Land Use Designation based on the following reasons:

- The information presented related to the Specific Plan Land Use Designation is not adequate to make a recommendation for approval by the Planning Commission. Not enough information was received and discussed to fully understand the implications of such Land Use Designation to existing and future land uses within the General Plan.
- The Planning Commission felt that the Specific Plan Land Use Designation would diminish their reviewing authority of future amendments of Specific Plans that have a General Plan Land Use Designation of Specific Plan. This is due to that, in certain circumstances, a General Plan Amendment is not required when an adopted Specific Plan is amended. Further, the Planning Commission expressed concern that amendments to Specific Plans that do not require a General Plan Amendment removes an important step in the planning process and removes Planning Commission control over such amendments.

Commissioner Stewart seconded the motion and with a 5-0 vote, the Planning Commission recommends City Council deny the proposed General Plan Amendment. Planning Commission Resolution No. 2017-14 is attached to this Staff Report as Attachment 2. In addition, the Planning Commission Minutes of the three (3) meetings are included in this Staff Report as Attachments 3, 4, and 5, respectively.

STRATEGIC PLAN

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The proposed General Plan Amendment is not part of these goals.

FINANCIAL IMPACT

Staff time and resources have been used to process General Plan Amendment 2017-01.

ATTACHMENTS

1. City Council Proposed Resolution No. 2017-XXX for Approval
2. Planning Commission Resolution No. 2017-14
3. Planning Commission Approved Minutes of July 18, 2017
4. Planning Commission Approved Minutes of August 15, 2017
5. Planning Commission Minutes of September 19, 2017.
6. Proposed General Plan Amendment – Exhibit A
7. City of Riverbank General Plan Map

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 2017-01 TO AMEND THE LAND USE ELEMENT TO INCLUDE A SPECIFIC PLAN LAND USE DESIGNATION

WHEREAS, Government Code Section 65353 requires the Planning Commission hold at least one noticed, public hearing on any proposed General Plan Amendment; and

WHEREAS, the Government Code further requires that a General Plan Amendment be made only “in the public good”; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed General Plan Amendment; and

WHEREAS, notice/referral of the proposed General Plan Amendment was mailed to five (5) Native American tribes on May 30, 2017, pursuant to Senate Bill 18; and

WHEREAS, the Planning Commission conducted a Public Hearing on July 18, 2017 and continued the Public Hearing to the September 19, 2017 meeting; and

WHEREAS, the Planning Commission conducted a Public Workshop on August 15, 2017 to discuss the proposed Specific Plan Land Use Designation concept in greater detail; and

WHEREAS, the Planning Commission conducted a Public Hearing on September 19, 2017 and with a 5-0 vote, recommended denial of General Plan Amendment No. 2017-01, Planning Commission Resolution No. 2017-14; and

WHEREAS, pursuant to Government Code Section 65355, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation on September 27, 2017; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred; and

WHEREAS, City Council conducted a Public Hearing on October 10, 2017 and considered all public testimony including Planning Commission recommendation of September 19, 2017.

NOW, THEREFORE, be it resolved that the City Council of the City of Riverbank hereby approves General Plan Amendment No. 2017-01 based on the following findings:

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the City Council finds as follows:
 - a. The General Plan Amendments are in the public interest because the General Plan Amendment will allow the City Council to designate certain areas as Specific Plan, in accordance with certain findings.
 - b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan, including the City's Annexation Strategies.
 - c. The proposed General Plan Amendment provides a mechanism to establish Specific Plan Land Use Designation in the General Plan Land Use Map and will not directly result in development. Future projects that intend to designate an area or areas as "Specific Plan" will be required to review the potential environmental effects, including public health, safety or welfare of the proposed amendment in accordance with the California Environmental Quality Act.
 - d. That the proposed amendment has been processed in accordance with the California Government Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report (**Exhibit B**) and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment as included in **Exhibit A**.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more

section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

4. The City finds that the project will have a minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of October, 2017; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: 1. Exhibit A: General Plan Amendment
2. Exhibit B: Agenda Item 5.2: Staff Report of October 10, 2017

**CITY OF RIVERBANK
RESOLUTION NO. 2017-14**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA,
RECOMMENDING TO CITY COUNCIL TO DENY
GENERAL PLAN AMENDMENT NO. 2017-01 TO AMEND
THE LAND USE ELEMENT TO INCLUDE A SPECIFIC
PLAN LAND USE DESIGNATION**

WHEREAS, Government Code Section 65353 requires the Planning Commission hold at least one noticed, public hearing on any proposed General Plan Amendment; and

WHEREAS, the Government Code further requires that a General Plan Amendment be made only “in the public good”; and

WHEREAS, the Government Code further requires that the City Council receive input from the Planning Commission on any proposed General Plan Amendment; and

WHEREAS, notice/referral of the proposed General Plan Amendment was mailed to five (5) Native American tribes on May 30, 2017, pursuant to Senate Bill 18; and

WHEREAS, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation on July 5, 2017 and September 14, 2017; and

WHEREAS, the Planning Commission conducted a Public Hearing on July 18, 2017 and continued the Public Hearing to the September 19, 2017 meeting; and

WHEREAS, the Planning Commission conducted a Public Workshop on August 15, 2017 to discuss the proposed Specific Plan Land Use Designation concept in greater detail; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on September 19, 2017; and

WHEREAS, all other legal perquisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL DENY GENERAL PLAN AMENDMENT NO. 2017-01 BASED ON THE FOLLOWING FINDINGS:

1. Planning Commission Findings for Denial. The Planning Commission finds as follows:
 - a. The information presented related to the Specific Plan Land Use Designation is not adequate to make a recommendation for approval by the Planning Commission. Not enough information was received and discussed to fully understand the implications of such Land Use Designation to existing and future land uses within the General Plan.
 - b. The Planning Commission felt that the Specific Plan Land Use Designation would diminish their reviewing authority of future amendments of Specific Plans that have a General Plan Land Use Designation of Specific Plan. This is due to that, in certain circumstances, a General Plan Amendment is not required when an adopted Specific Plan is amended. Further, the Planning Commission expressed concern that amendments to Specific Plans that do not require a General Plan Amendment removes an important step in the planning process and removes Planning Commission control over such amendments; and
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends denial of General Plan Amendment No. 2017-01.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the Nineteenth day of September, 2017; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Donna M. Kenney
Planning and Building Manager

Anthony McKinney
Planning Commission Chair

Attachments:

Exhibit A – General Plan Amendment Exhibit



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES
Tuesday, July 18, 2017

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Vice Chair King, Commissioner Stewart, Commissioner Tabacco

Absent: Commissioner: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the July 18, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.2: The Agenda for the July 18, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.3: The Minutes of the June 20, 2017 Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: General Plan Amendment No. 2017-01: The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use Designations to be established and designated on the General Plan Map, in accordance with specific process and criteria.

- Donna M. Kenney, Planning & Building Manager introduced item 3.1.
- John Anderson with J. B. Anderson Land Use Planning, consultant for the City Of Riverbank presented item 3.1 and PowerPoint.
- Planning Commissioners discussed item and asked Mr. Anderson questions pertaining to Item 3.1.
- Mr. Anderson stated that they could use this time as more of a workshop and continue the item until the September 19, 2017, Planning Commission meeting. Mr. Anderson stated they would have a workshop at the August 15, 2017 Planning Commission meeting to provide additional information and training.
- Public hearing was opened at 6:38 p.m.
- Being no comments the public hearing was closed at 6:39 p.m.

ACTION: *Public hearing item 3.1 was continued until September 19, 2017. By motion moved/seconded (King / Stewart / 4-0) by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

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

Item 4.1: Commission Tabacco informed the group that he attended a LAFCO meeting and said it was very interesting.

Riverbank Planning Commission

Minutes from July 18, 2017

Page 2 of 3

Item 4.2: Commission Stewart is concerned of the condition of houses in town and what could be done.

- Robin Baral city attorney responded to Commissioner Stewart's concern and that the process would be done through a nuisance abatement.
- Donna Kenney stated that we only have one Neighborhood Improvement Officer on staff and that issues are handled on a complaint basis.

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Planning Commission recruitment – Donna gave an update to the Planning Commissioners.

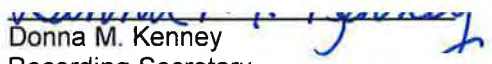
Item 6.2: Donna gave an update to Planning Commission on 209 Concepts, a vehicle paint shop which has closed.

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

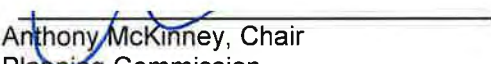
None at this time.

8. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:


Donna M. Kenney
Recording Secretary

APPROVED:


Anthony McKinney, Chair
Planning Commission



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES
Tuesday, August 15, 2017

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128. Unfortunately this meeting had technical difficulties and had no recorded volume.

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Vice Chair King, Commissioner Stewart, Commissioner Tabacco

Absent: Commissioner: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the August 15, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.2: The Agenda for the August 15, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.3: The Minutes of the July 18, 2017 Planning Commission Meeting.

ACTION: *By motion moved/second (Stewart / Tabacco / passed 4-0) was approved with amendment to Public Hearing Item 3.1 with the removal of the word (another); motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.4: Approval of Extension of Tentative Subdivision Map 02-2015 for Dennis Monterosso / California Estates. Request to extend the Tentative Map for five (5) months, Reso # 2017-015.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

3. WORKSHOP ITEMS

Item 3.1: Land Use 101

- John B. Anderson with JB Anderson Land Use Planning, presented item 3.1 along with PowerPoint.
- Mr. Anderson asked if all Planning Commission had a copy of the Planning Commission handbook and if not should notify staff to provide one to them.
- Mr. Anderson also stated that in the future he will present future workshops on site plan reviews, parcel maps etc.
- During the PowerPoint presentation Commissioners asked Mr. Anderson questions.

Item 3.2: General Plan Amendment - Specific Plan

- John B. Anderson with JB Anderson Land Use Planning, presented item 3.2 along with PowerPoint.
- Planning Commissioners asked Mr. Anderson questions throughout the presentation and discussed item with Mr. Anderson.
- Annabel Gammon that was in the audience stated that she is concerned with them changing the General Plan to a Specific Plan.
- Evelyn Halbert also in the audience spoke that she also is not in favor of the changes that could happen to the General Plan.

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

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None

6. STAFF COMMENTS (Information Only – No Action)

Item 6.1: Planning Commission recruitment – Donna gave an update to the Planning Commissioners.

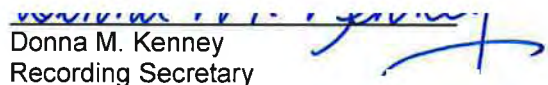
Item 6.2: Cannabis Regulations - Donna gave an update to the Planning Commissioners of what might be coming for their review pertaining to this new Ordinance.

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

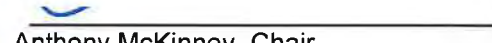
None at this time.

8. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:


Donna M. Kenney
Recording Secretary

APPROVED:


Anthony McKinney, Chair
Planning Commission



City of Riverbank
Planning Commission Meeting
6707 Third Street • Riverbank • CA 95367

MINUTES
Tuesday, September 19, 2017

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, for a fee, by contacting the Development Services Department at (209) 863-7128. Unfortunately this meeting had technical difficulties and had no recorded volume.

CALL TO ORDER/ROLL CALL:

Present: Chair McKinney, Vice Chair King, Commissioner Stewart, Commissioner Tabacco, Commissioner McRitchie

Absent: Commissioner: None

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 5 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

None

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the September 19, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, Tabacco and McRitchie

Nays: None

Absent: None

Abstained: None

Item 2.2: The Agenda for the September 19, 2017, Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: None

Item 2.3: The Minutes of the August 15, 2017 Planning Commission Meeting.

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

Ayes: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Nays: None

Absent: None

Abstained: McRitchie

3. PUBLIC HEARING PRESENTATIONS

Item 3.1: General Plan Amendment No. 2017-01. This item was continued from the regular Planning Commission meeting of July 18, 2017. The project consists of a General Plan Amendment to the City's Land Use Element to allow for Specific Plan Land Use.

- Donna M. Kenney introduced item 3.1.
- John B. Anderson with J.B. Anderson Land Use Planning presented item 3.1 and PowerPoint presentation.
- Commissioner Tabacco asked Mr. Anderson if there had been any changes from the previous Planning Commission meeting on July 18, 2017.
- David Niskanen with J.B. Anderson Land Use Planning responded to Commissioner Tabacco's question.
- Chair McKinney opened the public hearing at 6:17 p.m.
- Annabel Gammon spoke on item 3.1 and is opposed of the changes staff is recommending.
- Evelyn Halbert also spoke and agrees with Mrs. Gammon and is opposed to item 3.1.
- Being there were no further comments the public hearing was closed at 6:29 p.m.
- John B. Anderson responded to the public's questions and concerns.
- Planning Commission discussed item 3.1.
- Commissioner Tabacco asked how this would improve the process that we currently have.
- Commissioner Stewart was opposed to item 3.1.
- Commissioner McRitchie was also opposed to item 3.1

ACTION: By motion moved/second (King / Stewart / passed 0-5) The recommendation was the denial of resolution 2017-014 to the City Council; motion carried by unanimous roll call vote.

Ayes: None

Nays: Planning Commissioners: McKinney, King, Stewart, and Tabacco

Absent: None

Abstained: McRitchie

Chair McKinney excused himself early and left the meeting after action of item 3.1

Item 3.2: Zoning Ordinance Amendment No. 2017-01. The project consists of amendments to Title XV: Land Usage, Chapter 153 Single-Family Residential District (R-1), Duplex Residential District (R-2), and Multiple Family Residential District (R-3) to add and revise language regulating accessory dwelling units pursuant to State law, to add farmworker, transitional and supportive housing to residential districts to be consistent with State law and the Housing Element of the General Plan, and to regulate private skate ramps in residential neighborhoods. Resolution 2017-017.

- Donna M. Kenney presented item 3.2 and PowerPoint presentation.
- Commissioners discussed item 3.2 and asked staff questions.
- Chair McKinney opened the public hearing at 6:48 p.m.
- Evelyn Halbert spoke on item 3.2 and stated that the Sheriff's Department will address the noise related issues with skating boarding. She also was wondering why it is only addressed in the R-1 zoning and not R-2 or R-3.
- Dennis Thomas spoke on item 3.2 and the issues that he is having with skateboard ramps in his residential neighborhood.
- Being there were no further comments the public hearing was closed at 6:29 p.m.
- Commissioner McRitchie responded to the public hearing comments.
- The Planning Commissioners asked if they could remove the skate board ramp portion out of Resolution 2017-017 and have this a separate item and then be relooked at a future Planning Commission meeting.
- Staff agreed and will bring back the skateboard ramp section as a separate item in the future.

ACTION: By motion moved/second (McRitchie/Tabacco / passed 4-0) to remove skate ramp requirements from resolution 2017-017; motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: King, Stewart, Tabacco and McRitchie

Nays: None

Absent: McKinney

Abstained: None

ACTION: By motion moved/second (King/Tabacco / passed 4-0) was approved with the exception of 153.032 (F); motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: King, Stewart, Tabacco and McRitchie

Nays: None

Absent: McKinney

Abstained: None

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

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Informational Only – No Action)

None

6. STAFF COMMENTS (Information Only – No Action)

Item 4.1: Donna M. Kenney informed the Commission she will be attending a conference and will provide any information she gets to the Commission

7. UP-COMING MEETING AGENDA ITEMS (Information Only – No Action)

None at this time.

8. ADJOURNMENT – There being no further business, the meeting was adjourned.

ATTEST:

APPROVED:

Donna M. Kenney
Recording Secretary

Anthony McKinney, Chair
Planning Commission



Specific Plan Land Use Designations

Specific Plan Land Use Designations may be established and designated in the General Plan Map, in accordance with the following reasons:

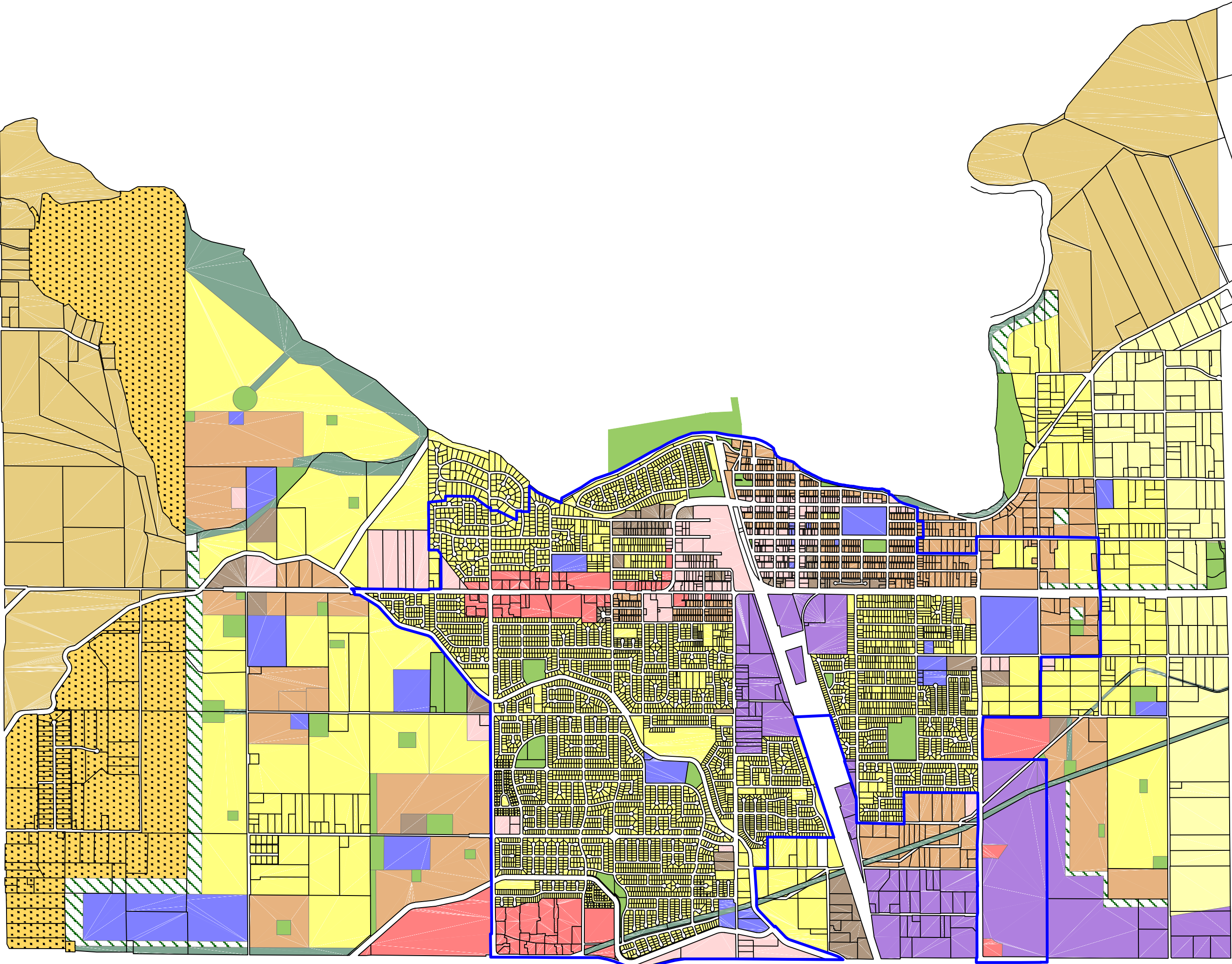
1. To facilitate comprehensive planning of large strategic areas utilizing progressive planning techniques to ensure high quality development and integrate development with the provision of infrastructure;
2. Be located in strategic locations that will be impacted by land use decisions not totally within the control of the City of Riverbank;
3. Include a mix of land uses in the area is desirable, and the City desires to maintain the flexibility to adjust to changing market conditions; and
4. Establish effective land use controls to preserve the integrity of existing adjacent development while enabling the property owners to adjust to changing market conditions.

Areas in which a Specific Plan Land Use Designation is considered shall comply with the following process/criteria:

1. The City shall adopt a specific plan covering a defined area, as defined by Sections 65450-65457 of the California Government Code and include content as specified by the Gov't Code and Riverbank General Plan (Page IMP-12). This shall address the entire Specific Plan Area (SPA) except as noted in (2) below;
2. Preparation of multiple specific plans for an area may be allowed when the City finds that this would be in the public interest due to: ownership pattern, size of the SPA, timing of development, and/or other similar factors;
3. Consideration of a specific plan shall be consistent with the City's Annexation Strategies, as discussed in the Implementation Section of the General Plan;
4. Submittal of the specific plan shall include a matrix of anticipated land uses within the defined specific plan area, which in turn will be used in the Specific Plan Designation to establish max building intensities and densities;
5. The Specific Plan Land Use Designation must follow the boundaries of the adopted Specific Plan Area;
6. Prior General Plan Designations will be abandoned in favor of the Specific Plan Land Use Designation; and



City of Riverbank
GENERAL PLAN



- AG Resource Conservation (AG)
- Buffer/Greenway/Open Space (B/G/OS)
- Civic (C)
- Community Commercial (C/C)
- Higher Density Residential - 16+ Units (HDR)
- Industrial/Buisness Park (I/BP)
- Lower Density Residential - 0-8 Units (LDR)
- Medium Density Residential - 8-16 Units (MDR)
- Mixed Use (MU)
- Multi-Use Recreational/Resource (MUR/R)
- Parks
- Reserve (R)
- Clustered Rural Residential - 0.2 or less units per acre (RR)
- Reserve (R)
- City Limits

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.3

SECTION 5: PUBLIC HEARING

Meeting Date: October 10, 2017

Subject: Conduct the First Reading and Introduction by Title Only of a Proposed **Ordinance** Amending Title XV: Land Usage, Chapter 153: Zoning; Section 153.325 through Section 153.326, Second Dwelling Units; Section 153.003, Definitions; Section 153.030 through Section 153.033, Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048, Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064, Multiple Family Residential District R-3 Zone; and Section 153.184, Off-Street Parking Requirements by Repealing these Sections in their Entirety and Substitute them with New Sections 153.325 through Section 153.326, Accessory Dwelling Units; Section 153.003, Definitions; Section 153.030 through Section 153.033, Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048, Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064, Multiple Family Residential District R-3 Zone; and Section 153.184, Off-Street Parking Requirements to the Riverbank Municipal Code of Ordinances

From: Sean Scully, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading and introduction of the proposed ordinance and consider its approval as presented, which initiates the second reading by title only at the October 24, 2017, regular City Council meeting or soon thereafter to consider its adoption. On September 19, 2017, the Planning Commission, by unanimous vote, adopted PC Resolution No. 2017-017 recommending adoption of the proposed ordinance.

BACKGROUND AND ANALYSIS

In 2016, California Legislature passed new laws including AB 2299 and SB 1069 (Attachment 2) intended to increase the number of Accessory Dwelling Units ("ADUs")

by simplifying the approval process, reducing costs associated with their creation, and creating new standards and regulations which modify the City's ability to regulate Accessory Dwelling Units. ADUs help diversify the City's housing stock and help provide housing that is affordable. ADUs offer lower cost housing for family members, students, the elderly, in-home health care providers, the disabled, and others within existing neighborhoods.

