

CITY COUNCIL / LRA BOARD

Mayor/Chair

Richard D. O'Brien

Council/Authority Members

District 1 - Luis Uribe

District 2 - Rachel Hernandez

District 3 - Leanne Jones Cruz

District 4 - Darlene Barber-Martinez



CITY OF RIVERBANK

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

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



choose civility

AMENDED AGENDA

DATED: JAN 10, 2023

TUESDAY, JANUARY 10, 2023 – 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 CALIFORNIA GOVERNMENT CODE SECTION 59453, SUBDIVISION (e) OF THE RALPH M. BROWN ACT (CALIFORNIA GC § 54950, ET SEQ.), THE FEDERAL AMERICANS WITH DISABILITIES. WHILE THIS MEETING WILL BE PHYSICALLY OPEN TO THE PUBLIC, GIVEN THE STATE OF EMERGENCY REGARDING THE THREAT OF COVID-19, MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE AND COMMENT VIA THE ZOOM VIRTUAL PLATFORM. REFER TO THE LAST PAGE OF THE AGENDA FOR PARTICIPATION INFORMATION.

1. CALL TO ORDER

2. FLAG SALUTE

3. INVOCATION

4. ROLL CALL

5. AGENDA CHANGES

Include Item 11.4 New Business- Resolution Declaring the Existence of a Local Emergency in Response to the 2023 Winter Storms

Remove Item 7.1 Presentations- Presentation Project Resolve

6. 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.

7. PRESENTATIONS (Informational only)

~~Item 7.1 — Presentation Project Resolve — It is recommended that City Council receive a presentation from Katy Trompetter with Project Resolve.~~

8. 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)** and time cannot be yielded to another person. 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.

9. 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 9.1 Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

Item 9.2 Approval of the December 13, 2022 City Council and Local Redevelopment Authority Board Minutes.

10. PUBLIC HEARING

The Public Notice for Item 10.1, Item 10.2, and Item 10.3 was Published on December 28th, 2022 in the Riverbank News.

Item 10.1 First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV: Building Regulations, Adoption of Standard Codes, by repealing in their entirety Sections §150.01 ADMINISTRATIVE CODE through §150.16 SOLAR /PHOTOVOLTAIC POWER SYSTEMS, and substituting them with new Sections §150.01 through §150.16 and Adopting by Reference the 2023 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing Energy, Existing Building, Historical Building, Fire, and Green Building Standards and Solar/Photovoltaic Power Systems; and Amending Title XV: Land Usage, Chapter 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION; Section 157.01: Purpose and Intent.- It is recommended that the City Council introduce and pass to a second reading an Ordinance adopting the 2023 California Building Codes as referenced above.

Item 10.2 First Reading by Title Only and Introduction of Summerfair General Plan Amendment, Rezone, Architecture and Site Plan Review, and Mitigated Negative Declaration Project- It is recommended that the City Council listen to the presentation, take public comment, and consider approving the Ordinance and Resolutions for the Summerfair General Plan Amendment, Rezone, Architecture and Site Plan Review, and Mitigated Negative Declaration Project.

Item 10.3 First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV: Section §153.003, DEFINITIONS, Section §153.031, USES PERMITTED, Section §153.046, USES PERMITTED, Section §153.061, USES PERMITTED, Section §153.067, USES PERMITTED, and adding Sections §153.170 through §153.177 related to Tiny House Villages. It is recommended that the City Council introduce and pass to a second reading an Ordinance permitting and providing development standards for tiny house villages in residential zones.

11. NEW BUSINESS

- Item 11.1** **Nomination and Appointment of the Vice Mayor to serve for the year 2023-**
It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2023, and by roll call vote, City Council approve the appointment for a one-year term.
- Item 11.2** **Annual Consideration of the City Council Appointments to Intergovernmental Boards and Committees and Appointments to the Internal City Committees for the year 2023. –** It is recommended that the City Council: 1) Review the appointment lists; and 2) Volunteer or nominate a member of the Council to serve as the representative; and 3) By roll call vote, ratify the appointments for the year 2023.
- Item 11.3** **Adjustments to the 2023 Regular City Council Meetings Schedule-** It is recommended that the City Council cancel the regular City Council meetings of July 11th, August 8th, November 28th and December 26th, for a modified summer schedule and to minimize conflicts with Holiday Activities.
- Item 11.4** **A Resolution Declaring the Existence of a Local Emergency in Response to the 2023 Winter Storms-** It is recommended that the City Council consider adopting a Resolution declaring the existence of a local emergency in response to the 2023 winter storms. (Consideration of this item is subject to a majority vote by the City Council for inclusion to the agenda pursuant to Cal. Gov. Code §54954.2(b)(1).

12. 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 12.1** Staff
- Item 12.2** Council/Authority Member
- Item 12.3** Mayor/Chair

13. 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 recessing to Closed Session.

- Item 13.1** **LIABILITY CLAIMS**
(Pursuant to Government Code § 54961)
Claimant: Diego Hernandez
Agency Claimed Against: City of Riverbank

14. REPORT FROM CLOSED SESSION

Item 14.2 Report from Closed Session on **Item 13.1**
LIABILITY CLAIMS
(Pursuant to Government Code § 54961)
Claimant: Diego Hernandez
Agency Claimed Against: City of Riverbank

15. ADJOURNMENT

- The next regular City Council meeting will be on January 24, 2023 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 at the meeting location, on the North City Hall public exterior bulletin board, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act.

Posted this 10th Day of January, 2023

/s/ *Gabriela Hernandez, City Clerk*



ADA COMPLIANCE STATEMENT

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

NOTICE REGARDING NON-ENGLISH SPEAKERS

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



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR CITY COUNCIL MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter– 2 and AT&T U-VERSE – 99
- YouTube Live – is no longer available due to technical difficulties, which is being worked on.
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the date of the meeting in order for them to be distributed to the Council prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 pm, please call the City Clerk's Office at (209) 863-7198 or the Administration Dept. at (209) 863-7122.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. City Clerk, 6707 Third Street, Suite A, Riverbank, CA 95367. (Call 209-863-7198 / 209-863-7122 to ensure they were received.)
- **Via Email:** Mail to cityclerk@riverbank.org *(Note: This technology is not a guaranteed method.)*
 - Indicate Agenda Item # in the **subject line**. (Call 209-863-7198 /209-863-7122 to ensure receipt)
- **Oral Comments In-Person:** The Mayor will ask the audience if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Mayor will announce when public comments may be made for a limit of 3 minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press ***9** to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the **teleconference phone number (209) 863-7151** so that Council may receive your comments. Council will be waiting for your call. Thank you

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/86260208607>

- Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 862 6020 8607**
- Join by telephone: **1 669 444 9171 OR 1 669 900 9128, plus Webinar ID: 862 6020 8607**

Learn about using ZOOM - Visit <https://zoom.us/j/94943925973?status=success> for a free account or to download the app.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT

AUTHORITY AGENDA ITEM NO. 7.1

SECTION 7: PRESENTATIONS

Meeting Date:	January 10, 2023
Subject:	Presentation – Project Resolve – Presentation by Kate Trompetter, Project Resolve.
From:	Marisela H. Garcia, City Manager
Submitted by:	Ed Ridenour, Police Chief

RECOMMENDATION

It is recommended that the City Council receive a presentation from Kate Trompetter who facilitates Project Resolve.

SUMMARY:

Project Resolve is a network resolved to build and sustain trust and strong relationships between law enforcement and the community through ongoing testing, learning, and adapting. Project Resolve is about asking the hard questions and figuring out how to create a better, more caring, more empathetic, prosperous community.

Today, Project Resolve is comprised of local law enforcement leaders and roughly 40 members of our community. We are resolved to better understand each other and what this community needs for the relationships between our residents and our law enforcement to be based on trust, respect, accountability, and a safe and healthy community.

FINANCIAL IMPACT

There is no financial impact with the report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 9.1

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 10, 2023
Subject:	Waiver of Readings
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

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. 9.2

SECTION 9: CONSENT CALENDAR

Meeting Date:	January 10, 2023
Subject:	Approval of the December 13, 2022 City Council and Local Redevelopment Authority Board Minutes
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk/LRA Secretary

RECOMMENDATION

It is recommended that the City Council / LRA Board approve the City Council/ Local Redevelopment Authority Board approve the City Council/LRA Meeting Minutes of December 13, 2022, as presented.

SUMMARY

The Draft Minutes of the City Council and the Local Redevelopment Authority Board meeting have been prepared for review and approval.

FINANCIAL IMPACT

There is no financial impact to this item.

ATTACHMENTS

1. The December 13, 2022 City Council and Local Redevelopment Authority Board Minutes.

CITY COUNCIL / LRA BOARD

Mayor/Chair
Richard D. O'Brien
Vice Mayor/Chair (CM-D3) Cal Campbell
Council/Authority Members:
District 1 Luis Uribe
District 2 Rachel Hernandez
District 4 Darlene Barber-Martinez



CITY OF RIVERBANK

**Regular City Council and
Local Redevelopment Authority
Board Meetings**
Council Chambers, 6707 Third St., Suite B
Riverbank, CA 95367



MINUTES

TUESDAY, DECEMBER 13, 2022 – 6:00 P.M.

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

- 1. CALL TO ORDER** - Mayor / Chair Richard D. O'Brien called the meeting to order at 6:00 P.M.
- 2. FLAG SALUTE** – Mayor / Chair Mayor O'Brien led the pledge of allegiance.
- 3. INVOCATION** – Reverend Randy Richardson provided the invocation.
- 4. ROLL CALL** – A Roll Call of councilmembers was done by the City Clerk.

