

(MODIFIED DATE - front page only)

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Meetings**

(via Virtual Platform Only)

Council Chambers is located at
6707 Third St., Suite B
Riverbank, CA 95367

AGENDA

TUESDAY, MARCH 23, 2021– 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

NOTICE: THIS MEETING WILL BE HELD IN ACCORDANCE WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20, ISSUED ON MARCH 17, 2020, REGARDING THE OPEN MEETING REQUIREMENTS OF THE RALPH M. BROWN ACT (CALIFORNIA GOVERNMENT CODE SECTION 54950, ET SEQ.), AND THE FEDERAL AMERICANS WITH DISABILITIES ACT IN AN EFFORT TO HELP AVOID THE SPREAD OF COVID-19, TO MAXIMIZE TRANSPARENCY, AND PROVIDE PUBLIC ACCESS TO CITY COUNCIL MEETINGS.

1. CALL TO ORDER

2. FLAG SALUTE

3. ROLL CALL

4. AGENDA CHANGES

5. 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.*

6. 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 3 minutes or as stated by the presiding Officer**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.

Refer to the last page of this agenda for the Public Comment Procedures via ZOOM.

7. 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 7.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 7.2. Approval of the March 9, 2021 City Council and Local Redevelopment Authority Board Minutes.

8. PUBLIC HEARINGS

The Public Hearing Notice was published in the Riverbank new on 03/10/2021

- Item 8.1.** **General Plan Amendment 01-2020.** The applicant has requested that the City of Riverbank approve an amendment to the General Plan that would prohibit tobacco smoking in the common areas of multi-family zoned properties. The amendment will impact future multi-family residential development in the R-2 (Duplex Residential) and R-3 (Multiple Family Residential) zoning districts.

Consider A Resolution Approving General Plan Amendment 01-2020 for the Riverbank Housing Element for The California Health Collaborative – It is recommended that City Council receive the presentation, conduct the public hearing process, consider options, and provide direction.

9. WORKSHOPS

Information and educational presentation of a subject matter to receive direction and to prepare for its future consideration and decisions by the City Council.

- Item 9.1.** **Stanislaus Regional Homeless Strategic Plan** – It is recommended that the City Council consider information presented by Home Base and provide feedback on the process, and preliminary formation of a Stanislaus Regional Homeless Strategic Plan.

10. NEW BUSINESS

- Item 10.1.** **2020 General Plan and Housing Element Annual Progress Reports. A Resolution Adopting the 2020 General Plan and Housing Element Annual Progress Reports and Authorizing Staff to Submit Said Reports to the California Office of Planning and Research and California Department of Housing and Community Development** –Staff recommends approval of the City's 2020 General Plan and Housing Element Annual Progress Reports and to authorize Staff to submit said reports to the California Office of Planning and Research and California Department of Housing and Community Development.

- Item 10.2.** **Certificate of Correction – Crawford Road Name Change.** The project consists of a proposed name change for Crawford Road between Oakdale Road to the west and Roselle Avenue to the east.

A Resolution Changing the Name of Crawford Road to Westgate Drive (From Oakdale Road East to Roselle Avenue) and Authorizing the City Engineer to Record a Certificate of Correction with Stanislaus County – It is recommended that the City Council review the materials and adopt a Resolution on one of the options below:

1. Authorize the City Engineer to prepare and record a Certificate of Correction to change the name of Crawford Road, between Oakdale Road on the west and Roselle Avenue on the east, to Westgate Drive; or
2. Deny the request to change Crawford Road to Westgate Drive.

Item 10.3. **Utility Billing Discussion and Feedback** – It is recommended that the City Council provide feedback on the options presented regarding utility billing during the coronavirus (“COVID-19”) pandemic.

Item 10.4. **General Local Public Health COVID-19 Update and Discussion of Ongoing City Operations** – It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

Item 10.5. **Approval to Re-open Recreation Programs and Outdoor Facility Reservations** – It is recommended that the City Council consider providing direction on the proposed re-opening of Recreation Programs and outdoor facility reservations.

Item 10.6. **Subdivision Improvement Agreement Crossroads West Phase 1. A Resolution Approving a Subdivision Improvement Agreement for Crossroads West Phase 1 Between the City of Riverbank and DMG Development L.P. And Authorizing the City Manager to Execute the Agreement** – It is recommended that the City Council consider the proposed resolution approving the subdivision improvement agreement with DMG Development L.P. for Crossroads West Phase 1 and directing the City Manager to execute the agreement.

11. 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/LRA Board during this time.

Item 11.1. Staff

Item 11.2. Council/Authority Member

Item 11.3. Mayor/Chair

12. CLOSED SESSION

The public will have a limit of **3 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 12.1. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**
Government Code Section 54956.8
Property: 3300 Stanislaus Street, [APN 132-012-024]

Agency Negotiator: Sean Scully, City Manager
Property Negotiator: Stanislaus Housing Authority
Under Negotiation: Price, terms of payment, or both

13. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

The City Council and the LRA Board will be going into Closed Session.

14. REPORT FROM CLOSED SESSION

The Mayor's report on the Closed Session Items will be made to the City Clerk, and the report will be reflected in the Minutes of this meeting. Anyone interested in obtaining the report may contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198.

15. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)

(The next regular meeting is on Tuesday, April 13, 2021 at 6:00 p.m.)

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted on an accessible public location, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this Thursday, March 18, 2021

/s/ Annabelle H. Aguilar, CMC, City Clerk of Riverbank

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at aaquilar@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

NOTICE REGARDING NON-ENGLISH SPEAKERS

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Council/LRA Board shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



**PUBLIC PARTICIPATION PROCEDURES
FOR THE CITY COUNCIL/LRA MEETINGS HELD IN A
TELECONFERENCE OR VIRTUAL PLATFORM IN CONFORMANCE
WITH THE GOVERNOR'S EXECUTIVE ORDER N-29-20**

CHANGES TO THIS NOTICE OF PROCEDURES

In accordance with the Governor's Executive Order, should the meeting procedures change, the City may use the most rapid means of communication available at the time including, but not limited to, posting the notice of changes on the City's website.

PUBLIC "LIVE" VIEWING

- Charter Government Channel - 2
- AT&T U-VERSE Government Channel - 99
- YouTube Live <https://www.youtube.com/channel/UCq2x8QChEcknBq7uuJLcZow>
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS

Via Mail Service: Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Must be received by 4:00 p.m. on the day of the meeting.)

Via Email to cityclerk@riverbank.org:

- Written comments must be received by 4:00 p.m. on the day of the meeting; and
- Indicate Agenda Item # in the *subject line*.

Join via ZOOM Platform:

- Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.
- Join by this link: <https://us02web.zoom.us/j/84971777544>
- Join by accessing website: <https://zoom.us/join>
 - o Webinar ID: 849 7177 7544
- Join by telephone: 1 669 900 9128 or 1 253 215 8782, plus Webinar ID

HOW DO I COMMENT? The Mayor will announce when public comment may be made for the agenda item being considered, at which time you will:

- o Using a computer - click on the "raise hand" feature in the webinar controls. This will let us know you wish to speak.
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.
- o Using a Phone - press *9 to "raise the hand".
 - Once you confirm that you want to be unmuted, your 3 minutes will begin for you to make your comments.

Learn about using ZOOM - Visit <https://support.zoom.us/hc/en-us/categories/201146643>

RIVERBANK CITY COUNCIL / LRA AGENDA ITEM NO. 7.1

SECTION 7: CONSENT CALENDAR

Meeting Date:	March 23, 2021
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/LRA Board may waive the reading of the text and introduce the ordinance or resolution by title only for the record.

The full text of 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/LRA Board; typically 72 hours prior to the scheduled date and time of the meeting.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

There are no attachments to this report.

**RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY
AGENDA ITEM NO. 7.2**

SECTION 7: CONSENT CALENDAR

Meeting Date:	March 23, 2021
Subject:	Approval of the March 9, 2021, City Council and Local Redevelopment Authority Board Minutes
From:	Sean Scully, City Manager
Submitted by:	Annabelle Aguilar, CMC, City Clerk / LRA Recorder

RECOMMENDATION

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

SUMMARY

The Draft Minutes of the March 9, 2021, regular City Council and the Local Redevelopment Authority Board meetings have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENT

1. March 9, 2021, City Council and LRA Minutes

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Vice Mayor/Chair (CM-D1) Luis Uribe

Council/Authority Members

District 2 Rachel Hernandez

District 3 Cal Campbell

District 4 Darlene Barber-Martinez



**City of Riverbank
Regular City Council and
Local Redevelopment Authority
Board Meetings
(via Virtual Platform Only)**

City Hall is located at
6707 Third St., Suite B
Riverbank, CA 95367

MINUTES

TUESDAY, MARCH 9, 2021– 6:00 P.M.

***Notice:** this meeting was held in accordance with the Governor's Executive Order N-29-20, issued on March 17, 2020, regarding the open meeting requirements of the Ralph M. Brown Act (California Government Code Section 54950, et seq.), and the federal Americans With Disabilities Act in an effort to help avoid the spread of covid-19, to maximize transparency, and to provide public access to City Council meetings.*

1. CALL TO ORDER – *This meeting was opened via the virtual platform at 6:00 p.m. with Mayor/Chair Richard D. O'Brien presiding.*

2. FLAG SALUTE – *Lead by Vice Mayor Uribe*

3. ROLL CALL – *All Members of the City Council were present.*

Staff Present: City Manager Sean Scully, Assistant City Manager/ASD Marisela Garcia, City Attorney Tom Hallinan, City Clerk Annabelle Aguilar, Police Chief Ed Ridenour, Administrative Analyst II Norma Torres-Manriquez, Parks and Recreation Director Sue Fitzpatrick, and Public Works/LRA Director Michael Riddell

4. AGENDA CHANGES – *No changes were made.*

5. 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.*

No one declared a conflict.

6. 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 3 minutes or as stated by the presiding Officer**. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.*

(Public Comment Procedures via ZOOM were provided on the last page of the agenda.)

City Clerk Annabelle Aguilar announced that there was no one wishing to speak and for the record no written comments were received for this comment period or for any item on the agenda.

7. 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 7.1. Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 7.2. Approval of the February 23, 2021, City Council and Local Redevelopment Authority Board Minutes.

City Clerk Annabelle Aguilar announced that she would be adding City Attorney Tom Hallinan to the February 23rd Minutes to reflect his presence.

ACTION: *By motion moved and seconded (Uribe / O'Brien / passed 5-0) to approve Consent Calendar Items 7.1 and 7.2 with declared amendment, as presented.*

Motion carried by unanimous City Council and LRA Board roll call vote.

AYES: Barber-Martinez, Campbell, Hernandez, Uribe, and Mayor/Chair O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

8. NEW BUSINESS

Item 8.1. **Presentation by Gilton Solid Waste Management on the Implementation Plan of SB 1383** – It is recommended that the City Council receive a presentation from Gilton Solid Waste Management on SB 1383 solid waste and organic recycling legislation and efforts being planned to comply with these new requirements, and discuss as deemed necessary.

City Manager Sean Scully introduced Tracy Norris, Public Communications for Gilton Solid Waste who made the presentation. Ms. Norris introduced Richard Gilton, President, Denise Lunyun, Senior Project Manager, and Savannah Gilton, Environmental Specialist.

City Council and Presenters discussed the AB 1383 mandates and Gilton's strategic plan to build a new facility to meet the requirements.

Item 8.2. **River Cove Neighborhood River Access Closure Plan** – It is recommended that the City Council review and approve the anticipated closure plan as developed by staff and provide any other additional direction as needed.

Mayor O'Brien announced that for the record "A Resolution to Approve a Closure Plan for the River Cove Neighborhood River Bank Access Area" was added.

*City Manager Sean Scully presented the staff report.
City Council spoke in favor of the closure plan.*

Public comment was made by Chris Robinson who spoke in favor of the closure plan, and requested that the closure dates of April 1 through September 1, 2021 be extended to cover the Labor Day Holiday.

City Council discussed the closure date and providing time for the riparian repair to establish its roots to survive and succeed. Council agreed to extend the ending date of closure to November 1, 2021.

ACTION: *By motion moved and seconded (Campbell / Uribe / passed 5-0) to adopt Resolution No. 2021-006 to Approve the Closure Plan for the River Cove Neighborhood River Bank Access Area, with an amendment extending the ending date of closure to November 1, 2021.*

Motion carried by unanimous City Council roll call vote.

AYES: Barber-Martinez, Campbell, Hernandez, Uribe, and Mayor O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 8.3. **Riverbank Centennial Committee and Planning** – It is recommended that the City Council discuss the City's upcoming centennial and consider establishing a committee to plan for any festivities and events that may be desired to celebrate the centennial.

City Manager Sean Scully presented the staff report to create an informal committee.

City Council discussed the Item and provided their ideas on how to celebrate the centennial. It was recommended that the [event] planner for the City's Cheese and Wine Event prepare a yearlong plan for the centennial, that the committee include representation of two people from each Councilmember District; downtown business owners; Riverbank Historical Society Members; nonprofit organization representatives; Riverbank Unified School District Representatives, including the Modesto and Sylvan School Districts (that have Riverbank student residents); and High School and Elementary Schools.

Public comment was made by Ann Zithco who proposed highlighting historical homes as an event for the public.

City Manager Sean Scully will move forward on creating the committee and moving forward with creating a celebration plan; including meeting with the Cheese and Wine event planner.

Item 8.4. **Stanislaus Community Response Guidelines for Individuals Experiencing Homelessness** – It is recommended that the City Council consider acceptance of the Stanislaus Community Response Guidelines for Individuals Experiencing Homelessness as proposed by Stanislaus County and the Stanislaus Homeless Alliance and direct the City Manager to sign the document on behalf of the City of Riverbank.

City Manager Sean Scully presented the guidelines and announced that City Clerk Annabelle Aguilar setup a [added] Resolution so that the City has a permanent record of Council's action and for reference of the guidelines in the future.

City Council spoke in favor of the guidelines in responding to homeless encampments and approving it by Resolution. City Manager Scully introduced by title "A Resolution Authorizing the City Manager to Implement

the Stanislaus Community Response Guidelines (SCRG) For Individuals Experiencing Homelessness and the Incorporated Multi-Agency Response Protocols in Addressing Homeless Encampments”.

Public comment was made by Ann [Zithco] who inquired whether the plan included providing housing to the homeless. Mayor O'Brien responded that the City is attempting to finalize opportunities to provide transitional housing and a pathway to getting out of being homeless.

ACTION: *By motion moved and seconded (Barber-Martinez / Hernandez / passed 5-0) to adopt Resolution No. 2021-007 as presented. Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Hernandez, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 8.5. **Budgetary Authority for Design Engineering Services for Oakdale Road Improvements** – It is recommended that the City Council consider approving the proposed resolution authorizing budgetary authority in an amount not to exceed \$38,500 in Traffic System Development Fees to fund the engineering and design of Oakdale Road improvements from Crawford Rd to Morrill Rd.

City Manager Sean Scully presented the staff report.

City Council spoke in support of the funds request for the necessary preliminary road work for traffic related to the Crossroads West Project.

ACTION: *By motion moved and seconded (Barber-Martinez / O'Brien / passed 5-0) to adopt Resolution No. 2021-008 Authorizing \$38,500 In Budgetary Authority from the Streets/Public Works System Development Fee Fund for the Engineering Design of Oakdale Road Improvements Associated with the Crossroads West Subdivision as presented.
Motion carried by unanimous City Council roll call vote.
AYES: Barber-Martinez, Campbell, Hernandez, Uribe, and Mayor O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

9. 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/LRA Board during this time.

Item 9.1. Staff

- City Manager Sean Scully announced the emergency rental assistance that residents may apply for through Self Help Credit Union; and Home Base, the nonprofit consultant that has been working with the County and local communities for many years is in the process of putting together a Stanislaus County Strategic Plan to work on homelessness on a global sense, and has a survey currently available for the community to provide feedback.*

Item 9.2. Council/Authority Member

- *Council/Authority Member Hernandez announced that she is looking for sponsors for the “Love Riverbank” event, volunteers are welcomed, and that another [event] meeting will be scheduled; and she reported that she had an insightful ride-along with Police Services and looked forwarding to learning more.*
- *Council/Authority Member Campbell announced he will be attending a webinar on Friday regarding secondhand smoke around housing and policies on the matter.*
- *Council/Authority Member Barber-Martinez thanked Chief Ridenour for his presentation to the Riverbank Federated Women’s Club; announced the next SHA (Stanislaus Homeless Alliance) meeting, announced yesterday’s celebration of Global International Women’s Day; and congratulated Councilmember Hernandez’ for her recognition of being an outstanding woman in her community and for her contributions and participation for serving on the City Council.*
- *Vice Mayor/Chair Uribe announced the 9:00 am to 4:00 pm of the emergency rental assistance hours, announced the League of California Cities discussion on solid waste; and announced the Riverbank Historical Society’s first virtual meeting that was held yesterday and free membership to join.*

Item 9.3. Mayor/Chair

Mayor/Chair O’Brien thanked Congressman Harder, the Deputy Assistant Secretary of the Army, and the U.S. EPA Region 9 Administrator, for the frank conversations about the [Riverbank] Industrial Complex, and the difficulties in the conveyance and getting a firm guideline on how to proceed forward, which clarified the ability for Ametis to move forward, and resolved some of the issues with Circulus who may commence work; and ultimately clarified the future of the Industrial Complex.

10. CLOSED SESSION

The public will have a limit of **3 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 10.1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Pursuant to subdivision (b) of Government Code § 54956.9:

Number of cases: 2 potential cases

Mayor/Chair O’Brien announced the Closed Session Item and opened the Item for public comment; no one spoke.

11. ADJOURNMENT OF THE PUBLIC PORTION OF THE MEETING

There being no further open public business, Mayor/Chair O’Brien announced that the City Council and LRA Board would be going into closed session and that the reports from Closed Session would be made to the City Clerk, and would be reflected in the Minutes of the meetings. Anyone interested in obtaining the reports from Closed Session could contact the City Clerk at cityclerk@riverbank.org or call (209) 863-7198. The next Council meeting would be on Tuesday, March 23rd at 6:00 p.m. The open public portion of the meeting was adjourned at 8:00 p.m.; City Council and the LRA Board went into Closed Session.

12. REPORT FROM CLOSED SESSION

Mayor O'Brien reported that direction was provided to staff on Item 10.1.

13. ADJOURNMENT OF THE REGULAR MEETING (Immediately after Closed Session)

There being no further business, Mayor/Chair O'Brien adjourned the regular meeting at 8:33 p.m.

ATTEST: *(Adopted 03/23/2021)*

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor / Chair

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 8.1

SECTION 8: PUBLIC HEARING

Meeting Date: March 23, 2021

Subject: **General Plan Amendment 01-2020** The applicant has requested that the City of Riverbank approve an amendment to the General Plan that would prohibit tobacco smoking in the common areas of multi-family zoned properties. The amendment will impact future multi-family residential development in the R-2 (Duplex Residential) and R-3 (Multiple Family Residential) zoning districts.

From: Sean Scully, City Manager

Submitted by: Gabriel Salazar, Associate Planner

RECOMMENDATION

The recommendation is to listen to the presentations, take public comment, and chose one of the options below:

- A) Prohibit the smoking of tobacco and cannabis in the *common areas of future* multi-family housing properties city-wide (original proposal); or
- B) Prohibit the smoking of tobacco and cannabis on the *entire site (including the dwelling units) of future* multi-family housing properties city-wide; or
- C) Prohibit the smoking of tobacco and cannabis in the *common areas of future and existing* multi-family housing properties city-wide; or
- D) Prohibit the smoking of tobacco and cannabis on the *entire site (including the dwelling units) of future and existing* multi-family housing properties city-wide; or
- E) *Deny* the request.

SUMMARY

The Project is a request for an amendment to the 2014-2023 Housing Element of the Riverbank General Plan ("GPA") which would prohibit tobacco and cannabis smoking in the common areas of future multi-family zoned properties city-wide (original request). The applicant expanded their request to include the entirety of future and existing multi-family zoned properties, not just common areas. At their January 19, 2021 meeting, the Planning Commission with a vote of 3-2, recommended that the City Council choose Option A, a

prohibition of smoking in the common areas of future multi-family zoned properties city-wide.

BACKGROUND

This GPA application is funded by the California Department of Public Health (CDPH) through a collaborative effort involving the California Health Collaborative, Stanislaus County Health Services Agency, and the Health Education Council, where resources and assistance are available to make existing multi-family residential units smoke-free.

Recognizing the importance of the negative impacts of smoking tobacco and cannabis in our communities, the California Health Collaborative has partnered with other health organizations and agencies such as the Stanislaus County Health Services Agency, Health Education Council, and Saving Our Legacy, to request a GPA to the Riverbank Housing Element. According to submitted materials (Attachment 2), the typical costs of cleaning, rehabilitating, and refurbishing a residential unit where smoking is permitted exceeds \$3,000 when compared to those units where smoking is prohibited. Maintenance and refurbishing expenses are not the only negative consequences of residential units which permit smoking. Fire damage to properties has been attributed to cigarettes, cigars, and pipes, totaling approximately \$530 million yearly. Over 100 California jurisdictions to date have enacted local ordinances to restrict or prohibit smoking in multi-family housing complexes.

According to the Health Collaborative's application, Stanislaus County at 17 percent, has a higher rate of tobacco consumption compared to the State average of 12 percent. Multi-unit housing is typically more affordable for low-income populations with substandard or no healthcare. Residents of multi-unit housing complexes are much more susceptible to contracting the Covid-19 virus due to the high-risk populations which reside in multi-unit family housing. The California Air Resources Board notes that secondhand smoke, considered a toxic air contaminate, impacts multi-family dwelling units through crevices, outlets, and the many small openings in such complexes, inadvertently exposing nonsmoking residents including children.

The California Department of Public Health ("CDPH") states that thirdhand smoke is also problematic for communities. Thirdhand smoke is tobacco residue that remains within indoor environments, reacts with the air to cause additional pollutants, and re-emits from surfaces back into the air. Thirdhand smoke is a source of long-term exposure to harmful pollutants, which have been shown to damage human cells and DNA, and may be associated with short- and long-term health problems such as asthma and cancer.

According to the CDPH website, as of March 17th, Latino/as have been the highest group impacted by race and ethnicity when compared to other groups. They total approximately 55 percent of positive Covid-19 cases and approximately 46 percent of deaths related to Covid-19 while representing only 39 percent of the State's population. The implementation of tobacco- and cannabis-free multi-family housing policies work to address and minimize the contraction of disease through ventilation and air systems.

ANALYSIS

This report contains five (5) options for the City Council to consider for approval:

Option A is to establish the ***common areas of future*** multi-family housing properties (hallways, stairways, alcoves, sidewalks, parking lots, tot lots, etc.) as smoke free areas. Smokers tend to conduct this activity outside of their dwelling units and nonsmokers must pass through these areas on the way to their dwelling units. In addition, outside smoke can drift inside through the open windows and doors of the dwelling units.

Option B establishes the ***entire site of future*** multi-family properties as smoke free, both the common areas as well as the dwelling units themselves. Two current examples are the Riverbank Central Apartments and the Riverbank Family Apartments on Claus Road. Both of these apartment complexes have prohibited smoking everywhere on their properties since they opened. Residents caught smoking receive verbal warnings, then fines, then eviction with the possible loss of their cleaning deposit.

Option C is similar to Option A but includes the ***common areas of future and existing*** complexes. Currently, the City has an estimated 200 properties in the Medium-Density Residential General Plan area and 98 properties in the High-Density Residential General Plan area. The Crossroads West Specific Plan area contains areas of future medium- and high-density housing.

Option D is similar to Option B but includes the ***entire sites of future and existing*** complexes.

Option E is to recommend ***denial*** of the proposal to the City Council.

The incorporation and implementation of a proposed “no smoking” policy for multi-family complexes in the Housing Element would make the City of Riverbank the first city in Stanislaus County to regulate tobacco and cannabis smoking in future multi-family housing units, and only the second in the Central Valley. The City of Action would be an innovative leader in updating its Housing Element to implement health and safety measures to combat second-hand smoke and eliminate its negative impacts on users and bystanders in our community. The City would be taking a proactive step to address negative impacts to communities severely impacted not only by smoking, but Covid-19 and other disease as well.

The proposed amendment recommended by the Planning Commission (Exhibit A) would add “Program 4.1d” to “Goal 4: Conserve and Improve the Condition of ~~Existing~~ Affordable Housing Stock” and specifically “Policy 4.1 Increase Rehabilitation Efforts” to the 2014-2023 Housing Element. The selection of an option by the City Council would be the first step in defining the direction the City would like to go in regard to a smoke-free environment for multi-family housing complexes. A Housing Condition Survey has been proposed by the applicant to identify multi-family properties if Option C or D is chosen.

Program 4.1d: Require all future multifamily housing common areas to be tobacco and cannabis smoke-free.

Responsibility: Housing, Economic Development, and Planning Divisions

Timeframe: 2021-2022

PLANNING COMMISSION

On January 19, 2021 in a legally noticed public hearing, the Planning Commission listened to the presentations, considered the General Plan Amendment, took public comment, then adopted Resolution No. 2021-01 (Attachment 3) with a vote of 3-2 to recommend Option A to the City Council.

ENVIRONMENTAL DETERMINATION

The proposed amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The amendment proposes a policy that commits the City to implement additional health and safety measures for multi-family housing complexes.

FINANCIAL IMPACT

No impact at this time. There may be positive health impacts with less medical costs if staff partners with health advocacy organizations to conduct outreach and engagement regarding the regulation of tobacco and cannabis smoking in multi-family housing complexes.

ATTACHMENTS

1. City Council Resolution No. 2021-XXX
Exhibit A - Proposed Amendment Language (redlined)
2. Health Collaborative Application Materials
3. Planning Commission Resolution No. 2021-001

CITY OF RIVERBANK

RESOLUTION NO. 2021-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT 01-2020 FOR THE
RIVERBANK HOUSING ELEMENT FOR THE CALIFORNIA HEALTH
COLLABORATIVE**

WHEREAS, the California Health Collaborative has submitted a request to amend the Housing Element of the General Plan by adding policy language to prohibit tobacco and cannabis smoking in multi-family housing common areas city-wide; and

WHEREAS, the proposed General Plan Amendment to prohibit the smoking of tobacco and cannabis in multi-family housing common areas in the Medium Density Residential and Higher Density Residential land use categories will work to address health and equity challenges associated with second- and third-hand smoke as well as reduce the annual costs of structure fires and the rehabilitation of rental housing; and

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

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

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

WHEREAS, notice of the General Plan Amendment was published in the Riverbank News on March 10th and posted at City Hall North on March 10th.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby approves the amendment to the General Plan Housing Element, attached hereto as **Exhibit A**, based on the following findings:

1. General Plan Amendment Findings. That pursuant to California Government Code Sections 65358 and the Riverbank General Plan, the City Council finds as follows:
 - a. The General Plan Amendment is in the public interest because the General Plan Amendment will work to address health and equity challenges in the community.
 - b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan.