The original purpose of this Project was to amend the City of Riverbank Zoning Code to meet recent State mandates concerning accessory dwelling units, formerly known as second dwelling units. Although much of Riverbank's Section §153.325 Second Dwelling Units complied with State law, new requirements for processing time, lot area, setbacks, utility connections, protections for historical structures, and parking requirements, among others, and the removal of a conditional use permit requirement caused this section to need to be updated. In reviewing the Housing Element as part of the Accessory Dwelling Units update, staff determined multiple other zoning code sections needed to be updated based on our adopted housing programs, to ensure consistency between the Housing Element and the Zoning Code. Those identified sections are Definitions, Single Family Residential R-1, Duplex Residential R-2, Multiple Family Residential R-3, and Off-Site Parking (Attachments 3 and 4) and concern Employee, Transitional, and Supportive Housing.

During the above referenced review, the City received a letter from California Rural Legal Assistance, Inc. ("CRLA") inquiring as to the status of our Housing Element programs and notifying our State Housing and Community Development ("HCD") representative that our Housing Element was noncompliant with State Housing Element Laws (Attachment 5). A more thorough review was conducted to ensure all of CRLA's concerns are addressed in this project and in a project going to Planning Commission in October to rezone 2644 Morrill Road.

While updating the above mentioned sections of the Zoning Code, staff included regulations for private skate ramps in the R-1 zoning district. A code enforcement case involving privacy, noise, and lighting concerns has drag on for months, hindered by a lack of specific regulations to address those concerns. Staff research into other cities' regulations provided the basis of this addition to the code. The Planning Commission at their regular meeting of September 19, 2017 asked that the language for private skate ramps be removed from the draft ordinance before they voted on whether to recommend it to the Council. They would like to discuss the topic separately and more in depth at a future meeting and include other recreational activities in the discussion that could also cause impacts to the neighbors. Staff removed the private skate ramp language from the draft ordinance (Exhibit A) but left the language in Section 153.032 (F) (Attachment 3) and added strikeout to it so Council could see what language the Planning Commission had removed. Similarly, line 29 of Attachment 4 – Summary of Changes, also has strikeout added.

In addition to the Accessory Dwelling Unit and Housing Element Consistency items included in this Project, staff has taken the opportunity to correct typos, fix outdated

department titles, clarify language, and add information from the City's Public Works Standards and Specifications to make it easier for our citizens to locate said information. For example, since the City does not require citizens to apply for a permit to install a three (3) foot fence in their front setback, they would have no way of knowing that fences need to remain a minimum of three (3) feet from all sides of a fire hydrant unless they review the Standards and Specifications themselves. Likewise, residents might pay to have plans drawn up for a second garage and driveway not knowing the new driveway must be located a minimum of twenty (20) feet from the original driveway and five (5) feet from a side property line. Having this information in the Zoning Code could save them money in the long run.

Housing Element and General Plan:

The draft Ordinance is consistent with the General Plan and each of its elements and all components therein because the proposed ordinance is consistent with the goals and policies of the Housing Element of the Riverbank General Plan:

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

Housing Element Policy HE 2.1: Implement a proactive approach to encourage and gain support for multifamily developments.

Program 2.1c: Encourage developers to include second dwelling units in new subdivisions as well as a variety of higher use options.

By adopting the attached Ordinance, the City encourages homeowners and developers by permitting such units without requiring additional lot area, allowing up to 50% lot coverage, reducing parking standards, modifying setback requirements for ADUs when converting garages or constructing atop garages, reducing review time, removing the requirement for a conditional use permit, and removing the requirement for fire sprinklers if the primary unit does not require them. The City permits such units by right in R-1, R-2 and R-3 Zoning Districts according to the requirements of State law.

Program 2.1g: The City will update the uses permitted in the R-1 and R-2 zones to include Transitional and Supportive Housing as a permitted use.

By adopting the attached Ordinance, the City adds (P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing and Supportive Housing to Section §153.031 and adds (P) Transitional and Supportive Housing to Section §153.046 of the Riverbank Municipal Code.

Program 2.1h: The City shall amend its zoning ordinance to comply with Health and Safety Act Sections 17021.5 and 17021.6 and permit Employee Housing and

Farmworker Housing in the R-1 zoning district. The amendment shall include the following:

- *Amend Definitions (Section 153.003) to include Employee Housing;*
- *Amend the Single Family Residential District R-1 zone to include Employee Housing for no more than 6 workers as a permitted use (Section 153.031); and*
- *Amend the Single Family Residential District R-1 zone to include Employee Housing with no more than 12 units or 36 beds as a permitted use (Section 153.031).*

By adopting the Ordinance in Exhibit A, the City adds the definition of Employee Housing to Section §153.003 and (P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing and Supportive Housing to Section §153.031 of the Riverbank Municipal Code.

GOAL 3: REDUCE OR REMOVE GOVERNMENT CONSTRAINTS

Housing Element Policy HE 3.1: Promote efficient and creative alternatives to help reduce government constraints.

Program 3.1d: As parking requirements are a common constraint throughout the State of California, the City shall review and amend the zoning code to reduce the City's parking standards (inclusive of guest parking) for multifamily uses in the R-2 and R-3 zones as follows:

- *Zero (0) to one (1) bedroom: one (1) onsite parking space;*
- *Two (2) to three (3) bedrooms: one and a half (1½) onsite parking spaces; and*
- *Four (4) or more bedrooms: two and one half (2½) onsite parking spaces.*

By adopting the Ordinance in Exhibit A, the City reduces the residential parking standards in the R-2 and R-3 zoning districts to match those required by the State.

ENVIRONMENTAL DETERMINATION

The proposed accessory dwelling unit amendment to the City of Riverbank Municipal Code is exempt from environmental review pursuant to Statutory Exemptions, Section 15282, subsection (h) "second units" of the CEQA Guidelines. In addition, amendments made to ensure zoning code consistency with the Housing Element are not projects within the meaning of Section 15378 of the State CEQA Guidelines because they have no potential for resulting in a physical change in the environment, directly or ultimately. Therefore, the amendments are exempt from CEQA.

FINANCIAL IMPACT

If the City's Housing Element is not consistent with State Housing Element laws, the City's CDBG application and other State grant applications will be denied by HCD.

ATTACHMENTS

- Attachment 1 – Planning Commission Resolution 2017-017
Exhibit A - Draft City Council Ordinance No. 2017-XXX
- Attachment 2 – AB No. 2299 and SB No. 1069
- Attachment 3 - Draft City Council Ordinance No. 2017-XXX redlined version
- Attachment 4 - Summary of Changes
- Attachment 5 – CRLA Letter 8-9-17

**City of Riverbank
Planning Commission
Resolution No. 2017-017**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF AN ORDINANCE AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.325 THROUGH SECTION 153.326 SECOND DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-STREET PARKING REQUIREMENTS BY REPEALING THESE SECTIONS IN THEIR ENTIRETY AND SUBSTITUTE THEM WITH NEW SECTIONS SECTION 153.325 THROUGH SECTION 153.326 ACCESSORY DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-SITE PARKING REQUIREMENTS TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES.

WHEREAS, the availability of housing is a substantial concern for all individuals in communities throughout the State of California; and

WHEREAS, in 2016, California Legislature passed new laws including AB2299 and SB 1069 intended to increase the number of accessory dwelling units by simplifying the approval process, reducing costs associated with their creation, and creates new standards and regulations modifying the City's ability to regulate Accessory Dwelling Units; and

WHEREAS, ADUs provide the City with an opportunity to increase the amount of affordable rental housing in the community while providing homeowners with a chance to supplement mortgage payments, thus making their own housing affordable; and

WHEREAS, the City of Riverbank has not had a comprehensive Zoning Code update since 1967 so staff took this opportunity to address typos, clarifications, general plan and housing element consistency, and state mandates within these particular code sections; and

WHEREAS, on September 6, 2017, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City; and

WHEREAS, the Planning Commission held a public hearing on September 19, 2017, to consider the proposed amendments to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016 to State Law Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 which establish standards for the development of accessory dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhood; and

WHEREAS, the proposed accessory dwelling unit amendments to the City of Riverbank Municipal Code are exempt from environmental review pursuant to Section 15282, subsection (h) "second units" of the CEQA Guidelines. In addition, amendments made to ensure consistency with the Housing Element of the General Plan is not a project within the meaning of Section 15378 of the State CEQA Guidelines because it has no potential for resulting in a physical change in the environment, directly or ultimately; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The proposed amendments are consistent with the goals, policies, programs, and uses of the Housing Element and of the General Plan; and

WHEREAS, the proposed project is consistent with the following aspects of the Housing Element:

1. *Policy HE 2.1:* The City will implement a proactive approach to encourage and gain support for multi-family developments.
2. *Policy HE 3.1:* Promote efficient and creative alternatives to help reduce government constraints.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2017-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th of September 2017, by the following vote 5-0:

AYES: Commissioners: McKinney, King, Stewart, Tabacco and McRitchie

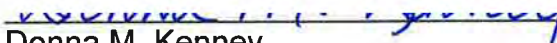
NOES: None

ABSENT: None

ABSTAIN: None

Attest:

Approved:



Donna M. Kenney,
Planning and Building Manager



Anthony McKinney, Chairperson
Planning Commission

EXHIBIT A

THE CITY COUNCIL OF THE CITY OF RIVERBANK ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.325 THROUGH SECTION 153.326 SECOND DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-STREET PARKING REQUIREMENTS BY REPEALING THESE SECTIONS IN THEIR ENTIRETY AND SUBSTITUTE THEM WITH NEW SECTIONS SECTION 153.325 THROUGH SECTION 153.326 ACCESSORY DWELLING UNITS; SECTION 153.003 DEFINITIONS; SECTION 153.030 THROUGH SECTION 153.033 SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE; SECTION 153.045 THROUGH SECTION 153.048 DUPLEX RESIDENTIAL DISTRICT R-2 ZONE; SECTION 153.060 THROUGH SECTION 153.064 MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE; AND SECTION 153.184 OFF-SITE PARKING REQUIREMENTS TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES.

WHEREAS, in 2016, the California Legislature passed new laws including AB 2299 and SB 1069 intended to increase the number of Accessory Dwelling Units (“ADUs”) by simplifying the approval process, reducing costs associated with their creation, and creating new standards and regulations which modify the City’s ability to regulate Accessory Dwelling Units; and

WHEREAS, ADUs provide the City with an opportunity to increase the amount of affordable rental housing in the community while providing homeowners with a chance to supplement mortgage payments, thus making their own housing affordable; and

WHEREAS, the City of Riverbank has not had a comprehensive Zoning Code update since 1967 so staff took this opportunity to address typos, clarifications, general plan and housing element consistency, and state mandates within these particular code sections, including the addition of regulations for personal skate board ramps in residential districts; and

WHEREAS, the City of Riverbank Planning Commission held a duly noticed public hearing on Tuesday, September 19, 2017 to consider the Project, and provided their recommendations to the City Council; and

WHEREAS, the City Council of the City of Riverbank held a duly noticed public hearing on Tuesday, October 10, 2017 to consider the introduction of the Ordinance for first reading; and

WHEREAS, the proposed Zoning Code amendments comply with the legislative amendments made in 2016 to State Law Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 which establish standards for the development of accessory dwelling units; and

WHEREAS, the City Council of the City of Riverbank has determined the proposed amendments to the Zoning Code are consistent with the goals, policies, and standards of the City of Riverbank General Plan and Housing Element and mandates of the State of California.

NOW, THEREFORE THE CITY OF RIVERBANK CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.325 through Section 153.326 Second Dwelling Units; Section 153.003 Definitions; Section 153.030 through Section 153.033 Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048 Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064 Multiple Family Residential District R-3 Zone; and Section 153.184 Off-Street Parking Requirements, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Title XV: Land Usage, Chapter 153: Zoning, Section 153.325 through Section 153.326 Accessory Dwelling Units; Section 153.003 Definitions; Section 153.030 through Section 153.033 Single-Family Residential District R-1 Zone; Section 153.045 through Section 153.048 Duplex Residential District R-2 Zone; Section 153.060 through Section 153.064 Multiple Family Residential District R-3 Zone; and Section 153.184 Off-Street Parking Requirements, which shall read as follows:

Title XV: Land Usage, Chapter 153: Zoning

ACCESSORY DWELLING UNITS

§ 153.325 GENERAL PROVISIONS; CONDITIONS.

(A) *Location.* Accessory dwelling units may be permitted in any residential zone where it is demonstrated through site plan review compliance the established criteria for accessory dwelling units is met. Division (B) of this section shall be submitted by the applicant and reviewed by the Development Services Department. The Community Development Director shall approve the accessory dwelling unit site plan review where the established criteria are met within one hundred twenty (120) days of application date.

(B) *Criteria.* The accessory dwelling unit may be established upon meeting the following criteria and approval of an accessory dwelling unit site plan application:

(1) To submit an accessory dwelling unit site plan application, the existing single-family residential unit shall be owner occupied at time of submittal.

(2) The accessory dwelling unit is not intended for sale and may be rented.

(3) The accessory dwelling unit shall be in compliance with applicable building, fire and other health and safety codes. Fire sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit.

(4) The accessory dwelling unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this chapter. Accessory dwelling units do not count towards density requirements.

(5) The accessory dwelling unit can be attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling. The total living area of floor space for a detached accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached accessory dwelling unit shall not exceed fifty percent (50%) of the existing living area or one thousand two hundred (1,200) square feet, whichever is less. No passageway shall be required between the primary and the detached units.

(6) Water and sewer services must be adequate to serve the accessory dwelling unit. New detached accessory dwelling units and the expansion of existing homes to accommodate a new accessory dwelling unit shall require a new and/or separate utility connection, and may be subject to a connection fee and capacity charge.

(7) The accessory dwelling unit shall not exceed two (2) stories or thirty-five (35) feet.

(8) An accessory dwelling unit may be permitted on residential lots where there exists a single-family residential unit and there shall be no more than one accessory dwelling unit per lot. An accessory unit shall not be constructed without a primary residential unit (i.e. on a vacant lot).

(9) Off-street parking requirement for the accessory dwelling unit shall not exceed one (1) parking space per unit if an efficiency or per bedroom.

(a) Off-street parking may be enclosed, covered or uncovered.

(b) No setback shall be required to convert (not expand) an existing garage.

(c) Setbacks of no more than five (5) feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage. This requirement shall be in addition to the off-street parking spaces required for the existing zone district.

(10) The accessory dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot.

(11) Addresses for accessory dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing a street or an alleyway and/or have a well-defined entry area.

- (12) An accessory dwelling unit site plan application shall include the following:
- (a) Elevation plan of the existing and proposed unit(s) on the project property;
 - (b) A vicinity map showing all existing structures on adjacent properties;
 - (c) Lot coverage - not to exceed fifty percent (50%);
 - (d) Vehicular and pedestrian access to the accessory dwelling unit and the relationship with the existing single-family dwelling;
 - (e) The accessory dwelling unit shall be of the same color, materials, and architectural design as the existing and shall avoid impacts to historical properties;
 - (f) Payment of a site plan approval fee as established by City Council resolution;
 - (g) Common open space and/private open space; and
 - (h) Drought tolerant landscape plans.

(C) *Definitions.* As used in this section, the following terms mean:

(1) **LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) **LOCAL AGENCY.** A city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, **NEIGHBORHOOD** has the same meaning as set forth in Cal. Gov't Code § 65589.5.

(4) **ACCESSORY DWELLING UNIT.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. For purposes of this section, a single family home or accessory structure shall be considered "existing" if a final certificate of occupancy was issued prior to January 1, 2017. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.
- (b) A manufactured home, as defined in Cal. Health and Safety Code § 18007.
- (c) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of the accessory dwelling unit.

('67 Code, § 10-21-01) (Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

Statutory reference:

Second residential units, see Cal. Gov't Code § 65852.2

GENERAL PROVISIONS

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four (4) feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding thirty (30) feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two (2) or more rooms which is designed for, intended for, and/or occupied by one (1) family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five (5) but not more than ten (10) persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word "structure.") Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

(1) **BUILDING, ACCESSORY.** A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four (4) feet in length with the main building on the same lot, it shall be considered detached.

(2) **BUILDING, MAIN.** A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or COMMERCE. The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A **CARNIVAL** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding twelve (12) hours in any twenty-four (24) hour period. A day care shall not include twenty-four (24) hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one- (1) family, two- (2) family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two (2) or more or detached or semi- detached single-family, two- (2) family or multiple dwellings occupying a parcel of land in one (1) ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three (3) or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one (1) dwelling unit on one (1) lot. All rooms within the single-family attached dwelling shall be

interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two (2) families living independently of each other, but under one (1) roof.

DWELLING UNIT. One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living or sleeping purposes, and having only one (1) kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

E-CIGARETTE. Any electronic or battery operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. One (1) or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two (2) square feet of gross floor area for each three (3) square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine (9) feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three (3) automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three (3) consecutive days nor on more than two (2) separate occasions within any one (1) calendar year.

(2) No such sale shall result in the use of more than two (2) unlighted signs not exceeding three (3) square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §§ 153.265 through 153.267 of this chapter.

HOOCAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six (6) or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of twelve (12) chinchillas, hamsters, white mice or similar animals in combination.

JUNK YARD. The use of more than two hundred (200) square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials, surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four (4) or more dogs or cats (or any combination of four (4) or more dogs and cats) of four (4) months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one (1) family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five (5) or more persons employed in connection with any agricultural work.

LOT. (Includes the word "plot.") Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two (2) or more streets, or bounded on two (2) or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten (10) or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants

such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine (9) feet by nineteen (19) feet with access for the parking of automobiles. The length of the space may be reduced by two (2) feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than three hundred twenty (320) square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains four hundred (400) square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains four hundred (400) square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed twelve (12) feet in width or forty (40) feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five (5) or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than thirty (30) feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six (6) feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the

supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six (6) months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding twelve (12) feet in length in rear of the cab, or the storage of more than one (1) truck of any type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one (1) ton load rating or any van of no more than a one (1) ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than two hundred (200) square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

(`67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15)

SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE

§ 153.030 REGULATIONS.

The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of §§ 153.180 through 153.185 and §153.325 of this chapter.

(`67 Code, § 10-3-1)

§ 153.031 USES PERMITTED.

(A) One (1) single-family dwelling or one (1) manufactured home provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation on the lot, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (i.e. single family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(B) Accessory buildings are normally incidental to a single-family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of

the single-family dwelling. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage (either attached or detached), the maximum size of the accessory building shall be determined by maximum lot coverage.

(1) A detached accessory building, other than a covered patio as defined herein, may occupy not more than fifty percent (50%) of a required rear yard, subject to the following requirements within an "R" district:

(a) No detached accessory building shall be closer than six (6) feet to the main building, exclusive of roof covering;

(b) No detached accessory building shall be allowed within the required yard areas, exclusive of roof covering;

(c) Seven and one-half (7½) feet shall be the maximum height for a "shed" located at the setback line. A shed height may be increased one and one-half (1½) feet for every one (1) foot back from the setback line to a maximum height of fifteen (15) feet;

(d) A detached gazebo shall not be located closer than six (6) feet to the main building exclusive of roof covering; shall not exceed a maximum height of fifteen (15) feet.

(Ord. 88-14, passed 11-28-88; Am. Ord. 2004-001, passed 6-14-04)

(C) Family day care centers limited to six (6) paying guests.

(D) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be so located that vehicles head in and head out without using the public street for maneuvering, loading or unloading.

(E) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267 of this chapter.

(F) Public parks and public buildings.

(G) Temporary real estate office and sign (not to exceed one hundred (100) square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions in § 153.285 (A)(1)(g) of this chapter.

(H) Temporary construction buildings to house tools and equipment or containing supervisory office in connection with construction projects during active construction on the same property.

(I) Residential care homes in which no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(J) Signs as allowed in §§ 153.280 through 153.285.

(K) Garage sales, as defined in § 153.003.

(L) Temporary uses such as a circus, carnival, fair or festival provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as regulated by § 153.219 of the city code.

(N) Accessory dwelling unit meeting § 153.325.

(O) One (1) duplex on a corner lot, provided that the front door and garage of each unit faces a different street and that garages are recessed five (5) feet from living quarters subject to an architectural and site plan review application approved by the Community Development Director.

(P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.

(`67 Code, § 10-3-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.032 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utility, quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.

(D) Mobile home park which meets the "Mobile Home Park Standards" as adopted by Resolution No. 88-83 of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

(`67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.033 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units – thirty-five (35) feet.

(2) For accessory buildings:

(a) Sheds: A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen (15) feet and the total square footage of which does not exceed one hundred and twenty (120) square feet. Sheds that exceed one hundred and twenty (120) square feet shall require a building permit;

(b) Gazebos fifteen (15) feet: An accessory building consisting of a detached, covered, free-standing, open-air structure not exceeding three hundred (300) square feet.

(B) No fence (excluding wire fences and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which enclose electrical substations which may be constructed to the heights required by law.

(1) *Architectural accent fences.* Small architectural accent fences within the required ten (10) foot front yard setback, are allowed to be constructed no higher than three (3) feet out to the back of the sidewalk. They shall be constructed and maintained so to be harmonious with the neighborhood. In no case may a utility meter be enclosed. Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.

(2) *Front yard courtyards.* Courtyard is defined as an uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and air to the dwelling. Walls shall not enclose more than two (2) sides of the courtyard. Courtyard walls shall be no higher than four (4) feet six (6) inches. Front yard courtyard fences shall be constructed of material and colors consistent and complementary to the design of the main structure. Courtyards shall be determined by the Community Development Director and it is recognized that not all dwelling types will have a courtyard. Courtyard fences shall be located no closer than thirteen (13) feet behind the front property line.

(3) *Solid fences, walls, hedges and retaining walls.* Solid fences, walls, hedges and retaining walls not more than seven (7) feet in height may occupy any required yard or

other space, except that fences, walls, hedges and retaining walls shall be no higher than three (3) feet when located in the required front yard setback area, in the required setback areas along the side street of a corner lot and along the rear or side lot line of a reversed corner lot where it abuts the front yard of the adjoining key lot. Walls and retaining walls over four (4) feet in height require engineering and a permit.

(4) *Corner lots.* Within the front or street side yard of a corner lot in any district there shall be no solid fence, wall or hedge height greater than three (3) feet nor any obstruction other than a post, building column or tree not more than two (2) feet in diameter, between the height of three (3) feet six (6) inches and ten (10) feet above the top of the curb, or if no curb exists, above maximum street grade.

(5) *Transparent fences.* Notwithstanding any other regulation herein, fences with ninety percent (90%) transparency no higher than four (4) feet may occupy the required front setback area along the side street of a corner lot and along the rear or side lot line or a reverse corner lot where it abuts the front yard of the adjoining key lot. Vision through the fence shall remain totally unobstructed at all times.

(6) *Fence height.* The height of a fence shall be measured from the higher property elevation.