Members of City Council / Local Redevelopment Authority Board present in the Chamber:
Council Member / Authority Member District 1 Luis Uribe
Council Member / Authority Member District 2 Rachel Hernandez
Council Member / Authority Member District 4 Darlene Barber-Martinez
Vice Mayor / Vice Chair (CM-D03) Cal Campbell
Mayor / Chair Richard D. O'Brien

- 5. AGENDA CHANGES**- No changes to the Agenda.
- 6. 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.
- 7. PRESENTATIONS (Informational only)**

Item 7.1 **Presentation Mujeres en Accion, Women in Action Organization-** It is recommended that City Council receive a presentation from Christina Avalos on a Special Event hosted by Mujeres en Accion.

Christina Avalos with Mujeres en Accion, Women in Action gave a presentation on the Special Event hosted by her organization on June 24th & 25th of 2023 at the Riverbank Community Center.

Item 7.2 **Recognition of Public Works Director Michael Riddell-** It is recommended that City Council recognize the dedication and years of service of Michael Riddell, Public Works Director.

Mayor O'Brien presented Public Works Director, Michael Riddell with a plaque in recognition of his years of dedicated service to the City of Riverbank,

- Item 7.3** **Presentation of New Public Works Director, Cody Bridgewater-** It is recommended that City Council introduce the new Public Works Director, Cody Bridgewater to the community.

Former Public Works Director Riddell, introduced Cody Bridgewater, as the New Public Works Director to the residents and the community.

- Item 7.4** **Presentation Regarding Future Sewer Connection Fee Updates –** It is recommended that City Council and residents receive a presentation on Future Sewer Connection Fee Updates.

Doug Dove with Bartle Wells Associates gave a PowerPoint Presentation on the future Sewer connection fee updates.

8. 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 8.1** Waive Readings. All Readings of ordinances and resolutions, except by title, are waived.

- Item 8.2** Approval of the November 8, 2022 City Council and Local Redevelopment Authority Board Minutes.

- Item 8.3** Approval of the November 15, 2022 Special City Council Minutes.

- Item 8.4** Acceptance of the Santa Fe Street between 5th & 7th Project and Authorization to File Notice of Completion.

- Item 8.5** **A Resolution 2022-131 Reciting the Fact of the Consolidated Riverbank General Municipal Election held on November 8, 2022, and Declaring the Results and Such Other Matters as Provided by Law.–** It is recommended that the City Council adopt the resolution for the purpose of: 1) Declaring elected Incumbent, Luis Uribe as the person for whom the highest number of votes were cast for the office of Councilmember District 1; and 2) Declaring elected Leanne Jones Cruz as the person for whom the highest number of votes were cast for the office of Councilmember District 3.

- Item 8.6** **A Resolution 2022-132 Approving the Appointments of John Dinan, Taide Zamora, and Alternates Steve Link and Michael Halterman to the Planning Commission Effective January 2023-** It is recommended the City Consider Mayor O'Brien's applicant recommendations to fill the two (2) expired Planning Commissioner seats, the expired Alternate Planning Commissioner seat, and fill the additional Alternate Seat.

Mayor O'Brien Opened Public Comment at 6:17 p.m.

Mayor O'Brien Closed Public Comment at 6:17 p.m.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe / Hernandez 5/0) to approve **the consent calendar as presented.***

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

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

NAYS: None / ABSENT: None / ABSTAINED: None

9. PUBLIC HEARING

The Public Notice for item 9.1 was mailed out to residents on October 21, 2022 and Published on October 26th, 2022 in the Riverbank News.

Item 9.1 **Public Hearing for Proposed Wastewater (Sewer) Rate Increase-(1) Open the Proposition 218 Public Hearing and Receive Written Protests to the Proposed Rate Increase for Wastewater (Sewer) Services, and (2) Adopt a Resolution Accepting and Closing the Proposition 218 Public Notification and Protest Process as it Relates to the Proposed Rate Increase for Wastewater (Sewer) Services, and (3) Consider Adopting a Resolution Approving the Proposed Wastewater (Sewer) Rates (this item is contingent upon the Results of the Protest Process)-** It is recommended that the City Council consider the following requests related to the publicly noticed Public Hearing regarding the proposed Wastewater (Sewer) Rate increase:

1. Open the Proposition 218 public hearing and receive written protests to the proposed rate increase for Wastewater (Sewer) Services, and
2. Adopt a Resolution accepting and closing the Proposition 218 Public Notification and Protest Process as it relates to the proposed rate increase for Wastewater (Sewer) services, and
3. Adopt a Resolution approving the proposed Wastewater (Sewer) Rates contingent upon the results of the protest process.

Doug Dove Representative with Bartle Wells gave a Comprehensive Report and PowerPoint presentation on the proposed wastewater (sewer) rate increase.

City Council discussed item with city Staff and Consultant.

Mayor O'Brien opened the Public Hearing at 6:36 p.m.

Residents who commented in Opposition of the Proposition 218 Proposed Sewer Rate Increase

Diego Hernandez, Riverbank Resident

Haskell Moore, Riverbank Resident

*Brett Delmas, Riverbank Resident
Jerry Van Houten, Riverbank Resident
Karen Conrotto, Modesto Resident
MariAnn Banman, Riverbank Resident
Maria Ramirez, Riverbank Resident
Gustavo Rodriguez, Riverbank Resident
Chessie Garcia, Riverbank Resident
Kristin Herosy, Riverbank Resident
Evelyn Halbert, Riverbank Resident
Jamie Aggers, Riverbank Resident
Virginia Madueno, Riverbank Resident*

Mayor O'Brien closed the Public Hearing at 7:14 p.m.

At the close of the Public Hearing there are 960 number of Protests. The amount of protests needed was 3,419 to meet the 50% plus one requirement.

There being no further public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Uribe/ Campbell 5/0) to approve **Resolution 2022-133** accepting and closing the Proposition 218 Public Notification and Protest Process as it relates to the Proposed Rate Increase for Wastewater (Sewer) Services*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Campbell, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

ACTION: *By motion moved and seconded (Uribe/ Campbell 5/0) to approve **Resolution 2022-134** Approving the Proposed Wastewater (Sewer) Rates.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Campbell, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

10. SPECIAL BUSINESS

Item 10.1 **Recognition of Vice Mayor/Councilmember Cal Campbell-** It is recommended that the Riverbank City Council recognize Vice Mayor Campbell for his dedication and years of public service to the city.

Mayor O'Brien presented Vice Mayor Campbell with a plaque and gift in recognition of his years of public service as Councilmember for Riverbank District 3.

Item 10.2 **Administration of the Oath of Office, Presentation of Certificates of Election to each Elected Officer and Reorganization of the City Council**
– It is recommended that Mayor Richard D. O'Brien do the honors of administering the Oath of Office to Councilmember District 1 Luis Uribe and Councilmember District 3 Leanne Jones Cruz.

Mayor O'Brien administered the Oath to Councilmember District 1 Elect Luis Uribe and Councilmember District 3 Elect Leanne Jones Cruz; each briefly commenting on their Election to serve for the next four years, and thanking everyone who supported them.

Item 10.3 **Administer the Oath of Office to Newly Appointed Planning Commissioners and Alternate Planning Commissioners-** It is recommended Mayor O'Brien administer the Oath of Office and Certificate of Appointments presented to the newly appointed Planning Commissioners.

Mayor O'Brien administered the Oath to newly appointed Planning Commissioners John Dinan and Taide Zamora and Alternates Steve Link and Michael Halterman.

BRIEF RECESS Mayor/Chair O'Brien calls for a brief recess for refreshments and reorganization of the City Council.

City Council Reconvened at 8:00 p.m.

11. NEW CITY COUNCIL ROLL CALL:

Council / Authority Member District 1 Luis Uribe
Council / Authority Member District 2 Rachel Hernandez
Council / Authority Member District 3 Leanne Jones Cruz
Council / Authority Member District 4 Darlene Barber Martinez
Mayor / Chair Richard D. O'Brien

Roll Call was conducted by the City Clerk; all Members were present.

12. 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.

13. 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)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon.*

Mayor O'Brien Opened Public Comment at 8:01 p.m.

Karen Conrotto, Modesto Resident spoke in opposition of the proposed Riverwalk Project. Diego Hernandez, Riverbank Resident spoke on the passed Sewer Rate Increase.

There being no further public comments, Mayor O'Brien closed the Public Comment period at 8:07 p.m.

13. 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 14.1 **A Resolution** to allocate funds for the Squire Wells Way Roundabout.

Item 14.2 **A Resolution 2022-135** Approving the Appropriation of Funds and Authorizing the City Manager to Enter into a Contract to Conduct a Cleanup at 3412 High Street.

Item 14.3 **A Resolution 2022-136** Authorizing Expenditures from the Jacob Myers Park Fund.

Item 14.4 **A Resolution 2022-137** Establishing A Capital Financing and Debt Policy.

Item 14.5 **Authorization** for Out of State Travel Request to have Sr. Construction Inspector Attend 2023 Slurry Systems Workshop in Las Vegas, NV

Item 14.6 **A Resolution 2022-138** Authorizing the City Manager, or His/her Designee, to Act as the Authorized Representative to Sign and File, for and on behalf of the City of Riverbank, A Financial Assistance Application for a Financing Agreement from the State Water Resources Control Board for the Planning, Design, and Construction of the Riverbank Regional Recycled Water Project

Item 14.7 **A Reimbursement Resolution 2022-139** Declaring the City's Intent to Expect Reimbursement of Expenditures Paid Prior to the Issuance of Obligations or the Approval by the State Water Board of Project Funds.

Councilmember Barber-Martinez pulled Item 14.1 for further discussion.

Mayor O'Brien Opened Public Comment at 8:08 p.m.

Mayor O'Brien Closed Public Comment at 8:08 p.m.

There being no public comments, Mayor O'Brien brought the item back to the City Council.