- c. The proposed amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The amendment proposes a policy that commits the City to implement additional health and safety measures for multi-family housing complexes.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report attached hereto as **Exhibit B** (Agenda Item 8.1: Public Hearing) and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby recommends approval of the General Plan Amendment as included in Exhibit A.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City Council of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.
4. The City finds that the project will have a minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of March, 2021; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachments: Exhibit A: Housing Element Amendment (Updated Program 4.1d)
Exhibit B: Presented Staff Report for Item 8.1: Public Hearing
Agenda 8.1 Attachment 2 and Attachment 3

EXHIBIT A

SECTION IX 2014-2023 Housing Element - Housing Goals and Policies

GOAL 4: CONSERVE AND IMPROVE THE CONDITION OF **EXISTING** AFFORDABLE HOUSING STOCK.

Policy 4.1 Increase rehabilitation efforts.

Program 4.1a: Continue to actively seek State and federal funding for the rehabilitation of homes. The City will consider annual applications for State CDBG, HOME, and Multi-family Housing Program funds depending on the need for additional funds and the City's ability to expend funds in a timely manner.

Responsibility: Housing & Economic Development Department
Timeframe: Ongoing – apply annually.

Program 4.1b: Maintain database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.

Responsibility: Development Services and Housing & Economic Development
Departments
Timeframe: Ongoing

Program 4.1c: The City will conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines for conducting a Housing Condition Survey. Results of the survey are to be published on the City's website and, as a result of the survey, the City will assist the Stanislaus County Housing Authority in rehabilitation and targeted efforts. Actions to be take following the results of the Survey include but are not limited to:

- Apply for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and
- Contact homeowners identified in the Survey as having a home qualifying for the rehabilitation program.

Responsibility: Development Services and Housing & Economic Development
Departments
Timeframe: By December 2016, complete Housing Condition Survey and ongoing assistance to the Stanislaus County Housing Authority

Program 4.1d: Require all future multi-family housing common areas to be tobacco and cannabis smoke-free.

Responsibility: Housing, Economic Development, and Planning Divisions

Timeframe: 2021-2022

GENERAL PLAN AMENDMENT APPLICATION PACKAGE



RIVERBANK HOUSING ELEMENT

OCTOBER 2020

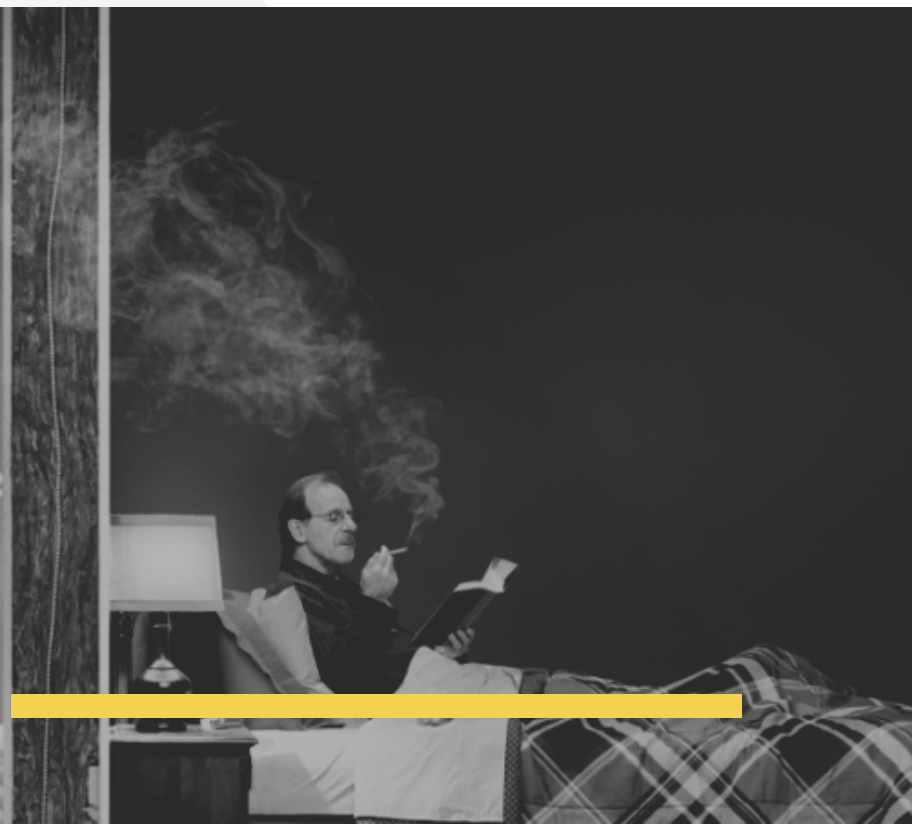




Governor Newsom signs
sweeping housing
regulations, October 9, 2020

Governor Gavin Newsom has set a goal to construct 3.5 million new housing units by 2025 to address the state's housing crisis. On October 9, 2020 SB 330 was signed by the Governor preventing local governments from reducing the number of homes that can be built. These actions are meant to address the state's housing crisis and to alleviate homelessness in the state.

High housing costs in the San Francisco Bay Area have driven Bay Area residents to Riverbank and surrounding communities, increasing housing demands and costs for residents. The current Riverbank Housing Element estimates that 88% of low-income renters in Riverbank are overpaying for housing. Overpayment occurs when a household pays more than 30% of income on housing. The new California mandates, along with a high need for housing in Riverbank, make it very likely that Riverbank will see newly proposed multifamily housing units in the near future (as will nearly every community in the state).



THE PURPOSE OF THIS APPLICATION

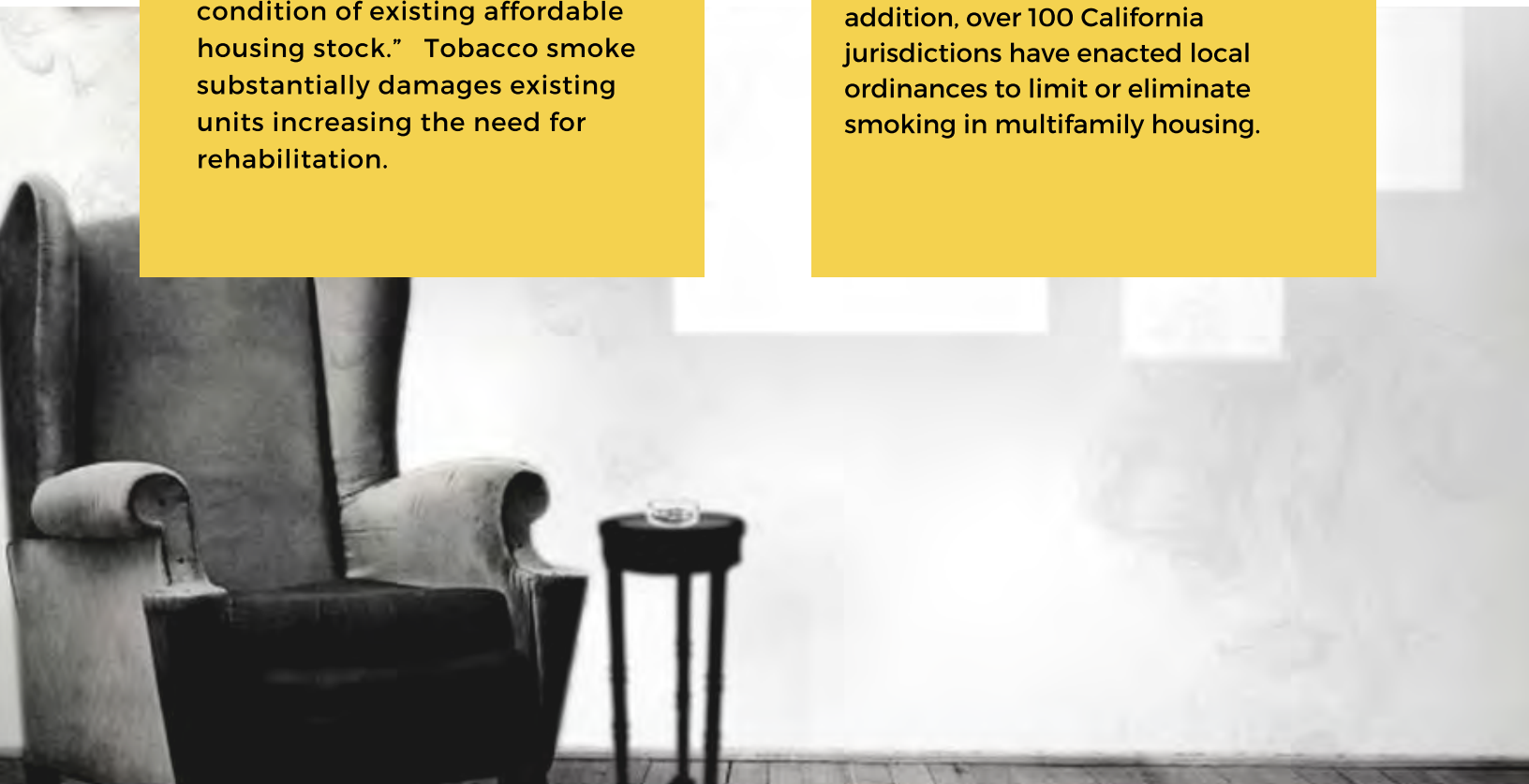
The purpose of this housing element amendment application is to ensure that all newly developed units in Riverbank are designed as smoke-free units.

Furthermore, this application recommends that the Riverbank City Council expand smoke and tobacco-free units to existing multi-family properties. The City should partner with the County Health Services Agency, Public Health Division, and the County Tobacco Prevention Services Coalition to facilitate community engagement on the issue.

This amendment aligns with the city's goal (goal number 4 in the current Housing Element) to "Conserve and improve the condition of existing affordable housing stock." Tobacco smoke substantially damages existing units increasing the need for rehabilitation.

Compared to smoke-free units - cleaning and refurbishing costs are approximately \$3,000 more in units that allow smoking.

Maintenance and refurbishing expenses are not the only costs associated with allowing smoking in multi-family housing. A 2007 Housing and Urban Development (HUD) toolkit for owners and management agents of federally assisted and multifamily housing noted that over 140,000 fires were started by cigarettes, cigars and pipes in the U.S. causing \$530 million in property damage, (National Fire Protection Association, 2007). Due to remediation expense, health costs, and social justice, HUD prohibited smoking in its public housing and included a 25-foot buffer from all indoor areas in July 2018. In addition, over 100 California jurisdictions have enacted local ordinances to limit or eliminate smoking in multifamily housing.



An ordinance that would eliminate or reduce smoking in multifamily housing units would save money and lives by reducing the spread of the Coronavirus and severity of COVID-19. Current research finds that children and families exposed to secondhand smoke are at greater risk of developing severe cases of COVID-19.

Stanislaus County rate of tobacco use is higher at 17%, than the state average of 12%, meaning more Riverbank families who live in multifamily units at risk from other residents.

Secondhand smoke is classified as a toxic air contaminant by the California Air Resources Board and exposure to secondhand smoke increases risks associated with COVID-19. Secondhand smoke and vape travels through cracks and outlets in multifamily dwellings which exposes residents to unwelcome air pollutants.

This exposure can be extremely harmful for vulnerable populations such as children and the elderly.

Because of stay at home orders due to the COVID pandemic, individuals that reside in multifamily properties have increased exposure to secondhand smoke and vape from electronic smoking devices.

Therefore, **the City of Riverbank should mandate that all newly developed multifamily housing units are smoke-free spaces**, and they should partner with County Health Services Agency, Public Health Division and the County Tobacco Prevention Services Coalition to facilitate community engagement on a comprehensive local ordinance that would also require existing units to convert to smoke-free units.



Smoking/Vaping & Coronavirus (COVID-19)

Give your lungs a fighting chance

How is your risk of COVID-19 increased?

SMOKING OR VAPING CANNABIS OR TOBACCO

- Damages lungs
- Harms the immune system (body is less able to fight diseases)



COVID-19 Exposure



Infection is **↑ more severe**



ASSISTANCE AVAILABLE RIVERBANK

Like many cities across the country, the city of Riverbank is facing potential budget shortfalls and a hard-hit local economy, which place tremendous strain on city resources and staff time. There is a legitimate concern that addressing smoking in multifamily housing is not at the top of the priority list for strained city resources. At the same time, smoke-free multifamily housing is needed now more than ever and there are State resources that can help.

There are currently three agencies that are funded by the California Department of Public Health to provide Riverbank with resources and assistance in making multifamily housing units smoke-free (California Health Collaborative, Stanislaus County Health Services Agency, and the Health Education Council).



California Health Collaborative

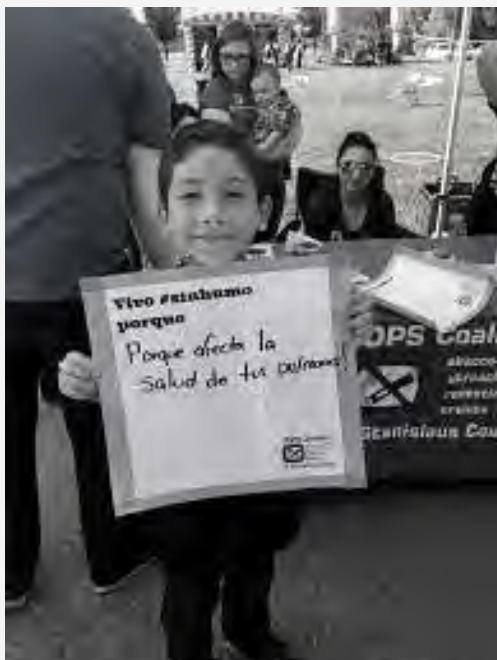
Guided by its mission of “changing lives by improving health and wellness,” the Collaborative implements an array of health promotion and disease prevention programs, public health surveillance systems, and a variety of capacity-building and networking activities. It is funded to assist the city of Riverbank.



Guided by its mission of advocating for healthy, smoke-free communities for African Americans and other populations who suffer disproportionately as a result of social conditions and tobacco use.



The County Health Services Agency working collaboratively with the Community TOPS Coalition have been educating the community on the issue of tobacco and secondhand smoke and are preparing to send out resident opinion polls before the end of the year. County Health Services can provide support and resources for Riverbank.



Prior to the pandemic the County Health Services Agency had conducted outreach to owners and managers of public housing units in Riverbank to assist with HUD's smoke-free housing policy that was implemented in 2018. The County Health Services Agency staff is also preparing to mail 500 English and Spanish public opinion surveys to residents of Riverbank multifamily properties before the end of 2020.

All three agencies can provide community engagement (educational presentations and workshops) for Riverbank property owners, managers, and residents.

The Stanislaus County Tobacco Outreach and Prevention Services Coalition offers education and cessation tips for Riverbank residents and the Health Education Council offers Spanish-language quit services and resources. Additionally, the Tobacco Use Prevention and Education initiative at Riverbank High School has hired two new facilitators for tobacco/ vape quit services for Riverbank High students.

Finally, the California Smokers' Helpline is offering smokers a free two-week nicotine patch starter kit and has trained facilitators that offer services over the phone in seven different languages to help residents.

All three agencies will pool resources to purchase smoke and tobacco-free signs for Riverside's affected properties completely alleviating that cost to the city.

Funded partners can offer policy implementation technical assistance including lease templates in English and Spanish, letters to residents, newspaper articles and ads to help prepare residents for a smoke-free property policy. They can also organize and facilitate a community task force to lead the project and pay for facilities (online or in-person), childcare, and food for community meetings.



There is no better time to address smoking in Riverbank multi-unit housing properties than now. We urge the Council to act on this issue and to collaborate with the many partners and allies who are willing to help with the effort.

Funded to assist Riverbank, and guided by its mission to cultivate health and well-being in underserved communities by leveraging the power of collaboration, HEC partners with diverse communities across Northern California to reduce health disparities and chronic disease in the region's low-income communities.

The background of the bottom half of the page is a vibrant blue sky filled with numerous white, fluffy clouds of varying sizes.

CHANGE IS IN THE AIR

FOR FREE ASSISTANCE CONTACT US:



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209-525-4841
stancountytops.com

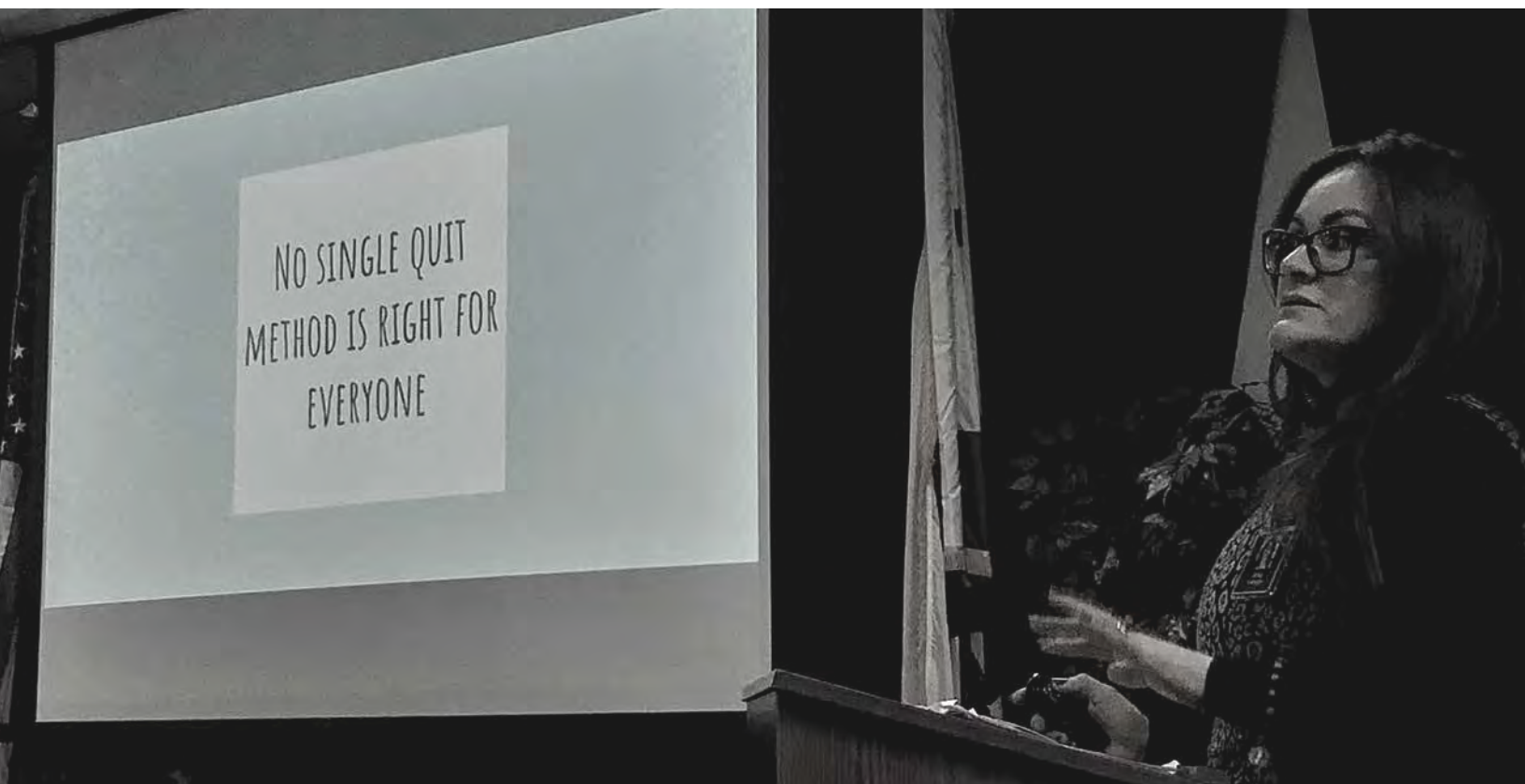


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Health Collaborative

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ATTACHMENTS

PROPOSED AMENDMENTS



**CUTS FROM THE 2014-2023 RIVERBANK
HOUSING ELEMENT WITH PROPOSED
AMENDMENTS IN RED**

**Selections from Riverbank 2014-2023
Housing Element
and Proposed Amendments
in Red**

SECTION IV

Housing Supply and Needs

E. AMOUNT OF HOUSING NEEDING REHABILITATION

The City of Riverbank received Community Development Block Grants between 2009 and 2014. These grants assisted in providing 14 loans — 2 for home rehab and 12 to first-time homebuyers. The Housing Rehabilitation Program issued two (2) loans in 2014 and according to Rosa Casas of the Riverbank Housing Division; they will be completed in the Spring of 2015. The 2003 Housing Condition Survey (see Appendix B) conducted by city staff identified that of the 4,954 residential units surveyed, nearly 30% (1,482 units) were in need of *at least* moderate repair. This was consistent with the older housing stock numbers in the city.

Included in moderate to extensive repair, should be remediation due to tobacco smoke which can substantially damage existing units. Compared to those units which are dedicated smoke-free environments, cleaning and refurbishing costs can be up to \$3,000 more in units with heavy smoking. Remediation must be done to reduce health effects for existing and future residents due to secondhand and thirdhand smoke exposure. Remediation due to smoking is not the only potential cost associated with allowing smoking in and around residential units as a 2007 Housing and Urban Development (HUD) report noted that over 140,000 fires were started by cigarettes, cigars and pipes in the U.S. causing \$530 million in property damage (National Fire Protection Association, 2007).

SECTION IX
2014-2023 Housing Element - Housing
Goals and Policies

**GOAL 4: CONSERVE AND IMPROVE THE CONDITION OF
EXISTING AFFORDABLE HOUSING STOCK.**

Policy 4.1 Increase rehabilitation efforts.

Program 4.1a: Continue to actively seek State and federal funding for the rehabilitation of homes. The City will consider annual applications for State CDBG, HOME, and Multi-family Housing Program funds depending on the need for additional funds and the City's ability to expend funds in a timely manner.

Responsibility: Housing & Economic
Development Department Timeframe:
Ongoing – apply annually.

Program 4.1b: Maintain database of housing conditions and rehabilitation projects to track accomplishments and assist in future goals.

Responsibility: Development Services and Housing &
Economic Development Departments
Timeframe: Ongoing

Program 4.1c: The City will conduct a Housing Condition Survey. This Housing Condition Survey will follow HCD Guidelines for conducting a Housing Condition Survey. Results of the survey are to be published on the City's website and, as a result of the survey, the City will assist the Stanislaus County Housing Authority in rehabilitation and targeted efforts. Actions to be take following the results of the Survey include but are not limited to:

- Apply for HOME and CDBG grant funds for rehabilitation projects identified as part of the Survey; and

- Contact homeowners identified in the Survey as having a home qualifying for the rehabilitation program.

Responsibility: Development Services and Housing & Economic Development Departments

Timeframe: By December 2016, complete Housing Condition Survey and Ongoing assistance to the Stanislaus County Housing Authority

Program 4.1d: Require all newly built multifamily dwellings be smoke-free spaces, both inside and outside of units, and adopt a comprehensive smoke-free ordinance for existing multifamily housing properties that cover the entire property. Actions to be taken in coordination with the Housing Condition Survey include but are not limited to:

- Assess the number of multifamily dwellings that allow smoking inside units.
- Collaborate with County Health Services Agency, Public Health Division and Tobacco Prevention Services Coalition to conduct community engagement on smoke-free housing in Riverbank.
- Allow public hearing at annual Housing Element Review.

Responsibility: Housing & Economic Development Departments

Timeframe: 2021-2022

Policy 4.2 Preserve current multi-family sites.

Program 4.2a: Discourage land division of sites currently zoned high-density residential.

- The City shall evaluate and make a written determination on the site constraints as a result of a proposed subdivided site currently zoned high-density residential.

Responsibility: Development

Services Department Timeframe:
Ongoing

Program 4.2b: Monitor any units which may be deemed at-

ATTACHMENTS

RESEARCH AND REPORTS



- 1. ECONOMIC BENEFITS OF SMOKE-FREE HOUSING**
- 2. THIRDHAND SMOKE FACT SHEET**
- 3. COVID AND TOBACCO POLICY REPORT**

Economic benefits of smoke-free housing

Drifting secondhand smoke in multi-unit housing is not only a serious public health problem, it can also cause significant damage to property. To protect their residents from exposure to secondhand smoke and to reduce the property damage caused by tobacco smoke, housing providers have the right to prohibit smoking anywhere on their property. In some cases, housing providers might be hesitant to go smoke-free because they are concerned that it may involve extra costs or make it more difficult to attract tenants. In fact, there are numerous economic benefits to going smoke-free. This fact sheet is designed to give an overview of some of the benefits of smoke-free housing to property owners or managers.



Turnover costs related to smoking and secondhand smoke.

- The average cost of turning over a smoke-free unit is \$5,000 less than turning over a unit where past residents have smoked.¹
- Smoking-related costs such as repainting walls, ceilings and fixtures and replacing carpeting can reach as high as \$15,000.²
- Because smoke drifts between units, these turnover costs affect more than just units where residents smoke.³ Up to 60 percent of the air in a unit can come from adjoining units,⁴ and sealing leaks only reduces airflow between units between 3 percent⁵ and 26 percent.⁶

- Thirdhand smoke can remain in a unit long after a smoking tenant has left.⁷ Thirdhand smoke is lingering smoke that is absorbed by porous surfaces or that leaves a film on harder surfaces.⁸ Thirdhand smoke damages fixtures and appliances and can cause health hazards long after secondhand smoke has cleared by slowly releasing carcinogenic material into the air, where it can then be inhaled.⁹ Even after rehabilitation, thirdhand smoke may still be detectable, making a unit less desirable.

Smoke-free housing is desirable and more marketable.

- Public opinion polls show that smoke-free housing is quite popular. Polls of renters in California conducted in 2004 and 2005 found that 82 percent would prefer to live in a smoke-free building.¹⁰ This popularity increases the marketability of units.
- Recent polls show that over a third of renters in Minnesota and over half of renters in Oregon would be willing to pay higher rents to live in a smoke-free building.^{11, 12}

Smoking can cause fires and significant damage to residential property, whereas smoke-free housing can qualify multi-unit housing for fire insurance discounts.

- 75 percent of property damage caused by smoking-related fires is to housing, including apartments.¹³ According to the National Fire Protection Association, this accounts for \$506 million dollars in residential property damage.¹⁴
- Some insurance companies offer a “smoke-free credit” that reduces fire insurance premiums by up to 10 percent.¹⁵

Smoke-free housing may reduce potential legal liability for housing providers.

- Without smoke-free housing, a housing provider may face legal claims from tenants who suffer harm from exposure to secondhand smoke on the premises.

Potential legal claims may be based on the implied warranty of habitability, the implied covenant of quiet enjoyment, constructive eviction, nuisance, negligence, or disability laws.

Smoke-free housing can increase a property's competitiveness in the low income housing tax credit program.

- The California Tax Credit Allocation Committee awards an extra point for properties that prohibit smoking in at least 50 percent of units, making these properties more likely to receive a tax credit.¹⁶

Smoke-free housing can help resolve conflict among tenants.

- Smoke-free rules establish standards and expectations for tenants from when they move in and preempt conflicts between tenants related to smoking.