(7) *Sight distance triangle - Obstructions.* No obstruction to view in excess of three (3) feet in height shall be placed in any corner or reverse corner lot within a triangular area formed by the extension of the lot line to a point of intersection and a line connecting them at a distance of thirty (30) feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height.

(8) *Fence permits.* A fence permit, issued by the Community Development Department shall be obtained prior to the erection of any fence over six (6) feet in height within the city.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2004-001, passed 6-14-04)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than ten feet (10) from the planned right-of-way line provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces. Corner lot driveways shall not be located on the half of the lot frontage nearest the radius return, or closer than twenty (20) feet to said radius return.

(2) Side or rear yard when lot abuts an arterial - ten (10) feet.

(3) Side or rear yard, interior lots all other cases - five (5) feet.

(4) Detached accessory buildings - six (6) feet from any other buildings.

(5) A detached accessory building other than a covered patio as defined herein, may not occupy more than fifty percent (50%) of a required rear yard, subject to the following requirements:

(a) Within an "R" District, no detached accessory building shall be closer than six (6) feet to the main building, exclusive of roof covering.

(Ord. 90-01, passed 1-22-90; Am. Ord. 2004-001, passed 6-14-04)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184 of this chapter.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes – nine hundred (900) square feet.

(2) All other uses - no minimum size.

(G) *Building site area and density required*

(1) Maximum permissible density is eight (8) dwelling units per net acre.

(2) Minimum area - six thousand (6,000) square feet.

(3) Minimum width, interior lot – fifty-five (55) feet.

(4) Minimum width, corner lot – sixty-five (65) feet.

(5) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans of lots for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.

(Ord. 87-11, passed 7-27-87)

(H) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

(1) Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.

(2) Open space can be managed by a third party using land trusts or conservation easements.

(Ord. 2004-001, passed 6-14-04)

(`67 Code, § 10-3-4)

(I) *Landscape Areas.* No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.

(J) *Driveways.* The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.

DUPLEX RESIDENTIAL DISTRICT R-2 ZONE

§ 153.045 REGULATIONS.

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-4-1)

§ 153.046 USES PERMITTED.

(A) A single-family dwelling or one (1) duplex, or two (2) dwelling units, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one (1) manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family or duplex) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed twenty percent (20%) of the living area of the dwellings.

(Ord. 88-14, passed 11-28-88)

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219.

(N) Garage sales as defined in § 153.003.

(O) Accessory dwelling unit meeting § 153.325.

(P) Transitional and Supportive Housing.

(Ord. 87-11, passed 7-27-87) (‘67 Code, § 10-4-2)

§ 153.047 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.

(D) Mobile home parks which meet the “Mobile Home Park Standards” as adopted by resolution of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.046 (E) are not met.

(F) Duplex parcels with no direct frontage on a city maintained street.

(G) Accessory buildings that do not meet the requirements of § 153.046 (C).

(‘67 Code, § 10-4-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.048 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units – thirty-five (35) feet.

(2) For accessory buildings - 15 feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area – six thousand (6,000) square feet.

(2) Minimum width, interior lot – fifty-five (55) feet.

(3) Minimum width, corner lot – sixty-five (65) feet.

(Ord. 87-11, passed 7-27-87)

(4) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(Ord. 88-14, passed 11-28-88)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Side or rear yard when lot abuts an arterial – ten (10) feet.

(3) Side or rear yard, interior lots, all other cases – five (5) feet.

(4) Detached accessory buildings – ten (10) feet from any other buildings.

(Ord. 90-01, passed 1-22-90)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes – nine hundred (900) square feet.

(2) All other uses - No minimum size.

(G) *Density*. Maximum permissible density of twelve (12) dwelling units per net acre.

(Ord. 87-11, passed 7-27-87)

(H) *Open space requirements*. All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90) (‘67 Code, § 10-4-4)

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE

§ 153.060 REGULATIONS.

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(‘67 Code, § 10-5-1)

§ 153.061 USES PERMITTED.

(A) Single-family, duplex and multiple family dwellings, apartment houses, dwelling groups, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one (1) manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to lot orientation, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this chapter, the size of the accessory building does not exceed twenty percent (20%) of the area of the main building.

(Ord. 88-14, passed 11-28-88)

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285 (A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

- (1) The use shall be temporary in nature and shall not last more than four (4) days.
- (2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.
- (3) A business license shall be obtained as required by § 110.18 of the city code.
- (4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219 of the city code.

(N) Garage sales as defined in § 153.003.

(Ord. 87-11, passed 7-27-87)

- (O) Accessory dwelling unit meeting § 153.325.
- (P) Emergency shelters as defined in § 153.003.
- (Q) Transitional housing as defined in § 153.003.
- (R) Supportive housing as defined in § 153.003.

(‘67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15)

§ 153.062 USES PERMITTED WITH A USE PERMIT.

- (A) Churches and other religious institutions (excluding open-air or tent).
- (B) Schools, public utilities and quasi-public buildings.
- (C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.
- (D) Hotels, rooming or boarding houses.
- (E) Professional offices.
- (F) Labor camp.
- (G) Institutions for treatment of alcoholics.
- (H) Mobile home parks which meet the “Mobile Home Park Standards” as adopted by resolution of the City Council.

(I) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.061 (E) are not met.

(J) Duplex and multiple family dwellings, apartment houses and dwelling groups on parcels with no direct frontage on a city maintained street.

(K) Accessory buildings that do not meet the requirements of § 153.061 (C).

(L) Residential care homes for more than seven (7) persons.

(`67 Code, § 10-5-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.063 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings three (3) stories but in no case to exceed forty-five (45) feet.

(2) For accessory buildings – fifteen (15) feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area:

(a) For one (1) and two (2) family dwellings or non-dwelling main buildings – six thousand (6,000) square feet.

(b) For each unit in excess of two (2) dwelling units – two thousand (2,000) square feet, not to exceed twenty (20) units per net acre.

(2) Minimum width, interior lot – fifty-five (55) feet.

(3) Minimum width, corner lot – sixty-five (65) feet.

(Ord. 87-11, passed 7-27-87)

(4) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot

plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(Ord. 88-14, passed 11-28-88)

(C) Yards and open spaces required - single-family dwellings, duplexes and triplexes:

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Rear yard when lot backs up to an arterial – ten (10) feet.

(3) Side or rear yard, interior lots, all other cases – five (5) feet.

(4) Detached accessory buildings, including accessory dwelling units - ten (10) feet from any other buildings.

(D) Yards and open spaces required - uses other than single-family dwellings, duplexes and triplexes. The minimum setbacks shall be as required by § 153.183 (D) of this chapter.

(Ord. 90-01, passed 1-22-90)

(E) Lot coverage. No more than sixty percent (60%) of the lot may be covered by buildings.

(F) Floor area ratio requirements.

(1) For single story buildings - 0.60:1.0

(2) For two (2) story buildings - 0.80:1.0

(3) For three (3) story buildings - 1.20:1.0

(G) Minimum building size.

(1) Single-family dwellings and mobile homes – nine hundred (900) square feet.

(2) All other uses - No minimum size.

(`67 Code, § 10-5-4)

§ 153.064 DEVELOPMENT STANDARDS.

(A) Trash storage area. Trash bins (except single-family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(Ord. 87-11, passed 7-27-87)

(B) *Landscaping plan.* Landscaping plan for all uses (except single-family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Community Development Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with landscape standards as adopted from time to time by City Council.

(Ord. 87-11, passed 7-27-87; Am. Ord. 89-22, passed 1-8-90)

(C) *Off-street parking.* Off-street parking as required in § 153.184.

(D) *Fencing.* A six (6) foot high solid fence shall be constructed along side and rear property lines, except as otherwise prohibited in this chapter, for all apartments, dwelling groups and multiple family dwellings.

(Ord. 87-11, passed 7-27-87)

(E) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90)

(F) *Site plan review.* Proposals to construct anything other than a single-family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council.

(Ord. 90-01, passed 1-22-90)

GENERAL REGULATIONS

§ 153.184 OFF-STREET PARKING REQUIREMENTS.

(A) *Churches, lodges, and places of public assembly.* One (1) space for every three (3) fixed seats, or for every three (3) persons allowed under the maximum capacity established by the Fire Warden where there are no fixed seats, in the main place of assembly.

(Ord. 87-11, passed 7-27-87)

(B) *Dwellings.*

(1) Single-family and manufactured housing, financed by FmHA, one (1) one-car garage of the maximum size permitted by FmHA and one (1) additional off-street parking space which may be located adjacent to the driveway.

(2) Single-family dwelling and manufactured housing, a two-car garage, with a minimum clear width of eighteen (18) feet and a clear depth of nineteen (19) feet six (6) inches in the direction of travel, must be provided. No appliances or other objects may intrude into the garage space area.

(3) Single-family dwelling built prior to January 1, 1990, one (1) one-car garage may be constructed if there is inadequate area for a two-car garage. This provision would not apply to garage conversions or other requirements of this section.

(Ord. 92-17, passed 12-14-92)

(4) Two-family dwelling, duplex or multiple dwelling: may be covered or uncovered.

(a) Zero (0) to one (1) bedroom – one (1) onsite parking space;

(b) Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and

(c) Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.

(5) Rooming or boarding house: one (1) space for every three hundred (300) square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

(Ord. 2000-05, passed 4-24-00)

(C) *Garage and repair shops.* One (1) space for every three hundred (300) square feet of gross floor area.

(Ord. 88-14, passed 11-28-88)

(D) *Hospital.* One and one-half (1½) spaces for each bed.

(E) *Manufacturing or assembly plants and wholesale warehouses.* One (1) space for each employee on a maximum shift plus three (3) additional spaces or, when the number of employees cannot be determined, one (1) space for every three hundred (300) square feet of gross floor area.

(F) *Mobile home parks.* Two (2) spaces for each mobile home space plus one (1) visitor parking space for every five (5) mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

(G) *Mortuaries.* One (1) space for every five (5) seats, or one (1) space for every thirty-five (35) square feet in assembly rooms where seating is not fixed.

(H) *Motels and hotels.* One (1) space for each sleeping room or dwelling unit.

(I) *Office buildings.*

(1) *Banks and financial institutions.* One (1) space for every three hundred (300) square feet of gross floor area.

(2) *General business and professional offices.* One (1) space for every three hundred (300) square feet of gross floor area.

(3) *Medical-dental offices and clinics.* One (1) space per doctor and each employee, plus one (1) space per individual examining room or one (1) space for every one hundred (100) square feet of gross floor area where the number of examining rooms is unknown.

(J) *Recreational uses.*

(1) *Bowling alleys.* Five (5) spaces per lane.

(2) *Dance hall and amusement centers.* Twenty five (25) spaces per one thousand (1,000) square feet of gross floor area.

(3) *Stadiums and theaters.* One (1) space for every three (3) seats.

(K) *Restaurants and bars.* One (1) space per three (3) seats plus any additional spaces as prescribed by the Community Development Director. This division is subject to appeal to the City Council and Planning Commission.

(L) *Rest home or nursing home.* One (1) space for each employee on a maximum shift plus one (1) space for every eight (8) beds.

(M) *Retail stores and service establishments.*

(1) *Community and regional shopping center.* Eight (8) spaces per one thousand (1,000) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(2) *Flea markets.* Eight (8) spaces per one thousand (1,000) square feet of indoor or outdoor sales area.

(3) *Vehicles sales establishment.* One (1) space for each employee on a maximum shift plus one (1) customer parking space per every twenty (20) vehicles for sale.

(4) *All other retail store and service establishments.* One (1) space for every three hundred (300) square feet of gross floor area and one (1) off-street truck unloading space for each seven thousand five hundred (7,500) square feet of gross floor area.

(N) *Schools.*

(1) *Elementary.* Two (2) spaces for each classroom.

(2) *High school and trade school.* One (1) space for every five (5) seats.

(3) *Colleges.* One (1) space for every three (3) seats.

(O) *Combined uses.* The number of required spaces shall be determined by combining individual requirements for each use.

(P) *Other uses.* All other uses not set forth above shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

(Q) *Location.* No required off-street parking spaces shall be located within the building setback area or any required yard space, nor shall the spaces be allowed in tandem.

(R) *Commercial spaces.* All commercial and other parking spaces shall be located within three hundred (300) feet of the use which they are to serve.

(S) *Existing buildings.* None of the off-street parking requirements shall apply to any building in existence at the time of the effective date of this chapter, provided that changes in use of the building do not increase demand for spaces and provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this section.

(T) *Paving and marking.* All required parking spaces shall be paved and, with the exception of spaces provided in a garage, all spaces shall be marked.

(U) *Recreational vehicles.* Recreational vehicles, as described in this chapter, may be parked on private property within any zoning district within the city so long as they do not create safety or sight clearance hazard for traffic on abutting streets, sidewalks or alleys and shall not be stored within the front yard area, excluding driveways.

(1) Residents may apply and be issued (no fee) permits, by officers of the Riverbank Police Services Division, for guests to stay in recreation vehicles parked on their property for a period not to exceed seven (7) consecutive days. Written permission of the property owner of record is required prior to issuance of a temporary permit.

(2) Recreation vehicles, parked on private property, are prohibited from being used as living quarters except as provided above or when parked in approved licensed recreation vehicle parks.

(V) *Access.* All parking spaces shall be accessible by paved driveways, alleys, or streets. If parking spaces are to be entered or exited by means of an alley, the alley shall be paved the entire width of the lot and from the lot to the nearest paved, public right-of-way.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-006, passed 8-26-02; Am. Res. 2003-019, passed 2-24-03) (67 Code, § 10-13-5)

§ SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part

thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 2. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage October 24, 2017, provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on October 10, 2017. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the 10th day of October, 2017; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council _____ vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan, City Attorney

DRAFT



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AB-2299 Land use: housing: 2nd units. (2015-2016)

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Assembly Bill No. 2299

CHAPTER 735

An act to amend Section 65852.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, Bloom. Land use: housing: 2nd units.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. Existing law authorizes the ordinance to designate areas within the jurisdiction of the local agency where 2nd units may be permitted, to impose specified standards on 2nd units, and to provide that 2nd units do not exceed allowable density and are a residential use, as specified.

This bill would replace the term "second unit" with "accessory dwelling unit." The bill would, instead, require the ordinance to include the elements described above and would also require the ordinance to require accessory dwelling units to comply with specified conditions. This bill would require ministerial, nondiscretionary approval of an accessory dwelling unit under an existing ordinance. The bill would also specify that a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

Existing law requires that parking requirements for 2nd units not exceed one parking space per unit or per bedroom. Under existing law, additional parking may be required provided that a finding is made that the additional parking requirements are directly related to the use of the 2nd unit and are consistent with existing neighborhood standards applicable to residential dwellings.

This bill would delete the above-described authorization for additional parking requirements.

By increasing the duties of local officials with respect to land use regulations, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by SB 1069 that would become operative only if SB 1069 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**SECTION 1.** Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Notwithstanding subparagraph (B), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(D) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(E) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing,

notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(4) Any existing ordinance governing the creation of accessory dwelling units by a local agency or any such ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for a accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards.

(d) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000).

(e) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units, provided those requirements comply with subdivision (a).

(f) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(g) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(C) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(h) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 1.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not

feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Senate Bill 1069. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Senate Bill 1069, in which case Section 1 of this bill shall not become operative.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.



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SB-1069 Land use: zoning. (2015-2016)

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Senate Bill No. 1069

CHAPTER 720

An act to amend Sections 65582.1, 65583.1, 65589.4, 65852.150, 65852.2, and 66412.2 of the Government Code, relating to land use.

[Approved by Governor September 27, 2016. Filed with Secretary of State September 27, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, Wieckowski. Land use: zoning.

The Planning and Zoning Law authorizes the legislative body of a city or county to regulate, among other things, the intensity of land use, and also authorizes a local agency to provide by ordinance for the creation of 2nd units in single-family and multifamily residential zones, as specified. That law makes findings and declarations with respect to the value of 2nd units to California's housing supply.

This bill would replace the term "second unit" with "accessory dwelling unit" throughout the law. The bill would additionally find and declare that, among other things, allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock, and these units are an essential component of housing supply in California.

The Planning and Zoning Law authorizes the ordinance for the creation of 2nd units in single-family and multifamily residential zones to include specified provisions regarding areas where accessory dwelling units may be located, standards, including the imposition of parking standards, and lot density. Existing law, when a local agency has not adopted an ordinance governing 2nd units as so described, requires the local agency to approve or disapprove the application ministerially, as provided.

This bill would instead require the ordinance for the creation of accessory dwelling units to include the provisions described above. The bill would prohibit the imposition of parking standards under specified circumstances. The bill would revise requirements for the approval or disapproval of an accessory dwelling unit application when a local agency has not adopted an ordinance. The bill would also require the ministerial approval of an application for a building permit to create one accessory dwelling unit within the existing space of a single-family residence or accessory structure, as specified. The bill would prohibit a local agency from requiring an applicant for this permit to install a new or separate utility connection directly between the unit and the utility or imposing a related connection fee or capacity charge. The bill would authorize a local agency to impose this requirement for other accessory dwelling units.

This bill would incorporate additional changes in Section 65852.2 of the Government Code proposed by AB 2299 that would become operative only if AB 2299 and this bill are both chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65582.1 of the Government Code is amended to read:

65582.1. The Legislature finds and declares that it has provided reforms and incentives to facilitate and expedite the construction of affordable housing. Those reforms and incentives can be found in the following provisions:

- (a) Housing element law (Article 10.6 (commencing with Section 65580) of Chapter 3).
- (b) Extension of statute of limitations in actions challenging the housing element and brought in support of affordable housing (subdivision (d) of Section 65009).
- (c) Restrictions on disapproval of housing developments (Section 65589.5).
- (d) Priority for affordable housing in the allocation of water and sewer hookups (Section 65589.7).
- (e) Least cost zoning law (Section 65913.1).
- (f) Density bonus law (Section 65915).
- (g) Accessory dwelling units (Sections 65852.150 and 65852.2).
- (h) By-right housing, in which certain multifamily housing are designated a permitted use (Section 65589.4).
- (i) No-net-loss-in zoning density law limiting downzonings and density reductions (Section 65863).
- (j) Requiring persons who sue to halt affordable housing to pay attorney fees (Section 65914) or post a bond (Section 529.2 of the Code of Civil Procedure).
- (k) Reduced time for action on affordable housing applications under the approval of development permits process (Article 5 (commencing with Section 65950) of Chapter 4.5).
- (l) Limiting moratoriums on multifamily housing (Section 65858).
- (m) Prohibiting discrimination against affordable housing (Section 65008).
- (n) California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3).
- (o) Community redevelopment law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code, and in particular Sections 33334.2 and 33413).

SEC. 2. Section 65583.1 of the Government Code is amended to read:

65583.1. (a) The Department of Housing and Community Development, in evaluating a proposed or adopted housing element for substantial compliance with this article, may allow a city or county to identify adequate sites, as required pursuant to Section 65583, by a variety of methods, including, but not limited to, redesignation of property to a more intense land use category and increasing the density allowed within one or more categories. The department may also allow a city or county to identify sites for accessory dwelling units based on the number of accessory dwelling units developed in the prior housing element planning period whether or not the units are permitted by right, the need for these units in the community, the resources or incentives available for their development, and any other relevant factors, as determined by the department. Nothing in this section reduces the responsibility of a city or county to identify, by income category, the total number of sites for residential development as required by this article.

(b) Sites that contain permanent housing units located on a military base undergoing closure or conversion as a result of action pursuant to the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526), the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510), or any subsequent act requiring the closure or conversion of a military base may be identified as an adequate site if the

housing element demonstrates that the housing units will be available for occupancy by households within the planning period of the element. No sites containing housing units scheduled or planned for demolition or conversion to nonresidential uses shall qualify as an adequate site.

Any city, city and county, or county using this subdivision shall address the progress in meeting this section in the reports provided pursuant to paragraph (1) of subdivision (b) of Section 65400.

(c) (1) The Department of Housing and Community Development may allow a city or county to substitute the provision of units for up to 25 percent of the community's obligation to identify adequate sites for any income category in its housing element pursuant to paragraph (1) of subdivision (c) of Section 65583 where the community includes in its housing element a program committing the local government to provide units in that income category within the city or county that will be made available through the provision of committed assistance during the planning period covered by the element to low- and very low income households at affordable housing costs or affordable rents, as defined in Sections 50052.5 and 50053 of the Health and Safety Code, and which meet the requirements of paragraph (2). Except as otherwise provided in this subdivision, the community may substitute one dwelling unit for one dwelling unit site in the applicable income category. The program shall do all of the following:

(A) Identify the specific, existing sources of committed assistance and dedicate a specific portion of the funds from those sources to the provision of housing pursuant to this subdivision.

(B) Indicate the number of units that will be provided to both low- and very low income households and demonstrate that the amount of dedicated funds is sufficient to develop the units at affordable housing costs or affordable rents.

(C) Demonstrate that the units meet the requirements of paragraph (2).

(2) Only units that comply with subparagraph (A), (B), or (C) qualify for inclusion in the housing element program described in paragraph (1), as follows:

(A) Units that are to be substantially rehabilitated with committed assistance from the city or county and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not eligible to be "substantially rehabilitated" unless all of the following requirements are met:

(i) At the time the unit is identified for substantial rehabilitation, (I) the local government has determined that the unit is at imminent risk of loss to the housing stock, (II) the local government has committed to provide relocation assistance pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants temporarily or permanently displaced by the rehabilitation or code enforcement activity, or the relocation is otherwise provided prior to displacement either as a condition of receivership, or provided by the property owner or the local government pursuant to Article 2.5 (commencing with Section 17975) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code, or as otherwise provided by local ordinance; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260, (III) the local government requires that any displaced occupants will have the right to reoccupy the rehabilitated units, and (IV) the unit has been found by the local government or a court to be unfit for human habitation due to the existence of at least four violations of the conditions listed in subdivisions (a) to (g), inclusive, of Section 17995.3 of the Health and Safety Code.

(ii) The rehabilitated unit will have long-term affordability covenants and restrictions that require the unit to be available to, and occupied by, persons or families of low- or very low income at affordable housing costs for at least 20 years or the time period required by any applicable federal or state law or regulation.

(iii) Prior to initial occupancy after rehabilitation, the local code enforcement agency shall issue a certificate of occupancy indicating compliance with all applicable state and local building code and health and safety code requirements.

