



**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, NOVEMBER 13, 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: Report on 2018 Cheese & Wine Festival.

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: A **Resolution** to Approve Funding for the Repair of a Police Services Building Wall and Award the Bid to Bigler Construction.

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 and 5.2 was published in the Riverbank News on 10/31/2018.

Item 5.1: **First Reading by Title Only and Introduction of a Proposed Ordinance Approving a Rezone of 1.1± Acres to Planned Development Located at Seventh and Sierra Streets (APN 312-015-023) a Project Known as Riverbank Commons** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 11, 2018, for consideration of its adoption.

The Planned Development Rezone 01-2017, Architecture & Site Plan Review 02-2017, Tentative Subdivision Map 01-2017 (Dept. File # 17-0015) – Edmond Shamass, applicant; Edward Touma, owner – Riverbank Commons at Seventh and Sierra Streets, APN: 132-015-023 was considered by the Planning Commission, and with a 5-0 vote on October 16, 2018, approved the Tentative Map and Architecture & Site Plan Review for the Project and recommended City Council approval of the proposed ordinance.

Item 5.2: **First Reading by Title Only and Introduction of a Proposed Ordinance Amending Chapter 92: Fire Protection and Prevention of Title IX: General Regulations by Repealing this Chapter in its Entirety and Replacing it with a New Chapter 92: Fire Protection and Prevention of the City of Riverbank Code of Ordinances** – It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 11, 2018, for consideration of its adoption.

6. NEW BUSINESS

Item 6.1: **Approval of a Resolution to Waive or a Resolution to Defer System Development Fees for the Zaia & Zaia LLC, Del Rio Office Project** – It is recommended that the City Council consider the petition from Zaia & Zaia LLC to waive or defer payments for the System Development Fees assessed on the construction of the Del Rio Office Project at permit issuance and:

1. Approve a Resolution (Attachment 1) to waive the fees;
2. Approve a Resolution (Attachment 2) to defer the fees; or
3. Deny the waiver and/or deferral

Item 6.2: **Electronic Signage for Advertising City Events & Downtown Activity** – It is recommended that the City Council give direction to staff regarding the use of electronic signage for advertising City events & downtown activity.

Item 6.3: **Identification of Barriers to Development at Patterson Road and Estelle Avenue** – The purpose of this item is to provide an update to the City Council on the removal of obstacles to development at Patterson Road and Estelle Avenue. It is an objective of the City's Strategic Plan and addresses the City's three year strategic goal to "Expand Economic Development Opportunities for Businesses."

LRA tem 6.4: **Accept Report on Status of LRA Budget for First FY 2018/19** – It is recommended that the Local Redevelopment Authority ("LRA") Board of Directors ("Board") receive and approve the first quarter revenue and expenditure report (July 1, 2018 through September 30, 2018).

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: Mid-Management Bargaining Unit

Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
 Significant exposure to litigation pursuant to subdivision (b) of Government Code § 54956.9: (2) potential case**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 – City Manager and Mid-Management Bargaining unit****Item 9.3: Report from Closed Session on Item 8.3: CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: (2) potential case****ADJOURNMENT (The next regular City Council meeting – Tuesday, Dec. 11 @ 6:pm)**

November 27th City Council meeting is cancelled.

UPCOMING EVENTS:

November 12 Monday	• <u>City Offices Closed</u> – In honor of Veteran's Day.
November 22 – 23 Thurs. - Friday	• <u>City Offices Closed</u> – Thanksgiving Holiday
December 11 Tuesday	• <u>Anticipated Seating of Elected Officers and the Farewell of Outgoing Council Member</u> for the November 6, 2018, Municipal Election, at the 6:00 p.m., City Council meeting.
2018 Canceled Regular City Council Meetings	• <u>City Council voted to cancel the following regular meetings:</u> - o Tuesday, July 10, 2018 - o Tuesday, August 14, 2018 - o Tuesday, November 27, 2018 - o Tuesday, December 25, 2018

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 9th day of November, 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 of (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	<u>Regular City Council Meetings:</u> 6:00 p.m. on the 2nd and 4th Tuesday of every month, unless otherwise noticed. <u>Local Redevelopment Authority Board:</u> (The City Council also serves as the LRA Board.) Meets on an "as needed" basis. The City Council also serves as the LRA Board.
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/LRA Board, for which special notice has been given. During a specified portion of the hearing, any interested party is invited to present written or oral protests or support for the subject matter under consideration. Written testimony sent or delivered to the City Clerk must be received no later than <u>5:00 p.m. on the day of the meeting</u> to allow for their distribution to 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 during this time.
Televised / Video of Meetings	• Charter – Channel 2 • AT&T Uverse – Channel 99 • www.riverbank.org – video icon – under Agendas and Minutes link
City Hall Hours	City Hall is open Monday – Thursday; 7:30 am – 5:30 pm and Fridays: 8:00 am – 5:00 pm; CLOSED alternating Fridays
Questions	Contact the City Clerk at (209) 863-7122 or aaguilar@riverbank.org

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 1.1

SECTION 1: PRESENTATION

Meeting Date:	November 13, 2018
Subject:	Report on 2018 Cheese & Wine Festival
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council receive the report on the 2018 Cheese & Wine Festival.

SUMMARY

Chris Ricci with Chris Ricci Presents, Inc. will give a brief report to the City Council on the 2018 Cheese & Wine Festival.

BACKGROUND

The Cheese & Wine Festival has been held in Riverbank for the past 42 years. The City Parks and Recreation Department in conjunction with Chris Ricci Presents, Inc. have administered the event for the past 5 years. Prior to the City taking over the event, the Riverbank Rotary Club administered the event for 8 years and the Riverbank Chamber of Commerce for 29 years.

Overall the event has been successful both financially and operationally over the past 5 years, with no funds requested from the General Fund. This is largely due to our committed sponsors for the event.

The main challenge has been retaining and attracting vendors. There have been community comments questioning the possible reasons for this difficulty. While there are likely a variety of factors that influence this, it appears that the greatest reason (which the Rotary Club also noticed 8-10 years ago) is that there are many more festivals regionally today than there was 10-15 years ago. This has created a much more competitive environment for attraction of vendors. Vendors have more choices and can choose to go to areas that they will make more money.

Chris Ricci will present to the City Council the components of the Festival that were successful this year and the components that were more challenging.

STRATEGIC PLAN

This item is relevant to the Strategic Plan by our mission statement, "The City of Riverbank is committed to providing exceptional municipal services in a fiscally sound and professionally responsible manner for our community."

FINANCIAL IMPACT

The primary impact that is not directly accounted for is Riverbank staff time for prep and organization of the event. Parks and Rec staff add these duties during the event prep season into their normal duties. Aside from staff time, the event, over the past 5 years has operated with revenues exceeding expenditures by over \$20,000. The event is now paid in full as we have paid the Riverbank Rotary Club the last \$3,000 for the purchase of the event which was in total \$15,000.

ATTACHMENT

There are no attachments to this item.

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

SECTION 3: CONSENT CALENDAR

Meeting Date:	November 13, 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 AGENDA ITEM NO. 3.B

SECTION 3: CONSENT CALENDER

Meeting Date:	November 13, 2018
Subject:	A Resolution to Approve Funding for the Repair of a Police Services Building Wall and Award the Bid to Bigler Construction
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider approving the repair of a section of the wall in the women's locker room within the Riverbank Police Services building and award the bid to the lowest bidder, Bigler Construction.

SUMMARY

The City of Riverbank received three bids for the repair of a section of the wall in the women's locker room located in the Riverbank Police Services building. Coit would only give a cost for demolition but not repairs until the demolition was complete. Bid requests were sent to three additional construction companies with no response. The low bid that includes demolition and repair was in the amount of \$11,376 from Bigler Construction. Approval to award this bid is requested. The bids were as follows:

Bigler Construction	\$ 11,376
Gary Carver Construction	\$ 22,560
Coit	\$ 7,603 (Demolition only)

The amount requested for this project is \$12,000 to cover any additional expenses that may occur.

BACKGROUND

The Parks and Facility Maintenance Supervisor for the City of Riverbank received a request to repair a section of the wall in the women's locker room at the Police Services Building. The sheetrock appeared to be water damaged and had been partially deteriorated. He removed the lockers in the women's locker room to determine the full extent of the damage. Once the lockers were removed, mildew was visible on the walls for roughly 30 square feet. The damaged sheetrock was removed and insulation to

make sure there was no further damage inside the walls. Once the wall was opened up, it was apparent that there had been a water leak for quite some time and the interior of the wall had mold inside. Bovee Environmental was called to survey the area and do moisture testing on the adjacent walls to create a scope of work to abate the mold. It was determined that there was no live mold and no current leak. This report was used to obtain the quotes for abatement, repair and reconstruction of the wall. Once the wall is opened, the source of a leak that occurred in the past will be explored.

FINANCIAL IMPACT:

The financial impact would be \$12,000 from the General Fund reserve for this repair. The low bid was \$11,376. The request for approval is for the amount of \$12,000 due to any additional costs that may be required to complete this project.

STRATEGIC PLAN

This item is consistent with the Strategic Plan by maintaining and improving the City's infrastructure and service delivery systems.

ATTACHMENTS:

1. Resolution

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE FUNDING FOR THE REPAIR OF A POLICE SERVICES
BUILDING WALL AND AWARD THE BID TO BIGLER CONSTRUCTION**

WHEREAS, the City of Riverbank has a commitment within the Strategic Plan to Improve and Maintain City Infrastructure; and

WHEREAS, it has been determined that a section of the women's locker room wall of the Riverbank Police Services building is in need of repair due to water damage; and

WHEREAS, the City obtained construction bids and the lowest responsible bidder was Bigler Construction at \$11,376.00.

WHEREAS, funds are requested in the amount of \$12,000 to cover the low bid of \$11,376.00, and any additional work that may be necessary to complete this project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves funds in the amount of \$12,000.00 from the General Fund Reserves for the repair of the women's locker room wall, and awards the bid to Bigler Construction.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of November, 2018; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.1

SECTION 5: PUBLIC HEARING

Meeting Date: November 13, 2018

Subject: First Reading by Title Only and Introduction of a Proposed **Ordinance** Approving a Rezone of 1.1± Acres to Planned Development Located at Seventh and Sierra Streets (APN 312-015-023) a Project Known as Riverbank Commons

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 of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 11, 2018, for consideration of its adoption.

The Planned Development Rezone 01-2017, Architecture & Site Plan Review 02-2017, Tentative Subdivision Map 01-2017 (Dept. File # 17-0015) – Edmond Shamass, applicant; Edward Touma, owner – Riverbank Commons at Seventh and Sierra Streets, APN: 132-015-023 was considered by the Planning Commission, and with a 5-0 vote on October 16, 2018, approved the Tentative Map and Architecture & Site Plan Review for the Project and recommended City Council approval of the proposed ordinance.

SUMMARY

The proposed project consists of a Tentative Subdivision Map (“TM”), Architecture & Site Plan Review (“ASPR”), and a Planned Development Rezone (“Rezone”) to subdivide approximately 1.1± acres into thirteen (13) single-family residential lots and Lot A with a net density of 19.1 dwelling units per acre (“du/acre”). The project site currently has a General Plan Land Use designation of Higher Density Residential (HDR 16+ du/acre) and is currently zoned Planned Development (“PD”) 27. The current PD zoning was approved in 2008 and contains conditions of approval which the developer would like to remove or modify as they are too costly to implement in today’s market.

BACKGROUND

The subject project is located in central Riverbank and bounded by an alley and residential parcels to the North, Seventh Street and residential parcels to the East, railroad tracks to the South, and a multifamily housing complex to the West. As an infill project, the product type will provide a good transition between the multifamily housing complex to the West and the single family neighborhood on Seventh Street.

The neighborhood is an established residential neighborhood that was annexed to Riverbank in 1968 by the South Riverbank Annexation. In 1990, the City Council adopted Planned Development 27 that established a development plan for the property that illustrated 26 attached dwelling units on the 1.1 acre site. Thus, the site has been designated for higher density since its annexation.

The project site is vacant with the bulk of it set 150 feet back from Seventh Street. Previous approvals include a tentative map for the original 26 attached dwelling units, a tentative map for 22 detached senior-restricted units, and a tentative map for 19 attached condominiums. The senior units were found to be inappropriate for the site given accessibility issues with the proposed two story units and the lack of amenities necessary for a senior development. The condominium map is still valid until March 24, 2019, but as mentioned previously, there are expensive conditions of approval that kept this project from being built such as alley improvements that were required for the entire alley instead of just the project frontage.

ANALYSIS

A. Site Design

The design of the project as proposed is a small lot detached single family residential subdivision as can be seen from its Tentative Map (Attachment 2). The proposed lot sizes drop substantially below the Riverbank Municipal Code ("RMC") R-3 standard of 6,000 square feet ("sf") and the current condominium lots do not work for the product type proposed; therefore, the developer has applied for a rezone to a PD which will accommodate the proposed 2,750 to 1,995 square foot lots with their reduced setbacks. As a gated community, the single street and roundabout will be privately maintained and all utilities will be installed within it, including storm water retention and percolation beneath it, eliminating the need for the standard utility easements in front yards. The proposal is to have access from Seventh Street and an emergency vehicle access ("EVA") for Fire only to the alley. These facilities plus the park and landscape planters are all contained in Lot A.

B. Architecture / Residential Design Guidelines

The architecture of the proposed project (Attachment 3) includes modern and craftsman type designs. Each two-story home features a two-car garage and decorative entry way. There are four (4) different elevations offered. Each elevation blends a variety of earth tones. In addition, the proposed project will feature colored roads and sidewalks. All

colors proposed in the project are various earth tones that blend well together (Attachment 4). Additional architectural details include stucco foam trim, concrete roof tiles, decorative entry doors, and upgraded garage doors.

The proposed project will also feature a seven foot CMU wall along the southern property line which borders BNSF right-of-way. The remainder of the proposed project site will feature six foot good neighbor wooden fencing. The Planning Commission with a vote of 5-0 approved the Architecture and Site Plan Review (Attachment 5).

C. Transportation and Circulation

The proposed project features one (1) 22-foot entrance and exit point on Seventh Street. Emergency Vehicle Access (“EVA”) will be accomplished through the entry on Seventh Street and the exit at the Sixth-Seventh Street Alley. “No parking” areas will be required at various locations around the project site to ensure EVA access is retained at all times. The developer will also be required to install a Knox Box to allow emergency vehicles to bypass the gated access features. Each home will feature a two-car garage but no driveway parking. Additional parking of one designated space per home is featured at various locations within the site.

The proposed project site will include improvements to the project’s frontage along the Sixth-Seventh Street Alley instead of the entire alley. In addition, ADA access is required throughout the site and onto Seventh Street.

D. General Plan Consistency

The existing General Plan designation for this project is Higher Density Residential (HDR) which allows 16+ dwelling units per net acre. The project proposes thirteen (13) dwelling units on .68 net acres for a total of 19.1 dwelling units per net acre (“net” means excluding Lot A). Thus, the project’s density is consistent with the HDR designation of the General Plan.

General Plan Consistency Findings

In order to approve the proposed Project, the Planning Commission had to find that it is consistent with the Riverbank General Plan. Below is a discussion of General Plan Policies with which the proposed project is consistent or inconsistent:

1. Policy LAND-3.3

The City will encourage “compact development” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel. *The proposed project is a compact development located in close proximity to Downtown Riverbank for commercial opportunities.*

2. Policy LAND-3.4

Gated projects are only permissible only if connectivity with surrounding areas will not be significantly impaired. The City maintains the sole authority to approve a project that includes gates exclusivity in cases where a property is located where through connections would not be possible to other existing development or planned future developed areas. The City will not allow gates in unless fire access can be guaranteed according to Stanislaus Consolidated Fire Protection District. This exception to the general preference for connectivity and access can be made where a project consists solely of unique and locally desired land uses, such as senior housing. *The proposed project will feature a Knox Box which will be accessible to all emergency vehicles and emergency personnel. Further, the location close to downtown may attract active retired couples who tend to have less vehicles per household than the average family and prefer less yard to maintain. Finally, the developmental constraints of the site, including an alley to the north, a cul-de-sac to the west, train tracks to the south, and Seventh Street to the east are such that the gated project is consistent with this policy. This subdivision is unable to be linked to any adjacent developments.*

3. Policy DESIGN-3.6

1. The City will evaluate proposed projects, plans, and subdivision requests involving limited or controlled access according to the following criteria and consistency with other relevant General Plan policy. Access controls may be approved by the City if the following conditions are met:
 - The controlled access project provides a community and/or internal project benefit or satisfies a specific community need, such as, but not limited to: enhancing community safety and security; improving existing or projected traffic impacts; promoting community cooperation or identify; or, significantly enhancing the quality of life. *The project offers small-lot single family housing, which satisfies a need within the community. Small-lot single family housing tends to be more affordable than traditional larger lot single family housing. This will provide a more affordable option for Riverbank's residents to purchase their first home or to downsize after retirement.*
 - The limited success project includes alternative means of reducing traffic impacts as described in the Street Design Manual, and measures such as gateways, bollards, median-chokers, curb pop-outs, channelization of intersections, left/right turn only directional signs, one-way streets, and parking restrictions. *Parking restrictions will be in place as the site must always achieve consistency with the California Fire Code. The site has been designed to allow for sufficient parking for residents in a manner which maintains a consistent fire lane for emergency vehicles.*

- The limited or controlled access project does not significantly displace existing or projected future traffic or parking impacts to adjacent areas. *The project will not displace existing or the project's future traffic. All residents will park in their garages and on designated areas throughout the private street section.*
- Public access is not denied to open spaces, river, parks, trails, commercial areas, transit stops, major streets, schools, or public facilities. *The project is not consistent with this policy as the open space area (tot lot and BBQ area) is not open for public use but is an amenity to compensate for the smaller lots.*
- The street system, gated entry, and premises identification meet all criteria established in State regulations and City ordinances, policies, and design manuals. *This policy has been added as a condition of approval for the project.*
- Street access to gated projects has been provided for police, fire, and other emergency vehicles by means that are acceptable to the providers of those services. *The project is consistent with this policy as project plans have been reviewed by the Stanislaus Consolidated Fire District and the gated entry will feature a Knox Box system for EVA access at all times. Further, a designated fire lane will be maintained throughout the site.*
- Access will be provided for postal service, trash pick-up, and school buses. Pursuant to the Municipal Code, the City will not collect trash on private property. *This policy has been addressed in the conditions of approval.*
- The City shall be granted general utility easements and utility access easements on private streets. *This policy has been added as a condition of approval.*
- The location of the gates shall provide adequate stacking areas to accommodate traffic to the project. Stacking shall not adversely impact circulation on any public street. *The current site plan shows room for one (1) car to stack on the entry way.*
- Walls or other enclosures attached to gates shall use a combination of setbacks, landscaping, civic enhancements and human scale articulation and/or other design features. The enclosures will be governed by relevant sections of the municipal code related to sight distances. *This policy will be addressed through the implementation of the conditions of approval for the project.*

4. Policy DESIGN-4.2

Approved projects, plans, and subdivisions shall provide diversity among dwelling units in the use of color, building materials, floor plan layouts, square footages, and roof lines.

Approved projects, plans, and subdivision requests shall maintain continuity of a few overall urban design features to provide context between individual units and the neighborhood. *The project features a variety of floor plans, elevations, and color schemes and is consistent with this policy.*

5. Policy DESIGN-4.3

The City will encourage individually owned garages to be clustered or placed beneath units with common driveway access to maximize efficient use of the overall site area. *Each single family residence will have an individual two-car garage making the project consistent with this policy.*

6. Policy DESIGN-4.4

The City will allow for small front-yard setbacks in single-family residential districts to permit greater design flexibility and ensure an inviting human scale. *The project features small front setbacks as discussed in the development standards shown in Section E.*

7. Policy DESIGN-4.6

The City will allow common ownership of parking, courtyard gardens, recreational facilities, and/or open spaces for cluster, cottage, and attached single family residential housing. *The project will be required to create a Home Owner's Association (HOA), which will allow for common ownership and maintenance of Lot A.*

8. Policy ED-10.1

The City will ensure that the quality and type of housing in the community will be attractive to a wide range of residents. *The project features a number of unique designs that will be a positive addition to the city's housing stock that currently is needed. The Project is expected to attract first-time homebuyers, small families, and active retirees.*

F. Rezone

The developer is requesting relief from Multiple Family Residential (R-3) standards through rezoning the property as another Planned Development ("PD"). The Table below compares the standards of the two districts, nine (9) of which propose smaller minimums or larger maximums than the R-3 zone does (*):

Type of Standard	HDR Zoning Standards	Proposed PD Standards
Lot Size	6,000 sf minimum for 2 units, then 2,000 sf for each unit, not to exceed 20 units per net acre.	1,995 sf minimum per unit *
Lot Width	55/65 feet minimum	35 feet minimum *
Lot Depth	100 feet minimum	50 feet minimum *

Density	16+ units per net acre	19.1 units per net acre
Min. Building Size	Single Family – 900 sf	Single Family – 1408 sf
Height	35 feet maximum	25 feet maximum
Front Setback	15 feet minimum	7 feet minimum *
Garage Setback	20 feet minimum	7 feet minimum (no driveway parking) *
Side Setback	5 feet minimum	3 feet minimum *
Rear Setback	5 feet minimum	5 feet minimum
Lot Coverage	60% maximum	91% Maximum*
Accessory Height	10 feet maximum	N/A
Floor Area Ratio	Single Story – 0.60:1.0	Two Story - 0.90:1.0 *
Local Street Width	64 feet	22 feet minimum *
Sidewalks	Both sides of street	Both sides of street
Onsite Parking	2 covered spaces	2 covered spaces

Pursuant to RMC section 153.162 (E)(3), staff has requested that the developer offer amenities to compensate the neighborhood for deviating from the modified minimum and maximum standards above. These amenities could include enhanced landscaping, a colored concrete or brick crosswalk, electric charging stations in the garages, upgraded front doors and garage doors, decorative wrought iron fencing in the front, open space furniture, French doors instead of sliders, etc. Other suggestions would be considered at the satisfaction of the Community Development Director. The developer proposes amenities such as enhanced landscaping, decorative wrought iron fencing and gates, colored concrete sidewalks and pavement, colored stamped concrete pavement, upgraded garage doors, and enhanced lighting fixtures and poles.

Per Riverbank Municipal Code section 153.161 (A), no combination of parcels less than one (1) acre in size may be rezoned PD. The parcel proposed for development in this project totals 1.1± acres. Therefore, the project meets this requirement.

Rezone Findings

The Planning Commission recommended approval of the rezone to PD to the City Council with a vote of 5-0 (Attachment 6). To recommend approval, the Commission made the following required findings of fact:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development. *The development could be built in stages and exist as independent units capable of creating a good environment. The first units to be built would be closest to Seventh Street and the existing adjacent homes.*
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect. *The site is currently a vacant parcel that is a struggle for the owner to keep litter-free. A new subdivision will reduce any blighted conditions on*

the property as well as add to the diverse housing stock the City has to offer to potential new residents.

3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted. *Amenities proposed by the developer and staff for the deviations from R-3 zoning include: covered tot lot and BBQ area, enhanced landscaping, decorative wrought iron fencing and gates, colored concrete sidewalks and pavement, colored stamped concrete pavement, upgraded garage doors, and enhanced lighting fixtures and poles.*
4. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts. *Smaller lots could not be achieved under other zoning districts.*
5. Where a PD rezone is initiated by the City, the previous findings are not required and a master plan is not required. *This PD was not initiated by the City.*

G. Tentative Map

The Tentative Map proposes 13 buildable single family residential lots. The proposed street name will be reviewed by staff and outside agencies such as Fire and 911 to see if it is currently in use. Per RMC section 152.026 (L) all street names shall be approved by City Council. Duplication of existing names within the County will not be allowed unless the streets are obviously in alignment with existing streets and likely to be a continuation of the other street in the future.

Tentative Map Findings

A tentative map may be approved or conditionally approved by the Planning Commission if it makes all of the following findings:

1. The proposed map is consistent with applicable general and specific plans. *The proposed map is consistent with the General Plan if the recommended Conditions of Approval are adopted.*
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans. *The proposed map is consistent with the General Plan if the recommended Conditions of Approval are adopted as they relate to connectivity, sidewalks, and the provision of amenities.*
3. The site is physically suitable for the type of development. *The site is suitable for a new subdivision of this type.*
4. The site is physically suitable for the proposed density of the development. *The site is physically suitable for a proposed density of 16+ dwelling units per net acre.*

5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitats. *The design of the subdivision should not injure fish, wildlife, or their habitats, none of which are present on the site.*
6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems. *The design of the subdivision should not cause serious health problems.*
7. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through, or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This division shall only apply to easements of record or to easements established by judgement of a court of competent jurisdiction. *The design of the subdivision should not conflict with any easements of record.*

H. Parks

Pursuant to RMC Section 11-3-12(c), the Project has an obligation to dedicate park land. The developer has set aside 0.05 acres of Lot A for a small private park. The proposed park will offer a BBQ area and a covered tot lot, which will be offered as an amenity for the PD zoning. Park-in-lieu calculations show the obligation of parkland dedication for the project is 0.165 acre. The Planning Commission with a 5-0 vote approved the Tentative Map (Attachment 7).

ENVIRONMENTAL DETERMINATION

As stated earlier, staff as determined that this project is exempt from further CEQA Analysis as an exemption is permitted. The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects. The Project is consistent with the General Plan and Zoning Code, it is less than 5 acres and within city limits, it has no value as habitat for endangered, rare, or threatened species, its construction would not result in significant effects to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

PUBLIC NOTICE

On November 1, 2018, public notices for the City Council hearing were mailed to interested parties and property owners within 300 feet of the project location. The City Council hearing notice was also published in the Riverbank News and on the City's website on October 31, 2018. It was also posted at City Hall North, South, the post office, and sent to the library on October 31, 2018. A large Notice of Development Permit sign was posted at the project site on October 3, 2018.

PLANNING COMMISSION

On October 16, 2018, the Planning Commission held a duly noticed public hearing to consider the proposed Project. Five (5) Planning Commissioners were present at this meeting, including Vice Chairman Ball, who presided in Chair Dinan's absence and Commissioner Link, the Planning Commission's alternate member.

During the public comment period, Edmond Shamass, the Developer spoke in favor of his project, offering to answer any questions the Planning Commission might have for him. Five members of the public, all neighbors of the site, also commented on the project, explaining their concern with an existing lack of street parking on Seventh Street. They did not feel three parking spaces for each house within the new subdivision (two garage spaces and one assigned street space) were enough to keep new residents from parking on Seventh Street, which is already crowded with their cars and the cars of their guests.

In addition to the speakers, Kathy Hedman submitted a letter to the Planning Commission dated October 15, 2018 on behalf of her mother Barbara Trager (Attachment 8) discussing Mrs. Trager's concerns with too little parking, an increase in noise, and a lack of privacy. Mrs. Trager requested a block wall between her home and the new subdivision for noise attenuation but staff believes a wooden fence is more appropriate. Mrs. Trager has railroad tracks to the south of her home and the concern is that a wall on her north side (the subdivision side) would deflect train noise to the north side of her home. She would then have train noise on both sides of her home. The closest new home to Ms. Trager's existing home would be approximately thirty-four feet away. Most homes within the City are ten feet apart (2 five-foot setbacks combined).

Vice Chair Ball made motion to approve the Architecture & Site Plan Review and Tentative Map resolutions and recommend to the City Council the adoption of the draft Rezone Ordinance for the development of a 1.1 acre residential subdivision. Commissioner Hughes seconded the motion and Resolutions Nos. 2018-007/-008/-009 (Attachments 6, 7, and 8) were approved with a 5-0 vote.

FISCAL IMPACT

The Project is a clean-up of an older previously approved subdivision map. The fiscal impacts associated with providing municipal services to new residential projects will be partially off-set by the funds generated through CFD 2016-01. In light of the obligation to participate in the above mentioned Community Facilities District, the Project is unlikely to negatively impact the City's finances.

STRATEGIC GOALS

The City's Strategic Planning Session is a plan and set of goals that the City will work towards for the next three years. This project works toward the goal of maintaining and improving the City infrastructure systems.

ATTACHMENTS

1. Draft City Council Ordinance No. 2018-XXX Rezone
2. Tentative Subdivision Map 01-2017, date stamped July 31, 2018
3. Site Plans, Elevations, and Floor Plans, date stamped July 31, 2018
4. Riverbank Commons Colors and Materials
5. Planning Commission Resolution 2018-008 Architecture & Site Plan Review
6. Planning Commission Resolution 2018-009 Rezone to PD
7. Planning Commission Resolution 2018-007 Tentative Map
8. Kathy Hedman/Barbara Trager letter dated October 15, 2018

**CITY OF RIVERBANK
ORDINANCE NO. 2018-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING A REZONE OF 1.1± ACRES TO PLANNED DEVELOPMENT,
LOCATED AT SEVENTH AND SIERRA STREETS (APN 132-015-023) –
A PROJECT KNOWN AS RIVERBANK COMMONS**

WHEREAS, an application has been received from Edmund Shamass, with a proposal to subdivide approximately 1.1± acres into thirteen (13) single family lots, which allows for a net density of 16+ dwelling units per acre; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, October 16, 2018 to consider the proposed Zoning Ordinance Amendment and with a vote of 5-0 recommended its approval to the City Council; and

WHEREAS, the City Council for City of Riverbank has made the following findings for adoption:

1. An application has been received from Edmund Shamass with a proposal to subdivide approximately 1.1± acres into thirteen (13) single-family residential lots, and Lot A, which allows for a net density of 16+ dwelling units per acre; and
2. The project site is currently zoned Planned Development (PD) with a General Plan Land Use Designation of High Density Residential (HDR); and
3. The applicant is proposing to rezone the subject property to a new Planned Development (PD); and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on October 3, 2018 and again on October 31, 2018; and,
5. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on October 2, 2018 and again on November 1, 2018; and
6. The City finds that Pursuant to the California Environmental Quality Act, the proposed project will not have a significant effect on the environment.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 1.1± acres to the Planned Development zone district, located at APN 132-015-023.

