



**CITY OF RIVERBANK
REGULAR CITY COUNCIL AND
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, MAY 22, 2018– 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 Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

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.
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1. PRESENTATIONS

Item 1.1: Proclamation – Disability Awareness Month – June 2018.

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 May 8, 2018, 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 notice for Item 5.1 was published in the Riverbank News on 3/28/2018. A Notice of Continuance of this Item by the City Council to the 05/22/2018 meeting was posted next to the Council Chamber entrance on 04/11/2018, after the 04/10/2018 City Council meeting, as required.

Item 5.1: **First Reading and Introduction of a Proposed Ordinance Amending Riverbank Municipal Code of Ordinances Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, by Repealing this Section in its Entirety and Substituting it with New Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone** – 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, which will initiate the second reading by title only at the June 12, 2018, regular City Council meeting or soon thereafter to consider its adoption. At the May 15, 2018, Planning Commission public hearing, the Commission passed and adopted PC Resolution 2018-001 by a vote of 4-1, recommending that the City Council adopt the proposed ordinance.

6. NEW BUSINESS

Item 6.1: **Use of Housing Related Parks Grant Funding on Community Center Renovation and/or Pool Locker Room Renovation** – It is recommended that the City Council consider the options provided and give staff direction on the use of the Housing Related Parks Grant Funds toward the renovation of the Community Center Building and/or the Pool Locker room renovation.

7. COMMENTS/REPORTS

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

Item 7.1: Staff

Item 7.2: Council/Authority Member

Item 7.3: Mayor/Chair

8. CLOSED SESSION

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board adjourning to Closed Session.

Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Aemetis, Inc.

Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6
Agency representative: Sean Scully, City Manager
Employee organizations: Miscellaneous Employees
Mid-Management Bargaining Unit

9. REPORT FROM CLOSED SESSION

Item 9.1: Report from Closed Session on Item 8.1: **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

Item 9.2: Report from Closed Session on Item 8.2: **CONFERENCE WITH LABOR NEGOTIATORS** – Miscellaneous and Mid-Management Bargaining units

ADJOURNMENT (The next regular City Council meeting – Tuesday, June 12th @ 6:pm)

AFFIDAVIT OF POSTING

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

Posted this 17th day of May, 2018

/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.

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 LRA Board, for which special notice has been given and may be required. During a specified portion of the hearing when opened for public comment, any resident or concerned individual is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent via email to the City Clerk or hand delivered must be received no later than 5:00 p.m. on the day of the meeting to be considered by the City Council/LRA Board. Preparations for the meeting are conducted between 5:00 p.m. and 6:00 p.m. and therefore the City Clerk is not available to receive the public's written testimony.
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 aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATIONS

Meeting Date:	May 22, 2018
Subject:	Proclamation – Disability Awareness Month – June 2018
From:	Sean Scully, City Manager
Submitted by:	Cheryl Stefani, Administrative Assistant

RECOMMENDATION

It is recommended that the City Council read the Proclamation for Disability Awareness Month – June 2018; and present to Marci Boucher, Executive Director, of Society for disABILITIES.

SUMMARY

Disabilities do not discriminate and can affect anyone at any time, regardless of race, age, gender, creed, social status, etc. The Society for disABILITIES has made it their mission for over 70 years to “improve the quality of life and self-sufficiency for people with disabilities in Stanislaus County”. This notable organization possesses the largest “Loan Closet” of adaptive mobility and medical equipment; and provides a variety of recreational programs for individuals with disabilities. In addition, the organization serves as a resource and referral agency to the community. It is reported that over 75,890 people in Stanislaus County have a disability; and there is an estimated 4,206,918 people with disabilities in the State of California. By increasing public awareness to focus on diverse capabilities rather than disabilities of individuals, hopefully the stigma and prejudice sometimes experienced in employment and socialization will diminish. People with varied abilities can be independent, productive, and an integral part of the community in which they live. The Society for disABILITIES is requesting the City Council of the City of Riverbank to recognize the month of June 2018 as Disability Awareness Month and encourages residents to be cognizant of the needs and capabilities of persons with disabilities.

FINANCIAL IMPACT

There is no financial impact with the report.

ATTACHMENT

1. Proclamation



CITY OF RIVERBANK

PROCLAMATION

DISABILITY AWARENESS MONTH – JUNE 2018

WHEREAS, the City Council of the City of Riverbank has recognized healthy communities as a priority; and

WHEREAS, disabilities can affect all people, regardless of race, age, gender, or social status and the essence of life is not embodied by physical or mental perfection but it is an integral part of the human spirit; and

WHEREAS, increasing public awareness about diverse abilities is vital to fighting the stigma and discrimination that often serve as a barrier to employment, socialization, and individual well-being; and

WHEREAS, there are an estimated 4,206,918 people with disabilities in the State of California, and over 75,890 people over the age of 5 with disabilities in Stanislaus County; and

WHEREAS, within the next year, at least one out of eight Californians will experience a disability personally or through a family member; and

WHEREAS, people with different abilities are independent, productive, and part of the community; and

WHEREAS, education, understanding, access engagement, and relationships are important components of a connected, livable, and healthy community; and

WHEREAS, the Society for disABILITIES will commemorate June 2018 and each June hereafter as *Disability Awareness Month*.

NOW, THEREFORE, LET IT BE PROCLAIMED by the City Council of the City of Riverbank that June 2018 is Disability Awareness Month within the City of Riverbank and we urge all of our citizens to become aware of the needs and capabilities of persons with disabilities.

May 22, 2018

Richard D. O'Brien
Mayor

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	May 22 , 2018
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 any proposed ordinances and resolutions for consideration, except by title.

SUMMARY

In lieu of reading the entire text of a proposed ordinance or resolution that is introduced for consideration for adoption and approval, by majority vote, the City Council may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The proposed ordinances and resolutions, and any related documents that are part of the agenda packet, are available for review by the public on the City's website and in the City Clerk's office at City Hall (North) upon distribution to a majority of the City Council; typically 72 hours prior to the scheduled date and time of the meeting.

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:	May 22, 2018
Subject:	Approval of the May 8, 2018, 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 May 28, 2018, 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. May 28, 2018, 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, MAY 8, 2018**

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 City Council Chambers, 6707 Third Street, Suite B, Riverbank, California, with Mayor/Chair Richard D. O'Brien presiding.

FLAG SALUTE: Mayor/Chair Richard D. O'Brien

INVOCATION: Reverend Charles Neal, Riverbank Ministerial Association

ROLL CALL:
Present Mayor/Chair Richard D. O'Brien
Vice Mayor/Chair Darlene Barber-Martinez (CM-D4)
Council/Authority Member District 2 Cindy Fosi
Council/Authority Member Cal Campbell
Council/Authority Member Leanne Jones Cruz

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 – National Bike Month May 2018.