ACTION: *By motion moved and seconded (Uribe / Barber-Martinez 5/0) to approve the consent calendar as presented with the exception of Item 14.1.*

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

AYES: Uribe, Hernandez, Barber-Martinez, Jones Cruz, O'Brien

NAYS: None / ABSENT: None / ABSTAINED: None

Item 14.1 **A Resolution 2022-140** to allocate funds for the Squire Wells Way Roundabout.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe 5/0) to approve Item 14.1. of the Consent Calendar.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Jones Cruz, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

15. PUBLIC HEARING

The Public Notice for Item 15.1. was published on September 21, 2022 in the Modesto Bee.

Item 15.1 **Riverbank Regional Recycled Water Project (RRRWP) Council Consideration of Resolution Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Riverbank Regional Recycled Water Project and Approving the Project.**- It is recommend that City Council approve Resolution 2022-adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) and approve the Project based on the analysis presented below and based on the findings in the published Initial Study / Mitigated Negative Declaration for the Riverbank Regional Recycled Water Project.

Neal Cowell, Representative with KSN gave a comprehensive staff report and Power Point Presentation on the Riverbank Recycled Water Project (RRRWP).

Mayor opened the Public Hearing at 8:25 p.m.

Mayor closed Public Hearing at 8:25 p.m.

There being no public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Uribe / Jones Cruz 5/0) to approve Resolution 2022-141 accepting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) and approve the Project based on the analysis presented below and based on the findings in the published Initial Study / Mitigated Negative Declaration for the Riverbank Regional Recycled Water Project*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Jones Cruz, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

16. NEW BUSINESS

Item 16.1 **A Resolution Approving the Memorandum of Understanding between the City of Riverbank and Riverbank Mid-Management Employees Association-** It is recommended that City Council adopt a Resolution

approving the Memorandum of understanding between the City of Riverbank and the Riverbank Mid-Management Employees Association.

City Manager Garcia gave a comprehensive Staff Report and Power Point Presentation on the terms for the Memorandum of Understanding Mid-Management Association and the City of Riverbank.

Mayor opened Public Comment at 8:35 p.m.

Mayor closed Public Comment at 8:35 p.m.

There being no public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Jones Cruz / Barber-Martinez 5/0) to approve **Resolution 2022-142** approving the Memorandum of Understanding between the City of Riverbank and the Riverbank Mid-Management Employees Association.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Jones Cruz, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

Item 16.2 **A Resolution to Approve an Employment Agreement Between the City of Riverbank and Tamera Alcantor as Assistant City Manager/Administrative Services Director and Authorize the City Manager to execute the Agreement-** It is recommended that the City Council consider adopting a Resolution which will approve an Employment Agreement with Tamera Alcantor as Assistant City Manager/Administrative Services Director.

City Manager Garcia gave a comprehensive Staff Report and Power Point Presentation on the terms on the Employment Agreement for the Assistant City Manager/ Administrative Services Director.

Mayor opened Public Comment at 8:41 p.m.

Mayor closed Public Comment at 8:41 p.m.

There being no public comments, Mayor O'Brien brought the item back to City Council.

ACTION: *By motion moved and seconded (Barber-Martinez / Uribe 5/0) to approve **Resolution 2022-143** to approve the Employment Agreement for Tamera Alcantor as Assistant City Manager/ Administrative Services Director.*

*Motion carried by unanimous City Council and LRA Board roll call vote:
AYES: Uribe, Hernandez, Barber-Martinez, Jones Cruz, O'Brien
NAYS: None / ABSENT: None / ABSTAINED: None*

17. 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 17.1 Staff

City Manager Garcia reported on the following:

- *Reminding residents City Offices will be closed from December 22nd 2022 to January 2nd, 2023. Returning January 3rd, in the meantime please feel free to email staff with any needs.*
- *Thank you to all Parks & Recreation Staff and all of the Streets and Public Works staff that worked extremely hard during the Rain on the Christmas Parade.*
- *Thank you to all our City Council on behalf of Staff for all your support during this year, a year of change, we thank you for the opportunity to serve you.*

Item 17.2 Council/Authority Member

Councilmember Jones Cruz reported on the following:

- *It's a pleasure to serve the Community.*
- *Thank you to City workers for the parade, glad we held it despite the rain.*
- *Looking forward to doing things here at the city and getting to work with the city council.*

Councilmember Hernandez reported on the following:

- *Thank you to the residents for coming out and being civically engaged, we are going to work hard to keep everyone informed of any grants that come in and fees that can be reduced.*
- *It has been a year of change, congratulations to Marisela, Gaby, Cody, and everyone that is joining the council and planning commissioners.*

Councilmember Uribe reported on the following:

- *Had the opportunity to meet with the Presidente Municipal of our Sister City Tamazula de Gordiano, had breakfast and had conversation regarding this collaboration we are working on building.*
- *Happy New Year, Merry Christmas, Happy Holidays!*

Councilmember Barber-Martinez reported on the following:

- *Congratulations to Tammy, Leanne, and Cody!*
- *Thank you to everyone who participated in the Craft Fair and the parade, we got soaked but it still was a lot of fun!*
- *Appointed to the League of California Cities Public Safety Policy Committee.*
- *Looking forward to another productive year as we move our city forward.*
- *Merry Christmas and Happy New Year to all!*

Item 17.3 Mayor/Chair

Mayor O'Brien reported on the following:

- *Thank you to Parks and Rec for the Christmas Parade.*

- *Lt. Vernon was out there who did a great job emceeing the Parade.*
- *Looking forward to the new year, we have a lot that we need to accomplish and a lot of work to do.*
- *Thank you to Michael for your years of dedicated service.*
- *Welcome Leanne to the Council thank you for being a part of the public that came forward.*
- *CALTRANS Day coming here in Riverbank.*
- *Merry Christmas, Happy Hanukah, Happy Holidays!*

18. 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 recessing to Closed Session.

Item 18.1 CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION (Pursuant to Government Code § 54956.9) Administrative Citation Appeal: 7060 Burneyville Road

Mayor O'Brien asked whether there was anyone wishing to speak on the items listed on the Closed Session Agenda; there being none, Mayor O'Brien adjourned the City Council to closed session at 8:47 p.m.

19. REPORT FROM CLOSED SESSION

Mayor O'Brien reconvened the meeting at 8:53 p.m.

Item 19.1 Report from Closed Session Item 18.1 **CONFERENCE WITH LEGAL COUNSEL- POTENTIAL LITIGATION** (Pursuant to Government Code § 54956.9) Administrative Citation Appeal: 7060 Burneyville Road

Direction was provided to staff.

20. ADJOURNMENT OF THE REGULAR MEETING

There being no further business, Mayor / Chair O'Brien adjourned the regular meeting at 8:53p.m. to the next regular scheduled City Council / LRA Meeting of January 10th 2023 at 6:00 p.m.

ATTEST: (Adopted 01/10/2023)

APPROVED:

Gabriela Hernandez
City Clerk / LRA Recorder

Richard D. O'Brien
Mayor/Chair

RIVERBANK CITY COUNCIL/ LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.1

SECTION 10: PUBLIC HEARING

Meeting Date: January 10, 2023

Subject: First Reading by Title Only and Introduction of a Proposed Ordinance Amending Title XV: Building Regulations, Adoption of Standard Codes, by repealing in their entirety Sections §150.01 PURPOSE AND AUTHORITY through §150.16 SOLAR /PHOTOVOLTAIC POWER SYSTEMS, and substituting them with new Sections §150.01 through §150.16 and Adopting by Reference the 2023 California Administrative, Building, Residential, Electrical, Mechanical, Plumbing Energy, Existing Building, Historical Building, Fire, and Green Building Standards and Solar/Photovoltaic Power Systems; and Amending Title XV: Land Usage, Chapter 157: WATER EFFICIENT LANDSCAPE AND IRRIGATION; Section 157.01: Purpose and Intent.

From: Marisela H. Garcia, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager
Janet Smallen, Sr. Community Development Specialist

RECOMMENDATION

It is recommended that the City Council introduce and pass to a second reading an Ordinance adopting the 2023 California Building Codes as referenced above.

SUMMARY

The State of California (State) mandates that local jurisdictions adopt and commence enforcement of the latest State building codes within six months of the adoption by the State. Recently, the State published the 2023 building code with an effective date for enforcement of January 1, 2023. The City of Riverbank must adopt the 2023 building code in order to comply with State law.

BACKGROUND

The California Building Standards Code (Building Code) is updated and published every three years under the direction of the California Building Standards Commission. The Building Code comprises Title 24 of the California Code of Regulations and is intended to provide for the safety and welfare of all citizens through the implementation of the latest technology, materials, engineering, construction, and sustainability methods, as regulated by the latest adopted building codes.

Some identified changes include:

- Onsite battery storage and solar photovoltaic panels for most multifamily and commercial buildings. Most new public and private buildings (hotels, restaurants, medical clinics, theaters, grocery and retail stores, offices and banks, schools and libraries, etc.) will now be required to install solar starting in 2023.
- Efficiency measures for the entire building, including electric heat-pump technology for water and space heating instead of gas and new ventilation standards to improve indoor air quality.
- New measures for indoor growing, commercial greenhouses, cannabis production, and controlled horticulture.
- The establishment of electric-ready requirements for most single-family homes, which will push homeowners to use electric vehicle charging, electric heating, and electric cooking. Such measure have been put into place to make sure gas-powered appliances are eventually replaced with electric-based appliances.

ENVIRONMENTAL

The proposed project is exempt from analysis under the California Environmental Quality Act (CEQA) under the “Common Sense Exemption” that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3).

FINANCIAL IMPACT

There is no direct financial impact associated with the adoption of the 2023 California Building Standards Code (Title 24) other than a set of new code books which were purchased for \$1,404.53.