Section 2: 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.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the 13th day of November 2018; motioned by Councilmember _____, seconded by Council Member _____, and upon roll call was carried by the following vote ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

- NOTE:**
- 1) NO TREES TO BE REMOVED.
 - 2) NO STRUCTURES TO BE REMOVED.
 - 3) SOIL TYPE: MdA MADERA SANDY LOAM
0-2% SLOPES
HYDROLOGIC SOIL GROUP: D
 - 4) DEPTH TO GROUNDWATER: 71 FEET



VICINITY
NOT TO SCALE

A.P.N. 132-015-023
CONTACT: EDMOND SHAMASS
615 13TH STREET
MODESTO, CA 95354
(209) 345-8316
eshamass@gmail.com

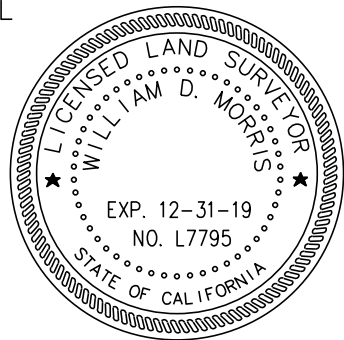
OWNER/
APPLICANT: EDMOND SHAMASS
615 13TH STREET
MODESTO, CA 95354

SITE ADDRESS: 7TH STREET (x SIERRA STREET)
RIVERBANK, CA 95367

ZONING: R-2 DUPLEX RESIDENTIAL
GENERAL PLAN: HDR HIGHER DENSITY RESIDENTIAL

TOTAL AREA: 1.17 AC.
WATER: CITY OF RIVERBANK
SANITARY SEWER: CITY OF RIVERBANK

PREPARED BY: MORRIS ENGINEERING & SURVEYING, INC.
334 S. YOSEMITE AVENUE, SUITE D
OAKDALE, CA 95361
(209) 845-9175

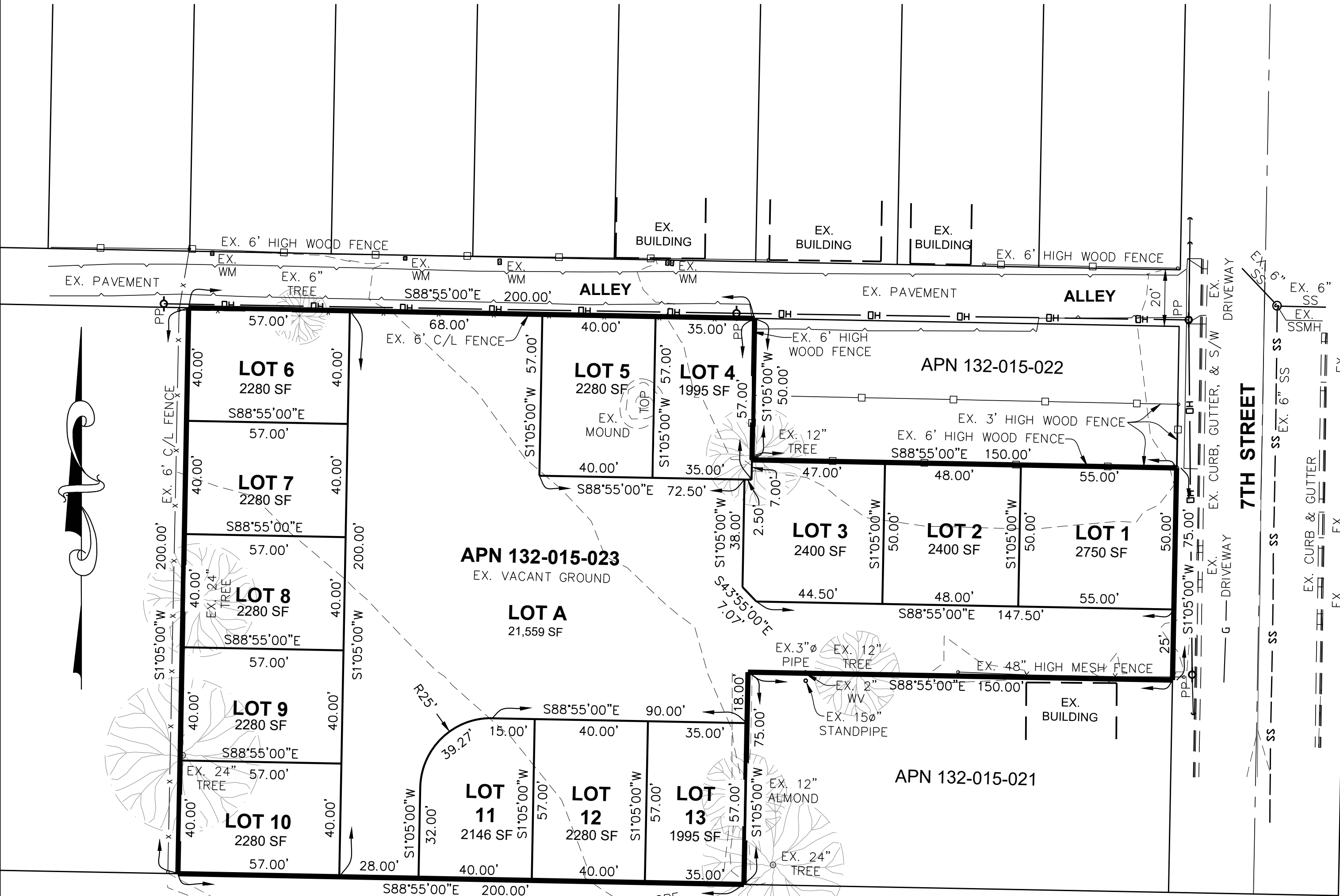


**TENTATIVE
SUBDIVISION MAP**

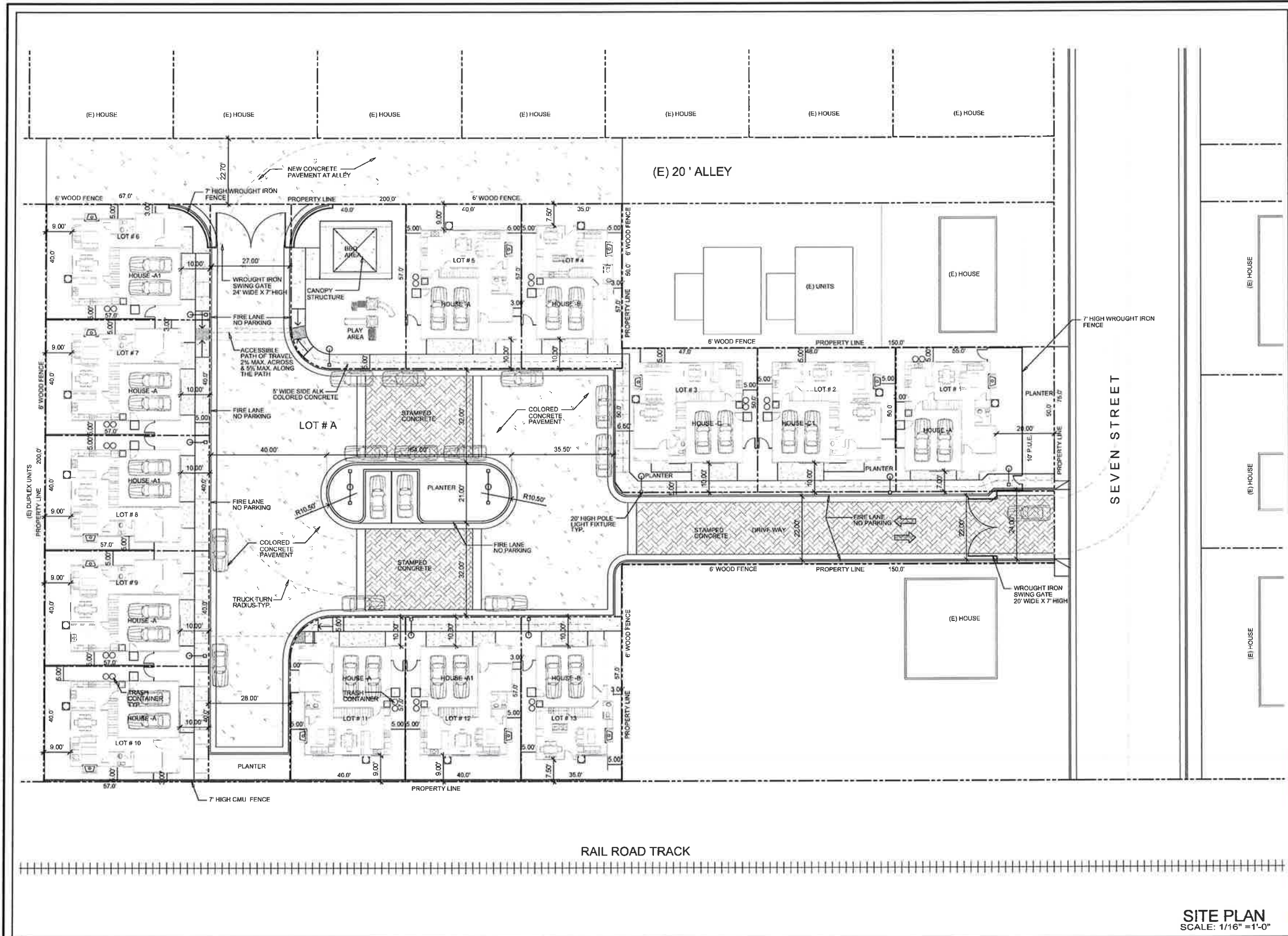
BEING ALL OF LOT 2 AND A PORTION
OF LOT 3 AS SHOWN ON THE EASTERN
ADDITION TO THE TOWN OF RIVERBANK
FILED IN BOOK 7 OF MAPS AT PAGE 30,
STANISLAUS COUNTY RECORDS, SITUATE IN
THE NORTHEAST QUARTER OF SECTION 25,
T.2S., R.9E., M.D.M., CITY OF RIVERBANK,
STANISLAUS COUNTY, CALIFORNIA
SCALE: 1"=30' JUNE 2018

MORRIS
ENGINEERING & SURVEYING, INC.

334 S. YOSEMITE AVENUE, SUITE D
OAKDALE, CA 95361
(209) 845-9175 ☎ (209) 845-9177 (FAX)



BURLINGTON NORTHERN & SANTA FE R.R.



PROJECT DATA

A.P.N. 132-15-23
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
OCCUPANCY: R3-U
TYPE OF CONSTRUCTION: V-B (FIRE SPRINKLERED)
ZONING: PLANNED DEVELOPMENT
TOTAL PROJECT SITE AREA 51,250 S.F.
LOT #1 2,750 S.F.
LOT #2 2,400 S.F.
LOT #3 2,400 S.F.
LOT #4 1,995 S.F.
LOT #5 2,280 S.F.
LOT #6 2,280 S.F.
LOT #7 2,280 S.F.
LOT #8 2,280 S.F.
LOT #9 2,280 S.F.
LOT #10 2,280 S.F.
LOT #11 2,146 S.F.
LOT #12 2,280 S.F.
LOT #13 1,995 S.F.
LOT-A 21,559 S.F.
HOUSE -A
TOTAL MAIN HOUSE 1,678 S.F.
2- CAR GARAGE 427 S.F.
HOUSE -B
TOTAL MAIN HOUSE 1,408 S.F.
2- CAR GARAGE 427 S.F.
HOUSE -C
TOTAL MAIN HOUSE 1,968 S.F.
2- CAR GARAGE 427 S.F.

MATRIX OF R-1 REQUIREMENT VS. PD

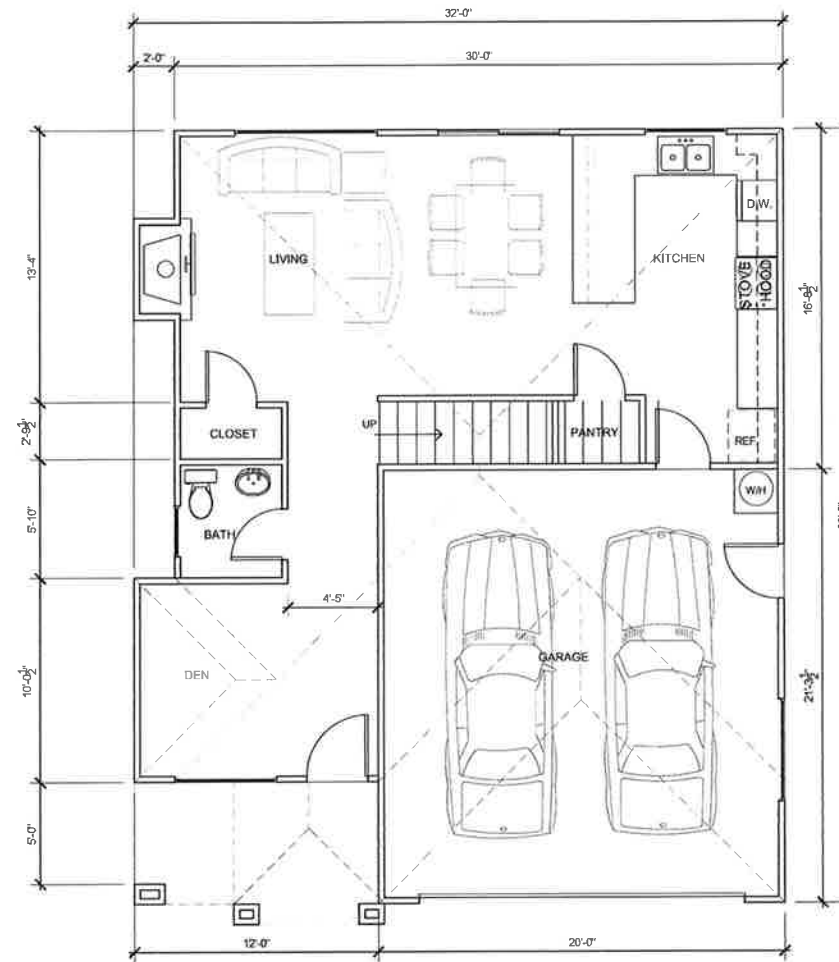
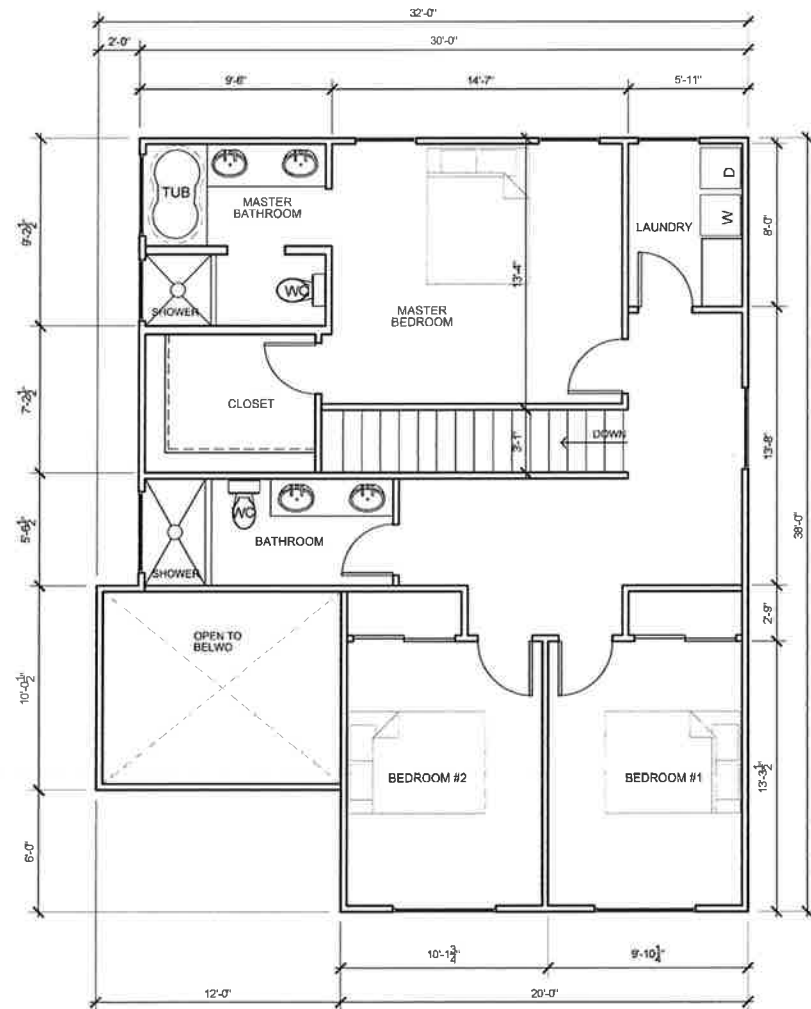
REGULATION	R-1 ZONING	PD ZONE
LOT SIZE (MINIMUM)	6,000 S.F.	1,995 S.F.
LOT WIDTH (MINIMUM)	60 FT.	35 FT.
FRONT SETBACK (GARAGE)	20 FT. MIN.	7 FT.
SIDE SETBACK (MINIMUM)	5 FT.	3 FT.

PD AMENITIES

- ☐ GATED COMMUNITY
- ☐ ENHANCED LANDSCAPING
- ☐ COLORED CONCRETE SIDE WALK
- ☐ COLORED CONCRETE PAVEMENT
- ☐ COLORED STAMPED CONCRETE PAVEMENT
- ☐ UPGRADED GARAGE DOORS
- ☐ COMMON BBQ AREA WITH COVERED CANOPY
- ☐ ENHANCED LIGHTING FIXTURE AND POLE

VICINITY PLAN

PROJECT SITE



MAIN HOUSE AREA:	
FIRST FLOOR	673 S.F.
SECOND FLOOR	1005 S.F.
TOTAL MAIN HOUSE	1,678 S.F.
2-CAR GARAGE	427 S.F.

PROPOSED SECOND FLOOR PLAN

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

PROPOSED FIRST FLOOR PLAN

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B Modesto, CA 95355
Phone: 209-408-0674 @edmondjacobsarchitect.com

HOUSE -A



JUNE 13, 2018
236-17



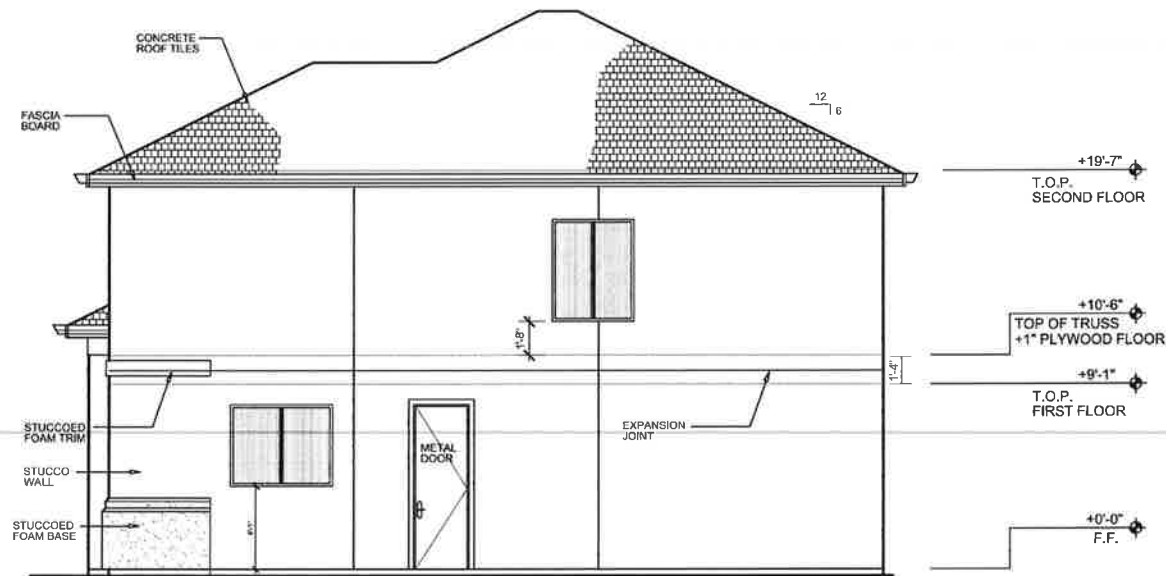
FRONT ELEVATION

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



BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B Modesto, CA 95355
Phone: 209-406-0674 • edmondj@edmondjacobsarchitect.com

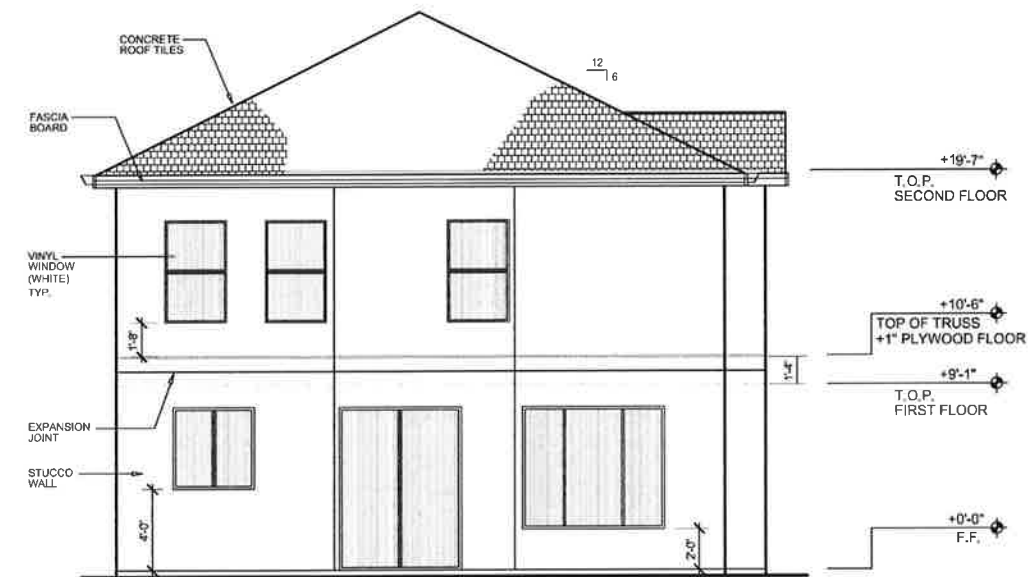
HOUSE -A 2
3

JUNE 13, 2018
236-17



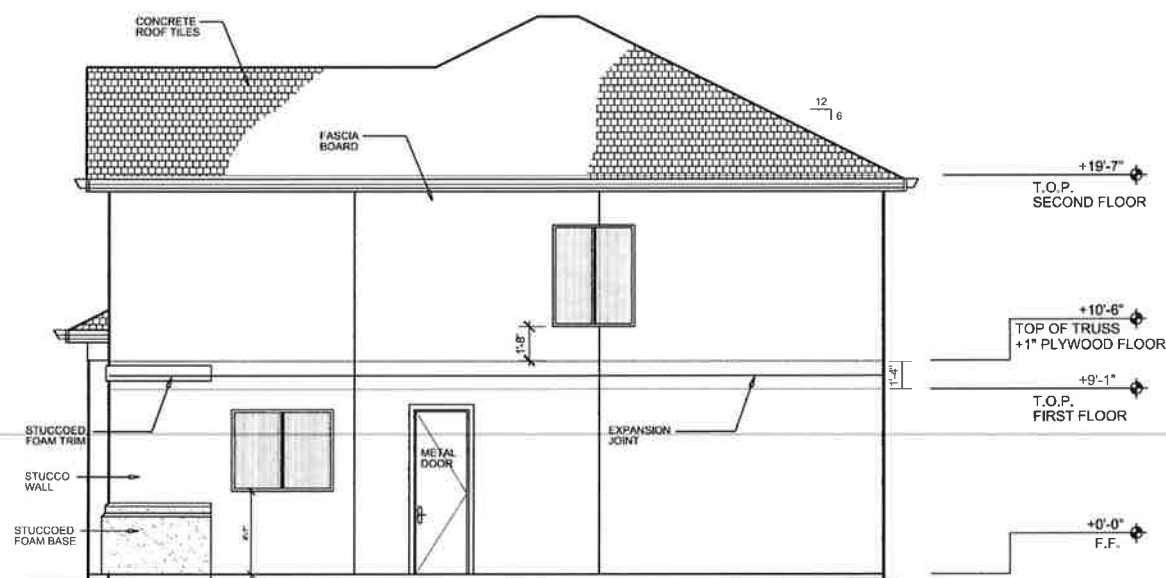
FRONT ELEVATION

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



BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

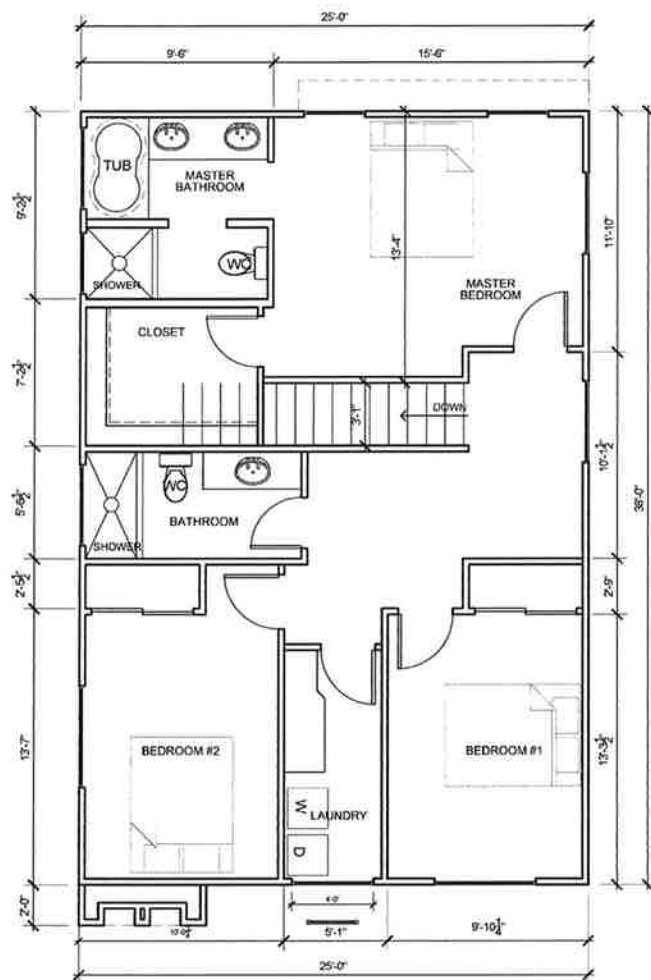
RIVERBANK , CA 95367



2301 Coffee Road #B ♦ Modesto, CA 95355
Phone: 209-408-0674 ♦ edmond@edfarchitect.com

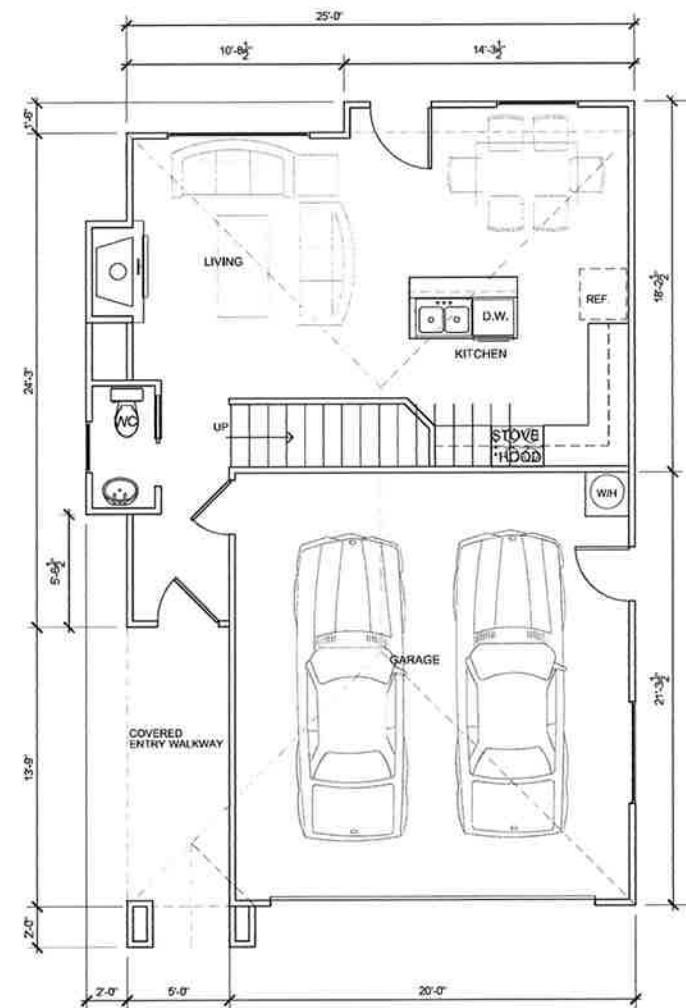
HOUSE -A1 
JUNE 13, 2018
236-17

JUNE 13, 2018
236-17



PROPOSED SECOND FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

MAIN HOUSE AREA:	
FIRST FLOOR	458 S.F.
SECOND FLOOR	950 S.F.
TOTAL MAIN HOUSE	1,408 S.F.
2-CAR GARAGE	427 S.F.