Mayor O'Brien presented the proclamation to Kari McNickle, San Joaquin Council of Governments DIBS Program Specialist.

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.

Vicky Holt, Riverbank Library Manager, provided an update on the library's activities.

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 otherwise requested by an individual Council/Authority Member for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

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

Item 3.B: Approval of the April 24, 2018, 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.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez / passed 5-0) to approve Consent Calendar Items 3.A and 3.B as presented; Motion carried by unanimous City Council and LRA Board roll call vote.*

AYES: Fosi, Campbell, Jones Cruz, Barber-Martinez, and Mayor/Chair 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

LRA Item 6.1: **Accept Report on Status of LRA Budget for First/Second Quarter FY 2017/18** – It is recommended that the Local Redevelopment Authority (“LRA”) Board of Directors (“Board”) receive and approve the first and second quarter revenue and expenditure report (July 1, 2017 through December 31, 2017).

LRA Administrative Analyst II, Melissa Holdaway presented the staff report.

ACTION: *By motion moved and seconded (Jones Cruz / Fosi / passed 5-0) to adopt the LRA budget for the first/second Quarter of Fiscal Year 2017/2018, as presented.*

Motion carried by unanimous LRA Board roll call vote.

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

NAYS: None / ABSENT: None / ABSTAINED: None

Item 6.2: **Use of Housing Related Parks Grant Funding on Community Center Renovation and/or Pool Locker Room** – It is recommended that the City Council consider and provide direction on the use of the Housing Related Parks Grant Funds for the renovation of the Community Center Building and/or the Pool Locker Room.

Parks and Recreation Director Sue Fitzpatrick presented the staff report. City Council and Staff discussed the item.

ACTION: *City Council directed to have staff send them the cost figures for the renovation of the pool deck and locker room.*

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

- *Assistant City Manager/Director of Finance Marisela Garcia announced that the Wednesday, May 9th Special Planning Commission meeting was canceled, and the Utilities rate assistance program applications for seniors over the age of 65 and permanently disabled individuals is available.*

Item 7.2: Council/Authority Member

- *Council/Authority Member Campbell announced the Christian Food Sharing Annual Pork Sandwich fundraiser, and the Riverbank Historical Society's breakfast fundraiser.*
- *Vice Mayor/Chair Barber-Martinez announced that she rode the San Joaquin Amtrak Morning Express to Sacramento.*

Item 7.3: Mayor/Chair

Mayor/Chair O'Brien: Thanked staff for their efforts provided to Members of the City Council, and reported on the progress of meeting with the nonprofit organizations; most recently a discussion on providing assistance for utility payments.

8. **CLOSED SESSION**

The public will have a limit of 5 minutes to comment on Closed Session item(s) as set forth on the agenda prior to the City Council/LRA Board recessing into Closed Session.

Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8
Property: 062-031-005, 062-031-006, 062-031-007
Agency Negotiator: Marisela Garcia, Assistant City Manager
Property Negotiator: Aemetis, Inc.

MAYOR/CHAIR O'BRIEN ANNOUNCED THE CLOSED SESSION ITEM AND OPENED THE ITEM FOR PUBLIC COMMENT; NO ONE SPOKE. THE MEETINGS WERE RECESSED AND CITY COUNCIL WENT INTO CLOSED SESSION AT 6:29 P.M.

9. REPORT FROM CLOSED SESSION

MAYOR/CHAIR O'BRIEN RECONVENED THE MEETINGS AT 7:07 P.M.

Item 9.1: Report from Closed Session on Item 8.1: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Mayor O'Brien reported that direction was provided to staff.

ADJOURNMENT

There being no further business, Mayor/Chair O'Brien adjourned the meetings at 7:07 p.m.

ATTEST: *(Adopted 05/22/2018)*

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: May 22, 2018

Subject: First Reading and Introduction of a Proposed **Ordinance** Amending Riverbank Municipal Code of Ordinances Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone, by Repealing this Section in its Entirety and Substituting it with New Section 153.033 BUILDING REQUIREMENTS, Single-Family Residential District R-1 Zone

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, which will initiate the second reading by title only at the June 12, 2018, regular City Council meeting or soon thereafter to consider its adoption. At the May 15, 2018, Planning Commission public hearing, the Commission passed and adopted PC Resolution 2018-001 by a vote of 4-1, recommending that the City Council adopt the proposed ordinance.

SUMMARY

A code enforcement case involving privacy, noise, and lighting concerns with a personal skate ramp in a single family residential yard has continued for months, hindered by a lack of specific regulations to address those concerns. The Riverbank Planning Commission, after holding two public hearings and participating in a discussion item, recommends the City Council approve setback and height requirements for personal skate ramps in the R-1 zoning districts.

BACKGROUND

Staff previously brought an amendment to regulate personal skate ramps with a Conditional Use Permit (CUP) to the Planning Commission September 19, 2017 as part of a comprehensive update to the residential code sections, but the Planning Commission requested this item be removed from that update so further research and discussion could occur. Staff then brought this forward as an informational item to the

regular January 16, 2018 meeting to get direction. There was general agreement that the Planning Commission still wanted to discuss this item. Staff conducted research into other cities' regulations but did not find much locally. There were newspaper articles online outlining neighbor complaints in various cities but a search of the cities' zoning codes shows not many of the complaints led to the regulation of personal skate ramps.

On March 20, 2018 staff brought the additional research and information to the Planning Commission and offered them three options to address skate ramps in backyards: 1. a Conditional Use Permit process; 2. an outright ban; and 3. to not regulate them at all. The Planning Commission did not choose any of these three options, instead giving staff direction to prepare a zoning ordinance amendment that requires twelve (12) foot setbacks from each property line and a maximum structure height of six (6) feet excluding handrails ("option 4"). Staff prepared the amendment for the April 10, 2018 City Council meeting, but it was determined the Planning Commission took public comment only on the three options before approving option 4. This item went back to the Planning Commission on May 15, 2018 for additional public comment. At this meeting, the Commissioners voted 4-1 to recommend the amendment to the City Council.

ANALYSIS

Setback and Height Restrictions:

After reviewing their options, the Planning Commission decided they would recommend that personal skate ramps be regulated through setback and height requirements instead of a CUP (Attachment 2 and excerpts underlined below):

§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 and structures:
 - (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 twenty (120) square feet. Sheds that exceed one hundred 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.
 - (c) Skate Ramps (Half-pipes and similar structures): 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 in-line skating. 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.