- If smoking related conflicts do arise between tenants, smoke-free rules create a framework for addressing these conflicts. If one tenant is smoking and exposing another tenant to secondhand and thirdhand smoke, there is clarity on who is in the right and who is in violation.
- By going smoke-free, housing providers can avoid potentially time consuming and costly consequences of conflicts between smoking and nonsmoking tenants, such as becoming involved in litigation or dispute resolution, or having to provide special accommodations to disabled tenants affected by secondhand smoke.

-
- 1 Ong MK, et al. *Estimating Smoking-related Costs in Multi-unit Housing: Comparing Two Survey Approaches* (conference presentation abstract) <https://nctoh.confex.com/nctoh/2012/webprogram/Paper2553.html>
 - 2 Winickoff, J. P., Gottlieb, M., & Mello, M. M. (2010). Regulation of smoking in public housing. *The New England Journal of Medicine*, 362(24), 2319-25. (citing Live Smoke Free. Restoring a smoke-damaged apartment. 2009. http://www.mnsmokefreehousing.org/documents/Restoring_apartment.pdf)
 - 3 Kraev TA, Adamkiewicz S, Hammond SK, Spengler JD. Indoor concentrations of nicotine in low-income, multi-unit housing: associations with smoking behaviors and housing characteristics. *Tob Control* 2009;18:438-44. <http://tobaccocontrol.bmj.com/content/18/6/438.full>
 - 4 Center for Energy and Environment. *Reduction of Environmental Tobacco Smoke Transfer in Minnesota Multifamily Buildings Using Air Sealing and Ventilation Treatments*. (2004). Available at: www.mncee.org/pdf/research/summary.pdf
 - 5 *Id.*
 - 6 Bohac, D L, M J Hewett, S K Hammond, and D T Grimsrud. "Secondhand Smoke Transfer and Reductions by Air Sealing and Ventilation in Multiunit Buildings: PFT and Nicotine Verification." *Indoor Air* 21, no. 1 (February 2011): 36-44. doi:10.1111/j.1600-0668.2010.00680.x.
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 - 9 Matt, G, et al. When smokers move out and non-smokers move in: residential thirdhand smoke pollution and exposure. *Tobacco Control*, 2011: 20:e1. Available at <http://tobaccocontrol.bmj.com/content/early/2010/10/29/tc.2010.037382.abstract>
 - 10 The Center for Tobacco Policy & Organizing, a project of the American Lung Association of California, Survey of California Renters About Smokefree Multi-Unit Housing Laws. 2004. Available at: www.center4tobaccopolicy.org/_files/_files/5388_CARentersSummaryofFindings_8.pdf. See also, The Center for Tobacco Policy & Organizing, a project of the American Lung Association of California, Survey of California Apartment Owners and Managers About Smokefree Multi-Unit Housing Laws. 2005. Available at: www.center4tobaccopolicy.org/_files/_files/5387_CAOwnersManagersSummaryofFindings_4.pdf
 - 11 Martha J. Hewett, Sandra D. Sandell, John Anderson, and Marsha Niebuhr. Secondhand Smoke in Apartment Buildings: Renter and Owner or Manager Perspectives. *Nicotine Tob Res* (2007) 9(Suppl 1): S39-S47.
 - 12 National Apartment Association. "Clearing the Air: Industry Discusses Trend Toward Smoke-Free Housing." *UNITs*, December 2007. p. 19. Available at: www.tcsq.org/sfelp/UnitsDec2007.pdf
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 - 14 *Id.*
 - 15 Cushing G. "Apartment Owners Realize Benefits from Smoke-Free Multi-Unit Housing Trend." *Apartment Management*, April/May 2011, p. 13-14. Available at: www.caanet.org/WorkArea/DownloadAsset.aspx?id=1486
 - 16 Nicholl, Jack. "California Tax Credit Agency Supports No Smoking Rules in Affordable Housing." LIHTC Monthly Report, November 2007. Available at: www.scanph.org/files/nonsmokingunits.pdf

Thirdhand Smoke



Overview

While the public health impacts of smoking and secondhand smoke exposure are well documented, the concept of thirdhand smoke (THS) is a relatively new area of study in public health. THS is tobacco smoke residue that **remains** in indoor environments, **reacts** with air to make additional pollutants, and **re-emits** from surfaces back into the air. It is a distinct public health problem [1].

- The smoke from tobacco products sticks to indoor surfaces such as walls, windows, furniture, and floors. It does not simply blow away [1].
- THS sticks to skin, hair, and clothing, and can be transferred into environments where smoking is not allowed [1-3].
- Layers of THS residue can build up over time on surfaces and in household dust, and they can remain there for years. In places where substantial smoking has occurred, renovations such as replacing wall boards and furnishings may be necessary to reduce levels of THS [1, 4].
- Common cleaning methods such as vacuuming, wiping surfaces, and airing out rooms do not completely remove THS [5].

Health Risks

- Some of the chemicals in THS are different from those found in fresh smoke because THS changes over time, becoming progressively more toxic [1, 6].
- THS is a source for long-term exposure to harmful pollutants, which have been shown to damage human cells and DNA, and may be associated with short- and long-term health problems such as asthma and cancer [1, 7].
- Researchers found that mice exposed to THS had health problems with their lungs, liver, blood vessels, and reproductive systems. These mice also became pre-diabetic, had problems with wound healing, and had behavior problems such as hyperactivity. After seeing the health impacts of THS exposure in mice, researchers are conducting more studies on THS and human health [1].

Products that Contribute to THS

- All tobacco products, including but not limited to cigarettes, hookah, electronic cigarettes, and smokeless tobacco have been shown to leave nicotine and/or tobacco smoke residue in indoor environments [8-10].



Routes of Exposure

You can be exposed to THS if you:

- touch a surface on which THS has accumulated, because it can be absorbed through your skin;
- inhale THS in the air; or
- ingest THS when you put household objects that are contaminated with tobacco smoke residue in your mouth (eating utensils, toothbrushes) [1].

Unintentional Exposure

- THS has been found in the homes of non-smokers and in homes where smoking is not currently allowed, but where smokers have previously lived [1].
- In hotels with only partial smoking restrictions, THS has been found in both smoking and non-smoking rooms [11].
- Depending on smoking rates and vehicle turnover frequency, rental cars and used cars may have THS contamination [1].
- Used cars in which smoking was allowed or that were sold by smokers who had car smoking bans have been shown to be contaminated with THS at the time they were sold [1].
- THS contamination has been found in homes of smokers who quit long after residents stopped smoking. Elevated levels of nicotine and cancer-causing chemicals from tobacco in house dust has been found in homes of former smokers six months after they quit smoking [1].

Health Equity Considerations

Children and Families:

- Spouses, children, and others who come into close contact with smokers are more likely to be exposed to THS [6].
- Infants and children spend more time indoors, and have age-specific behaviors (crawling, mouthing household objects, active playing near the floor) that can increase exposure to THS in environments where smoking has occurred [1].
- Children's growing bodies make them more vulnerable to THS than adults [1].
- Even when parents and caregivers only smoke outdoors, children are not fully protected from tobacco exposure because THS remains on the clothes, skin, and hair of smokers, and smoke can drift indoors [2, 3].

Rental Housing:

- People who live in rental homes or apartments are at a higher risk for THS exposure because these properties change occupants frequently, and smoking bans often do not apply to private spaces such as homes [5, 12, 13].
- Children who live in apartments show a higher level of exposure to tobacco chemicals than children who live in detached housing, even when they are not exposed to secondhand smoke. These children may be exposed to THS from previous tenants who smoked in the home, or from the smoke of neighbors that enters their home through open windows, air ducts, or other routes [5, 8, 14, 15].

Occupational Exposure:

- Employees and customers in environments where smoking is allowed (such as hotels, casinos, or long-term health facilities that allow smoking indoors) are more likely to be exposed to thirdhand smoke [1, 5, 11, 12].



References

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TOBACCO CONTROL IS A CRITICAL COMPONENT TO COVID-19 MANAGEMENT

Sarah Alnahari, MsPH, Deanna Halliday, MA
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OVERVIEW

Reducing the spread of the 2019 novel coronavirus (COVID-19) is of paramount importance for public health agencies worldwide.¹ As of March 26th, California ranks third in the nation for confirmed COVID-19 cases following Washington and New York.² Of the confirmed 4,943 cases and 81 deaths in California, 282 have been diagnosed across the 11 counties in the Central Valley and the Foothills (see Table 1). These numbers are expected to dramatically increase over time, thus necessitating aggressive efforts to mitigate the spread of the virus or otherwise “flatten the curve”.³

In addition to employing preventative measures such as promoting increased hand washing, eliminating large scale gatherings, and social distancing practices,³ successful mitigation of the pandemic should include identification of at-risk populations. The most obvious and vulnerable are the elderly and those who have chronic illnesses.⁴ However, there is emerging evidence that smokers, former smokers, and people exposed to chronic secondhand smoke are also vulnerable to COVID-19.

This report briefly summarizes the emerging literature on COVID-19 and tobacco use and secondhand smoke exposure. The literature is evolving as research on COVID-19 is rapidly emerging and disseminating; the report will be updated regularly.

MECHANISMS THROUGH WHICH TOBACCO USE AFFECTS COVID-19 SUSCEPTIBILITY AND SEVERITY

COVID-19 often presents as a mild respiratory illness but can progress to either non-life-threatening pneumonia, or in severe cases pneumonia with acute respiratory distress.¹ Because of the effects on the pulmonary system, those with weakened immune systems or impaired lung function⁵ are at high risk. Our existing knowledge of the health effects of cigarette use and smoke exposure indicate an increased risk of COVID-19 through three distinct mechanisms: suppressing the immune system,⁶ increasing susceptibility,⁷ and increasing the likelihood that the illness will progress to the most extreme stages.⁸

PRIMARY AND SECONDARY EXPOSURE TO TOBACCO SMOKE AND NICOTINE COMPROMISES THE IMMUNE SYSTEM

Tobacco smoke and nicotine both alter the immune response of the body,^{6,9} which may increase the likelihood of contracting COVID-19 and limit the body’s natural defense against the illness. Current and former smokers are at greater risk of becoming ill due to the effects of second hand smoke (SHS) on the immune system.^{6,10} SHS may put individuals who are at low risk for primary smoking, such as children,¹¹ at greater risk of contracting the virus due to effects on the immune system. This supposition is supported by the fact that children with viral pneumonia are also more likely to experience severe symptoms and require intensive interventions when they have a history of secondhand smoke exposure,¹² it is reasonable to suppose that pneumonia developed due to COVID-19 may be more severe for children exposed to secondhand smoke. Nearly 40% of children are exposed to secondhand smoke worldwide,¹³ so it is essential to recognize that the families of smokers and former smokers, not just current smokers, should be considered at higher risk as well.

TOBACCO INCREASES ENZYME RECEPTORS THAT ARE DOORWAYS FOR COVID-19 TO ENTER

Beyond immunosuppression, smoking and nicotine exposure increases the susceptibility to COVID-19 by increasing the expression of the ACE2 enzyme in the respiratory system.⁷ COVID-19 binds to ACE2 receptors,^{14,15} and an increase in the receptors may relate to an increased likelihood of contracting the disease.^{7,16} Current smokers are at greater risk of this susceptibility than former smokers and nonsmokers.¹⁶

TOBACCO MAKES COVID-19 SYMPTOMS MORE SEVERE

In a study of patients admitted to the hospital due to pneumonia caused by COVID-19, it was found that current and former smokers were significantly less likely to improve over time. Instead, the disease was 14 times more likely to progress to the point where the patients required intensive respiratory assistance.⁸ The connection between smoking history and adverse pneumonia treatment outcomes and/or death are well established,¹⁷ which bolsters the observations that current or former smokers are at a far greater risk of severe respiratory outcomes once the virus is contracted.

CONCLUSION: SMOKING AND SMOKE EXPOSURES EXACERBATES COVID-19 SYMPTOMS

It is also important to recognize that smokers are at high risk of having or developing other chronic diseases, such as COPD or asthma, that would necessarily place them in a high risk group.¹⁸ However, even without a chronic disease diagnosis, it is reasonable to conclude that the three mechanisms mentioned earlier place current and former smokers at greater risk of contracting COVID-19 and experiencing severe outcomes.

TOBACCO POLICY RECOMMENDATIONS DURING THE COVID-19 CRISIS

Based on the scientific literature, tobacco control policies are critical to keeping the public safe during the COVID-19 crisis. It is our recommendation that public health departments consider the following measures to limit the spread of COVID-19 among the smoking and non-smoking populations in the Central Valley:

1. Targeted messages about COVID-19 risk factors should include information about how current, former, and secondhand smoke exposure increases susceptibility to COVID-19 and the severity of the disease progression—even if individuals are otherwise healthy and without chronic illnesses.
2. Communities should immediately strengthen secondhand smoke exposure policies. Given the shelter-in-place order issued by Governor Newsom, it is imperative to implement prohibitions against smoking in multi-unit house where so many of our community members are sequestered. Moreover, prohibitions against smoking in public parks and store-fronts are also imperative, even with shelter-in-place orders; many community members seek safe outdoor spaces to exercise at a safe distance from others. Essential services, such as groceries, are still permitted. In this regard, children, at risk, and even typically not at-risk groups should be protected against involuntary smoke exposure that increases the likelihood that the illness will spread to these populations.
3. Resources should be allotted to provide current smokers with nicotine replacement therapies, such as nicotine patches. Former smokers are still considered a high-risk group, but they are less likely to experience severe outcomes than current smokers.¹⁷ This would also limit the secondhand smoke exposure for families and the public.
4. Medical providers should consider increasing quarantine recommendations for current and former smokers. They should also readily stress the increased susceptibility and severity risks for patients who currently or formerly smoked.

These measures may help lessen the progression of the disease at the community level, and also increase the likelihood of positive treatment outcomes for those who do contract COVID-19. Alleviating the burden on the healthcare system at this time is essential, as is ensuring that the serious cases and deaths are reduced as much as possible.

Given that the population in the Central Valley are reported to suffer from a higher percentage of comorbidities such as heart disease,¹⁹ asthma,²⁰ and diabetes²¹ - all risk factors for mortality caused by COVID-19,¹⁷ higher smoking rates that exist among the Central Valley population might exacerbate the progression of COVID-19 to a severe and lethal status, particularly since cigarettes impact the immune system.⁹ Implementing preventative measures such as the reduction of secondhand smoke to reduce severe viral pneumonia among COVID-19 patients, is a forward strategy to protect those at risk from complications caused by tobacco smoke.

FREQUENTLY ASKED QUESTIONS

1. WHAT ABOUT PEOPLE WHO USE VAPES OR SMOKE MARIJUANA? ARE THEY AT GREATER RISK TOO?

Answer. It should be assumed that anything that affects the lungs may be harmful. While no research has addressed the relationship between combustible marijuana use and COVID-19 susceptibility or severity, previous research on pulmonary infections and vaping suggest that e-cigarettes may increase susceptibility to COVID-19.^{22,23} While we have no definitive answers (yet), it may be wise to limit the personal use of these products.

2. WE HAVE NO (OR FEW) CASES IN OUR COUNTY, SHOULD WE WORRY?

Answer. Proactive precautionary measures are CRUCIAL to prevent the spread of COVID-19. Because the California Central Valley has a higher smoking prevalence, and therefore higher secondhand smoke exposure rate, our counties need to take steps now to limit the spread and severity of COVID-19. Because testing for COVID-19 has been limited, we do not have an accurate picture of the spread of COVID-19, especially in our communities. As diagnostic tests for COVID-19 become more accessible, it is possible that we will see that the problem is more widespread than we've currently measured.

3. WHAT STEPS CAN WE TAKE TO LIMIT SECONDHAND EXPOSURE?

Answer. Some counties have more restrictions on secondhand smoke exposure than others, and it is recommended that restrictions increase during this time. Although it may seem other issues should be more critical, tobacco control policies are critical to keeping the public safe during the COVID-19 crisis.

Public health officials should advocate for more smoke-free public areas as well as increase the smoke-free boundaries around areas such as schools and parks. It is also essential that information about COVID-19 and secondhand smoke exposure is disseminated so that families can take immediate steps to protect their children and at-risk family members.

4. HOW DO I LEARN MORE ABOUT COVID-19?

Answer. The most extensive source is the World Health Organization COVID-19 database (<https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov>). This site aggregates all the current published research on COVID-19. Google-scholar may also be useful to search for specific topic areas related to COVID-19. As of the last count, over 1700 papers have been published, so focused searches may be more useful. Also, be certain to rely on the most up to date publications. Over the last few weeks, things have been changing rapidly.

Table 1. COVID-19 cases and Tobacco Status in 11 California Counties.			
COUNTY	COVID-19 Cases* (March 29th)	Smoking Prevalence** (% , 95% CI)	Sources
CALAVERAS	3 CASES	13.9 (13.5% - 14.1%)	* Dong E, Du H, Gardner L. An interactive web-based dashboard to track COVID-19 in real time. Lancet Infect Dis. March 2020. doi: 10.1016/S1473-3099(20)30120-1 ** UCLA Center for Health Policy Research, Los Angeles, CA. AskCHIS Neighborhood Edition. Current smoker (18+) Comparing Central Valley Counties. Available at http://askchisne.ucla.edu. Exported on March 14, 2020
FRESNO	43 CASES	16.1 (15.4% - 16.4%)	
KERN	51 CASES	15.5 (15.1% - 15.8%)	
KINGS	2 CASES	16.5 (16.1% - 16.7%)	
MADERA	15 CASES	14.9 (14.6% - 15.2%)	
MARIPOSA	0 CASES	15.0 (14.6% - 15.3%)	
MERCED	8 CASES	15.9 (15.5% - 16.1%)	
SAN JOAQUIN	113 CASES	13.3 (12.7% - 13.6%)	
STANISLAUS	29 CASES	16.7 (16.3% - 17.0%)	
TULARE	18 CASES	13.6 (13.3% - 13.8%)	
TUOLUMNE	0 CASES	15.1 (14.7% - 15.4%)	
CA Total	4943 CASES, 81 DEATHS	12.4 (11.5% - 13.2%)	

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ATTACHMENTS

IMPLEMENTATION

RESOURCES

- 1. APARTMENT RESIDENT PUBLIC
OPINION POLL (ENGLISH & SPANISH)**
- 2. LETTER FOR TENANTS (ENGLISH &
SPANISH)**
- 3. LEASE ADDENDUM (ENGLISH &
SPANISH)**

Date: / /

Complex Name:

**Stanislaus County Health Services Agency
Public Opinion Survey on Multiple-unit Housing and Tobacco Use**

1. How harmful do you think the following are (Select one):

	<u>Very Harmful</u>	<u>Somewhat Harmful</u>	<u>Not Harmful</u>
Cigarettes to the user?	☐	☐	☐
Secondhand smoke?	☐	☐	☐
E-cigarettes/vaping devices to the user?	☐	☐	☐
Secondhand vapor?	☐	☐	☐

2. Do you know what third hand smoke is?

☐ Yes ☐ No ☐ Not Sure

3. Have you experienced secondhand smoke where you live?

☐ Yes ☐ No ☐ Not Sure

4. Would you prefer to live in a non-smoking environment?

☐ Yes ☐ No ☐ Not Sure

5. Would you support a policy making multi-unit housing complexes, such as apartment buildings, smoke and tobacco-free?

☐ Yes ☐ No ☐ Not Sure

6. Are you a:

☐ Current Smoker ☐ Former Smoker ☐ Non-Smoker

7. Are you a:

☐ Vaper/E-Cigarette user ☐ Former Vaper/E-Cigarette User
☐ Non-Vaper/E-Cigarette User

8. What is your age?

☐ 20 and under ☐ 21 – 35 ☐ 36 – 50 ☐ 50+

9. What is your race/ethnicity? (Mark all that apply)

☐ African American ☐ White/Caucasian ☐ Native American
☐ Asian/Pacific Islander ☐ Hispanic/Latino ☐ Other

10. What was your total household income last year?

☐ \$0-\$25,999 ☐ \$26,000-\$51,999 ☐ \$52,000-\$74,999 ☐ more than \$75,000

11. What is your gender?

☐ Male ☐ Female ☐ Other/Decline to Answer

Sample notice to residents of the creation of a smoke-free policy

[Insert date]

Dear Resident:

In an effort to reduce the risk of fire, maintenance costs, and the known health hazards caused by secondhand smoke, [insert name of the property] will become a non-smoking resident community effective [insert effective date of the policy]. Smoking of cigarettes, cigars, pipes, or any other product or substance that is smoked, [including electronic smoking devices] will be prohibited in [list all areas of the property that will be smoke-free, for example, common areas, units, balconies and patios, etc.] [optional: except for the following designated outdoor smoking areas]. The new policy will apply to residents, guests, service persons and anyone entering the property.

Our decision to convert to a non-smoking facility was based on several factors as outlined below:

- **Risk of Fire:** Cigarettes, cigars, lighters, matches, and other smoking materials are a leading cause of home and total fire deaths in the United States. Property damage from smoking related fires is estimated to total hundreds of millions of dollars each year.
- **Property Damage Due to Smoking:** When a tenant who smokes vacates, costly cleaning and repairs are typically necessary to prepare the unit for a new tenant. Smoke damages residential property in a variety of ways, requiring extra cleaning and painting, special sealants, and replacement of fixtures, appliances, carpeting and other flooring.
- **Health Risks of Secondhand Smoke:** According to the US Centers for Disease Control and Prevention, secondhand smoke is a leading cause of preventable death in the United States, killing approximately 50,000 non-smokers each year from heart attacks, strokes, lung cancer and other conditions. It can cause asthma attacks and worsen other respiratory illnesses such as bronchitis and chronic obstructive pulmonary disorder. The California Environmental Protection Agency has designated secondhand smoke to be a toxic air contaminant.
- [If a tenant survey was conducted, note the response here: A recent survey taken in (insert date) indicated that (insert percentage) of residents prefer to live a smoke-free environment.]

Moreover, there is statewide support from local communities that have enacted ordinances making most public areas smoke-free. As the owner of this community we believe that our decision to designate [insert name of the property] as a non-smoking facility is in the best interest of all residents. We agree and support this policy, and

therefore, take this opportunity to join other housing providers across the country in designating [insert name of the property] as a non-smoking community as well. Before the smoke-free policy becomes effective, you will be sent a 90-Day notice of change in terms of tenancy along with an addendum to your rental agreement. When you receive a copy of the Addendum please read it carefully. A resident meeting will be held to answer any questions you may have. You will be informed of the date and time to sign the Addendum.

Sincerely,

[Insert name of property owner or manager]

Notice of change in terms of tenancy to prohibit smoking

[Insert date]

[Name]

[Address]

RE: [insert length of notice: 30 days, 90 days, etc.] Notice Change in Terms of Tenancy– Non-Smoking Policy Complex Addendum

Dear [name of resident]:

In accordance with Civil Code Section 827, and with your Rental Agreement, 30 days [this is the minimum amount of notice that must be provided, but more notice can be given, for example 60 days or 90 days] after delivery of this notice, or on [insert date that the lease term expires or rolls over to month-to-month], whichever is later, the terms of your tenancy at [insert name of the property] will be changed. **[Insert name of the property] will become a non-smoking community.**

This Notice serves only to add the above policy into your Rental Agreement; all other terms of your tenancy shall remain in full force and effect. **Please sign the addendum before [insert date]. Failure to sign the addendum may result in legal action.**

We appreciate your cooperation in this matter.

Sincerely,

[Insert name of property owner or manager]

Muestra de aviso a los residentes de la creación de una póliza libre de humo

[Inserte la fecha]

Estimado residente:

En un esfuerzo por reducir el riesgo de incendio, los costos de mantenimiento y los riesgos de la salud causados por el humo de segunda mano, [insértese el nombre de la propiedad] se convertirá en una comunidad de residentes para no fumadores efectiva [insértese la fecha efectiva de la póliza]. Se prohibirá fumar cigarrillos, cigarros, pipas o cualquier otro producto o sustancia que se fume, [incluidos los dispositivos electrónicos para fumar] en [listar todas las áreas de la propiedad que estarán libres de humo, por ejemplo, áreas comunes, unidades, balcones y patios, etc.] [opcional: excepto para las siguientes áreas designadas para fumadores al aire libre]. La nueva póliza se aplicará a los residentes, invitados, personas de servicio y cualquier persona que entre en la propiedad.

Nuestra decisión de convertirnos en una instalación para no fumadores se basó en varios factores como se describe a continuación:

- **Riesgo de incendio:** Los cigarrillos, los cigarros, los encendedores, los fósforos y otros materiales para fumar son una de las principales causas de muertes por incendio en el hogar y el total de incendios en los Estados Unidos. Se estima que los daños a la propiedad causados por incendios relacionados con el tabaquismo totalizará cientos de millones de dólares cada año.
- **Daños a la propiedad debido a fumar:** Cuando un inquilino que fuma desocupa la unidad, por lo general es necesario realizar costosas reparaciones y limpieza para preparar el apartamento para un nuevo inquilino. El humo daña la propiedad residencial en una variedad de maneras, requieren limpieza y pintura adicionales, selladores especiales, y reemplazo de accesorios, electrodomésticos, alfombras y otros pisos.
- **Riesgos para la salud del humo de segunda mano:** Según los Centros para el Control y la Prevención de Enfermedades de los Estados Unidos, el humo de segunda mano es una de las principales causas de muerte prevenible en los Estados Unidos, matando a aproximadamente 50,000 personas que no fuman cada año de ataques cardíacos, derrame cerebral, cáncer de pulmón y otras condiciones. Puede causar ataques de asma y empeorar otras enfermedades respiratorias como bronquitis y trastorno pulmonar obstructivo crónico. La Agencia de Protección Ambiental de California ha designado el humo de segunda mano como un contaminante tóxico del aire.
- [Si se llevó a cabo una encuesta de inquilinos, tenga en cuenta la respuesta aquí: Una encuesta reciente realizada en (inserte la fecha) indicó que (inserte el porcentaje) de los residentes prefieren vivir un ambiente libre de humo.]

Además, hay apoyo estatal de las comunidades locales que han promulgado ordenanzas que hacen que la mayoría de las áreas públicas estén libres de humo. Como el propietario de este complejo creemos que nuestra decisión de designar [insértese el nombre de la propiedad] como una instalación para no fumadores es en el mejor interés de todos los residentes. Estamos de acuerdo y apoyamos esta póliza y por lo tanto, aprovechamos esta oportunidad para unirnos a otros proveedores de vivienda en todo el país para designar [inserte el nombre de la propiedad] también como una comunidad para no fumadores.

Antes de que la política de no fumar entre en efecto, se le enviará un aviso de cambio de 90 días en términos de arrendamiento junto con un apéndice a su contrato de alquiler. Cuando reciba una copia del Apéndice, por favor léase atentamente. Se llevará a cabo una reunión de residentes para responder a cualquier pregunta que pueda tener. Se le informará de la fecha y hora para firmar el Apéndice.