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B Modesto, CA 95355
Phone: 209-408-0674 • edmond@edjarchitect.com

HOUSE-B

1/2

JUNE 13, 2018
236-17



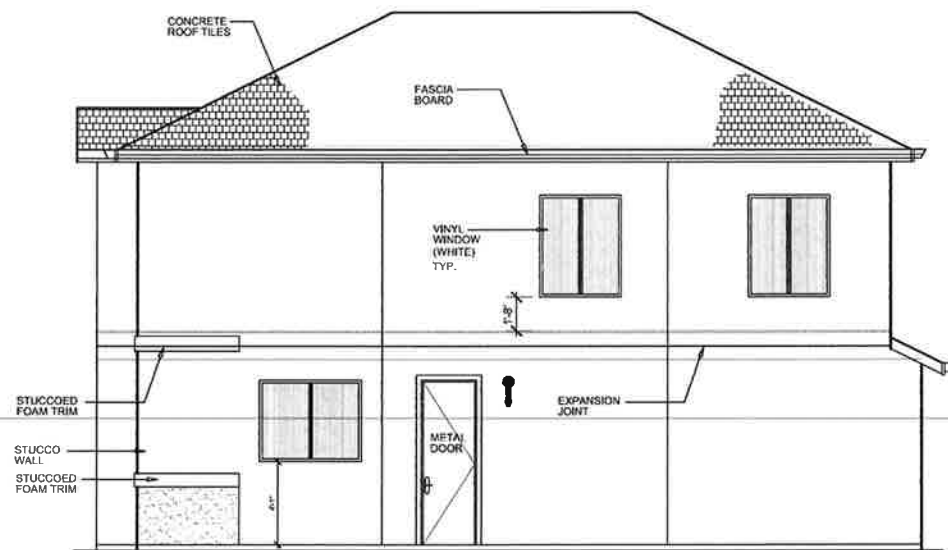
FRONT ELEVATION

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



BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

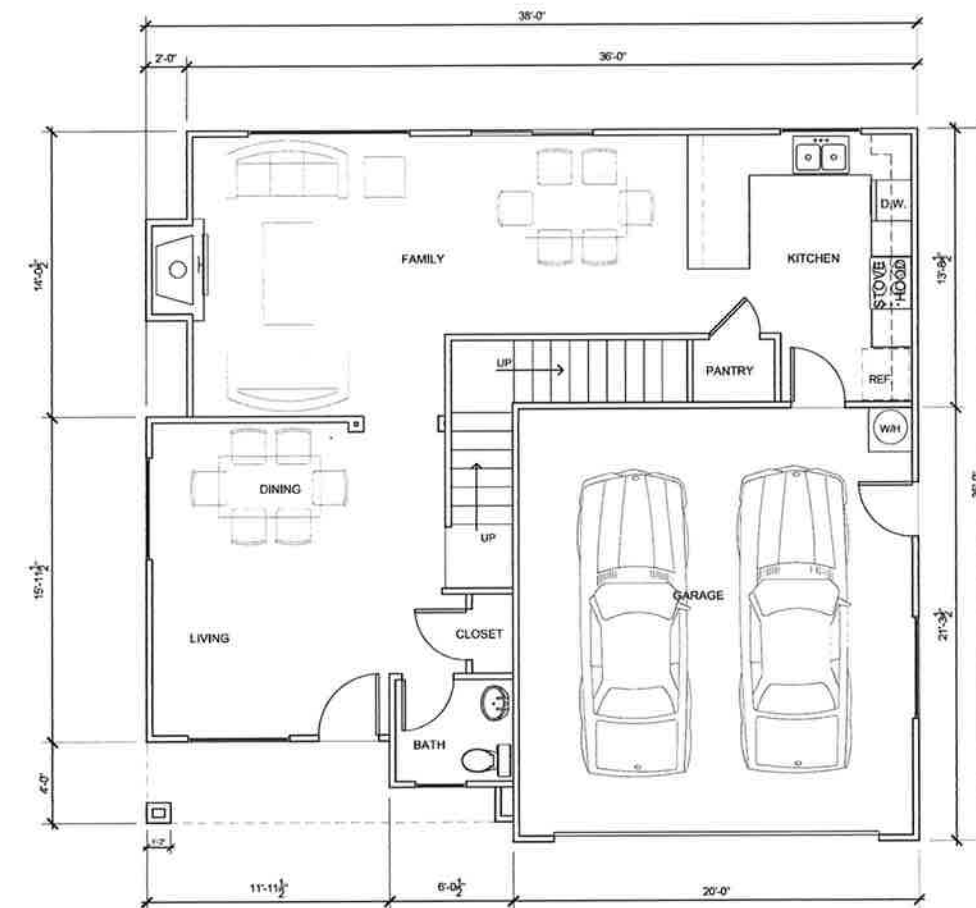
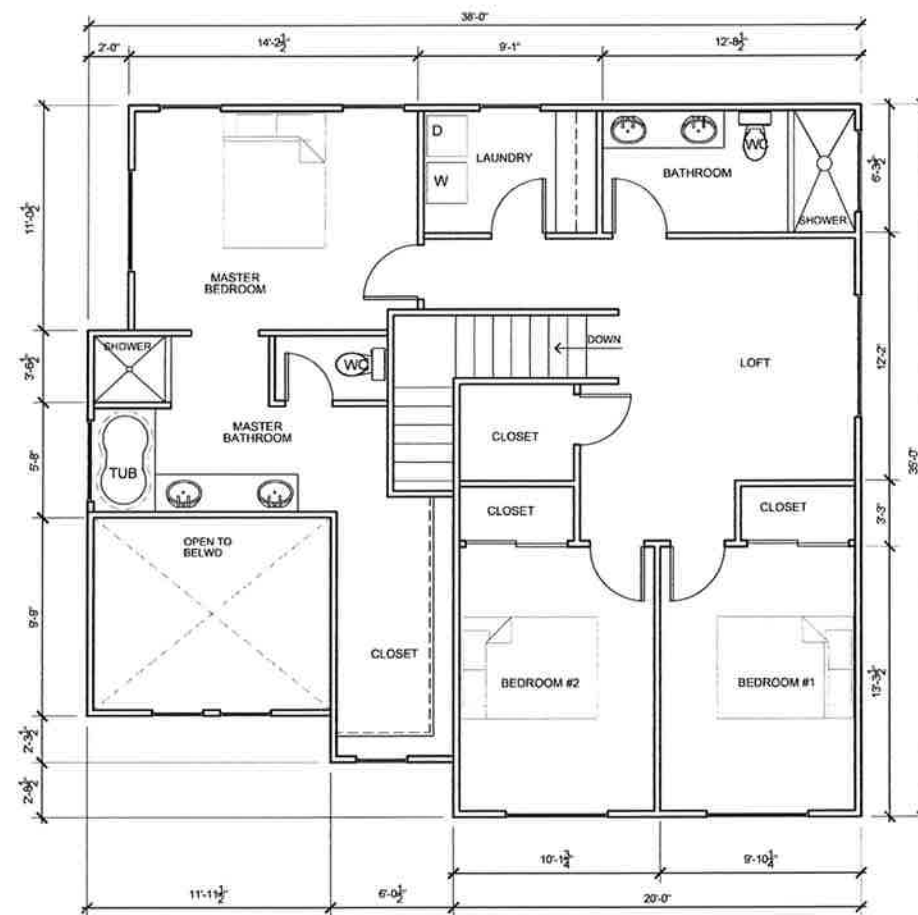
RIVERBANK, CA 95367



HOUSE-B



JUNE 13, 2018
236-17



MAIN HOUSE AREA:	
FIRST FLOOR	898 S.F.
SECOND FLOOR	1,070 S.F.
TOTAL MAIN HOUSE	1,968 S.F.
2- CAR GARAGE	426 S.F.

PROPOSED SECOND FLOOR PLAN

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

PROPOSED FIRST FLOOR PLAN

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK , CA 95367



2301 Coffee Road #B • Modesto, CA 95355
Phone: 209-408-0674 • edmond@etjarchitect.com

HOUSE-C 

JUNE 13, 2018
236-17



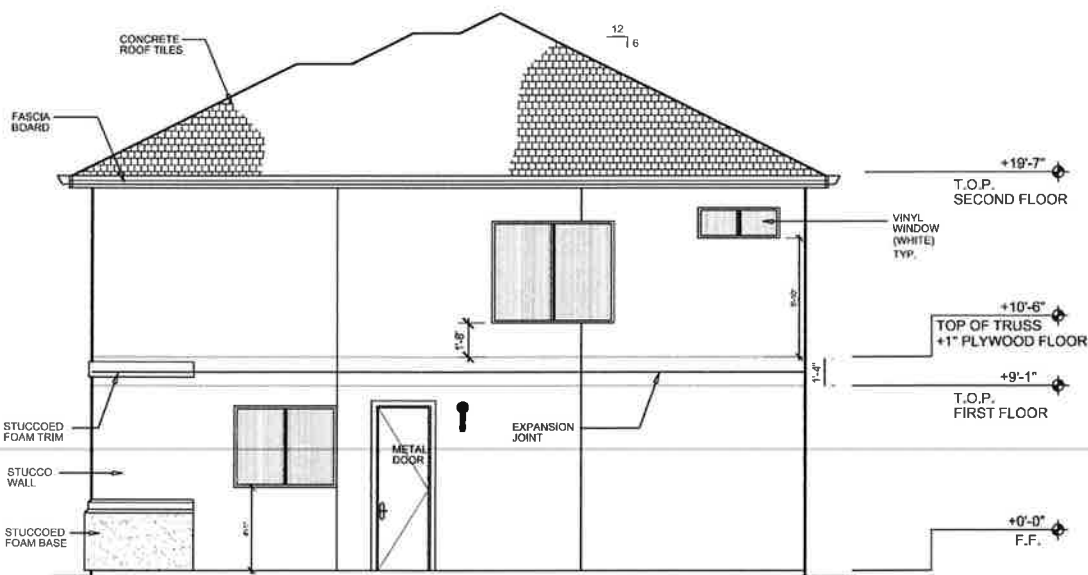
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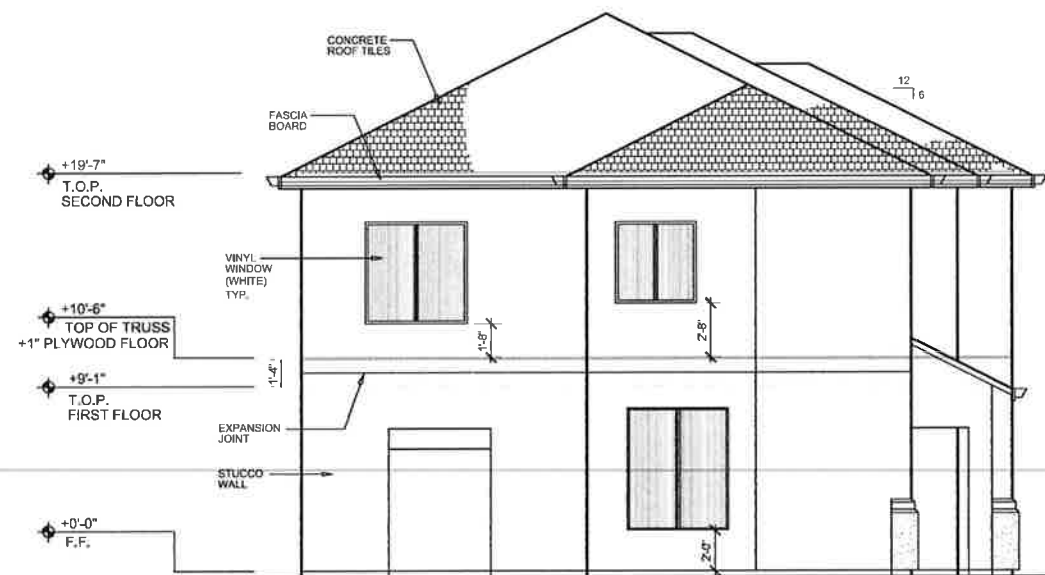
BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B • Modesto, CA 95355
Phone: 209-408-0674 • edmond@edjarchitect.com

HOUSE-C

2/3

JUNE 13, 2018
236-17



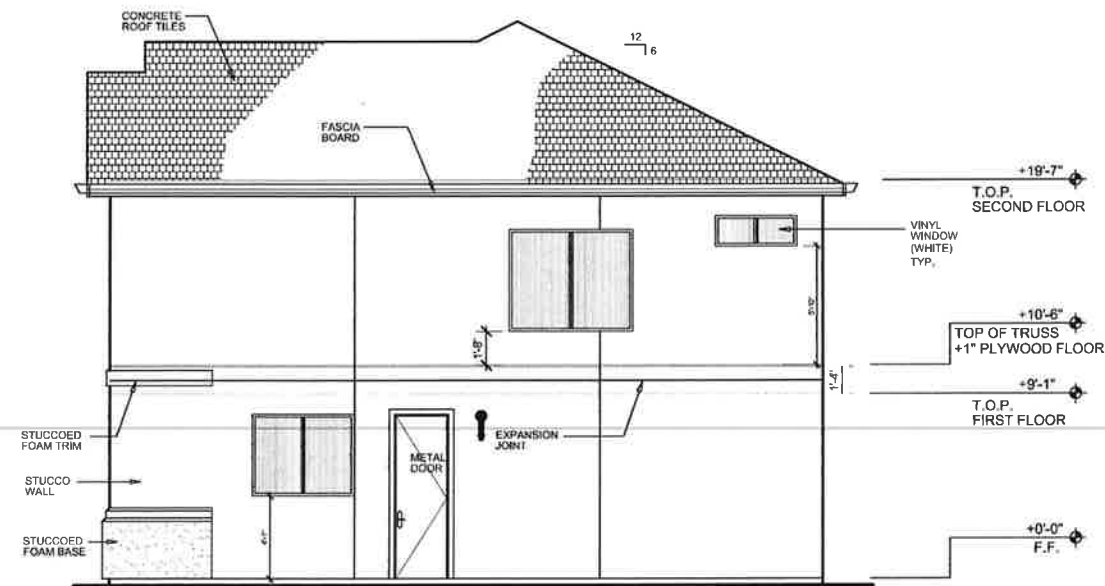
FRONT ELEVATION

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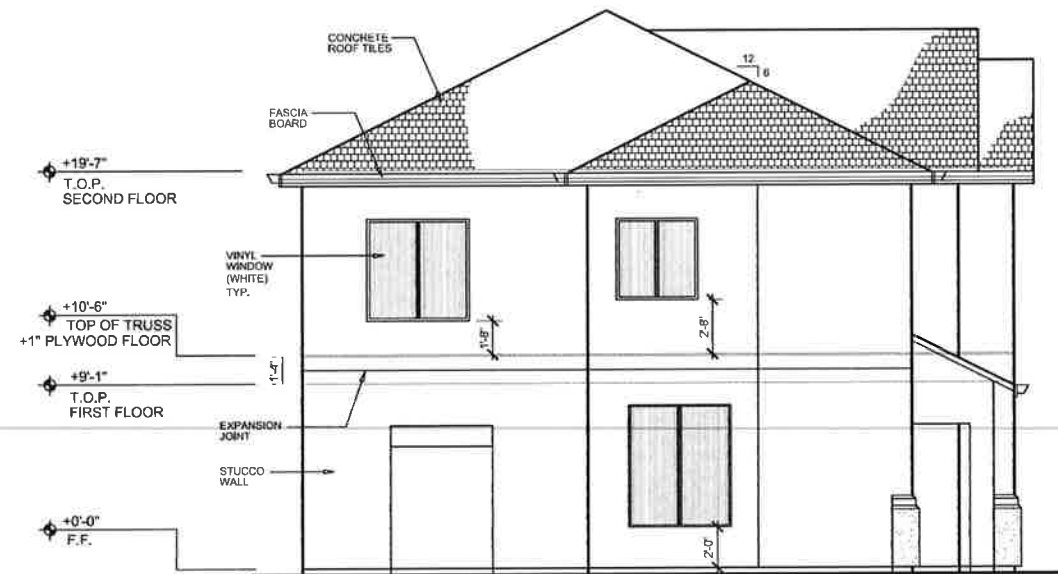
BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B Modesto, CA 95355
Phone: 209-468-0674 • edmond@edjacarchitect.com

HOUSE-C1 3/3

JUNE 13, 2018
236-17

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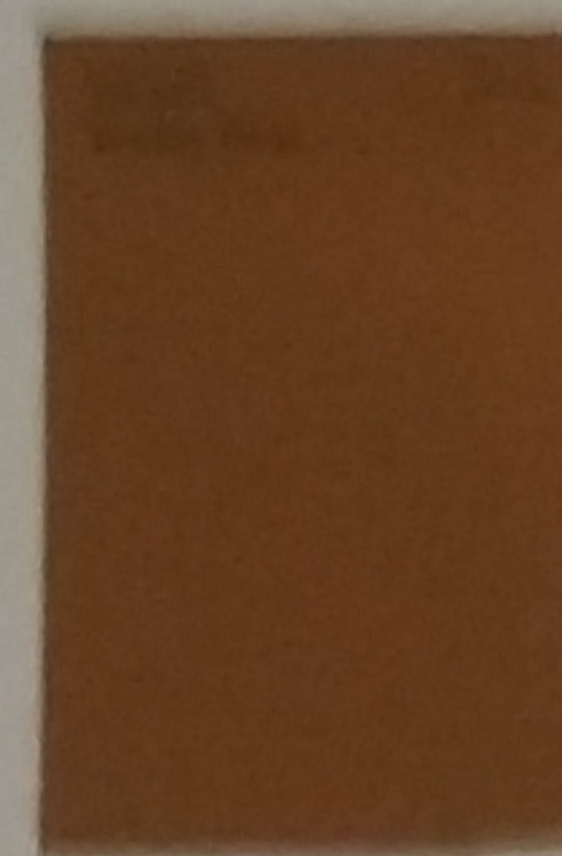
A.P.N.	132-015-023
CONTACT:	EDMOND SHAMASS 615 13TH STREET MODESTO, CA 95354 (209) 345-8316 eshamass@gmail.com
OWNER/ APPLICANT:	EDMOND SHAMASS 615 13TH STREET MODESTO, CA 95354
SITE ADDRESS:	7TH STREET (x SIERRA STREET) RIVERBANK, CA 95367
ZONING:	R-2 DUPLEX RESIDENTIAL
GENERAL PLAN:	HDR HIGHER DENSITY RESIDENTIAL
TOTAL AREA:	1.17 AC.
WATER:	CITY OF RIVERBANK
SANITARY SEWER:	CITY OF RIVERBANK
PREPARED BY:	MORRIS ENGINEERING & SURVEYING, INC. 334 S. YOSEMITE AVENUE, SUITE D OAKDALE, CA 95361 (209) 845-9175



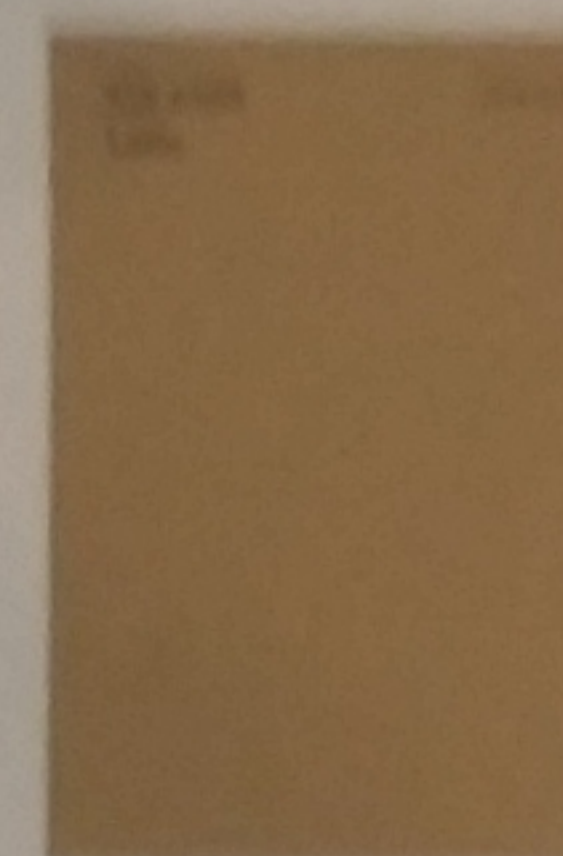
BEING ALL OF LOT 2 AND A PORTION
OF LOT 3 AS SHOWN ON THE EASTERN
ADDITION TO THE TOWN OF RIVERBANK
FILED IN BOOK 7 OF MAPS AT PAGE 30,
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THE NORTHEAST QUARTER OF SECTION 25,
T.2S., R.9E., M.D.M., CITY OF RIVERBANK,
STANISLAUS COUNTY, CALIFORNIA
SCALE: 1"=30' JUNE 2018

334 S. YOSEMITE AVENUE, SUITE D
OAKDALE, CA 95361
(209) 845-9175 ✕ (209) 845-9177 (FAX)

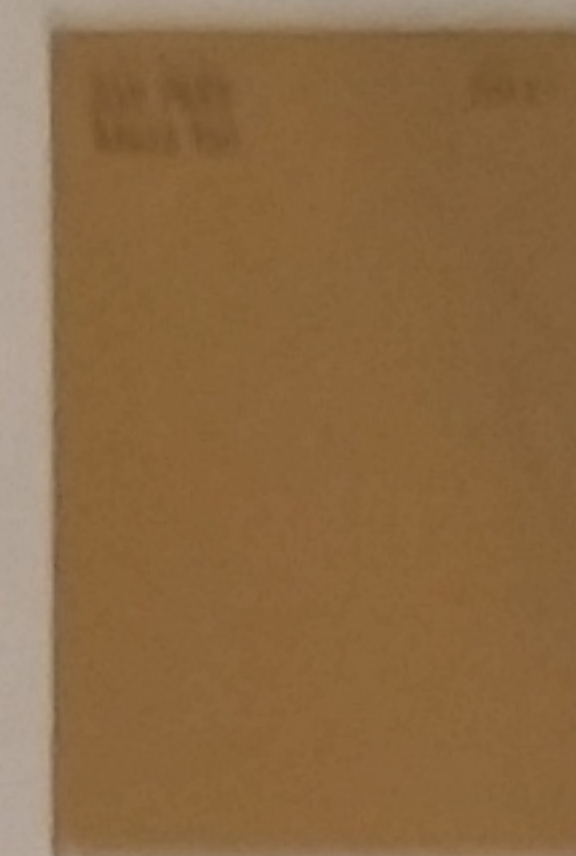
BODY COLORS



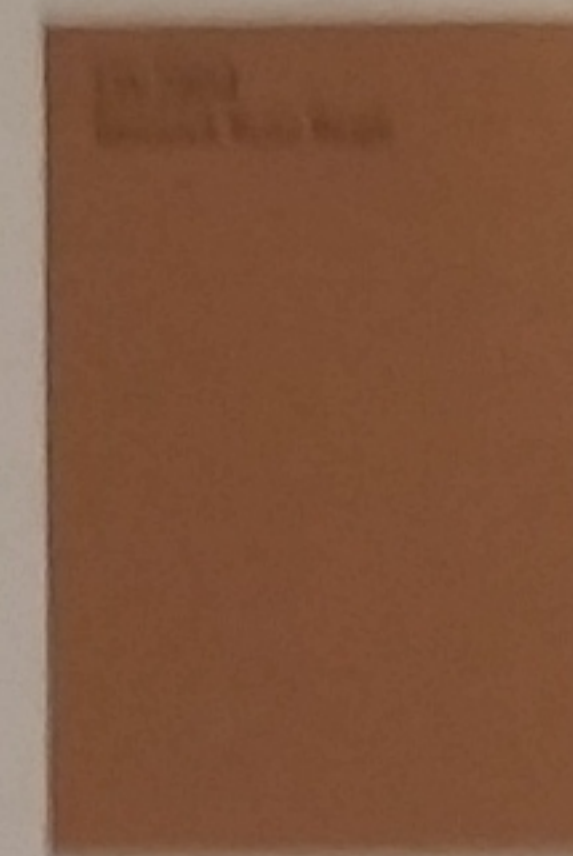
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SW 6117
SMOKEY TOPAZ



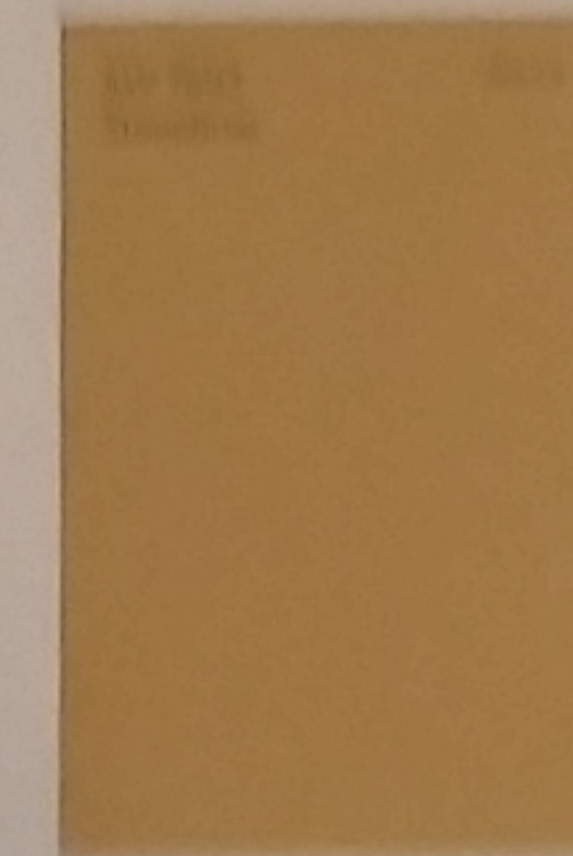
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LATTE



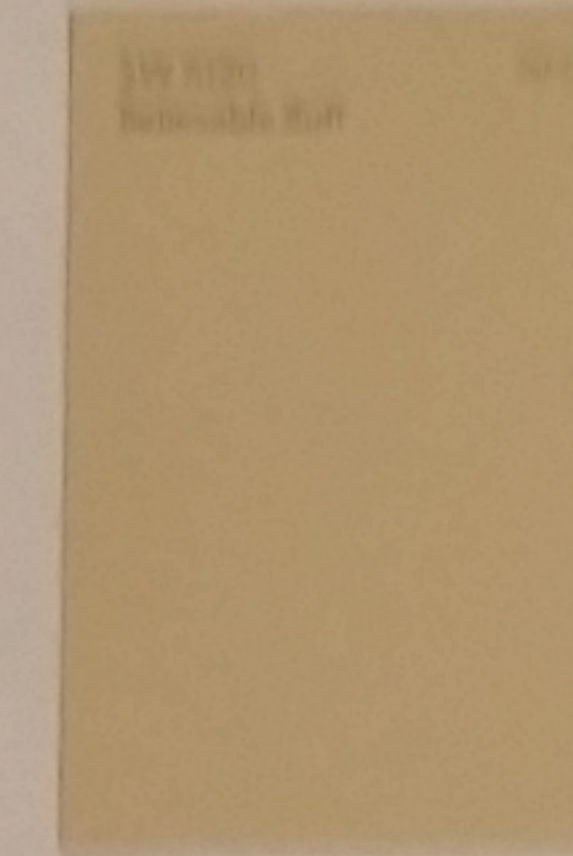
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SW 7695
MESA TAN



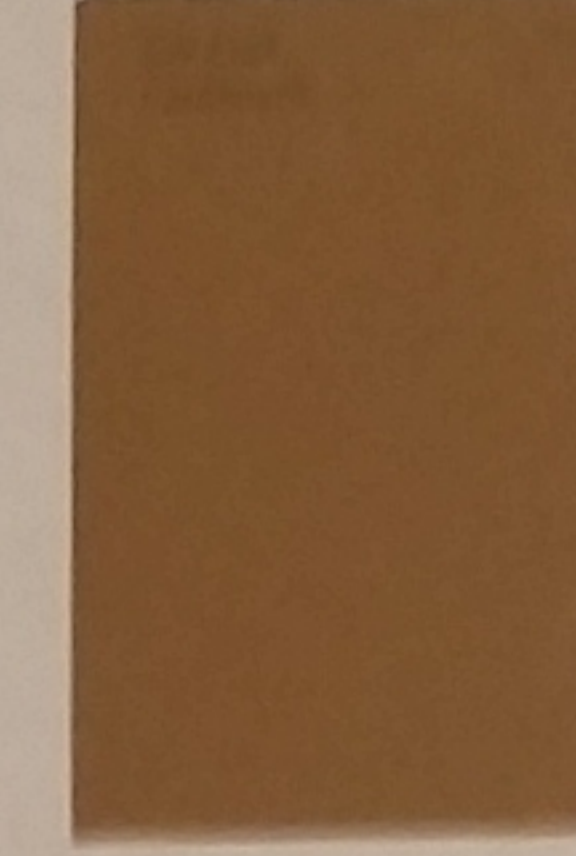
SHERWIN WILLIAMS
SW 2804
RENNICK ROSE BEIGE