(C) Yards and open spaces required.

(5) A detached accessory building or structure 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 or structure shall be closer than six (6) feet to the main building, exclusive of roof covering.

(b) Within the R-1 District, no skate ramp (half-pipes and similar structures) shall be closer than twelve (12) feet to a property line.

GENERAL PLAN

An ordinance amendment regulating skate ramps in residential yards is consistent with the General Plan because the Overarching Goal for the Environment presented in the General Plan, is to ensure that noise does not substantially reduce the quality of urban life.

ENVIRONMENTAL DETERMINATION

The amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines.

FISCAL IMPACT

Unknown code enforcement costs, including staff hours for inspections, hearing preparations, and re-inspection hours.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three (3) years. The approval of an amendment to regulate skate ramps is not a stated strategic goal but is consistent with the General Plan goal to “To be recognized as a premier community where individuals, families and businesses thrive in a safe and beautiful environment.”

PUBLIC NOTICE

The City Council hearing notice was published in the Riverbank News and posted at City Hall North, South, and Community Center, on March 28, 2018, and a Notice of Continuance of the Public Hearing Item to the May 22, 2018 City Council meeting was posted on April 11, 2018, next to the Council Chambers as required.

ATTACHMENTS

1. Planning Commission Resolution 2018-001
Exhibit A - Draft Ordinance 2018-XXX
2. Draft Ordinance 2018-XXX redlined
3. Complaint Letters

**City of Riverbank
Planning Commission
Resolution No. 2018-001**

**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, SINGLE-FAMILY
RESIDENTIAL DISTRICT R-1 ZONE, BY REPEALING SECTION 153.033 BUILDING
REQUIREMENTS, AND ADDING A NEW SECTION 153.033 BUILDING
REQUIREMENTS TO REQUIRE HEIGHT AND SETBACK RESTRICTIONS FOR
PERSONAL SKATE RAMPS IN SINGLE-FAMILY RESIDENTIAL DISTRICT R-1
ZONES.**

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in a Single Family Residential zoning district (R-1) which is causing privacy, noise, and lighting concerns, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on May 2, 2018, 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 May 15, 2018, to consider an amendment to the City of Riverbank Municipal Code to regulate skate ramps in R-1 zoning districts; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of personal skate ramps through height and setback restrictions in the Single Family Residential Zoning District (R-1) is consistent with the goals, policies, programs, and uses of the General Plan.

NOW THEREFORE, BE IT RESOLVED the City of Riverbank Planning Commission forwards its recommendation to the City Council to adopt draft Ordinance No. 2018-XXX (Exhibit A).

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 15th of May 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Donna M. Kenney,
Planning and Building Manager

John Dinan, Chairperson
Planning Commission

EXHIBIT A

THE CITY COUNCIL OF THE CITY OF RIVERBANK ORDINANCE NO. 2018-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING TITLE XV: LAND USAGE, CHAPTER 153: ZONING, SECTION 153.033 BUILDING REQUIREMENTS, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, BY REPEALING THIS SECTION IN ITS ENTIRETY AND SUBSTITUTING IT WITH NEW SECTION 153.033 BUILDING REQUIREMENTS, SINGLE-FAMILY RESIDENTIAL DISTRICT R-1 ZONE, TO THE RIVERBANK MUNICIPAL CODE OF ORDINANCES

WHEREAS, the City has been working for months on a code enforcement case involving a personal skate ramp in an R-1, Single Family Residential zoning district back yard, which is causing privacy, noise, and lighting concerns for the neighbors, hindered by a lack of specific regulations to address the concerns; and

WHEREAS, on May 2, 2018, 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 May 15, 2018, to consider the proposed amendment to the City of Riverbank Municipal Code; and

WHEREAS, the proposed Zoning Code amendment complies with the General Plan in that the Noise Element's Overarching Goal for the Environment is to "Ensure that Noise does not Substantially Reduce the Quality of Urban Life"; and

WHEREAS, the amendment to the City of Riverbank Municipal Code is exempt from environmental review because it is not a project within the meaning of Section 15378 of the State CEQA Guidelines; and

WHEREAS, The Riverbank Planning Commission made the following finding:

1. The regulation of personal skate ramps through height and setback restrictions in the Single Family Residential Zoning District (R-1) is consistent with the goals, policies, programs, and uses of the General Plan.

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

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 Building Requirements, Single-Family Residential District R-1 Zone, of the Riverbank Municipal Code shall be repealed in its entirety and replaced with a new Title XV: Land Usage, Chapter 153: Zoning, Section 153.033 Building Requirements, Single-Family Residential District R-1 Zone, which shall read as follows:

Title XV: Land Usage, Chapter 153: Zoning

§153.033 BUILDING REQUIREMENTS

(A) *Height limit.*

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

(2) For accessory buildings and structures:

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

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

(c) Skate Ramps (Half-pipes and similar structures): 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 in-line skating. 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.

(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 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 foot front yard setback, are allowed to be constructed no higher than three 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 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 sides of the courtyard. Courtyard walls shall be no higher than four feet six 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 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 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 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 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 feet nor any obstruction other than a post, building column or tree not more than two feet in diameter, between the height of three feet six inches and ten 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 90% transparency no higher than four 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 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 30 feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten feet from back of sidewalk towards the dwelling and ten feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three 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 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 from the planned right-of-way line provided that no vehicle opening of any building is closer than 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 20 feet to said radius return.

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

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

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

(5) A detached accessory building or structure other than a covered patio as defined herein, may not occupy more than 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 feet to the main building, exclusive of roof covering.

(b) Within the R-1 District, no skate ramp (half-pipes and similar structures) shall be closer than twelve (12) feet to any property line.

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

(D) *Lot coverage.* No more than 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 – 900 square feet.

(2) All other uses - no minimum size.

(G) *Building site area and density required.*

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

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

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

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

(5) 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. 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 50 square feet per unit with a minimum area of 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.

(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.

('67 Code, § 10-3-4) (Ord. 2004-001, passed 6-14-04)

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

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

(Am. Ord. 2017-010, passed 10-24-17)

§ 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 June 12, 2018, 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 May 22, 2018. 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 22nd day of May; 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

Attachment 2

§153.033 BUILDING REQUIREMENTS

(A) *Height limit.*

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

(2) For accessory buildings and structures:

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

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

(c) Skate Ramps (Half-pipes and similar structures): 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 in-line skating. 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.

(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 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 foot front yard setback, are allowed to be constructed no higher than three 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 feet from all sides of a fire hydrant.