ATTACHMENT

1. Ordinance 2023-XXX

**CITY OF RIVERBANK
ORDINANCE 2023-XXX**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK
REPEALING AND REPLACING TITLE XV: LAND USAGE; CHAPTER 150:
BUILDING REGULATIONS; SECTIONS 150.01 THROUGH 150.16 AND ADOPTING
BY REFERENCE THE 2023 EDITION OF THE CALIFORNIA ADMINISTRATIVE
CODE, CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE,
CALIFORNIA GREEN BUILDING STANDARDS CODE, CALIFORNIA PLUMBING
CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA FIRE CODE, CALIFORNIA
MECHANICAL CODE, CALIFORNIA ENERGY CODE, CALIFORNIA EXISTING
BUILDING CODE, CALIFORNIA HISTORICAL CODE, AND SOLAR/PHOTOVOLTAIC
POWER SYSTEMS AND AMENDING TITLE XV: LAND USAGE; CHAPTER 157:
WATER EFFICIENT LANDSCAPE AND IRRIGATION; SECTION 157.01: PURPOSE
AND INTENT**

WHEREAS, California building codes and standards are updated annually and published in Title 24 of the California Code of Regulations;

WHEREAS, Title 24 of the California Code of Regulations is republished every three years;

WHEREAS, the City of Riverbank last adopted Title 24 of the California Code of Regulations as published in 2019;

WHEREAS, Title 24 of the California Code of Regulations was republished in 2023;

WHEREAS, the City of Riverbank believes that it is in the best interest of public health, safety, and the general welfare for its City Code to reflect the most recent updates to Title 24 of the California Code of Regulations; and

WHEREAS, the City of Riverbank desires to update its City Code to adopt Title 24 of the California Code of Regulations as published in 2023.

NOW, THEREFORE, The City Council of the City of Riverbank does hereby ordain as follows:

SECTION 1. Title XV: Land Usage, Chapter 150: Building Regulations, Sections 150.01 through Section 150.16 of the Riverbank City Code are repealed in their entirety and shall be amended to read as follows:

CHAPTER 150: BUILDING REGULATIONS

Section

General Provisions

150.01 Purpose and authority

150.02 Mandatory duty of care

150.03 Severability

150.04 Savings clause

Adoption of Standard Codes

150.05 Administrative Code

150.06 Building Code

150.07 Residential Code

150.08 Green Building Standards Code

150.09 Plumbing Code

150.10 Electrical Code

150.11 Fire Code

150.12 Mechanical Code

150.13 Energy Code

150.14 Existing Building Code

150.15 Historical Building Code

150.16 Solar/photovoltaic power systems

GENERAL PROVISIONS

§ 150.01 PURPOSE AND AUTHORITY.

The purpose of this chapter is to adopt by reference the 2023 Edition of the California Building Standards Code, Title 24 - Part 1; Part 2, Volume I & II; Part 2.5; Part 3; Part 4; Part 5; Part 6; Part 8; Part 9; Part 10; and Part 11 of the California Code of Regulations subject to the definitions, clarifications, and the amendments set forth in this chapter.

The purpose of this chapter is also to provide minimum requirements and standards for the protection of public safety, health, property, and welfare of the City of Riverbank. This chapter is adopted under the authority of Government Code subsection 50022.2 and Health and Safety Code Section 18941.5.

§ 150.02 MANDATORY DUTY OF CARE.

This chapter is not intended to and shall not be construed or given effect in a manner that imposes upon the city or any officer or employee thereof a mandatory duty of care towards persons and property within or without the city, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

§ 150.03 SEVERABILITY.

If any provision of §§ 150.01 through 150.16 and 157.01 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable. This City Council hereby declares that it would have adopted this chapter irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

§ 150.04 SAVINGS CLAUSE.

The provisions of §§ 150.01 through 150.16 and 157.01 shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by this Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

ADOPTION OF STANDARD CODES

§ 150.05 ADMINISTRATIVE CODE.

In order to regulate the erection, construction, enlargement, alteration, repair, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area, and maintenance of all buildings and structures within the City of Riverbank, the 2023 Edition of the California Administrative Code, published by the International Code Council (ICC), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 1, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California

Administrative Code as adopted by this section shall be on file in the office of the City Building Official for examination and use by the public.

§ 150.06 BUILDING CODE.

In order to regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, wiring, plumbing, use, height, area, and maintenance of all buildings and structures within the City of Riverbank, the 2023 Edition of the California Building Code, Title 24, Part 2, Volumes 1 and 2, published by the International Code Council (ICC), administrative sections, Chapter 29, Appendices A, C, and I; and amendments, as adopted by the Building Standards Commission of the State of California and codified at Title 24, Part 2 in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Building Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the public.

§ 150.07 RESIDENTIAL CODE.

The purpose of this Code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, access to persons with disabilities, sanitation, adequate lighting, ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment, and to provide safety to firefighters and emergency responders during emergency operations. The provisions of this Code shall apply to the construction, alteration, enlargement, replacement, repair, equipment, use, occupancy, location, maintenance, removal, and demolition of every detached one and two single family dwellings, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto within the City of Riverbank. Therefore, the 2023 California Residential Code, Title 24, Part 2.5, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Residential Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the public.

§ 150.08 GREEN BUILDING STANDARDS CODE.

(A) In order to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact, and encouraging sustainable construction practices within the City of Riverbank, the 2023 Edition of the California Green Building Standards Code, Title 24, Part 11 (also known as the CALGreen Code), published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full

herein. The provisions of this code shall apply to the planning, design, use, and occupancy of every newly constructed building or structure, unless otherwise indicated in this code, throughout the City of Riverbank. A true and correct copy of the 2023 California Green Building Standards Code as adopted by this section shall be on file in the office of the City Building Official for inspection and use by the public.

(B) This section shall be known as the Green Building Regulations of the City of Riverbank and regulates the construction of new buildings within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in the California Green Building Code, and hydraulic flood control structures. The Green Building Regulations shall also apply to city owned buildings.

(C) Where in any specific case, different sections of the Green Building Regulations specify different materials, methods of construction, or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

§ 150.09 PLUMBING CODE.

In order to provide minimum requirements and standards for the protection of the public health, safety, and general welfare and to regulate the erection, installation, alteration, addition, repair, relocation, replacement, maintenance, and use of any plumbing system within the City of Riverbank, the 2023 Edition of the California Plumbing Code, Title 24, Part 5 and all appendix chapters, published by the International Association of Plumbing and Mechanical Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building standards Code at Title 24, Part 5 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Plumbing Code as adopted by this section shall be on file in the office of the City Building Official for inspection and use by the public.

§ 150.10 ELECTRICAL CODE.

In order to provide minimum standards for the proper regulation of the installation of electrical systems within the City of Riverbank, the 2023 Edition of the California Electrical Code, Title 24, Part 3, and all appendix chapters, published by the National Fire Protection Association (NFPA), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 3, of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made a part of the chapter as though set forth in full herein. A true and correct copy of the 2023 California Electrical Code shall be in the office of the City Building Official for inspection and use by the public.

§ 150.11 FIRE CODE.

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare from fire and explosive hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Riverbank, the 2023 California Fire Code, Title 24, Part 9, including Appendix Chapter 4, Appendices A, B, C, D, E, F, G, H, I, and J, published by the International Code Council (ICC), in the California Code of Regulations, as adopted by the Stanislaus Consolidated Fire Protection District, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Fire Code as adopted by this section shall be on file in office of the Building Official for inspection by the public.

§ 150.12 MECHANICAL CODE.

(A) In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance, and use of heating, ventilating, cooling, refrigeration systems, and other heat-producing appliances and systems within the City of Riverbank, the 2023 Edition of the California Mechanical Code, Title 24, Part 4, and all appendix chapters, published by the International Association of Mechanical and Plumbing Officials (IAPMO), as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 4 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Mechanical Code as adopted by this section shall be on file in the office of the City Building Official for inspection and use by the public.

(B) Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side or rear yard setback as defined by the City of Riverbank Zoning Ordinance for residential zonings.

§ 150.13 ENERGY CODE.

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of manufactured devices that have been certified by their manufacturer to meet or exceed minimum specifications or efficiencies by the California Energy Commission within the City of Riverbank, the 2023 Edition of the California Energy Code, Title 24, Part 6, and all appendix chapters, published by the International Code Council, as adopted by the Building Standards Commission of the State of California and codified in the California Building Standards Code at Title 24, Part 6 of the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made a part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Energy Code as adopted by this section shall be on file in the office of the City Building Official for inspection and use by the public.

§ 150.14 EXISTING BUILDING CODE.

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance, and use of existing buildings while reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings within the City of Riverbank, the 2023 California Existing Building Code, Title 24, Part 10, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Existing Building Code as adopted by this section shall be on file in the office the of City Building Official for inspection by the public.

§ 150.15 HISTORICAL BUILDING CODE.

In order to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of historical buildings to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users within the City of Riverbank, the 2023 California Historical Building Code, Title 24, Part 8, published by the International Code Council (ICC), in the California Code of Regulations, except as specifically repealed or amended by ordinance of the City of Riverbank, is hereby adopted and made part of this chapter as though set forth in full herein. A true and correct copy of the 2023 California Historical Building Code as adopted by this section shall be on file in the office of the City Building Official for inspection by the public.

SOLAR/PHOTOVOLTAIC POWER SYSTEMS

§ 150.16 SOLAR/PHOTOVOLTAIC POWER SYSTEMS.

(A) *Where installed.* Solar Photovoltaic Power Systems shall comply with the requirements of the 2023 California Residential Code, 2023 California Electrical Code, 2023 California Building Code, 2023 California Fire Code and California State Fire Marshal Solar Photovoltaic Installation Guidelines (the “Solar Photovoltaic Installation Guideline,” published April 22, 2008).

(B) The city may impose fees related to Solar/Photovoltaic Power Systems and from time to time amend said fees by resolution.