Sinceramente

[Inserte el nombre del propietario o administrador de la propiedad]

Aviso de cambio en términos de arrendamiento para prohibir fumar

[Inserte la fecha]

[Nombre]

[Dirección]

RE: [inserte la duración del aviso: 30 días, 90 días, etc.] Aviso de Cambio en los términos de arrendamiento- Apéndice Complejo de Póliza para No Fumadores

Estimado [nombre del residente]:

De conformidad con la Sección 827 del Código Civil, y con su Contrato de Alquiler, 30 días [esta es la cantidad mínima de aviso que se debe proporcionar, pero se puede dar más aviso, por ejemplo 60 días o 90 días] después de la entrega de este aviso, o en [insértese la fecha en que el plazo de arrendamiento expire o se vuelque a mes a mes], lo que sea más tarde, se cambiarán los términos de su arrendamiento en [inserte el nombre de la propiedad]. **[Inserte nombre de la propiedad] se convertirá en una comunidad de no fumadores.**

Este Aviso solo sirve para agregar la póliza anterior a su Contrato de Alquiler; todos los demás términos de su arrendamiento permanecerán en pleno vigor y efecto. **Firme el Apéndice antes de [inserte la fecha]. La falta de firma del Apéndice puede dar lugar a acciones legales.**

Agradecemos su cooperación en este asunto.

Sinceramente

[Inserte el nombre del propietario o administrador de la propiedad]



California Health Collaborative

**CITY OF RIVERBANK
RESOLUTION NO. 2021-001**

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF RIVERBANK, CALIFORNIA,
RECOMMENDING TO THE CITY COUNCIL
THE APPROVAL OF A GENERAL PLAN AMENDMENT
TO THE RIVERBANK HOUSING ELEMENT FOR
THE CALIFORNIA HEALTH COLLABORATIVE**

WHEREAS, the California Health Collaborative has submitted a request to amend the Housing Element of the General Plan by adding policy language to prohibit tobacco and cannabis smoking in multi-family housing common areas city-wide; and

WHEREAS, the proposed General Plan Amendment to prohibit the smoking of tobacco and cannabis in multi-family housing common areas in the Medium Density Residential and Higher Density Residential land use categories will work to address health and equity challenges associated with second- and third-hand smoke as well as reduce the annual costs of structure fires and the rehabilitation of rental housing; and

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

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

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

WHEREAS, notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation on January 6, 2021; and

WHEREAS, the Planning Commission conducted a Public Hearing on January 19, 2021.

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL APPROVAL OF THE GENERAL PLAN AMENDMENT TO THE HOUSING ELEMENT BASED ON THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings. That pursuant to California Government Code sections 65358 and the Riverbank General Plan, the Planning Commission finds as follows:

Riverbank Planning Commission
Meeting of January 19, 2021
Resolution No. 2021-001

- a. The General Plan Amendment is in the public interest because the General Plan Amendment will work to address health and equity challenges in the community.
 - b. The General Plan Amendment is consistent and compatible with the goals and the vast majority of the policies of the General Plan.
 - c. The proposed amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3). The amendment proposes a policy that commits the City to implement additional health and safety measures for multi-family housing complexes.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the Planning Commission, the Planning Commission hereby recommends approval of the General Plan Amendment as included in **Exhibit A**.
3. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The 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.
4. The City finds that the project will have a minimal impact upon the environment and meets all applicable criteria to qualify as exempt from further review as required by the California Environmental Quality Act Section 15061(b)(3), under the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 19th day of January, 2021; motioned by Commissioner Dinan, seconded by Commissioner Stewart, for Option A and upon roll call was carried by the following vote of 3-2.

AYES: Commissioners: Fenrich, Stewart, Dinan

NAYS: Commissioners: Link and Basso

ABSENT: None

ABSTAIN: None

ATTEST:

Donna M. Kenney

Donna M. Kenney
Planning and Building Manager

APPROVED:

Mallorie Fenrich

Mallorie Fenrich
Planning Commission Chair

Attachment – Exhibit A

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 9.1

SECTION 9: WORKSHOPS

Meeting Date:	March 23, 2021
Subject:	Workshop – Stanislaus Regional Homeless Strategic Plan
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council consider information presented by Home Base and provide feedback on the process, and preliminary formation of a Stanislaus Regional Homeless Strategic Plan.

SUMMARY

Stanislaus County has initiated the process of creating a Regional Homeless Strategic Plan which is a document that is intended to outline barriers, goals, and strategies to ending homelessness across Stanislaus County and how to make the homeless system of care more equitable and inclusive. Home Base is a consultant which has been retained to prepare and formulate the plan. Home Base is working with all Cities in the County as well as the unincorporated communities to ensure the plan is aligned with community specific challenges and concerns.

There is currently a survey available online for community members to participate in. That survey can be found at the following address:

<https://www.surveymonkey.com/r/stanislaus-community-survey>

In addition, community members can email comments, desires, concerns or ideas regarding the plan to the following email address:

stanislaushomelessplan@homebaseccc.org

The primary input sought by Home Base will revolve around three key questions

- "What do you think is the biggest cause of homelessness in Riverbank?"
- "What are the biggest barriers to addressing homelessness in Riverbank?"
- "If funding is available to address homelessness in Riverbank, what should it be used for?"

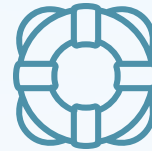
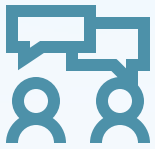
At the time of the meeting Home Base will provide Council with specifics related to the anticipated core components of the plan as well as seek Council feedback based on a variety of community related factors.

FINANCIAL IMPACT

No Direct Impact.

ATTACHMENTS

Stanislaus Community Outreach Flyer



Regional Homeless Strategic Plan for Stanislaus

Development of a Regional Homeless Strategic Plan for Stanislaus is underway and is seeking input from EVERYONE in Stanislaus County. Be a part of the solution and help identify needs, concerns, and better ways to provide housing and services for our community. Everyone deserves to have a voice. Input will be used to develop our shared goals and strategies moving forward.

How can I get involved?



Participate in **Community and Stakeholder Surveys** offering your thoughts and ideas



Participate in a **Stakeholder Interview or Focus Groups** for service providers, community leaders, and others



Submit Comments on the draft of strategic plan when released



Attend the **Community Summit** to provide feedback and help create goals and a vision for ending homelessness

Want to stay connected?

Sign up to **receive updates** and information about **community participation opportunities**:

eepurl.com/dgRTBP



Offer your input and **take the Community Survey**:

surveymonkey.com/r/stanislaus-community-survey

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.1

SECTION 10: NEW BUSINESS

Meeting Date: March 23, 2021

Subject/ Title: **2020 General Plan and Housing Element Annual Progress Reports.** A Resolution Adopting the 2020 General Plan and Housing Element Annual Progress Reports and Authorizing Staff to Submit Said Reports to the California Office of Planning and Research and California Department of Housing and Community Development

From: Sean Scully, City Manager

Submitted by: Gabriel Salazar, Associate Planner

RECOMMENDATION

Staff recommends approval of the City's 2020 General Plan and Housing Element Annual Progress Reports (APR) and to authorize Staff to submit said reports to the California Office of Planning and Research (OPR) and California Department of Housing and Community Development (HCD).

SUMMARY

Section 65400(a)(2) of the Government Code requires each jurisdiction to prepare and submit an annual progress report on its General Plan by April 1 of each year. The annual report is required to contain the following: status of the City's General Plan and progress in its implementation, progress in meeting the City's regional housing need, and any actions taken by the City toward completion of Programs identified in the City's Housing Element.

This report is required to be reviewed and considered by the City's legislative body (City Council), and subsequently submitted to the California Office of Planning and Research, and the California Department of Housing and Community Development. The annual report does not require approval by these State Agencies.

The 2020 General Plan and Housing Element APRs are attached to this Staff Report as Attachment 2, Exhibits A and B. The purpose of these documents is to:

- 1) Remain compliant with Government Code Section 65400(a)(2) and Housing Element Law;

- 2) To update City Council on housing development and implementation of general plan programs, including the Housing Element; and
- 3) Ensure eligibility for State grant funding, such as the Housing-Related Parks Program.

For the City to be eligible for State funding for a variety of housing and park grants, the State typically requires the City's Housing Element to be in compliance with State Housing Law (certified) and for the City to make Annual Progress Reports OPR and HCD annually (by April 1 of each year). The City's 2014-2023 Housing Element was adopted in February, 2016 and received State certification in December, 2015. The proposed Annual Progress Reports ensure that the City will remain up-to-date in regards to the requirements imposed by future grant opportunities. A variety of grant programs intended to improve communities, provide access to housing and rental/mortgage relief is available for the City to pursue.

In the 2020 Annual General Plan Report, progress was made on the following:

- 1) LAND-3 – Grants
- 2) LAND-5 – Zoning Amendments
- 3) ED-4 – Job Training Program

Progress Towards RHNA Goals

The RHNA table for the current Housing Cycle has been updated to reflect progress made towards the City's RHNA goal, and is presented in the Attachment to this Staff Report. In Summary the City has completed:

- o Ten (10) percent of the Very Low Income goal;
- o Fourteen (14) percent of the Low Income goal;
- o Zero (0) percent of the Moderate Income goal;
- o Twenty-seven (27) percent of the Above Moderate Income goal.

New Home Construction

The City of Riverbank issued building permits for twenty-five (25) above moderate residential units in 2020, all of which were single-family residences. The majority of the building permits were issued in East Riverbank (California Estates and Countryside I). No building permits were issued for very low-, low-, and/or moderate-income categories but a Development Agreement was approved for the construction of 28 affordable homes in central Riverbank.

In 2020 the City applied for and was awarded an SB2 grant for \$160,000 to obtain a consultant (JB Anderson Land Use Planners) to update the City's Municipal Code Section on Accessory Dwelling Units (ADUs) to be consistent with new State laws, conduct a fee study to review and adopt ADU development fees, develop Design Guidelines for ADUs, join with the County and local cities to create fully engineered ADU plans that will be provided free to our citizens, and an update to the Building and Planning counter handouts.

The City was also awarded a LEAP grant of \$150,000 to upgrade the City's permit processing software to streamline the development process and add activities like online submittals and payments.

The City anticipates additional new construction in the near future as the City has received new tentative map applications (Riverbank Enclave, Countryside 3, etc.) in 2020 and staff is working with applicants to advance to public hearings.

PLANNING COMMISSION

A presentation on the 2020 General Plan and Housing Element Annual Progress Reports was made to the Planning Commission on March 16, 2020.

ENVIRONMENTAL DETERMINATION

Not a Project pursuant to CEQA Guidelines.

FINANCIAL IMPACT

City Staff prepared the 2020 General Plan and Housing Element Annual Progress Reports. No consultants were under contract.

STRATEGIC GOALS

The City of Riverbank Strategic Planning Session is a plan and set of goals that Riverbank will work towards for the next three years. The proposed Resolution adopting the City's 2020 General Plan and Housing Element Annual Progress Reports is not part of these goals.

ATTACHMENTS

1. City Council Resolution No. 2021-XXX
2. 2020 General Plan Annual Progress Report, dated March 15, 2021
Exhibit A - 2020 General Plan Annual Implementation Report
Exhibit B - 2020 Housing Element Annual Progress Report

CITY OF RIVERBANK

RESOLUTION NO. 2021-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, ADOPTING THE 2020 ANNUAL GENERAL PLAN PROGRESS
REPORT AND THE 2020 HOUSING ELEMENT ANNUAL PROGRESS REPORT AND
AUTHORIZING STAFF TO SUBMIT SAID REPORTS TO THE CALIFORNIA OFFICE
OF PLANNING AND RESEARCH AND CALIFORNIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**

WHEREAS, the City of Riverbank is required by Government Code Section 65400 to provide an Annual Progress Report on the General Plan for the preceding year; and

WHEREAS, the Annual General Plan Progress Report must be transmitted to the City Council, the California Office of Planning and Research, and the California Department of Housing and Community Development; and

WHEREAS, the Annual General Plan Progress Report must include all of the following: a) the status of the General Plan and progress in its implementation, b) the progress in meeting its share of the regional housing needs and local efforts to remove governmental constraints to the maintenance, improvement, and development of housing, the degree which its approved General Plan complies with the guidelines adopted pursuant to Section 65040.2 as well as the date of the last revision to the General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby adopts the City's 2020 Annual General Plan Progress Report and 2020 Housing Element Annual Progress Report and authorizes staff to submit said report to the California Office of Planning and Research and California Department of Housing and Community Development.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of March, 2021; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor



2020 General Plan Annual Progress Report

City of Riverbank

March 2021

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CHAPTER 1 – INTRODUCTION AND SUMMARY

A. PURPOSE OF THE ANNUAL PROGRESS REPORT

Section 65400 of the California Government Code requires the City to file an annual report addressing the status of the General Plan and progress made toward implementing its goals and policies. The progress report must be submitted to the Governor’s Office of Planning and Research (OPR) and the Housing and Community Development Department (HCD). The annual progress report provides a means to monitor the success of implementing the General Plan and determine if changes are needed in the plan or its implementation programs.

B. PURPOSE OF THE GENERAL PLAN

The General Plan is mandated by California Government Code Section 65300, which requires each city and county to adopt a general plan for the physical development of the jurisdiction. The Riverbank General Plan establishes a vision for the City’s long-term growth and enhancement and provides strategies and implementing actions to achieve this vision. The Plan also conveys to City departments, other agencies, and private developers the community goals and policies, and establishes a basis for determining if development proposals and public projects are consistent. The Plan provides for establishing and prioritizing detailed plans and implementation programs.

C. STATUS OF THE ADOPTED ELEMENTS OF THE RIVERBANK GENERAL PLAN

State law requires that general plans include seven elements which must cover the following topics: Land Use, Circulation, Housing, Safety, Noise, Conservation, and Open Space. Elements for other topics of local concern may also be included. The Riverbank General Plan includes four optional elements: Community Character and Design, Economic Development, Public Services and Facilities and Air Quality. Except for the Housing Element, all elements of the Riverbank general Plan were adopted as a single document on April 22, 2009. State requirements for housing elements are more detailed and specific than for the other general plan elements. Housing elements are updated every eight years according to a schedule set by the State. For these reasons the Riverbank Housing Element is contained in a separate document which was adopted by the City Council February 23, 2016 and certified by the State HCD on December 30, 2015. The Housing Element covers the eight-year period from 2015 to 2023. Other elements may be updated less frequently and typically have a 20-year horizon.

The correspondence between State mandated elements and the Riverbank General Plan is illustrated in the table below.

Correspondence Between Required General Plan Elements and the Riverbank General Plan	
Element	Riverbank General Plan
Land Use	LAND-1-20: Land Use
Circulation	CIRC-1-18: Circulation
Conservation	CONS-1-10: Conservation and Open Space
Open Space	CONS-1-10: Conservation and Open Space
Safety	SAFE-1-4: Safety Element
Noise	NOISE-1-7: Noise
Community Character and Design (optional)	DES-1-17: Community Character and Design
Economic Development (optional)	ED-1-12: Economic Development
Public Services and Facilities (optional)	PUBLIC-1-12: Public Services and Facilities
Air Quality (optional)	AIR-1-15: Air Quality
Housing	Separate Document

Compliance with OPR Guidelines

Riverbank's General Plan was updated in 2009 according to OPR's Guidelines and remained consistent with the Guidelines.

CHAPTER 2 – IMPLEMENTATION OF THE GENERAL PLAN

This chapter discusses the implementation of all of the adopted elements of the General Plan except for the Housing Element. The annual progress report on the Housing Element is contained in Chapter 3. Exhibit A shows the implementation status of each General Plan policy.

A. REVIEW OF IMPLEMENTATION MEASURES

Progress Report Highlights

The following are highlights of the progress made in calendar year 2020 organized by general plan element:

Land Use:

- *Permitting and New Development.* The following is a summary of the building permits issued for the year 2020:
 - *Countryside 1* – Approved in 2016, construction is at the mid-point to completion on a forty-nine (49) single-family residential project, located in eastern Riverbank. Nineteen (19) building permits were issued in 2020.
 - *In-Fill Lots* – One (1) building permit were issued for single-family residential projects on in-fill lots within the City in 2020.
 - *California Estates* – Five (5) Building Permits were issued in 2020 for the California Estates project, located in east Riverbank.

Circulation:

- *Amendments.* There were no amendments to the Circulation Element in 2020.

Community Character and Design:

- *Amendments.* There were no amendments to the Community Character and Design Element in 2020.

Economic Development:

- *Amendments.* There were no amendments to the Economic Development Element in 2020.

Conservation and Open Space:

- *Amendments.* There were no amendments to the Conservation and Open Space Element in 2020.

Safety:

- *Amendments.* There were no amendments to the Safety Element in 2020.

Noise:

- *Amendments.* There were no amendments to the Noise Element in 2020.

Public Services and Facilities:

- *Amendments.* There were no amendments to the Public Services and Facilities Element in 2020.

Air Quality:

- *Amendments.* There were no amendments to the Air Quality Element in 2020.

Housing

- *Amendments.* There were no amendments to the Housing Element in 2020.

Regional Coordination

- *North County Corridor.* The Mayor and City Staff continued to participate with the Stanislaus Council of Governments (StanCOG) to provide input and direction as to how the North County Corridor should be aligned as it passes Riverbank. The Mayor Richard D. O'Brien is a member of the Stanislaus Council of Governments Policy Board and Kathleen Cleek, a City Staff member, is part of the Valley Vision Stanislaus Steering Committee to help collaboratively address the requirements of Senate Bill 375 (SB 375).
- *Regional Transportation Plan / Sustainable Communities Strategies (RTP / SCS).* City staff continued to participate with Stanislaus Council of Governments in the Sustainable Communities Strategy process to develop and implement an action plan that will lead to a more sustainable region, and implement SB 375. Staff regularly attended Valley Vision Stanislaus Steering Committee meetings and made periodic presentations to the City Council and Planning Commission.
- *Stanislaus County Planning Directors Meeting.* The Planning and Building Manager meets regularly with the Planning Directors of other cities in Stanislaus County to share information and discuss topics of mutual interest.

General Plan Amendments

There were no General Plan Amendments in the Calendar year of 2020.

B. GOALS, POLICIES, OBJECTIVES, STANDARD OR OTHER PLAN PROPOSALS THAT NEED TO BE ADDED OR WERE DELETED, AMENDED OR OTHERWISE ADJUSTED.

No changes to goals, policies, objectives, standards, or other plan proposals were identified in 2020.

CHAPTER 3 – ANNUAL PROGRESS REPORT ON IMPLEMENTATION OF THE HOUSING ELEMENT

The report addresses the progress in meeting the Regional Housing Need Allocation (RHNA) housing goals and the attainment of housing goals and objectives specified in the 2015-2023 Housing Element, adopted February 23, 2016. The State of California Department of Housing and Community Development requires an annual report attached as Exhibit B.

Following are highlights of the Calendar Year 2020 Housing Element Annual Progress Report:

Housing Element Implementation Highlights

The following are highlights of the Calendar Year 2020 Housing Element Annual Progress Report:

- Seven (7) years have elapsed for the January 2014 through September 2023 Regional Housing Needs Allocation (RHNA) period. As measured through the issuance of building permits, the City has met:
 - o Ten (10) percent of the Very Low Income goal;
 - o Fourteen (14) percent of the Low Income goal;
 - o Zero (0) percent of the Moderate Income goal; and
 - o Twenty-seven (27) percent of the Above Moderate Income goal.
- *Building Permits Issued in 2020.* In 2020, 25 building permits were issued for single-family development.

2020 General Plan Annual Progress Report

Exhibit A: General Plan Annual Implementation Report – 2020

Table I: General Plan Annual Implementation Report - 2020

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Land Use Element					
Land – 1	The City will conduct a comprehensive review of the land use element, including analysis and actions to ensure there is adequate land in appropriate locations for employment-generating land uses.		X,	CDD	The City continues to monitor and review the Land Use Element for adequate land in appropriate locations. No updates to the Land Use Element occurred in 2020.
Land – 2	The CDD will maintain an inventory of vacant and underutilized land to (a) evaluate proposed annexations and (b) ensure an adequate supply of vacant land to meet the community’s needs.	X		CDD	The Community Development Department and City Council continue to maintain vacant and underutilized land for annexations and supply. As part of the Housing Element Update, a list was developed to determine the amount of Vacant and Underutilized Multi-family Residential (R-3) land within City limits. Further, the City currently maintains an underutilized site inventory on Oppsites.com to connect potential developers with vacant and underutilized sites.
Land – 3	The City and Redevelopment Agency will pursue grant monies, as well as other funding sources for road and public infrastructure improvements to revitalize areas in need.	X		EDH, F, CDD,	The Community Development Department, Finance Department and the Public Works Department continue to pursue funding for road and public infrastructure improvements. No action for Redevelopment Agency due to the demise of Redevelopment.
Land – 4	The City will develop a comprehensive infill development streamlining and incentive program to encourage the redevelopment and revitalization of the Infill Opportunity Area.	X		CDD	The City provides free preapplication reviews so the developer can submit a formal application that moves more quickly through the approval process and with fewer resubmittals. In 2020, Staff met with multiple developers who were interested in developing land within the City of Riverbank in infill development areas. Staff expressed support for new development in infill areas.

Agency Codes**City of Riverbank & Local**

CC	City Council	PW Public Works Dept
CM	City Manager	F Finance Department
PC	Planning Commission	EDH Economic Development and Housing
CDD	Community Development Department	P&R Parks and Recreation
ENG	Engineering Department	EDD Economic Development Department
LRA	Local Redevelopment Agency	OES Office of Emergency Services

Regional, State, Federal and Private

StanCOG Stanislaus Council Of Governments
SC Stanislaus County
DOT Caltrans
MID Modesto Irrigation District
CEPA California Environmental Protection Agency
SJVAPCD San Joaquin Valley Air Pollution Control District

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Land – 5	The City will update the Zoning Code and other Municipal Code sections regulating land development to ensure consistency with the General Plan.	X		CDD	In 2020, it was not necessary to update the residential sections of the Zoning Code to ensure consistency with the General Plan.
Land – 6	The City will coordinate with StanCOG and member jurisdictions and Caltrans to remove the State Highway 108 designation as it occurs through Riverbank and plan and condition land uses along a future alignment to enable Caltrans to redesignate Highway 108 near the Riverbank Planning Area.	X		CDD	The City of Riverbank continues to be involved in the North County Corridor planning process and is among the members of the Joint Powers Authority, securing a voice for Riverbank as the project moves forward and rights-of-way are purchased.
Land – 7	The City will draft an implementing ordinance for the Clustered Rural Residential land use designation consistent with the policies presented in the General Plan.	X		CDD	No Action in 2020.
Land – 8	Update the General Plan using data to be made available by the DWR and the Central Valley Flood Protection Board.	X		CDD	The update to the General Plan Safety Element occurred in 2015 as it relates to SB5 (2007) and 200-year floodplain protection. No action in 2020.

Agency Codes

City of Riverbank & Local

CC City Council
 CM City Manager
 PC Planning Commission
 CDD Community Development Department
 ENG Engineering Department
 LRA Local Redevelopment Agency

PW Public Works Dept
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 EDH Economic Development and Housing
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Regional, State, Federal and Private

StanCOG Stanislaus Council Of Governments
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Circulation Element					
CIRC – 1	Develop and implement a Bicycle Master Plan.	X		CDD	The Community Development Department currently utilizes StanCOG’s Non-Motorized Transportation Master Plan to determine the best areas for bicycle infrastructure and improvements. The City’s own Bicycle Master Plan has been and continues to be a priority as funds become available. The City is also working with a consultant to update the Active Transportation Plan.
CIRC – 2	As a part of implementation of the City’s bicycle master plan, the City will work with local irrigation districts, the County, local railroad concerns, other property owners, and other agencies and interested parties to acquire and/or use existing easements and rights-of-way for development of off-street pedestrian and bicycle pathways.	X		CDD	The Community Development Department has been in discussion with BNSF and Sierra Northern Railway to utilize some Right-of-Way for off-street pedestrian and bicycle pathways along Patterson Road. Through these discussions, the City is working on developing a safe, efficient multi-modal system for Patterson Road. The City is currently collecting funds to complete a Non-Motorized Transportation Master Plan, and plans to complete the non-motorized plan by mid-2021.
CIRC – 3	Develop a Travel Demand Management ordinance that requires large employers to provide incentives for employees to commute via transit, bicycle, on foot or by carpool rather than the SOV commute	X		CDD	No Action in 2020.
CIRC – 4	Revise street improvement standards to be consistent with this Circulation Element, including consideration on equal footing of all locally available forms of travel.	X		CDD, PW, ENG	The City revised street improvement standards to be consistent with Complete Streets, LID Development Standards and MS4 requirements. The new street standards were adopted by City Council in 2016. The City continues to enforce their street standards adopted in 2016. No Action in 2020.

Agency Codes**City of Riverbank & Local**

CC City Council
 CM City Manager
 PC Planning Commission
 CDD Community Development Department
 ENG Engineering Department
 LRA Local Redevelopment Agency

PW Public Works Dept
 F Finance Department
 EDH Economic Development and Housing
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Regional, State, Federal and Private

StanCOG Stanislaus Council Of Governments
 SC Stanislaus County
 DOT Caltrans
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 SJVAPCD San Joaquin Valley Air Pollution Control District

Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
CIRC – 5	Coordinate with relevant transit providers and include, as appropriate, transit improvements in the Capital Improvements Plan (CIP).	X		CDD, PW, F	The Community Development Department, Finance Department and the Public Works Department work with transit providers and update the City's Capital Improvement Plans (CIP) annually.
CIRC – 6	The City will actively pursue State and Federal funding for developing, improving, and enhancing bicycle and pedestrian routes in the existing developed City.	X		CDD, F	Funding continues to be pursued for the development of bicycle and pedestrian amenities. In 2020, the City continued to work on the completion of their Non-Motorized Transportation Master Plan.
CIRC – 7	Develop and implement a Parking Master Plan to coordinate and manage parking in the City.	X		CDD, PW	No Action in 2020. Parking in the Downtown Area has not been a problem.
CIRC – 8	Work with surrounding jurisdictions, the County, and StanCOG to develop regional solutions to regional vehicular transportation issues.	X		CDD, PW, ENG	City Council, Planning Commission and Community Development Department will continue to work with the County and StanCOG to develop regional solutions to regional vehicular transportation.
Community Character and Design Element					
DESIGN – 1	Establish distinctive crosswalks at major street intersections and other locations expected to generate significant pedestrian traffic in the existing City, as funding allows.	X		F, CDD	Utilizing CMAC and Safe Routes to School funds, the City is currently re-designing the Patterson Road and Roselle Avenue intersection to improve circulation and overall safety for non-motorized travelers, including students on bicycles. In 2020, the city continued to collect funding for their Non-Motorized Transportation Master Plan. Additionally, the City is in the design phases of a Complete Street located at the intersection of Callander Avenue and Santa Fe Street. Last, the City completed a sidewalk project along the southern edge of Patterson Road between First Street and Terminal Avenue.