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(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 feet nor any obstruction other than a post, building column or tree not more than two feet in diameter, between the height of three feet six inches and ten feet above the top of the curb, or if no curb exists, above maximum street grade.

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(7) *Sight distance triangle - obstructions.* No obstruction to view in excess of three 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 30 feet to said intersection. Except for natural land formations, a sight distance triangle for a driveway with a distance of ten feet from back of sidewalk towards the dwelling and ten feet along the sidewalk in either direction shall be maintained free of obstructions in excess of three feet in height.

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

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

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

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(5) A detached accessory building or structure other than a covered patio as defined herein, may not occupy more than 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 feet to the main building, exclusive of roof covering.

(b) Within the R-1 District, no skate ramp (half-pipes and similar structures) shall be closer than twelve (12) feet to any property line.

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

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

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

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

(Am. Ord. 2017-010, passed 10-24-17)

September 19, 2017

City of Riverbank

Topic on Agenda Re: Private Skateboard Ramps

Hello everyone,

I live next door to the half pipe that has brought this issue to the table. I respect my neighbors right to utilize his property for his enjoyment. Unfortunately, the way he chooses to utilize his property is impacting my legally protected right to the peaceful enjoyment of my property. The noise from the skateboard wheels on the wood ramp is disturbing my peace. The ramp was constructed at an elevation above the top of our shared 6' privacy fence, completely taking away the privacy the fence was intended to provide. Some of you may now be getting the impression I am the grouchy old complaining neighbor. I assure you that is not the case. My wife and I purchased this property August 2009 with the hope of raising our family in a nice peaceful neighborhood. Approximately 1 year later Mr. Hoyt purchased the home next door. My wife and I were pleased that a married couple raising a family were moving in next door. Very shortly after, Mr. Hoyt moved in, began the construction of the first half pipe. This half pipe is not the one that has raised this issue. This structure was erected at a much lower elevation. Also, there are some other incidents I feel that are pertinent and should be mentioned because they illustrate the type of disturbances Mr. Hoyt brought to the neighborhood. In addition to the noise disturbances from Mr. Hoyt's half pipe skating, Mr. Hoyt dug holes and built mounds for jumping motorcycles and moto cross bicycles on the canal bank behind our homes. After seeing 10-20 teens using Mr. Hoyt's dirt obstacle course behind my home and having these teens looking over my fence I felt it was time to take some action. Instead of calling the police I made a complaint to MID who responded immediately bringing out tractors and several pieces of heavy

equipment to level Mr. Hoyt's obstacle course. Next Mr. Hoyt constructed another dirt track complete with jumps, mounds and holes across the street from our homes under the power lines on the right of way property maintained by Hetch Hetchy. The noise and dust created from Mr. Hoyt's motorcycle on his dirt track became unbearable. We contacted Hetch Hetchy and they responded with tractors and heavy equipment to level Mr. Hoyt's moto cross track. Shortly after that, Mr. Hoyt constructed another track on the Hetch Hetchy Right of Way. Again, we made the report and again Hetch Hetchy had to bring out the heavy equipment to level Mr. Hoyt's moto cross track. Next, the construction of the ramps for sale to the public began. There was the constant construction noise, wood sawing, drilling, and screwing from Mr. Hoyt. Ramps were being constructed on the street, sidewalk and backyard. This went on for over a year until we reported Mr. Hoyt to the City for operating a fabrication business in a residential area which City of Riverbank Code Enforcement immediately responded and resolved the issue. Then, the old half pipe was deconstructed and the new half pipe which is now in question was constructed. Hopefully, you all are getting the picture that I am not the grouchy old man next door by now. I feel we have been overly tolerant of Mr. Hoyt's disturbances. I would also like to state that we bought this home not only as a place to reside but as an investment in our retirement as I am sure most of us have. The intention being to sell and downsize once our children have moved on. I have been informed by several real estate agents that the noise and privacy issues from Mr. Hoyt's half pipe will have to be disclosed to any potential buyers, and more likely than not will have a negative impact on the value of my home. Not many buyers out there are looking for a residence next door to a Tony Hawk amusement park. Depending on the results of this hearing, litigation to my property value loss will be an option I will be considering. Hopefully the council will understand this is impacting my legally protected right to the peaceful

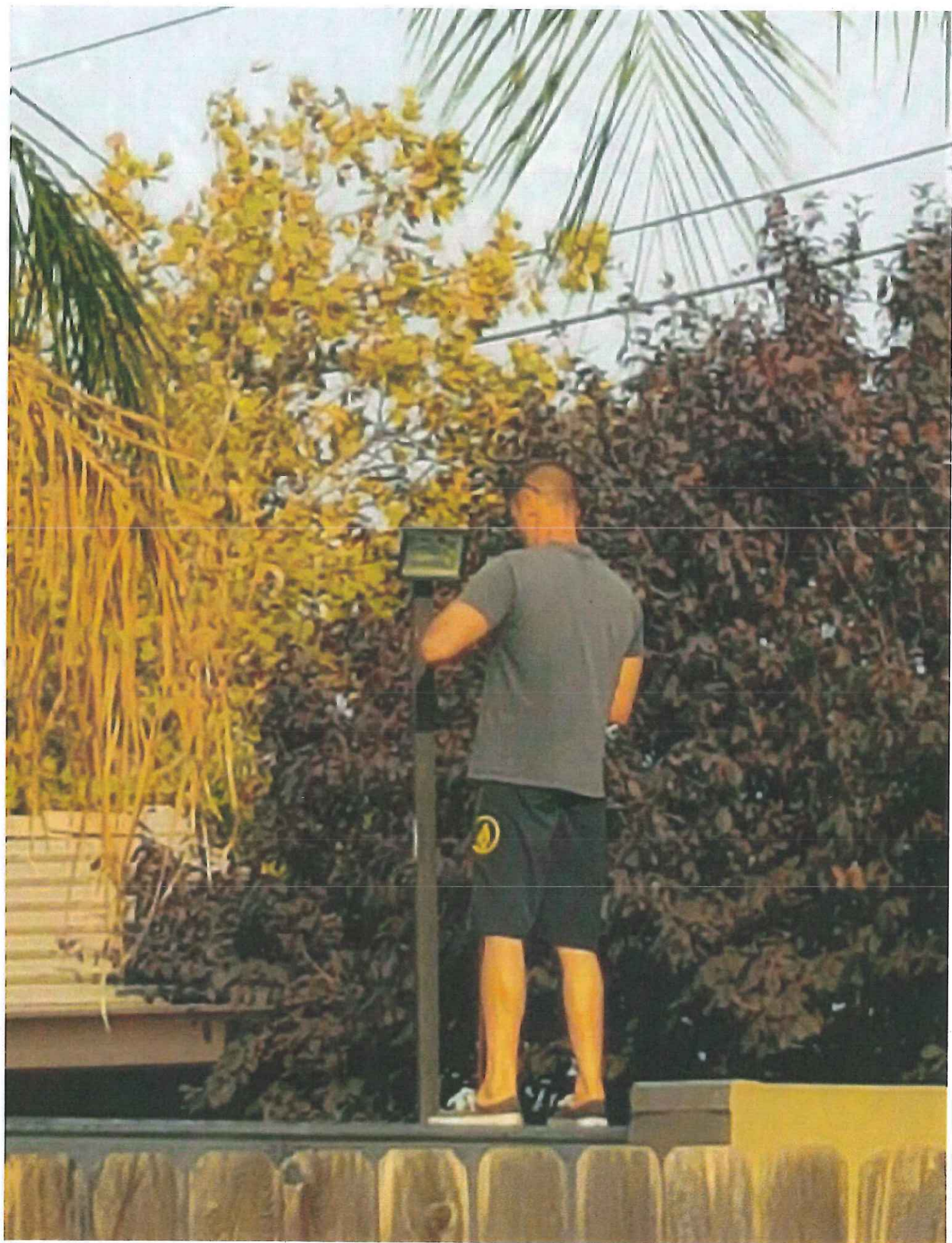
enjoyment of my home. I am not against the extreme sports Mr. Hoyt enjoys. I find the x-games on TV entertaining, but there is a time and place for these activities and I do not believe a residential subdivision is the place. The City has graciously already provided a skate park for the skating enthusiasts, and judging from the commercial area the City chose to erect this park, it would appear noise impact was considered in determining the parks location.