(C) *Small Residential Rooftop Solar Energy System review process.*

(1) The following words and phrases as used in this section are defined as follows:

ELECTRONIC SUBMITTAL. The utilization of one or more of the following:

1. E-mail;
2. The internet;
3. Facsimile.

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM. Includes all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or 30 kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.
3. A solar energy system that is installed on a single or duplex family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

SOLAR ENERGY SYSTEM. Has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

(2) Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

(3) The checklist shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the city's building division by personal or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

(4) Prior to submitting an application, the applicant shall:

(a) Verify to the city's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

(b) At the applicant's cost, verify to the city's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

(5) For a small residential rooftop solar energy system eligible for expedited review, only one inspection shall be required, which shall be done in a timely manner and may include a consolidated inspection by the Building Inspector and Fire Department designee. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized; however, the subsequent inspection need not conform to the requirements of this subsection.

(6) An application that satisfies the information requirements in the checklist, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

(7) Upon confirmation by the building official of the application and supporting documentation being complete and meeting the requirements of the checklist, the building official shall administratively approve the application and issue all required permits or authorizations within one to three working days in which the permit application is submitted. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

SECTION 2. Title XV: Land Usage, Chapter 157: Water Efficient Landscape and Irrigation, Sections 157.01 of the Riverbank City Code is amended to read as follows:

§ 157.01 Purpose and Intent.

The purpose and intent of this chapter is to establish landscaping regulations that are intended to:

(A) Enhance the aesthetic appearance of development in all areas of the city by providing development standards relating to quality, quantity and functional aspects of landscaping and landscape screening.

(B) Increase compatibility between residential and abutting commercial and industrial uses.

(C) Reduce the heat and glare generated by development.

(D) Establish a water conservation plan to reduce water consumption in the landscape environment using conservation principles important to the State of California and the City of Riverbank.

(E) Protect public health, safety, and welfare by minimizing the impact of all forms of physical and visual pollution, controlling soil erosion, screening incompatible land uses, preserving the integrity of neighborhoods, and enhancing pedestrian and vehicular traffic and safety.

(F) Comply with the California Department of Water Resources Model Water Efficient Landscape Ordinance as contained in Title 23, Division 2, Chapter 2.7 of the California

Code of Regulations and the California Green Building Standards of 2023 and/or these standards as amended from time to time.

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

SECTION 4. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. This Ordinance shall become effective thirty (30) days after its passage by the City Council, and following the affirmative vote of a majority of the members of the City Council. Within 15 days of its adoption, a summary of the ordinance shall be published in a newspaper of general circulation in the City of Riverbank, State of California, which summary shall include the names of those Council Members voting for and against the ordinance. A certified copy of the full text of such adopted ordinance or amendment shall be on file in the office of the City Clerk.

SECTION 6. The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on January 10, 2023. Said ordinance was given a second reading at a regular meeting of said Council on _____, 2023, and Councilmember _____, seconded by Councilmember _____, moved the adoption of said ordinance and upon roll call was carried by the following:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom Hallinan
City Attorney

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.2

SECTION 10: PUBLIC HEARING

Meeting Date:	January 10, 2023
Subject:	Consideration of an Ordinance to Rezone the Summerfair Site to Planned Development and Resolutions for a General Plan Amendment and Architecture and Site Plan Review
From:	Marisela H. Garcia, City Manager
Submitted by:	Donna M. Kenney, Planning and Building Manager

RECOMMENDATION

It is recommended that the City Council receive a presentation, take public comment, and consider approving the Ordinance and Resolutions for the Summerfair General Plan Amendment, Rezone, Architecture and Site Plan Review, and Mitigated Negative Declaration Project.

SUMMARY

The proposed project consists of a General Plan Amendment (GPA) to Community Commercial (C/C), a Zoning Ordinance Amendment (Rezone) to Planned Development (PD), and the Architecture and Site Plan Review (ASPR) of a storage facility on an approximately 5.9-acre lot. The project site currently has a General Plan Land Use designation of Medium Density Residential (MDR) and is currently zoned General Commercial (C-2). The Planning Commission, after taking public comment at their regular meeting of December 20, 2022, voted 4-0 on 3 Resolutions to recommend approval of the project to the City Council (Attachment 4).

BACKGROUND

On September 14, 2021, the Riverbank City Council approved an Ordinance allowing for a 12.27-site to be rezoned to Planned Development (PD) from General Commercial (C-2) to allow for the development of forty-seven (47) single-family residential units on a

portion of the 12.27-acre site. In addition to adopting the Ordinance, the City Council approved a Tentative Map that subdivided the 12.27-acre site which left a 5.9-acre parcel remaining. In accordance with Section 21159.21(a-j) of the CEQA Statutes, the City Council determined the residential portion of the project to be exempt from further environmental review. The 5.9-acre remainder parcel is the location for the Proposed Project and an Initial Study was completed, leading to a Mitigated Negative Declaration. The Project site address is 6448 Claus Road (APN: 062-020-001). It is vacant and has been disked for weeds for many years. The 5.9-acre property is surrounded by single-family residential housing to the north, east, and west. Railroad tracks are adjacent to the south property line and Riverbank High School is across Patterson Road to the south as well. The Project is located on the east side of Claus Road, north of Patterson Road and south of Stanislaus Street, and a segment of Sierra Street borders the property on the north. This project will connect the Diamond Bar West segment of Sierra Street in the east to Sierra Street on the west side of Claus Road.

The Project is required to annex into city-wide Community Facilities District 2016-01 for the future maintenance of the City's streets, water, stormwater, and waste water systems as well as the provision of additional police officers. The developer has submitted his application and fee for this annexation.

PROJECT ANALYSIS

A. Architecture and Site Design

The Proposed Project consists of the development of a self-storage facility including boat and RV storage, climate control storage, and standard indoor storage (Attachment 5). The Proposed Project also includes a 2,000 square foot office/administration building with a manager apartment on the second floor. Primary access to the Project site will be accommodated via a new driveway located off Claus Road with secondary/emergency vehicle access accommodated via a new driveway located on Sierra Street. The Proposed Project will extend Sierra Avenue westerly to connect with Claus Road. Sierra Street improvements shall be designed and installed in accordance with City standards. The Proposed Project will require frontage improvements on Claus Road, including new curb, gutter, sidewalk, school crossing across Claus Road, street lighting, and paving improvement.

Proposed Project amenities include an RV wash station, on-site parking, enhanced landscaping, and perimeter wall treatment (Attachment 5). Perimeter wall treatment proposed includes a seven (7) foot wrought iron fence along the Project site's northern and western perimeters, an eight (8) foot masonry wall located on the eastern and southern perimeters, and architectural wall elements that range between eleven (11) feet and eighteen (18) feet. The Proposed Project consists of a zero-lot line setback on the southern perimeter with the development of the storage building located on the Project site's southern border adjacent to the Sierra Northern Railroad line located between the Project site and Patterson Road. Landscape improvements will be installed along the Project site's frontage on Claus Road and Sierra Street.

The Proposed Project will connect to existing water lines in Claus Road and connect to existing sewer lines located in Sierra Street. Stormwater will be accommodated by a series of catch basins located on the Project site with an ultimate connection to a new stormwater line located in Sierra Street and running easterly to the Diamond Bar East basin.

Upon build-out, the Proposed Project will operate Monday through Saturday between the hours of 9:00am and 5:00pm and on Sundays, 12:00pm to 5:00pm. At any given time, there will be a maximum of five (5) employees on-site.

The structures will have a stucco finish with a light body color of Wooster Smoke with trim in Light Frost, accented with Stiletto (Attachment 6). A standing seam metal roof matches the dark green of the architectural panels of the wall.

B. Transportation and Circulation

The 5.9-acre site proposes 623 storage units (many climate-controlled) as well as 27 parking garages for RVs, 35 parking spaces for boats, and one space for the office/apartment use. KD Anderson and Associates, Inc. was retained to conduct a traffic study for the project. The report concludes the project would generate fewer daily trips than had been previously assumed in the General Plan EIR and Traffic Impact Fee (TIF) program for a commercial use at this site.

The project is responsible for completing the missing segment of Sierra Street between Claus Road and Cervi Street. There will be a crosswalk across Claus at Sierra to provide a safe crossing for families walking to Cardozo Middle School. Unfortunately, the north side of Sierra, east of Claus will have a segment missing from the sidewalk. The developer and staff were unable to acquire a small easement from the property owner directly north of the project site. Staff will continue outreach to this homeowner. The temporary sidewalk on the east side of Claus between Sierra and Patterson will be upgraded to a permanent sidewalk for students walking to Riverbank High School.

Vehicles on Claus Road will access the site from a driveway between Sierra Street and the railroad tracks adjacent to Patterson Road. There will only be an Emergency Vehicle Access (EVA) driveway on Sierra Street. The facility will be providing a drop-off concierge service that will use parking spaces on the property to keep traffic from backing up on Claus Road.

C. Stormwater

The Project will not have a basin onsite. Instead, storm water will flow from the site and be piped to the Diamond Bar East basin, where capacity has been added to accommodate the Summerfair project as well as The Heritage at Sierra Street subdivision to the east of the project site.