(B) Units that are located either on foreclosed property or in a multifamily rental or ownership housing complex of three or more units, are converted with committed assistance from the city or county from nonaffordable to affordable by acquisition of the unit or the purchase of affordability covenants and restrictions for the unit, are not acquired by eminent domain, and constitute a net increase in the community's stock of housing affordable to low- and very low income households. For purposes of this subparagraph, a unit is not converted by acquisition or the purchase of affordability covenants unless all of the following occur:

- (i) The unit is made available for rent at a cost affordable to low- or very low income households.
 - (ii) At the time the unit is identified for acquisition, the unit is not available at an affordable housing cost to either of the following:
 - (I) Low-income households, if the unit will be made affordable to low-income households.
 - (II) Very low income households, if the unit will be made affordable to very low income households.
 - (iii) At the time the unit is identified for acquisition the unit is not occupied by low- or very low income households or if the acquired unit is occupied, the local government has committed to provide relocation assistance prior to displacement, if any, pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 to any occupants displaced by the conversion, or the relocation is otherwise provided prior to displacement; provided the assistance includes not less than the equivalent of four months' rent and moving expenses and comparable replacement housing consistent with the moving expenses and comparable replacement housing required pursuant to Section 7260.
 - (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
 - (v) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to persons of low- or very low income for not less than 55 years.
 - (vi) For units located in multifamily ownership housing complexes with three or more units, or on or after January 1, 2015, on foreclosed properties, at least an equal number of new-construction multifamily rental units affordable to lower income households have been constructed in the city or county within the same planning period as the number of ownership units to be converted.
- (C) Units that will be preserved at affordable housing costs to persons or families of low- or very low incomes with committed assistance from the city or county by acquisition of the unit or the purchase of affordability covenants for the unit. For purposes of this subparagraph, a unit shall not be deemed preserved unless all of the following occur:
- (i) The unit has long-term affordability covenants and restrictions that require the unit to be affordable to, and reserved for occupancy by, persons of the same or lower income group as the current occupants for a period of at least 40 years.
 - (ii) The unit is within an "assisted housing development," as defined in paragraph (3) of subdivision (a) of Section 65863.10.
 - (iii) The city or county finds, after a public hearing, that the unit is eligible, and is reasonably expected, to change from housing affordable to low- and very low income households to any other use during the next five years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use.
 - (iv) The unit is in decent, safe, and sanitary condition at the time of occupancy.
 - (v) At the time the unit is identified for preservation it is available at affordable cost to persons or families of low- or very low income.
- (3) This subdivision does not apply to any city or county that, during the current or immediately prior planning period, as defined by Section 65588, has not met any of its share of the regional need for affordable housing, as defined in Section 65584, for low- and very low income households. A city or county shall document for any housing unit that a building permit has been issued and all development and permit fees have been paid or the unit is eligible to be lawfully occupied.
- (4) For purposes of this subdivision, "committed assistance" means that the city or county enters into a legally enforceable agreement during the period from the beginning of the projection period until the end of the second year of the planning period that obligates sufficient available funds to provide the assistance necessary to make the identified units affordable and that requires that the units be made available for occupancy within two years of the execution of the agreement. "Committed assistance" does not include tenant-based rental assistance.
- (5) For purposes of this subdivision, "net increase" includes only housing units provided committed assistance pursuant to subparagraph (A) or (B) of paragraph (2) in the current planning period, as defined in Section 65588, that were not provided committed assistance in the immediately prior planning period.

(6) For purposes of this subdivision, "the time the unit is identified" means the earliest time when any city or county agent, acting on behalf of a public entity, has proposed in writing or has proposed orally or in writing to the property owner, that the unit be considered for substantial rehabilitation, acquisition, or preservation.

(7) In the third year of the planning period, as defined by Section 65588, in the report required pursuant to Section 65400, each city or county that has included in its housing element a program to provide units pursuant to subparagraph (A), (B), or (C) of paragraph (2) shall report in writing to the legislative body, and to the department within 30 days of making its report to the legislative body, on its progress in providing units pursuant to this subdivision. The report shall identify the specific units for which committed assistance has been provided or which have been made available to low- and very low income households, and it shall adequately document how each unit complies with this subdivision. If, by July 1 of the third year of the planning period, the city or county has not entered into an enforceable agreement of committed assistance for all units specified in the programs adopted pursuant to subparagraph (A), (B), or (C) of paragraph (2), the city or county shall, not later than July 1 of the fourth year of the planning period, adopt an amended housing element in accordance with Section 65585, identifying additional adequate sites pursuant to paragraph (1) of subdivision (c) of Section 65583 sufficient to accommodate the number of units for which committed assistance was not provided. If a city or county does not amend its housing element to identify adequate sites to address any shortfall, or fails to complete the rehabilitation, acquisition, purchase of affordability covenants, or the preservation of any housing unit within two years after committed assistance was provided to that unit, it shall be prohibited from identifying units pursuant to subparagraph (A), (B), or (C) of paragraph (2) in the housing element that it adopts for the next planning period, as defined in Section 65588, above the number of units actually provided or preserved due to committed assistance.

(d) A city or county may reduce its share of the regional housing need by the number of units built between the start of the projection period and the deadline for adoption of the housing element. If the city or county reduces its share pursuant to this subdivision, the city or county shall include in the housing element a description of the methodology for assigning those housing units to an income category based on actual or projected sales price, rent levels, or other mechanisms establishing affordability.

SEC. 3. Section 65589.4 of the Government Code is amended to read:

65589.4. (a) An attached housing development shall be a permitted use not subject to a conditional use permit on any parcel zoned for an attached housing development if local law so provides or if it satisfies the requirements of subdivision (b) and either of the following:

(1) The attached housing development satisfies the criteria of Section 21159.22, 21159.23, or 21159.24 of the Public Resources Code.

(2) The attached housing development meets all of the following criteria:

(A) The attached housing development is subject to a discretionary decision other than a conditional use permit and a negative declaration or mitigated negative declaration has been adopted for the attached housing development under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code). If no public hearing is held with respect to the discretionary decision, then the negative declaration or mitigated negative declaration for the attached housing development may be adopted only after a public hearing to receive comments on the negative declaration or mitigated negative declaration.

(B) The attached housing development is consistent with both the jurisdiction's zoning ordinance and general plan as it existed on the date the application was deemed complete, except that an attached housing development shall not be deemed to be inconsistent with the zoning designation for the site if that zoning designation is inconsistent with the general plan only because the attached housing development site has not been rezoned to conform with the most recent adopted general plan.

(C) The attached housing development is located in an area that is covered by one of the following documents that has been adopted by the jurisdiction within five years of the date the application for the attached housing development was deemed complete:

(i) A general plan.

(ii) A revision or update to the general plan that includes at least the land use and circulation elements.

(iii) An applicable community plan.

(iv) An applicable specific plan.

(D) The attached housing development consists of not more than 100 residential units with a minimum density of not less than 12 units per acre or a minimum density of not less than eight units per acre if the attached housing development consists of four or fewer units.

(E) The attached housing development is located in an urbanized area as defined in Section 21071 of the Public Resources Code or within a census-defined place with a population density of at least 5,000 persons per square mile or, if the attached housing development consists of 50 or fewer units, within an incorporated city with a population density of at least 2,500 persons per square mile and a total population of at least 25,000 persons.

(F) The attached housing development is located on an infill site as defined in Section 21061.0.5 of the Public Resources Code.

(b) At least 10 percent of the units of the attached housing development shall be available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code, or at least 20 percent of the units of the attached housing development shall be available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or at least 50 percent of the units of the attached housing development available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code. The developer of the attached housing development shall provide sufficient legal commitments to the local agency to ensure the continued availability and use of the housing units for very low, low-, or moderate-income households for a period of at least 30 years.

(c) Nothing in this section shall prohibit a local agency from applying design and site review standards in existence on the date the application was deemed complete.

(d) The provisions of this section are independent of any obligation of a jurisdiction pursuant to subdivision (c) of Section 65583 to identify multifamily sites developable by right.

(e) This section does not apply to the issuance of coastal development permits pursuant to the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code).

(f) This section does not relieve a public agency from complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) or relieve an applicant or public agency from complying with the Subdivision Map Act (Division 2 (commencing with Section 66473)).

(g) This section is applicable to all cities and counties, including charter cities, because the Legislature finds that the lack of affordable housing is of vital statewide importance, and thus a matter of statewide concern.

(h) For purposes of this section, "attached housing development" means a newly constructed or substantially rehabilitated structure containing two or more dwelling units and consisting only of residential units, but does not include an accessory dwelling unit, as defined by paragraph (4) of subdivision (j) of Section 65852.2, or the conversion of an existing structure to condominiums.

SEC. 4. Section 65852.150 of the Government Code is amended to read:

65852.150. (a) The Legislature finds and declares all of the following:

(1) Accessory dwelling units are a valuable form of housing in California.

(2) Accessory dwelling units provide housing for family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods.

(3) Homeowners who create accessory dwelling units benefit from added income, and an increased sense of security.

(4) Allowing accessory dwelling units in single-family or multifamily residential zones provides additional rental housing stock in California.

(5) California faces a severe housing crisis.

(6) The state is falling far short of meeting current and future housing demand with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners.

(7) Accessory dwelling units offer lower cost housing to meet the needs of existing and future residents within existing neighborhoods, while respecting architectural character.

(8) Accessory dwelling units are, therefore, an essential component of California's housing supply.

(b) It is the intent of the Legislature that an accessory dwelling unit ordinance adopted by a local agency has the effect of providing for the creation of accessory dwelling units and that provisions in this ordinance relating to matters including unit size, parking, fees, and other requirements, are not so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.

SEC. 5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days of submittal of a complete building permit application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of accessory dwelling units.

(b) (1) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to this subdivision unless it adopts an ordinance in accordance with subdivision (a) within 120 days after receiving the application. Notwithstanding Section 65901 or 65906, every local agency shall ministerially approve the creation of an accessory dwelling unit if the accessory dwelling unit complies with all of the following:

(A) The unit is not intended for sale separate from the primary residence and may be rented.

(B) The lot is zoned for single-family or multifamily use.

(C) The lot contains an existing single-family dwelling.

(D) The accessory dwelling unit is either attached to the existing dwelling and located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(E) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(F) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(G) Requirements relating to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other zoning requirements generally applicable to residential construction in the zone in which the property is located.

(H) Local building code requirements that apply to detached dwellings, as appropriate.

(I) Approval by the local health officer where a private sewage disposal system is being used, if required.

(2) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(3) This subdivision establishes the maximum standards that local agencies shall use to evaluate proposed accessory dwelling units on lots zoned for residential use that contain an existing single-family dwelling. No additional standards, other than those provided in this subdivision or subdivision (a), shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(4) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of accessory dwelling units if these provisions are consistent with the limitations of this subdivision.

(5) An accessory dwelling unit that conforms to this subdivision shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling units shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not otherwise permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon fire and life safety conditions. This subdivision shall not apply to a unit that is described in subdivision (e).

(e) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

(1) The accessory dwelling unit is located within one-half mile of public transit.

(2) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(f) Notwithstanding subdivisions (a) to (e), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(g) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (f), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (f), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(h) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of accessory dwelling units.

(i) Local agencies shall submit a copy of the ordinances adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(j) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(k) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 5.5. Section 65852.2 of the Government Code is amended to read:

65852.2. (a) (1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in single-family and multifamily residential zones. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on criteria, that may include, but are not limited to, the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety.

(B) (i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, lot coverage, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Places.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The unit is not intended for sale separate from the primary residence and may be rented.

(ii) The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.

(iii) The accessory dwelling unit is either attached to the existing dwelling or located within the living area of the existing dwelling or detached from the existing dwelling and located on the same lot as the existing dwelling.

(iv) The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet.

(v) The total area of floorspace for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing garage that is converted to a accessory dwelling unit, and a setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x) (I) Parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom. These spaces may be provided as tandem parking on an existing driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions, or that it is not permitted anywhere else in the jurisdiction.

(III) This clause shall not apply to a unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the local agency requires that those offstreet parking spaces be replaced, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. This clause shall not apply to a unit that is described in subdivision (d).

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) When a local agency receives its first application on or after July 1, 2003, for a permit pursuant to this subdivision, the application shall be considered ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits, within 120 days after receiving the application. A local agency may charge a fee to reimburse it for costs that it incurs as a result of amendments to this paragraph enacted during the 2001-02 Regular Session of the Legislature, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency subsequent to the effective date of the act adding this paragraph shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. In the event that a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void upon the effective date of the act adding this paragraph and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot zoned for residential use that contains an existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be utilized or imposed, except that a local agency may require an applicant for a permit issued pursuant to this subdivision to be an owner-occupant or that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives its first application on or after July 1, 1983, for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall accept the application and approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a) within 120 days after receiving the application.

(c) A local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units. No minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the existing dwelling, shall be established by ordinance for either attached or detached dwellings that does not permit at least an efficiency unit to be constructed in compliance with local development standards. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

- (1) The accessory dwelling unit is located within one-half mile of public transit.
- (2) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (3) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (5) When there is a car share vehicle located within one block of the accessory dwelling unit.

(e) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit to create within a single-family residential zone one accessory dwelling unit per single-family lot if the unit is contained within the existing space of a single-family residence or accessory structure, has independent exterior access from the existing residence, and the side and rear setbacks are sufficient for fire safety. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(f) (1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.

(A) For an accessory dwelling unit described in subdivision (e), a local agency shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge.

(B) For an accessory dwelling unit that is not described in subdivision (e), a local agency may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h) Local agencies shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption.

(i) As used in this section, the following terms mean:

(1) "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) "Local agency" means a city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, "neighborhood" has the same meaning as set forth in Section 65589.5.

(4) "Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit, as defined in Section 17958.1 of Health and Safety Code.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(5) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(j) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

SEC. 6. Section 66412.2 of the Government Code is amended to read:

66412.2. This division shall not apply to the construction, financing, or leasing of dwelling units pursuant to Section 65852.1 or accessory dwelling units pursuant to Section 65852.2, but this division shall be applicable to the sale or transfer, but not leasing, of those units.

SEC. 7. Section 5.5 of this bill incorporates amendments to Section 65852.2 of the Government Code proposed by both this bill and Assembly Bill 2299. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2017, (2) each bill amends Section 65852.2 of the Government Code, and (3) this bill is enacted after Assembly Bill 2299, in which case Section 5 of this bill shall not become operative.

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

SECONDARY-ACCESSORY DWELLING UNITS

§ 153.325 GENERAL PROVISIONS; CONDITIONS.

(A) *Location.* ~~Second units~~ Accessory dwelling units may be permitted in any residential zone where it is demonstrated through site plan review compliance the established criteria for ~~second unit~~ accessory dwelling units is met. Division (B) of this section shall be submitted by the applicant and reviewed by the ~~Community~~ Development Services Department. The Community Development Director shall approve the ~~second-accessory dwelling~~ unit site plan review where the established criteria ~~is-are~~ met- within one hundred twenty (120) days of application date.

(B) *Criteria.* The ~~second-accessory dwelling~~ unit may be established upon meeting the following criteria and approval of ~~second-an accessory dwelling~~ unit site plan application:

(1) ~~Acceptance To submit of a second-an~~ accessory dwelling unit site plan application, the existing single-family residential unit ~~must-shall~~ be an owner occupant of the existing unit occupied at time of submittal.

(2) The ~~second-accessory dwelling~~ unit is not intended for sale and may be rented.

(3) The ~~second-accessory dwelling~~ unit shall be in compliance with applicable building, fire and other health and safety codes. Fire sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit.

(4) The ~~second-accessory dwelling~~ unit shall be in compliance with underlying zoning requirements and regulations, except as may be provided in this chapter. Accessory dwelling units do not count towards density requirements.

(5) The ~~second-accessory dwelling~~ unit can ~~either~~ be attached to the existing dwelling, located within the living area of the existing dwelling, or detached from the existing dwelling. The total living area of floor space for a detached ~~second-accessory dwelling~~ unit shall not exceed one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached ~~second-accessory dwelling~~ unit shall not exceed fifty percent 30(50%) of the existing living area or one thousand two hundred (1,200) square feet, whichever is less. No passageway shall be required between the primary and the detached units.

(6) Water and sewer services must be adequate to serve the ~~second-accessory dwelling~~ unit. New detached accessory dwelling units and the expansion of existing homes to accommodate a new accessory dwelling unit shall require a new and/or separate utility connection, and may be subject to a connection fee and capacity charge.

(7) The ~~second-accessory dwelling~~ unit shall not exceed two (2) stories or thirty-five (35) feet.

(8) ~~Second-An~~ accessory dwelling unit may be permitted on residential lots where there exists a single-family residential unit and there shall be no more than one ~~second-accessory~~ unit

dwelling unit per lot. An accessory unit shall not be constructed without a primary residential unit (i.e. on a vacant lot).

(9) Off-street parking requirement for the second-accessory dwelling unit shall ~~be not exceed~~ one (1) parking space per unit if an efficiency or per bedroom.

~~(a) Off-street parking shall not be permitted in front or side yard setback areas.~~

~~—(b) Tandem parking is not permitted per city Municipal Code.~~

~~(a) e) Off-street parking may be enclosed, covered or uncovered.~~

(b) No setback shall be required to convert (not expand) an existing garage.

(c) Setbacks of no more than five (5) feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage.

This requirement shall be in addition to the off-street parking spaces required for the existing zone district.

(10) The second-accessory dwelling unit shall be clearly subordinate to the principle single-family dwelling unit on the lot.

(11) Addresses for secondary-accessory dwelling units shall be shown prominently on the frontage of the unit. Frontage should be located facing either a street or alleyway and/or have a well-defined entry area.

(12) ~~A second~~An accessory dwelling unit site plan application shall include the following:

(a) Elevation plan of the existing and proposed unit on the project property;

(b) A vicinity map showing all existing structures on adjacent properties;

(c) Lot coverage - not to exceed fifty percent (50%);

(d) Vehicular and pedestrian access to the second-accessory dwelling unit and the relationship with the existing single-family dwelling;

(e) The second-accessory dwelling unit shall be of the same color, material, and architectural design as the existing and shall avoid impacts to historical properties;

(f) Payment of a site plan approval fee as established by City Council resolution; ~~and~~

(g) Common open space and/private open space; ~~and~~;

(h) Drought tolerant landscape plans.

(C) *Definitions.* As used in this section, the following terms mean:

(1) **LIVING AREA.** The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

(2) **LOCAL AGENCY.** A city, county, or city and county, whether general law or chartered.

(3) For purposes of this section, **NEIGHBORHOOD** has the same meaning as set forth in Cal. Gov't Code § 65589.5.

(4) **SECOND UNIT ACCESSORY DWELLING UNIT**. An attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. For purposes of this section, a single family home or accessory structure shall be considered "existing" if a final certificate of occupancy was issued prior to January 1, 2017. ~~A second~~ An accessory dwelling unit also includes the following:

(a) An efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

(b) A manufactured home, as defined in Cal. Health and Safety Code § 18007.

(c) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of the accessory dwelling unit.

(`67 Code, § 10-21-01) (Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

Statutory reference:

Second residential units, see Cal. Gov't Code § 65852.2

§ 153.326 – CONDITIONAL USE PERMIT.

~~—(A) Residential zones. Within all residential zones, secondary dwelling units may be allowed after a conditional use permit is approved, pursuant to the provisions of § 153.216.~~

~~—(B) Findings. No conditional use permit for a secondary dwelling unit shall be granted unless the following findings can be made:~~

~~—(1) That the secondary dwelling unit meets all required conditions identified in this subchapter.~~

~~—(2) That the secondary dwelling unit will not under the circumstances of the particular case, be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood or detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.~~

~~—(3) That the secondary dwelling unit is compatible in appearance and character with the primary single-family residence and with the surrounding residences.~~

~~—(C) Building permits. A building permit shall be required for any construction undertaken in furtherance of an approval issued under this chapter.~~

~~—(D) Expiration and renewal. Approval granted pursuant to this chapter, if the project is not initiated within one year from the date of approval, shall automatically expire and shall be invalid. A one-year extension may be granted by the Community Development Director if a written request for the extension is received not less than 30 days prior to the expiration of the permit and the findings required by division (B) above are made.~~

GENERAL PROVISIONS

§ 153.003 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All words used in the present tense shall include the future tense; all words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise.

ACCESSORY. A building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where an accessory building has a wall or a portion of a wall not less than four feet in length in common with a main building, such accessory building shall be considered a part of the main building.

ALLEY. Any public thoroughfare, not exceeding 30 feet in width, for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT. A room or suite of two or more rooms which is designed for, intended for, and/or occupied by one family doing its own cooking therein.

BOARDING HOUSE. A dwelling other than a hotel or a residential care home, wherein lodging and meals are provided for compensation for more than five but not more than ten persons other than the immediate members of the proprietor's family.

BUILDING. (Includes the word "structure.") Any structure having a roof supported by columns and/or walls and intended for the shelter, housing and/or enclosure of any persons, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or fire wall without any window, door or any other opening therein, which wall extends from the ground to the upper surface of the roof at every point, then such portion shall be deemed to be a separate building.

(1) **BUILDING, ACCESSORY.** A subordinate building, the use of which is incidental to that of a main building on the same lot. Signs and fences are not to be considered as accessory buildings. Where an accessory building does not have a common wall of at least four feet in length with the main building on the same lot, it shall be considered detached.

(2) **BUILDING, MAIN.** A building in which is conducted the principal use of the lot upon which it is situated. In any R district, any dwelling shall be deemed to be a main building upon the lot upon which the same is situated.

BUILDING HEIGHT. The vertical distance measured from the average level of the highest and lowest point of that building site covered by the building to the ridge or peak of the roof.

BUILDING LINE. A line parallel to the front lot line and at a distance therefrom equal to the required depth of the front yard and extending across the full width of the lot.

BUSINESS or COMMERCE. The purchase, sale or other transaction involving the handling or disposition (other than as included in the term **INDUSTRY** as defined herein) of any article, substance or commodity for profit or livelihood, including office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs, automobile parts, automobile courts and recreational and amusement enterprises conducted for profit, but not including junk yards.

CARNIVAL. A traveling or itinerant commercial amusement enterprise consisting of sideshows, vaudeville, games, merry-go-rounds or other mechanical amusement devices temporarily located within the city. A **CARNIVAL** shall not be construed to include or mean a festival or amusement.

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats, used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

CLUB. An association of persons for some common, nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

COMMUNICATIONS EQUIPMENT BUILDING. A building housing electrical and mechanical equipment necessary for the conduct of a public utility communications business, with or without personnel.

COMMUNITY DEVELOPMENT DIRECTOR. The Community Development Director of the City of Riverbank.

DAY CARE CENTER. Day care center means a dwelling or building or structure in which persons not of the immediate family are provided with care for compensation for a portion of the day not exceeding 12 hours in any 24-hour period. A day care shall not include 24-hour care and shelter.

DWELLING. A building or portion of a building designed for residential purposes, including one-family, two-family and multiple family dwelling but not including hotels, motels, boarding houses and lodging houses.

DWELLING GROUP. A group of two or more or detached or semi-detached single-family, two-family or multiple dwellings occupying a parcel of land in one ownership.

DWELLING, MULTIPLE. A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in the building.

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for and/or occupied exclusively for two families living independently of each other, but under one roof.

DWELLING UNIT. One or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit; and (B) a manufactured home.

E-CIGARETTE. Any electronic or battery operated device, the use of which may resemble smoking, that can be used to deliver an inhaled dose of vapors, including nicotine or other substances, this includes but is not limited to an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, a vapor cigarette or any other product name or descriptor.

EMERGENCY SHELTERS. Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

EMPLOYEE HOUSING. Defined the same as Labor Camp per CA Health and Safety Act 17021.5 and 17021.6.

FAMILY. One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel.

FAMILY DAY CARE CENTER. A day care center which also serves as the residence of the licensee.