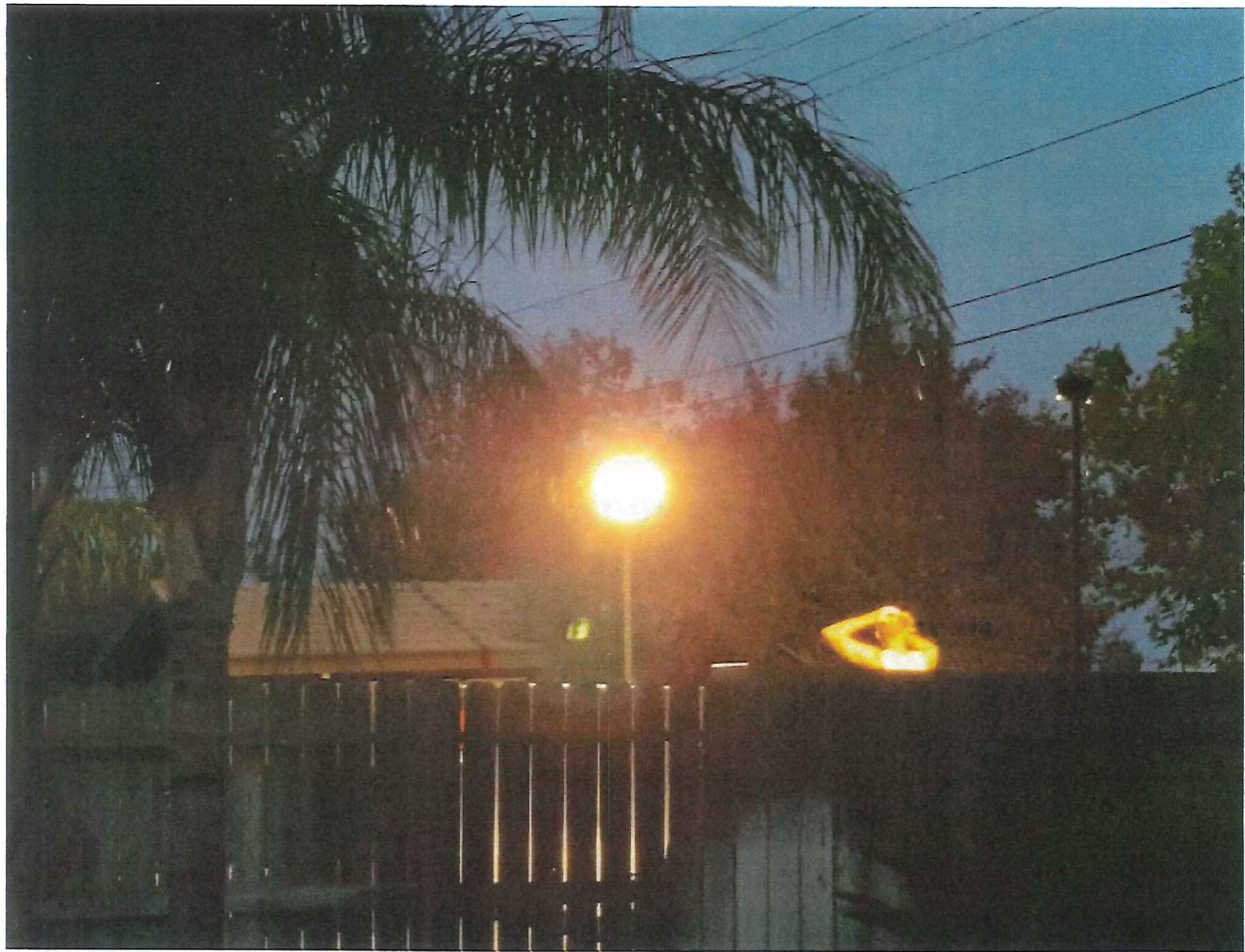
In the event you disagree with me there are restrictions I hope you will consider as follows:

- 1) Turn the half pipe in a north to south direction. There is not a shared fence on the south fence line, therefore no residents to impact on the south line.
- 2) Time restrictions that will impact adjacent neighbors less. My recommendation is 12:00 p.m. to 5:00 p.m., Mon - Sat and no skating on Sundays to allow residents 1 day a week of complete relief.
- 3) Utilization of noise reduction construction materials. There are several noise reduction materials on the market and I cannot see any reason why these materials shouldn't be utilized.