SHERWIN WILLIAMS
SW 7693
STONEBRIAR

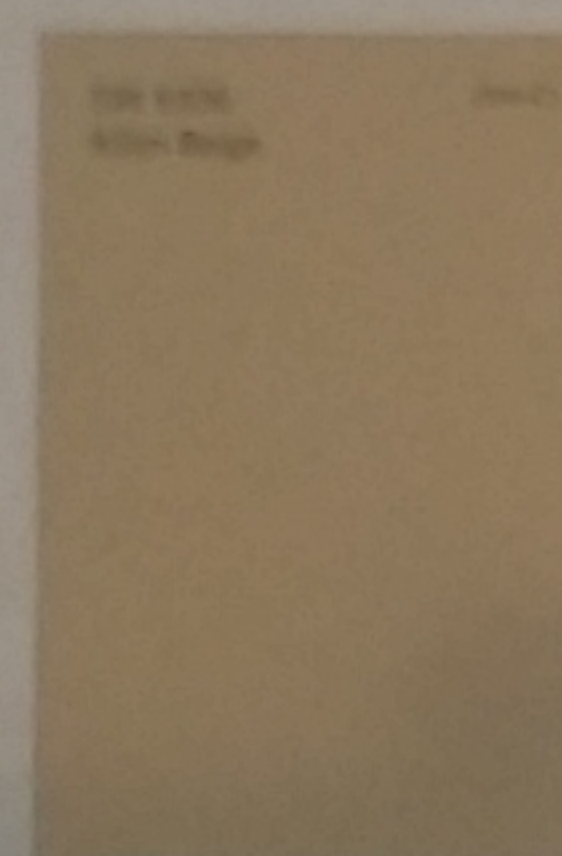


SHERWIN WILLIAMS
SW 6120
BELEIVABLE BUFF



SHERWIN WILLIAMS
SW 6124
CARDBOARD

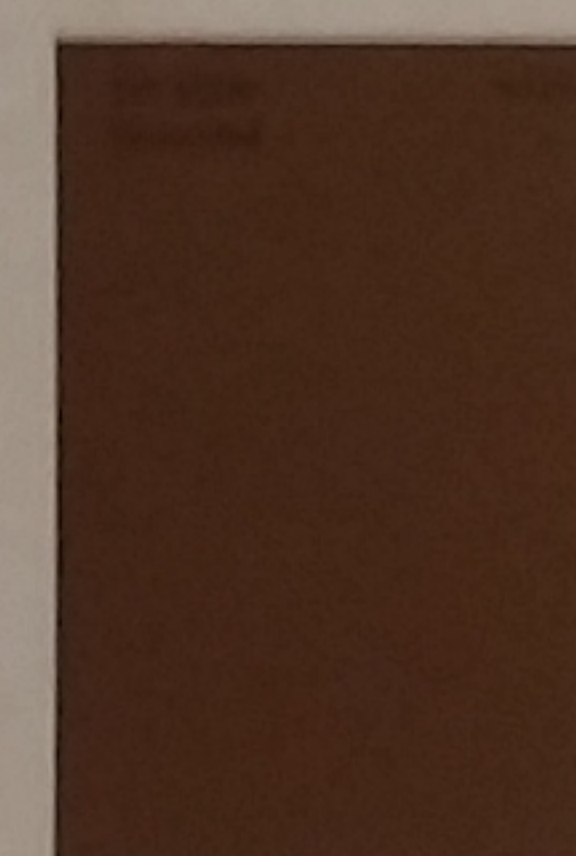
TRIMS / FASCIA / GUTTERS



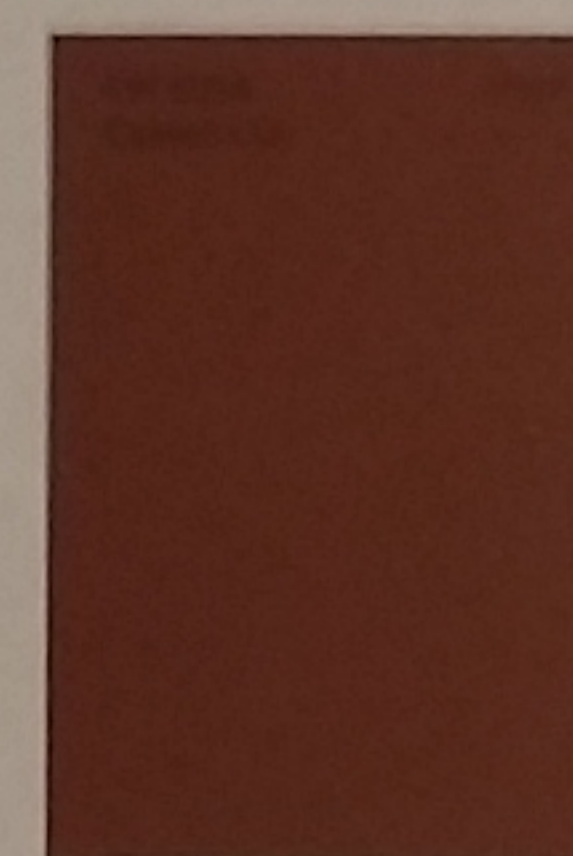
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SW 6106
KILIM BEIGE



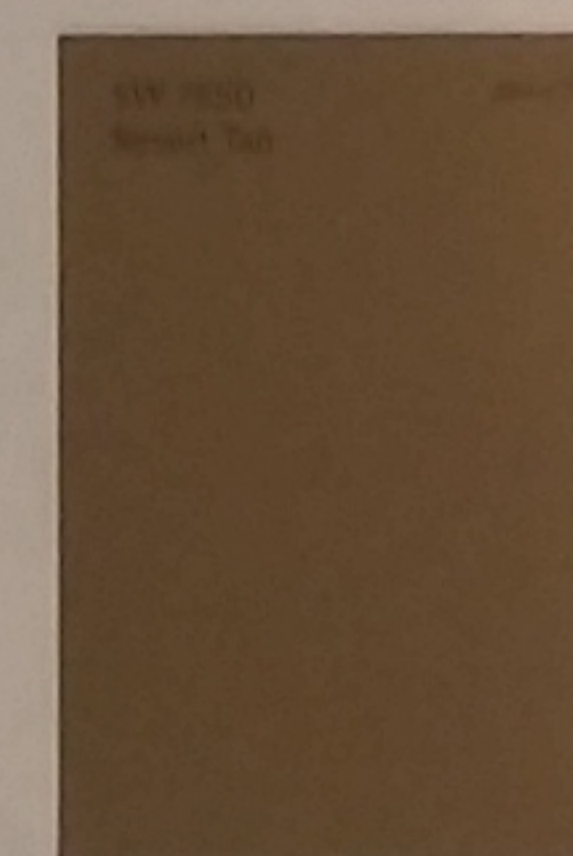
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SW 6153
PROTEGE BRONZE



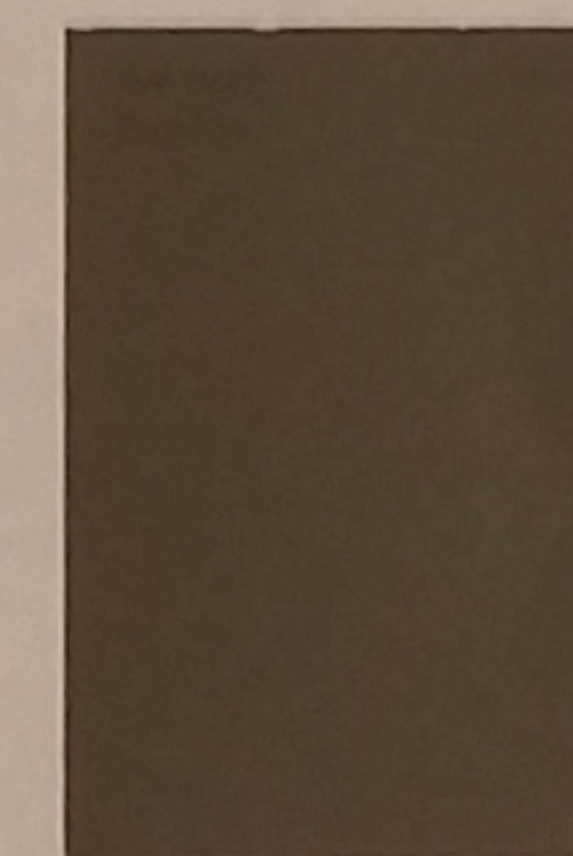
SHERWIN WILLIAMS
SW 6089
GROUNDED



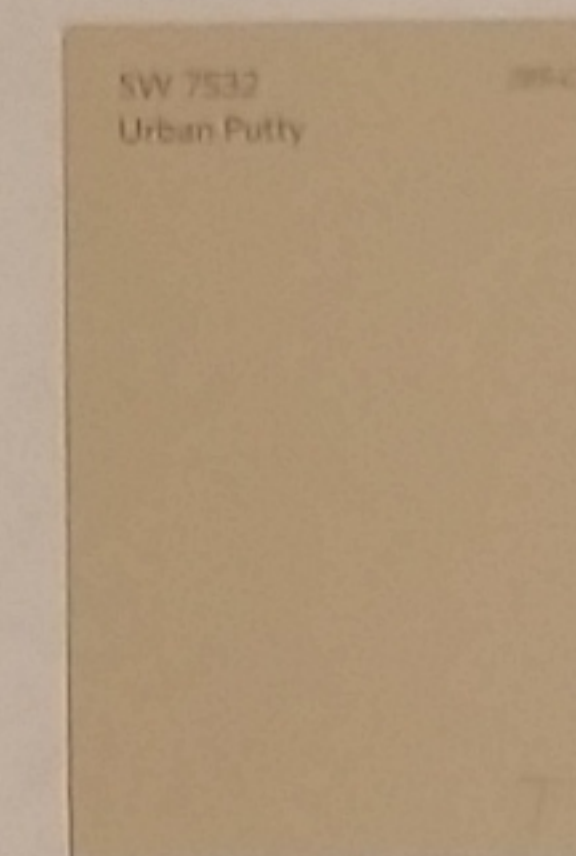
SHERWIN WILLIAMS
SW 6054
CANYON CLAY



SHERWIN WILLIAMS
SW 7550
RESORT TAN



SHERWIN WILLIAMS
SW 7047
PORPOISE



SHERWIN WILLIAMS
SW 7532
URBAN PUTTY

ROOF TILES



BORAL ROOFING
SAXTON 900 SLATE
NATURAL MARBLE



BORAL ROOFING
ESPANA 600
CALIFORNIA MISSION BLEND



BORAL ROOFING
SAXTON 900 SLATE
DUNES TAN



BORAL ROOFING
SAXTON 900 SLATE
CHARCOAL

CLIENT

EDMOND SHAMASS

MODESTO ♦ CALIFORNIA

PROJECT:

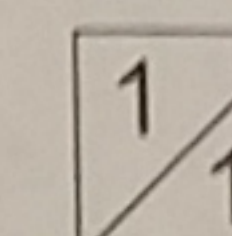
RIVERBANK COMMONS

6246 SEVENTH STREET

RIVERBANK , CA 95367



2301 Coffee Road #B ♦ Modesto, CA 95355
Phone: 209-408-0674 ♦ edmond@edjarchitect.com



SEPTEMBER 27, 2017

**City of Riverbank
Planning Commission
Resolution No. 2018-008**

**APPROVAL OF ARCHITECTURE AND SITE PLAN REVIEW 2018-02 (17-0005)
FOR RIVERBANK COMMONS
SEVENTH AND SIERRA STREETS (APN 132-015-023)**

WHEREAS, An application has been received from Edmund Shamass, for the Architectural and Site Plan Review of a proposed fourteen (14) lot gated community located in Central Riverbank along Seventh street and an alley (APN 062-021-008); and

WHEREAS, The Planning Commission held a public hearing on October 16, 2018, to consider Architecture and Site Plan Review 02-2018 (17-0015); and

WHEREAS, The proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects; and

WHEREAS, The Riverbank Planning Commission made the following findings:

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

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

1. Policy Land 3.3: The City will encourage "compact development" which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.
2. Policy Land 3.4: Gated projects are only permissible only if connectivity with surrounding areas will not be significantly impaired. The City maintains the sole authority to approve a project that includes gates exclusivity in cases where a property is located where through connections would not be possible to other existing development or planned future developed areas. The City will not allow gates in unless fire access can be guaranteed according to Stanislaus Consolidated Fire Protection District. This exception to the general preference for

connectivity and access can be made where a project consists solely of unique and locally desired land uses, such senior housing.

3. Policy Design 3.6: The City will evaluate proposed projects, plans, and subdivision requests involving limited or controlled access according to the following criteria and consistency with other relevant General Plan policy. Access controls may be approved by the City if the following conditions are met:
 - The controlled access project provides a community and/or internal project benefit or satisfies a specific community need, such as, but not limited to: enhancing community safety and security; improving existing or projected traffic impacts; promoting community cooperation or identify; or, significantly enhancing the quality of life.
 - The limited success project includes alternative means of reducing traffic impacts as described in the Street Design Manual, and measures such as gateways, bollards, median-chokers, curb pop-outs, channelization of intersections, left/right turn only directional signs, one-way streets, and parking restrictions.
 - The limited or controlled access project does not significantly displace existing or projected future traffic or parking impacts to adjacent areas.
 - Public access is not denied to open spaces, river, parks, trails, commercial areas, transit stops, major streets, schools, or public facilities.
 - The street system, gated entry, and premises identification meet all criteria established in State regulations and City ordinances, policies, and design manuals.
 - Street access to gated projects has been provided for police, fire, and other emergency vehicles by means that are acceptable to the providers of those services.
 - Access will be provided for postal service, trash pick-up, and school buses. Pursuant to the Municipal Code, the City will not collect trash on private property.
 - The City shall be granted general utility easements and utility access easements on private streets.

- The location of the gates shall provide adequate stacking areas to accommodate traffic to the project. Stacking shall not adversely impact circulation on any public street.
 - Walls or other enclosures attached to gates shall use a combination of setbacks, landscaping, civic enhancements and human scale articulation and/or other design features. The enclosures will be governed by relevant sections of the municipal code related to sight distances.
4. Policy Design 4.2: Approved projects, plans, and subdivisions shall provide diversity among dwelling units in the use of color, building materials, floor plan layouts, square footages, and roof lines. Approved projects, plans, and subdivision requests shall maintain continuity of a few overall urban design features to provide context between individual units and the neighborhood.
 5. Policy Design 4.3: The City will encourage individually owned garages to be clustered or placed beneath units with common driveway access to maximize efficient use of the overall site area.
 6. Policy Design 4.4: The City will allow for small front-yard setbacks in single-family residential districts to permit greater design flexibility and ensure an inviting human scale.
 7. Policy Design 4.6: The City will allow common ownership of parking, courtyard gardens, recreational facilities, and/or open spaces for cluster, cottage, and attached single family residential housing.
 8. Policy ED 10.1: The City will ensure that the quality and type of housing in the community will be attractive to a wide range of residents.

WHEREAS, the request and plans of Edmund Shamass, Applicant, are hereby granted and approved, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014, including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and
2. The applicant shall build the entire project according to the site plans and elevations on file with the Community Development Department and as presented to the Planning Commission as part of this action; and

3. The Community Development Director shall approve block walls and fencing; and
4. Three (3) sets of landscape and irrigation plans shall be prepared and submitted with fee for review and approval by the City's contract landscape architect. The tot lot shall be fully landscaped and contain playground equipment with shade structure, picnic tables, trash receptacles, and a barbeque area to the satisfaction of the Community Development Director; and
5. The Subdivision Improvement Agreement shall be signed and submitted to the Community Development Director before Final Map adoption; and
6. Private street names shall be approved by City Council; and
7. Any subdivision signage shall be approved under separate permit.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 02-2018 is hereby approved, subject to those conditions established by Resolution No. 2018-08 and as illustrated in Exhibit "A": Site Plans and Elevations date stamped July 31, 2018.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th of October, 2018, motioned by Commissioner Ball, seconded by Commissioner Hughes, and upon roll call was carried by the following vote 5-0

AYES: Commissioners: Ball, Hughes, Stewart, Fenrich and Link

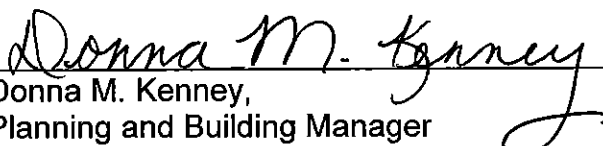
NOES: None

ABSENT: Commissioner Chair: Dinan

ABSTAIN: None

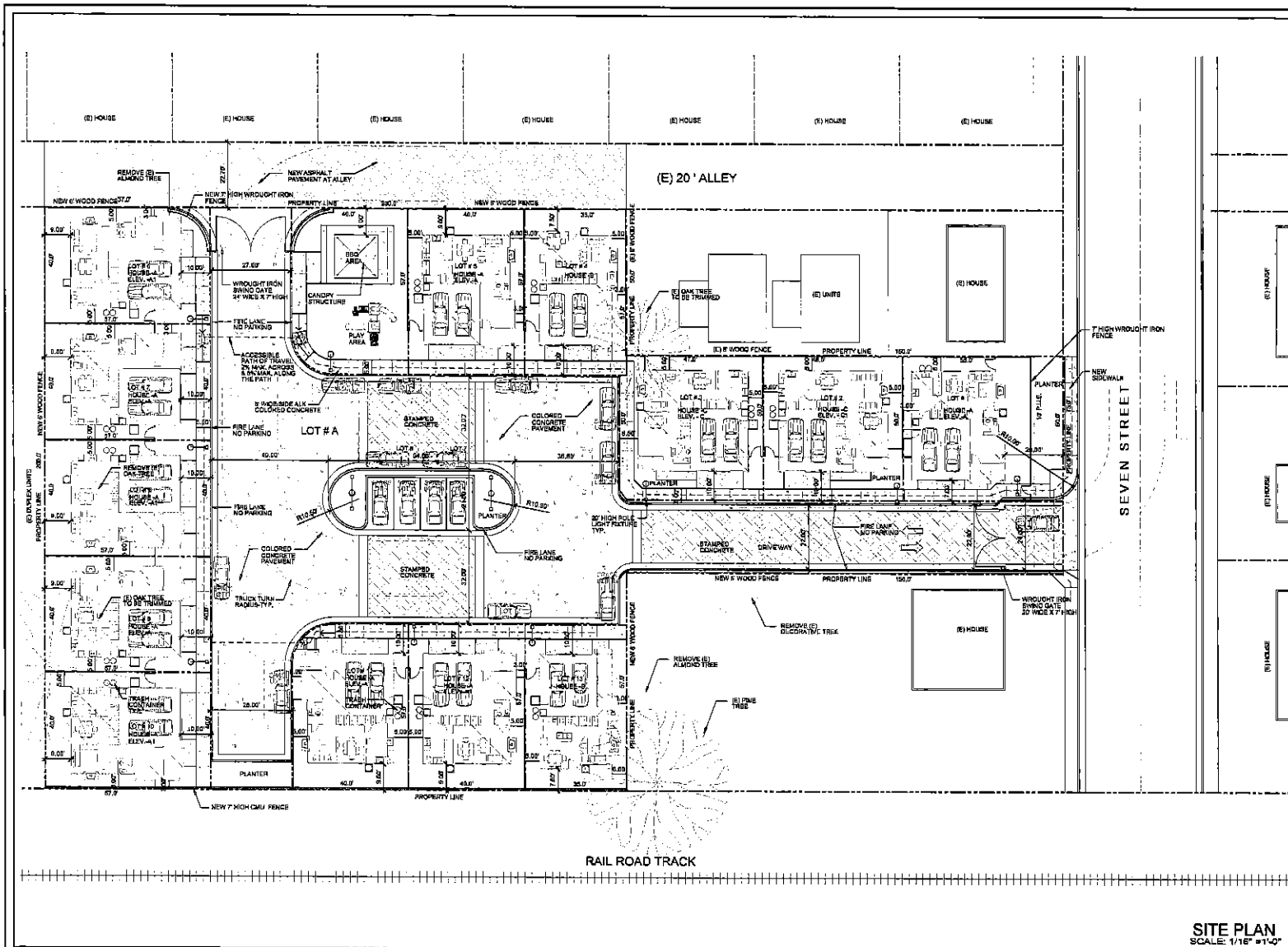
Attest:

Approved:


Donna M. Kenney,
Planning and Building Manager


Robert Ball, Vice Chair
Planning Commission

Exhibits: A – Site Plans and Elevations



PROJECT DATA

A.P.N.	132-15-03
PROPOSED USE:	SINGLE FAMILY RESIDENTIAL
OCCUPANCY:	R3-U
TYPE OF CONSTRUCTION:	V-B (FIRE SPRINKLERED)
ZONING:	PLANNED DEVELOPMENT
TOTAL PROJECT SITE AREA	51,250 S.F.
LOT #1	2,750 S.F.
LOT #2	2,400 S.F.
LOT #3	2,400 S.F.
LOT #4	1,985 S.F.
LOT #5	2,260 S.F.
LOT #6	2,260 S.F.
LOT #7	2,260 S.F.
LOT #8	2,260 S.F.
LOT #9	2,260 S.F.
LOT #10	2,260 S.F.
LOT #11	2,145 S.F.
LOT #12	2,260 S.F.
LOT #13	1,985 S.F.
LOT-A	21,559 S.F.

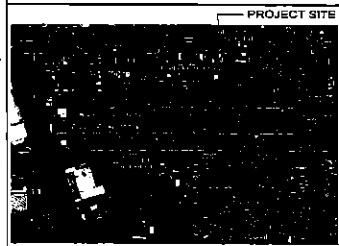
HOUSE-A	
TOTAL MAIN HOUSE	1,578 S.F.
2-CAR GARAGE	427 S.F.
HOUSE-B	
TOTAL MAIN HOUSE	1,405 S.F.
2-CAR GARAGE	427 S.F.
HOUSE-C	
TOTAL MAIN HOUSE	1,858 S.F.
2-CAR GARAGE	427 S.F.

MATRIX OF R-1 REQUIREMENT VS. PD

REGULATION	R-1 ZONING	PD ZONE
LOT SIZE (MINIMUM)	5,000 S.F.	1,985 S.F.
LOT WIDTH (MINIMUM)	80 FT.	35 FT.
FRONT SETBACK (GARAGE)	20 FT. MIN.	7 FT.
SIDE SETBACK (MINIMUM)	5 FT.	3 FT.

- PD AMENITIES
- ☐ GATED COMMUNITY
 - ☐ ENHANCED LANDSCAPING
 - ☐ COLORED CONCRETE SIDE WALK
 - ☐ COLORED STAMPED CONCRETE PAVEMENT
 - ☐ COLORED STAMPED CONCRETE PAVEMENT
 - ☐ UPGRADED GARAGE DOORS
 - ☐ COMMON BBQ AREA WITH COVERED CANOPY
 - ☐ ENHANCED LIGHTING FIXTURE AND POLE

VICINITY PLAN



SITE PLAN
SCALE: 1/16" = 1'-0"

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

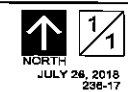
MODESTO, CA 95354

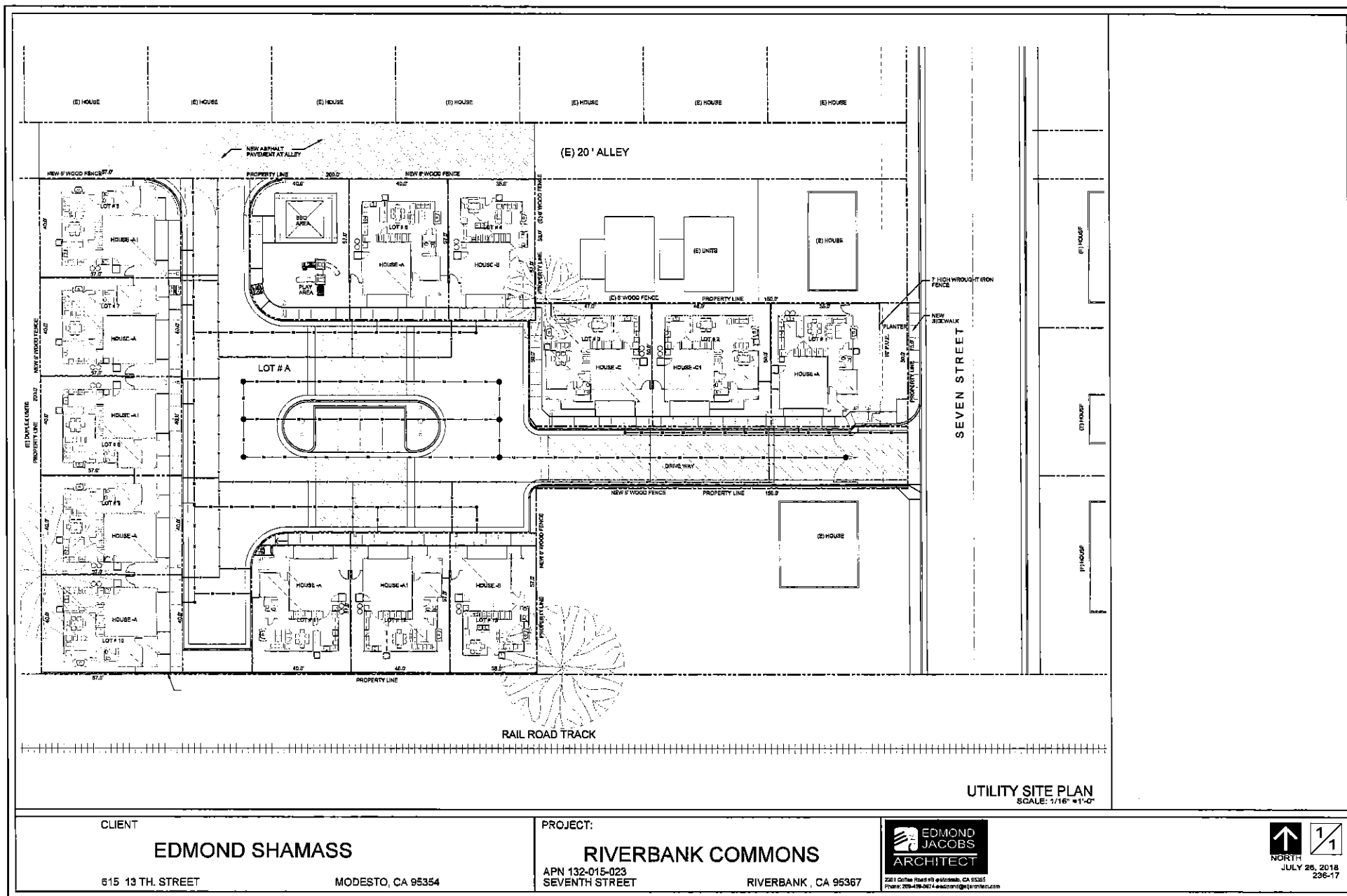
PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367





CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

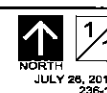
RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

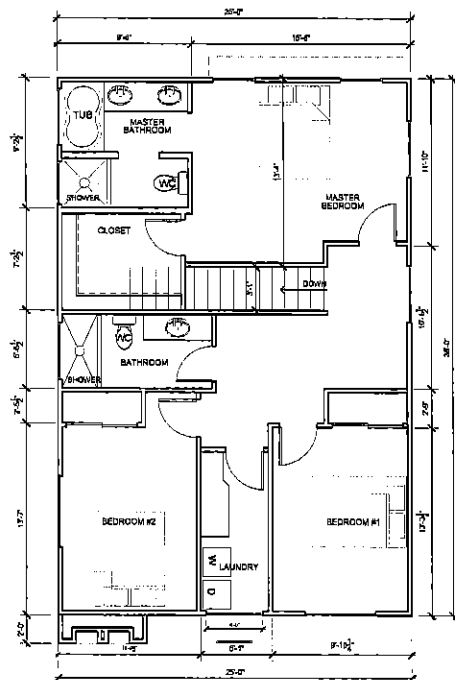
RIVERBANK, CA 95367



2461 Cotton Road #9 Modesto, CA 95305
Phone: 209-408-0674 edmond@edmondjacobs.com

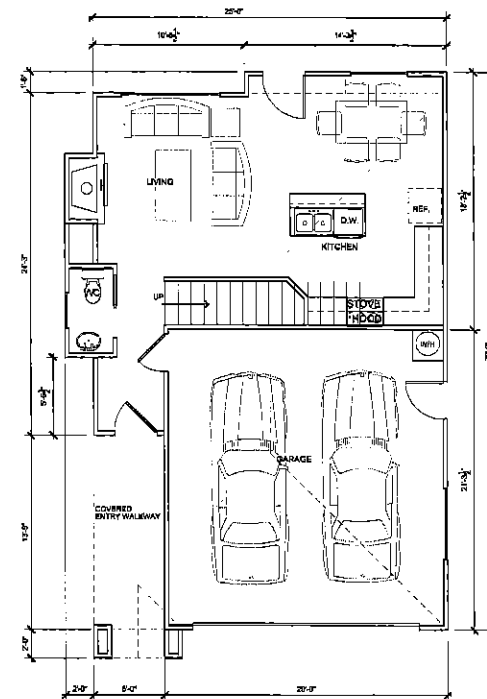


NORTH
JULY 26, 2018
236-17



PROPOSED SECOND FLOOR PLAN

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



PROPOSED FIRST FLOOR PLAN

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

MAIN HOUSE AREA:	
FIRST FLOOR	458 S.F.
SECOND FLOOR	950 S.F.
TOTAL MAIN HOUSE	1,408 S.F.
2-CAR GARAGE	427 S.F.

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367

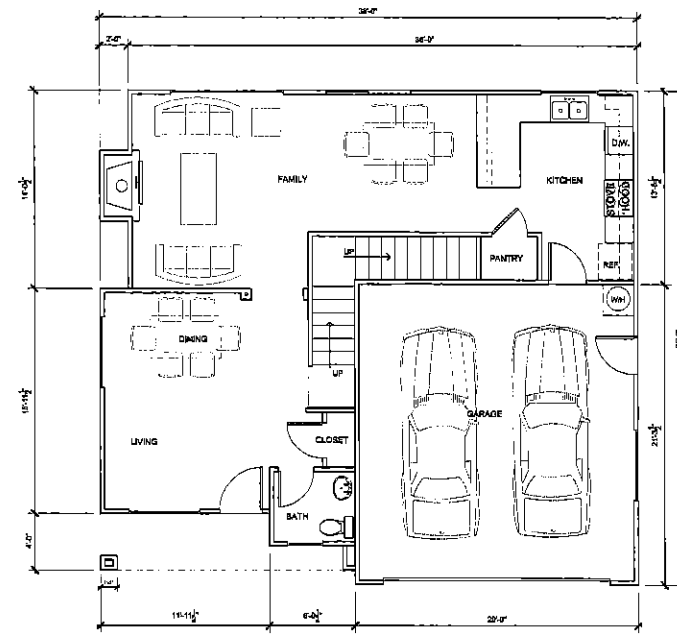
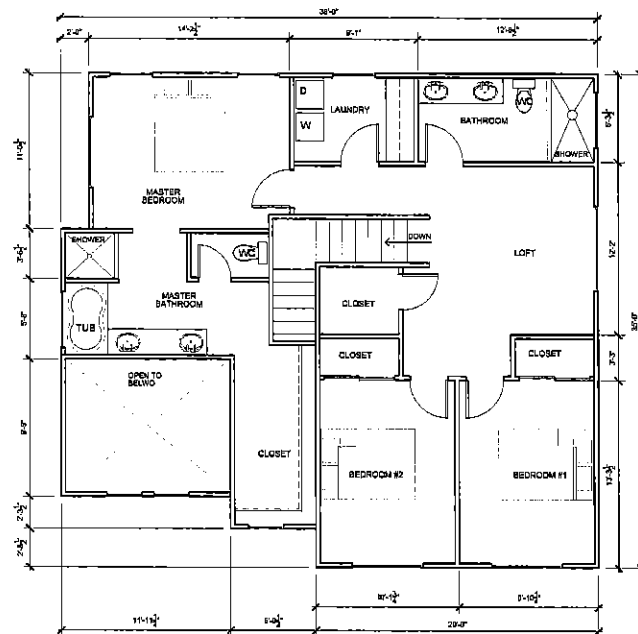


2301 Delta Road #B • Modesto, CA 95301
Phone: 209-463-0274 • edmond@edjacobs.com

HOUSE-B

1/2

JULY 28, 2018
236-17



MAIN HOUSE AREA:	
FIRST FLOOR	896 S.F.
SECOND FLOOR	1,070 S.F.
TOTAL MAIN HOUSE	1,966 S.F.
2-CAR GARAGE	426 S.F.