D. General Plan Amendment and Consistency

The proposed project requires a general plan amendment to change the residential designation (MDR) to a commercial planned development designation (PD). It is consistent with the following General Plan policies:

1. Policy DESIGN 2.3: The City will require appropriate signage and traffic control devices to safely accommodate pedestrian, bicyclists, and vehicular traffic. *The developer is providing appropriate signage and traffic control devices to safely accommodate pedestrians, bicyclists, and vehicles.*
2. Policy DESIGN 2.5: The City will require visually attractive streetscapes with street trees and sidewalks on both sides of the streets, planting strips, attractive transit shelters, benches, and pedestrian-scale streetlights in appropriate locations. *The developer is providing visually attractive streetscapes on Claus Road and Sierra Street.*
3. Policy DESIGN 8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement needs and ensure the aesthetic appeal of new development and rehabilitations. *The developer is providing high quality materials for the construction of his family-owned business which includes a corner pop-up element and architectural metal panels to ensure aesthetic appeal.*
4. Policy DESIGN 10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic. *The developer is providing direct access to the site for pedestrians and bicyclists that minimizes conflicts with traffic.*
5. Policy LAND 4.3: The City will encourage and assist small, locally owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means. *If the Council approves a Planned Development zoning for this site, the developer is provided with the flexibility needed to construct a project with smaller setbacks but a better internal circulation pattern.*

Pursuant to California Government Code section 65358 and the Riverbank General Plan, the Planning Commission must have answers to the GPA implementation questions (IMP-2) below before approving a project:

1. Is the proposed amendment in the public interest? *The General Plan Amendment is in the public interest because the amendment will change the General Plan Land Use Map from MDR Medium Density Residential to C/C Community Commercial and allow a mini storage and RV concierge use near residential districts where*

they are needed. The project will get RVs and boats off city streets and out of driveways, where they generate neighbor complaints.

2. Is the proposed amendment consistent and compatible with the goals and the vast majority of policies of the General Plan? *The proposed amendment is compatible with the goals and objectives of the General Plan specifically Policy LAND-4.3. The City will encourage and assist small, locally owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means.*
3. Have the potential effects of the proposed amendment been evaluated and determined not to be detrimental to the public health, safety, or welfare? *The proposed amendment has been evaluated under CEQA and found to be not detrimental to the public health, safety, or welfare with the incorporation of mitigation.*
4. Has the proposed amendment been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act? *The proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.*

E. Rezone to Planned Development

The Project proposes a rezone to Planned Development (PD) and the development standards below. Included are the standards for the original C-2 commercial zoning for comparison. The side and rear setbacks of the PD are different than the C-2 standards so the developer is required to propose amenities to compensate. The developer has chosen to architecturally enhance the wall and provide enhanced landscaping.

Type of Standard	Proposed PD Zone Standards	C-2 Zone Standards
Lot Size	5.9 acres	6,000 square feet minimum
Lot Width	410 feet (east side) and 346 feet (west side)	65 feet minimum
Lot Depth	654 feet	100 feet minimum
Height	30 feet (manager apartment)	70 feet maximum
Front Setback	15 feet on Claus Road (west)	15 feet minimum
Street Side Setback	15 feet on Sierra Street (north)	15 feet minimum
Side Setback	5 feet to wall/residential (east)	25 feet minimum
Rear Setback	0 feet to wall/railroad right of way (south)	15 feet minimum
Sidewalks	Both sides of Sierra Street and the east side of Claus Road.	Both sides of street required

Rezone Findings

In recommending approval of the Rezone to the City Council, the Planning Commission found the project met the required findings of fact:

1. Each individual unit of the development if built in stages, as well as the total development, can exist as an independent unit capable of creating a good environment in the locality and being in any stage as desirable and stable as the total development. *The mini storage could be constructed as a first phase with the RV concierge use constructed in a second phase.*
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses but will enhance the desirability of the area and have a beneficial effect. *Many new homes are built on small lots with no room to park an RV. In addition, many multigenerational families share a home that does not have enough room to store heirlooms and other important items. By locating this facility near residential areas, citizens are close to their belongings and can easily access them.*
3. Any deviation from the standard ordinance requirements is warranted by the unusual design and additional amenities incorporated in the development plan which offers certain redeeming features to compensate for any deviations that may be permitted. *The facility will offer a unique concierge service. An RV owner can drop off their RV after a trip, the facility will gas it, clean it, and store it in a garage until the owner decides to take another trip.*
4. The principles incorporated in the proposed master plan identify unique characteristics which could not otherwise be achieved under other zoning districts. *By approving PD zoning, the site plan can utilize a smaller setback on two sides of the project which will provide better vehicle circulation within the site, especially for long RVs.*
5. Where a PD rezone is initiated by the City, the previous findings are not required. *This PD was not initiated by the City.*

ENVIRONMENTAL DETERMINATION

The City of Riverbank, acting as the Lead Agency, has prepared an Initial Study which considers the potential environmental effects of the proposed project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the City of Riverbank, that the proposed project may have a potentially significant effect on the environment, provided that mitigation measures are included. An Initial Study and Mitigated Negative Declaration were drafted and available for public comment (Attachment 7).

The Final Mitigation Monitoring and Reporting Program (MMRP) to the Mitigated Negative Declaration is provided as Attachment 8. It has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” Included in the MMRP are preconstruction surveys for Swainson’s Hawks and special-status bird species, protections, and a process for Native American remains if discovered during construction, and noise reduction requirements that apply to construction equipment.

PUBLIC NOTICE

On December 21, 2022, public notices for the City Council hearing were mailed to interested parties and property owners within 300 feet of the project location. The City Council public hearing notice was published in the Riverbank News on December 28, 2022. The notice was posted on the City’s website and physically posted at City Hall North, South, the post office and sent to the library on December 21, 2022. The subject property public notice sign was posted on December 7, 2022.

ATTACHMENTS

1. Resolution 2023 –XXX (GPA and MND)
2. Ordinance 2023-XXX (RZ)
3. Resolution 2023 –XXX (ASPR)
4. Planning Commission Resolutions 2022-013/-014/-015
5. Site Plan and Elevations
6. Project Colors
7. Initial Study and Mitigated Negative Declaration
8. CEQA Response to Comments
9. Mitigation Monitoring and Reporting Program

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING A GENERAL PLAN AMENDMENT
REDESIGNATING 5.9 ACRES, LOCATED AT 6448 CLAUS ROAD (APN 062-
020-001) TO C/C COMMUNITY COMMERCIAL AND ADOPTING A MITIGATED
NEGATIVE DECLARATION**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, a General Plan Amendment, Rezone, and Architecture and Site Plan Review application has been received from Summerfair Commerce Center with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

WHEREAS, the City of Riverbank Planning Commission conducted a Hearing on December 20, 2022 to take public comment and consider the proposed General Plan Amendment from Medium Density Residential (MDR) to Community Commercial (C/C) and make a recommendation to City Council; and

WHEREAS, the Planning Commission after considering public comment voted 4-0 to recommend to the City Council that they approve the General Plan Amendment request; and

WHEREAS, pursuant to Government Code section 65355, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 28, 2022; and

WHEREAS, notices of the City Council public hearing on the General Plan Amendment were also mailed to all property owners within 300 feet of the property, according to the most recent assessor’s roll on December 21, 2022; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE
CITY OF RIVERBANK DOES HEREBY FIND:**

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 change the General Plan Land Use Map to comply with the proposed rezone.
 - 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 has been evaluated under CEQA and an Initial Study and Mitigated Negative Declaration has been prepared for the project.
 - d. That the proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code and the California Environmental Quality Act.
2. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the General Plan Amendment and Mitigated Negative Declaration.
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 hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of January 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

CITY OF RIVERBANK

ORDINANCE 2023-

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK APPROVING
THE REZONING OF 5.9 ACRES TO PLANNED DEVELOPMENT, LOCATED AT 6448
CLAUS ROAD (APN 062-020-001) –
A PROJECT KNOWN AS SUMMERFAIR COMMERCE CENTER**

WHEREAS, a General Plan Amendment, Rezone, and Architecture and Site Plan Review application has been received from Summerfair Commerce Center with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

WHEREAS, the City of Riverbank Planning Commission conducted a Public Hearing on Tuesday December 20, 2022, to consider the proposed Rezone Ordinance (the “Rezone Ordinance”) in Riverbank and make a recommendation to the City Council; and

WHEREAS, the City Council held a properly noticed public hearing on the proposed Rezone Ordinance, and considered the Planning Commission recommendation, and any public comments and all documents or testimony received; and

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

1. An application has been received from Summerfair Commerce Center, LLC (“Summerfair”) with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

2. The project site is currently zoned residential Planned Development (PD) and the application includes a request to rezone the property to a commercial Planned Development (PD); and

3. The application also requests a General Plan Amendment to change the current designation of 6448 Claus Road from Medium Density Residential (MDR, which allows for a net density of 8-16 dwelling units per acre), to Community Commercial (C/C, which would allow for a storage facility); and

4. The project site is currently vacant and the application includes a request for the Architecture and Site Plan Review of a new storage facility; and

5. The Planning Commission held a public hearing on December 20, 2022 to consider Zoning Ordinance Amendment (Rezone) 03-2021; and

6. Notice of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation on December 7, 2022; and

7. Notices of the public hearing on the Rezone were mailed to all property owners within three hundred (300) feet of the property, according to the most recent assessor's roll, on December 5, 2022; and

8. The Planning Commission has reviewed the proposed Rezone and conducted a public hearing on December 20, 2022, in the manner prescribed by law; and

9. All other legal prerequisites to the adoption of this Resolution have occurred.

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

Section 1: The City Council of the City of Riverbank approves Rezoning 5.9 acres to Planned Development zoning for a property located at 6448 Claus Road (APN 062-020-001) to make it consistent with a General Plan Designation of Community Commercial (C/C).

Section 2: The City Clerk is hereby directed to cause the Official Zoning Map of the City of Riverbank to be revised to reflect the rezoning approved by this ordinance.

Section 3: Constitutionality, severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared invalid or unconstitutional.