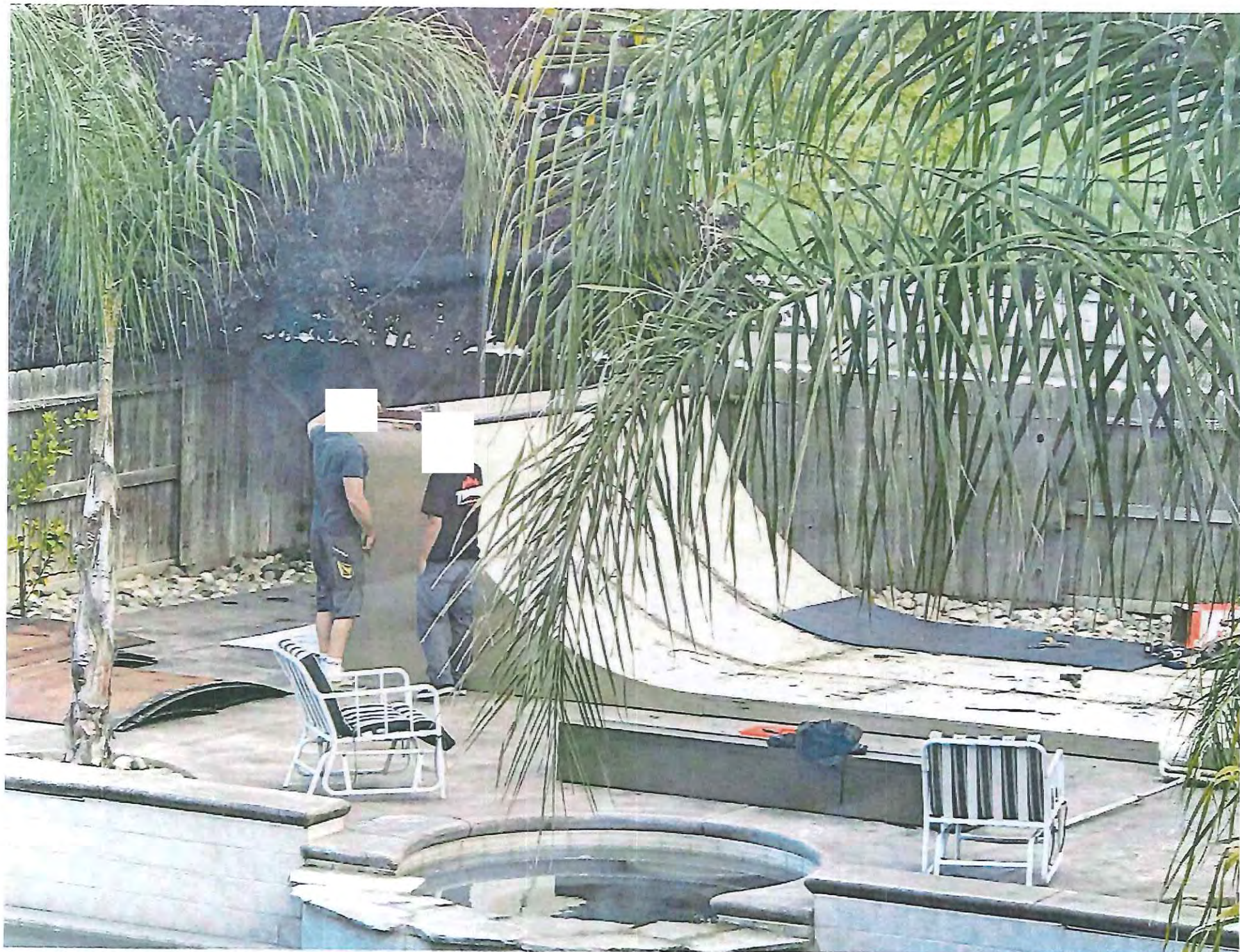












Dennis & LuAnn Thomas

March 2, 2018

Re: March 20, 2018 Meeting
Issue: Skateboard Ramps

Council Members of City of Riverbank

First, I would like to start out by thanking all of you for the time you have put into this issue and listening and considering options for skate ramps in backyards of subdivision residential areas.

At the last meeting, Planning Commissioner Robert Ball commented people have trampolines, and you are correct. In fact, another neighbor does have one as well. There is not an issue with the trampoline. These are people jumping up and down in matter of seconds and honestly no privacy issue is my thought with trampolines. We love hearing the kids jumping, laughing and having a great time. We love hearing everyone and the gatherings at their homes and the laughter that goes with it all, we have them! We have 4 boys, 2 still at home. Trust me we have family gatherings or the boys have had friends over. Difference, we did not have structures allowing anyone to stand at the top of looking over at neighbors, disturbing them and their yard and tempting them to comment.

This issue is a matter of either banning and if not then regulating the size of skateboard ramps height, width, depth, the times of use in respect for people that work different schedules and hugely PRIVACY. The height of this particular ramp that is subject stands taller than our fence at peak height at each end of ramp and the ramp takes up then entire back end of the yard almost fence to fence with exception of structure requirements how far away from fence. This neighbor and whoever he has over literally stands up there having conversation, looking over our fence, antagonizes our dogs and at times he and his guests have made comment to us while we are sitting back there "what are you looking at" "is there a problem", well excuse us your standing there looking over my fence and at us making the comments, this is our backyard. We have had to call the police out several times due to incidents of things said to us over the fence and leaded to the front and everyone arguing. NOT OK! The noise is only an issue with skateboarding due to times chosen to use it.

When we have guests over and swimming I have had more comments about it as well. Sorry but not all of us want to be seen publicly in our bathing suits or we would have invited you. We cannot go out in mornings in our pajamas and have coffee not knowing if we will have company of him and his ramp and looking over our fence. The issue is merely the fact rules/regulations if anything need to be implemented if this is going to be allowed out of respect and privacy of the

neighbors. We are in a subdivision not out into the country with large property. Everyone should be able to enjoy the privacy of their property.

Please consider if not banning it in residential properties then at least implementing rules/regulations. The size, the materials used to build should include noise reduction materials, the times for use, the height of the lighting attached to the ramps (neighbor has posts high up with lighting all around it like an amusement park). I truly would hate to see anyone else have to go through some of the incidents we have had to here. It is difficult, it is embarrassing and uncalled for and well have to live next to each other still, we own our homes! To avoid this regulations at least need to be implemented, I cannot emphasize that enough. Preference would certainly be banning, there are parks for this activity with the no privacy or noise issues to worry about.

Food for thought, if it mattered to him much why have they not showed up to any of the meetings to argue their side. We have attended each meeting. The neighbor on other side of us is trying to clear their schedule to attend March 20th as well as a few others in area if their schedules allow. Hard for many due to work, children and/or school. We do not have neighbors behind us it is a canal and we do not have neighbors across the street it is field owned by Hetch Hetchy. Otherwise, I am sure this would have caused issues with others.