Agency Codes**City of Riverbank & Local**

CC City Council
 CM City Manager
 PC Planning Commission
 CDD Community Development Department
 ENG Engineering Department
 LRA Local Redevelopment Agency

PW Public Works Dept
 F Finance Department
 EDH Economic Development and Housing
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
DESIGN – 2	Where appropriate opportunities and sufficient right-of-way exists, the City will modify wide streets into boulevards with landscaped medians or landscaped strips between the roadway and sidewalks to visually and functionally enhance streets for pedestrians.	X		CDD, ENG, PW	The City developed standard street widths to include landscaped medians and landscaped strips between roadways for minor and major collectors and minor arterials in 2016. No Action in 2020. The City continues to enforce the standards adopted in 2016.
DESIGN – 3	The City will establish design standards and parking requirements for accessory dwelling units.	X		CDD	In 2017 the City adopted reduced parking standards for accessory dwelling units. The City received an SB2 grant amount of \$160K in 2020 to collaborate with a consultant, establish design standards and parking requirements, conduct community outreach, and conduct a fee study for accessory dwelling units and tiny houses. A consultant has been selected for this project.
DESIGN – 4	Pursue improvements downtown that reduce effective Downtown street widths in relationship to building height and bulk, while allowing for automobile movements.		X	CDD	The Downtown Specific Plan was adopted in 2015. No Action in 2020. The City continues Implementation Actions to enforce the Downtown Specific Plan.
DESIGN – 5	Prepare comprehensive streetscape plans for Patterson Road, Atchison Street/Highway 108, 1 st Street, Claribel Road, Oakdale Road, Roselle Avenue, and Claus Road.		X	CDD, ENG	A Streetscape plan for Patterson Road, east of Roselle Avenue is currently being developed to include Complete Streets Principles, including a Bicycle Path adjacent to the BNSF/Sierra Railroad. Other Streets and intersections will be improved as funds become available. Further in 2020, the City commenced the design of a Complete Street at the intersection of Callander Avenue and Santa Fe Street.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
DESIGN – 6	The City will define the edges, focal points, and landmarks of the Downtown. The City will establish gateways to Riverbank.	X		CDD	The Downtown Specific Plan identifies “gateways to Downtown” as 108/Patterson Road to the west and Atchison Street/Highway 108 to the east. Additionally, the revised DTSP expanded the east gateway, along Atchison Street.
DESIGN – 7	Adopt development standards that minimize environmental impacts of development through an appropriate balance of regulations and incentives	X		CDD	The City continues to minimize environmental impacts of development through the implementation and oversight of the California Environmental Quality Act (CEQA) where mitigation is assessed on project that may have a significant impact on the environment. Further, the City has a relationship with the appropriate State and Federal environmental agencies allowing them to comment and assess appropriate mitigation on development projects. The City also works with developers to ensure that mitigation is practical and feasible for their development plans.
DESIGN – 8	Projects shall provide artwork by a qualified artisan(s) within their developments as approved by the Director of Community Development	X		CDD	The Community Development Department, Planning Commission and City Council continue to consider artwork by qualified artisan(s) within development projects. This will continue to be approved by the Community Development Director.
Economic Development Element					
ED – 1	Continue to dedicate staff resources to economic development activities, and identify ways to improve upon existing initiatives	X		F, CDD, EDD	The Finance Department, Community Development Department and Economic Development Department continue to dedicate staff resources to economic development activities. In 2020, staff attended valuable economic development training workshops and seminars.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
ED – 2	Continue to identify funding resources, and apply for those resources for which the City of Riverbank qualifies	X		EDD, F	The City will continue to identify funding resources and apply for those resources for which the City of Riverbank qualifies. The City applied for and received a \$160K SB2 grant and a \$150K LEAP grant in 2020 to streamline housing development.
ED – 3	Continue to leverage redevelopment funds to develop programs and initiatives that improve the physical environment and business climate within the project area	X		EDD, CDD	There has not been any work done to leverage redevelopment funds due to the demise of redevelopment.
ED – 4	Work with Modesto Junior College, Stanislaus Alliance Worknet, other public agencies, and private job training providers to develop and refine job training programs that meet the needs of private industry and prospective businesses seeking to locate in Riverbank	X		EDD	City staff continues to meet with Opportunity Stanislaus, to identify existing businesses and potential businesses that could benefit from their programs and resources.
ED – 5	Identify opportunities to locate job training sites in Riverbank. Most of the existing job training and business assistance resources are based in Modesto. If a major facility development or expansion can be attracted to Riverbank, opportunities should be explored to base any resultant job training activities within Riverbank.	X		EDD, CDD	No action necessary. The Community Development Department will explore options for job training in Riverbank as opportunities arise when new expansion or development occurs. The recently approved Aeriz project is expected to bring 400 jobs over 3 phases of development to the city, including a job-training program for the mentally challenged.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
ED – 6	Implement a business outreach program that identified home-based businesses operating in Riverbank	X		EDD	No action in 2020.
ED – 7	Implement a business outreach program that prioritizes businesses and/or industry sectors that constitute the most prominent sources for jobs and fiscal revenue in Riverbank	X		EDD	No action in 2020.
Ed – 8	Assign City staff and personnel from appropriate agencies to a “rapid response” team that will respond to changes in the job training and workforce development needs for large employers in Riverbank	X		All Depts.	No Action in 2020.
Ed – 9	Develop specific marketing messages for different industry sectors, based on Riverbank’s strengths, market position, and future growth opportunities	X		EDD	In 2020, the City continues to update the Oppsites webpage which list vacant and underutilized parcels.
ED – 10	Refine business attraction targets to include business-to-business suppliers. Business suppliers would potentially include material distributors, services providers, and component manufacturing.	X		EDD	No action in 2020.
ED – 11	Systematically track available land, and available building vacancies. Continually update the information and identify the most efficient and cost-effective methods for distributing the information, including web-based systems.	X		CDD	The Community Development Department utilizes the County’s Geographical Information Systems (GIS) to track available land (vacant land) as well as Oppsites.com, mentioned above.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
ED – 12	The City should contract with a sales tax accounting firm to provide customized and quarterly updated audits of the City's sales tax receipts	X		EDD	No Action in 2020.
ED – 13	Dedicate staff resources to tracking employment and payroll trends, in order to monitor progress toward community goals for economic development	X		EDD	No Action in 2020.
ED – 14	Implement a residential survey that includes information on where Riverbank residents work and their occupations	X		EDD	No Action in 2020. The City continues to participate in the Federal Census which supplies information regarding population, where residents work and their occupations.
Ed – 15	Facilitate the formation of business district committees, and assist those districts that wish to further explore the benefits and implementation steps for the creation of a Business Improvement District	X		EDD	No action in 2020 due to a lack of interest by businesses.
ED – 16	Proactively use the business outreach process to identify priorities for business climate improvement	X		EDD	No Action in 2020.
ED – 17	Include the redevelopment agency in any efforts to improve the local business climate within the redevelopment district	X		EDD, CDD	There has not been any work done to include the redevelopment agency due to the demise of redevelopment.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
ED – 18	Initiate a hotel/lodging feasibility study to identify the types, numbers, and appropriate locations of lodging facilities that Riverbank could attract.	X		EDD	No Action in 2020 on a feasibility study but city staff has contacted known hotel developers and provided them with information on building and zoning in Riverbank
ED – 19	Prioritize business attraction initiatives in the categories identified in Goal ED-6.	X		EDD	In late 2015 the City adopted a Grease Interceptor Waiver Program and a Conditional Waiver to Install Grease Interceptors Program to encourage restaurants to locate in the downtown. No Action in 2020.
ED – 20	Identify options and preferred alternatives for rail spur locations and potential relocations, particularly as they pertain to the reuse of the Riverbank Army Munitions site.	X		CC, LRA	The Riverbank Industrial Complex Specific Plan (Former Army Ammunitions Plant) was adopted by City Council in March of 2013. The Plan identified options in regards to the rail spurs in and out of the Riverbank RAAP.
ED – 21	Initiate a retail leakage study in order to identify retail and other local-serving attraction opportunities that remain, and project the future growth in household retail demand and supportable establishments.	X		EDD	No Action in 2020.
ED – 22	Initiate a feasibility study that identifies market opportunities for entertainment and recreational uses in Riverbank, particularly as they apply to creating an arts district in downtown Riverbank.	X		EDD	No Action in 2020.
	Implementation Action	Timeframe		Dept/	Status of Implementation

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Action Number		On-going	0 – 5 years	Agency	
ED – 23	Continue to identify and procure the necessary funding to fully implement the streetscape improvement plans identified in the Downtown Revitalization Plan.	X		F, EDD, CDD	No Action in 2020, the City continues to implement the Downtown Specific Plan adopted in 2015.
ED – 24	Continue to facilitate special events in downtown Riverbank.	X		P&R, F, EDD	During 2020, the Parks and Recreation Department held many successful events, which engaged the community and encouraged them to get involved. The largest event typically is the annual Riverbank Cheese and Wine Festival, but did not occur due to the current Covid-19 pandemic.
ED – 25	Initiate a fiscal impact analysis that identifies fiscal costs and benefits associated with specific types of development.	X		F, EDD, CDD	No Action in 2020.
ED – 26	Identify options such as Zoning Code changes, corridor planning for older commercial areas, and specific plans for new growth areas that would implement and promote mixed use development.	X		CDD	In 2019, the City annexed 401 acres of the Crossroads West Specific Plan, an area adjacent to City Limits. The Crossroads West Specific Plan features a mixed-use type development with many types of land uses including commercial, residential, and parkland. The City has approved two tentative maps
ED – 27	Prepare an urban design plan for downtown Riverbank to compliment business attraction, redevelopment strategies, and streetscape improvements.	X		CDD	The Downtown Specific Plan was adopted in 2015 and includes urban design standards for the Downtown area.
ED – 28	Continue to network with regional agencies as part of the City's economic development program, and include Latino/Hispanic business organizations as part of this strategy.	X		EDD	The City continues to network with regional agencies as part of the City's economic development program. No action necessary.
	Implementation Action	Timeframe		Dept/	Status of Implementation

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Action Number		On-going	0 – 5 years	Agency	
Conservation and Open Space Element					
CONS-1	1) Require development projects and subdivisions be consistent with, and implement land use planning and greenhouse gas emission reduction measures developed pursuant to the regional Sustainable Community Strategy. 2) Develop a Sustainable Agricultural Strategy to minimize the agricultural production loss to urban development	X		CDD, CC, PC	This Action is ongoing. Development Projects, as they are processed, are required to comply with the County's Sustainable Community Strategy.
CONS – 2	Adopt a “right-to-farm” ordinance that informs residents of ongoing agricultural practices at the edges of Riverbank and protects farmers and other agriculture interests from dumping, nuisance, complaints, and other problems typically associated with new residents on the City fringe.		X	CDD	No Action in 2020. The City of Riverbank Sustainable Agricultural Strategy was adopted by City Council in 2016.
CONS – 3	Seek funding to assist private owners in the preservation of buildings and site of historic importance	X		CDD, EDD	No Action in 2020.
CONS - 4	Seek funding for implementing energy efficient improvement and utilities infrastructure renewal projects	X		CDD, PW, EDD	No Action in 2020.

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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Safety Element					
SAFE – 1	Work with the Department of the Army to ensure successful clean-up and reuse of the decommissioned Riverbank Ammunition Plant	X			The Riverbank RAAP was selected for closure as part of the Base Realignment and Closure (BRAC) plan of 2008. The Local Redevelopment Agency continues to work with the Department of the Army and the Federal Environmental Protection Agency to ensure the successful clean-up and reuse of the plant. In November of 2013, the Riverbank Industrial Complex Specific Plan was adopted by City Council. In 2017 PCB clean-up was completed at the site. In 2020, Land transfers between the Department of the Army to the City of Riverbank continue and the City has finalized a contract with a Master Developer to develop the existing and remaining parcels of the site.
SAFE – 2	Implement and periodically update disaster plans, including the City’s Emergency Operations Plan		X	CDD, EDD	In 2016 the City updated and adopted its Emergency Operations Plan. In 2020 City department leaders met with Office of Emergency Services.
SAFE – 3	Will coordinate with public safety service providers serving the City to ensure proper training and disaster preparedness and periodic testing of equipment and facilities	X			In 2020 City department leaders met with the OES and participated in health and safety measures considering the 2020 Covid-19 pandemic.

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SAFE – 4	Support the purchase and maintenance of proper emergency communication systems and equipment and other necessary tools dealing with emergencies.	X			No Action in 2020.
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
Noise Element					
NOISE – 1	Update implementing ordinances related to noise consistent with the policies of this element and City redevelopment and revitalization planning	X		CC, PC, CDD	This action has not been implemented due to the demise of Redevelopment. The Community Development Department, City Council and Planning Commission will continue to implement the Noise element on a project-by-project basis, ensuring that specific projects do not affect adjacent land uses that may be sensitive, such as schools and residential.
NOISE – 2	Ensure that personnel charged with enforcing such ordinances are properly trained and equipped for on-site measurement techniques and other necessary tasks	X		CDD	Depending on the Project, a Noise Analysis may be commissioned to ensure that the project is consistent with the Noise Element of the General Plan and any applicable ordinances. This may be done in-house or by an outside consultant.
NOISE – 3	Coordinate with StanCOG and Caltrans to ensure transportation planning and improvement programs are consistent with this element	X		CC, PC, CDD	The City Council, Planning Commission and Community Development Department will continue to work with StanCOG and Caltrans to ensure transportation planning and programs are consistent with the Noise Element.
Public Services and Facilities Element					

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PUBLIC – 1	Coordinate with area reclamation districts, Stanislaus County, the City of Modesto, and other agencies and jurisdictions for planning and coordinating drainage programs and policies on an area wide and regional basis.	X		CDD	The City continues to participate in the Storm Drainage partnership with multiple local agencies to address state requirements for storm water.
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
PUBLIC – 2	Develop a park master plan that describes the standards, design, land requirements, locations, planning, and funding to support the City's existing and future park system	X		P&R	In 2020, the City began work with a consultant to update the Parks Master Plan.
PUBLIC – 3	Update the water, wastewater, and stormwater drainage master plans at least every five years to ensure the appropriate level of service is maintained as the City grows, and to ensure that appropriate projects include a capital improvements planning and can be funded		Complete, 2015	CDD	The City's 2010 Urban Water Management Plan was adopted by City Council on January 27, 2015.
PUBLIC – 4	Coordinate with the United States Postal Service and other public agencies serving Riverbank, regarding needs for expansion, satellite locations, and other issues related to land use planning	X		CDD	The City has ongoing contact with the Post Office in regards to the locations of gang mail boxes in new subdivisions.
Air Quality Element					
AIR – 1	Develop a program to reduce daily emissions of nitrogen oxides	X		CDD	No Action in 2020. The City continues to consult with the San Joaquin Valley Air Pollution Control District (SJVAPCD) whom enforces federal air quality standards.

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AIR – 2	Develop a local greenhouse gas reduction program	X		CDD	No Action in 2020. The City continues to consult with the SJVAPCD whom enforces federal greenhouse gas reduction programs.
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Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	0 – 5 years		
AIR – 3	Pursue and use State and Federal funds earmarked for bicycle and transit improvements, transit-oriented planning and development, and other planning and improvement grant programs intended to encourage alternatives to automobile transportation	X		CDD, EDD, F	The City continues to pursue and use State and Federal funds earmarked for the programs listed in AIR-3.
AIR – 4	Coordinate with local irrigation districts, the County, Caltrans, and other interested parties to develop bikeways and pedestrian paths along canals, abandoned railroad lines, and other easements and rights-of-ways	X		CDD, P&R	The Community Development Department has been in discussion with Hetch-Hetchy Water and Power to develop a dog park or multi-use path on SFPUC Right-of-Way. No Action in 2020.
AIR – 5	Develop planning strategies and supportive ordinances addressing Downtown Riverbank and West Riverbank	X		CDD	The City annexed the Crossroads West Plan Area in June 2019 and new Tentative Map applications and Improvement Plans have been submitted for 484 homes in West Riverbank.
AIR – 6	In planning and budgeting for transportation infrastructure, before considering constructing more roadway capacity, the City of Riverbank will consider measures to increase the capacity of the existing road network	X		CC, PC, CDD, PW, ENG	The Community Development Department, Public Works Department and Engineering will continue to consider measures to increase the capacity of the existing road network prior to considering constructing more roadway capacity. City Staff is currently revising the City's Standard Street Widths,

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					which will incorporate DOT's directive of Complete Streets and LID Standards (MS4 Requirements).
Action Number	Implementation Action	Timeframe		Dept/ Agency	Status of Implementation
		On-going	On-going		
AIR – 7	Coordinate with transit providers on the portion of long-range transit plans serving Riverbank and accommodate necessary facilities such as bus pull-outs, bus shelters, information kiosks, street furniture, lighting, etc.	X		CDD	The Community Development Department continues to consider transit plans serving Riverbank for new development.
AIR – 8	Require project proponents to prepare health risk assessments in accordance with Air District-recommended procedures as part of environmental review when the proposed industrial process has associated air emissions that have been designated by the State as a toxic air contaminant or, similarly, by the federal government as a hazardous air pollutant	X		CDD	The Community Development Department will continue to work with SJVAPCD to ensure that new projects are mitigating air quality impacts. Air Emissions are calculated and reviewed by SJVAPCD.

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2020 General Plan Annual Progress Report
Exhibit B: Housing Element Annual Progress Report – 2020
Reported Data – January 1, 2020 – December 31, 2020

Jurisdiction	Riverbank
Reporting Year	2020 (Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

Note: "+" indicates an optional field

Cells in grey contain auto-calculation formulas

(CCR Title 25 §6202)

Table A

Housing Development Applications Submitted

[illegible]

Jurisdiction	Riverbank	
Reporting Year	2020	(Jan. 1 - Dec. 31)

ANNUAL ELEMENT PROGRESS REPORT
Housing Element Implementation
 (CCR Title 25 §6202)

This table is auto-populated once you enter your jurisdiction name and current year data. Past year information comes from previous APRs.
 Please contact HCD if your data is different than the material supplied here

Table B													
Regional Housing Needs Allocation Progress													
Permitted Units Issued by Affordability													
		1	2									3	4
Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	321		33								33	288
	Non-Deed Restricted												
Low	Deed Restricted	206		38								38	168
	Non-Deed Restricted												
Moderate	Deed Restricted	217											217
	Non-Deed Restricted												
Above Moderate		536	52		13	40	18	25				148	388
Total RHNA		1280											
Total Units			52	71	13	40	18	25				219	1061

Note: units serving extremely low-income households are included in the very low-income permitted units totals
 Cells in grey contain auto-calculation formulas

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction	Riverbank		
Reporting Year	2020	(Jan. 1 - Dec. 31)	
Table D			
Program Implementation Status pursuant to GC Section 65583			
Housing Programs Progress Report			
Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.			
1	2	3	4
Name of Program	Objective	Timeframe in H.E	Status of Program Implementation
Program 1.1a	The City shall revise, as needed, the amount of land designated for various residential uses in conjunction with the amount of and types of housing produced in the previous year to determine if any changes in the General Plan and Zoning Ordinance may be needed to meet the City's Housing Needs.	2014-2023	The City has sufficient land within their Sphere of Influence to accommodate the City's Housing needs. The City annexed 404 acres of land into City limits and expects +/- 2,100 housing units.
Program 1.1b	Annexation and Prezone of the Crossroads West Specific Plan Area.	By End of Year 2017.	Stanislaus County LAFCO approved the approval of the annexation of the Crossroads West Specific Plan Area into the City in June 2019.
Program 1.2a; Program 1.2b	Track changes in land availability and accomplishments in multi-family development in order to determine if further rezoning is necessary to better facilitate high-density developments.	On-Going	In 2020, the City continued to participate in 'Oppsites', which list, available, vacant and/or underutilized sites within the City. The City has been responsive to inquiries regarding these sites, and will continue to participate throughout the cycle. Further, there were no Rezones or General Plan Amendment in 2019; therefore, the City does not need to rezone to facilitate high-density developments.
Program 2.1a	Seek assistance from non-profit developers to develop homes for lower-income families.	On-Going	As a new member of Stanislaus Urban County, the City is working with Self-Help Enterprises to create affordable housing options and/or assistance through two CDBG programs: the Homebuyers Program and the Housing Rehabilitation Program.

Program 2.1b	Continue to assist developers in the development of extremely low, very low, and low income housing in the grant preparation process to help fund their developments.	On-Going	The City did not receive any applications for affordable housing in 2020. Further, the City did not receive any grants for affordable housing in 2020.
Program 2.1c; Program 2.1d	Encourage developers to include second dwelling units in new subdivisions.	On-Going	All Applicants of new development applications receive a copy of the City's Accessory Dwelling Unit regulations. Further, the Planning and Building Manager share at Developer meetings held early in the design process.
Program 2.1e; Program 2.1f	Housing for Farmworkers	On-Going	The City received anSB2 grant award to plan for accessory dwelling units through Tiny Homes with a consultant and homeless, farmworker, and senior housing.
Program 2.1g; Program 2.1h	2.1g: Updates to the R-1 and R-2 Zoning Districts to include Transitional and Supportive Housing; 2.1h: Amend Zoning Ordinance to comply with Health and Safety Code 17021.5 and 17021.6 and allow farmworker housing in the R-1 Zoning District.	12/31/2017	These items were completed in 2017.
Program 2.1i	The City shall refer residents to the Valley Mountain Regional Center for housing and services available to persons with developmental disabilities	On-Going	As needed, the City will refer residents to the Valley Mountain Regional Center. The City has not yet pursued State and Federal monies for direct support of housing construction and rehabilitation specifically targeted for housing for persons with developmental disabilities.
Program 2.1j	The City shall encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use.	On-Going	As development applications are received, the City will encourage and provide opportunities for development within the Infill Area of Opportunity Area. Further, in 2020, the City continued to update their profile on Oppsites.com, which features areas of the City that are undeveloped or underutilized. Many of the sites listed are infill areas of opportunity.
Program 2.1k	Participation in the Stanislaus County and Support Service Collaborative and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County.	On-Going	The City of Riverbank continues to participate in the Stanislaus County Housing and Support Collaboration and the Continuum of Care to help address homeless needs in Riverbank and Stanislaus County.

Program 2.2a; Program 2.2b	No net loss of Housing Units within the Downtown Specific Plan Area. Work with developers and Non-Profit Providers on the implementation of Downtown Specific Plan.	On-Going	The City continues to work with developers seeking to redevelop property within the Downtown Specific Plan Area. Further, the City continues to encourage two to one replacement of any existing housing units displaced by redevelopment projects in Downtown Area. In 2020, there were no projects within the Downtown Specific Plan Area that displaced any housing units.
Program 2.2c	The City shall encourage the development of new housing of upper stories and mixed-use buildings in the Downtown Core area of the Specific Plan.	On-Going	In 2020, the City worked with various developers interested in the Downtown Specific Plan Area and encouraged mixed-use development with the City.
Program 3.1a	Continue to promote the use of Planned Development zones for developers who wish to deviate from setback, parking, or other standards which may limit their ability to develop at a desired density.	On-Going	The City continues to work with developers who seek to use Planned Development Zones to deviate from City Standards to create more economically feasible projects. The City received applications for new Tentative Maps and which are in the staff review stage: Riverbank Enclave (18 units), and Countryside III (25 units).
Program 3.1b	Waive fees for General Plan Amendments which increase density.	On-Going	The City did not receive any General Plan Amendment Applications in 2020.
Program 3.1c	Utilize computer software to help fast-track building permits, saving both developer and staff time.	On-Going	In 2020, the City met with various consultants who utilize software that expedite the building permit and plan review process.
Program 3.1d	Parking as a development constraint	On-Going	The City continues to work with developers who state that parking standards are a constraint for development.
Program 3.1e	System development fee deferral	3/31/2016	This program was completed in 2016.
Program 4.1a-c	Continue to actively seek State and Federal Funding for the rehabilitation of homes.	On-Going	As a new member of Stanislaus Urban County, the City is working with Self-Help Enterprises to create affordable housing options and/or assistance through two CDBG programs: the Homebuyers Program and the Housing Rehabilitation Program.

Program 4.2a	Discourage land division of sites currently zoned high-density residential	On-Going	The City did not receive a development application to divide land currently zoned for high density residential in 2020.
Program 4.2b	Monitor any units which may be deemed at-risk for conversion into market-rate housing.	On-Going	No units in 2020 were at risk of being converted from affordable to market rate.
Program 5.1a	Continue to promote equal housing for ALL persons	On-Going	The City continues to disseminate information in a variety of ways regarding rehabilitation and first-time homebuyer programs. The City also continues to main information on State and Federal fair housing laws at City Hall South. Any discussion with the public where a victim of housing discrimination is identified is referred to the appropriate agency for assistance.
Program 5.1b	Maintain the draft General Plan Housing Element Review on the City's Website. Develop an evaluation matrix to determine the consistency between the Housing Element policies and programs and other Elements of the General Plan.	On-Going	The 2020 Housing Element Annual Progress Report will be posted on the City website. In addition, the Planning Commision and City Council will review the Annual Progress Report at regularly scheduled public hearings. Staff continues to develop a consistency matrix.
Program 6.1a-c	Continue to implement state energy-efficient standards	On-Going	The City enforces the California Building Code which implements state standards.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.2

SECTION 10.2 : NEW BUSINESS

Meeting Date: March 23, 2021

Subject/ Title: **Certificate of Correction – Crawford Road Name Change.** The project consists of a proposed name change for Crawford Road between Oakdale Road to the west and Roselle Avenue to the east

From: Sean Scully, City Manager

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

RECOMMENDATION

That the City Council review the materials and adopt a Resolution on one of the options below:

1. Authorize the City Engineer to prepare and record a Certificate of Correction to change the name of Crawford Road, between Oakdale Road on the west and Roselle Avenue on the east, to Westgate Drive; or
2. Deny the request to change Crawford Road to Westgate Drive.

BACKGROUND

As an approved Tentative Subdivision Map moves forward through the Final Map approval process, the developer suggests street names for the subdivision which are placed on the Final Map and approved by City Council. Before these names can be placed on the Final Map, staff submits the proposed names to 19 agencies in Stanislaus County for review and approval. Street names that are the same or similar to street names close to the project are rejected for safety reasons. When a fire truck or ambulance races to the scene of an emergency, they need to be able to go straight to the correct location as mere seconds can save lives.

Proposed street names were submitted for review for the Crossroads West Unit 1 subdivision (Attachment 2). Some of those names (like Fig Tree Way and Satinleaf Drive) were approved, while others (like Coral Lane and Amberleaf Drive) were denied. One street name, Westgate Drive was conditionally approved (highlighted in pink in the attachment). The commentor stated the Westgate Drive name, submitted to replace Crawford Road through the Crossroads West Specific Plan area, is only approved “if

Crawford Road is blocked at the approximate City/County boundary and *all* remaining sections of Crawford Road, east to Roselle Avenue, are changed to Westgate Drive.”