Section 4: This Ordinance shall become effective thirty (30) days from and after its final passage and adoption, provided it is published in a newspaper of general circulation at least fifteen (15) days prior to its effective date or a summary of the Ordinance is published in a newspaper of general circulation at least five (5) days prior to adoption and again at least fifteen (15) days prior to its effective date.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Riverbank held on January 10, 2023. Said ordinance was given a second reading at a regular meeting of said Council on _____, 2023, and Councilmember _____, seconded by Councilmember _____, moved the adoption of said ordinance and upon roll call was carried by the following:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom Hallinan
City Attorney

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, APPROVING THE ARCHITECTURE AND SITE PLAN REVIEW
FOR SUMMERFAIR, LOCATED AT 6448 CLAUS ROAD (APN 062-020-001)**

**THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS
THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:**

WHEREAS, a General Plan Amendment, Rezone, and Architecture and Site Plan Review application has been received from Summerfair Commerce Center with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

WHEREAS, the City of Riverbank Planning Commission conducted a Hearing on December 20, 2022 to take public comment and consider the proposed Architecture and Site Plan Review; and

WHEREAS, the Planning Commission after considering public comment voted 4-0 to recommend to the City Council that they approve the Architecture and Site Plan Review request; and

WHEREAS, pursuant to Government Code section 65355, notice of the City Council public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 28, 2022; and

WHEREAS, notices of the City Council public hearing on the Architecture and Site Plan Review were also mailed to all property owners within 300 feet of the property, according to the most recent assessor’s roll, on December 21, 2022; and

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

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE
CITY OF RIVERBANK DOES HEREBY FIND:**

1. 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 City Council, the City Council hereby approves the Architecture and Site Plan Review for Summerfair.
2. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the

validity of the remaining portions of the resolution. The City Council hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of January 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

**City of Riverbank
Planning Commission
Resolution No. 2022-013**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF RIVERBANK, CALIFORNIA RECOMMENDING TO THE
CITY COUNCIL THE APPROVAL OF A GENERAL PLAN
AMENDMENT WHICH WOULD REDESIGNATE 5.9 ACRES
LOCATED AT 6448 CLAUS ROAD (APN 062-020-001) TO
COMMUNITY COMMERCIAL (C/C) AND THE APPROVAL OF A
MITIGATED NEGATIVE DECLARATION**

WHEREAS, an application has been received from Summerfair Commerce Center, LLC ("Summerfair") with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

WHEREAS, the application requests a General Plan Amendment to change the current designation of 6448 Claus Road from Medium Density Residential (MDR, which allows for a net density of 8-16 dwelling units per acre), to Community Commercial (C/C, which would allow for a storage facility); and

WHEREAS, the project site is currently zoned General Commercial (C-2) and the application includes a request to rezone the property to Planned Development (PD); and

WHEREAS, the project site is currently vacant and the application includes a request for the Architecture and Site Plan Review of a new storage facility; and

WHEREAS, Section 15070 of the CEQA Guidelines provides for a lead agency to prepare an Initial Study on any proposed project to analyze whether the project may cause any significant effect on the environment; and

WHEREAS, an Initial Study has been prepared, as provided for by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and consequently a Mitigation Negative Declaration was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study Negative Declaration began on October 26, 2022 and ended on November 28, 2022; and

WHEREAS, the City received one (1) public comment on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result.

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold at least one noticed, public hearing on any proposed General Plan Amendment; 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, the notice of the public hearing on the General Plan Amendment was published in the *Riverbank News*, a newspaper of general circulation, on December 7, 2022; and

WHEREAS, the notices of the public hearing on the General Plan Amendment were mailed to all property owners within 300 feet of the property on December 5, 2022, according to the most recent assessor's roll; and

WHEREAS, the Planning Commission has reviewed the General Plan Amendment and conducted a public hearing on December 20, 2022 in the manner prescribed by law; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL CONDITIONAL APPROVAL OF GENERAL PLAN AMENDMENT NO. 01-2022, BASED ON THE FOLLOWING FINDINGS:

1. General Plan Amendment Findings: That pursuant to California Government Code section 65358 and the Riverbank General Plan, the Planning Commission finds as follows:
 - a. The General Plan Amendment is in the public interest because the General Plan Amendment will change the General Plan Land Use Map to comply with the proposed commercial facility zoning.
 - b. The General Plan Amendment is consistent and compatible with the goals and majority of the policies of the General Plan.
 - c. The General Plan Amendment is exempt from additional environmental analysis because an Initial Study with Mitigated Negative Declaration has been prepared for the Project pursuant to CEQA Guidelines.
 - d. The proposed amendment has been processed in accordance with the California Government Code, the Riverbank Municipal Code, and the California Environmental Quality Act.
2. That, based on the findings set forth in this resolution, 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.
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, or word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

4. The City finds that the General Plan is exempt from additional environmental analysis as an Initial Study with Mitigated Negative Declaration has been prepared for the Project pursuant to CEQA Guidelines.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th of December, 2022, by the following roll call vote 4/0

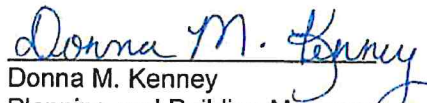
AYES: Commisioners': Link, Basso, Dian and Reuben

NOES: None

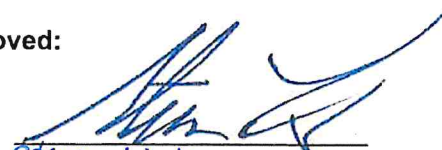
ABSENT: Stewart

ABSTAIN:None

Attest:


Donna M. Kenney
Planning and Building Manager

Approved:


Steve Link, Chairperson
Planning Commission

**City of Riverbank
Planning Commission
Resolution No. 2022-014**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF RIVERBANK, CALIFORNIA, RECOMMENDING TO THE
CITY COUNCIL THE APPROVAL OF ORDINANCE NO. 2023-
XXX TO REZONE TO PLANNED DEVELOPMENT 5.9 ACRES
LOCATED AT 6448 CLAUS ROAD APN: 062-020-001**

WHEREAS, an application has been received from Summerfair Commerce Center, LLC ("Summerfair") with a proposal to construct a storage facility on approximately 5.9 acres at 6448 Claus Road; and

WHEREAS, the project site is currently zoned General Commercial (C-2) and the application includes a request to rezone the property to Planned Development (PD); and

WHEREAS, the application also requests a General Plan Amendment to change the current designation of 6448 Claus Road from Medium Density Residential (MDR, which allows for a net density of 8-16 dwelling units per acre), to Community Commercial (C/C, which would allow for a storage facility); and

WHEREAS, the project site is currently vacant and the application includes a request for the Architecture and Site Plan Review of a new storage facility; and

WHEREAS, the Planning Commission held a public hearing on December 20, 2022 to consider Zoning Ordinance Amendment (Rezone) 03-2021; and

WHEREAS, notice of the public hearing on the Rezone was published in the *Riverbank News*, a newspaper of general circulation on December 7, 2022; and

WHEREAS, notices of the public hearing on the Rezone were mailed to all property owners within three hundred (300) feet of the property, according to the most recent assessor's roll, on December 5, 2022; and

WHEREAS, the Planning Commission has reviewed the proposed Rezone and conducted a public hearing on December 20, 2022, in the manner prescribed by law; and

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

NOW, THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION OF THE CITY OF RIVERBANK HEREBY RECOMMENDS CITY COUNCIL CONDITIONAL APPROVAL OF ORDINANCE NO. 2023-XXX, REZONING 5.9 ACRES TO PLANNED DEVELOPMENT, ATTACHED HERETO AS EXHIBIT "A" AND INCORPORATED HEREIN

BY THIS REFERENCE, BASED ON THE FOLLOWING FINDINGS:

1. Pursuant to California Government Code Section 65855, the recommendation to City Council shall include the relationship to the applicable general or specific plan.
 - a. The property identified in this action has requested a change in its General Plan Land Use Designation from Medium Density Residential (MDR) to Community Commercial (C/C) and then a Rezone from General Commercial (C-2) to Planned Development (PD).
 - b. The proposed General Plan Amendment to C/C and the proposed Rezone to PD will maintain consistency between the General Plan and Zoning Code, pursuant to Government Code Section 65860.
2. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the underutilized lot and have a beneficial effect.
3. Deviations from the standard ordinance requirements is warranted by the unusual concept design and additional amenities must be incorporated into the future site plan which offer certain redeeming features to compensate for any deviations that may be permitted under PD zoning.
4. The principles incorporated in the accompanying Architecture and Site Plan Review application must identify unique characteristics which could not otherwise be achieved under other zoning districts.
5. The PD rezone was not initiated by the City, so the previous findings are required.

Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The Planning Commission of the City of Riverbank hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

The City finds that Pursuant to the California Environmental Quality Act, the Initial Study and Mitigated Negative Declaration (SCH#2022100579), there is no substantial evidence, in light of the whole record before the City of Riverbank, that the proposed project may have a potentially significant effect on the environment, provided that mitigation measures are included. Mitigation measures are included.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a regular meeting held on the 20th of December, 2022, by the following roll call vote 4/0

AYES: Commissioners': Link, Basso, Dinan and Reuben

NOES: None

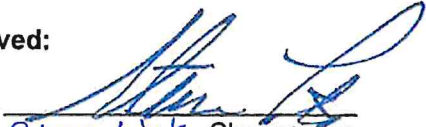
ABSENT: Stewart

ABSTAIN: Nonw

Attest:


Donna M. Kenney
Planning and Building Manager

Approved:


Steve Link, Chairperson
Planning Commission

Attachment: Exhibit A – Draft City Council Ordinance No. 2023-XXX

**City of Riverbank
Planning Commission
Resolution No. 2022-015**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF RIVERBANK,
CALIFORNIA RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF
ARCHITECTURE SITE PLAN REVIEW 08-2021
FOR SUMMERFAIR, LOCATED AT
6448 CLAUS ROAD (APN 062-020-001)**

WHEREAS, an application has been received from Summerfair Commerce Center, LLC ("Summerfair") for the Architecture and Site Plan Review of a new storage facility to be located at 6448 Claus Road (APN 062-020-001); and

WHEREAS, the Planning Commission held a public hearing on December 20, 2021 to consider Architecture and Site Plan Review 08-2022 and take public comment; and

WHEREAS, an Initial Study and Mitigated Negative Declaration have been prepared for the General Plan Amendment and Rezone portions of this project application; and

WHEREAS, the Riverbank Planning Commission made the following findings:

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

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

1. Policy DESIGN 2.3: The City will require appropriate signage and traffic control devices to safely accommodate pedestrian, bicyclists, and vehicular traffic.
2. Policy DESIGN 2.5: The City will require visually attractive streetscapes with street trees and sidewalks on both sides of the streets, planting strips, attractive transit shelters, benches, and pedestrian-scale streetlights in appropriate locations.
3. Policy DESIGN 8.3: The City will require the use of durable, high quality building materials to lower maintenance and replacement needs and ensure the aesthetic appeal of new development and rehabilitations.
4. Policy DESIGN 10.1: The City will require site and building access for pedestrians and bicyclists by providing the most direct pedestrian access from sidewalks and parking areas to building entrances while minimizing conflicts with motor vehicle traffic.