Thank you for your consideration,

 Lu-Ann Thomas

**Public Comments for:
Item 5.1 - Proposed Ordinance
Skateboard ramps in residential
areas.**

Dennis & Lu-Ann Thomas

April 2, 2018

Via Email to: cityclerk@riverbank.org

City of Riverbank
6707 3rd Street
Riverbank, CA 95367

ATTN: Mayor Richard D. O'Brien and All City Council Members

Re: Skateboard Ramps in Residential areas

We have been working with City of Riverbank, Donna McKinney, regarding an issue of our neighbor and his skateboard ramp in the backyard. We have been dealing with this and trying to take it all through the City of Riverbank and the Planning Commission instead of having it escalate with the neighbor. There has already been conflict enough between all of us. It is our understanding that this issue is coming before the council on Tuesday, April 10, 2018.

Mr. and Mrs. Hoyt next door to us (I believe the address is , addresses are odd in our little section) have built an enormous skateboard ramp in their backyard a year or so ago. It has caused conflicts between us and others ending in us calling the police. Unfortunately, Ken Hoyt either takes off when we tell him we are calling the police or shuts all his lights off and doesn't answer the door for them.

This skateboard ramp at its peak ends is higher than our current 6 ft fence and currently placed probably 10 to 12 ft in from the property lines. Mr. Hoyt skateboards at all times of the day, early mornings, daytime, and into evenings in the dark. We are trying to get this either banned altogether or some rules and regulations in place. Our thoughts are a much much smaller scale ramp (as Mr. Hoyt had prior to this one) if it is to be allowed in the backyards of residential subdivisions with rules of no skateboarding before 9 a.m. and no later than 5 p.m. or 6 p.m. depending on daylight savings time.

To top this off he has attached posts on each corner of the ramp at its already peak height that stand probably 10 feet higher than the top of the ramp and has lights all around it. It is like we have a community skateboard park in our own backyard. We also recommend if the ramps are to be allowed they must be permitted, they must use noise reduction materials and must be approved after completed.

Our reasons why ramps should not be allowed are fact that the neighboring sides lose their privacy, the noise elevation, the conflict it can cause. There are skateboard parks one in Riverbank and one in Modesto same distance away over at Beyer Park. Why should anyone have to deal with losing privacy of their own home and the noise and conflict?

When Mr. Hoyt or his guests are having the events back there and standing at peek and they are constantly looking into our yard taking the privacy of our space away completely. At times, he or his guests have said things over the fence to us such as “what are you looking at” “is there a problem”. This is completely unacceptable. These moments have escalated to our front yards and everyone raising voices to each other or teenage boys with filthy mouths saying unacceptable things to us as they switch to gas scooters and race back and forth in front of our house and up our driveway.

The tension and animosity that has been created due to this ramp is horrible. I feel it has taken away from both families involved and to an extent to other neighbors because they know of the issue yet try to be neutral and stay out of it which is understandable.

Aside from all this, we have dealt with so much more. Mr. Hoyt builds ramps continuously at his home as a business. He has posts on Craigslist in Sacramento, San Francisco and Modesto. This business he is running is not legal. Not only is it not legal, we have continuous sawing, drilling, and hammering, then we have traffic from those picking up their ramps from him. During the time of building and pick up the ramps are in his driveway, the City sidewalks, and the streets. He has been told many times he cannot do this and he just keeps on going.

In the past, we have turned Mr. Hoyt in for building ramps on the canal behind our houses that he was dirt bike riding on and then others would use as well and we had to call out MID to come take it down. There is also the many times across the street from us in the field owned by Hetch Hetchy and we have had to call them several times again for building dirt ramps and tracks and dirt bike riding which also encouraged others to come use. He burns his garbage several times a week instead of having a garbage can, it smells great. He is costing the City and all government entities involved a lot of money for their staff dealing with these issues, the costs of bringing equipment out to remove his dirt ramps and tracks etc.

The Planning Commission is recommending ramps at 6 ft high and 12 ft in from property lines, 9 p.m. to stop usage. There was also suggested he have to obtain a permit if they are going to allow the ramp at \$2,600 well all but one member of the Planning Commission have an issue of the \$\$\$ amount set too high and not allowing him to do what he wants on his own property. Well, this does nothing for us. We have been to so so many meetings now and each time the members of the Planning Commission change almost every time and it is like we are starting all over again.

We are asking you to consider all of this in making your decision. Would all of you like this in the backyard of your next door neighbor? Would you be ok having coffee out back in your

pajamas and him looking at you, or sitting out enjoying your pool or lounging to have his guests watching you or making comments to you? Would you like to try and relax in your own front or backyards and continuously hear the sawing, drilling and banging because not only is he always repairing his own ramp but also building others for sale. Would you enjoy losing the privacy of your own home that you have worked hard to purchase? These are all things that have thus far happened to us.

These issues have cost us money. We have now built a divider fence in our front yard between our homes because he always stores his ramps, garbage cans etc on his porch which is right next to ours and we couldn't sit out there, we have purchased four 11ft round umbrellas (beautiful) but expensive and we have installed security cameras around our home due to the fact they have several times come onto our property yelling and with scooters and all unnecessary expenses in your normal neighboring situation just so we can gain some privacy again. We have spent approx \$6500 to \$7000 on things we would not have done if it was not for this situation, yet the Planning Commission is concerned about him or anyone having to pay a \$2600 permit fee. All this mans actions cost us our money, privacy, peace and enjoyment of our home. Would you all be ok with this?

We asked a few realtor acquaintances what would this do if we listed our home for sale. The responses of 3 realtors were it would have to be disclosed to the buyer, it is very possible it would bring down the value of your home, it would make your home difficult to sell to most. Would you all be ok with that?

Please take everything noted in this letter and put yourselves in our situation and think about how you would feel. Please.

Unfortunately, we are all dealing with a person who does not think he has to follow any laws, rules or regulations and can do as he wishes. A person who has no consideration of anybody around him.

We thank you for taking the time to review everything and under consideration in making any decisions. Please see all photos that we have provided to Donna McKinney and all the other things the City of Riverbank has in regards to Charles Kenneth Trey Hoyt.

Dennis & Lu-Ann Thomas

Jake & Sandra Van Vliet

[REDACTED] Riverbank, CA 95367
[REDACTED]

May 15, 2018

Donna Kenney
Planning & Building Manager
6617 Third Street
Riverbank, CA 95367

Annabelle Aguilar
City Clerk

Dear Donna Kenney,

You are no doubt informed as to the situation with two of our neighbors. My husband and I were aware that the skate ramp/half-pipe was becoming more and more of a problem, but never could have imagined it escalating to the point at which it has grown to date.

We'd had a completely congenial relationship with Ken and Molly as well as Dennis and Lu-Ann. And, we appreciated both families.