Crawford Road will be blocked and rerouted in fact, at the approximate City/County boundary due to the request of the ranchette owners west of the City/County boundary who were concerned about the amount of traffic that could increase in front of their homes. When the future reroute occurs, the new roadway will shift to the north of these homes that are on existing Crawford Road, so this future roadway cannot be called Crawford Road. On the attached aerial (Attachment 3), staff has added green lines to show the Crawford Road/Oakdale Road intersection and the Crawford Road/Roselle Avenue intersection.

ENVIRONMENTAL

The changing of a street name is not a Project pursuant to CEQA Guidelines as it can be seen that there will be no impact to the environment.

FISCAL IMPACT

There are no businesses or residences fronting Crawford Road that would need to change their stationery or cheques. The only cost should be the purchase of several street signs with the Westgate Drive name and Public Works time to install them. This estimated impact is expected to be minor in nature and the road sign switch out can be coordinated to coincide with the map being recorded the official changes being incorporated into the system.

ATTACHMENTS

1. Resolution No. 2021-XXX
2. Street Name Approval List (Stanislaus County)
3. Aerial of Crawford Road

CITY OF RIVERBANK

RESOLUTION NO. 2021-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, CHANGING THE NAME OF CRAWFORD ROAD TO WESTGATE
DRIVE (FROM OAKDALE ROAD EAST TO ROSELLE AVENUE) AND
AUTHORIZING THE CITY ENGINEER TO RECORD A CERTIFICATE OF
CORRECTION WITH STANISLAUS COUNTY**

WHEREAS, the City of Riverbank has received a request to change the name of Crawford Road to Westgate Drive between Oakdale Road and Roselle Avenue; and

WHEREAS, there are no homes or businesses fronting existing Crawford Road which would be impacted; and

WHEREAS, a Certificate of Correction recorded by the City Engineer will be necessary to accomplish this change.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby changes the name of Crawford Road to Westgate Drive and authorizes the City Engineer to record a Certificate of Correction.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of March, 2021; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Annabelle H. Aguilar, CMC
City Clerk

Richard D. O'Brien
Mayor

TENTATIVE

PROPOSED STREET NAMES APPROVAL LIST



Requested by	Department	Subdivision	Date Submitted
Janet Smallen	Riverbank Planning Department	Crossroads West-Phase 1 Unit 1	2/1/2021 & 2/9/2021 & 3/1/2021

**Address Ranges for Requested Streets: N/S: 5500-5600
E/W: 2000-2199**

Tentative SR911 Approval Y/N	Street Name*	Comments/County Conflicts:
Y	Aliso Lane	
N	Amberleaf Drive	
Y	Avena Way	
Y	Burnbrae Way	
N	Cassia Lane	
N	Coral Lane	
Y	Fig Tree Way	
N	Pastache Lane	
Y	Pistache Lane	
Y	Satinleaf Drive	
Y**	Westgate Drive	** This is approved only if Crawford Road is blocked at the approximate City/County boundary and <i>all</i> remaining sections of Crawford Road, east to Roselle Avenue, are changed to Westgate Drive.

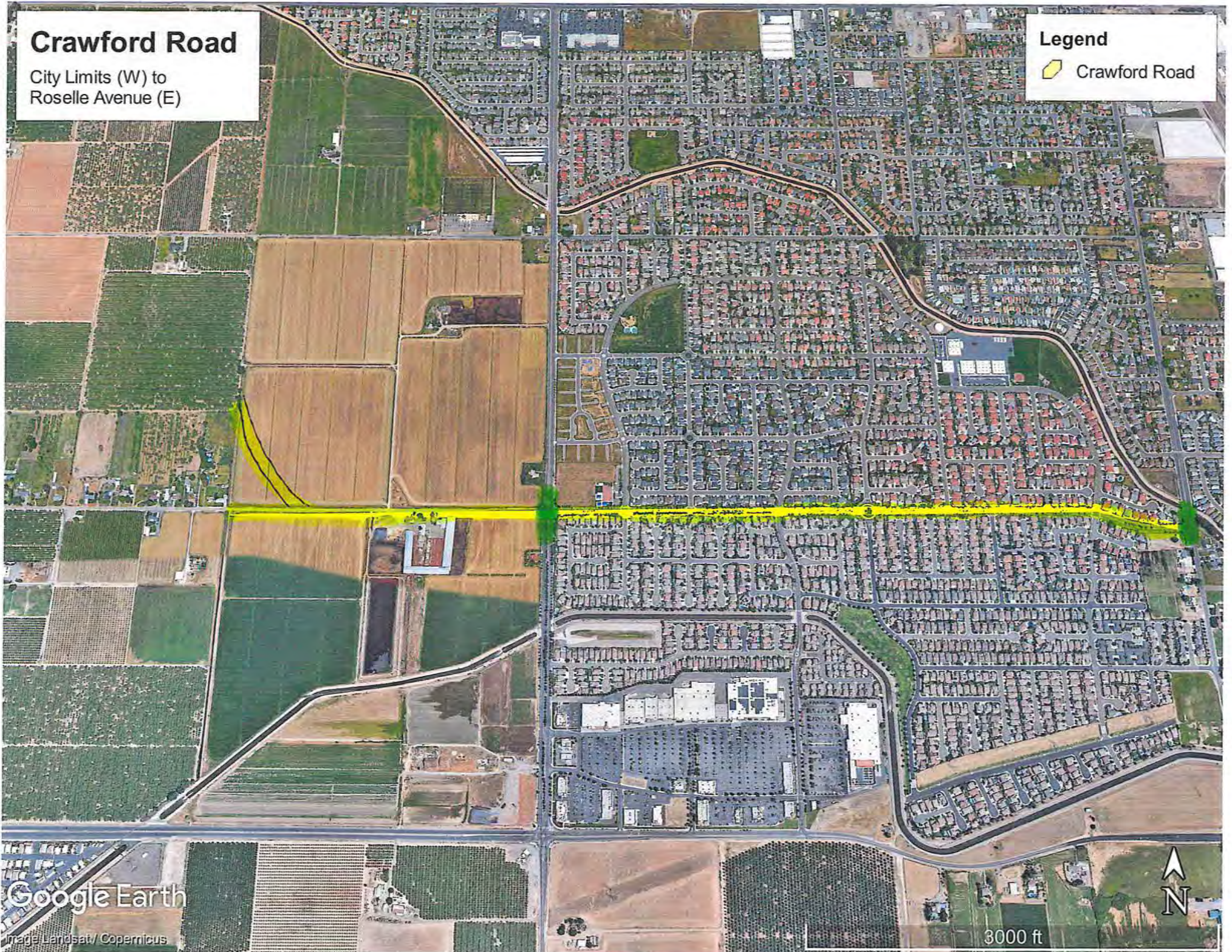
*All streets must have a street type suffix, i.e., St, Dr, Way, Ave, etc.

Crawford Road

City Limits (W) to
Roselle Avenue (E)

Legend

 Crawford Road



RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.3

SECTION 10.3: NEW BUSINESS

Meeting Date:	March 23, 2021
Subject:	Utility Billing Discussion and Feedback
From:	Sean Scully, City Manager
Submitted by:	Marisela H. Garcia, Assistant City Manager/Administrative Services Director

RECOMMENDATION

It is recommended that the City Council provide feedback on the options presented regarding utility billing during the coronavirus ("COVID-19") pandemic.

SUMMARY

City Hall lobby closures have continued to limit resident's ability to make payments in person. In addition, many residents have made contact with staff stating that they have continued to face layoffs and work schedule reductions during this time in certain economic segments hindering their ability to make payment. It is requested that Council provide feedback on potential options regarding payment of utility bills which are due by March 31, 2021 and May 31, 2021.

BACKGROUND

The transmission of COVID-19 has occurred at an accelerated pace since its introduction into the United States just weeks ago. With the rate of transmission only increasing, it is imperative that local jurisdictions do everything in their power to prepare for, respond to, mitigate, and recover from COVID-19.

On March 16, 2020, the Assistant Director of Emergency Services issued a Proclamation of Existence of a Local Emergency. Proclaiming a local emergency is a prerequisite for requesting and receiving any available federal or state funding. By declaring a local emergency, the City can obtain additional resources, establish an immediate plan, and respond quickly to urgent situations. This will minimize disruptions and allow the City to focus on day-to-day operations while addressing the spread of COVID-19 as effectively and efficiently as possible.

As part of the COVID-19 response, the City has closed all City buildings in an effort to protect the public and employees. This has hindered our residents' ability to make in-

person payment on the utility bill that is currently due on March 31, 2021. As of the writing of this report, the City has yet to determine the length of time that City offices will be closed. The City has publicized the various alternative payment options available to the public such as:

- Online via Xpress Bill Pay
- Online via residents online banking service
- Phone via Xpress Bill Pay (1-800-720-6847)
- Check/Money Order in City Drop Box at City Hall South
- In person at two “Checkfree Pay” Authorized Locations: Riverbank Food Center and O’Brien’s Market.

On March 16, 2020 Governor Newsom issued an Executive Order which authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and utility bills. The Governor has asked the CPUC to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including electric, gas, water, internet, landline telephone, and cell phone service on a weekly basis.

There will be two billings due for the remainder of the Fiscal Year 2020-2021. It is recommended that the City Council provide feedback for these two billings in order to finalize discussions on this item for this fiscal year.

Given the guidance from the Governor and in an effort to avoid having residents contact City Hall South requesting to make payment arrangements we are presenting the following options for feedback:

1. **Status Quo:** Due dates and Penalty Application would be as follows:

Billing Due Date	Penalties Applied
March 31, 2021	April 1, 2021
June 1, 2021	June 2, 2020

2. **Delay the due date** on the utility bills due and apply penalties as follows:

Billing Due Date	Penalties Applied
April 14, 2021	April 15, 2021
June 14, 2021	June 15, 2021

3. **Do not apply penalties** for delinquent bills after the March 31, 2021 due date.

Billing Due Date	Penalties Applied
March 31, 2021	None.
June 1, 2021	None.

Pursuant to the Governor’s orders, staff will not perform shut-offs for delinquent billings during the months of April - June.

It is requested that Council provide feedback on any one or combination of options presented.

OPTIONS AVAILABLE TO RESIDENTS FOR UTILITY BILL ASSISTANCE

On February 24, 2021 Stanislaus County announced that it was accepting applications for its Emergency Rental Assistance Program. This program was funded via the allocation received from the Consolidated Appropriations Act of 2021 that was passed by Congress on December 21, 2020. Stanislaus County and the City of Modesto received \$16.4 million from the Federal government and an additional \$19.5 million from the State of California. This funding is made available to all Stanislaus County residents to assist households unable to pay rental and utility arrears accrued due to the COVID-19 pandemic between April 1, 2020 and March 31, 2021.

For information or to apply, residents may visit www.stanrentassist.com or call 1-877-211-7826.

STRATEGIC PLAN

This report is indirectly related to the City Council's Strategic Plan Goal to "Improve Public Safety" and "Maintain a High Quality of Life".

FINANCIAL IMPACT

Option 1: No financial impact to the City

Option 2: Delays the cash flow to the City

Option 3: Loss of approximately \$60,000 in fees for the two billing cycles. The loss of Penalty/Delinquent fee revenue could impact the City's ability to provide funding for the Utility Rate Assistance Program.

ATTACHMENT

There are no attachments to this item.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.4

SECTION 10.4: NEW BUSINESS

Meeting Date: March 23, 2021

Subject: General Local Public Health COVID-19 Update and Discussion of Ongoing City Operations

From: Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council receive an update, discuss the matter, and provide any direction to staff as deemed necessary.

SUMMARY

As Council is well aware, the majority of the past calendar year was spent managing series of ongoing matters directly and indirectly related to COVID19. Stanislaus County has experienced the worst period in terms of transmission of the virus over the past 30-60 days. At the time this staff report was written there were 51,748 confirmed cases reported within Stanislaus County since the initial tracking of virus statistics began in March/April of 2020. 50,093 of those cases are presumed to be recovered with roughly 681 current active cases, and a total of 974 deaths attributed to COVID -19 within the County.

Since Council last heard an update of this type in January of 2021, infection trends have improved significantly with average case rates dropping over the past two months. There have also been improvements in ICU availability as well as other key metrics tracked locally and at a state level. Additionally, vaccination efforts have steadily improved as supply lines have improved over the past month.

On March 16th Stanislaus County issued a press release stating “Stanislaus County remains in purple tier this week with an adjusted case rate of 11.8 cases per 100,000 residents. However, because Stanislaus County’s Positivity Rate (7-day average) of 4.9% and Health Equity Quartile Positivity Rate of 4.7% have both fallen below 5%, the County currently qualifies for the next “Red” tier. In order to advance to the red tier, Stanislaus County will need to improve or maintain both these rates for one more week, while also improving or maintaining its adjusted case rate. If this is accomplished, the California Department of Public Health will place Stanislaus County into the red tier on Tuesday, 3/23.” (press release attached).

Provided that these numbers continue to improve the movement into the red tier will allow for a variety of sector reopenings. The City has maintained general office closure to the public. In general staff has been able to maintain productivity with minimal interruption by using technology and other creative alternatives to normal face to face business.

DIRECTION

Depending on a variety of factors (primarily those related to the vaccine) it is possible that transmission rates over 2021 will continue to decline which has allowed for management to begin the process of planning for eventual reopening of City offices and facilities to the public. While it would be staffs' recommendation that these plans be aligned with eventual sector reopening as dictated by the State guidelines the Council can consider any number of alternatives. Dependent on Council desires, Council could begin to have discussion about transition timelines as it relates to phased reopening of City offices as well as discussion about when some limited in person City Council or Planning Commissions could recommence. Staff has been in the process of working through some safe reopening guidelines that have been provided by the City's Risk Management Authority. Staff believes it should be able to have most of this work completed for a more concrete set of recommendations by the first meeting in April.

FINANCIAL IMPACT

Specifics of overall financial impact of the emergency to the City budget are unknown at this time. However, it is highly likely that the City will eventually see revenue reductions in sales tax and other market affected revenue sources as the linger effects and damage to the economy from the pandemic is fully realized. This will be addressed during final budget deliberations by Council. Fortunately, the American Recovery Act (recently signed into law) will be providing funding to address some (but not all) of the budgetary losses incurred during the pandemic. Staff is gathering information and guidance on this and will be reporting to Council on this in the very near future.

ATTACHMENTS

1. Stanislaus County Press Release



HEALTH SERVICES AGENCY

P.O. Box 3271, Modesto, CA 95353
Fax: (209) 558-8320
www.hsahealth.org

NUMBER: 21-12
FOR RELEASE: Immediate

DATE: March 16, 2021
CONTACT: Kamlesh Kaur
PHONE: (209) 558-6833

Stanislaus County, CA — Stanislaus County remains in purple tier this week with an adjusted case rate of 11.8 cases per 100,000 residents. However, because Stanislaus County's Positivity Rate (7-day average) of 4.9% and Health Equity Quartile Positivity Rate of 4.7% have both fallen below 5%, the County currently qualifies for the next "Red" tier. In order to advance to the red tier, Stanislaus County will need to improve or maintain both these rates for one more week, while also improving or maintaining its adjusted case rate. If this is accomplished, the California Department of Public Health will place Stanislaus County into the red tier on Tuesday, 3/23.

The red tier allows for more business operations to reopen, such as restaurants and gyms opening indoors with modifications, and allows schools (grades 7-12) to welcome back their students.

"As our cases continue to drop, we must remain vigilant in our efforts in stopping the spread of COVID-19 so more sectors of our community, including our schools, can open," said Dr. Julie Vaishampayan, Stanislaus County Public Health Officer. "Following all the recommendations to prevent the spread of this disease, including testing, masking, distancing, and getting the vaccine when it's your turn can help our community move forward faster and start recovering."

Community-wide testing helps provide surveillance data of COVID-19 while informing people when they are infected so they can avoid spreading the virus to others. Increased testing will also help Stanislaus County advance to the next tier, as it will improve the "adjustment" of the County's case rate. Stanislaus County continues to follow the guidance listed under [State's Blueprint for a Safer Economy](#).

What can you do to help us reach the Red Tier?

- [Get tested](#) for COVID-19
- Wear a mask when in public or around those who are not a part of your household
- Stay at least six feet away from people outside of your household
- Wash your hands often
- Limit gatherings or mixing with people you don't live with
- Stay home if you are sick
- [Get vaccinated](#) against COVID-19 when it's your turn

Stanislaus County Public Health continues to work closely with all our partners in the Emergency Operations Center to address the COVID-19 pandemic through guidance provided by the U.S. Centers for Disease Control and Prevention (CDC), the California Department of Public Health, and other partners. For more information on the cases in Stanislaus County, please visit www.schsa.org/coronavirus

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RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.5

SECTION 10.5: NEW BUSINESS

Meeting Date:	March 23, 2021
Subject:	Approval to re-open Recreation Programs and Outdoor Facility Reservations
From:	Sean Scully, City Manager
Submitted by:	Sue Fitzpatrick, Director of Parks and Recreation

RECOMMENDATION

It is recommended that the City Council consider providing direction on the proposed re-opening of Recreation Programs and outdoor facility reservations.

SUMMARY

With schools resuming and the COVID-19 positive cases declining, the Parks and Recreation Department is requesting City Council approval to begin preparations for the re-opening some of the Recreation Department programs beginning April 12, 2021. The opening of programs would occur as the public health department allows and within the protocols that are required.

BACKGROUND

During the summer of 2020, the City Parks and Recreation Department were able to run our aquatics program and day camps with COVID-19 protocols in place. All of our large events, such as movies in the park and concerts in the park were cancelled. We were unable to reserve our picnic shelters within our parks as we discouraged large gatherings. Our winter/fall large events were also cancelled.

PROGRAMS TO BE RE-OPENED

NOTE:The majority of these recommendations assume that Stanislaus County successfully entered into the “red tier” as dictated by the state. If the public health conditions do not allow movement to the red tier (or if conditions worsen) staff will reevaluate what can and cannot open.

Tot Time Program: This program is offered at the Scout Hall three days per week from 9am-noon. The next two sessions would run from April 12th through May 28th. This program does not operate during the summer months. These last two sessions would operate at a reduced capacity of 12 participants per session.

Teen Center: The center would re-open beginning April 12th. The center is open Monday through Friday from 2:45pm – 5:45pm with some weekend activities. The City of Escalon have opened their center and are requesting that we have some joint programs. Staff would ensure that the center operates at a reduced capacity and that appropriate safety precautions are in place to comply with public health guidelines, masks would be required.

Aquatics: Lifeguard Trainings would begin in May with the pool opening in June. Recreation Swim, Swim Team and swim lessons would all begin in June. Pool rentals would be allowed with reduced capacity.

Day Camps: Day camps would begin in June.

Movies in the Park: Movies in the Park would occur in June and July. Plenty of area would be provided to social distance.

Park Reservations: Park reservations would resume April 1st, allowing the City to better control the picnic shelter gatherings. Reduced capacity and appropriate safety requirements will be implemented as long as the public health department requires it.

Sports Complex Rental & Riverbank Youth Baseball/Softball: Rental for outdoor sports programs will resume beginning April 1st. These rental groups will provide and follow COVID-19 protocols.

The following programs will be presented to the City Council for opening approval at a later date:

Concerts in the park
Gymnasium Programs
Community Center and Scout Hall Rentals

STRATEGIC PLAN

The opening of programs supports the City of Riverbank's Strategic Plan's goals by maintaining a high quality of life for our residents through recreational opportunities for all ages.

FINANCIAL IMPACT

Overall, the financial impact of these programs is reflected in the 2020-2021 fiscal year budget. Resuming our reservation system will have a positive impact on our revenue that helps to offset impacts to the General Fund.

ATTACHMENT

There are no attachments to this report.

RIVERBANK CITY COUNCIL AGENDA ITEM NO. 10.6

SECTION 10.6: NEW BUSINESS

Meeting Date:	March 23, 2021
Subject:	Subdivision Improvement Agreement Crossroads West Phase 1
From:	Sean Scully, City Manager

RECOMMENDATION

It is recommended that the City Council consider the proposed resolution approving the subdivision improvement agreement with DMG Development L.P. for Crossroads West Phase 1 and directing the City Manager to execute the agreement.

SUMMARY

In October of 2020 the Development Services Department approved Tentative Parcel Map 01-2020 which subdivided the previously approved large lot map into the first phase of the Crossroads West project. Since that time, staff and the first phase builder (FCB Homes) have worked on the necessary approvals and plan design for the needed infrastructure improvements to serve the first phase subdivision.

One of the primary final steps in subdivision map process is the approval of a final map which subdivides the parcels into the legal smaller parcels that will end up being the individual lots planned for homes, right of way for streets and utilities, and area for park lands or other public areas. Commonly, there are two ways to achieve a final map; the first way is for the developer to install all necessary required infrastructure improvements (roads, street lighting, water/sewer lines, etc) in advance of requesting the final map. The second route to achieving final map (which is commonly used for financing purposes or to facilitate economies of scale in the development process) is to enter into a subdivision improvement agreement which provides security for the City that the improvements will be completed as required by the tentative map conditions of approval. In the past the City of Riverbank has facilitated final map completion in cooperation with developer via both methods depending on the individual needs and timelines of each project.

DMG Development L.P. began the process of on-site grading and is ready to begin the infrastructure improvement process. DMG Development L.P. has requested the Council consider approval of a final map (this will be agendized at the next regularly scheduled Council meeting). As such the Riverbank Municipal Code requires that a subdivision improvement agreement be approved in advance of approval of a final map.

The attach document is a standard subdivision improvement agreement that lays out many of the specific bonding and insurance requirements set forth within the Riverbank Municipal code. Specifics of the agreement have also been tailored to fit the circumstances of Crossroads West Phase 1. Approval of this document will allow the developer to request final map consideration by Council.

The estimated cost of the required infrastructure improvements for Phase 1 are approximately \$3,083,276. This estimate has been reviewed and approved by the City Engineer. §152.076 of the Riverbank Municipal Code requires that two specific improvement securities are filed with the City; the first improvement security shall secure faithful performance of the agreement in the amount equal to 100% of the estimated costs of improvements and the second shall secure the obligations set forth in Cal Govt. Code §66499.3(b) or payment of the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements, and shall be in an amount equal to 50% of the total estimated cost of the improvements.

The Riverbank Municipal Code provides a variety of options for builders to provide these securities, in this case the builder will be providing bonds by one or more duly authorized corporate sureties. The agreement also provides for inspection requirements, insurance, legal protection and required completion timelines (by the builder) for the City.

The City Attorney has reviewed the document to form.

FINANCIAL IMPACT

No direct financial impact as a result of the agreement, however approval of the agreement will facilitate the development moving forward in an expedited fashion which will in turn facilitate the building of the first phase single family residential units.

ATTACHMENTS

1. Resolution 2021 -XXXX
2. Exhibit A - Subdivision Improvement Agreement between the City of Riverbank and DMG Development L.P. for Crossroads West Phase 1.

CITY OF RIVERBANK

RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK, CALIFORNIA, APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT FOR CROSSROADS WEST PHASE 1 BETWEEN THE CITY OF RIVERBANK AND DMG DEVELOPMENT L.P. AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the City Council approved the Crossroads West project in 2019 annexing approximately 380 acres of commercial and residential land into City limits; and

WHEREAS, significant infrastructure improvements are needed in order to serve the newly annexed area for future growth; and

WHEREAS, DMG Development L.P. will be the builder of the first residential phase of development within Crossroads West; and

WHEREAS, FCB will be requesting Council consider approval of a final map for Crossroads West Phase 1 at the April 13, 2021 City Council meeting; and

WHEREAS, the Riverbank Municipal Code requires that if improvements are not complete when final map is considered for approval that a subdivision improvement agreement be entered into to; and

WHEREAS, the subdivision improvement agreement has been developed in cooperation with DMG Development L.P. and City of Riverbank staff.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank hereby declares the following:

1. The City Council approves the subdivision improvement agreement as presented attached hereto as **Exhibit A**.
2. The City Council directs the City Manager to execute the attached subdivision improvement agreement subject to verification and receipt of the securities required within the agreement and any other requirements as set forth by the agreement.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 23rd day of March, 2020; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

Annabelle H. Aguilar, CMC
City Clerk

APPROVED:

Richard D. O'Brien
Mayor

Attachment: Exhibit A – Subdivision Improvement Agreement Copy

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Riverbank
6707 Third Street
Riverbank, CA 95367
Attn: City Clerk

Exempt from recording fees
(Gov. Code §§ 6103 and 27383)

(Space above this line for Recorder's use)

SUBDIVISION IMPROVEMENT AGREEMENT FOR CROSSROADS WEST, UNIT 1 SUBDIVISION

This **SUBDIVISION IMPROVEMENT AGREEMENT** ("Agreement") is made and entered into this ____ day of _____ 2021, by and between the City of Riverbank, a California municipal corporation ("City") and DMG Development, L.P., a California limited partnership ("Subdivider"). City and Subdivider may herein be referred to individually as a "Party" and collectively as the "Parties". There are no other parties to this Agreement. This Agreement is made with reference to the following:

RECITALS

A. Subdivider is possessed of a tract of land consisting of approximately 15.54 acres, lying in the City of Riverbank, County of Stanislaus, California, known as "Crossroads West Unit 1" (the "Subdivision").

B. On October 1, 2019, the Planning Commission approved Tentative Subdivision Map No. 06-2018 for the Subdivision with conditions of approval (the "Tentative Map"). Resolution No. 2019-016 approving the Tentative Map is attached hereto as **Exhibit A** and incorporated herein by this reference (the "Resolution of Approval"). In addition, on October 7, 2020, the Development Services Department with Resolution 2020-004 approved Tentative Parcel Map 01-2020, attached hereto as **Exhibit B** and incorporated herein by reference ("The Resolution of Approval").

C. The Tentative Map is subject to the Subdivision Map Act (Gov. Code § 66410 *et seq.*) and the City's ordinances and regulations related to the filing, approval, and recordation of subdivision maps (together, the "Subdivision Laws") and the requirements and conditions contained in the Resolution of Approval.

D. Complete improvement plans for the construction, installation, and completion of the improvements ("Improvement Plans") have been prepared by Subdivider and approved by the City of Riverbank City Engineer ("Engineer") and Planning and Building Manager or her designee ("Manager").

E. Subdivider has presented to the City a proposed final map ("Final Map") for the Subdivision, pursuant to the provisions of the Subdivision Laws for approval and recordation.

F. In order for the City to approve and record a Final Map for the Subdivision, the Subdivider must either complete all of the improvements required by the Subdivision Laws, Resolution of Approval, Improvement Plans and Tentative Map ("Improvements"), or execute an agreement with the City to complete the Improvements within a specified period of time.

G. In order for the City to approve and record a Final Map for the Subdivision, Subdivider desires to enter into this Agreement, whereby Subdivider promises to install and complete, at Subdivider's sole cost, expense and risk, all of the Improvements required in connection with the Subdivision, including but not limited to grading work, constructing and installing the Improvements, and all labor that is required to complete these tasks to the satisfaction of the City ("Improvement Work").

H. Subdivider has secured this Agreement by depositing security with the City consisting of a cash deposit, bond, or letter of credit in form acceptable to the City to secure a one-year warranty of workmanship in accordance with the terms provided herein (the "Securities").