PROPOSED SECOND FLOOR PLAN

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

PROPOSED FIRST FLOOR PLAN

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

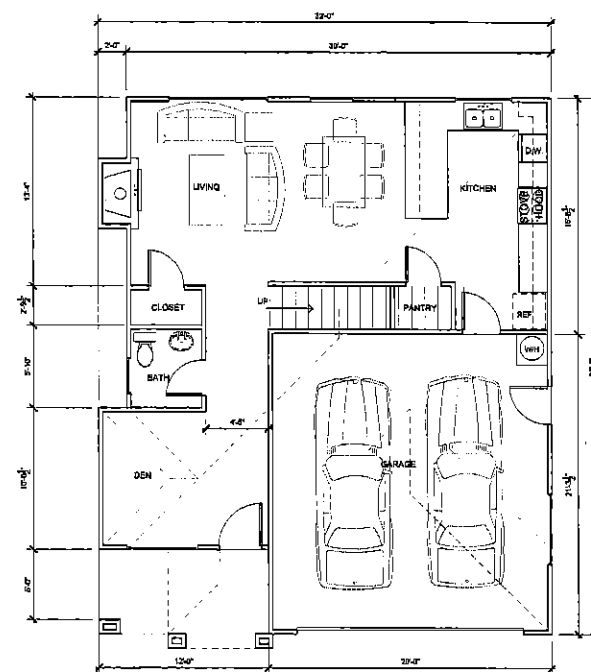
RIVERBANK, CA 95367



2201 Colton Road #9 Modesto, CA 95355
Phone: 209-403-0674 edmond@edmondjacobs.com

HOUSE-C 1/3

JULY 26, 2016
235-17



PROPOSED FIRST FLOOR PLAN

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Coffee Road #B • Modesto, CA 95355
Phone: 209-498-0874 • edmond@earthlink.net

HOUSE -A

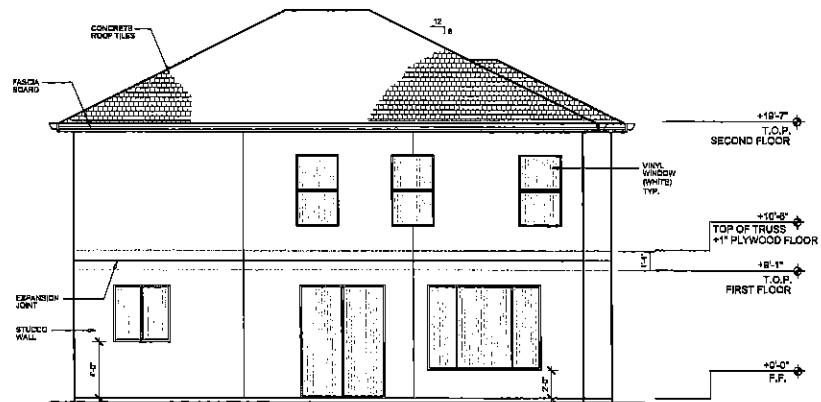
1
3

JULY 26, 2018
236-17



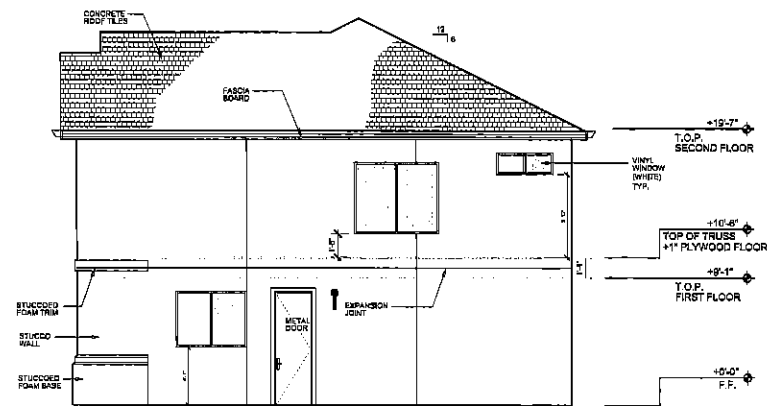
FRONT ELEVATION

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



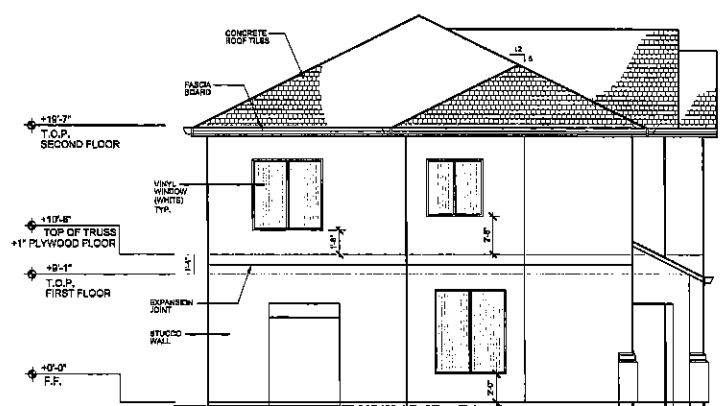
BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

815 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2381 Oakley Road #5 Modesto, CA 95305
Phone: 209-408-0671 • edmond@edjacobs.com

HOUSE-C
ELEVATION -C1

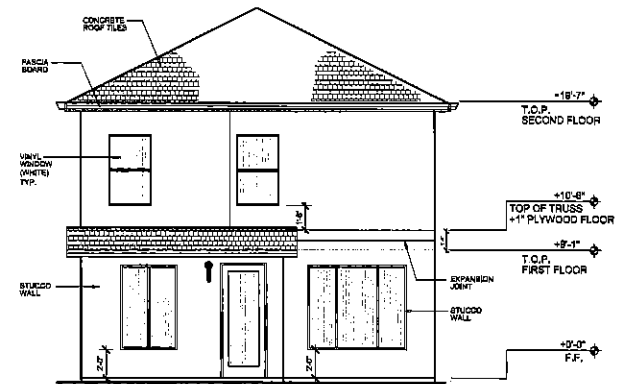
3/3

JULY 28, 2016
238-17



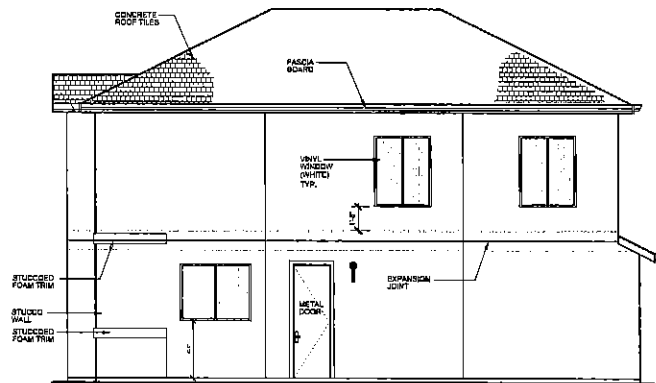
FRONT ELEVATION

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



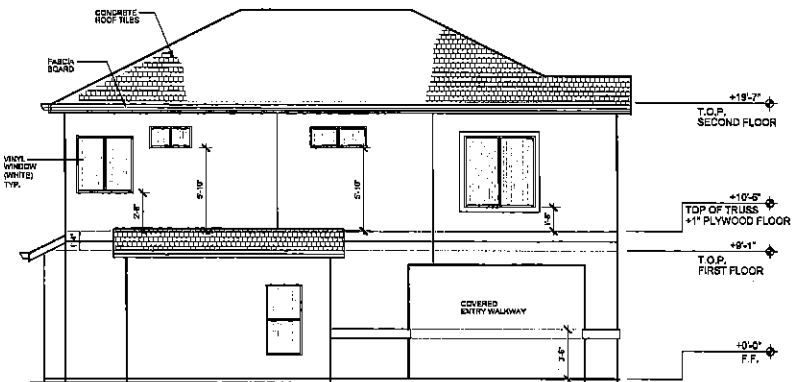
BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2201 Duffin Road #6 Modesto, CA 95215
Phone: 209-463-6874 • edmondj@edmondjacobs.com

HOUSE-B

2/2

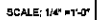
JULY 25, 2015
235-17



BACK ELEVATION



LEFT ELEVATION



EDMOND SHAMASS

RIVERBANK COMMONS



EDMOND
JACOBS
ARCHITECT

HOUSE -A
ELEVATION A

A 

JULY 28, 2018
236-17



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



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



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



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

EDMOND SHAMASS

MODESTO, CA 95354

RIVERBANK COMMONS

RIVERBANK, CA 95367



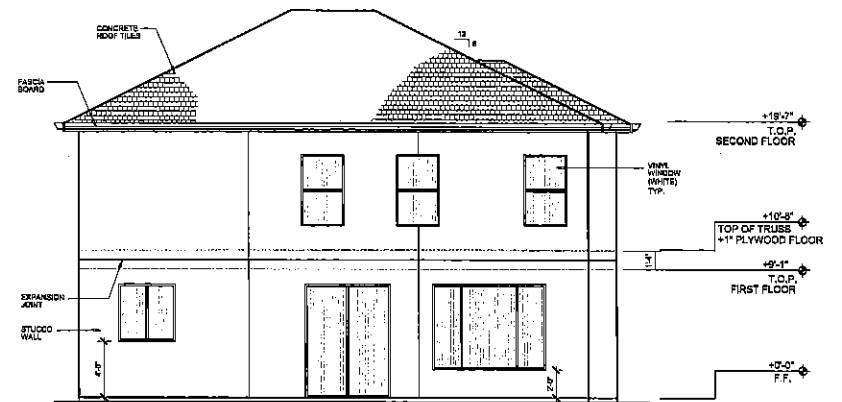
HOUSE -A
ELEVATION -A1

JULY 26, 2018
236-17



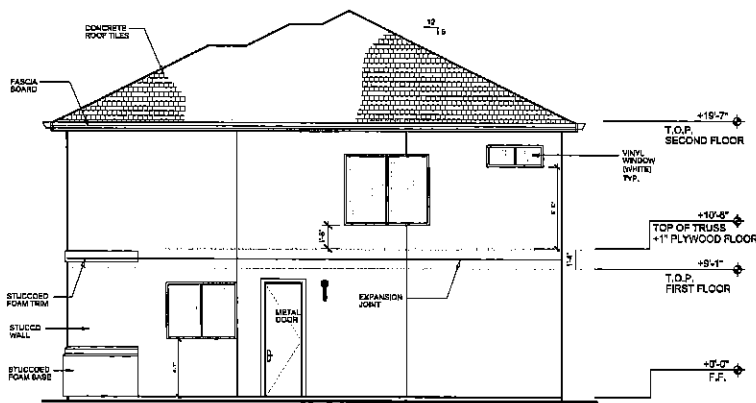
FRONT ELEVATION

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



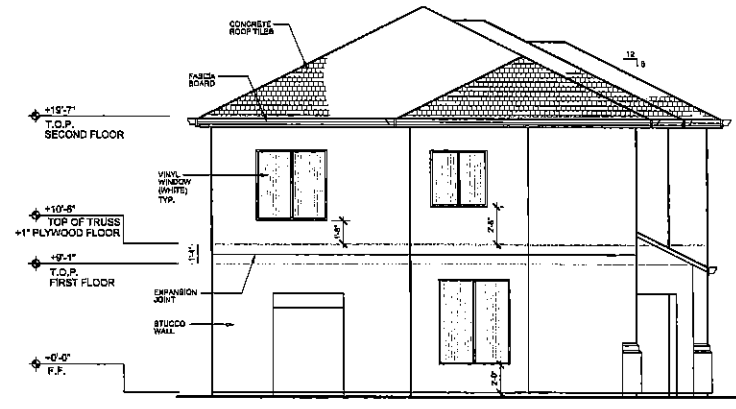
BACK ELEVATION

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



RIGHT ELEVATION

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



LEFT ELEVATION

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APN 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2201 Carline Road #6 Modesto, CA 95301
Phone: 209-634-0677 e-jacobs@edjacobs.com

HOUSE-C
ELEVATION C

2/3

JULY 28, 2016
236-17



BUILDING -A FRONT ELEVATION COLOR CONCEPT

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



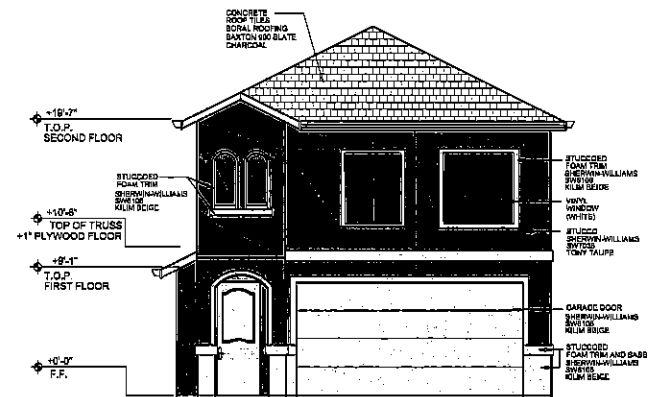
BUILDING A1 - FRONT ELEVATION COLOR CONCEPT

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



BUILDING C1 - FRONT ELEVATION COLOR CONCEPT

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



BUILDING B - FRONT ELEVATION COLOR CONCEPT

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

CLIENT

EDMOND SHAMASS

615 13 TH. STREET

MODESTO, CA 95354

PROJECT:

RIVERBANK COMMONS

APH 132-015-023
SEVENTH STREET

RIVERBANK, CA 95367



2301 Carter Road SE • Modesto, CA 95305
Phone: 202-468-0474 • edmond@edmondjacobs.com

COLOR CONCEPTS



JULY 26, 2018
238-17

**City of Riverbank
Planning Commission
Resolution No. 2018-009**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK
RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF ORDINANCE NO. 2018-XXX
TO REZONE 1.1± ACRES, KNOWN AS RIVERBANK COMMONS TO PLANNED DEVELOPMENT,
LOCATED AT SEVENTH AND SIERRA STREETS APN: 132-015-023**

WHEREAS, an application has been received from Edmund Shamass, with a proposal to subdivide approximately 1.1± acres into thirteen (13) single family lots, and Lot A which allows for a net density of 16+ dwelling units per acre; and

WHEREAS, the project site is currently zoned Planned Development with a General Plan Land Use designation of High Density Residential (HDR); and

WHEREAS, the applicant is proposing to rezone the property to a new Planned Development (PD) from an expired Planned Development (PD); and

WHEREAS, the Planning Commission held a public hearing on October 16, 2018, to consider Zoning Ordinance Amendment (Rezone) 01-2018; and

WHEREAS, notices of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation and a Notice of Development Permit large sign was posted at the project site on October 3, 2018; and

WHEREAS, notices of the public hearing on the Rezone were mailed to all property owners within three hundred (300) feet of the property, according to the most recent assessor's roll, on October 2, 2018; and

WHEREAS, the Planning Commission has reviewed the proposed Rezone and conducted a public hearing on October 16, 2018 in the manner prescribed by law; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF ORDINANCE NO. 2018-XXX, REZONING 1.1± ACRES TO PLANNED DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The property identified in this action has a General Plan Land Use Designation of High Density Residential (HDR), and a current zoning of Planned Development (PD). The project proposes a Rezone to new Planned Development.
2. Each individual unit of the development can be built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development.
3. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.
4. Deviations from the standard ordinance requirements is warranted by the unusual design and additional amenities are incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted.
5. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts.
6. The PD rezone was not initiated by the City, so the previous findings and a master plan are required.

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, or 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.

The City finds that Pursuant to the California Environmental Quality Act, the proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, Infill Development projects.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th of October, 2018 by the following roll call vote 5-0:

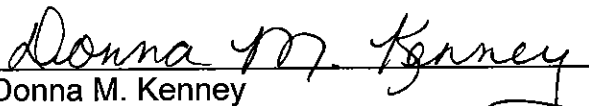
AYES: Commissioners: Ball, Hughes, Stewart, Fenrich and Link

NOES: None

ABSENT: Commissioner Chair: Dinan

ABSTAIN: None

Attest:


Donna M. Kenney
Planning and Building Manager

Approved:


Robert Ball, Vice Chair
Planning Commission

Attachment: Exhibit "A" – Draft City Council Ordinance No. 2018-XXX

**EXHIBIT A
CITY OF RIVERBANK
ORDINANCE NO. 2018-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
APPROVING A REZONE OF 1.1± ACRES TO PLANNED DEVELOPMENT,
LOCATED AT SEVENTH AND SIERRA STREETS (APN 132-015-023) –
A PROJECT KNOWN AS RIVERBANK COMMONS**

WHEREAS, an application has been received from Edmund Shamass, with a proposal to subdivide approximately 1.1± acres into thirteen (13) single family lots, Lot A, which allows for a net density of 16+ dwelling units per acre; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday, October 16, 2018 to consider the proposed Zoning Ordinance Amendment; and

WHEREAS, the City Council for City of Riverbank has made the following findings for adoption:

1. An application has been received from Edmund Shamass with a proposal to subdivide approximately 1.1± acres into thirteen (13) single-family residential lots, and Lot A, which allows for a net density of 16+ dwelling units per acre; and
2. The project site is currently zoned Planned Development (PD) with a General Plan Land Use Designation of High Density Residential (HDR); and
3. The applicant is proposing to rezone the subject property to a new Planned Development (PD); and
4. Notice of the public hearing on the proposed Zoning Ordinance Amendment was published in the *Riverbank News*, a newspaper of general circulation, on October 3, 2018; and,
5. Notices of the public hearing on the proposed Zoning Ordinance Amendment were mailed to all property owners within 300 feet of the property, according to the most recent assessor's roll, on October 2, 2018; and
6. The City finds that Pursuant to the California Environmental Quality Act, the proposed project will not have a significant

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

Section 1: The City Council of the City of Riverbank approves Rezoning 9.1± acres to the Planned Development zone district, located at APN 062-021-008.

Section 2: 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.

Section 3: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing was introduced at a regular meeting of the City Council of the City of Riverbank held on the 13th day of November 2018; motioned by Councilmember _____, seconded by Council Member _____, and upon roll call was carried by the following vote ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

**City of Riverbank
Planning Commission
Resolution No. 2018-007**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
RIVERBANK RECOMMENDING APPROVAL OF THE REQUEST OF
EDWARD TOUMA FOR TENTATIVE MAP 02-2017 TO SUBDIVIDE 1.1±
ACRES INTO 14 PLANNED DEVELOPMENT SINGLE FAMILY
RESIDENTIAL LOTS INCLUDING LOT A, LOCATED AT
SEVENTH AND SIERRA STREETS APN: 132-015-023**

WHEREAS, an application has been received from Edmund Shamass, with a proposal to subdivide approximately 1.1± acres into thirteen (13) single family lots, excluding Lot A, which allows for a net density of 16+ dwelling units per acre that is consistent with the General Plan Designation of the project site, High Density Residential (HDR); and

WHEREAS, the City Subdivision Ordinance, Section 152.037 states that as a condition of approval of a tentative map, the applicant shall dedicate and develop parkland, pay a fee in-lieu thereof, or both, at the option of the City. In this case the City has chosen both – to review a proposed tot lot and barbeque area and to accept the payment of an in-lieu fee for parkland dedication based on values of land at the time the Final Map is recorded. The obligation for this project is the value of 0.165 acres; and

WHEREAS, public facilities represent the public's investment in the development of the complex, urban infrastructure that is necessary to support the physical operation of the city; and

WHEREAS, the proposed tentative map is consistent with the following General Plan policies discussed in the staff report: LAND-3.3, LAND-3.4, DESIGN-3.6, DESIGN-4.2, DESIGN-4.2, DESIGN 4.3, DESIGN-4.4, DESIGN-4.6, and ED-10.1; and

WHEREAS, Tentative Map 02-2017 (date stamped July 31, 2018) was reviewed by the Riverbank Planning Commission at a regular meeting held on October 16, 2018 in the manner prescribed by law; and

WHEREAS, The Riverbank Planning Commission recommends approval of the requested Tentative Map dated July 2018 prepared by Morris Engineering and Surveying Inc., and modified by adopted Conditions of Approval, and incorporated herein as a part of this Planning Commission Resolution; and

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

- A. The project is consistent with the General Plan with modification by the adopted conditions of approval.
- B. Notice to the general public and adjoining neighbors in the time and in the manner required by State Law and City Code was provided.

C. The City finds that Pursuant to the California Environmental Quality Act, the proposed project will not have a significant effect on the environment and is categorically exempt under Article 19 Section 15332 (a-e) Class 32, In-Fill Development Projects.

D. The approval of Tentative Map 02-2017 to divide parcel APN 062-021-008 of 1.1± acres into 13 single family lots, and Lot A will not be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood in that the project is similar to, and compatible with, neighboring uses in the area.

Whereas, The request for the Tentative Map is hereby recommended for conditional approval by the Planning Commission of the City of Riverbank, subject to and modified by the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in Planning Commission Resolution 2013-014 including annexing into Community Facilities District 2016-01, or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the subject project; and
2. The Applicant shall install improvements to the Sixth to Seventh Street Alley along the project's frontage to the standards and specification of the City of Riverbank. The Applicant is required to submit improvements plan to show said alley improvements; and
3. The units shall be deed restricted as "for sale" single family homes, and shall not be made available for rent by the developer; and
4. The project will need to conform to the City's storm drainage ordinance, Post Construction Standards manual, and low impact development requirements. The Project engineer proposes the storage and percolation of storm water beneath the Project's internal street; and
5. Three (3) sets of landscape and irrigation plans shall be prepared and submitted with fee for review and approval by the City's contract landscape architect. The tot lot shall be fully landscaped and contain playground equipment with shade structure, picnic tables, trash receptacles, and a barbeque area to the satisfaction of the Community Development Director; and
6. A Tree Survey shall be conducted and Tree Protection Plan provided (if required) before a grading permit can be issued; and
7. Applicant shall indicate how the existing 26" diameter Oak tree located near the southwest corner of the site will be protected and not harmed by the proposed CMU Wall; and
8. Applicant shall pay an in-lieu fee for parkland dedication based on values of land at the time the Final Map is recorded. The obligation for this project is the value of 0.165 acres; and
9. Lot A shall be maintained by a private Home Owner's Association (HOA); and
10. All wet utilities are to be cleaned, tested, and videotaped prior to acceptance by the City of Riverbank; and
11. Private street names shall be approved by City Council; and

12. An automatic fire system shall be provided for all Group R occupancies. **CFC 903.2.8**; and
13. Buildings shall be provided with proper address identification in accordance with the California Fire Code as amended by the Stanislaus Consolidated Fire Protection District. **CFC 505.1**; and
14. Approved fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into the jurisdiction. All fire apparatus access roads shall meet the design requirements of the California Fire Code. **CFC 503.1.1**; and
15. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area to turn around a fire apparatus in accordance with the California Fire Code. **CFC 503.2.5**; and
16. During construction, Fire apparatus access roads shall be clearly marked with notices or markings that include the words NO PARKING – FIRE LANE. The markings shall be clean and legible at all times. **CFC 503.3**; and
17. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to the site. **CFC 507.1**; and
18. Fire apparatus access roads and a water supply for fire protection shall be installed and made serviceable prior to and during the time of construction. **CFC 501.4**; and
19. All existing and proposed overhead utilities shall be installed underground on Seventh Street and within the subdivision; and
20. All exposed surfaces (e.g. parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two (2) times per day; and
21. All haul trucks transporting soil, sand, or other loose material off-site shall be covered; and
22. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited; and
23. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binding are used; and
24. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes. Clear signage shall be provided for construction workers at all access points; and
25. All construction equipment shall be maintained and properly tuned in accordance with manufacture's specifications. All equipment shall be checked by a certified visible emissions evaluator; and
26. Post a publicly visible sign with the telephone number and person to contact at the Air District regarding dust complaints. The Air District shall respond and take corrective action within 48

hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations; and

27. If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The project applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level; and
28. Pursuant to the 2005-2025 General Plan Policy SAFE-1.11, the proposed project requires a detailed Geotechnical Study prepared by an independent qualified geologist to be reviewed and approved by the City. The Geotechnical Study shall be submitted with the project Improvement Plans; and
29. Consistent with the requirements of the City of Riverbank Municipal Code, the National Pollutant Discharge Elimination System (NPDES) Construction General Permit, the project applicant shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period. The SWPPP shall be designed to address the following objectives:
 - a. All pollutants and their sources, including sources of sediment associated with construction, construction site erosion, and all other activities associated with construction activity, are controlled using source control and treatment control best management practices (BMPs).
 - b. Where not otherwise permitted by the Regional Water Quality Control Board, all non-stormwater discharges are identified and eliminated.
 - c. BMPs are effective and result in the reduction or elimination of pollutants in stormwater discharges and authorized non-stormwater discharges from construction activity in accordance with the Construction General Permit; and
30. The project applicant shall fully comply with the City of Riverbank Municipal Code and all Regional Water Quality Control Board stormwater permit requirements, including Provision C.3 of the Municipal Regional Permit (MRP). This will require preparation and implementation of a complete Stormwater Control Plan (SCP) for the project, which shall be submitted to the City Engineer for review and approval prior to any construction activity. The SCP shall act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with the operation of the proposed project and shall be designed to comply with both MRP and City of Riverbank requirements. At a minimum, the SCP for the project shall include the following:
 - a. An inventory and accounting of existing and proposed impervious areas.
 - b. Low Impact Development (LID) design details incorporated into the project. Specific LID design details may include but are not limited to rain gardens, bio retention areas, pervious pavements, harvesting and reuse of stormwater, dispersal of runoff to landscaped areas,

and/or routing of runoff swales and other small-scale facilities distributed throughout the site.