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

FLOOR AREA RATIO. The ratio of gross building floor area to total lot area expressed as such. Example: two square feet of gross floor area for each three square feet of total lot area would result in a floor area ratio of .66:1.

(Ord. 87-11, passed 7-27-87)

GARAGE. An accessory building or an accessory portion of the main building, enclosed on all sides, and with a clear vertical opening not to exceed nine feet and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

(Ord. 88-14, passed 11-28-88)

GARAGE, PARKING. A building used for the parking of more than three automobiles or trucks, whether free, for compensation, or as an accommodation.

GARAGE, PUBLIC. A building other than a private garage, enclosed on all sides and used for the care, repair or equipping of automobiles, or where such vehicles are kept for hire, sale or equipping.

GARAGE SALES, YARD SALES, MOVING SALE, PATIO SALES and SIMILAR USES. The retail sale of used or secondhand goods or merchandise in connection with a lawfully existing dwelling unit on property within any zoning district provided that:

(1) No such sale shall be conducted upon the same premises for more than three consecutive days nor on more than two separate occasions within any one calendar year.

(2) No such sale shall result in the use of more than two unlighted signs not exceeding three square feet each in area. The signs to be displayed only during such times as the sale is actually being conducted.

GUEST HOUSE. Living quarters within an accessory building for temporary use by guests of the occupants of the premises. The quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

HOME OCCUPATION. Any occupation conducted primarily within a dwelling unit and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character thereof and in connection with which there is no display nor stock in trade or commodities sold except those which are produced on the premises. The home occupation must meet the requirements of §§ 153.265 through 153.267 of this chapter.

HOOKAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made of glass, used for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

HOSPITAL, MENTAL. An institution licensed by the state to care for or treat persons having mental or nervous disorders.

HOTEL. Any building or portion thereof, containing six or more guest rooms used, designed or intended to be used by paying guests. A motel shall be considered a hotel.

HOUSEHOLD PETS. Animals or fowl ordinarily permitted in the home and kept for company or pleasure and not for profit, such as dogs, cats and canaries, but not including a sufficient number of dogs or cats to constitute a kennel. Household pets may also include not more than a total of 12 chinchillas, hamsters, white mice or similar animals.

JUNK YARD. The use of more than 200 square feet of the area of any parcel, lot, or contiguous lots or parcels for the storage or keeping of junk, including but not limited to scrap materials, surplus material, secondhand material or for the dismantling or wrecking of automobiles or other vehicles or machinery.

KENNEL. A place where four or more dogs or cats (or any combination of four or more dogs and cats) of four months of age or older are kept.

KITCHEN. Any room or space used, intended or designed to be used for cooking or for the preparation of food for one family.

LABOR CAMP. Any living quarters, dwelling, boarding house, tent, bunk house, camper, mobile home or other housing accommodation, maintained for five or more persons employed in connection with any agricultural work.

LOT. (Includes the word “plot.”) Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this title, having not less than the minimum area required by this title for a building site in the district in which such lot is situated, and having its principal frontage on a street.

LOT, AREA. The total horizontal area included within the lot lines.

LOT, CORNER. A lot situated at the intersection of two or more streets, or bounded on two or more adjacent sides by street lines.

LOT, DEPTH. The average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

LOT, FRONTAGE. That portion of a lot abutting a public street.

LOT LINES. The lines bounding a lot.

LOT, WIDTH. The distance between the side lines of a lot measured at the building setback line.

MOBILE HOME. A vehicle designed and equipped for human habitation as defined by the Cal. Health & Safety Code § 18008.

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

MOTEL. Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed for temporary use by tourists or transients, with garage attached or parking space conveniently located to each unit, including auto parks, motor lodges, and tourist courts.

NONCONFORMING USE. A building or land occupied by a use that does not conform to the regulations for the district in which it is situated.

OUTDOOR ADVERTISING SIGN. Any card, cloth, paper, metal, painted glass, wooden, plaster, stone or other sign of any kind or character whatsoever placed for advertising purposes on the ground or on any tree, wall, bush, post, fence, building, structure or thing whatsoever.

OUTDOOR ADVERTISING STRUCTURE. Any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including outdoor advertising statuary.

(Ord. 87-11, passed 7-27-87)

PARKING SPACE. An accessible and usable space on a building site of at least nine feet by 19 feet with access for the parking of automobiles. The length of the space may be reduced by two feet if landscaped planters of sufficient width are used as curb stops.

(Ord. 90-01, passed 1-22-90)

PLANNING COMMISSION. The City Planning Commission of the City of Riverbank.

RECREATION VEHICLE. Either of the following:

(1) A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

(a) It contains less than 320 square feet of internal living room area, excluding built-in equipment, including but not limited to wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

(b) It contains 400 square feet or less of gross area measured at maximum horizontal projections.

(c) It is built on a single chassis.

(d) It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.

(2) A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:

(a) It contains 400 square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed 12 feet in width or 40 feet in length in the traveling mode.

(b) It is built on a single chassis.

(c) It may only be transported upon the public highways with a permit.

(Cal. Health & Safety Code § 18010)

RESIDENTIAL CARE HOME. A home operated as a boarding home and in which nursing, dietary and other personal services are furnished to convalescent, invalid or aged persons in return for compensation; but in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals and in which no persons are kept or served who normally would be admissible to a mental hospital.

ROOMING HOUSE. A dwelling, building or structure occupied by five or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to innkeeper's liability.

SAWMILL. Any structure or land used for the manufacture or remanufacturing of lumber or lumber products by the use of power equipment.

SERVICE STATION. A structure or area which is provided for the servicing, washing and fueling of motor vehicles, including minor repairs, and the storage and sale of merchandise and supplies, incidental thereto, provided, however, that the washing of automobiles shall be permitted only when no chain conveyor, blower or steam cleaning device is involved.

SHALL. Is mandatory and not directory.

STORY. The portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement shall not be considered a story when computing the height of a building.

STREET. A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority for a thoroughfare, not less than 30 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

STRUCTURE. Anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences not more than six feet in height or free-standing signs.

STRUCTURAL ALTERATIONS. Any changes in the supporting member of a building, such as bearing walls, columns, beams or girders.

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TARGET POPULATION. Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500 of the Cal. Welfare and Institutions Code)) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people.

TRANSITIONAL HOUSING. Buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance.

TRUCK TERMINAL. The storage of one or more commercial trucks which have a body exceeding 12 feet in length in rear of the cab, or the storage of more than one truck of any

type. A truck shall not be normally construed as a means of transportation in lieu of an automobile and not normally an accessory use to a dwelling.

USE. The purpose for which land or a building is designed, arranged, or intended or for which it is or may be occupied or maintained.

USE, ACCESSORY. A use incidental and secondary to the principal use of a lot or building located on the same lot as the accessory use.

USED CAR. Any automobile, pickup truck of no more than a one ton load rating or any van of no more than a one-ton load rating.

VAPOR BAR. Any facility building, structure of location, whether fixed or mobile, where customers utilize a heating element that vaporizes liquid solution that releases nicotine or flavored vapor, including the use of e-cigarettes.

VETERINARY HOSPITAL. An establishment for the care and treatment of animals, including household pets, livestock and commercial poultry, all facilities to be within a completely enclosed building except for exercising runs and parking of automobiles.

WRECKING YARD. The use of more than 200 square feet of the area of and lot for the storage of immobile vehicles or the dismantling or wrecking of automobiles or other vehicles or machinery.

YARD. An open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

YARD, FRONT. A yard extending across the front of the lot and lying between the front line and a line parallel thereto, and having a distance between such parallel lines equal to the required front yard depth as prescribed in each district.

YARD, SIDE. An area extending from the front lot line to the rear lot line, and lying parallel thereto, within the lot and having a distance between such parallel lines equal to the side yard width as prescribed in each district.

YARD, REAR. A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the buildings as prescribed for the district.

(Ord. 87-11, passed 7-27-87)

(`67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15)

SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE

§ 153.030 REGULATIONS.

The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of §§ 153.180 through 153.185 [and §153.325](#) of this chapter.

(`67 Code, § 10-3-1)

§ 153.031 USES PERMITTED.

(A) One (1) single-family dwelling or one (1) manufactured home provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by Resolution No. 81-45 of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation on the lot, siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (i.e. single family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(B) Accessory buildings are normally incidental to a single-family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of the single-family dwelling. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a ~~two-car~~ garage (either attached or detached), the maximum size of the accessory building ~~does not exceed 20% of the living area of the dwellings~~ shall be determined by maximum lot coverage.

(1) A detached accessory building, other than a covered patio as defined herein, may occupy not more than fifty percent (50%) of a required rear yard, subject to the following requirements within an "R" district:

(a) No detached accessory building shall be closer than ~~six~~ (6) feet to the main building, inclusive of roof covering;

(b) No detached accessory building shall be allowed within the required yard areas, inclusive of roof covering;

(c) Seven and one-half (7½) feet shall be the maximum height for a "shed" located at the setback line. A shed height may be increased one and one-half (1½) feet for every one (1) foot back from the setback line to a maximum height of fifteen (15) feet;

(d) A detached gazebo shall not be located closer than six (6) feet to the main building inclusive of roof covering; shall not exceed a maximum height of fifteen (15) feet.

(Ord. 88-14, passed 11-28-88; Am. Ord. 2004-001, passed 6-14-04)

(C) Family day care centers limited to six (6) paying guests.

(D) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within three hundred (300) feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be so located that vehicles head in and head out without using the public street for maneuvering, loading or unloading.

(E) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267 of this chapter.

(F) Public parks and public buildings.

(G) Temporary real estate office and sign (not to exceed one hundred (100) square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions in § 153.285(A)(1)(g) of this chapter.

(H) Temporary construction buildings to house tools and equipment or containing supervisory office in connection with construction projects during active construction on the same property.

(I) Residential care homes in which ~~less than seven~~ no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(J) Signs as allowed in §§ 153.280 through 153.285.

(K) Garage sales, as defined in § 153.003.

(L) Temporary uses such as a circus, carnival, fair or festival provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as regulated by § 153.219 of the city code.

(N) ~~Second-Accessory dwelling~~ unit meeting § 153.325.

(O) One (1) duplex on a corner lot, provided that the front door and garage of each unit faces a different street and that garages are recessed five (5) feet from living quarters subject to an architectural and site plan review application approved by the Community Development Director.

(P) Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.

(`67 Code, § 10-3-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.032 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utility, quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to a C or M district or to a PD district when used for commercial or industrial purposes.

(D) Mobile home park which meets the “Mobile Home Park Standards” as adopted by Resolution No. 88-83 of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.031(D) of this chapter are not met.

~~(F) Accessory buildings that do not meet the requirements of § 153.031(B) of this chapter. Half Pipes and similar structures.~~

~~(1) Every proposed half pipe or similar structure shall be of a scale and design and constructed of materials which will minimize noise, vibration, and other nuisance factors commonly associated with half pipe usage. Portions of the half pipe may be located below ground, but in no case shall any portion of the half pipe exceed six (6) feet in height above ground level excluding hand rails. Hours of operation shall be from 8:00 a.m. to 9:00 p.m. Lighting is prohibited.~~

~~(2) Walls, fences, hedges, trees or other screen plantings shall be installed sufficient to ensure harmony with adjacent properties and to conceal any unsightly development. No commercial or advertised use of the half pipe shall be permitted and no donations or contributions shall be solicited or received for use or attendance at half pipe activities.~~

~~(3) The proposed half pipe shall comply with all pertinent sections of the Uniform Building Code and all zoning requirements, including side and rear yard setbacks, minimum of six feet from other structures, lot coverage, and size regulations for accessory structures.~~

~~(4) For purposes of this section, “half pipe” means a smooth surfaced outdoor structure shaped like a trough and used in gravity extreme sports such as skateboarding, freestyle BMX, or inline skating.~~

(`67 Code, § 10-3-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08)

§ 153.033 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units — thirty-five (35) feet.

(2) For accessory buildings:

(a) Sheds: A subordinate structure or building used primarily for storage purposes, of a height no greater than fifteen (15) feet and the total square footage of which does not exceed one hundred and twenty (120) square feet. Sheds that exceed one hundred and twenty (120) square feet shall require a building permit;

(b) Gazebos fifteen (15) feet: An accessory building consisting of a detached, covered, free-standing, open-air structure not exceeding three hundred (300) square feet.

(B) No fence (excluding wire fences and non-solid fences which do not limit visibility as determined by the Planning Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which enclose electrical substations which may be constructed to the heights required by law.

(1) *Architectural accent fences.* Small architectural accent fences within the required ten (10) foot front yard setback, are allowed to be constructed no higher than three (3) feet out to the back of the sidewalk. They shall be constructed and maintained so to be harmonious with the neighborhood. In no case may a utility meter be enclosed. Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.

(2) *Front yard courtyards.* Courtyard is defined as an uncovered area partly or wholly enclosed by buildings or walls and used primarily for supplying access, light, and air to the dwelling. Walls shall not enclose more than two (2) sides of the courtyard. Courtyard walls shall be no higher than four (4) feet six (6) inches. Front yard courtyard fences shall be constructed of material and colors consistent and complementary to the design of the main structure. Courtyards shall be determined by the Community Development Director and it is recognized that not all dwelling types will have a courtyard. Courtyard fences shall be located no closer than thirteen (13) feet behind the front property line.

(3) *Solid fences, walls, hedges and retaining walls.* Solid fences, walls, hedges and retaining walls not more than seven (7) feet in height may occupy any required yard or other space, except that fences, walls, hedges and retaining walls shall be no higher than three (3) feet when located in the required front yard setback area, in the required setback areas along the side street of a corner lot and along the rear or side lot line of a reversed corner lot where it abuts the front yard of the adjoining key lot. Walls and retaining walls over four (4) feet in height require engineering and a permit.

(4) *Corner lots.* Within the front or street side yard of a corner lot in any district there shall be no solid fence, wall or hedge height greater than three (3) feet nor any obstruction other than a post, building column or tree not more than two (2) feet in diameter, between the height of three (3) feet six (6) inches and ten (10) feet above the top of the curb, or if no curb exists, above maximum street grade.

(5) *Transparent fences.* Notwithstanding any other regulation herein, fences with ninety percent (90%) transparency no higher than four (4) feet may occupy the required front ~~from the~~ setback area along the side street of a corner lot and along the rear or side lot line or a reverse corner lot where it abuts the front yard of the adjoining key lot. Vision through the fence shall remain totally unobstructed at all times.

(6) *Fence height.* The height of a fence shall be measured from the higher property elevation.

(7) *Sight distance triangle - Obstructions.* No obstruction to view in excess of three (3) feet in height shall be placed in any corner or reverse corner lot within a triangular area formed by the extension of the lot line to a point of intersection and a line connecting them at a distance of thirty (30) feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height.

(8) *Fence permits.* A fence permit, issued by the Community Development Department shall be obtained prior to the erection of any fence over six (6) feet in height within the city.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2004-001, passed 6-14-04)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than ten feet (10) from the planned right-of-way line provided that no vehicle opening of any building ~~is~~be closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces. Corner lot driveways shall not be located on the half of the lot frontage nearest the radius return, or ~~be~~ closer than twenty (20) feet to said radius return.

(2) Side or rear yard when lot abuts an arterial - ten (10) feet.

(3) Side or rear yard, interior lots all other cases - five (5) feet.

(4) Detached accessory buildings - six (6) feet from any other buildings.

(5) A detached accessory building other than a covered patio as defined herein, may not occupy more than fifty percent (50%) of a required rear yard, subject to the following requirements:

(a) Within an "R" District, no detached accessory building shall be closer than six (6) feet to the main building, inclusive of roof covering.

(Ord. 90-01, passed 1-22-90; Am. Ord. 2004-001, passed 6-14-04)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184 of this chapter.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes ~~—~~ nine hundred (900) square feet.

(2) All other uses - no minimum size.

(G) Building site area and density required~~Density~~.

(1) Maximum permissible density is eight (8) dwelling units per net acre.

(2) Minimum area - six thousand (6,000) square feet.

(3) Minimum width, interior lot – fifty-five (55) feet.

(4) Minimum width, corner lot – sixty-five (65) feet.

(5) Minimum depth – one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans of lots for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.

(Ord. 87-11, passed 7-27-87)

(H) *Open space requirements.* All multiple residential uses of two (2) or more dwelling units on one (1) lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than fifty (50) units) this required open space shall be in one (1) location.

(1) Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.

(2) Open space can be managed by a third party using land trusts or conservation easements.

(Ord. 2004-001, passed 6-14-04)

(`67 Code, § 10-3-4)

(I) Landscape Areas. No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.

(J) Driveways. The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.

DUPLEX RESIDENTIAL DISTRICT R-2 ZONE

§ 153.045 REGULATIONS.

The following regulations shall apply in the R-2 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-4-1)

§ 153.046 USES PERMITTED.

(A) A single-family dwelling or one duplex, or two dwelling units, except that on parcels with no direct frontage on a city maintained street, only one single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family or duplex) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to dwellings provided that such buildings are constructed concurrent with, or subsequent to the construction of the dwellings. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this title, the size of the accessory building does not exceed 20% of the living area of the dwellings.

(Ord. 88-14, passed 11-28-88)

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within 300 feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that

vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219.

(N) Garage sales as defined in § 153.003.

(O) Accessory dwelling unit meeting § 153.325

(P) Transitional and Supportive Housing.

(Ord. 87-11, passed 7-27-87)

(`67 Code, § 10-4-2)

§ 153.047 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities, and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.

(D) Mobile home parks which meet the “Mobile Home Park Standards” as adopted by resolution of the City Council.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.046(E) are not met.

(F) Duplexes parcels with no direct frontage on a city maintained street.

(G) Accessory buildings that do not meet the requirements of § 153.046(C).

(`67 Code, § 10-4-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.048 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings, including accessory dwelling units — thirty-five (35) feet.

(2) For accessory buildings - 15 feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area - 6,000 square feet.

(2) Minimum width, interior lot - 55 feet.

(3) Minimum width, corner lot - 65 feet.

(Ord. 87-11, passed 7-27-87)

(4) Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(Ord. 88-14, passed 11-28-88)

(C) *Yards and open spaces required.*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Side or rear yard when lot abuts an arterial — ten (10) feet.

(3) Side or rear yard, interior lots, all other cases — five (5) feet.

(4) Detached accessory buildings — ten (10) feet from any other buildings.

(Ord. 90-01, passed 1-22-90)

(D) *Lot coverage.* No more than fifty percent (50%) of the lot may be covered by buildings.

(E) *Off-street parking.* As required in § 153.184.

(F) *Minimum building size.*

(1) Single-family dwellings and mobile homes - 900 square feet.

(2) All other uses - No minimum size.

(G) *Density.* Maximum permissible density of 12 dwelling units per net acre.

(Ord. 87-11, passed 7-27-87)

(H) *Open space requirements.* All multiple residential uses of two or more dwelling units on one lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one location.

(Ord. 89-22, passed 1-8-90)

(`67 Code, § 10-4-4)

MULTIPLE FAMILY RESIDENTIAL DISTRICT R-3 ZONE

§ 153.060 REGULATIONS.

The following regulations shall apply in all R-3 districts and shall be subject to the provisions of §§ 153.180 through 153.185 of this chapter.

(`67 Code, § 10-5-1)

§ 153.061 USES PERMITTED.

(A) Single-family, duplex and multiple family dwellings, apartment houses, dwelling groups, except that on parcels with no direct frontage on a city maintained street, only one (1) single-family dwelling is permitted.

(B) In lieu of all the residential uses listed in division (A) above, one manufactured home per lot provided that the manufactured home meets the following restrictions:

(1) Manufactured homes may be installed only if no more than ten (10) years has elapsed between the date of manufacture and the date of application for a permit to install the manufactured home.

(2) Manufactured homes must be on a foundation system approved by resolution of the City Council.

(3) All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials and roof overhang to ensure, to the greatest extent feasible, compatibility with surrounding structures. A pictorial representation of the proposed manufactured home shall be submitted with the application.

(4) No other dwelling units (such as, single-family, duplex, multiple family, apartments or dwelling groups) shall be allowed on the same lot.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-001, passed 1-28-02)

(C) Accessory buildings normally incidental to permitted uses provided that such buildings are constructed concurrent with, or subsequent to the construction of the permitted use. **NORMALLY INCIDENTAL** shall be deemed to mean that, in addition to a garage(s) (either attached or detached) as required by this chapter, the size of the accessory building does not exceed 20% of the area of the main building.

(Ord. 88-14, passed 11-28-88)

(D) Family day care centers limited to six (6) paying guests.

(E) Family day care centers for seven (7) to twelve (12) paying guests when the following criteria are met:

(1) At least one (1) off-street parking space shall be provided for each employee.

(2) There are no other day care centers for more than six (6) paying guests within 300 feet of the exterior boundaries of the subject site.

(3) In addition to the required employee parking, there shall be provided at least two (2) off-street parking spaces for loading and unloading of guests. These spaces shall be located so that vehicles head in and head out without using the public street for maneuvering, loading, or unloading.

(F) Home occupations as defined in § 153.003 and regulated in §§ 153.265 through 153.267.

(G) Public parks and public buildings.

(H) Temporary real estate office and sign (not to exceed 100 square feet in area) may be located on any new subdivision for a period of not more than two (2) years from the date of recording of the map of the subdivision upon which the office and sign are located. This time limit shall automatically be extended under the conditions described in § 153.285(A)(1)(g).

(I) Temporary construction building to house tools and equipment or containing supervisory offices in connection with construction projects during active construction on the same property.

(J) Residential care homes in which less than seven (7) persons not of the immediate family are provided with food, shelter and care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment of disease or injury.

(K) Signs as allowed in §§ 153.280 through 153.285.

(L) Temporary uses such as a circus, carnival, fair or festival, provided that they meet the following requirements:

(1) The use shall be temporary in nature and shall not last more than four (4) days.

(2) The organizers of the event shall notify the Riverbank Police Services Division of their intentions at least thirty (30) days prior to the scheduled beginning of the event.

(3) A business license shall be obtained as required by § 110.18 of the city code.

(4) Licenses will only be issued to local businesses or shopping centers when conducted on the same property as the business/shopping center or to local nonprofit organizations.

(M) Temporary mobile home for ill or aged family members as required by § 153.219 of the city code.

(N) Garage sales as defined in § 153.003.

(Ord. 87-11, passed 7-27-87)

(O) ~~Accessory~~~~Second~~ dwelling unit meeting § 153.325.

(P) Emergency shelters as defined in § 153.003.

(Q) Transitional housing as defined in § 153.003.

(R) Supportive housing as defined in § 153.003.

(`67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15)

§ 153.062 USES PERMITTED WITH A USE PERMIT.

(A) Churches and other religious institutions (excluding open-air or tent).

(B) Schools, public utilities and quasi-public buildings.

(C) Public or private automobile parking lots when adjacent to any C or M district or to any PD district which is used for commercial or industrial purposes.

(D) Hotels, rooming or boarding houses.

(E) Professional offices.

(F) Labor camp.

(G) Institutions for treatment of alcoholics.

(H) Mobile home parks which meet the "Mobile Home Park Standards" as adopted by resolution of the City Council.