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the Parties agree as follows:

AGREEMENT

1. Recitals. The recitals above ("Recitals") are true and correct and are hereby incorporated into and made part of this Agreement. In the event of any inconsistency between the Recitals and Sections 1 through 23 of this Agreement, Sections 1 through 23 shall prevail.

2. Effective Date and Term. This Agreement shall only become effective on the date that both Subdivider and the City have executed this Agreement (the "Effective Date"), and shall terminate only after the release of all Securities, unless this Agreement is terminated in writing signed by both Parties.

3. Dedication. Except as otherwise provided in this Agreement or in the action of the City Council approving the Final Map, the City hereby rejects all lands, rights-of-way and easements offered for dedication on the Subdivision Map or by separate instrument. Such offers, however, shall remain open and constitute irrevocable offers of dedication in accordance with Government Code section 66477.2. All such offers of dedication may be accepted by the City in its sole discretion at any later date without any further notice to the Subdivider.

4. Installation of Required Improvements. Subdivider agrees to furnish, construct and install at Subdivider's own expense the Improvements, as shown on the Improvement Plans, which are to be installed to the sole satisfaction of the Manager and will be on file in the Development Services Department. The Improvement Plans may only be modified by the Subdivider subject to prior written approval by the Manager.

5. Subdivider's Obligations. Subdivider shall perform each of the following, at all times, throughout the term of this Agreement:

A. Complete, at Subdivider's sole cost and expense in a good and workmanlike manner, all of the Improvements in conformance with the Resolution of Approval (and any amendments thereto), the Subdivision Laws, and all applicable standards under City codes and ordinances and the City's general plan related to the Improvements (collectively, the "Improvement Standards").

B. Commence construction of the Improvements within three (3) months from the Effective Date of this Agreement. Subdivider shall notify the Manager in writing three days before the commencement of construction of the Improvements.

C. Complete all Improvements within twelve (12) months from the Effective Date of this Agreement, unless otherwise approved or extended in writing by the City Manager for good cause, after written application by Subdivider. Such application shall state fully the grounds and facts showing good cause for such extension to be granted. In granting any extension of time, the City may require a new or amended subdivision improvement agreement to reflect increases in the costs of constructing the Improvements or other conditions related to the extension of time.

D. Furnish and pay for all necessary equipment, labor and materials to complete the Improvements in conformity with the Improvement Standards.

E. Replace or repair all public improvements, private property, public utility facilities, and surveying or subdivision monuments that are destroyed or damaged in the performance of any work related to this Agreement. Subdivider shall bear the entire cost of replacement or repairs of any and all public or private property damaged or destroyed in the performance of any work related to this Agreement. Any repair or replacement work shall be to the satisfaction, and subject to the approval, of the Manager.

F. Provide safe access for inspection by the City to the Improvements.

G. Give good and adequate warning to the public of each and every dangerous condition existing on or near the Improvements, and take reasonable action to protect the public from any such dangerous condition.

H. Perform all construction work related to installing the Improvements between 6:00 a.m. and 6:30 p.m. on weekdays and between 8:00 a.m. and 5:00 p.m. on weekends and legal holidays, unless otherwise approved in writing by the Manager.

I. Require each contractor and subcontractor to have a competent foreman on the job at all times when that contractor or subcontractor, or any employee or agent thereof, is performing any work related to the Improvements. Subdivider shall maintain an office with a telephone and Subdivider or a person authorized to make decisions and act for Subdivider in Subdivider's absence shall be available at the site of any Improvements within three (3) hours of being called at such office by the City at any time when construction work is being performed on the Improvements.

J. Assume all costs for utility and cable television undergrounding or relocation which is not the responsibility of the cable television, gas, electric, telephone or other utility company under the terms of any franchises with the City or otherwise imposed upon the utility companies by law.

K. Obtain and comply with all necessary permits and licenses for the construction and installation of the Improvements, give all necessary notices, and pay all fees and taxes required by law.

6. Estimated Cost of Improvements. The total estimated cost of the Improvements, as provided by Subdivider and reviewed and confirmed by the Engineer and Manager, is three million eighty-three thousand two hundred and seventy-six dollars (\$3,083,276).

7. Title to Improvements. The City shall not accept any property to be dedicated or the Improvements unless they are constructed in conformity with the Improvement Plans and Improvement Standards, to the satisfaction of the Engineer and Manager. Subdivider shall retain title to, shall be responsible for, and shall bear the risk of loss to, any of the Improvements constructed or installed, until such time as the Improvements are accepted by the City. Title to and ownership of the Improvements and any real property to be dedicated shall vest absolutely in the City upon completion and acceptance of such Improvements by the City Council. The City shall not accept the Improvements unless title to the Improvements is entirely free from all liens. Prior to acceptance, at City's request, Subdivider shall supply the City with appropriate lien releases, at no cost to and in a form acceptable to the City.

8. Acquisition and Dedication of Easements or Rights-of-Way. If any of the Improvements are to be constructed or installed on land not within the Subdivision or an already existing public right-of-way, no construction or installation shall commence before:

A. The irrevocable offer of dedication or conveyance to City of appropriate rights-of-way, easements or other interests in real property, and appropriate authorization from the property owner to allow construction or installation of the Improvements; or

B. The issuance of an order of possession by a court of competent jurisdiction pursuant to the State Eminent Domain Law (Cal. Code Civ. Proc. § 1230.010 *et seq.*). Subdivider shall comply in all respects with any such order of possession.

9. Final Acceptance of Work. Acceptance of the Improvement Work on behalf of the City shall be made by the City Council upon recommendation of the Engineer and Manager, after satisfactory completion and inspection of all Improvements. Such acceptance shall not constitute a waiver by the City of any defects or deficiencies in the Improvements.

10. Repair of Defective Work. If, however, within a period of one (1) year after final acceptance by the City Council of the Improvements, any portion of the Improvements or any work done under this Agreement fails to fulfill any of the requirements of this Agreement, the Improvement Plans or the Improvement Standards, Subdivider shall without delay and without any cost to City, repair, replace or reconstruct any defective or otherwise unsatisfactory part or

parts of the Improvements or work. If the Subdivider fails to act promptly in accordance with this requirement, or if the exigencies of the situation require repairs or replacements to be made before Subdivider can be notified or correct the situation, then the City may, at its option, make the necessary repairs or replacements or perform the necessary work, and Subdivider shall pay to City the actual cost of such repairs plus fifteen percent (15%) within thirty (30) days of the date of billing for such work by City.

11. Securities. Concurrently with or before the Effective Date of this Agreement, Subdivider shall furnish to the City:

A. *Faithful Performance Security.* The Subdivider shall file with this agreement, two improvement securities, each to be in an amount based upon the total estimated cost of the improvements as determined by the City Engineer. One improvement security shall secure faithful performance of the agreement and shall be in an amount equal to 100% of the estimated cost of the improvement. The second improvement security shall secure the obligations set forth in Cal. Gov't Code § 66499.3(b), for payment of the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvements, and shall be in an amount equal to 50% of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

- i. A cash deposit or deposits.
- ii. A bond or bonds issued by one or more duly authorized corporate sureties.
- iii. A savings and loan certificate and/or share.
- iv. An instrument or instruments of credit from an agency of the state, federal, or local government when any such agency provides at least 20% of the financing for the portion of the act or agreement requiring security, or from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.
- v. Any other form of improvement security authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the Council, of money or negotiable bonds of the kind approved for security deposits of public money.

B. *Guarantee and Warranty Security.* Securities to guarantee workmanship shall be in the amount of ten percent (10%) of the estimated cost of the Improvements, as stated in Section 6 above, to guarantee and warrant the Improvements for a period of one (1) year following their completion and acceptance against any defective work or labor done, or defective materials.

C. *Forfeiture of improvement security.* In the event the Subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the city shall have to complete same, or if the Subdivider shall fail to reimburse the city for the cost of inspection, engineering, fees and incidental expense, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and shares, instrument of credit, or cash deposit shall exceed all cost and expenses incurred by the city, it shall release the remainder of such bond, savings and loan certificate or share of cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the city, the Subdivider shall be liable to the city for such difference.

D. *Bonds.* Any bonds submitted as Securities shall be executed by a surety company authorized to conduct a surety business in California and shall be in a form as specified by the Subdivision Laws and approved by the City. All Securities deposited as bonds under this Agreement shall be irrevocable, shall not be limited as to time (except as to the guarantee and warranty period), and shall provide that they may be released, in whole or part, only upon the written approval of the Director, as provided under the Subdivision Laws and in Section 12 below. All Securities shall expressly obligate the surety for any extension of time authorized by the City for Subdivider's completion of the Improvements, whether or not the surety is given notice of such an extension by the City. No change, alteration or addition to the terms of this Agreement or the plans and specifications incorporated herein shall in any manner affect the obligation of the sureties, except as required by the Subdivision Laws.

E. *Records.* Evidence of the Securities required by this Agreement shall be kept on file with the City Clerk. If the City Council gives specific, written approval to replace the Securities by another approved security, such replacement Securities shall be filed with the City Clerk and, upon filing, shall be deemed to be incorporated into this Agreement. Upon filing of replacement Securities with the City Clerk, the replaced Securities may be released.

12. Release of Securities. The Securities required by this Agreement shall be released in accordance with the Subdivision Laws and the following provisions:

A. *Release of improvement security.* Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Cal. Gov't Code § 66499.7, as it now exists or is hereafter amended, and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval of the Council.

B. *Guarantee and Warranty Securities.* The Securities provided for guarantee and warranty of workmanship shall be released after one (1) year following the completion and acceptance of the Improvements, and inspection thereof by the City's Construction Inspector and approved by the Engineer. If, however, the Engineer and Manager determine there are defects in the Improvements that require correction pursuant to Section 10 above, the Manager shall utilize the Securities to make all necessary corrections, including payment of reasonable expenses and fees and attorney's fees.

13. Inspections.

A. The City reserves the right to inspect all Improvements at any time. Subdivider shall at all times maintain safe access for inspection of the Improvements.

B. Upon completion of the Improvements the Subdivider may request a final inspection by the City's Construction Inspector. If the Construction Inspector determines that the Improvements have been completed in accordance with all Improvement Standards and Subdivision Laws, then the Manager shall certify the completion of the Improvements to the City Council, to accept or reject in their sole discretion. The City bears no liability for any costs or expenses resulting from delays in inspections.

C. Subdivider shall bear all costs of inspection and certification, including but not limited to the direct costs of all third-party inspection agencies and City inspection consultants.

14. Default of Subdivider.

A. *Default of Subdivider.* Events of default by ("Default") by Subdivider may include, but shall not be limited to, any of the following:

i. Subdivider's failure to timely complete construction of the Improvements;

ii. Subdivider's failure to timely cure any defect in the Improvements to the satisfaction of the Manager;

iii. Subdivider's failure to timely deposit additional Securities as may be required by this Agreement;

iv. Subdivider's insolvency, appointment of a receiver, or the filing of any petition in bankruptcy either voluntary or involuntary which Subdivider fails to discharge within thirty (30) days;

v. the commencement of a foreclosure action against the Subdivision or a portion thereof, or any conveyance in-lieu or in avoidance of foreclosure; or

vi. Subdivider's failure to perform any material obligation under this Agreement.

B. *Notice of Default.* In the event of Subdivider's default, Subdivider shall be deemed to be in breach of this Agreement and the City may serve written notice upon Subdivider and Subdivider's surety, if any, of the breach of this Agreement. Subdivider shall have fifteen (15) days from receipt of written notice by City to cure any default.

C. *Remedies; Performance by City.*

i. In the event of Subdivider's default under this Agreement, and the applicable cure period set forth in this Paragraph has expired without such default having been cured, the City may thereafter deliver a notice of breach to Subdivider and Subdivider's surety, if any. If the default remains uncured within fifteen (15) days from receipt of the written notice of breach, Subdivider authorizes the City to complete all work on the Improvements at the sole expense of Subdivider, and Subdivider authorizes to utilize the Securities to complete all work on the Improvements and to pay all labor costs of contractors, subcontractors and workers related to the Improvements. The City may take over the Improvements and prosecute the same to completion, by contract or by any other method the City may deem advisable, for the account and at the expense of Subdivider, and Subdivider shall be liable to City for any excess cost or damages incurred by the City thereby. In the event the City takes over the Improvements or prosecutes the same to completion, the City, without liability for so doing, may take possession of, and utilize such materials, appliances, equipment, plant and other property belonging to Subdivider as may be necessary for completion of the Improvements.

ii. The City reserves to itself all remedies available to it at law or in equity for breach of Subdivider's obligations under this Agreement. The right of the City to draw upon or utilize the Securities is additional to and not in lieu of any other remedy available to the City.

iii. Failure of Subdivider to comply with the terms of this Agreement shall constitute consent to the filing by the City of a notice of violation against all the lots in the Subdivision, or to rescind the approval or otherwise revert the Subdivision to acreage. The remedy provided by this Subsection is in addition to and not in lieu of other remedies available to the City, and is not required to implement other available remedies. Subdivider agrees that the choice of remedy or remedies for Subdivider's default shall be at the discretion of the City.

iv. In the event that Subdivider fails to perform any obligation hereunder, Subdivider agrees to pay all costs and expenses incurred by the City in securing performance of such obligations, including but not limited to costs of suit and attorney's fees, costs of Improvements in the event of failure of performance, and all administrative costs. Such costs and fees shall be a proper charge against the Securities of Subdivider.

v. The failure of the City to take an enforcement action with respect to a default or breach, or to declare a default or breach, shall not be construed as a waiver of that default or breach or any subsequent default or breach of Subdivider.

D. *Lien.* In accordance with the Subdivision Laws (Gov. Code § 66499), the recordation of this Agreement creates a lien attached to the property underlying the Subdivision and has the priority of a judgment lien in the amount necessary to complete the Improvements.

15. Environmental Warranty.

A. For purposes of this Agreement, the terms below have the following meanings:

i. “Environmental Laws” shall mean any federal, state, or local law, rule, regulation administrative or court order, ordinance, regulatory guidance document, standard, or requirements of any government authority regulating, relating to, or imposing liability standards of conduct concerning Hazardous Substances, or that pertains to the protection of human health or the environment, including, but not limited to, the Comprehensive Environmental Response, Conservation and Liability Act of 1980 (42 U.S.C. §§ 9601 *et seq.*); the Resource Conservation and Recovery Act of 1976 (42 U.S.C. §§6901 *et seq.*); the Clean Water Act (33 U.S.C. §§1251 *et seq.*); the Toxic Substances Control Act (15 U.S.C. §§ 2601 *et seq.*); the Hazardous Materials Transportation Act (29049 U.S.C. §§ 1801 *et seq.*); the Insecticide, Fungicide and Rodenticide Act (7 U.S.C. §§ 136 *et seq.*); the Superfund Amendments and Reauthorization Act (42 U.S.C. §§ 6901 *et seq.*); the Clean Air Act (42 U.S.C. §§ 7401 *et seq.*); the Safe Drinking Water Act (42 U.S.C. §§ 300f *et seq.*); the Solid Waste Disposal Act (42 U.S.C. §§ 6901 *et seq.*); the Surface Mining Control and Reclamation Act (30 U.S.C. §§ 1201 *et seq.*); the Occupational Safety and Health Act (29 U.S.C. §§ 655, 657); the California Underground Storage of Hazardous Substances Act (Health and Safety Code §§ 25280 *et seq.*); the California Hazardous Waste Control Act (Health and Safety Code §§ 25100 *et seq.*); the California Safe Drinking Water and Toxic Enforcement Act (Health and Safety Code §§ 24249.5 *et seq.*); and the Porter-Cologne Water Quality Control Act (Water Code §§ 13000 *et seq.*); together with any amendments of or regulations promulgated under the statutes cited above.

ii. “Hazardous Substances” or “Hazardous Substance” shall include any hazardous, toxic or dangerous waste, substance or material, pollutant or contaminant, as so defined under any Environmental Laws or any substance which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic or otherwise hazardous, or any substance which contains gasoline, diesel fuel or other petroleum hydrocarbons, polychlorinated biphenyls (PCBs), radon gas, urea formaldehyde, asbestos, lead, or electromagnetic waves. Hazardous Substances include any hazardous or toxic substance, material or waste which is regulated by the State of California, the United States government, or any other governmental authority with jurisdiction over the Property. Hazardous Materials include asbestos and any other hazardous waste or substance which has, as of the date hereof, been determined to be hazardous or a pollutant by the U.S. Environmental Protection Agency, the U.S. Department of Transportation, or any instrumentality authorized to regulate substances in the environment which has jurisdiction over the Property which substance causes the Property (or any part thereof) to be in material violation of Environmental Laws.

B. Prior to acceptance of any Improvements by the City, Subdivider shall provide the City with a written warranty that:

i. Subdivider and the property being dedicated are in compliance with all Environmental Laws and are not subject to any existing, pending or threatened investigation by a federal, state, or local governmental authority regarding violations of Environmental Laws.

ii. Subdivider and its third party agents, contractors and subcontractors have not used, generated, manufactured, produced, discharged, or released on, under, or about the property to be dedicated, any Hazardous Substance except in accordance with all applicable Environmental Laws.

iii. Subdivider has not caused or permitted the release or discharge of, and has no knowledge of the release, discharge, or presence of Hazardous Substances on the property to be dedicated or the migration of any Hazardous Substances from or to any other property adjacent to, or in the vicinity of, the property to be dedicated.

C. Throughout the term of this Agreement, Subdivider shall give written notice within fifteen (15) days to the City of:

i. Any proceeding or investigation by any federal, California, or local governmental authority regarding the presence of Hazardous Substances on the property to be dedicated or the migration thereof from or to any other property adjacent to, or in the vicinity of, the property to be dedicated;

ii. Any claims made or threatened by any third party against the City or property to be dedicated regarding any loss or injury resulting from any Hazardous Substances; and

iii. Subdivider's discovery of any occurrence or condition on any property to be dedicated or any property adjacent to, or in the vicinity of the property to be dedicated that could cause the property to be dedicated or any part thereof to be subject to any restrictions on its ownership, occupancy, use for the purpose for which it is intended, transferability, or suit under any Environmental Law.

16. Design or Construction Defect.

A. After acceptance of the Improvements, the Subdivider shall remain obligated to eliminate any defect in design or dangerous condition caused by a latent design or construction defect.

B. Provisions of this section shall remain in full force and effect for ten (10) years following the acceptance of the Improvements by the City.

C. It is the intent of this section that Subdivider shall be responsible for all liability for design and construction of the Improvements and that the City shall not be liable for any negligence, nonfeasance, misfeasance, or malfeasance in approving, reviewing, checking, or correcting any plans or specifications or in approving, reviewing or inspecting any Improvement Work. The Securities shall not be required to cover the provisions of this paragraph.

17. No Agency Relationship. Neither Subdivider nor any of Subdivider's agents or contractors are or shall be considered to be agents of the City in connection with the performance of Subdivider's obligations under this Agreement. City elected and appointed councils, commissions, officers, agents, employees and representatives ("City Agents") shall not, be liable

or responsible for any accident, loss or damage, regardless of the cause, happening or occurring to the Improvement Work or Improvements specified in this Agreement prior to the completion and acceptance of the Improvement Work or Improvements. All such risks shall be the responsibility of and are hereby expressly assumed by Subdivider.

18. Other Agreements. Nothing contained in this Agreement shall preclude the City from expending monies pursuant to agreements concurrently or previously executed between the Parties, or from entering into agreements with other Subdividers for the apportionment of costs of water and sewer mains, or other improvements, pursuant to the provisions of the City ordinances providing therefore, nor shall anything in this Agreement commit the City to any such apportionment.

19. Indemnity/Hold Harmless.

A. The City and City Agents shall not be liable and Subdivider agrees to indemnify, hold harmless and defend the City and City Agents from any and all claims, costs, and liability for claims of damage, for any property damage or personal injury, including death, which may arise as a result of any negligent acts or omissions by Subdivider or Subdivider's contractors, subcontractors, agents, or employees in connection with the construction, improvement, or operation, of the Improvements, including all claims, demands, causes of action, liability, or loss because of, or arising out of, in whole or in part, the design or construction of the Improvements. This indemnification and agreement to hold harmless shall extend to injuries to persons and damages or taking of property resulting from the design or construction of the Subdivision and the Improvements as provided herein, and in addition, to injuries to adjacent property owners as a consequence of the diversion of waters from the design or construction of public drainage systems, streets and other Improvements.

B. Acceptance by the City of the Improvements shall not constitute an assumption by the City of any responsibility for any damage or taking covered by this Section.

C. Provisions of this paragraph shall remain in full force and effect for ten (10) years following the acceptance by the City of the Improvements. It is the intent of this section that Subdivider shall be responsible for all liability for design and construction of the Improvements installed or Improvement Work done pursuant to this Agreement and that City shall not be liable for any negligence, nonfeasance, misfeasance, or malfeasance in approving, reviewing, checking, or correcting any plans or specifications or in approving, reviewing or inspecting any Improvement Work. The Security shall not be required to cover the provisions of this section.

D. City shall not be liable for approving, reviewing, checking, or correcting any plans or specifications or for approving, reviewing or inspecting any Improvement Work. Nothing contained in this section is intended to, or shall be deemed to, limit or waive any protections or immunities afforded by law to the City or City Agents for the approval of the plan or design of the Improvements, including but not limited to the protections and immunities afforded by Government Code section 830.6. Subdivider shall defend, indemnify, and hold harmless the City and City's Agents from any claim, action, or proceeding against City or City Agents to attack, set aside, void, or annul an approval of the City or City Agents concerning the Subdivision.

20. Insurance. Without limiting Subdivider's duty to indemnify the City, Subdivider shall maintain in effect throughout this Agreement a policy or policies of insurance with the specifications and limits of liability specified herein.

A. Proof of Insurance.

i. Subdivider shall provide to the City a properly executed certificate of insurance, in a form satisfactory to the City Attorney for commercial general liability coverage; automobile liability, worker's compensation and employer's liability insurance, and excess coverage from an insurance provider approved by the City and licensed by the California Department of Insurance ("Certificates").

ii. Each Certificate shall provide that such insurance will not be cancelled, reduced in coverage, or allowed to expire without thirty (30) days' prior written notice to the City.

B. Minimum insurance limits. Contractor shall maintain limits no less than:

i. General Liability. Subdivider shall maintain such commercial general liability insurance with an insurance company admitted in California with an AM Best Rating of not less than A+, as shall protect the City, the City's Agents, Subdivider, contractors, and subcontractors from claims for damages for personal injury, including death, as well as from claims of property damage which may arise from acts or omissions from Subdivider, contractors, or subcontractors for in relation to this Agreement. The amount of such insurance shall not be less than two million dollars (\$2,000,000.00) per occurrence. In addition, Subdivider shall maintain excess insurance coverage in the amount of four million dollars (\$4,000,000) per occurrence/aggregate. Such insurance shall also:

1. Name the City and the City Agents as insured by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitation on the scope of its protection afforded to the above-listed additional insured; and

2. Be primary with respect to any insurance or self-insurance programs covering the City and City Agents.

The foregoing insurance coverage required of Subdivider may be satisfied by Subdivider or its site contractor, or a combination thereof.

ii. Automotive Liability Insurance. Subdivider shall maintain automotive liability insurance covering all motor vehicles, including owned, leased, non-owned, and hired vehicles, used in providing services or performing work under this Agreement for bodily injury and property damage with a limit of not less than one million dollars (\$1,000,000.00) for each occurrence. In addition, Subdivider shall maintain excess insurance coverage in the amount of not less than four million dollars (\$4,000,000) per occurrence/aggregate. Such insurance shall also:

1. Name City and City Agents as insured by endorsement with respect to performance of this Agreement. The coverage shall contain no special limitation on the scope of its protection afforded to the above-listed additional insured; and

2. Be primary with respect to any insurance or self-insurance programs covering the City and City Agents.

The foregoing insurance coverage required of Subdivider may be satisfied by Subdivider or its site contractor, or a combination thereof.

iii. Worker's Compensation and Employer's Liability Insurance.

1. Subdivider shall maintain worker's compensation insurance in accordance with California Labor Code Section 3700, and shall maintain not less than one million dollars (\$1,000,000.00) per occurrence for employer's liability.

2. In the event any work is sublet, Subdivider shall require any contractor or subcontractor to provide worker's compensation insurance for all contractor's employees or subcontractor's employees, unless such employees are covered by the protection afforded by Subdivider.

21. No Vesting of Rights. Performance of this Agreement shall not be construed to vest Subdivider's rights with respect to any change in any zoning or building law or ordinance.

22. Notices. Any notice or communication required hereunder between City and Subdivider must be in writing, and may be given either personally, by registered or certified mail (return receipt requested), or by Federal Express, UPS or other similar couriers providing overnight delivery. If personally delivered, a notice shall be deemed to have been given when delivered to the Party to whom it is addressed. If given by registered or certified mail, such notice or communication shall be deemed to have been given and received on the first to occur of (a) actual receipt by any of the addressees designated below as the Party to whom notices are to be sent, or (b) five (5) days after a registered or certified letter containing such notice, properly addressed, with postage prepaid, is deposited in the United States mail. If given by Federal Express or similar courier, a notice or communication shall be deemed to have been given and received on the date delivered as shown on a receipt issued by the courier. Any Party may at any time, by giving ten (10) days written notice to the other Party, designate any other address in substitution of the address to which such notice or communication shall be given. Such notices or communications shall be given to the Parties at their addresses set forth below:

If to City:

City of Riverbank
6707 Third Street
Riverbank, CA 95367
Attn: Donna M. Kenney, Planning and Building Manager

With copies to: City of Riverbank
6707 Third Street
Riverbank, CA 95367
Attn: Sean Scully, City Manager

and Churchwell White, LLP
1414 K Street, 3rd Floor
Sacramento, California 95814
Attn: Douglas L. White, Esq.

If to Subdivider: DMG Development, L.P.
10100 Trinity Parkway, Suite 420
Stockton, California 95219
Attn: Thomas P. Doucette, President

and Frontier Land Companies
10100 Trinity Parkway, Suite 420
Stockton, California 95219
General Partner
Attn: George K. Gibson, Sr. V.P.

23. General Provisions:

A. *Governing Law.* The validity, interpretation and performance of this Agreement shall be controlled by and construed pursuant to the laws of the State of California.

B. *Compliance with Laws.* Subdivider, its agents, employees, contractors, and subcontractors shall comply with all federal, state and local laws in the performance of the work required by this Agreement, including but not limited to all Improvement Standards or any other applicable land use approvals. Subdivider shall be responsible for obtaining all applicable licenses and permits.

C. *Venue.* Venue for any legal proceedings initiated in connection with this Agreement shall be in the Superior Court for the County of Stanislaus.

D. *Severability.* The provisions of this Agreement are severable. If any provision of this Agreement is held invalid by a court of competent jurisdiction, or if any provision of this Agreement is rendered invalid or unenforceable according to the terms of any federal or state statute, which becomes effective after the Effective Date of this Agreement, the remaining provisions shall continue in full force and effect and shall be construed to give effect to the intent of this Agreement.