- c. Measures to address potential stormwater contaminants. These may include measures to address potential sources of stormwater pollutants at the project site, covering trash collection and parking areas.
- d. A Draft Stormwater Facility Operation and Maintenance Plan for the project site, which shall include periodic inspection and maintenance of the storm drainage system. Persons responsible for performing and funding the requirements of this plan shall be identified. This plan shall be finalized prior to the issuance of any building permits for the project; and

31. Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities:

- a. All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- b. "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
- c. Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (dwelling and Riverbank High School).
- d. Unnecessary idling of internal combustion engines shall be prohibited.
- e. Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (dwellings and Riverbank High School).
- f. Construction-related traffic shall be routed along major roadways (Claus Road and Patterson Road) and as far as feasible from sensitive receptors.
- g. Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.
- h. The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed; and

32. The approval of this map TM 02-2017 will invalidate the prior approval of the underlying Tentative Map approved in 2006 known as TM 01-2006.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission recommends for approval Tentative Map No. 02-2017 (Exhibit A), subject to these Conditions of Approval established by Resolution No. 2018-007 and to be recorded as modified.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 16th of October 2018, by the following vote 5-0:

AYES: Commissioners: Ball, Hughes, Stewart, Fenrich and Link

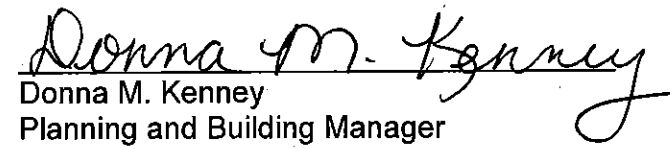
NOES: None

ABSENT: Commissioner Chair: Dinan

ABSTAIN: None

Attest:

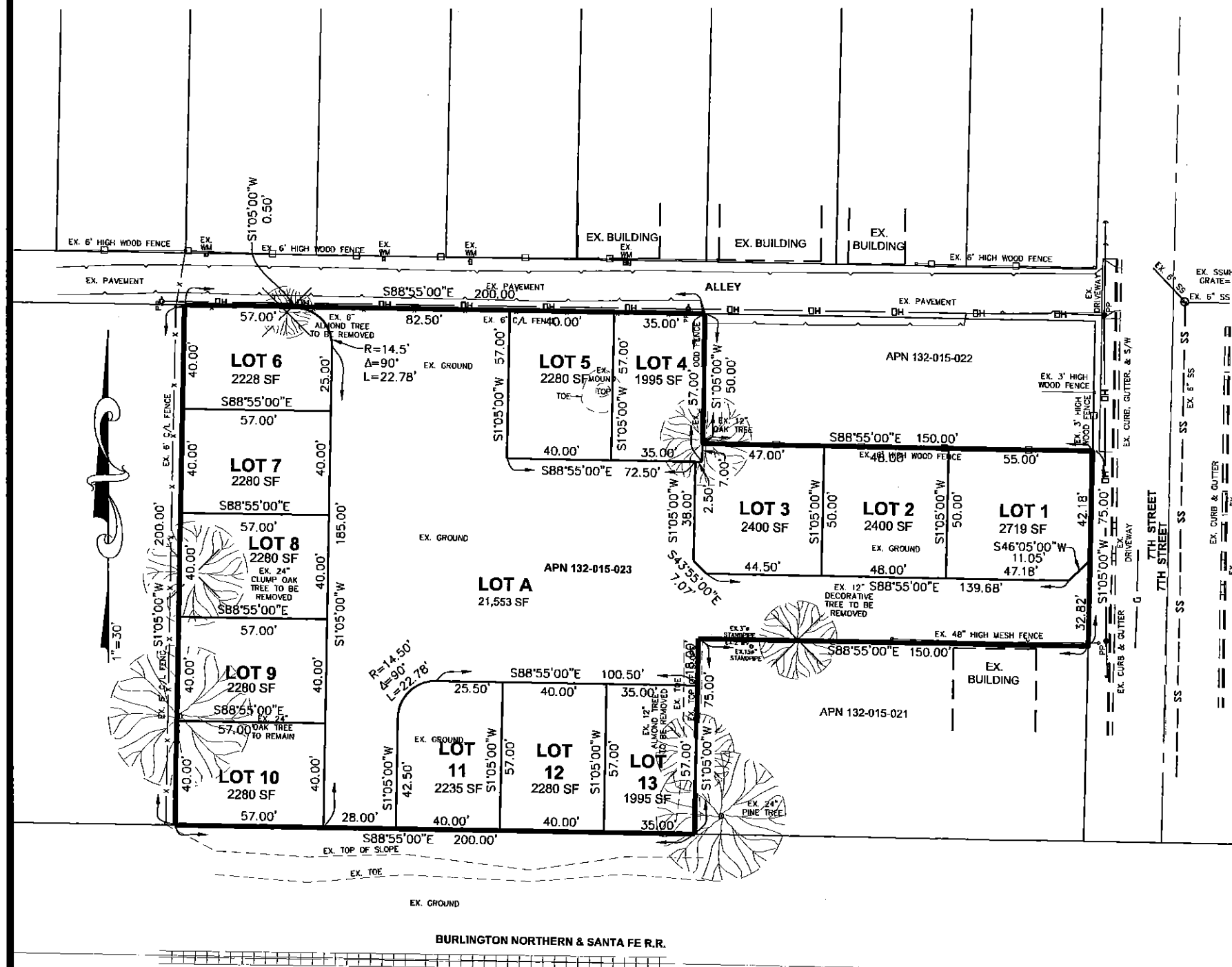
Approved:


Donna M. Kenney
Planning and Building Manager


Robert Ball, Vice Chairperson
Planning Commission

Exhibits: A – Tentative Map 02-2017 date stamped July 31, 2018

- NOTE:**
- 1) TREES TO BE REMOVED, AS NOTED.
 - 2) NO STRUCTURES TO BE REMOVED.
 - 3) SOIL TYPE: Mda MADERA SANDY LOAM
0-2% SLOPES
HYDROLOGIC SOIL GROUP: D
 - 4) DEPTH TO GROUNDWATER: 71 FEET



VICINITY

NOT TO SCALE

A.P.N. 132-015-023
CONTACT: EDMOND SHAMASS
615 13TH STREET
MODESTO, CA 95354
(209) 345-8316
eshamass@gmail.com

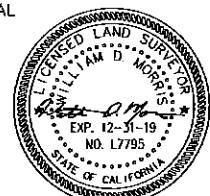
OWNER/
APPLICANT: EDMOND SHAMASS
615 13TH STREET
MODESTO, CA 95354

SITE ADDRESS: 7TH STREET (x SIERRA STREET)
RIVERBANK, CA 95367

ZONING: R-2 DUPLEX RESIDENTIAL
GENERAL PLAN: HDR HIGHER DENSITY RESIDENTIAL

TOTAL AREA: 1.17 AC.
WATER: CITY OF RIVERBANK
SANITARY SEWER: CITY OF RIVERBANK

PREPARED BY: MORRIS ENGINEERING & SURVEYING, INC.
334 S. YOSEMITE AVENUE, SUITE D
OAKDALE, CA 95361
(209) 845-9175



TENTATIVE SUBDIVISION MAP

BEING ALL OF LOT 2 AND A PORTION
OF LOT 3 AS SHOWN ON THE EASTERN
ADDITION TO THE TOWN OF RIVERBANK
FILED IN BOOK 7 OF MAPS AT PAGE 30,
STANISLAUS COUNTY RECORDS, SITUATE IN
THE NORTHEAST QUARTER OF SECTION 25,
T.2S., R.9E., M.D.M., CITY OF RIVERBANK,
STANISLAUS COUNTY, CALIFORNIA
SCALE: 1"=30' JULY 2018

MORRIS
ENGINEERING & SURVEYING, INC.

334 S. YOSEMITE AVENUE, SUITE D
OAKDALE, CA 95361
(209) 845-9175 x (209) 845-9177 (FAX)

October 15, 2018
City of Riverbank
6707 Third Street
Riverbank, CA 95367-2396
Donna Kenney, Building & planning manager. dkenney@riverbank.org

Donna Kenney, Planning Commission for City of Riverbank, and to whom it may concern,

This letter is being written regarding concerns over the Planned Development Rezone 01-2017, Architectural & Site Plan Review 02-2017, and Tentative Subdivision Map 01-2017 (Dept. File # 17-0015) – Edmund Shamass, applicant; Edward Touma, owner – Riverbank Commons at 7th and Sierra Streets, APN: 132-015-023.

My name is Kathy D. Hedman daughter of Barbara G. Trager homeowner at 6419 7th Street Riverbank, CA 95367. The home at 6419 7th Street has been in our family for over 70 years. I am writing on behalf of my mother as she does not have a computer or access to email and she does not think she will be able to attend the hearings due to her poor health. My mother wants her concerns made known and addressed. Listed below are our concerns.

Our main concerns regarding the above mentioned rezone & development project are the **impact it will have on the privacy, safety , and wellbeing of my mother Barbara Trager who is in poor health. The homes on lots 1 & 2 are two stories and will overlook into my mother's home.** In addition we are also concerned about the **increase in noise and additional traffic** the development will bring to 7th Street.

We are requesting the project not be approved due to the impact it will have on my mother's wellbeing. If the project is approved; we want the developer to be **required to place a masonry wall around the entire project at my mother's property line at the developer's expense between the development and 6419 7th Street so that there is absolutely no access from the development onto my mother's property. We would like the masonry wall to be placed at the beginning of the development stages to eliminate the hazard of possible fire damage to my mother's home as has occurred in the past. We request the development to be required to be completed in a timely manner due to the noise and stress the construction will create.** We are very concerned over the proposed road leading into the development being parallel to my mother's home as her guest bedroom, kitchen, & bathroom windows are on that side of the home. **The road will create noise, headlight beams, eliminate her privacy, and could potentially be a danger if a car went through a fence if it were not a masonry wall.** We also want to ensure that my mother will have no responsibility to maintain any masonry walls or fences that are built. We have concerns regarding the fence or wall placed at the back of the property line being tall enough due to the fact that my mother's property is higher than the land on the proposed project. We request the developer be required to bring the height of the property up to meet the height of the property at 6419 7th Street or build a taller wall to ensure privacy.

We are also concerned about the increase in traffic on 7th Street and where overflow parking for residents and their guests will be located. There are already cars parked along 7th Street and an increase in traffic will add to the existing problem. Presently neighbors & their guests park in front of 6419 7th Street; at times they leave cars parked for a couple of days and Barbara Trager has no place for her guests to park. This project if approved will eliminate several parking spaces along 7th Street. **Please consider how this project would affect you if you or your mother lived next door to this proposed project. The noise, traffic, & headlight beams coming into the bedroom, kitchen, & bathroom windows will eliminate my mother's privacy. Please reconsider your approval of this project!** If this project is approved we request the developer be required to complete the project in a timely manner by a due date so construction does not linger and cause my mother Barbara Trager further undue stress. We are strongly opposed to the construction of the development.

Respectfully,

Kathy Hedman & Barbara Trager

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 5.2

SECTION 5: PUBLIC HEARING

Meeting Date:	November 13, 2018
Subject:	First Reading by Title Only and Introduction of a Proposed Ordinance Amending Chapter 92: Fire Protection and Prevention of Title IX: General Regulations by Repealing this Chapter in its Entirety and Replacing it with a New Chapter 92: Fire Protection and Prevention of the City of Riverbank Code of Ordinances
From:	Sean Scully, City Manager
Submitted by:	Annabelle H. Aguilar, CMC, City Clerk

RECOMMENDATION

It is recommended that the City Council conduct the public hearing for the first reading of the proposed ordinance to consider its approval; if approved, the second reading of the ordinance by title only will be scheduled for the next regular City Council meeting on December 11, 2018, for consideration of its adoption.

SUMMARY

The City Council desired to address community concerns on the nuisance of noise and potential harm to persons or properties in the City due to the use of “dangerous fireworks” commonly referred to as “illegal fireworks”. Currently Riverbank Municipal Code (RMC) Chapter 92 on Fire Protection and Prevention does not address the regulation and enforcement of the possession, use, storage, sale, and/or display of dangerous fireworks within the City. As a result, enforcement to stop such activity is difficult due to the fact that Police Officers must wait until the firework is discharged, and forward the incident to the local District Attorney’s office for consideration of prosecution, which may not be considered enough of a violation to utilize resources in pursuing such prosecution.

In addition, RMC regulating the sale of “safe and sane fireworks” has not been reviewed and updated since 1996. The current code contains several outdated provisions, and lacks clarity as to the dates, times, and location of when a temporary stand is allowed, to be set up and when its removal must occur; when the sales of fireworks may be conducted and when sales must end; and when the discharge of these fireworks may occur, and when it is no longer allowed.

The amendment of Chapter 92 by entirely repealing it and adding a more organized Chapter of sections that include provisions for the regulation on the sale and discharge of “safe and sane fireworks”, with a new section on the regulation, enforcement and penalization of “dangerous fireworks” will address the challenges of noise and hazards that such fireworks pose to residents and properties in the City.

BACKGROUND

Many municipalities throughout California are experiencing the challenges of illegal fireworks, and the continued sale or discharge of legal safe and sane fireworks beyond the allowed time period. To address the various concerns of Riverbank residents, Councilmember Campbell and Councilmember Fosi were appointed to consider the matter and make their recommendations. After consideration, they recommended that staff update the municipal code on fireworks to include the ability to regulate, enforce, and penalize not only the *discharge* of illegal fireworks, but the *possession* of illegal fireworks, with the ability for the City to administratively cite and fine violators. A method of enforcement that other cities have declared an effective effort for deterrence of further violations.

Staff researched and analyzed several municipalities’ ordinances, along with the State Code requirements. Findings resulted in discovering California SB 839 (Sen. Calderon) effective January 1, 2008, on Fireworks, which among several changes to fireworks regulations, directed the State Fire Marshal to provide a model ordinance that permits local jurisdictions to adopt a streamlined enforcement and administrative fine procedure relating to the *possession and use* of less than 25 pounds of dangerous fireworks. This model is presented in the proposed ordinance to address illegal fireworks.

In addition, an amendment to Chapter 92 provided the opportunity to update the RMC Section on the Sale of Fireworks to especially regulate and administratively cite violators who continued to discharge their purchased safe and sane fireworks beyond the hours of 10:00 p.m., when most loud activities are expected to cease within the City, and to address the continued discharge of purchased fireworks beyond the 4th of July Holiday.

Generally, California law allows you to purchase “safe and sane” fireworks between noon on June 28 and noon on July 6. This is also the only time period that any person may possess or use fireworks legally, unless he or she has a special permit that allows use or possession during other times of the year. However, because of the many calls to the 911 centers requesting that the 4th of July firework activities cease after 10:00 p.m., the many calls of dogs lost or barking due to firework noise, and the many calls from residents believing that dangerous fireworks are being used, many municipalities’ laws are often more restrictive than those of the state.

The amended section on the sale of fireworks is proposed to be more restrictive in an attempt to reduce the disturbance calls to Police Services, and for purchasers of legal fireworks to know when the use or discharge of fireworks must cease to restore peace and tranquility to the residents, however, will allow substantial time for permitted organizations to sell the legal fireworks.

FINANCIAL IMPACT

Financial impact of enforcement revenue is difficult to forecast as there is no previous history in Riverbank with regard to issuing these types of citations. However, California municipalities, such as the City of Stockton, that have implemented the SB 839 Administrative Fine for illegal fireworks conservatively projected revenue of \$15,000 to \$25,000 for 60 to 100 citations issued, and for misuse of State-approved fireworks revenue between \$312 to \$625 for 5 to 10 citations issued. Staff anticipates budgeting for additional overtime for enforcement of this ordinance (if approved); these figures will be presented at midyear budget review.

STRATEGIC GOAL

This item is directly related to the three-year goal of enhancing public safety.

ATTACHMENT

1. Proposed Ordinance

CITY OF RIVERBANK

ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, AMENDING CHAPTER 92: FIRE PROTECTION AND PREVENTION OF TITLE IX: GENERAL REGULATIONS BY REPEALING THIS CHAPTER IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 92: FIRE PROTECTION AND PREVENTION OF THE CITY OF RIVERBANK CODE OF ORDINANCES

WHEREAS, it is the City's intent to update the regulations on the permit process for the sale of "safe and sane fireworks", and to add regulations that will address the possession, use, storage, sale, and/or display of "dangerous fireworks", commonly referred to as "illegal fireworks" within the city and

WHEREAS, the City provides the opportunity for eligible nonprofit or tax-exempt organizations to sell fireworks during the 4th of July Holiday as a fundraising opportunity to support their respective activities that benefit the Riverbank community; and

WHEREAS, the City desires to update its process, procedures, and regulations to ensure all Riverbank nonprofit or tax-exempt organizations who are permitted to sell safe and sane fireworks will carry out the storage, transportation, handling, and sale of fireworks as required by the state and local regulations, laws, and requirements; and

WHEREAS, the amended regulations will further clarify the dates and times when the sale and use of safe and sane fireworks may be conducted for the enjoyment of the community, and for the peace and tranquility thereafter; and

WHEREAS, the City Council further desires to address the community's concerns of the serious threat of fire and injury posed by the use of illegal fireworks classified as "dangerous fireworks", which affects the public's health, safety, and welfare; and

WHEREAS, the use of dangerous fireworks is considered an illegal activity which is currently prohibited, and of which violations are enforced pursuant to State law; and

WHEREAS, SB 839 (Sen. Calderon), which became **effective** January 1, 2008, provides for a State Health and Safety Code provision that directs the State Fire Marshal to provide a model ordinance that permits local jurisdictions to adopt a streamlined enforcement and administrative fine procedure that addresses the *possession and use* of less than 25 pounds of dangerous fireworks; as well as enforcement for the sale or discharge of safe and sane fireworks during unpermitted dates, times, and locations.

WHEREAS, amending Chapter 92: Fire Protection and Prevention, of the Riverbank Municipal Code to include an updated subsection on the sale and discharge of safe and sane fireworks, and a new subsection on the enforcement and penalization of dangerous fireworks,

will facilitate the ability of the City to levy penalties against violators, and ultimately serve as a deterrent for future violations.

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

SECTION 1: Riverbank Municipal Code Chapter 92: Fire Protection and Prevention of Title IX: General Regulations, shall be amended by repealing in its entirety, Chapter 92, and replacing it with a new Chapter 92 as follows:

CHAPTER 92: FIRE PROTECTION AND PREVENTION

Section

Fire Code Regulations

92.01 California fire code adopted by reference

Fire Protection District

92.10 City included in Stanislaus county fire protection district

Fireworks Sales

92.20 Definitions

92.21 Purpose

92.22 Administration

92.23 Permitted types of fireworks

92.24 Permit required

92.25 Qualification for issuance of a permit

92.26 Application requirements

92.27 Time for filing

92.28 Compliance with permit restrictions

92.29 Compliance with permit restrictions; city regulations

92.30 Prohibitions of use or display, discharge of fireworks

92.31 Fireworks stand specifications

92.32 Failure to comply

92.33 Appeal for denial of permit

Fireworks Regulations and Enforcement

92.40 Definitions

92.41 Purpose

92.42 Issuance of administrative citation

92.43 Administrative fines

92.44 Administrative appeal hearing

Smoking Restrictions

95.50 Smoking restrictions in city owned buildings

Cross-reference:

Adoption of Uniform Fire Code, see § 150.11

FIRE CODE REGULATIONS

§ 92.01 CALIFORNIA FIRE CODE ADOPTED BY REFERENCE.

The City Council adopts the California Fire Code as declared in municipal code chapter 150: Building Regulations, Fire Code.

FIRE PROTECTION DISTRICT

§ 92.10 CITY INCLUDED IN STANISLAUS COUNTY FIRE PROTECTION DISTRICT.

In accordance with the Health and Safety Code Section 13950 et. seq., the City Council hereby declares and determines its intention and desire to have the City of Riverbank's entire territory and its established jurisdiction boundaries included within the Stanislaus County Consolidated Fire Protection District, and become a part thereof.

('67 Code, § 8-1-1) (Ord. 35½, passed 5-1-31)

FIREWORKS SALES AND DISPLAY

§ 92.20 DEFINITIONS.

CITY MANAGER shall mean the City Manager or designee.

PROGRAM ADMINISTRATOR shall mean the City Manager's designated department or division staff member that is assigned the responsibilities to administer the fireworks sales program.

DANGEROUS FIREWORKS shall mean every fireworks article which does not bear the safe and sane classification label and as further defined in Section 12505 and Section 12561 of California Health and Safety Code (HSC).

EXEMPT FIREWORKS as defined in Section 12508 of the HSC means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

FIREWORKS shall mean any device containing chemical elements and chemical compounds that capable of burning independently of the oxygen of the atmosphere and producing audible, visual, mechanical, or thermal effects which are useful as pyrotechnic devices for entertainment. The term includes, but is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrockets, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits.

FIREWORKS STAND means any building, counter, or other structure of a temporary nature used in the sale, offering for sale, or display for sale of safe or sane fireworks.

FIREWORKS WHOLESALER means any person, other than an importer, exporter or manufacturer selling directly to wholesalers, who sells fireworks to a retailer or any other person for resale.

PERMIT means a certificate issued by the city that allows a qualified applicant to temporarily sell fireworks pursuant to the regulations set forth. A permit does not confer to any property rights and the city at its sole discretion, without notice or opportunity for a hearing, may revoke the permit.

PERMITTEE means any applicant that has met the eligibility requirements and has been issued a permit for the sale of safe and sane fireworks, or a City Council approved state licensed pyrotechnic operator as defined under HSC Section 12578.

SAFE AND SANE FIREWORKS as defined in Section 12529 and 12562 of the HSC means any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks.”

§ 92.21 PURPOSE.

The purpose of this subsection is to restrict the sale and use of fireworks or the public display of fireworks within the city for the health, safety, and welfare of all persons and properties of the city.

§ 92.22 ADMINISTRATION.

The City Manager shall designate the Program Administrator responsible for the temporary sale of safe and sane fireworks permit program. The City Manager may adopt reasonable processes and procedures to implement this subsection in a manner consistent with any applicable rules and regulations set forth by ordinance of the City Council. The City Manager reserves the right to immediately revoke, without notice or hearing, the permit to sell fireworks when it is determined that a state or local regulation, law, or requirement has been violated or an immediate danger situation that arises; this action shall be final.

§ 92.23 PERMITTED TYPES OF FIREWORKS.

(A) Fireworks labeled as “safe and sane fireworks” are permitted pursuant to the provisions of this section.

(B) It shall be unlawful for any person, firm, or corporation to possess, sell, store, use, display or offer or make available for sale or expose for sale at retail, fireworks for use within the city that is not classified as “safe and sane fireworks” including altered safe and sane fireworks, or other combustible device or explosive substance or any kind of fireworks by another name.

(C) *Public display by state licensed pyrotechnic operator:* Notwithstanding (A) and (B), the City Council may for a one-time city conducted special event or celebratory occasion, allow for the issuance of a city fireworks permit for the public display of “dangerous fireworks” conducted by a state licensed pyrotechnic operator, who shall meet all the state and local regulations, laws, and requirements to ensure the safety and welfare of all persons and properties.

§ 92.24 PERMIT REQUIRED.

(A) It shall be unlawful for any person, firm, or corporation to engage in the sale or distribution of fireworks within the City without first securing a permit from the city, the Fire Protection District, State Fire Marshall, and any other required state or local agency.

(B) *State licensed pyrotechnic operator.* A City Council approved state licensed pyrotechnic operator who is approved to provide a public display of fireworks by the discharge of dangerous fireworks for a one-time city conducted special event or celebratory occasion, shall apply for a permit to ensure that all state and local regulations, laws, and requirements for the safety and welfare of persons and properties are met.

§ 92.25 QUALIFICATION FOR ISSUANCE OF PERMIT.

Permits for the sale of safe and sane fireworks shall be issued only if:

(A) The applicant is a bona fide nonprofit organization or corporation, as recognized by the State of California, or a tax-exempt organization or corporation recognized by the Federal Internal Revenue Service that was formed primarily for veteran, patriotic, welfare, civic betterment, charitable, or charitable purposes; or

(B) The applicant is a nonprofit or tax-exempt organization affiliated with the Riverbank Unified School District, located within the city limits of the City of Riverbank, or

(C) The applicant is a nonprofit or tax-exempt organization from a school within six (6) miles of the city limits that has a student body consisting of at least fifty (50) percent Riverbank residents.

(1) Said applicant from a school outside the city limits shall not be eligible for a permit if a permit is granted or is expected to be granted by another jurisdiction.

(D) The nonprofit or tax-exempt organization shall provide proof of:

(1) Having a minimum of ten (10) members of which at least 80 percent of its current members reside within the city limits of Riverbank, and

(2) Having been established within the city's postal area for at least a period of one (1) year, and

(3) Having its principal and permanent meeting place in the city's postal area; and

(4) Having demonstrated its purpose for existence, and its direct and continuous services and benefits to the city in the past twelve (12) months.

(5) An applicant from a school outside the city limits that may not meet all the aforementioned criteria shall meet criteria that is satisfactory to the Program Administrator.

(E) *State licensed pyrotechnic operator.* The City Council shall first approve the display and use of dangerous fireworks for a city conducted one-time special event or celebratory event, and said operator shall then apply for a permit with the designated Program Administrator.

§ 92.26 APPLICATION REQUIREMENTS.

(A) Any organization or person(s) interested in obtaining a temporary permit for a fireworks stand and sale of safe and sane fireworks shall first obtain and file an application form provided by the city Program Administrator.

(B) Requirements shall include, but are not limited to:

(1) Providing proof of tax exemption that is active and in good standing; and

(2) Providing a certificate of liability insurance that shall indicate the limit amount as determined by the city's risk management authority for liability coverage per occurrence for bodily injury, property damage, including premises, operations, and product liability; that shall name the City of Riverbank as certificate holder; that shall contain an attached separate endorsement to the policy naming the City of Riverbank as an additional insured; and shall indicate that a 30-day advance notice will be given to the city prior to cancellation or material change of the policy; and

(3) Providing a copy of the applicant's current license as a fireworks wholesaler/retailer by the State of California.

(C) The application may require any other information and additional documentation as deemed necessary to make an adequate determination of eligibility.

(D) *State licensed pyrotechnic operator.* Application requirements shall be established as deemed necessary by the City Manager to ensure appropriate liability coverage and documentation has been secured and all state and local regulations, laws, and requirements are met.

(E) A nonrefundable permit processing fee of \$50.00, or an amount as amended by City Council resolution, shall be paid at the time of submittal of an application. An exception of a refund may occur if a limit on the number of permits allowed to be issued is declared by the City Manager, and as a result of conducting a lottery the applicant is not selected.

(F) *Business license and tax payment.* Pursuant to Riverbank Municipal Code Section 110.08(I) license fees for eligible nonprofit or tax-exempt organizations shall be waived.

§ 92.27 TIME FOR FILING.

(A) Applications shall be made available by March 1st and shall be filed by the applicant no later than the close of business on March 31st, or if offices are closed, the close of business on the next open business day. Applications submitted after the indicated deadline will not be accepted. Failure to meet the requirements of the application for a permit will be reason for denial.

(B) *State licensed pyrotechnic operator.* A City Council approved operator shall file an application for a permit not less than fifteen (15) days prior to the event.

§ 92.28 ISSUANCE OF PERMIT; NON-TRANSFERABILITY; DURATION.

(A) The Program Administrator, upon satisfaction that the applicant met the requirements, may grant a permit, subject to any other conditions deemed necessary for the public's health, safety and general welfare.

(B) The City Manager shall have the discretion to set a maximum number of permits that may be issued each calendar year to sell safe and sane fireworks. If the number of applications received exceeds the number of permits allowed for the year, a random lottery system will be conducted by the Program Administrator, and applicants will be notified accordingly.

(C) To allow various Riverbank nonprofit and tax-exempt organizations an opportunity to sell fireworks, no more than one (1) permit per organization shall be issued for the sale of fireworks during any one calendar year; any affiliates will not be eligible for a permit. One (1) issued permit allows for one (1) temporary stand for the sale of fireworks.

(D) The temporary city permit issued shall only be valid for the organization named, the premises or address indicated, and for the dates specified on the permit. The permit shall not be transferable, assignable or renewable.

(E) Applicants for a permit shall be notified by the Program Administrator of the granting or denial of a permit no later than May 15th of each year.

(F) *Transportation and storage.* The permittee shall comply with all state and local regulations and laws for the transportation and storage of fireworks to be sold, used, or displayed.

(G) The city issued permit shall be posted at the stand for clear public view, along with the State Fire Marshal's retail fireworks license permit, and any other permit or sign required by state or local regulations or laws.

(H) The sale of fireworks may begin no earlier than 12 noon on June 28th, and may be sold daily thereafter from 9:00 a.m. to 9:00 p.m., and shall cease by 9:00 p.m. on July 4th. All unsold stock shall be removed from the location no later than 12 noon July 5th.

§ 92.29 COMPLIANCE WITH PERMIT RESTRICTIONS; CITY REGULATIONS.

(A) Any applicant who is issued a city permit to operate a temporary stand for the sale of fireworks shall abide by and comply with all the regulations, laws, requirements, conditions, and restrictions set by state and local regulations and laws, which shall include:

(1) No person other than the official members of the organization, their spouses, parents, or adult children shall sell or otherwise participate in the sale of fireworks at the stand.

(2) No person other than the permitted organization shall operate the stand or participate in the profits of the operation of the stand.

(3) No person shall be paid any consideration for selling or otherwise participating in the sale of fireworks at the stand.

(4) No person under the age of eighteen (18) shall sell or participate in the sale of fireworks, and no person under the age of sixteen (16) shall be sold or given fireworks.

(5) All retail sales of safe and sane fireworks shall be conducted only within the permitted temporary fireworks stand; sale from any other building or structure is prohibited.

(B) Should the dates and times allowed by the state fire marshal or local fire protection district exceed the dates and times set by the city's code, all permittees shall comply with the city's jurisdictional regulations.

§ 92.30 PROHIBITIONS OF USE OR DISPLAY, DISCHARGE OF FIREWORKS.

(A) It shall be unlawful to sell or offer for sale any fireworks in violation of the regulations established by the city's code.

(B) It shall be unlawful to possess, discharge, sell or offer for sale, any fireworks within the city which are classified as "dangerous fireworks" as defined by the California Health and Safety Code.

(C) It shall be unlawful for any person having the care, custody or control of a person under the age of 16 years to permit such person to discharge any safe and sane fireworks unless such minor does so under the direct supervision of a person over 18 years of age and during the hours and on the days permitted by this subsection.

(D) It shall be unlawful to throw, toss, project or position an ignited firework of any kind in such a manner as to cause the firework or contents thereof to come in contact with another person's body, private property, or real property.

(E) It shall be unlawful for any person to discharge or permit the discharge of any safe or sane fireworks within any public property, buildings, or facilities, except by the approval of the City Council.

(F) It shall be unlawful to discharge any safe or sane fireworks during any other time except on the 4th of July between the hours of 12 noon and 10:00 p.m.

§ 92.31 FIREWORKS STAND SPECIFICATIONS.

Temporary stands are subject to the requirements as forth in the application and this code, including:

(A) A stand shall meet all the requirements for construction and maintenance as to ensure the safety of the attendants and patrons as required by the Chief Building Official or designee or the Fire Protection District.

(B) Fireworks stands and any related litter may be erected no earlier than June 26th and shall be removed no later than July 7th of each year.

§ 92.32 FAILURE TO COMPLY.

Any violations of this section shall be subject to the fine(s) and appeal hearing process as stated under the fireworks regulations and enforcement subsection.

§ 92.33 APPEAL FOR DENIAL OF PERMIT.

If the Program Administrator denies the issuance of a permit or the submittal of an application, the applicant making the request may appeal such action by filing a written notice of appeal with the City Council. Such written notice shall be filed with the City Clerk within (5) days form the date of notification of denial. The notice of appeal shall set forth the reasons for the applicant's appeal. Upon receipt of a notice of appeal, a hearing shall be set before the City Council at the next regularly scheduled meeting. Upon such hearing the Council may deny the application or grant the application upon such conditions as the Council shall deem proper.

FIREWORKS REGULATIONS AND ENFORCEMENT

§ 92.40 DEFINITIONS.

ADMINISTRATIVE CITATION. An administrative citation is a "ticket" issued when the Code Enforcement Officer has determined that a violation of the city's code has occurred. It is an official notification, on an appropriate form as established by the city, to include the code violation(s), and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with the provisions of this Chapter. Administrative citations are not part of the judicial process unlike infraction or misdemeanor citations.

CITEE shall mean any person served with an administrative citation charging him or her as a responsible person for the violation.

CITATION shall mean an administrative citation issued pursuant to this section to remedy a violation.

CODE shall mean the City of Riverbank Municipal Code.

CODE ENFORCEMENT OFFICER (CEO) shall mean any employee or agent or public safety officer of the City of Riverbank designated by the City Council to enforce any provision of this code.