On April 16, 2018 news crews came to OUR door. They were wanting our view on the situation. At that point, we were trying to be quite neutral in the situation because we want to keep peace and truly have a healthy relationship with all in the neighborhood. How in the world this got to be a newsworthy issue was baffling to me as I opened the door and struggled for composure and to think whether to even allow any comments to be aired.

Jake had spoken with Ken Hoyt at [REDACTED] a couple of times trying to understand and keep some peace between the two parties.

Then, as we were forced to truly take a hard look at what has really been happening under our noses, we realized that we had chosen to overlook a few things that Ken seemed to push

now that we looked back at through the time we've lived here. There had been a few things that had happened prior to this occurrence outside of the skate ramp issue that were troublesome to us; namely, the building of a dirt pile on the Hetch Hetchy property across the street where Ken would drive his dirt bike, using the piles for a jump for the bike. Because of certain liability issues to the Hetch Hetchy business, we weren't surprised to see the mounds were removed by the Hetch Hetchy workers. Additionally, there was the issue of the Hoyt sound level airing the Giants' baseball games. It seemed a deliberate escalation of sound as the ramp became more and more an issue...especially after the ramp was built to a higher level.

Additionally, we knew Ken was building and selling skate ramps at random times and the noise from saws and hammering was another thing we would chalk up to a neighbor who didn't give a whole lot of thought to his neighbors enjoyment of backyard time. And, again, we chose to overlook the noise.

But, today the issue of the actual skate ramp in the Hoyt backyard is of utmost importance. There are several reasons we completely concur with the Thomas' on this issue:

First, the property value of the immediate next door neighbors, and if we were to be open and honest, it would somewhat effect our home's value as well, although to a lesser degree because we are one house further away. If we were buyers looking at homes and while we were checking out a home noticed that the next door neighbor was skating up and down and was able to stop and either deliberately or potentially be able look directly into the prospective backyard of the home, we wouldn't give the property a second look. Period.

We, too, have a swimming pool in our backyard and enjoy it in the typical attire worn for swimming...not to mention that we frequently have our granddaughters over to enjoy the pool as well. There would be no way that we wouldn't be struggling with the NEXT door neighbor's lack of concern for the privacy he took away when building the ramps...they were NOT in place when the Thomas' purchased their home.

The Thomas' have purchased umbrellas that they open to regain SOME of the privacy they had prior to the ramps. I took a picture from our yard yesterday to show what they look like opened up from where we are. They help with privacy for their patio, but not for the back half of their yard, where Ken's ramp is. It's unfortunate that they are having to pay for a neighbor's lack of responsibility for having taken away the privacy they had prior to the ramps going in.



We've since learned that anyone who lives next door to a neighbor with a skate ramp must disclose said ramp to any potential buyers so that the buyers could make an informed decision with regards to making an offer on the home for sale.

When the press was making their appearance in the neighborhood, we were careful to check what the articles and newscasts were sharing. There were several pieces of information that troubled us. One being that Ken was purportedly frequently spending time with teens on the ramp in his backyard. Jake and I were taken aback by this as we can't remember seeing anyone but Ken out there, with the exception of his teenage son when he was still coming to stay at their home...and even that was rare. If his little girls are out there now, we wouldn't be able to see them as they are precious little ones at this point and too short to be seen, and probably cannot get to the top just yet.

The mention of Ken's daughters has me (Sandy) again feeling terribly about this whole thing. Ken's wife is a dear, sweet young woman and his little girls are adorable. I can't quite

understand how this can all be happening. Ken is a counselor at a school. That, too, has puzzled me. Wouldn't a counselor see how this would all escalate to this point?

As I read through this letter to proof it, it seems as though we are pro-Thomas, anti-Hoyt. But truly, until the press got involved by Ken's request, we really hadn't taken a hard look at what all had happened.

Thank you for considering our input.

Sincerely,

Jake and Sandy Van Vliet

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	May 22, 2018
Subject:	Use of Housing Related Parks Grant Funding on Community Center Renovation and/or Pool Locker Room Renovation
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider the options provided and give staff direction on the use of the Housing Related Parks Grant Funds toward the renovation of the Community Center Building and/or the Pool Locker room renovation.

SUMMARY

The Parks and Recreation Department was awarded the Housing Related Parks Grant in July, 2017. The amount of the grant award was \$352,841. When the grant was submitted, it was for both the Riverbank pool locker room renovation and the renovation of the Community Center Building. The grant funding was less than we anticipated so we do not have the funding to proceed with both projects.

This item was brought to the City Council on May 8th for direction. The City Council requested that the Director of Parks and Recreation obtain additional information on the total cost of the pool renovation including bringing the pool deck slope to ADA code. Tonight, this item is being presented again to record City Council's direction on use of State grant funds for reporting purposes. The additional detailed information on both projects and their timelines provided this evening is to assist the City Council in choosing the option that will benefit the community the most.

The Pool Locker Rooms: Although there are no health hazards present, they are old and in need of renovation. The plans for renovation include locker room floor replacement, partition replacement, plumbing replacement, painting, and bringing the facility up to ADA standards. The Architect is confident that we can complete the project with the funding available but we will not be sure until the project goes out to bid. The design and engineering will cost approximately \$30,000. This will leave us with \$322,841 toward the project. Construction costs are high at this time. Once our costs exceed \$180,000, we must meet all ADA standards. If the bids received exceed our available funding, staff would return to City Council for direction at that time.

The Community Center Building: This facility is also in need of renovation. We are hoping to receive CDBG funding for this project but this funding is uncertain at this time. The funding available could complete the replacement of the community center floor and improvements in the main dining area such as panel replacement, painting, and ceiling work.

ESTIMATED COST FOR PROJECT OPTIONS

OPTIONS	PROJECTS	ESTIMATED COST	PROPOSED TIMELINE
Option – 1	Pool Locker Room Renovation	\$352,841	To begin October, 2019
Option – 2	Community Center Building Renovation	\$352,841	To begin September, 2019
Option – 3	Only Replace the Flooring of both the Pool Locker Room and the Community Center	\$352,841	To begin September, 2019

STRATEGIC PLAN

This project is related to the Strategic Plan by maintaining and improving the City's infrastructure and service delivery systems.

FINANCIAL IMPACT

All grant funds must be spent by April 30, 2019. There should be no financial impact to the General Fund for the project(s) chosen. The costs provided are only estimates and may come in at a higher or lower cost. The scope of the project will need to be watched closely as either project proceeds through the bid and construction process.

ATTACHMENT

There are no attachments to this item.