E. *Waiver.* The waiver by either Party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of the same or a different provision of this Agreement. No Party shall be deemed to have made any such waiver unless it is in writing and signed by the Party so waiving.

F. *Approvals by the City.* Any approval or consent that is to be given by the City under this Agreement shall be in writing, and any approval or consent that is not in writing shall not be binding on the City.

G. *Integration.* This Agreement, together with its specific references, attachments and Exhibits, constitute all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the Parties with respect to the subject matter of this Agreement. Neither Party shall be liable for any representations made, express or implied, not specifically set forth herein. It is the intention of the Parties that this Agreement shall supersede any prior agreements, discussions, commitments, representations or agreements, written, electronic or oral, between the Parties with respect to the subject matter of this Agreement.

H. *Captions.* The captions of this Agreement are for convenience and reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement.

I. *Mandatory and Permissive.* “Shall” and “will” and “agrees” are mandatory. “May” or “can” are permissive.

J. *Successors and Assigns – Covenant Running With the Land.* Subdivider shall not assign any of its obligations under this Agreement without the prior written consent of the City. Notwithstanding the above, all representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of or for the benefit of any or all of the Parties, shall be binding upon and inure to the benefit of such Party, its successors and assigns. This Agreement, however, shall not be binding on any lot that has been conveyed to an individual homebuyer and for which a Certificate of Occupancy has been issued by the City.

K. *Counterparts.* This Agreement may be executed simultaneously and in several counterparts, each of which shall be deemed an original, but which together shall constitute one and the same instrument.

L. *Other Documents.* Parties agree that they shall cooperate in good faith to accomplish the objectives of this Agreement and to that end, agree to execute and deliver such other instruments or documents as may be necessary and convenient to fulfill the purposes and intentions of this Agreement.

M. *Time is of the Essence.* Time is of the essence in this Agreement in each covenant and term and condition herein.

N. *Authority.* The Parties warrant and represent that they have the power and authority to enter into this Agreement and the names, titles and capacities herein stated on behalf of any entities, persons, states or firms represented or purported to be represented by such entities, persons, states or firms and that all former requirements necessary or required by the state or federal law in order to enter into this Agreement have been fully complied with.

O. *Construction and Interpretation.* It is agreed and acknowledged by Subdivider that the provisions of this Agreement have been arrived at through negotiation, and

that Subdivider has had a full and fair opportunity to revise the provisions of this Agreement and to have such provisions reviewed by legal counsel. Therefore, the normal rule of construction that any ambiguities are to be resolved against the drafting Party shall not apply in construing or interpreting this Agreement.

P. *Advice of Legal Counsel.* Each Party acknowledges that it has reviewed this Agreement with its own legal counsel, and based upon the advice of that counsel, freely entered into this Agreement.

Q. *Attorney Fees and Costs.* If any action at law or in equity, including action for declaratory relief, is brought to enforce or interpret any provision of this Agreement, the prevailing Party shall be entitled to an award of reasonable attorney fees and costs, which may be set by the court in the same action or in a separate action brought for that purpose, in addition to any other relief to which such Party may be entitled.

R. *No Monetary Damages Against the City.* In the event of the City's default under this Agreement, Subdivider agrees that Subdivider may not seek, and shall forever waive any right to, monetary damages against the City.

S. *Modification.* This Agreement may be amended only by a written instrument signed by the Parties. Subdivider shall bear all costs of amendments to this Agreement that are requested by Subdivider.

T. *Exhibits.* All exhibits attached hereto are incorporated into this Agreement:

[Signatures on following page]

IN WITNESS WHEREOF, this Agreement has been entered into by and between Subdivider and City as of the day and year first above written.

SUBDIVIDER:

DMG Development, L.P.
A California limited partnership

By: _____
Thomas P. Doucette, President
of Frontier Land Companies,
A California corporation
Its General Partner

Date: _____

CITY:

CITY OF RIVERBANK, a California
municipal corporation:

By: _____
Sean Scully, City Manager

Date: _____

ATTEST:

By: _____
Annabelle Aguilar, CMC, City Clerk

APPROVED AS TO FORM:

By: _____
Tom Hallinan, City Attorney

California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Stanislaus)

On _____, before me _____, a Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

(Signature)

(Seal)

California All-Purpose Acknowledgment

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Stanislaus)

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I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

(Signature)

(Seal)

EXHIBIT A

Tentative Map Resolution of Approval

**City of Riverbank
Planning Commission
Resolution No. 2019-016**

A Resolution of the Planning Commission of the City of Riverbank ("City"),
Recommending that the City Council Approve Preliminary Development Plan 2018-
0003 and Tentative Map 2018-0006 by the Machado Parties for the
Crossroads West Specific Plan

WHEREAS, the Machado Parties (Machado) have filed with the City a Preliminary Development Plan outlining the conceptual layout of structures and public improvements on the Machado property, within an area designated as Phase B in the Crossroads West Specific Plan, and which is more specifically described as the property located to the west of Oakdale Road and to the north of Crawford Road, the northwest corner of the Oakdale Road-Crawford Road intersection, and which is further identified as a portion of Stanislaus County APN 074-011-009, consisting of approximately 29.9 acres (the "Subdivision 1 Property"); and

WHEREAS, Machado has filed with the City an application for Tentative Map 2018-0006 to subdivide the Subdivision 1 Property into +/-182 parcels for residential development, in a manner that is overlaid with the Preliminary Development Plan layout; and

WHEREAS, an Environmental Impact Report (EIR) and Mitigation Monitoring and Reporting Program has been prepared pursuant to the California Environmental Quality Act, which analyzes development of the Subdivision 1 Property in accordance with the land use regulations in the Crossroads West Specific Plan (CWSP); and

WHEREAS, the City reviewed the Preliminary Development Plan in accordance with the land use regulations in the CWSP and applicable City policies and ordinances and the City has determined that the Preliminary Development Plan is consistent with the CWSP and applicable City policies and ordinances; and

WHEREAS, the City has reviewed and processed the Tentative Map pursuant to the Subdivision Map Act and the City's subdivision ordinance and the City has determined that the Tentative Map is consistent with the Subdivision Map Act and applicable City policies and ordinances; and,

WHEREAS, based on the finding of conformance of the Preliminary Development Plan and Tentative Parcel Map with the CWSP and applicable City policies, the City finds that the impacts related to the Subdivision 1 Property as proposed therein were sufficiently analyzed and mitigated, where feasible, in the CWSP EIR, and that further environmental review is not warranted under CEQA; and

WHEREAS, on October 1, 2019, the Planning Commission conducted a duly advertised public hearing, reviewed staff reports, considered testimony both for and
Riverbank Special Planning Commission Meeting
Resolution 2019-016
October 1, 2019

against the proposed Tentative Map and the Preliminary Development Plan, and concluded its proceedings.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RESOLVES that it hereby recommends that the City Council approve Preliminary Development Plan 2018-0003 by the Machado Parties, attached hereto as Exhibit "A" and incorporated herein by this reference, and subject to the City Council's approval of Development Agreement 2018-02 between the City and Machado and Harrigfeld Parties;

THE PLANNING COMMISSION OF THE CITY OF RIVERBANK FURTHER RESOLVES that it hereby recommends that the City Council approve Tentative Map 2018-0006 by the Machado Parties, attached hereto as Exhibit "B" and incorporated herein by this reference, and subject to the City Council's approval of Development Agreement 2018-02 between the City and the Machado Harrigfeld Parties.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 1st day of October 2019; motioned by Commissioner Link, seconded by Commissioner Fenrich, and upon roll call was carried by the following Planning Commission vote of 5-0:

AYES: Commissioners: Chair Dinan, Ball, Link, Hughes and Fenrich

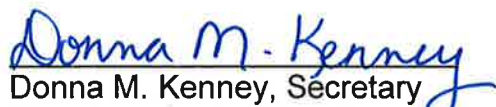
NAYS: None

ABSENT: Commissioner: Stewart

ABSTAIN: None

Attest:

Approved:


Donna M. Kenney, Secretary
Planning and Building Manager


John Dinan, Chair
Planning Commission

**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City of Riverbank
Planning Department
6707 Third Street
Riverbank, California 95367

**Development Services Department
Planning Resolution
Parcel Map No. 01-2020**

Machado, Alexander, High, and Parsons Families, et al.
1120 Scenic Drive
Modesto, California 95354

City of Riverbank Development Services Department
RESOLUTION NO. 2020-004

**A Resolution of the City of Riverbank Planning Department Approving
Parcel Map No. 01-2020 for
Machado, Alexander, High, and Parsons Families, et al.
1120 Scenic Drive, Modesto, California 95354
APN: 074-011-009**

Whereas, A Parcel Map has been requested to separate one (1) parcel from the remainder of Tentative Subdivision Map No. 2018-006 as shown in Exhibit A; and

Whereas, The Planning Department considered Parcel Map Application No. 01-2020 and made the following findings:

1. The project is consistent with the General Plan and Zoning Ordinance.
2. The design and improvement of the proposed parcel map is consistent with the General Plan, Crossroads West Specific Plan, and adopted Crossroads West Environmental Impact Report (SCH #2017032062).
3. The site is physically suitable for the proposed type of development.
4. The site is physically suitable for the proposed density of development.
5. The design of the subdivision or the improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
6. The design of the subdivision or the proposed improvements are unlikely to cause serious public 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 subdivision.

Now, Therefore, Be it Resolved, by the City of Riverbank Planning Department, that Parcel Map No. 01-2020 is approved as shown on Exhibit "A" attached. The Parcel Map shall be recorded with the Stanislaus County Recorder's Office.

Dated: October 27, 2020

Attest:

Gabriel Salazar,
Associate Planner
City of Riverbank

Approved:


Donna M. Kenney
Planning and Building Manager
City of Riverbank

California All-Purpose Acknowledgment

Pursuant to SB 1050 (Chapter 197, Statutes of 2014), Civil Code section 1189 has been amended to provide that any certificate of acknowledgment taken within the State of California shall be in the following form:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Stanislaus)

On October 27th, 2020, before me Gabriela Hernandez, a Notary Public, personally appeared Donna M. Kenney — who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

[Signature]
(Signature)



(Seal)

OWNER'S STATEMENT

THE UNDERSIGNED, HEREBY STATE THAT WE ARE THE OWNERS OF, OR HAVE SOME RIGHT, TITLE, OR HAVE SOME INTEREST OF RECORD IN THE LAND SHOWN ON THIS MAP, AND WE CONSENT TO THE MAKING AND THE FILING OF THIS MAP IN THE OFFICE OF THE COUNTY RECORDER OF STANISLAUS COUNTY, CALIFORNIA. WE OFFER FOR DEDICATION TO THE PUBLIC FOR PUBLIC USE ALL PUBLIC ACCESS AND UTILITY EASEMENTS AS SHOWN ON THIS PARCEL MAP.

KATHY MACHADO HIGH TRUST CREATED UNDER THE JOHN R. MACHADO AND CLARA M. MACHADO TRUST DATED MARCH 22, 1985, AS AMENDED

BY: _____ DATE: _____
RANDY P. HIGH, JR., ATTORNEY IN FACT FOR KATHY M. MACHADO, TRUSTEE
HIGH 2014 IRREVOCABLE TRUST DATED AUGUST 15, 2014

BY: _____ DATE: _____
RANDY P. HIGH, JR., TRUSTEE

BY: _____ DATE: _____
RANDY P. HIGH, JR., AS ATTORNEY IN FACT FOR JEREMY J. HIGH, TRUSTEE
HIGH REVOCABLE TRUST DATED AUGUST 24, 1992

BY: _____ DATE: _____
RANDY P. HIGH, JR., AS ATTORNEY IN FACT FOR RANDOLPH P. HIGH AND KATHLEEN M. HIGH, TRUSTEES

DELORES M. ALEXANDER TRUST, AS SET FORTH IN THE ALEXANDER REVOCABLE TRUST DATED DECEMBER 4, 2018

BY: _____ DATE: _____
MARK J. ALEXANDER, JR., AS ATTORNEY IN FACT FOR DELORES M. ALEXANDER, TRUSTEE

DELORES MACHADO ALEXANDER TRUST CREATED UNDER THE JOHN R. MACHADO AND CLARA M. MACHADO TRUST DATED MARCH 22, 1985

BY: _____ DATE: _____
MARK J. ALEXANDER, JR., ATTORNEY IN FACT FOR DELORES MACHADO ALEXANDER, TRUSTEE

ALEXANDER IRREVOCABLE TRUST DATED DECEMBER 23, 2014

BY: _____ DATE: _____
MARK ALEXANDER, JR., TRUSTEE

BY: _____ DATE: _____
MARK ALEXANDER, JR., AS ATTORNEY IN FACT FOR JOHN J. ALEXANDER, TRUSTEE

ALYCE MACHADO PARSONS TRUST CREATED UNDER THE JOHN R. MACHADO AND CLARA M. MACHADO TRUST DATED MARCH 22, 1985

BY: _____ DATE: _____
MICHAEL THOMAS PARSONS, JR., AS ATTORNEY IN FACT FOR ALYCE MACHADO PARSONS, TRUSTEE

M & A PARSONS 2015 IRREVOCABLE TRUST DATED FEBRUARY 23, 2015

BY: _____ DATE: _____
MICHAEL THOMAS PARSONS, JR., TRUSTEE

BY: _____ DATE: _____
MICHAEL THOMAS PARSONS, JR., AS ATTORNEY IN FACT FOR SUSAN ANN HENSLEY, TRUSTEE

M & A PARSONS INVESTMENT, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____ DATE: _____
MICHAEL T. PARSONS, JR., AS ATTORNEY IN FACT FOR MICHAEL T. PARSONS, MANAGER

PARCEL MAP

BEING A SUBDIVISION OF LOTS 1, 2, 7, AND 8 OF THE OAKVIEW TRACT AS SHOWN ON THAT CERTAIN MAP RECORDED IN VOLUME 6, AT PAGE 8, STANISLAUS COUNTY RECORDS, AND LYING WITHIN THE NORTH EAST 1/4 OF SECTION 34 TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.D.M., CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA

SEPTEMBER 2020

MVE, INC.
1117 "L" STREET
MODESTO, CALIFORNIA 95354
(209) 526-4214

OWNER'S STATEMENT CONTINUED

JOHN J. MACHADO TRUST CREATED UNDER THE JOHN R. MACHADO AND CLARA M. MACHADO TRUST DATED MARCH 22, 1985, AS AMENDED

BY: _____ DATE: _____
JOHN J. MACHADO, TRUSTEE

JOHN J. MACHADO FAMILY, L.P., A CALIFORNIA LIMITED PARTNERSHIP (WITH RESPECT TO 074-014-006)

BY: _____ DATE: _____
JOHN J. MACHADO, GENERAL PARTNER

TAX COLLECTOR'S CERTIFICATE:

THIS IS TO CERTIFY THAT THERE ARE NO LIENS AGAINST THE PROPERTY OR ANY PART THEREOF FOR ANY UNPAID STATE, COUNTY, SCHOOL, MUNICIPAL OR LOCAL TAXES, OR SPECIAL ASSESSMENTS, EXCEPT SPECIAL ASSESSMENTS OR TAXES NOT YET PAYABLE AGAINST THE LAND SHOWN ON THIS MAP.

AS TO STATE, COUNTY, SCHOOL, OR MUNICIPAL TAXES:

DONNA RILEY
STANISLAUS COUNTY TAX COLLECTOR

BY DEPUTY _____ DATE _____

PRINT NAME: _____

CLERK OF THE BOARD OF SUPERVISORS' CERTIFICATE:

THIS IS TO CERTIFY THAT THE OWNER(S) OF THE PROPERTY SHOWN ON THE ACCOMPANYING MAP HAVE FILED WITH THE BOARD OF SUPERVISORS:

(CHECK ONE)

☐ A BOND OR DEPOSIT APPROVED BY SAID BOARD TO SECURE THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES, WHICH ARE AT THE DUE OF FILING THIS MAP, A LIEN AGAINST SAID PROPERTY OR ANY PART THEREOF.

☐ A RECEIPTED TAX BILL OR BILLS OR SUCH OTHER EVIDENCE AS MAY BE REQUIRED BY SAID BOARD SHOWING FULL PAYMENT OF ALL APPLICABLE TAXES.

ELIZABETH A. KING
CLERK OF THE BOARD OF SUPERVISORS
STANISLAUS COUNTY

BY DEPUTY _____ DATE _____

PRINT NAME: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF M & A PARSONS INVESTMENTS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, IN OCTOBER OF 2019. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCURRY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET ON OR BEFORE NOVEMBER 2022, AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN.

JAMES H. LANDRUM P.L.S. 5837 DATE _____

CITY SURVEYOR'S CERTIFICATE

THIS IS TO STATE THAT I HAVE EXAMINED THE ACCOMPANYING PARCEL MAP, THAT THE MAP IS SHOWN SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND THE MUNICIPAL CODE APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THE MAP IS TECHNICALLY CORRECT.

WILLIAM F. KULL, CITY SURVEYOR P.L.S. 5792 DATE _____

ACCEPTANCE OF DEDICATIONS

THIS IS TO CERTIFY THAT THE PUBLIC UTILITY AND ACCESS EASEMENTS AS SHOWN WITHIN THE BOUNDARY OF THE LAND BEING DIVIDED ARE HEREBY ACCEPTED BY THE CITY OF RIVERBANK ON BEHALF OF THE PUBLIC FOR PUBLIC USE. SAID ACCEPTANCE IS MADE UNDER AUTHORITY OF THE CITY OF RIVERBANK, RESOLUTION NO. 98-97 ADOPTED AUGUST 24, 1998.

ANNABELLE H. AGUILAR, CITY CLERK DATE _____

PLANNING COMMISSION CERTIFICATE

THIS IS TO CERTIFY THAT THIS PARCEL MAP SUBSTANTIALLY SUBSEQUENTLY CONFORMS TO THE TENTATIVE MAP RECOMMENDED BY THE PLANNING COMMISSION AT A DULY AUTHORIZED MEETING HELD ON OCTOBER 1, 2019 AND APPROVED BY THE CITY COUNCIL AT A DULY AUTHORIZED MEETING HELD ON THE 22ND DAY OF OCTOBER, 2019.

DONNA KENNEY SECRETARY OF PLANNING COMMISSION DATE _____

RECORDER'S STATEMENT

FILED THIS _____ DAY OF _____ 2020 AT _____ M IN BOOK _____ OF PARCEL MAPS, AT PAGES _____ AT THE REQUEST OF MVE, INC.

DONNA LINDER COUNTY CLERK-RECORDER DOCUMENT No. _____ FEE _____

BY DEPUTY _____

PARCEL MAP

BEING A SUBDIVISION OF LOTS 1, 2, 7, AND 8 OF OAKVIEW TRACT AS SHOWN ON THAT CERTAIN MAP RECORDED IN VOLUME 6, AT PAGE 8, STANISLAUS COUNTY RECORDS, AND LYING WITHIN THE NORTH EAST 1/4 OF SECTION 34 TOWNSHIP 2 SOUTH, RANGE 9 EAST, M.D.M., CITY OF RIVERBANK, STANISLAUS COUNTY, CALIFORNIA

OWNER'S ACKNOWLEDGEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
) S.S.
COUNTY OF _____)

ON _____, 2020, BEFORE ME _____,

A NOTARY PUBLIC PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____

NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

PRINTED NAME _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER OF NOTARY: _____

OWNER'S ACKNOWLEDGEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
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SIGNATURE: _____

NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

PRINTED NAME _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION EXPIRES: _____

COMMISSION NUMBER OF NOTARY: _____

SEPTEMBER 2020

MYE, INC.
1117 "L" STREET
MODESTO, CALIFORNIA 95354
(209) 526-4244

OWNER'S ACKNOWLEDGEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
) S.S.
COUNTY OF _____)

ON _____, 2020, BEFORE ME _____,

A NOTARY PUBLIC PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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SIGNATURE: _____

NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

PRINTED NAME _____

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STATE OF CALIFORNIA)
) S.S.
COUNTY OF _____)

ON _____, 2020, BEFORE ME _____,

A NOTARY PUBLIC PERSONALLY APPEARED _____,

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/they EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____

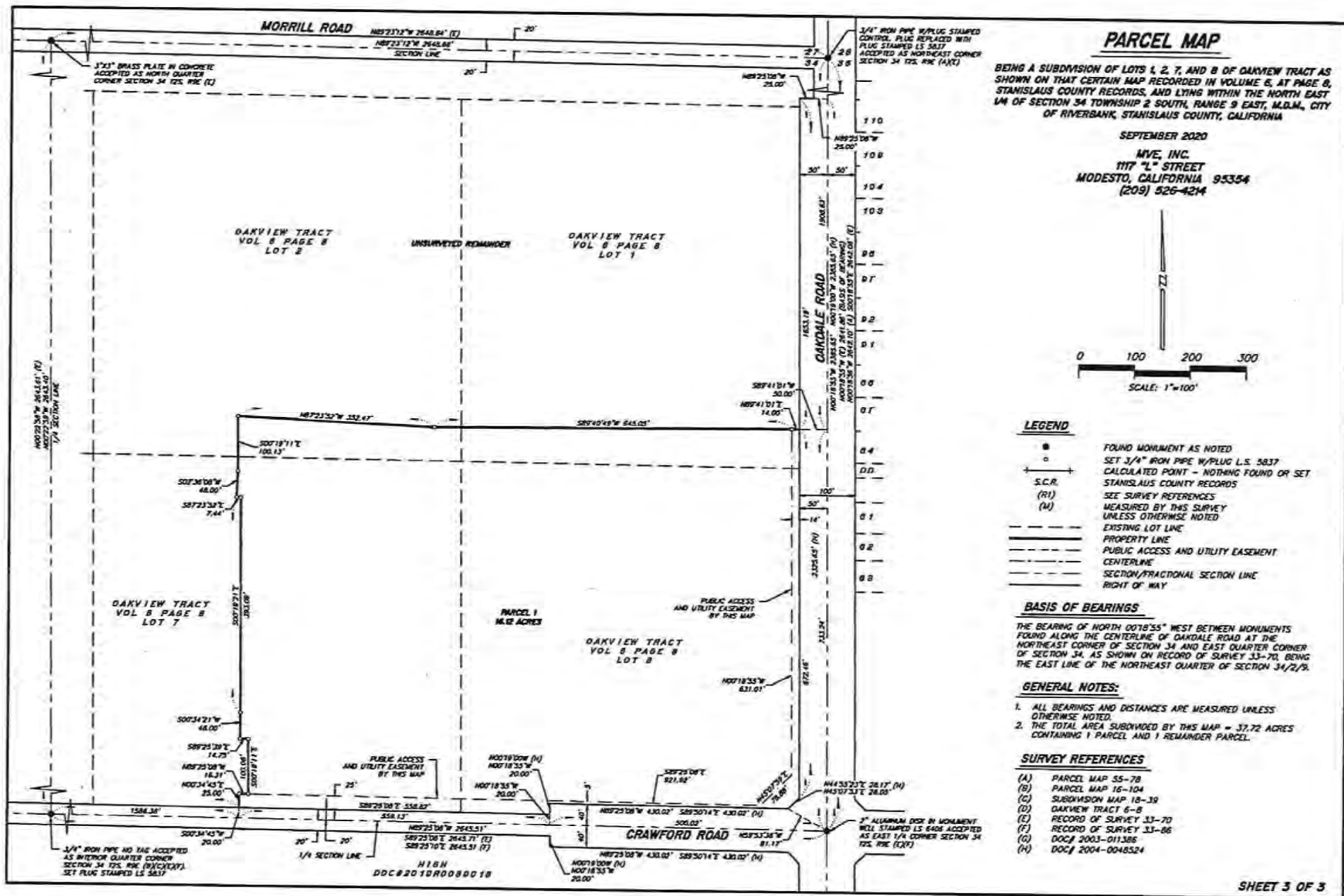
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

PRINTED NAME _____

PRINCIPAL COUNTY OF BUSINESS: _____

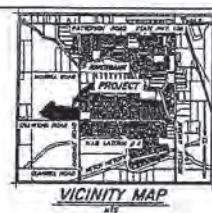
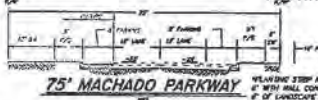
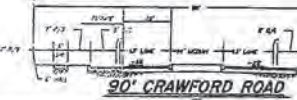
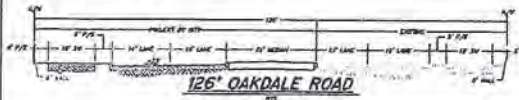
MY COMMISSION EXPIRES: _____

COMMISSION NUMBER OF NOTARY: _____



BEING A PORTION OF NORTH 1/2 OF SECTION 34,
TOWNSHIP 2 SOUTH, RANGE 9 EAST,
MOUNT Diablo BASE AND MERIDIAN (M.D.B.&M.)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

BEING A PORTION OF NORTH 1/2 OF SECTION 34,
TOWNSHIP 2 SOUTH, RANGE 9 EAST,
MOUNT Diablo BASE AND MERIDIAN (M.D.B.&M.)
COUNTY OF STANISLAUS, STATE OF CALIFORNIA

[illegible][illegible]

A. HIRSHFELD JACOBI	CITY OF ALBUQUERQUE HALL OF COUNCIL ALBUQUERQUE, NM 87102 E. 505-824-7171
B. APPLICANTS/OWNERS	MARTINEZ, JUANCARLOS, IVEL, AND PABLO CARRASCO, ETAL.
C. ENGINEER	ERIC RICE 1142 E. STREET ALBUQUERQUE, NM 87102 E. 505-376-0716
D. EXISTING USE	ADULT HOME
E. SITE ADDRESS	4811 SANJOSE ROAD ALBUQUERQUE, NM 87106
F. FUTURE PROJECT AREA	BLANK ACRES
G. APPLICANT'S PAREL MANAGER	100-000-000 (FOR FUTURE USE)
H. NAME OF SUBDIVISION LATER	NA
I. COMMENTS	0.00 ACRES

JUN 4 2019
DEVELOPMENT SERVICES

LOGGING TEST				
REVISIONS				
Drawn By:	NO	DATE	ISSUED FOR	BY
Drawn Date:	06/04/00			
Job No.:	00225			
Checked:	ST/DAH			
Design By:	NO			



1117 L Street, Modesto, CA 95354 | 888.826.4314 | www.mve.net
Northern California | Southern California | Nevada

TENTATIVE SUBDIVISION MAP
SHOWING A PORTION OF NORTH 1/2 OF SECTION 34
TOWNSHIP 4 NORTH & RANGE 8 EAST
COUNTY OF SAN DIEGO AND NEIGHBORING PUBLICALLY
OWNED LANDS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

TENTATIVE SUBDIVISION MAP
SHOWING A PORTION OF NORTH 40' OF SECTION 34
TOWNSHIP 4 NORTH & RANGE 8 EAST
COUNTY OF SAN DIEGO AND NEIGHBORING PUBLICALLY
OWNED LANDS OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

ONE TIME	DATE 1
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