DANGEROUS FIREWORKS as defined under Health and Safety Code 12505 and 12561 are:

(A) Any fireworks which contain any of the following:

- (1) Arsenic sulfide, arsenates, or arsenites.
- (2) Boron.
- (3) Chlorates, except:
 - (a) In colored smoke mixture in which an equal or greater amount of sodium bicarbonate is included.
 - (b) In caps and party poppers.
 - (c) In those small items (such as ground spinners) wherein the total powder content does not exceed four (4 g) grams of which not greater than fifteen (15%) percent (or six hundred (600 mg) milligrams) is potassium, sodium, or barium chlorate.
 - (d) Gallates or Gallic acid.
 - (e) Magnesium (magnesium-aluminum alloys, called magnalium, are permitted).
 - (f) Mercury salts.
 - (g) Phosphorous (red or white except that red phosphorus is permissible in caps and party poppers).
 - (h) Picrates or picric acid.
 - (i) Thiocyanates.
 - (j) Titanium, except in particle size greater than one hundred (100) mesh.
 - (k) Zirconium.

(B) Firecrackers.

(C) Skyrockets and rockets, including all devices which employ any combustible or explosive material and which rise in the air during discharge.

(D) Roman candles, including all devices which discharge balls of fire into the air.

(E) Chasers, including all devices which dart or travel about the surface of the ground during discharge.

(F) Sparklers more than ten (10") inches in length or one-fourth of one (0.25") inch in diameter.

(G) All fireworks designed and intended by the manufacturer to create the element of surprise upon the user. These items include, but are not limited to, auto-foolers, cigarette loads, exploding golf balls, and trick matches.

(H) Fireworks known as devil-on-the-walk, or any other firework which explodes through means of friction, unless otherwise classified by the State Fire Marshal pursuant to this section.

(I) Torpedoes of all kinds which explode on impact.

(J) Fireworks kits.

(K) Such other fireworks examined and tested by the State Fire Marshal and determined by him, with the advice of the State Board of Fire Services, to possess characteristics of design or construction which make such fireworks unsafe for use by any person not specially qualified or trained in the use of fireworks.

EXEMPT FIREWORKS as defined in Section 12508 of the Health and Safety Code means any special item containing pyrotechnic compositions which the State Fire Marshal, with the advice of the State Fire Advisory Board, has investigated and determined to be limited to industrial, commercial, agricultural use, or religious ceremonies when authorized by a permit granted by the authority having jurisdiction.

ISSUANCE or ISSUED means any of the following:

(A) The preparation and service of an administrative fine citation to a citee in the same manner as a summons in a civil action in accordance with Article III (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedures; or

(B) Mailing of administrative fine citation to the citee by certified mail with return receipt, to the address shown on the official records of the County Assessor; or

(C) By personally serving the responsible party by personal delivery of the administrative fine citation or by substituted service. Substituted service may be accomplished as follows:

(1) By leaving a copy at the recipient's dwelling or usual place of residence, in the presence of a competent member of the household, and thereafter mailing by First Class Mail a copy to the recipient at the address where the copy was left; or

(2) In the event the responsible party cannot be served by First Class Mail or cannot be personally served and has a property manager or rental agency overseeing the premises, substituted service may be made upon the property manager or rental agency or may be affected by posting the property with the administrative fine citation and mailing a copy by First Class Mail to the responsible party in violation at the address of the property where the violation exists.

PERSON shall mean a natural person or a legal entity that is also an owner, tenant, lessee and/or other person with any right to possession or control of the property where a violation of this code occurred.

RESPONSIBLE PERSON shall mean a person who causes a code violation to occur or allows a violation to exist or continue, by his or her action or failure to act, or whose agent, employee or independent contractor causes a violation to occur, or allows a violation to exist or continue, or any person with an ownership interest or right of possession of the real property where unpermitted fireworks are possessed, sold, used, manufactured or discharged, including, but not limited to:

(A) Any owner-occupant.

(B) Any lessee, subtenant, licensee, or other person having possessory control over a property, structure, or parcel of land.

(C) Any person that organizes, supervises, officiates, conducts, or controls the gathering or any other person accepting responsibility for such a gathering.

(D) Every owner, occupant, lessee, tenant, or holder of any possessory interest of a residence or other private property within the city is required to maintain, manage and supervise property and all persons thereon in a manner so as not to violate the provisions of this subsection. A responsible party need not be present at the time dangerous fireworks are possessed, manufactured, sold, used, or discharged in order for the city to issue an administrative citation under this subsection.

(E) Any person, irrespective of age, found in violation of any provision of this chapter may be issued a citation in accordance with the provisions of this subsection. Every parent, guardian or other person, having the legal care, custody or control of any person under the age of eighteen (18) years, who knows or reasonably should know that a minor is in violation of this chapter, may be issued a citation in accordance with the provisions of this section, in addition to any citation that may be issued to the offending minor.

(F) For purposes of this chapter, there may be more than one responsible person for a violation.

SAFE AND SANE FIREWORKS are as defined in Section 12529 and 12562 of the Health and Safety Code means any fireworks which do not come within the definition of “dangerous fireworks” or “exempt fireworks.”

VIOLATION or **VIOLATES** refers to any violation of any provision of this code.

§ 92.41 PURPOSE.

(A) This section authorizes the imposition of administrative fines on any person who violates any provision of this code in order to encourage and obtain compliance with the provisions of this code for the benefit and protection of the entire community.

(B) This section governs the imposition, enforcement, collection and administrative review of all administrative fines, related to: the possession, use, storage, sale and/or display of those fireworks classified as “dangerous fireworks” as defined in Section 12500 et seq. of the California Health and Safety Code, with the exception of a pyrotechnic licensee when operating pursuant to that license; and the use of “safe and sane fireworks” as defined in Section 12500 et seq. of the California Health and Safety Code on or at dates, times and/or locations other than those permitted by this code. Said administrative fines are imposed under authority of Section 53069.4 of the Government Code, Section 12557 of the Health and Safety Code, and the police power of the city.

(C) This section imposes a duty upon the owners of all real property to ensure that there are no violations of this code on such real property.

§ 92.42 ISSUANCE OF ADMINISTRATIVE CITATION.

(A) The issuance of citations imposing administrative fines may be performed at the discretion of the authorized officials of the city; and the issuance of a citation to any person constitutes but one (1) remedy of the city to redress violations of this code by any person. By adopting this code, the city does not intend to limit its authority to employ any other remedy, civil or criminal, to redress any violation of this code by any person, which this city may otherwise pursue.

(B) Whenever a Code Enforcement Officer determines that a violation of the code has occurred, the officer may issue an administrative citation listing the code violation(s) and the amount of the administrative fine required to be paid by the responsible person(s) in accordance with this the provisions of fines set forth.

(C) Each violation of this code, whether on the same day or different day, shall constitute a separate violation and shall be subject to a separate administrative fine.

(D) The citee shall be required to abate the violation, and immediately surrender all dangerous fireworks to the Code Enforcement Officer.

(E) The imposition of fines related to “dangerous firework” under this chapter shall be limited to persons who possess, sell, use and/or display, or the seizure of twenty-five (25 lbs.) pounds or less (gross weight), including packaging, of such dangerous fireworks.

§ 92.43 ADMINISTRATIVE FINES.

(A) Each person who violates any provision of this code as it relates to the possession, use, storage, sale and/or display of “dangerous fireworks” shall be subject to the imposition and payment of an administrative fine or fines as follows:

Number of Offense in (1) Year Period	Amount of Administrative Penalty	(30–day) Late Payment Charge	Total Amount of Penalty plus Late Charge
1 st Offense	\$1,000	\$250	\$1,250
2 nd Offense	\$2,000	\$500	\$2,500
3 rd Offense	\$3,000	\$1,000	\$4,000

(B) A person who fails to obtain a “block party permit”, license or approval from the city when required by city code shall be subject to administrative fine or fines under this chapter as follows:

Number of Offense in (1) Year Period	Amount of Administrative Penalty	(30–day) Late Payment Charge	Total Amount of Penalty plus Late Charge
1 st Offense	\$ 500	\$ 175	\$ 625
2 nd Offense	\$1,000	\$ 250	\$1,250
3 rd Offense	\$1,500	\$ 500	\$2,000

(C) Any person, firm, or corporation who applies for and receives an administratively issued “block party permit”, or similar license or approval required by the city to close a street or otherwise reserve or use a piece of city property shall comply with all conditions imposed upon the issuance of such permit, license, or approval, including but not limited to taking all reasonable efforts necessary to ensure that “dangerous fireworks” are not used as said event shall be subject to the imposition and payment of an administrative fine or fines as follows:

Number of Offense in (1) Year Period	Amount of Administrative Penalty	(30-day) Late Payment Charge	Total Amount of Penalty plus Late Charge
1 st Offense	\$1,500	\$ 375	\$1,875
2 nd Offense	\$3,000	\$ 750	\$3,750
3 rd Offense	\$5,000	\$2,000	\$7,000

(D) Any person that fails to obtain a permit from the city to sell “safe or sane fireworks” as required under this chapter, or any person who uses or discharges any safe and sane fireworks on or at dates and times or at locations other than what is allowed, are in violation of this chapter and shall be subject to the following fine or fines:

Number of Offense in (1) Year Period	Amount of Administrative Penalty	(30-day) Late Payment Charge	Total Amount of Penalty plus Late Charge
1 st Offense	\$ 250	\$ 75	\$ 325
2 nd Offense	\$ 500	\$ 150	\$ 650
3 rd Offense	\$ 750	\$ 300	\$1,050

(E) The administrative fine(s) for violations of any of the above provisions shall be due and payable to the City of Riverbank within thirty (30) calendar days from the date of issuance of the administrative fine citation. Failure to pay the penalties in full within that time, shall have a late charge imposed in the amount as set forth above and shall begin accruing interest at the prevailing established rate until fully paid.

(F) *Recovery of Administrative Penalties.* The city may collect the assessed administrative fine(s) and related administrative costs incurred such as attorney fees, costs to collect fine(s), late fees, and interest, in any manner allowed by law, including but not limited to recordation of a lien on any real property owned by the responsible person.

(G) Payment of the administrative fine shall not excuse or discharge a citee from the duty to immediately abate and correct a violation of the code, nor from any other responsibility or legal consequences for a continuation or a repeated occurrence(s) of a violation of the code.

(H) On the second and each subsequent time that a person is issued a citation for the same violation in any 12-month period, the fine is increased as indicated above and the cite shall be liable for the amount of the new fine, and any incurred associated late charges and interest, until it is paid, in addition to being responsible for payment of previous fines.

(I) Nothing in this section shall be intended to limit any of the penalties provided for under the California Health and Safety Code or Penal Code.

(J) Fines collected pursuant to this administrative fine process for dangerous fireworks violations:

(1) Shall not be subject to Section 12706 of the Health and Safety Code, which provides that certain fines collected by a court of the State be deposited with, and disbursed by, the County Treasurer; and

(2) Shall include cost reimbursement to the State Fire Marshal pursuant to regulations to be adopted by the State Fire Marshal addressing the State Fire Marshal's cost for the transportation and disposal of dangerous fireworks seized by the city; and

(3) Unless and until said regulations have been adopted by the State of California, the city shall hold in trust Two Hundred Fifty and no/100ths (\$250.00) Dollars or twenty-five (25%) percent of any fine collected, whichever is greater, to cover the cost reimbursement to the State Fire Marshal for said cost of transportation and disposal of the dangerous fireworks.

§ 92.44 ADMINISTRATIVE APPEAL HEARING.

(A) Any citee may contest the violation(s) and the issued administrative citation by filing a request for appeal hearing form with the City Clerk within thirty (30) days of the citation. No fees shall be charged for the filing of a request for an appeal hearing, unless an appeal processing fee has been established by resolution. Failure to timely file a request for appeal form with the City Clerk, along with the processing fee if required, shall constitute a waiver of the right to an appeal hearing and the citation shall be deemed confirmed and final.

(B) The citee must deposit the full amount of the fine indicated on the citation on or before the request for a hearing is filed; failure to deposit the full amount of all fines within the required time period, shall constitute the request for the appeal hearing incomplete and untimely. Payments that are deposited with the city shall be returned to the person who deposited the funds if the citation is overturned.

(C) The city will notify all persons who filed a request for a hearing in writing by First Class Mail of the date, time and place set for the hearing at least (10) calendar days prior to the date of the hearing. Service of this notice is deemed complete at time of mailing. The failure of a citee to receive a properly addressed notice shall not invalidate the citation or any hearing, city action or proceeding, conducted pursuant to this chapter.

(D) The hearing will be conducted within sixty (60) days of the date that a timely and complete request is received by the City Clerk.

(E) Appeal Hearing Procedures:

(1) The Appeals Board shall hear all requests for administrative appeal hearings in accordance with the procedures established herein.

(2) Administrative appeal hearings are informal, and formal rules of evidence and discovery do not apply. The citee and CEO shall have an opportunity to present evidence and witnesses, and to cross-examine witnesses. A citee may bring an interpreter to the hearing provided there is no expense to the city. The Appeals Board may question any person who presents evidence or who testifies at any hearing.

(3) Hearings may be continued once at the request of a citee, the CEO, or the Appeals Board for cause.

(F) Hearing Decision:

(1) After consideration of all testimony and evidence submitted at the hearing, the Appeals Board shall issue a decision to uphold or overturn the citation and shall state the reasons therefore.

(2) The City Clerk shall within seven (7) business days of the decision affirm in writing to the citee by First Class Mail the Board's decision and reasons, and the ability to exercise appeal rights to the City Council, and the procedures. Failure of the citee to receive a properly addressed decision shall not invalidate any hearing, action, or proceeding conducted pursuant to this chapter.

(3) Decisions of the Appeals Board may be appealed to the City Council within fifteen (15) calendar days from the date of the City Clerk's letter of affirmation by filing a request for appeal form with the City Clerk, with an appeals processing fee that has been set by resolution.

(4) If the Board's decision is not appealed in a timely manner as required, the decision shall be deemed confirmed and final.

(5) The City Council is the sole reviewing authority and an appeal of the Appeals Board's decision is not appealable to the Superior Court. If a responsible person prevails on appeal, the city shall reimburse the person's deposit within thirty (30) calendar days of the City Council's final decision on the appeal.

SMOKING RESTRICTIONS

§ 92.50 SMOKING RESTRICTIONS IN CITY OWNED BUILDINGS.

(A) *Purpose.* Every citizen has the right to choose for himself or herself whether to smoke tobacco or marijuana and it is not the intention of the city to interfere with such freedom of choice. Further, every citizen who chooses to not smoke has the right to be free from offensive tobacco or marijuana smoke and to be free from the health hazard of tobacco or marijuana smoke when employed by the city or conducting business with the city in specified areas.

('67 Code, § 4-8-1)

(B) *Definition.* **SMOKE** or **SMOKING.** As used in this section means the carrying, holding, possession or smoking of a lighted pipe, cigar, cigarette, joint or the lighting of a pipe, cigar, cigarette or joint.

('67 Code, § 4-8-2)

(C) *Areas subject to nonsmoking regulations.* Areas subject to nonsmoking regulation are:

- (1) All city offices and conference rooms.
- (2) Elevators which are generally used by and open to the public.
- (3) Council Chambers of the City Hall.
- (4) Public waiting rooms, hallways and lobbies except those which may be specifically designated as smoking areas.
- (5) Riverbank Community Center, Riverbank Teen Center, and Riverbank Pool.

('67 Code, § 4-8-3)

(D) *Duty to post signs or notices.* Appropriate "No Smoking" signs shall be conspicuously posted in each area of those city buildings where smoking is prohibited by this chapter. The city official in charge of the building in which areas have been closed to smoking shall ensure that signs are posted and remain posted advising city employees and the public of designated nonsmoking areas.

('67 Code, § 4-8-4)

(E) *Enforcement.* The city official in charge of the building in which areas have been closed to smoking shall make a report to the City Council in the event voluntary compliance by members of the public becomes ineffective.

('67 Code, § 4-8-5) (Ord. 91-04, passed 3-11-91; Am. Ord. 2017-004, passed 2-28-17)

Statutory reference:

State smoking regulations generally, see Cal. Health & Safety Code §§ 118875 et seq.

SECTION 2: Severability. The City Council of the City of Riverbank hereby declares that if any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are severable. This City Council declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the Ordinance enforced.

SECTION 3: This Ordinance shall become effective thirty (30) days from and after its final passage (), 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 November 13, 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 day of December, 2018; motioned by Councilmember , seconded by Councilmember , and moved said ordinance by a City Council roll call 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

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.1

SECTION 6: NEW BUSINESS

Meeting Date:	November 13, 2018
Subject:	Approval of Resolution to Waive or a Resolution to Defer System Development Fees for the Zaia & Zaia LLC, Del Rio Office Project
From:	Sean Scully, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council consider the petition from Zaia & Zaia LLC to waive or defer payments for the System Development Fees assessed on the construction of the Del Rio Office Project at permit issuance and:

1. Approve a Resolution (Attachment 1) to waive the fees;
2. Approve a Resolution (Attachment 2) to defer the fees; or
3. Deny the waiver and/or deferral.

SUMMARY

Zaia & Zaia LLC submitted a written request to waive or defer for five (5) years payments for System Development Fees, which will be assessed on the construction of the Del Rio Office Project. There is currently no administrative process to consider these requests at staff level and therefore, the request has been brought forward to the City Council for consideration.

BACKGROUND

The City currently collects System Development Fees at Building Permit issuance to defray the impact of new development as authorized by Government Code §66000-66025. The City's System Development Fee program is codified in §150.30 titled "System Development Fees" which establishes the authority for imposing and charging the fees. System Development fees are collected in order to:

- 1) To provide an adequate and constant method for the financing of the unfunded portion of need systems development costs throughout the city, reasonably related to projected community growth.

- 2) To promote the orderly and efficient expansion of public improvements to adequately meet the domestic and economic needs of the community and to minimize adverse fiscal and environmental impacts of new development.
- 3) To ensure the continuation of necessary services including, but not limited to, police and general administrative services.
- 4) To establish equitable methods for minimizing public facility and service costs to the city associated with new development.

As defined within Riverbank's municipal code, System Development Fees are ***charged to new construction, including the expansion of and/or the addition to an existing, nonresidential structure, to mitigate the unfunded portion of the determined impact of the development.***

On November 5, 2018, the City received a request from Tony Zaia (Attachment 3) to waive or defer the System Development Fees. This project, the Del Rio Office Project, is assessed the following fees for the project on their Building Permit (Attachment 4):

System Development Fee Type	Amount
Streets/Public Works	\$28,446.81
Water	\$10,210.46
Waste Water	\$8,168.37
Storm Drain	\$20,753.35
Parks and Recreation	\$0
Police/General Government	\$1,804.64
5% Administrative Fee	\$3,651.77
Total System Development Fees	\$73,035.40*
Plus Stanislaus County fee of \$14,719.11 =	\$87,754.51
Plus Building Permit fees of \$5,552.68 =	\$93,307.19 total fees

(*Based on a 4,999 square foot office building without sprinklers and with credits from the previous building on the site.)

For this proposed waiver, the payment at building permit issuance would include the Police/General Government fee (\$1,804.64), 5% Administrative Fee (\$3,651.77), all the normal permit fees (\$5,552.68) plus the County fee we collect (\$14,719.11) for a total of (\$25,728.20). This waiver would apply only to Riverbank's System Development Fees. It does not include any plan check fees or fees imposed by any other agency such as the fire district or the school district. Zaia & Zaia LLC has the ability to negotiate with the other agencies to waive or defer their fees. If the System Development Fees are deferred, the developer requests a five (5) year deferral and the City would lien the property until payment is made.

ANALYSIS

The City Manager and Planning and Building Manager analyzed the request received from Zaia & Zaia LLC. An evaluation of the potential impacts of this project was considered and the following determinations were made:

- 1) By allowing a portion of the fees to be waived, it makes the financing of the project easier for the developer and he can focus his remaining resources on the Del Rio Theater building rehab;
- 2) As a small developer forced to use internal funding and private investors for construction, they are provided with leverage and can start working on and complete the Del Rio Theater building sooner; and
- 3) A faster build-out of the project is created, thus generating more and sooner tax revenue for the City.

Based on the analysis performed, staff has determined that due to the recovering economy and more strict bond regulations for the developer, it is recommended that the City Council consider a waiver or deferral of System Development Fees to encourage construction and thereby, job growth, a public benefit.

The developer/property owner has been a good partner with the City, allowing his parking lots to be used free of charge for City events like the Cheese and Wine Festival, following up on transient trespasser complaints, and removing litter when notified. Staff has been discussing a possible electronic sign lease location with Mr. Zaia near the intersection of Third and Atchison Streets.

FUTURE CONSIDERATION

The City's current System Development Fee (SDF) program does not provide an administrative process to consider the deferral or waiver of fees and/or negotiations for fee reductions at any level including administrative and/or City Council. Staff encourages the City Council to consider adding an administrative process for fee deferrals during the next SDF update.

FINANCIAL IMPACT

The System Development Fee program is designed as a mechanism to collect impact fees to build infrastructure necessary to support new growth City-wide. Careful evaluation of each proposed project is necessary to understand potential funding shortfalls which might be created as a result of granting fee deferral or waiver requests. In the case presented above, partial fees would be waived, not deferred. Therefore, there is a financial impact of \$67,578.99. In addition, the City may be looking to lease a site long term and access to electricity to install an electronic sign downtown. A consultant has identified the intersection of Third and Atchison Streets as a prime location. Zaia & Zaia LLC owns property (the Del Rio Theater) at Third and Atchison Streets. There may be a way to install an electronic sign in a way that will benefit both parties. Staff has proposed this possibility to Mr. Zaia who has indicated that he is interested in a cooperating toward a potential agreement for placement of an electronic sign.

STRATEGIC PLAN

This item is indirectly related to the City's Strategic Plan through fee program updates.

ATTACHMENT

Attachment 1 - CC Resolution No. 2018-XXX to Waive Fees

Attachment 2 - CC Resolution No. 2018-XXX to Defer Fees

Attachment 3 - Zaia & Zaia LLC Fee Waiver/Defer Request

Attachment 4 - Draft Building Permit

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE WAIVING SYSTEM DEVELOPMENT FEES FOR THE
ZAIA & ZAIA LLC, DEL RIO OFFICE PROJECT**

WHEREAS, It is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, From time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, Zaia & Zaia LLC has requested the City Council waive the Water, Waste Water, Storm Drain, and Traffic System Development Fees assessed on the construction of the Del Rio Office Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the waiver of System Development Fees for the Project.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of November 2018; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Annabelle Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

CITY OF RIVERBANK

RESOLUTION

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, TO APPROVE DEFERRING SYSTEM DEVELOPMENT FEES FOR
ZAIA & ZAIA LLC, DEL RIO OFFICE PROJECT**

WHEREAS, It is necessary as established in the Riverbank Municipal Code for the proper and effective operation of City Government to establish, amend, or authorize fees for services in order to provide for the financial support of City Government; and

WHEREAS, From time to time, the City Council reviews the fees to ensure that they are adequately supporting the operation of City Government; and

WHEREAS, Zaia & Zaia LLC has requested the City Council defer the Water, Waste Water, Storm Drain, and Traffic System Development Fees assessed on the construction of the Del Rio Office Project for five (5) years.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the deferral of System Development Fees for the Project.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 13th day of November 2018; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Annabelle Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor



November 5, 2018

Honorable Mayor and City Council,

Zaia & Zaia LLC has been working with local engineers and architects for the past 12 months in coordination with the City of Riverbank to receive a building permit to enable us to complete our Del Rio Office Project. It has been delayed for numerous reasons beyond our control. The architect and mechanical engineers that we had contracted with were down due to health reasons and moving locations. Also the City's process of having to send the plans to an outside engineer for plan check added to the time. We have finally received all the revisions the City required from the engineering company that we had employed to assist us in this project. I humbly ask the City Council to waive the impact fees so we can be issued building permits and complete this project by the end of 1st quarter 2019. We will immediately commence our Del Rio City Center (the remodel of the Del Rio Theater) upon the completion of this office project.

Zaia & Zaia LLC has spent \$100,000 demolishing Reed's Garage, addressing soil contamination, grading, and fencing it. The office project itself is close to \$550,000 to construct. We are requesting that the City Council waive the Water, Waste Water, Storm Drain, and Traffic System Development Fees assessed on our construction of a 4,999 square foot office building located at 6800 3rd St. Riverbank. The new building will have no greater impacts to the City's utility systems than the old garage did, and in fact, will mostly likely have fewer because the proposed office will generate less daily traffic than did Reed's Garage. In addition, the office will have landscaping areas to retain storm water while Reed's Garage did not.

If a waiver of all the requested fees is not possible, then we ask to defer those fees for a minimum of 10 years so that our remaining resources can go towards remodeling the Del Rio Theater building and getting businesses in there. Those costs have doubled since we purchased the building due to unanticipated work and the economic climate. We believe that constructing and rehabbing these buildings will encourage other property owners in the downtown to follow suit.

Thank you for your consideration. We have been good partners with the City, allowing our parking lots to be used free of charge for City events like the Cheese and Wine Festival, following up on transient trespassers, and removing litter when notified.

Regards

Tony Zaia, C.E.O.

Zaia & Zaia LLC

CITY OF RIVERBANK COMMUNITY DEVELOPMENT DEPARTMENT-BUILDING DIVISION

Permit Number BP18-0084

6707 THIRD STREET, RIVERBANK, CA 95367

(209) 863-7128 * (209) 869-7126 FAX (209) 869-6286 24 HR INSPECTION REQUEST LINE

Date of Application

Date of Issuance

Valuation

3/12/2018

340431.9

WORK ADDRESS 6800 3RD ST		Assessors No. 132-009-023	Type Const.	Occ Group.	Occ Load.	Area in SQ FT 4999	Covered Areas 0	Parking Spc 0	Sidewalk
Owner ZAIA, TONY	Subdivision.		No. Stories	Zoning	Fire Sprink No	Res Units	Bldg. Use 324	Ded	Land Use
Owner ADDRESS 1319 E. MONTE VISTA AVE. TURLOCK CA 95382		Owner Phone (209) 595-3597	Desc of Work NEW COMM. METAL BLDG. (SHELL)						
Contractor		State License	NEW COMM. METAL BLDG. (SHELL)						
Contractor Mailing Address		Contractor Phone							

LICENSED CONTRACTORS DECLARATION

I hereby affirm that I am licensed under the provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full Force and effect.

License Class _____ License Number _____

Date _____ Contractor _____

OWNER-BUILDER DECLARATION

I hereby affirm that I am exempt from the Contractor's License Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he is licensed pursuant to the provisions of the Contractor's License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by any applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):

☐ I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who does such work himself or through his own employees, provided that such improvements are not intended or offered for sale. If however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he did not build or improve for the purpose of sale.).

☐ I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractor's License Law does not apply to an owner of property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractor's License Law.).

☐ I am exempt under Sec. _____ B. & P. C. for this reason _____

Date _____ Owner _____

WORKERS' COMPENSATION DECLARATION

I hereby affirm that I have a certificate of consent to self-insure, or a certificate of Workers' Compensation Insurance, or a certified copy thereof (Sec. 3800, Lab. C.).

Policy No. _____ Company _____

☐ Certified copy is hereby furnished.

☐ Certified copy is filed with the city building inspection division.

Date _____ Applicant _____

CERTIFICATE OF EXEMPTION FROM WORKERS' COMPENSATION INSURANCE

(This section need not be completed if the permit is for one hundred dollars (\$100) or less.) I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to Workers' Compensation Laws of California.

Date _____ Applicant _____

NOTICE TO APPLICANT: If, after making this Certificate of Exemption, you should become subject to the Workers' Compensation provisions of the Labor Code, you must forthwith comply with such provisions of this permit shall be deemed revoked.

QTY	PLUMBING PERMIT	23.50	SUMMARY / ACCOUNT	
	EACH FIXTURE TRAP		BUILDING PERMIT	101 000 000 450 030 2,340.16
1	EACH BUILDING SEWER	24.65	PLAN CHECK	101 000 000 600 090 2,232.71
1	EACH WATER HEATER AND/OR VENT	12.30	COMPLIANCE/INVESTIGATION FEE	101 000 000 450 030 0.00
	EACH GAS SYSTEM 1 TO 4 OUTLETS		TOTAL PLUMBING	101 000 000 450 030 80.05
	EACH GAS OUTLET OVER 4		ELECTRICAL	101 000 000 450 030 155.70
	EACH INSTALL, ALTER, REPAIR WATER PIPING		MECHANICAL	101 000 000 450 030
	EACH LAWN SPRINKLER SYSTEM		STRONG MOTION	101 000 000 200 220 95.32
	EACH POOL		Bldg Std Admin Spc Rev Fund	101 000 000 200 210 14.00
	EACH SPA		SEWER CONNECTION	158 000 000 660 050 1,030.00
	TOTAL PLUMBING	80.05	WATER CONNECTION	157 000 000 600 150 875.00
QTY	ELECTRICAL PERMIT	23.50	UTILITY DEPOSIT	114 000 000 200 150 60.00
1	SERVICE LESS THAN 600V - 200A	30.50	BUSINESS LICENSE FEE	101 000 000 450 000 120.00
1	SERVICE OVER 600V - 200A	62.15	SB 1186 - Disability Access Fee	101 000 000 200 189 4.00
	SUBPANEL LESS THAN 200A		BUILDING FILE MAINTENANCE FEE	212 000 000 600 200 12.50
	POOL / SPA		SYSTEM DEVELOPMENT FEES	
	TEMPORARY POWER		SINGLE FAMILY / DUPLEX RESIDENTIAL	
	EACH POWER APPERATUS (1-10) HP		STREETS/PUBLIC WORKS	205 000 000 675 330 28,446.81
1	EACH APPLIANCE	4.75	WATER	206 000 000 675 330 10,210.46
	SIGNS 1 - CIRCUIT		SEWER	207 000 000 675 330 8,168.37
	SIGNS EACH ADDITIONAL		STORM DRAIN	208 000 000 675 330 20,753.35
	NEW CONSTRUCTION		PARKS/RECREATION	209 000 000 675 330 0.00
	TOTAL ELECTRICAL	155.70	POLICE / GENERAL GOVERNMENT	210 000 000 675 330 1,804.64
QTY	MECHANICAL PERMIT		STANISLAUS COUNTY FEE	112 000 000 200 200 14,719.11
	FURNACE DUCTS UP TO 100,000 BTU		SYSTEM ADMIN FEE	125 000 000 665 010 3,651.77
	FURNACE DUCTS OVER 100,000 BTU		SYSTEM REPORT PREP FEE	161 000 000 675 281 9.50
	BOILER / COMPRESSOR UP TO 3MP/100 BTU		UNDER GROUNDING	222 000 000 675 346 0.00
	WATER COOLER		UNDER GROUNDING ADMIN FEE	222 000 000 665 010 0.00
	MECH EXHAUST - HOOD / DUCT		INFRASTRUCTURE FEE	221 000 000 675 330 0.00
	VENT VAN SINGLE DUCT		INFRASTRUCTURE FEE ADMIN FEE	221 000 000 665 010 0.00
	AIR HANDLER UP TO 10,000 CFM		INFRASTRUCTURE REPORT FEE	221 000 000 675 282 0.00
	AIR HANDLER OVER 10,000 CFM		WATER SALES	114 000 000 600 140 28.92
	TOTAL MECHANICAL		SPECIAL FEE SEWER MASTER PLAN	160 000 000 600 080 15.15
			OTHER / MISC FEES	0.00
			TOTAL FEES	94,827.52

Bal Due: \$ 93,307.19

- 1,520.33

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.2

SECTION 6: NEW BUSINESS

Meeting Date:	November 13, 2018
Subject:	Electronic Signage for Advertising City Events & Downtown Activity
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council give direction to staff regarding the use of electronic signage for advertising City events & downtown activity.