(I) Family day care centers for seven (7) to twelve (12) paying guests when the requirements of § 153.061(E) are not met.

(J) Duplex and multiple family dwellings, apartment houses and dwelling groups on parcels with no direct frontage on a city maintained street.

(K) Accessory buildings that do not meet the requirements of § 153.061(C).

(L) Residential care homes for more than seven (7) persons.

(`67 Code, § 10-5-3) (Ord. 92-06, passed 7-13-92; Am. Ord. 97-03, passed 1-27-97; Am. Ord. 2003-014, passed 11-10-03)

§ 153.063 BUILDING REQUIREMENTS.

(A) *Height limit.*

(1) For dwellings and other main buildings ~~three~~ (3) stories but in no case to exceed forty-five (45) feet.

(2) For accessory buildings – fifteen (15) feet.

(3) No fence (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed in excess of eight (8) feet in height within any side or rear yard, except fences within the side or rear yard which encloses electrical substations, which may be constructed to the height required by law.

(4) No fence, hedge or screen planting (excluding wire fences and nonsolid fences which do not limit visibility as determined by the Community Development Director) shall be constructed or permitted to grow in excess of three (3) feet in height within any front yard or side yard of a corner lot.

(B) *Building site area required.*

(1) Minimum area:

(a) For one (1) and two (2) family dwellings or non-dwelling main buildings - 6,000 square feet.

(b) For each unit in excess of two (2) dwelling units - 2,000 square feet, not to exceed twenty (20) units per net acre.

(2) Minimum width, interior lot - 55 feet.

(3) Minimum width, corner lot - 65 feet.

(Ord. 87-11, passed 7-27-87)

(4) Minimum depth - 100 feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision making body. Plot plans of lots for which less than the minimum depth is requested may be required to ensure that the lot is usable for residential purposes.

(Ord. 88-14, passed 11-28-88)

(C) *Yards and open spaces required - single-family dwellings, duplexes and triplexes:*

(1) Front yard and side yard of a corner lot - not less than fifteen (15) feet from the planned right-of-way line, provided that no vehicle opening of any building is closer than twenty (20) feet to the property line or planned right-of-way line toward which the opening faces.

(2) Rear yard when lot backs up to an arterial — ten (10) feet.

(3) Side or rear yard, interior lots, all other cases — five (5) feet.

(4) Detached accessory buildings, including accessory dwelling units - ten (10) feet from any other buildings.

(D) *Yards and open spaces required - uses other than single-family dwellings, duplexes and triplexes.* The minimum setbacks shall be as required by § 153.183(D) of this chapter.

(Ord. 90-01, passed 1-22-90)

(E) *Lot coverage.* No more than 60% of the lot may be covered by buildings.

(F) *Floor area ratio requirements.*

(1) For single story buildings - 0.60:1.0

(2) For two story buildings - 0.80:1.0

(3) For three story buildings - 1.20:1.0

(G) *Minimum building size.*

(1) Single-family dwellings and mobile homes - 900 square feet.

(2) All other uses - No minimum size.

(`67 Code, § 10-5-4)

§ 153.064 DEVELOPMENT STANDARDS.

(A) *Trash storage area.* Trash bins (except single-family dwellings, duplexes, or dwelling groups) shall be provided in a fully enclosed trash storage area. This area or areas shall be provided at locations that are readily accessible to residents and sanitation collectors.

(Ord. 87-11, passed 7-27-87)

(B) *Landscaping plan.* Landscaping plan for all uses (except single-family dwellings, duplexes and triplexes) including plant species, initial size, location, growth characteristics and method of irrigation shall be approved by the Community Development Director prior to issuance of any permit. Such required landscaping shall be installed prior to final inspection and shall be maintained by the property owner. Approval shall be based on the degree of compliance with landscape standards as adopted from time to time by City Council.

(Ord. 87-11, passed 7-27-87; Am. Ord. 89-22, passed 1-8-90)

(C) *Off-street parking.* Off-street parking as required in § 153.184.

(D) *Fencing.* A six-foot high solid fence shall be constructed along side and rear property lines, except as otherwise prohibited in this chapter, for all apartments, dwelling groups and multiple family dwellings.

(Ord. 87-11, passed 7-27-87)

(E) *Open space requirements.* All multiple residential uses of two or more dwelling units on one lot shall provide a fenced playground (or other open space in the case of an adult-only facility) of at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units. This area shall not be a lineal open space but should have a width to depth ratio not exceeding one to two (1:2). Except in very large complexes (more than 50 units) this required open space shall be in one (1) location.

(Ord. 89-22, passed 1-8-90)

(F) *Site plan review.* Proposals to construct anything other than a single-family dwelling, a duplex, a triplex or a four-plex on a parcel shall be subject to site plan review by the Planning Commission prior to issuance of a building permit. This review shall include, but not be limited to, comparison of the project with the Architectural and Subdivision Design Standards as adopted by the City Council.

(Ord. 90-01, passed 1-22-90)

GENERAL REGULATIONS

§ 153.184 OFF-STREET PARKING REQUIREMENTS.

(A) *Churches, lodges, and places of public assembly.* One space for every three fixed seats, or for every three persons allowed under the maximum capacity established by the Fire Warden where there are no fixed seats, in the main place of assembly.

(Ord. 87-11, passed 7-27-87)

(B) *Dwellings.*

(1) Single-family and manufactured housing, financed by FmHA, one (1) one-car garage of the maximum size permitted by FmHA and one (1) additional off-street parking space which may be located adjacent to the driveway.

(2) Single-family dwelling and manufactured housing, a two-car garage, with a minimum clear width of **eighteen (18)** feet and a clear depth of **nineteen (19)** feet six **(6)** inches in the direction of travel, must be provided. No appliance or other objects may intrude into the garage space area.

(3) Single-family dwelling built prior to January 1, 1990, one (1) one-car garage may be constructed if there is inadequate area for a two-car garage. This provision would not apply to garage conversions or other requirements of this section.

(Ord. 92-17, passed 12-14-92)

(4) Two-family dwelling, duplex or multiple dwelling: ~~two spaces per unit~~, may be covered or uncovered. **(a) Zero to one (1) bedroom – one (1) onsite parking space;**
(b) Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and
(c) Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.

(5) Rooming or boarding house: one (1) space for every **three hundred (300)** square feet of ground floor area. Spaces inside a garage may be counted toward meeting the requirement.

(Ord. 2000-05, passed 4-24-00)

(C) *Garage and repair shops.* One (1) space for every **three hundred (300)** square feet of gross floor area.

(Ord. 88-14, passed 11-28-88)

(D) *Hospital.* One and one-half **(1½)** spaces for each bed.

(E) *Manufacturing or assembly plants and wholesale warehouses.* One (1) space for each employee on a maximum shift plus three **(3)** additional spaces or, when the number of employees cannot be determined, one (1) space for every **three hundred (300)** square feet of gross floor area.

(F) *Mobile home parks.* Two **(2)** spaces for each mobile home space plus one (1) visitor parking space for every five **(5)** mobile home spaces. Excluding visitor parking, the spaces may be constructed in tandem.

(G) *Mortuaries.* One (1) space for every five **(5)** seats, or one (1) space for every **thirty five (35)** square feet in assembly rooms where seating is not fixed.

(H) *Motels and hotels.* One (1) space for each sleeping room or dwelling unit.

(I) *Office buildings.*

(1) *Banks and financial institutions.* One (1) space for every **three hundred (300)** square feet of gross floor area.

(2) *General business and professional offices.* One (1) space for every **three hundred (300)** square feet of gross floor area.

(3) *Medical-dental offices and clinics.* One (1) space per doctor and each employee, plus one (1) space per individual examining room or one (1) space for every **one hundred (100)** square feet of gross floor area where the number of examining rooms is unknown.

(J) *Recreational uses.*

(1) *Bowling alleys.* Five (5) spaces per lane.

(2) *Dance hall and amusement centers.* Twenty five (25) spaces per **one thousand (1,000)** square feet of gross floor area.

(3) *Stadiums and theaters.* One (1) space for every three (3) seats.

(K) *Restaurants and bars.* One (1) space per three (3) seats plus any additional spaces as prescribed by the Community Development Director. This division is subject to appeal to the City Council and Planning Commission.

(L) *Rest home or nursing home.* One (1) space for each employee on a maximum shift plus one (1) space for every eight (8) beds.

(M) *Retail stores and service establishments.*

(1) *Community and regional shopping center.* Eight (8) spaces per **one thousand (1,000)** square feet of gross floor area and one (1) off-street truck unloading space for each **seven thousand five hundred (7,500)** square feet of gross floor area.

(2) *Flea markets.* Eight (8) spaces per **one thousand (1,000)** square feet of indoor or outdoor sales area.

(3) *Vehicles sales establishment.* One (1) space for each employee on a maximum shift plus one (1) customer parking space per every **twenty (20)** vehicles for sale.

(4) *All other retail store and service establishments.* One (1) space for every **three hundred (300)** square feet of gross floor area and one (1) off-street truck unloading space for each **seven thousand five hundred (7,500)** square feet of gross floor area.

(N) *Schools.*

(1) *Elementary.* Two (2) spaces for each classroom.

(2) *High school and trade school.* One (1) space for every five (5) seats.

(3) *Colleges.* One (1) space for every three (3) seats.

(O) *Combined uses.* The number of required spaces shall be determined by combining individual requirements for each use.

(P) *Other uses.* All other uses not set forth above shall be determined by the Planning Commission based on the intensity of use by motor vehicles.

(Q) *Location.* No required off-street parking spaces shall be located within the building setback area or any required yard space, nor shall the spaces be allowed in tandem.

(R) *Commercial spaces.* All commercial and other parking spaces shall be located within **three hundred (300)** feet of the use which they are to serve.

(S) *Existing buildings.* None of the off-street parking requirements shall apply to any building in existence at the time of the effective date of this chapter, provided that changes in use of the building do not increase demand for spaces and provided that any portion of the premises being used for off-street parking in connection with any such building shall not be reduced below the requirements of this section.

(T) *Paving and marking.* All required parking spaces shall be paved and, with the exception of spaces provided in a garage, all spaces shall be marked.

(U) *Recreational vehicles.* Recreational vehicles, as described in this chapter, may be parked on private property within any zoning district within the city so long as they do not create safety or sight clearance hazard for traffic on abutting streets, sidewalks or alleys and shall not be stored within the front yard area, excluding driveways.

(1) Residents may apply and be issued (no fee) permits, by officers of the Riverbank Police Services Division, for guests to stay in recreation vehicles parked on their property for a period not to exceed seven consecutive days. Written permission of the property owner of record is required prior to issuance of a temporary permit.

(2) Recreation vehicles, parked on private property, are prohibited from being used as living quarters except as provided above or when parked in approved licensed recreation vehicle parks.

(V) *Access.* All parking spaces shall be accessible by paved driveways, alleys, or streets. If parking spaces are to be entered or exited by means of an alley, the alley shall be paved the entire width of the lot and from the lot to the nearest paved, public right-of-way.

(Ord. 87-11, passed 7-27-87; Am. Ord. 2002-006, passed 8-26-02; Am. Res. 2003-019, passed 2-24-03) (67 Code, § 10-13-5)

Zoning Code Text Amendment No.2017-01 Summary of Changes

Number	Section	Existing	Proposed	Reason
1	Title	Secondary Dwelling Units	Accessory Dwelling Units	Changed to meet State-used term
2	153.325 (A)	Community Development Department	Development Services Department	Changed to meet current department title
3	153.325 (A) and throughout	second units	accessory dwelling units	Changed to meet State-used term
4	153.325 (A)	established criteria are met	established criteria are met within one hundred twenty (120) days of application date.	AB 2299 Requirements
5	153.325 (B) (1)	Acceptance of a second dwelling unit site plan application, the existing single family residential unit must be an owner occupied at time of submittal.	To submit an accessory dwelling unit site plan application, the existing single family residential unit shall be owner occupied at the time of submittal.	Clarity
6	153.325 (B) (3)	Addition	Fire Sprinklers shall not be required for an accessory dwelling unit if sprinklers are not required for the primary unit	AB 2299 Requirements
7	152.325 (B) (4)	Addition	Accessory dwelling units do not count towards density requirements	AB 2299 Requirements
8	153.325 (B) (5)	The total living area of floor space for a detached second unit shall not exceed 1,200 square feet. Any increase in floor area of an attached second unit shall not exceed 30% of the existing floor area	The total living area of floor space for a detached second accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet. Any increase in the floor area of an attached second accessory dwelling unit shall not exceed fifty percent (50%) of the existing living area or one thousand two hundred (1,200) square feet, whichever is less. No passageway shall be required between the primary and the detached units.	AB 2299 Requirements
9	153.325 (B) (6)	Addition	New detached accessory dwelling units and the expansion of existing homes to accommodate a new accessory dwelling unit shall require a new and/or separate utility connection, and may be subject to a connection fee and capacity charge	AB 2299 Requirements
10	153.325 (B) (8)	Addition	An accessory unit shall not be constructed without a primary residential unit (i.e. on vacant lot)	Clarity
11	153.325 (B) (9) (a)	Deletion	Off-street parking shall not be permitted in front or side yard setback areas.	AB 2299 Requirements
12	153.325 (B) (9) (a)	Addition	No setbacks shall be required to convert (not expand) an existing garage.	AB 2299 Requirements
13	153.325 (B) (9) (b)	Deletion and addition	Tandem parking is not permitted per city Municipal Code	AB 2299 Requirements
14	153.325 (B) (9) (b)	Addition	Setbacks of no more than five (5) feet from the rear and side lot lines shall be required for accessory dwelling units constructed above a garage.	AB 2299 Requirements
15	153.325 (B) (12) (e)	The second dwelling unit shall be of the same color, material, and architectural design as the existing.	The accessory dwelling unit shall be of the same color, materials, and architectural design as the existing and shall avoid impacts to historical properties.	AB 2299 Requirements
16	153.325 (B) (12) (h)	Addition	Brought tolerant landscape plans.	California drought requirements
17	153.325 (C) (4)	Addition	For purposes of this section, a single family home or accessory structure shall be considered "existing" if a final certificate of occupancy was issued prior to January 1, 2017.	AB 2299 Requirements
18	153.325 (C) (4) (c)	Addition	"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one (1) entrance of the accessory dwelling unit.	AB 2299 Requirements
19	153.326	Deletion	Conditional Use Permit section	AB 2299 Requirements
20	153.003	Addition	DWELLING UNIT, ACCESSORY. An attached or detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: (A) an efficiency unit and (B) a manufactured home.	Gov Code Section 65852.2
21	153.003	Addition	"Employee Housing" - Defined the same as "Labor Camp" per CA HAS 17021.5 and 17021.6.	Housing Element consistency
22	153.030	The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of 153.180 through 153.185.	The following regulations shall apply in all R-1 Districts and shall be subject to the provisions of 153.180 through 153.185 and 153.325	Clarity and reference
23	153.031 (A) (3)	All manufactured homes shall be subject to review and approval by the Community Development Director with respect to siding material, roofing materials...	All manufactured homes shall be subject to review and approval by the Community Development Director with respect to orientation of lot, siding material, roofing materials...	Clarity
24	153.031 (B)	...the size of the accessory building does not exceed 20% of the living area of the dwelling	...the maximum size of the accessory building shall be determined by maximum lot coverage.	AB 2299 Requirements
25	153.031 (I)	Residential care homes in which less than seven persons not of the immediate family are provided with food, shelter and care for compensation...	Residential care homes in which no more than six (6) persons not of the immediate family are provided with food, shelter and care for compensation...	Housing Element consistency
26	153.031 (P)	Addition	Employee Housing (no more than six (6) workers per unit and no more than twelve (12) units or thirty-six (36) beds), Farmworker Housing, Transitional Housing, Supportive Housing.	Health and Safety Act 17021.5 and 17021.6
27	153.032 (D)	Mobile home park which meets the "Mobile Home Park Standards" as adopted by resolution of City Council	Mobile home park which meets the "Mobile Home Standards" as adopted by Resolution No. 88-83 of the City Council	Clarity and reference
28	153.032 (F)	Deletion	Accessory buildings that do not meet the requirements of 153.031 (B) of this chapter.	Clarity
29	153.032 (F)	Addition	Half-Pipes and similar structures section with subsections 1-4.	Clarity
30	153.033 (A) (1)	For dwellings and other main buildings - 35 feet.	For dwellings and other buildings, including accessory dwelling units - thirty five (35) feet.	AB 2299 Requirements
31	153.033 (B) (1)	Addition	Fences shall remain a minimum of three (3) feet from all sides of a fire hydrant.	Clarity
32	153.033 (B) (3)	Addition	Walls and retaining walls over four (4) feet in height require engineering and a permit.	Clarity
33	153.033 (B) (7)	Addition	Sight distance triangle...Except for natural land formations, a sight distance triangle for a driveway with a distance of ten (10) feet from back of sidewalk towards the dwelling and ten (10) feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three (3) feet in height	Clarity
	153.333 (B) (8)	A fence permit...shall be obtained prior to the erection of any fence within the city.	A fence permit...shall be obtained prior to the erection of any fence over six (6) feet in height within the city.	Clarity
	153.333 (G)	Density	Building site area and density required	New title
34	153.033 (G) (2)	Addition	Minimum area - six thousand (6,000) square feet	Clarity
35	153.033 (G) (3)	Addition	Minimum width, interior lot - fifty-five (55) feet	Clarity
36	153.033 (G) (4)	Addition	Minimum width, corner lot sixty-five (65) feet	Clarity
37	153.033 (G) (5)	Addition	Minimum depth - one hundred (100) feet unless otherwise approved by the Planning Commission or City Council, whichever is the final decision-making body. Plot plans for which less than the minimum depth is requested, may be required to ensure that the lot is usable for residential purposes.	Clarity
38	153.033 (H) (1)	Addition	Allowed uses include playgrounds, walking and biking paths/trails, picnic areas, and community flower and vegetable gardens.	Clarity
39	153.033 (H) (2)	Addition	Open space can be managed by a third party using land trusts or conservation easements.	Clarity

40	153.033 (I)	Addition	Landscape Areas. No more than fifty percent (50%) of a residential front yard shall be paved and no more than fifty percent (50%) of a rear yard shall be paved. An interior side yard may be paved if a minimum of one (1) foot is left unpaved along the side property line.	Clarity
41	153.033 (J)	Addition	The minimum distance between approaches serving the same parcel of land shall be twenty (20) feet. The minimum setback of a driveway to a side property line is five (5) feet and from a dwelling unit three (3) feet.	Clarity
42	153.046 (O)	Addition	Accessory Dwelling Unit meeting 153.325	Clarity
	153.046 (P)	Addition	Transitional and supportive housing.	Housing Element consistency
43	153.047 (F)	Typo	Duplexes parcels with no direct frontage...	Clarity
44	153.048 (A) (1)	Addition	...including accessory dwelling units thirty-five (35)	Clarity
45	153.063 (C) (4)	Addition	...including accessory dwelling units thirty-five (35)	Clarity
46	153.184(B) (4)	Modification	(4) Two-family dwelling, duplex or multiple dwelling: two spaces per unit , may be covered or uncovered: (a) Zero to one (1) bedroom – one (1) onsite parking space; (b) Two (2) to three (3) bedrooms – one and one half (1.5) onsite parking spaces; and (c) Four (4) or more bedrooms – two and one half (2.5) onsite parking spaces.	Housing Element consistency
47	Throughout Documents	Addition	Examples: <u>fifteen (15) or twenty percent (20%)</u>	Consistent number format



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Fresno	Santa Rosa
Madera	Stockton
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Oxnard	

Via U.S. Mail and E-mail

August 9, 2017

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Re: Comments to the City of Riverbank's 2016 Annual Housing Element Progress Report

We submit these comments to ensure that the City of Riverbank takes appropriate and timely action to meet the affordable housing needs of all economic segments of the community as required by law. The City of Riverbank 2016 Annual Housing Element Progress Report shows that the City has not taken meaningful steps to implement the programs in its 2014-2023 Housing Element aimed at providing affordable housing for the most vulnerable populations. The needs of low-income households, especially extremely low-income households, farmworkers, and the homeless have remained unmet.

I. Unaccommodated Need from the 4th Cycle RHNA

The Annual Progress Report states that the City has not rezoned the unaccommodated need from the 4th Cycle Regional Housing Needs Allocation. The City was required to accomplish this within the first year of the new Housing Element Cycle, December 31, 2016, so its Housing Element is currently out of compliance with State Housing Element Law. We contacted the City on July 6, 2017 to inquire whether the City had made progress on rezoning the site located at 2644 Morrill Road from R-1 to R-3 to meet this need. It was suggested that the parcel had not been rezoned yet because there was no interest from a qualified developer.



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The purpose of pre-zoning sites is to provide transparency, attract interest from qualified affordable housing developers and facilitate the development of affordable housing. Rezoning for unaccommodated need can and must occur with or without interest from a developer. Section 65584.09(a) of the California Government Code requires that “the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period.”

The Riverbank 2015-2023 Housing Element also states that “to address the unaccommodated need as analyzed in Table VIII-6 of 0.85 acres, the City has identified one (1) site to be rezoned within the first year of the new planning period... the rezone requirement must be done by December 31, 2016 for the Housing Element to remain in compliance with HCD.”

Neither of these sections supports the interpretation that the City must wait until a developer comes forth with a plan for the property to rezone the site. The City of Riverbank’s Housing Element now is out of compliance with State Housing Element Law because the City has not completed Program 1.1c to rezone to meet the Unaccommodated Need from the 4th Cycle RHNA. This places City land use approvals and funding at risk of challenge. We request a detailed timeline of the City’s plan to rezone to address the unaccommodated need from the 4th Cycle.

II. Farmworker Housing

The City of Riverbank currently has only 42 units of farmworker housing and did not make any progress toward completing any programs for the development of farmworker housing in 2016. The City did not take any action on Program 2.1f to analyze prime agricultural areas in the City to identify suitable locations for at least 20 additional units of farmworker housing. This analysis was supposed to be initiated within one year of the Housing Element adoption. The implementation of Program 2.1e, which makes a site inventory available online for potential developers, has also been delayed. We request an update on the initiation of the location analysis, including the contact information of the contractor or staff member responsible and a timeline for completion. We also request an update on the creation of a list of farmworker housing developers, as scheduled to be completed by December 2017 in Program 2.1e.

The City also has not yet implemented Program 2.1h to amend its Zoning Ordinance to permit Employee Housing and Farmworker Housing in the R-1 Zone, which was slated to be completed by June 2016. This program is necessary to comply with Health and Safety Act Sections 17021.5 and 17021.6. We request an updated timeline documenting the steps that the City plans to undertake to complete this program by the December 2017 deadline given in the Annual Progress Report.



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III. Transitional and Supportive Housing

The City of Riverbank did not take any action on Policy 2.1g to update the uses permitted in the R-1 and R-2 zones to include Transitional and Supportive Housing. This update was to be completed by June 2016. We request an updated timeline documenting the steps that the City plans to undertake to complete this program by the December 2017 deadline given in the Annual Progress Report.

The City of Riverbank must take action to complete these programs in order to comply with State Housing Element Law, and related State and Federal laws.

Very truly yours,

CALIFORNIA RURAL LEGAL ASSISTANCE, Inc.

Courtney K. Pal

Legal Intern to:

MARISOL AGUILAR

Director, Community Equity Initiative

Cc: Ilene Jacobs, Director of Litigation and Training, CRLA, Inc.

Marisol Aguilar, CEI Program Director, CRLA, Inc.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.4

SECTION 5: PUBLIC HEARING

Meeting Date:	October 10, 2017
Subject:	A Resolution Authorizing the First Public Hearing for the 2017 Community Development Block Grant Notice of Funding Available (NOFA) Cycle
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Director of Finance

RECOMMENDATION

It is recommended that the City Council hold the first public hearing regarding the submittal of a potential application for the 2017 Community Development Block Grant Notice of Funding Available.

SUMMARY

City staff is seeking input from the City Council and the public regarding the submittal of a grant application in response to the 2017 Notice of Funding Available issued by the State of California Department of Housing & Community Development for the Community Development Block Grant (CDBG) Program. Applicants are required to hold a public hearing to solicit public input on possible activities to be included in the application that the City of Riverbank Housing Division is anticipated to submit in December 2017.

BACKGROUND

The State of California Department of Housing and Community Development (HCD) has released the 2017 Notice of Funding Available for the Community Development Block Grant (CDBG) Program. The Notice of Funding Available (NOFA) announced the availability of approximately \$27,000,000 in federal fund allocations available to local non-entitlement municipalities. It is estimated that up to \$2,000,000 could be available to the City of Riverbank.

Eligible activities funded under the CDBG allocations consist of the following programs:

- Ø Business Assistance (BA) Projects and Programs;
- Ø Microenterprise (ME) Assistance Programs;
- Ø Housing Rehabilitation (HR) Programs and Projects;
- Ø Homeownership Assistance (HA) Programs;
- Ø Housing Acquisition Projects;
- Ø Public Infrastructure Projects;
- Ø Public Facility Projects;
- Ø Public Service Programs; and
- Ø Planning and Technical Assistance Grants

Every CDBG-funded activity we apply for must meet one of the following two National Objectives:

1. Benefit to low- and moderate-income persons; or,
2. Prevention or elimination of slums or blight.

The City has been very successful in the submittal of grant applications in previous years. Previously awarded grants include the following:

- Ø 2003: \$500,000 – 4 Home Rehabilitation Projects
- Ø 2004: \$1,454,000 – 17 Home Rehabilitation & First-Time Home Buyer Projects
- Ø 2010: \$400,000 – 5 Home Rehabilitation Projects
- Ø 2013: \$1,000,000 – Housing Rehabilitation & First-Time Home Buyer Projects (program is currently in progress).

The City is considering applying for the following projects:

1. Housing Rehabilitation,
2. First Time Home Buyers Acquisition,
3. Public Infrastructure Projects, and
4. Public Facility Projects.

It is recommended that the City Council open the public hearing to solicit public input on additional projects or programs to be considered for inclusion on the 2017 CDBG NOFA application.

The City will hold a second public hearing on November 14, 2017 to request the formal submittal of the grant application. Submittal of a grant application is highly dependent on whether the City has made necessary changes to the Housing Element as requested by CRLA and the State of California. Development Services staff is working diligently to ensure that these changes are incorporated prior to the submittal of the grant.

FINANCIAL IMPACT

There is no financial impact during the Public Hearing phase.

ATTACHMENT

1. Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AUTHORIZING THE FIRST PUBLIC HEARING FOR THE 2017
COMMUNITY DEVELOPMENT BLOCK GRANT NOTICE OF FUNDING AVAILABLE
(NOFA) CYCLE**

WHEREAS, THE State of California Department of Housing and Community Development has issued the 2017 Notice of Funding Available (NOFA) for the Community Development Block Grant (CDBG) Program; and,

WHEREAS, a requirement of the NOFA is the holding of a public hearing prior to the grant application submittal in order to seek City Council and public input regarding potential application activities; and,

WHEREAS, a City of Riverbank, Public Hearing Notice was published in the local newspaper of general circulation and posted on September 27, 2017; and,

WHEREAS, the City Council of the City of Riverbank acknowledges the Public Hearing for a future grant application for the 2017 CDBG NOFA funding cycle; and,

WHEREAS, each public hearing adheres to the Citizen Participation/Public Hearing requirements as established by the State of California and as outlined by the Notice of Funding Available.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby acknowledges the first Public Hearing for the 2017 CDBG NOFA funding cycle.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of October, 2017; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

**RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.1**

SECTION 6: NEW BUSINESS

Meeting Date:	October 10, 2017
Subject:	Local Redevelopment Authority (LRA) Budget Report Fiscal Year End 2016-2017
From:	Sean Scully, City Manager
Submitted by:	Debbie Olson, Executive Director Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority (LRA) Board of Directors (Board) receive and accept the fiscal year end 2016-17 LRA Budget Report.

SUMMARY

The LRA Board adopted the FY 2016/17 operating budget on June 27, 2016, per Resolution 2016-004. The budget provided a working financial plan for the year based on best estimates of revenues and expenditures.

On February 28, 2017, the LRA Board adopted the Mid-Year Budget per Resolution 2017-001 with changes recommended by LRA staff. Additional adjustments were made in the ensuing months between mid-year and year end in consultation with granting agencies and funding needs in accordance with Resolution 2010-021 that allows the LRA to shift funds up to \$50,000 to meet critical needs.

The spreadsheet outlining the revenues and expenditures for FY 2016/17 through June 30 is presented with this report and shows fiscal year revenues, expenditures, remaining balances and percent of change from beginning balance. Note: these are unaudited numbers and subject to change.

BACKGROUND:

A snapshot of the revenue/expenditures is shown below.

Revenues (Jul 1, 2016 – Jun 30, 2017)	\$22,837,758
Expenditures (Jul 1, 2016 – Jun 30, 2017)	\$17,201,967
Ending Balance (June 30, 2017)	\$5,635,791

These numbers reflect \$22,837,758 in revenues received in FY 2016-17. Expenditures in the same fiscal year were \$17,201,967. The ending balance is receipts over expenditures for the RLRA budget for Fiscal Year 2016-17 totaling \$5,635,791. This includes the running funds on hand for the ESCA #2 remediation project. We are advanced funds that are reconciled with quarterly reports to the Army.

Site Revenue – Fund 197

Revenues in this category are made up of Rents, Sale of Personal Property, Department of Defense (DoD) Caretaker Revenue, Utility Revenue and a miscellaneous category of Other Revenue.

FY 2016-17 Budget	Actual	Difference	% Change from Beginning Balance
\$1,395,800	\$1,348,688	\$47,112	3% (under)

A couple of factors have contributed to the overall decrease in site revenue even with an increase in tenant rent revenue.

1. DOD Caretaker revenue method of payment has changed from previous years so this consequently has caused a delay in payment for the past due balance .
2. Utility Revenue decreased with current tenant's reduction in power needs.

Site Expenditures

FY 2016-17 Budget	Actual	Difference	% Change from Beginning Balance
\$1,546,542	\$1,307,591	\$-238,951	15% (under)

Expenditures this fiscal year ended under budget due to several line item savings.

OEA Grant Revenue – Fund 198

FY 2016-17 Budget	Actual	Balance
\$371,744	\$368,139	\$3,605

Fund 198 consists of grant revenue from Office of Economic Adjustment (“OEA”). In FY 2016-17 the LRA received approval from OEA for a supplemental adjustment to the grant for an additional \$165,296 to extend the grant through June 30, 2017. This grant is on a reimbursement basis and we will be disencumbering the balance of \$3,605 with the Final Report.

ESCA #1 – Fund 199

FY 2016-17 Available from Prior Year	Total Received To Date	Total Spent To Date	Balance to Carry Over to next FY
\$6,251,844	\$23,008,183	\$17,751,542	\$5,256,641

In May 2016 an environmental services cooperative agreement (“ESCA”) was executed. We have included the ESCA revenue and expenses as of FY 2016-17 in the budget breakdown. The balance will be carried on to the next FY as this project is ongoing with funding requests approved for estimated projections of tasks completed.

Additional Budget Items of Note

The balance of revenue on hand will be moved to a Capital Improvement Fund for the Roofing and Siding project.

There is an ending cash on hand for the ESCA #2 project that will carry over into the next FY as we are moving forward on this project and accomplishing the required scope of work.

FINANCIAL IMPACT

Revenues exceeded expenditures this fiscal year.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA’s FY 2016-17 budget supports the City’s mission and reinforces the City’s core values of transparency and fiscal responsibility.

ATTACHMENT

1. FY 2016-17 Fiscal Year End Statement of Revenue/Expenditures
2. FY 2016-17 Fund 197 Revenue Expenditure Report
3. FY 2016-17 Fund 198 Revenue Expenditure Report
4. FY 2016-17 Fund 199 Revenue Expenditure Report

LRA Fiscal Year 2016-2017 Budget

Statement of Revenue and Expenditures
Period of July 2016 - June 2017

	<u>2016-17 Budget</u> <u>Approved</u>	<u>2016-17 Budget</u> <u>Mid Yr</u>	<u>2016-17 Budget</u> <u>Actuals</u>	<u>2017-18 Budget</u> <u>Approved</u>
REVENUES				
<i>OEA Grants</i>	197,838	371,744	368,139	172,526
<i>Rents</i>	1,460,000	1,095,000	1,171,510	1,200,000
<i>Sale of Personal Property</i>				20,000
<i>DOD Caretaker Revenue</i>	100,800	100,800	0	100,800
<i>Utility Revenue from Tenants</i>	840,000	180,000	154,852	280,000
<i>Miscellaneous Revenue</i>	20,000	20,000	22,327	20,000
<i>CDBG OTC</i>		839,019	356,102	531,000
<i>ESCA #2</i>	18,679,000	18,679,000	20,764,828 *	18,786,447
Total Revenue	21,297,638	21,285,563	22,837,758	21,110,773
EXPENDITURES				
Salaries and Fringe				
<i>Salaries</i>	213,645	213,645	195,531	195,531
<i>Fringe</i>	181,993	181,993	107,220	104,469
Administrative Expenses				
<i>Travel</i>	6,450	6,450	4,194	1,000
<i>Equipment</i>	2,500	2,500	0	
<i>Office Supplies/Legal Ads</i>	3,400	3,400	2,032	3,400
<i>Phones</i>	5,200	5,200	3,595	5,200
<i>Copier</i>	5,000	5,000	849	1,500
<i>Postage</i>	200	200	93	200
<i>Janitorial</i>	2,600	2,600	967	2,600
<i>Marketing/Branding</i>	5,000	5,000	4,523	5,000
Professional Services				
<i>Legal</i>	150,000	150,000	192,622	105,000
<i>Other Services</i>	12,500	31,500	18,959	2,500
<i>Insurance Premiums</i>	100,000	100,000	95,493	100,000
Facility Operations & Maintenance				
<i>Well maintenance</i>	2,500	2,500	2,097	550
<i>Permits</i>	6,000	2,000	2,022	2,000
<i>Water Testing</i>	3,000	6,000	4,928	3,150
<i>Electrical PM</i>	100,000	45,000	24,904	73,500
<i>Electrical Infrastructure Upgrade/Repair</i>				
<i>Fire Supression Maintenance</i>	7,000	7,000	6,821	7,350
<i>Landscaping</i>	8,000	8,000	8,690	9,480
<i>Propane</i>	3,000	3,000	4,097	3,200
<i>Repairs</i>	120,000	90,000	26,344	94,500
<i>Fire Assessment Fees*</i>	200	200		200
<i>Common Area Costs (electric, water, garbage)</i>	900,000	325,000	320,610	350,000
<i>Infrastructure Improvements</i>	50,000	50,000	33,572	25,000
<i>Tenant Improvements</i>	25,000	25,000	11,653	25,000
Facility Mgmt/Security Services Contracts				
<i>Security</i>	195,000	195,000	176,883	200,000
<i>Facility Management</i>	500,000	500,000	445,079	500,000
ESCA #2				
<i>Weston Contract ESCA #2</i>	16,128,408	16,128,408	13,688,433	15,158,278
<i>Contingency</i>			540,977	
<i>Variable Cost (T & D)</i>			84,788	
<i>SJES Contract ESCA #2</i>	1,550,884	1,550,884	1,002,363	1,325,401
<i>Administrative Expenses</i>			191,628	
<i>ESCA Related Improvements</i>	1,087,309	1,087,309	665,944	2,995,206
<i>CDBG OTC</i>		839,019	356,102	502,588
Total Expenditures	21,374,789	21,571,808	17,201,967	21,801,803
Net Revenues Less Expenditures	-77,151	-286,245	5,635,791 **	-691,030 ***

* Includes carryover of excess funds from ESCA #2 FY 15/16

** Balance will carryover in the following FY to continue the ESCA #2 project

*** Structural deficit covered by reserved cash on hand for Roof and Siding project

	<u>2016-17 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct- Dec</u>	<u>Third Quarter Jan-Mar</u>	<u>Fourth Quarter Apr-Jun</u>	<u>2016-17 Year to Date</u>
Fund 198						
<i>OEA Grants</i>	371,744	113,355	63,094	21,533	170,157	368,139
Total Revenue	371,744	113,355	63,094	21,533	170,157	368,139
<i>Salaries</i>	162,009	58,677	29,050		74,282	162,009
<i>Fringe</i>	86,122	28,812	18,155		39,151	86,118
Administrative Expenses						0
<i>Travel</i>	6,581		3,546	35		3,581
<i>Office Supplies/Legal Ads</i>	4,698	427	482	248	343	1,500
<i>Phones</i>	2,893	369	1,037	861	843	3,110
<i>Copier</i>	804		743			743
<i>Postage</i>	230		13	58		71
<i>Janitorial</i>	2,345		331	533	81	945
<i>Marketing/Branding</i>						0
Professional Services						0
<i>Legal</i>	69,000	24,000	9,737	19,798	55,457	108,992
<i>Other Services</i>	37,062	1,071				1,071
Total Expenditures	371,744	113,355	63,094	21,533	170,157	368,139
Net Revenues Less Expenditures	0	0	0	0	0	0

	<u>2016-17 Budget</u>	<u>First Quarter Jul-Sept</u>	<u>Second Quarter Oct-Dec</u>	<u>Third Quarter Jan-Mar</u>	<u>Fourth Quarter Apr-Jun</u>	<u>Year to Date</u>	<u>2016-17 Balance</u>
Fund 197							
Rents	1,095,000	321,772	293,978	266,374	289,386	1,171,510	-76,510
Sale of Personal Property	-					0	-
DOD Caretaker Revenue	100,800					0	100,800
Utility Revenue from Tenants	180,000	16,374	35,683	37,206	65,588	154,852	25,148
Miscellaneous Revenue	20,000	2,746	5,109	3,892	10,580	22,327	-2,327
Total Revenue	1,395,800	340,892	334,770	307,473	365,553	1,348,688	47,112
Salaries	29,855	3,028	3,028	7,559	10,006	23,621	6,234
Fringe	15,648	1,630	1,630	4,070	5,388	12,719	2,929
Administrative Expenses							
Travel	4,105	613				613	3,492
Equipment						0	
Office Supplies/Legal Ads	397	47	400	35	49	532	-135
Phones	521	41	201	123	120	485	36
Copier	509		106			106	403
Postage	50	11	2	9		22	28
Janitorial	257	124	47	76	12	258	-1
Marketing/Branding	5,000	36	4,375	85	27	4,523	477
Professional Services							0
Legal	100,000	11,593	22,887	26,684	22,467	83,630	16,370
Other Services	31,500	12,105	5,360	423		17,888	13,613
Insurance Premiums	100,000				95,493	95,493	4,507
Facility Operations & Maintenance							
Well maintenance	2,500	654	817	566	59	2,097	403
Permits	2,000		-	915	1,107	2,022	-22
Water Testing	6,000	385	2,484	1,819	240	4,928	1,072
Electrical PM	45,000				24,904	24,904	20,096
Electrical Infrastructure Upgrade/Repair	0					0	0
Fire Suppression Maintenance	7,000		475		6,346	6,821	179
Landscaping	8,000	1,580	2,370	2,370	2,370	8,690	-690
Propane	3,000		793	1,649	1,655	4,097	-1,097
Repairs	90,000	631	1,803	14,187	9,723	26,344	63,656
Fire Assessment Fees	200					0	200
Common Area Costs (electric, water, garbage)	325,000	55,544	75,636	100,673	88,757	320,610	4,390
Infrastructure Improvements	50,000	23,219		10,353		33,572	16,428
Tenant Improvements	25,000	1,500	4,954	5,199		11,653	13,347
Facility Mgmt/Security Services Contracts							
Security	195,000	32,595	48,263	47,806	48,219	176,883	18,117
Facility Management	500,000	75,218	122,649	124,396	122,816	445,079	54,921
Total Expenditures	1,546,542	220,555	298,281	348,997	439,758	1,307,591	
Net Revenues Less Expenditures	-150,742	120,337	36,489	(41,524)	(74,205)	41,097	

FUND 199

ESCA #2

Available Fund Balance, June 30, 2016 \$ 6,251,844

	Quarter 1 9/30/2016	Quarter 2 12/31/2016	Quarter 3 3/31/2017	Quarter 4 6/30/2017
REVENUES (FY 2016-2017)				
Cash Request #3, #4 and #5		\$ 2,260,401	\$ 5,463,393	\$ 6,789,190.00
EXPENSES (FY 2016-2017)				
WESTON Contract	\$ 1,991,185	\$ 3,069,082	\$3,756,927	\$ 4,871,239
Contingency	\$ 58,167	\$ 161,531	\$127,363	\$ 193,916
SJES Contract	\$ 653,647	\$ 33,946	\$314,770	
Admin	\$ 123,319	\$ 29,160	\$22,237	\$ 16,912
T & D (reimbursement basis only)			\$30,198	\$ 54,590

ESCA #2	
Revenue	\$ 23,008,183 (2016-current)
Expenses	\$ 17,751,542 (2016-current)
BALANCE	<u><u>\$ 5,256,641</u></u>

Capital Improvements Related to ESCA #2 (funded w/reserved cash on hand)

Roof & Siding Project	\$ 348,442	Contractors
Materials contract (awarded Jan 2017)	\$ 317,502	*PO for 65%
	<u><u>\$ 665,944</u></u>	

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 3: CONSENT CALENDAR

Meeting Date:	October 10, 2017
Subject:	Adoption of a Resolution to Approve the List of Projects to be Funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager

RECOMMENDATION

It is recommended that the City Council approve a Resolution accepting the list of projects to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”.

SUMMARY

On April 28, 2017, Governor Brown signed Senate Bill (SB) 1, which is known as the Road Repair and Accountability Act of 2017. The primary focus of the Bill is to address basic road maintenance, rehabilitation, and critical safety needs on both the state highways and local streets and roads system. One of the requirements to receive the funding is for cities to submit an approved project list adopted by the City Council to the California Transportation Commission (CTC) by October 16, 2017.

Beginning November 1, 2017, the State Controller’s Office will deposit various portions of the SB 1 funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). These funds will be distributed to the City in monthly installments. The estimated funding for the City of Riverbank in Fiscal year 2017-2018 is \$135,111. Staff met and discussed the best use of the additional street maintenance funds and determined that crack sealing some of the local streets before the Spring Slurry Seal project would be the best use of these funds. A detailed list of the streets was developed and is attached to the Resolution as Exhibit A. The estimate the City has received from Fiscal Year 2018-2019 is \$405,308. Early next year staff will begin conducting meetings to discuss how best to use these funds to improve our streets and roads.

FINANCIAL IMPACT

The City of Riverbank estimates receiving the full apportionment of RMRA funding for Fiscal Year 2017-2018 in the amount of \$135,111. The RMRA funds do require a Maintenance of Effort (MOE) from the City based on General Fund spending for street, road and highway purposes. City staff is currently working with the State to comply with MOE requirements.

RECOMMENDATION

It is recommended that the City Council approve a Resolution accepting the list of projects to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”.