SUMMARY

The Director of Parks and Recreation and the Building Manager have explored some options for signage that can direct traffic to the downtown and promote downtown activity. The idea of an electronic sign will be presented to the City Council for review.

BACKGROUND

During the June 25, 2018 Strategic Planning session, one of the goals set were to assist in the expansion of economic development opportunities for businesses. Signage that would direct traffic to downtown to promote downtown activity was to be explored and a report provided to the City Council.

It was also determined that since the signage which was previously along 108 at the Cannery blew down a few years ago, new signage to publicize City events was needed.

The Planning Commission held a public workshop on June 19, 2018 to discuss and take public comment on increasing advertising opportunities for businesses within the Downtown Specific Plan ("DTSP"). Staff was directed to return with draft language for their consideration and recommendation to the City Council. At their regular meeting of July 17, 2018 the Planning Commission, with a vote of 5-0 recommended, among other things, that Council approve an amendment to permit electronic City signage to be located on SR 108 between the east end of Atchison Street and the south end of Callander Avenue. City Council then voted on August 28, 2018 to amend the DTSP and allow electronic City signs in the downtown.

Signage options have been researched over the past few months. The Parks and Recreation Director and Building Manager would like to propose to the City Council for consideration an agreement with Lynda Soares, owner of DSN Outdoor, LLC, a company located in Modesto that serves the San Joaquin, Stanislaus and Merced area. This group would provide an electronic sign. They would provide the installation, operation and management of the sign. The City would lease the sign and be responsible for only the electrical costs. DSN would sell advertising for the sign with a revenue split of 80% to DSN and 20% to the City.

The size and design of the sign would be determined with input from the City. The length of the lease is negotiable and any vandalism, repairs and removal are part of the regular maintenance for which the owner is responsible. Any ads which the City deems inappropriate will not be posted. The City would give basic guidelines as to what is not approved such as cigarettes, gambling etc. If there is any question about approval, the City would be consulted and anything the City objects to would be promptly removed. Staff would work to create a policy (to be adopted by Council) regarding electronic advertising on the sign.

As far as City promotions, the City would be allowed a spot on each side to use as they choose. A spot can be shared by multiple events giving as many as 5 slides per slot. For example, we can use one slide to advertise the Cheese & Wine Festival and the next time the spot comes up have a slide to remind to water only on certain days. The next rotation could be a slide to promote shopping downtown, etc.

The following areas are those that are suggested by DSN after meeting with staff and touring the City:

#1 3rd & Atchison- This area is an excellent option due to its proximity to the downtown area and because of its line of sight from both East & West bound traffic.

#2 Fountain- The line of sight for this is good for traffic that is heading towards downtown.

#3 Overpass at the tracks- The line of sight for this location is good for West bound traffic.

#4 NEC of Claus & Claribel- Due to the growing amount of traffic and increasing development of business is an excellent location for a sign.

If the City Council would like staff to pursue this option, an agreement specifying the terms and location will be brought back to the City Council for review with more detail for City Council approval.

If preferred, other options such as a purchase of a City sign can be brought back to the Council for review. These signs typically cost approximately \$20,000 and require the City to install, program and maintain. The option of the signage that is currently at the Teen Center and entryway are other options that can be brought to the City Council that are less costly however if the City doesn't bear the cost of owning the sign the only cost to the City would be the electrical.

STRATEGIC PLAN

This item is relevant to the Strategic Plan to help expand economic development opportunities for Businesses.

FINANCIAL IMPACT

The Financial Impact would be the cost of electricity for the signage which could be offset by the revenue generated.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 6.3

SECTION 6: NEW BUSINESS

Meeting Date:	November 13, 2018
Subject:	Identification of Barriers to Development at Patterson Road and Estelle Avenue
From:	Sean Scully, City Manager
Submitted by:	Kathleen Cleek, Development Services Administration Manager Donna M. Kenney, Planning and Building Manager

SUMMARY

The purpose of this item is to provide an update to the City Council on the removal of obstacles to development at Patterson Road and Estelle Avenue. It is an objective of the City's Strategic Plan and addresses the City's three year strategic goal to "Expand Economic Development Opportunities for Businesses."

BACKGROUND

The subject area is located in central Riverbank and bounded by Patterson Road and commercial properties to the north, a storage facility and commercial suites to the east, a residential subdivision to the south, and commercial suites and pads to the west. As an infill site, this is the last opportunity to develop a large, commercially zoned site in Riverbank (Attachment 1).

The 15 acre subject area on the south side of Patterson Road at Estelle Avenue is mostly vacant and composed of five parcels and three owners (Attachment 2):

075-011-034	2406 Patterson Road	(7.5 acres)	vacant
075-011-033	0 Patterson Road	(5.8 acres)	vacant
075-011-005	2372 Patterson Road	(0.52 acres)	The Rear End Shop
075-011-003	2318 Patterson Road	(0.49 acres)	existing residence
075-011-002	2300 Patterson Road	(0.76 acres)	existing residence

A. General Plan

The General Plan designation for these five parcels is Community Commercial (CC). Areas with this designation are anticipated to be developed for retail, employment, and/or commercial services. These areas are located along major roadways on the periphery of existing and planned neighborhoods. The maximum floor area ratio (FAR) is 0.3.

General Plan Goals and Policies

Below is a list of applicable land use policies for development in this area:

1. Policy LAND-1.2: The City supports LAFCO policy to develop vacant and underutilized land within the City prior to entertaining any annexation if such land can meet the same need as the land proposed for annexation.
2. Policy LAND-2.4: The City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area (Attachment 3) through policies that seek to encourage more intense infill development.

According to the General Plan, the Infill Opportunity Area is where the City will focus reinvestment, redevelopment, and revitalization efforts during the General Plan time horizon. In focusing development activity in the Infill Opportunity Area, the City will employ a vast array of strategies, such as public-private partnerships, strategic public investment, infill incentives, and other strategies. This Infill Opportunity Area land use designation is an overlay designation that does not specify allowable land uses. On the Land Use Diagram, the Infill Opportunity Area is shown as a transparency so that the reader may also view the underlying land use designation, which does specify allowable land use in the Infill Opportunity Area.

3. Policy LAND-3.3: The City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicle travel.
4. Policy LAND-4.2: The City will encourage the revitalization of existing commercial areas through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement process, public-private partnerships, and other means.
5. Policy LAND-5.2: Infill development will be given priority to remaining capacity for water supply and delivery, wastewater treatment and conveyance, stormwater collection and conveyance, and other services and infrastructure currently in place.

6. Policy CIRC-1.7: The City will ensure frequent street and trail connections between new residential developments and established neighborhoods, between downtown and surrounding neighborhoods, across the railroad, across the river, and between other important origin and destination points.
7. Policy DESIGN-12.1: The City will work with the business community and residents to make aesthetic and functional improvements to create a “Patterson Village” [along the Patterson Road Corridor].
8. Policy ED-6.2: The City will continue to explore potential opportunities for lodging establishments in Riverbank. The new lodging would serve tourists passing through Riverbank en route to Yosemite, and accommodate other needs, such as business travelers and local visitors.
9. Policy ED-6.13: The City will identify appropriate locations to accommodate future opportunities with professional offices and similar service establishments. Potential sites for these types of businesses would include existing pedestrian-oriented areas such as downtown Riverbank, and areas being considered for reconfiguration into a more pedestrian-friendly alignment, such as Patterson Road.
10. Policy AIR-1.2: Approved plans, subdivisions, and projects shall provide highly-connected circulation networks that accommodate safe, direct, and convenient alternatives to vehicular traffic, and shorten trip lengths for vehicular travel.

B. Zoning

The Zoning for these parcels is General Commercial (C-2). Permitted uses within the C-2 zoning district include but are not limited to: hotels and motels; churches schools, and public pools; community center, lodge, social hall; professional offices and other; parking lots; public or quasi-public facilities; retail stores; secondhand stores; service establishments such as bank, beauty salon, car wash, restaurants, launderette, tailor, etc; temporary uses such as a circus, carnival or fair; body and fender shop with restrictions; tattoos or body art. Located across Patterson Road from the Galaxy Theater, this is a prime site for a hotel, restaurants, retail, and other recreational activities.

C. Brief History of the Area

1. In 2005, the owner of APN 075-011-005 applied for a development plan to construct an automotive repair shop. The existing 3,000 sf building was in use as an antique shop and the buildings were to connect to water and sewer services. Caltrans stated the proposed driveway for the structure fell within the functional boundary of the intersection of Patterson Road and Estelle Avenue so would be restricted to right-in,

right-out use. Staff notes state the applicant decided he was not going to wait for the Planning Commission meeting to review the development plan and built the structure.

2. In 2006 the City received a complaint that a building was being constructed without permits and a code enforcement case was opened. A letter was sent requiring the applicant to submit plans for a rehab/reroof, a new metal garage, and an encroachment permit. The permits were obtained then finalized November 2, 2007.

3. At the October 8, 2007 City Council meeting, the City Manager stated during comments that "On Patterson, across from Estelle, there will be a shopping center which will include La Perla Tapatia, about a 30,000 square foot store, a Walgreens Drug Store, a fast food, and a couple of other stores." That was eleven (11) years ago and nothing was built, costing the City thousands of dollars in sales taxes over the years, and a loss of revenues for the property owners, according to those owners.

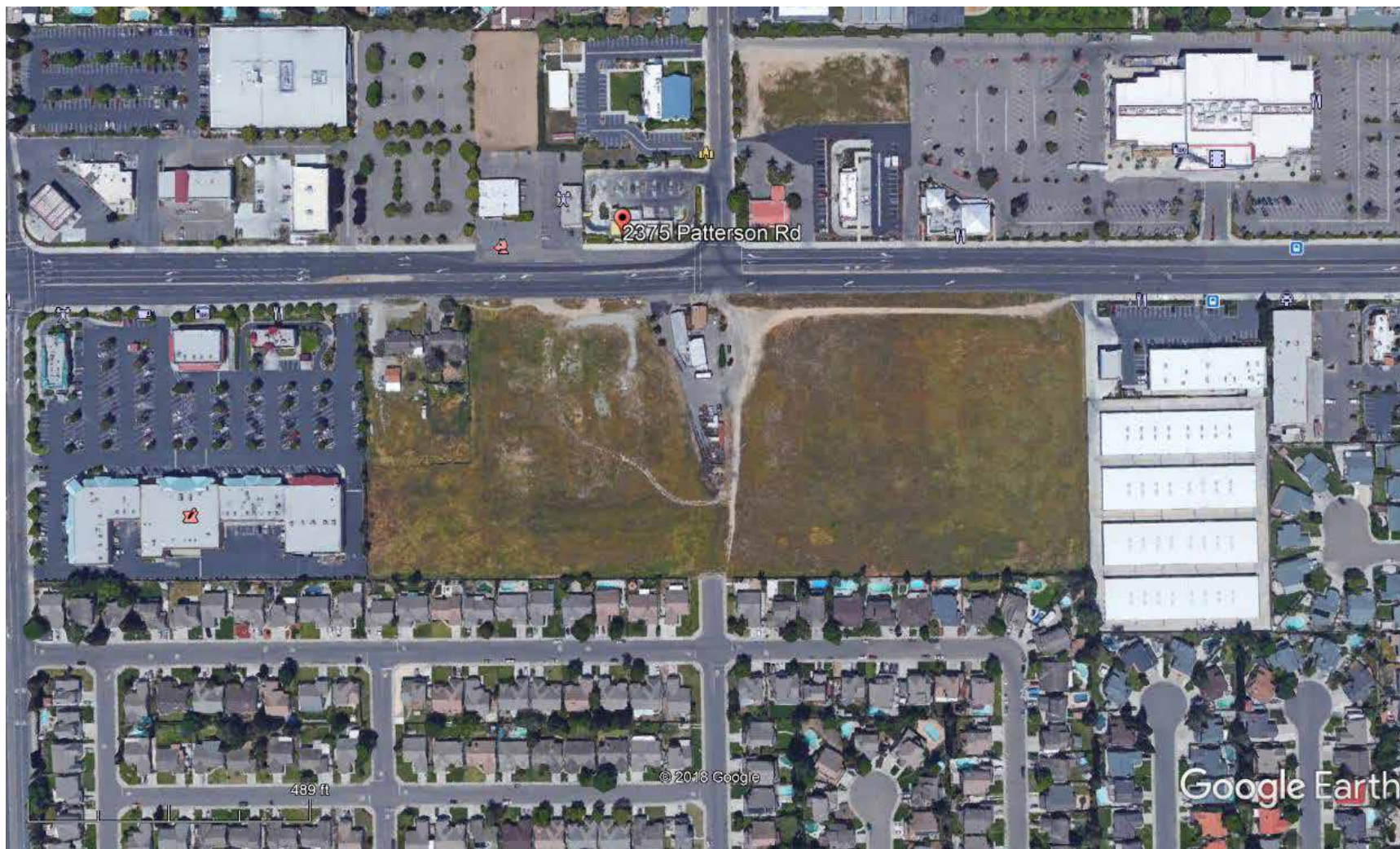
4. The City initiated a General Plan Amendment (GPA) in 2011 to amend Figure CIRC-1 of the Circulation Element to extend Estelle Avenue as a Collector Road from Patterson Road to Colony Manor Drive. The initiation of the GPA was to be conditioned not to commence until a complete site development plan application for either of the two undeveloped parcels on the south side of Patterson Road that would front the extended Estelle Avenue (APN 075-011-033 and/or 075-011-034) was received by the City. After taking public comment from three residents of the Colony Manor Drive area, the City Council voted 4-0 **to not** extend Estelle Avenue between Patterson Road and Colony Manor Drive.

5. City staff has been periodically meeting with the realtors and property owners for APNs 075-011-034/ -033/ -003/ and -004. They would like to develop this area into a shopping and recreation center but have been unable to purchase APN 075-011-005 from its owner or relocate the existing business - The Rear End Shop - to an alternate location. This business is located precisely where Estelle Avenue would extend into the site. If this business does not relocate, the property owners will have no option but to break up the last large commercial area into numerous small parcels to be sold and developed separately.

ATTACHMENTS

1. Aerial of the Subject Area
2. Parcel Map
3. Riverbank Infill Opportunity Area

Attachment – 1
Aerial of the Subject Area

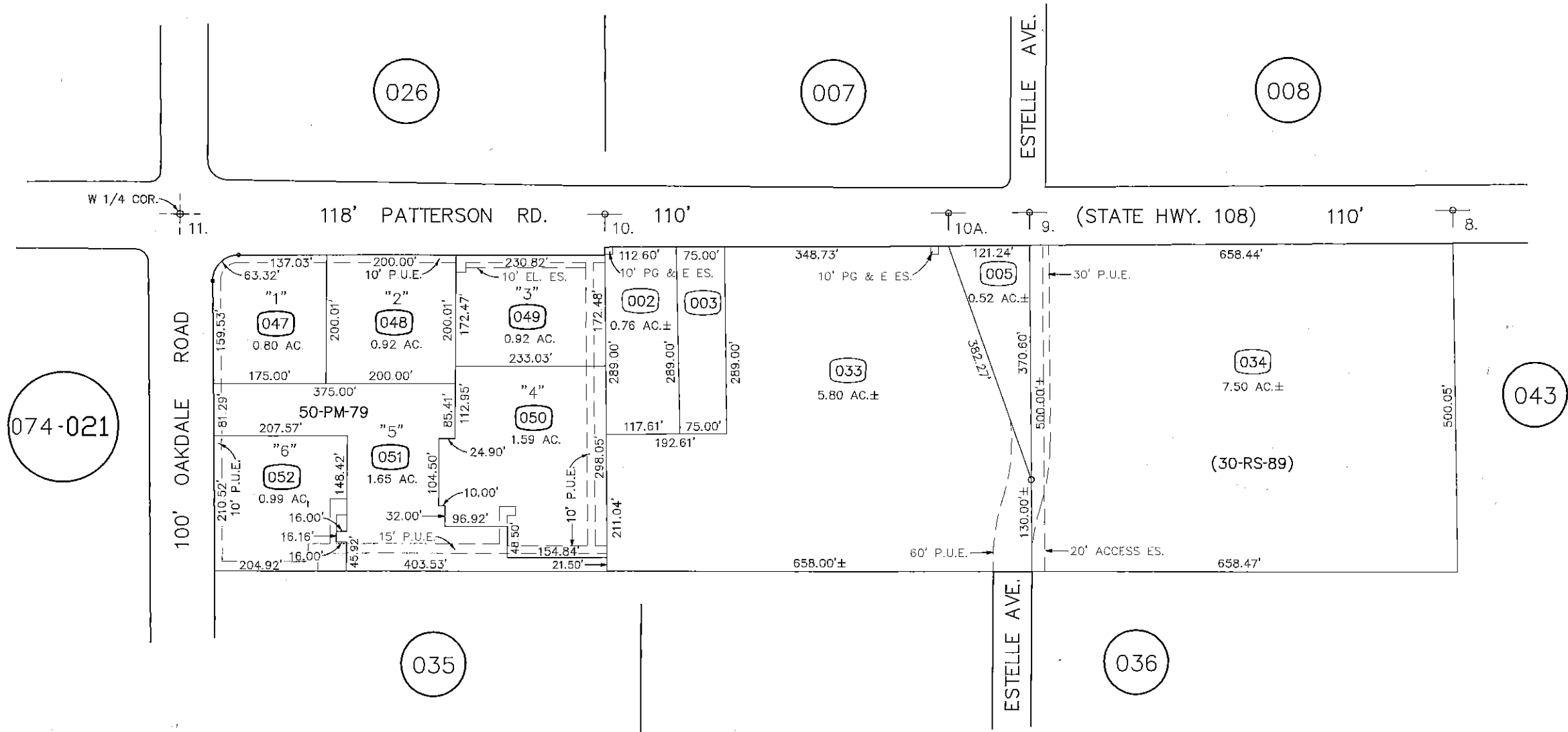
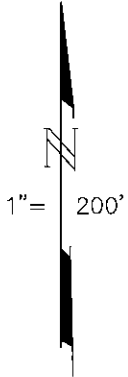


POR. S 1/2 SECTION 26 T.2S. R.9E. M.D.B.& M.
POR. MORRILL TRACT LOTS 9-11 (9M56)

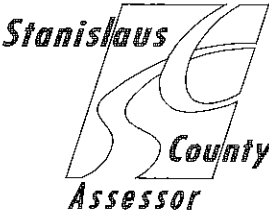
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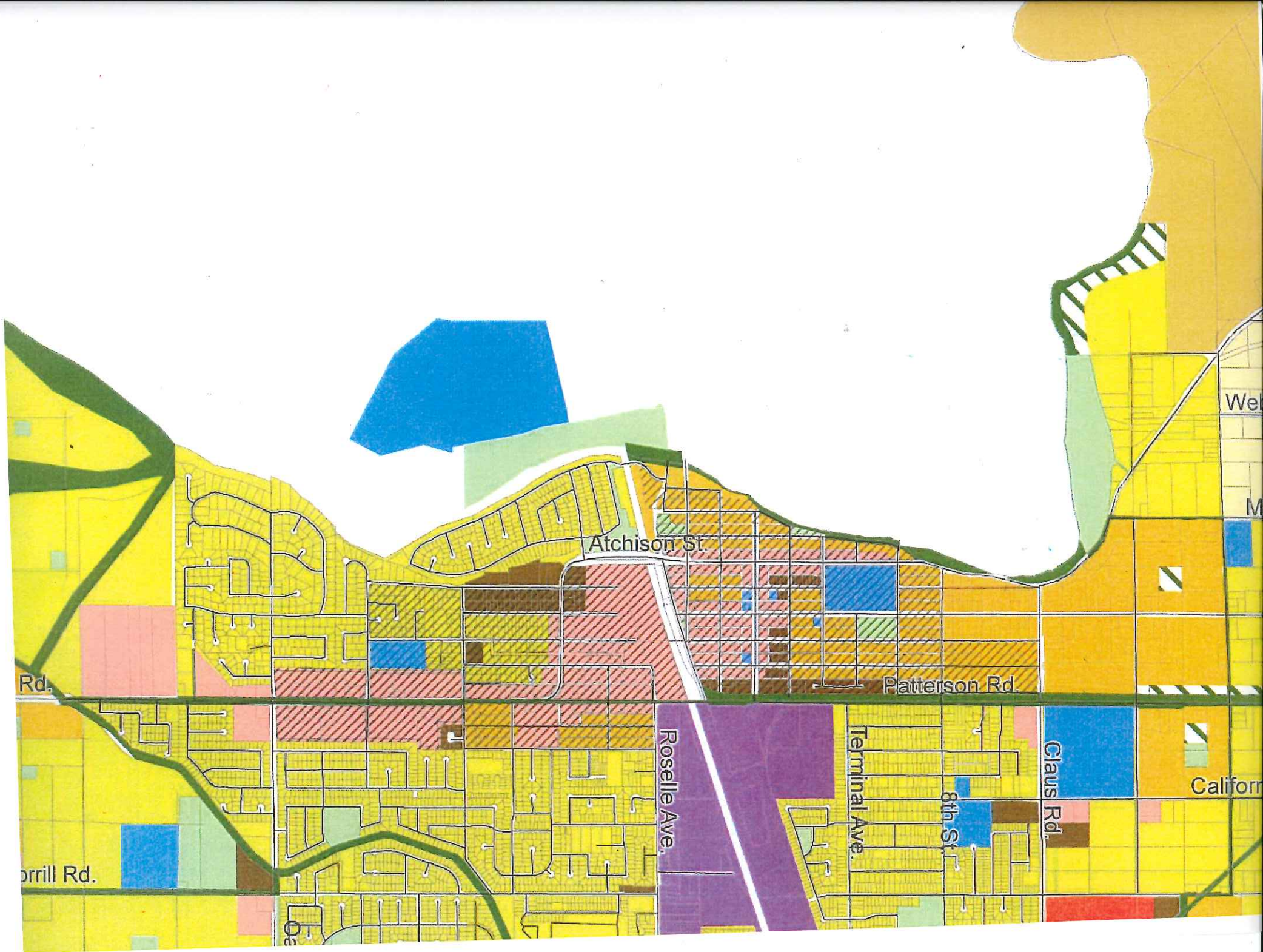
THIS MAP FOR
ASSESSMENT PURPOSES ONLY



FROM: 4-13
DRAWN: 6-6-74, REDRAW 9-18-01
REVISED: 6-15-99, 2-16-01, 9-18-01 MF, 2-29-02 DH, 11-08-07 CS, 09-22-10 MB



75,90,91,02



Atchison St.

Patterson Rd.

Roselle Ave.

Terminal Ave.

8th St.

Claus Rd.

California

Rd.

orrill Rd.

Well

M

RIVERBANK LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 6.4

SECTION 6: NEW BUSINESS

Meeting Date:	November 13, 2018
Subject:	Accept Report on Status of LRA Budget for First FY 2018/19
From:	Sean Scully, City Manager
Submitted by:	Melissa Holdaway, Administrative Analyst II

RECOMMENDATION

It is recommended that the Local Redevelopment Authority ("LRA") Board of Directors ("Board") receive and approve the first quarter revenue and expenditure report (July 1, 2018 through September 30, 2018).

SUMMARY

This report covers the first quarter revenue and expenditures specifically for the time period from July 1, 2018 through September 30, 2018.

BACKGROUND:

In April 2010, the LRA Board adopted a resolution that requires LRA staff to provide a quarterly report to the LRA Board on the status of the budget. This report is intended to comply with that requirement.

This report is a snapshot of the LRA's financials as of the date of the report. A final report will be prepared at the end of the fiscal year that reflects additional details regarding revenue and expenditures from this quarter that may not have been included at the time this staff report was due.

FINANCIAL IMPACT

Fund 197 – Leasehold Revenue

Revenue was lower than expected. This is because utility revenue can lag by 30-60 days between the time Hetch Hetchy bills the LRA for power and when the tenants pay their utility bills.

Expenses were a little less than anticipated due to the delay in continuing contracts for service until we have the Master Developer executed to take over the site.

Fund 198 – Office of Economic Adjustment Grant (OEA)

Revenue and expenditures in line with expectations for the first half of this fiscal year. This grant has been approved for funding the LRA this calendar year with the delay in transfer.

Fund 199 – Environmental Services Cooperative Agreement (ESCA #2)

Revenue and expenditures are in line with the completed Scope of Work to date. We are 85% complete as of this reporting.

The roofing/siding capital project has been completed in the first quarter, we are working on a punch list of outstanding items with the subcontractors before a final payment is issued.

STRATEGIC PLANNING ALIGNMENT

The presentation of the LRA's FY 2018/19 first quarter budget supports the City's mission and reinforces the City's core values of transparency and fiscal responsibility.

ATTACHMENT

1. FY 2018/19 LRA Budget by Fund (197, 198 and 199)

	<u>2018-19</u> <u>Budget</u>	<u>First</u> <u>Quarter</u> <u>Jul-Sept</u>	<u>Year to</u> <u>Date</u>	<u>2018-19</u> <u>Balance</u>
Fund 197				
Rents	1,200,000	286,254	286,254	913,746
Sale of Personal Property	20,000		0	20,000
DOD Caretaker Revenue	100,800		0	100,800
Utility Revenue from Tenants	280,000	7,799	7,799	272,201
Miscellaneous Revenue	20,000	1,794	1,794	18,206
Total Revenue	1,620,800	295,847	295,847	1,324,953
Salaries	14,000	1,597	1,597	12,403
Fringe	6,900	1,183	1,183	5,717
Administrative Expenses				
Travel	500		0	500
Equipment			0	
Office Supplies/Legal Ads	2,500	39	39	2,461
Phones	460	85	85	375
Copier	100	123	123	-23
Postage	50		0	50
Janitorial	135	77	77	58
Marketing/Branding	5,000		0	5,000
Professional Services				0
Legal - General Municipal	50,000	7,404	7,404	42,596
Legal - Conveyance	30,000		0	30,000
Other Services	17,500		0	17,500
Insurance Premiums	100,000		0	100,000
Facilty Operations & Maintenance				
Well maintenance	550	2,747	2,747	-2,197
Permits	2,000		0	2,000
Water Testing	3,150	721	721	2,429
Electrical PM	73,500	3,205	3,205	70,295
Fire Suppression Maintenance	7,350	1,745	1,745	5,605
Landscaping	9,480	1,580	1,580	7,900
Propane	3,200	866	866	2,334
Repairs	90,000	4,742	4,742	85,258
Fire Assessment Fees	200		0	200
Common Area Costs (electric, water, garbage)	350,000	57,589	57,589	292,411
Infrastructure Improvements	25,000		0	25,000
Tenant Improvements	10,000		0	10,000
Facility Mgmt/Security Services Contracts				
Security	200,000	32,595	32,595	167,405
Facility Management	500,000	80,617	80,617	419,383
Total Expenditures	1,501,575	196,915	196,915	
Net Revenues Less Expenditures	119,225	98,932	98,932	

	<u>2017-18 Budget</u>	<u>First Half Jan- Jun</u>	<u>Second Half Jul-Dec</u>
<u>Fund 198</u>			
<i>OEA Grants</i>	<u>144,026</u>	144,026	
Total Revenue	144,026	144,026	-
<i>Salaries</i>	44,849	44,849	17,969
<i>Fringe</i>	30,035	30,035	13,308
Administrative Expenses			
<i>Travel</i>			
<i>Office Supplies/Legal Ads</i>	1,032	1,032	869
<i>Phones</i>			593
<i>Copier</i>			859
<i>Postage</i>	26	26	
<i>Janitorial</i>			542
<i>Marketing/Branding</i>			
Professional Services			
<i>Legal</i>	68,084	68,084	
<i>Other Services</i>			
Total Expenditures	144,026	144,026	34,140
Net Revenues Less Expenditures	0	0	0

FUND 199

ESCA #2

Available Fund Balance, June 30, 2018 \$ 3,779,217

	Quarter 1 9/30/2018	Quarter 2 12/31/2018	Quarter 3 3/31/2019	Quarter 4 6/30/2019
REVENUES (FY 2018-2019)				
Cash Request #10	\$ 1,353,613			
EXPENSES (FY 2018-2019)				
WESTON Contract	\$ 970,713			
Contingency				
SJES Contract	\$ 34,249			
Admin	\$ 1,181			
T & D (reimbursement basis only)	\$ 237,947			

ESCA #2 To Date

Total Revenue	\$ 37,666,443	(2016-current)
Total Expenses	\$ 33,776,522	(2016-current)
BALANCE	<u>\$ 3,889,921</u>	

Capital Improvements Related to ESCA #2 (funded w/reserved cash on hand)

Roof & Siding Project To Date	<u>\$ 11,810</u>	Contractors/Equipment
	<u>\$ 11,810</u>	100% complete