ATTACHMENT

1. Resolution
2. Exhibit A

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, TO
APPROVE THE LIST OF PROJECTS TO BE FUNDED WITH SENATE BILL (SB) 1 “THE
ROAD REPAIR AND ACCOUNTING ACT OF 2017”**

WHEREAS, Senate Bill (SB) 1, the Road Repair and Accountability Act of 2017 was passed by the Legislature and Signed into law by Governor Brown in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Riverbank are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Riverbank must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the Fiscal Year 2017-2018 budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Riverbank will receive an estimate of \$135,111.00 in RMRA funding in Fiscal Year 2017-2018 from SB 1; and

WHEREAS, the proposed project list and required information is identified in herein as **Exhibit A**.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the list of projects, as specified on **Exhibit A** attached hereto and incorporated herein, to be funded with Senate Bill (SB) 1 “The Road Repair and Accounting Act of 2017”.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of October, 2017; motioned by Councilmember , seconded by Councilmember , and upon roll call was carried by the following City Council vote of :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

Attachment: Exhibit A – List of SB 1 Projects

EXHIBIT A

STATE OF CALIFORNIA • CALIFORNIA TRANSPORTATION COMMISSION

Senate Bill (SB) 1 Proposed Project List Form

Local Streets and Roads Program

Agency Name:		Agency Contact:
Riverbank		Kathleen Cleek
		(209) 863-7120
LoCode:	5255	kcleek@riverbank.org

FY
17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP01	Prestwick Drive	Crack Seal Repairs	River Cove Drive to Atchison Street	02/2018	04/2018	5	7
PP02	St. Lakes Court	Crack Seal Repairs	River Cove Drive to South End	02/2018	04/2018	5	7
PP03	Spanish Bay Court	Crack Seal Repairs	River Cove Drive to South End	02/2018	04/2018	5	7
PP04	Burneyville Road	Crack Seal Repairs	Riverside Drive to North End	02/2018	04/2018	5	7
PP05	River Cove Drive	Crack Seal Repairs	Burneyville Road to Briar Cliff Drive	02/2018	04/2018	5	7
PP06	Dunbar Lane	Crack Seal Repairs	River Cove Drive to Briar Cliff Drive	02/2018	04/2018	5	7
PP07	Briar Cliff Drive	Crack Seal Repairs	River Cove Drive to Dunbar Lane	02/2018	04/2018	5	7
PP08	Turnberry Lane	Crack Seal Repairs	Briar Cliff Drive to River Cove Drive	02/2018	04/2018	5	7
PP09	Royal Links Drive	Crack Seal Repairs	Briar Cliff Drive to River Cove Drive	02/2018	04/2018	5	7
PP10	Burning Tree Court	Crack Seal Repairs	Briar Cliff Drive to North End	02/2018	04/2018	5	7
PP11	Olive Grove Court	Crack Seal Repairs	Estelle Avenue to East End	02/2018	04/2018	5	7
PP12	River Mesa Drive	Crack Seal Repairs	Stanislaus Street to Santa Fe Street	02/2018	04/2018	5	7
PP13	Almondwood Drive	Crack Seal Repairs	Rio Verde Drive to Rivergate Drive	02/2018	04/2018	5	7
PP14	Silver Rock Road	Crack Seal Repairs	Oakdale Road to Patterson Road	02/2018	04/2018	5	7
PP15	Goldstone Way	Crack Seal Repairs	Silverrock Road to High Mesa Way	02/2018	04/2018	5	7
PP16	South Gate Drive	Crack Seal Repairs	Lonestar Lane to Oakdale Road	02/2018	04/2018	5	7
PP17	High Mesa Way	Crack Seal Repairs	Silverrock Road to Goldstone Way	02/2018	04/2018	5	7
PP18	Rock Creek Road	Crack Seal Repairs	Red Rock Lane to Patterson Road	02/2018	04/2018	5	7
PP19	Kentucky Avenue	Crack Seal Repairs	Claus Road to Terminal Avenue	02/2018	04/2018	5	7
PP20	Sandy Ridge Drive	Crack Seal Repairs	Rocky Point Way to Hot Springs Lane	02/2018	04/2018	5	7
PP21	Hot Springs Lane	Crack Seal Repairs	Patterson Road to Sandy Ridge Drive	02/2018	04/2018	5	7
PP22	Rocky Point Way	Crack Seal Repairs	Sandy Ridge Drive to Clearwater Way	02/2018	04/2018	5	7
PP23	Clearwater Way	Crack Seal Repairs	Red Rock Lane to South End	02/2018	04/2018	5	7

EXHIBIT A

STATE OF CALIFORNIA • CALIFORNIA TRANSPORTATION COMMISSION

Senate Bill (SB) 1 Proposed Project List Form

Local Streets and Roads Program

Agency Name:		Agency Contact:
Riverbank		Kathleen Cleek
		(209) 863-7120
LoCode:	5255	kcleek@riverbank.org

FY

17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP24	Red Rock Lane	Crack Seal Repairs	Sandy Ridge Drive to Clearwater Way	02/2018	04/2018	5	7
PP25	Colony Manor Drive	Crack Seal Repairs	Oakdale Road to Estelle Avenue	02/2018	04/2018	5	7
PP26	Crossroads Drive	Crack Seal Repairs	Mc Caffrey Lane to Colony Manor Drive	02/2018	04/2018	5	7
PP27	Heritage Manor Drive	Crack Seal Repairs	Colony Park Drive to Estelle Avenue	02/2018	04/2018	5	7
PP28	Virginia Avneue	Crack Seal Repairs	Tennessee Avenue to Castleberg Drive	02/2018	04/2018	5	7
PP29	McAllister Drive	Crack Seal Repairs	Kasper Drive to McDevitt Road	02/2018	04/2018	5	7
PP30	DeLeon Way	Crack Seal Repairs	Mc Caffrey Lane to Mc Allister Lane	02/2018	04/2018	5	7
PP31	Kasper Drive	Crack Seal Repairs	Mc Caffrey Lane to Mc Allister Lane	02/2018	04/2018	5	7
PP32	McCaffrey Lane	Crack Seal Repairs	Kasper Drive to Crossroads Drive	02/2018	04/2018	5	7
PP33	McDevitt Drive	Crack Seal Repairs	Wodard Way to Mc Allister Lane	02/2018	04/2018	5	7
PP34	Woodard Way	Crack Seal Repairs	McDevitt Drive to Falcon Ridge Lane	02/2018	04/2018	5	7
PP35	Deer Ridge Place	Crack Seal Repairs	Country Manor Drive to North End	02/2018	04/2018	5	7
PP36	Jaguar Court	Crack Seal Repairs	Country Manor Drive to North End	02/2018	04/2018	5	7
PP37	Howard Avenue	Crack Seal Repairs	Morrill Road to Patterson Road	02/2018	04/2018	5	7
PP38	Newbrook Drive	Crack Seal Repairs	Lindbrook Drive to Morrill Road	02/2018	04/2018	5	7
PP39	Linbrook Drive	Crack Seal Repairs	Newbrook Drive to Carnwood Drive	02/2018	04/2018	5	7
PP40	North Rose Brook Drive	Crack Seal Repairs	Rose Brook Drive to Roselle Avenue	02/2018	04/2018	5	7
PP41	Rose Brook Drive	Crack Seal Repairs	South Rose Brook Drive to North Rose Brook Drive	02/2018	04/2018	5	7
PP42	Story Brook Lane	Crack Seal Repairs	Rose Brook Drive to Roselle Avenue	02/2018	04/2018	5	7
PP43	Soares Place	Crack Seal Repairs	Roselle Avenue to West End	02/2018	04/2018	5	7
PP44	Fern Court	Crack Seal Repairs	Roselle Avenue to SW End	02/2018	04/2018	5	7
PP45	Ward Avenue	Crack Seal Repairs	Howard Avenue to Don Avenue	02/2018	04/2018	5	7

EXHIBIT A

STATE OF CALIFORNIA • CALIFORNIA TRANSPORTATION COMMISSION

Senate Bill (SB) 1 Proposed Project List Form**Local Streets and Roads Program**

Agency Name:		Agency Contact:
Riverbank		Kathleen Cleek
		(209) 863-7120
LoCode:	5255	kcleek@riverbank.org

FY
17/18

Summary of Proposed Project List

Project No.	Project Title	Project Description	Project Location	Estimated Completion Date (mm/dd/yyyy)		Estimated Useful Life (# of yrs)	
				Pre-Construction	Construction	Min.	Max.
PP46	Sierra Street	Crack Seal Repairs	Eight Street to First Street and Jackson to Callendar Avenue	02/2018	04/2018	5	7
PP47	Second Street	Crack Seal Repairs	Atchison Street to Sierra Street	02/2018	04/2018	5	7
PP48	Stanislaus Street	Crack Seal Repairs	Third Street to Eighth Street	02/2018	04/2018	5	7
PP49	Texas Avenue	Crack Seal Repairs	Terminal Avenue to Chief Tucker Avenue	02/2018	04/2018	5	7
PP50	Nevada Avenue	Crack Seal Repairs	Terminal Avenue to Eighth Street	02/2018	04/2018	5	7

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date: October 10, 2017

Subject: A **Resolution** Authorizing Two Applications to the State Water Resources Control Board Water Recycling Funding Program and Authorization of a Designated Authorized Representative to Apply for, Make Certain Representations Regarding, and Accept Financial Assistance from the State Water Resources Control Board for the Riverbank Recycled Water Project

From: Sean Scully, City Manager

Submitted by: Michael Riddell, Public Works Superintendent

RECOMMENDATION

It is recommended that the City Council consider adopting the proposed resolution, for the submittal of two grant applications for Planning Grant funding from the State Water Resources Control Board under the Water Recycling Funding Program for engineering planning studies and feasibility studies of the City of Riverbank, to implement a Regional Recycled Water Program. An award of any grant received will be presented for City Council's consideration on whether to approve a budget amendment to commit to the matching funds of up to \$75,000 for each grant awarded (\$150,000 total).

SUMMARY

Therefore, feasibility study engineering analysis of the options and potential for implementing a regional recycled water project by the City of Riverbank would benefit existing and future City sewer system users by providing for an alternative means to beneficially reuse wastewater generated by the City. Improvements to the existing wastewater treatment systems are expected to be necessary to accommodate future economic development. To be consistent with Statewide policies and the City's strategic objectives of planning for sewer capacity to meet the needs of expanded economic development and to evaluate alternative revenue sources to defray a portion of the cost of future wastewater treatment and disposal, the feasibility study engineering analysis is expected to provide the following benefits:

1. Identify the wastewater treatment facilities improvements needed to serve future economic growth;
2. Identify alternatives for recycled water use locally, as alternatives to land disposal;

3. Identify means for the City to minimize reliance on percolation disposal for future wastewater disposal needs; and
4. Evaluate the potential for revenue benefits from recycled water as a firm supply and by freeing up freshwater sources.

The Scope of the Planning Study would be consistent with the State Water Resources Control Board Water Recycling Funding Program Guidelines, dated June 16, 2015. The outcome of the feasibility study engineering analysis would be a Project Report meeting the requirements of the Water Recycling Funding Program Guidelines but also addressing those key elements that are important for the City to consider in potentially implementing a Recycled Wastewater Project to serve future users. The report also has the benefit of potentially doubling as an updated Waste Water Master Plan document moving forward.

The feasibility study engineering analysis is propose to consist of two project components:

1. Study of the alternatives, costs, and feasibility of treatment improvements to produce recycled water; and
2. Study of the alternative locations for recycled water use, including the necessary facilities and improvements for recycled water delivery and use, the interagency agreements and landowner agreement requirements, and economics (including potential for freeing-up fresh water supplies for other uses and/or transfers.

It is recommended that the feasibility study engineering analysis focus on a first phase based on benefiting the City of Riverbank, but that consideration be made for potentially including wastewater sources from other agencies regionally.

The State Water Resources Control Board Water Recycling Funding Program allows for funding up to 50% of eligible cost up to \$75,000 per project component. Because the City's potential project has two distinct components, it is recommended that application be made for two Planning Grants, one to cover the planning of treatment and production of recycled water, and the second for recycled water use and economic/sustainability benefits. Please note that Council is not being asked to allocate funding as part of this item, if a grant is awarded staff will return so that Council may decide on whether or not to allocate matching funds toward this project. At that time staff will also have an in depth analysis of the financial considerations of such an allocation.

BACKGROUND

The City of Riverbank has been evaluating the potential feasibility of implementing a regional recycled water project. The project concept¹ consists of collecting secondary treated effluent from the City of Riverbank and other regional municipalities, at the Riverbank Wastewater Treatment Plant site for production of tertiary disinfected recycled water (Recycled Water). Recycled Water would be delivered locally for irrigation of golf

¹ Summarized in Draft Technical Memorandum dated August 31, 2015, Reconnaissance Characterization for Potential Recycled Water Opportunity, prepared by Kjeldsen, Sinnock & Neudeck, Inc. as updated in the April 12, 2015 presentation to the City Council and as further updated in the August 22, 2017 presentation to the City Council.

courses and/or agriculture. Drivers for the City to consider implementation of such a project are summarized below. The potential project has been presented at a very preliminary concept-level as a phased set of improvements to be further defined based on available effluent and funding for implementation. If awarded, the grant would help the City take the first step in developing a master plan document that would outline the feasibility of a regional water recycled water project as well as provide recommendations and alternatives in the event that the project is not feasible. It will allow a more in depth review of the City's current system to include the opportunities and constraints of moving forward. Regardless of the findings, the City will be able to use this document as a base for future project consideration in various facets of wastewater treatment.

The following policy, regulatory framework, and facilities capacity requirements are important drivers for the City to consider in implementing a phased Regional Recycled Water Project:

Policy Drivers The following policy drivers are applicable to the project as contemplated:

1. The State Water Resources Control Board, through Resolution 77-1, strongly encourages development of local and regional "drought-proof" water supplies, in particular development of recycled water projects.
2. The Water Quality Control Plan for the Sacramento and San Joaquin River Basin promotes recycled water use and requires at the time of a wastewater permit renewal for agencies to assess the feasibility of developing a recycled water project.
3. Based on the recent drought, the State of California, through Executive Order B-29-15, placed primary interest in pursuing development of recycled water projects.
4. The existing wastewater disposal system does not provide for any intentional local resource recovery or reuse. If cost of production could be controlled or if the value of fresh water offsets could be realized, recycled water could be considered a valuable local commodity.

Regulatory Framework Drivers Considering Riverbank site-specific conditions, the following are potential regulatory drivers for the City to consider in implementation of this project:

1. The existing process of effluent disposal potentially exposes the City to water quality enforcement with respect to several constituents including nitrate and salinity; and
2. If determined to be feasible, implementation of a recycled water project will be required during renewal of the City's wastewater permit, as triggered by future economic development.

Capacity Drivers Based on our review the estimated capacity of existing wastewater facilities, capacity related benefits of the Recycled Water include the following:

1. The existing wastewater treatment system treatment capacity is approximately 1.8 Mgal/d (limited based on aeration), as the City grows, with a projected potential of up to approximately 6 Mgal/d, facilities expansion will be necessary triggering permit renewal and implementation of disposal means consistent with statewide policies; and

2. Capacity of the existing disposal ponds is limited, and may be further limited based on water quality requirements, therefore new means of effluent disposal will need to be developed as the City grows, that disposal capacity increase could be through recycled water use.

STRATEGIC PLAN

- This is directly related to the City's Strategic Plan, which can be found at www.riverbank.org.
- On March 20, 2017, the City Council established goals to achieve and maintain financial stability and sustainability, stabilize City systems, and expand economic development. Through providing for a plan to expand wastewater treatment and disposal and potentially offset future costs for wastewater disposal, this action would address these matters.
- The recommendation is consistent with supporting the City Council's goals.

FINANCIAL IMPACT

Depending on the final approved scopes of study, the City's funding at a minimum of 50% of the planning study costs would be \$75,000 per study, or up to \$150,000 for both planning study components. Funding for the City's local cost-share could be covered by the Sewer Enterprise Fund and potentially Sewer System Development fees. If awarded, staff will bring back an in depth analysis of options for Council to consider with regard to the 50% match, Council would then have the option of decided whether or not to fund this project match.

ATTACHMENT

1. Resolution
2. Outline Plan of Study
3. Appendix B of the Water Recycling Funding Program Guidelines

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AUTHORIZING TWO APPLICATIONS TO THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FUNDING PROGRAM AND AUTHORIZATION OF A DESIGNATED AUTHORIZED REPRESENTATIVE TO APPLY FOR, MAKE CERTAIN REPRESENTATIONS REGARDING, AND ACCEPT FINANCIAL ASSISTANCE FROM THE STATE WATER RESOURCES CONTROL BOARD FOR THE RIVERBANK RECYCLED WATER PROJECT

WHEREAS, The City of Riverbank City Council has participated in multiple study session regarding recycle wastewater solutions; and

WHEREAS, in order to more adequately assess feasibility and scope a potential project an in-depth study/plan is necessary; and

WHEREAS, the City has the opportunity to apply for two planning grants to fund two scoped sections of the project; and

WHEREAS, if the grant is awarded staff will bring back an item to City Council for the consideration of appropriation of match funds for this study; and

WHEREAS, the City Manager is commonly the signing authority for these types of submissions; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank authorize:

1. That the City Manager is designated as the "Authorized Representative" of the Entity in order to enter into a financial assistance agreement with the State Water Resources Control Board for the Riverbank Recycled Water Project (the Project);
2. That the Authorized Representative, or his/her designee, is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement with the State Water Resources Control Board for the Project;
3. That the Authorized Representative, or his/her designee, is authorized and directed to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto; and

4. That the Authorized Representative, or his/her designee, is authorized and directed to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with applicable state and federal laws.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of October, 2017; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____ :

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

City of Riverbank
Regional Recycled Water Project Planning Studies
Phase I Project Planning
Scope Outline

Two Project Reports are to be prepared consistent with relevant elements of the Recommended Outline for Recycled Water Project Report, Appendix B of the Water Recycling Funding Program Guidelines of the State Water Resources Control Board.

Planning Study Component 1: Recycled Water Production

1. Identification of the sources and characteristics of wastewater for production of recycled water.
2. Evaluation of alternative levels of treatment.
3. Development of the unit processes, e.g., pre-filtration, filtration, disinfection, pumping, and solids treatment and handling, for the Phase I production of recycled water from identified sources.
4. Facilities planning, including improvements to Riverbank secondary treatment process, for implementation of the Phase I treatment and supply components.
5. Identification and analysis of capital and operation & maintenance cost for recycled water production alternatives.
6. Description of the recommended project
7. Production improvements construction financing plan and revenue program.

Planning Study Component 2: Recycled Water Use and Market Assessment

1. Identification of the locations and characteristics of recycled water use areas.
2. Outreach to potential recycled water users and partner agencies/jurisdictions.
3. Characterization of alternative water sources and local use trends and capacities.
4. Development of initial recycled use commitment and agreement framework and market assessment.
5. Facilities planning and alternatives for recycled water distribution and use, for implementation of the Phase I component.
6. Identification and analysis of capital and operation & maintenance cost for recycled water distribution and use.
7. Description of the recommended project.
8. Production improvements construction financing plan and revenue program.

Appendix B. Recommended Outline for Recycled Water Project Reports

This facilities project report outline emphasizes the information relevant to water recycling and its application for water supply purposes. The outline is inclusive and not all items may be applicable to every project. The applicant should discuss its planned study with Division staff to identify the outline components that should be addressed by the study.

Project Report

A. Maps and Diagrams

1. Vicinity Map.
2. Detailed map and GIS shape file of study area boundaries.
3. Topographic map.
4. City boundaries.
5. Wholesale and retail water supply entity boundaries within study area and adjacent to study area.
6. Wastewater agency boundaries within and adjacent to study area.
7. Existing recycled water distribution pipelines, storage, and customers.
8. Ground water basin boundaries, major streams, streams receiving waste discharges.
9. Present and projected land use.
10. Each recycled water facilities alternative (including recommended project), showing locations of potential customers and approximate pipeline routes.
11. Wastewater treatment schematic--existing and proposed.

B. Study Area Characteristics

1. Hydrologic features.
2. Ground water basins, including quantities extracted by all users, natural and artificial recharge, losses by evapotranspiration, inflow and outflow of basins, and safe yield or overdraft.
3. Water quality - ground water and surface water.

4. Land use and land use trends.
 5. Population projections of study area.
 6. Beneficial uses of receiving waters and degree of use, portion of flow that is effluent.
- C. Water Supply Characteristics and Facilities
1. Description of all wholesale and retail entities.
 2. All sources of water for study area and major facilities, their costs, (costs should be broken down into fixed and variable), subsidies, and customer prices.
 3. Capacities of present facilities, existing flows, estimated years when capacities to be reached for major components (water treatment plants, major transmission and storage facilities).
 4. Ground water management and recharge, overdraft problems.
 5. Water use trends and future demands, prices and costs.
 6. Quality of water supplies.
 7. Sources for additional water and plans for new facilities (for both the local entity and the wholesalers).
- D. Wastewater Characteristics and Facilities
1. Description of entities.
 2. Description of major facilities, including capacities, present flows, plans for new facilities, description of treatment processes, design criteria.
 3. Water quality of effluent and any seasonal variation.
 4. Additional facilities needed to comply with waste discharge requirements.
 5. Sources of industrial or other problem constituents and control measures.
 6. Existing recycling, including users, quantities, contractual and pricing arrangements.
 7. Existing rights to use of treated effluent after discharge.
 8. Wastewater flow variations - hourly and seasonal.
- E. Treatment Requirements for Discharge and Reuse
1. Required water qualities for potential uses.

2. Required health-related water qualities or treatment requirements for potential uses, operational and on-site requirements (such as backflow prevention, buffer zones).
3. Wastewater discharge requirements, anticipated changes in requirements.
4. Water quality-related requirements of the RWQCB to protect surface or ground water from problems resulting from recycled water use.

F. Recycled Water Market

1. Description of market assessment procedures.
2. Descriptions of all users or categories of potential users, including type of use, expected annual recycled water use, peak use, estimated internal capital investment required (on-site conversion costs), needed water cost savings, desire to use recycled water, date of possible initial use of recycled water, present and future source of water and quantity of use, quality and reliability needs, and wastewater disposal methods.
3. Summary tables of potential users and related data.
4. Definition of logical service area based on results of market assessment.

G. Project Alternative Analysis

1. Planning and design assumptions:
 - a. Delivery and system pressure criteria.
 - b. Peak delivery criteria.
 - c. Storage criteria.
 - d. Cost basis: cost index, discount rate, useful lives, etc.
 - e. Planning period.
2. Water Recycling Alternatives to be Evaluated
 - a. Treatment alternatives:
 - i. Alternative levels of treatment.
 - ii. Alternative unit processes to achieve a given level of treatment.
 - b. Pipeline route alternatives.
 - c. Alternative markets:
 - i. Based on different levels of treatment.

- ii. Geographical areas.
 - d. Alternative storage locations.
 - e. Sub alternatives of selected alternative:
 - i. Marginal analysis for selected alternative for certain categories of users or certain geographic areas.
 - ii. Varying storage, pump rates, and pipeline diameters.
 - iii. Use of water blending during peak irrigation months.
- 2. Non-recycled water alternatives.
 - a. Discussion of other potentially viable new sources of water.
 - b. Provide economic costs.
- 3. Water conservation/reduction analysis.
 - a. Analysis.
 - b. Impact on recycling, if any.
 - c. Recommendation.
 - d. Implementation.
- 4. Pollution control alternatives (if applicable) needed to comply with waste discharge requirements, and possible allocation of costs between recycling and pollution control.
- 5. No project alternative.
- 6. Information supplied for each alternative to include, but not be limited to:
 - a. Cost tables for each alternative with breakdown of costs by total capital (without grants), O&M, unit processes, and with equivalent annual cost and per acre-foot cost.
 - b. Lists of potential users assumed for each alternative.
 - c. Economic analysis. The State Water Board provides two economic analysis models and model guidance on our website at:
http://www.waterboards.ca.gov/water_issues/programs/grants_loans/water_recycling/ec_on_analysis_tskfrce.shtml
 - d. Energy analysis for each alternative, including direct and construction energy.
 - e. Water quality impacts:
 - i. Effect on receiving water by removing or reducing discharge of effluent, including effect on beneficial uses resulting from reduced flow.

- ii. Ground water impacts.
- 7. Comparison of above alternatives and recommendation of specific alternative.

- H. Recommended Project
 - 1. Description of all proposed facilities and basis for selection.
 - 2. Preliminary design criteria and refined pipeline routes.
 - 3. Cost estimate based on time of construction.
 - 4. List of all potential users, quantity of recycled water use, peak demand, and commitments obtained.
 - 5. Reliability of facilities as compared to user requirements.
 - 6. Implementation plan:
 - a. Coordination with water suppliers, determination of recycled water supplier and needed agreements or ordinances.
 - b. Ability and timing of users to join system and make on-site investments.
 - c. Tentative water recycling requirements of RWQCB.
 - d. Commitments from potential users.
 - e. Water rights impact.
 - f. Permits, right-of-way, design, construction.
 - g. Detailed schedule.
 - 7. Operational plan - responsible people, equipment, monitoring, irrigation scheduling, etc.

- I. Construction Financing Plan and Revenue Program
 - 1. Sources and timing of funds for design and construction.
 - 2. Pricing policy for recycled water.
 - 3. Costs that can be allocated to water pollution control.
 - 4. Annual projection of:
 - a. Water prices for each user or category of users.
 - b. Recycled water used by each user.
 - c. Annual costs (required revenue) of recycling project.
 - d. Allocation of costs to users.

- e. Unit costs to serve each user or category of users.
 - f. Unit price of recycled water for each user or category of users.
 - g. Sensitivity analysis assuming portion of potential users fail to use recycled water.
5. Sunk costs and indebtedness.
- J. Appendices
- 1. Tables of all abbreviations.
 - 2. Copies of letters of interest or intent from recycled water users, or other documentation of support from potential users.
 - 3. Draft of recycled water mandatory use ordinance or model user contract.
 - 4. Drafts of necessary agreements, such as wholesale-retail agreement, joint powers agreement
 - 5. Hydraulic calculations