5. Policy LAND 4.3: The City will encourage and assist small, locally-owned businesses that wish to locate, expand, or simply continue to do business in Riverbank through flexible development standards, public investment, property assemblage, incentives, streamlined entitlement processes, public-private partnerships, and other means.

WHEREAS, the request and plans of Summerfair Commerce Center LLC, owner, are hereby granted and approved, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-014 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the project; and
2. The applicant shall build the entire project according to the site plans and elevations approved at the December 20, 2022 Planning Commission meeting, and on file with the Community Development Department; and
3. The applicant is responsible for completing all the items in the Mitigation, Monitoring and Reporting Plan; and
4. Complete onsite and offsite Civil Plans for grading, water, sewer, and storm drainage showing elevations are required; and
5. Driveway and sidewalks need to conform to ADA standards; and
6. A storm filter and drainage maintenance agreement between the project owner and the City is required to be signed; and
7. The water system shall be shown on plans including the backflow device, fire department connection, water meters (1. building service and 2. landscaping), post indicator valve, water service to the building, and City Standard details; and
8. SWWWP for development must be submitted; and
9. A traffic plan for street construction must be submitted; and
10. ADA signage for entrance to parking lot must be installed (11B-502.8); and utilities shall be undergrounded: electrical, communications, gas, water, fire line, and sewer; and
11. The City's Post Construction Standards Plan needs to be followed including DMA's LID standards, and the required worksheets located in the Appendix of the document. The document is available on the City's website; and
12. When improvements take place, Fire Code permits through Stanislaus Consolidated Fire District shall be obtained as required by Title 24 of the California Fire Code; and
13. An application, landscape and irrigation plans including documentation package, water efficient landscape worksheet, soil management report, slopes, drainage patterns, pad elevations, and finished grade conforming to the state's MWELO requirements, and current fee shall be submitted and approved by the City before the issuance of a Building

{CW112684.2}

December 20, 2022

Resolution No. 2022-015

Permit. Landscaping and irrigation shall be installed and approved before Building Permit Final; and

14. Signage shall be reviewed and approved under a separate permit; and

15. All exterior lighting shall be LED and focused downward on the site.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 07-2021 is hereby approved, subject to those conditions established by Resolution No. 2021-019 and as illustrated in Exhibit "A" Floor Plans and Elevations.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 20th of December, 2021; motioned by Commissioner Dinan, seconded by Commissioner Link, and upon roll call was carried by the following vote of 4: 0

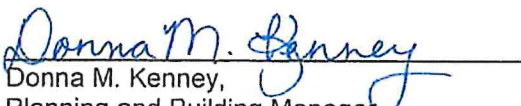
AYES: Commissioners: Link, Basso, Dinan and Reuben

NOES: None

ABSENT: Stewart

ABSTAIN: None

Attest:


Donna M. Kenney,
Planning and Building Manager

Approved:

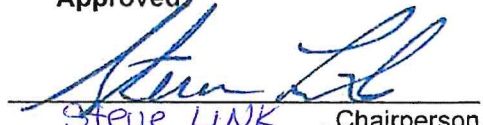
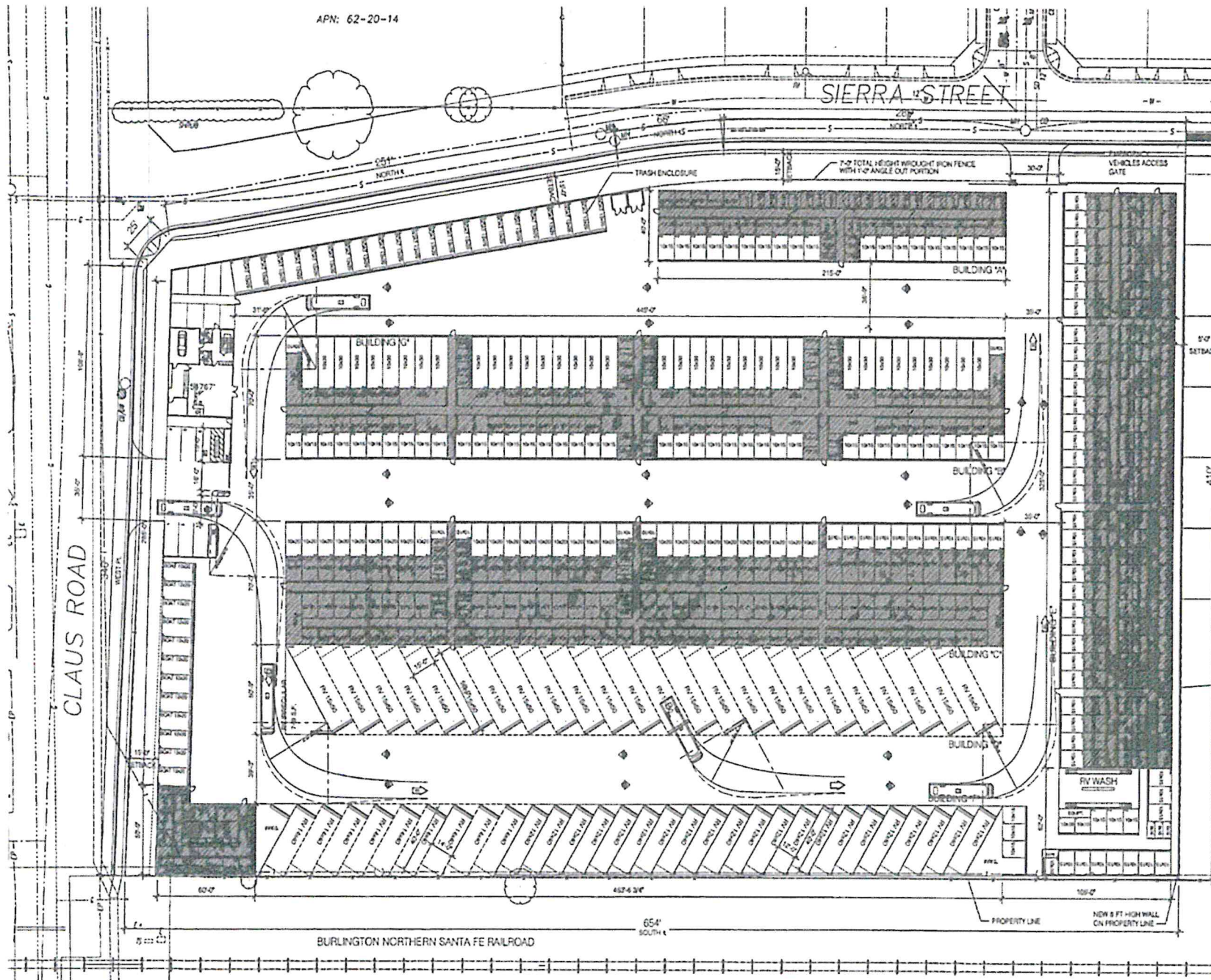

Steve Link, Chairperson
Planning Commission

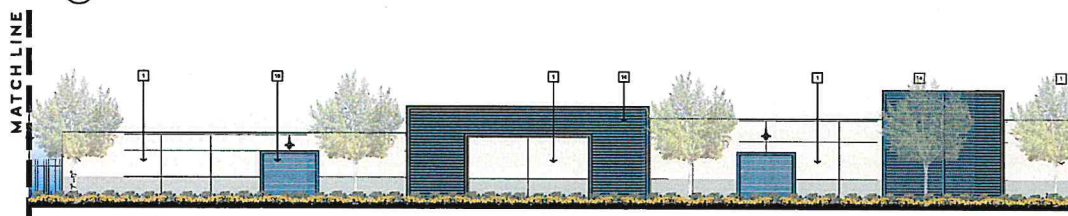
Exhibit A – Floor Plan and Elevations



1 NORTH ELEVATION - SIERRA STREET



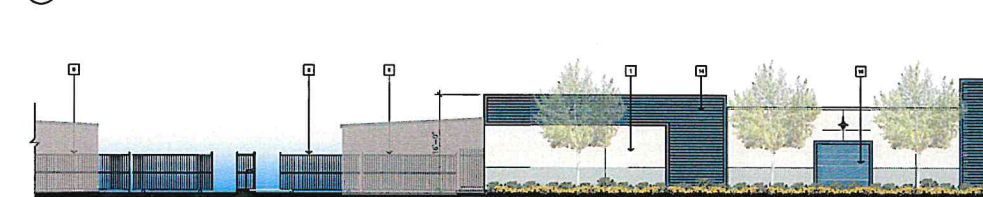
1A ENLARGED NORTH ELEVATION - SIERRA STREET



1B ENLARGED NORTH ELEVATION - SIERRA STREET (CONT.)



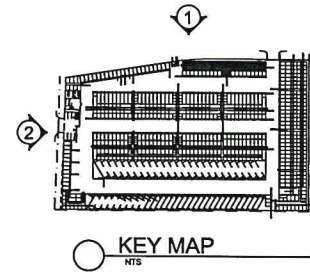
2 WEST ELEVATION



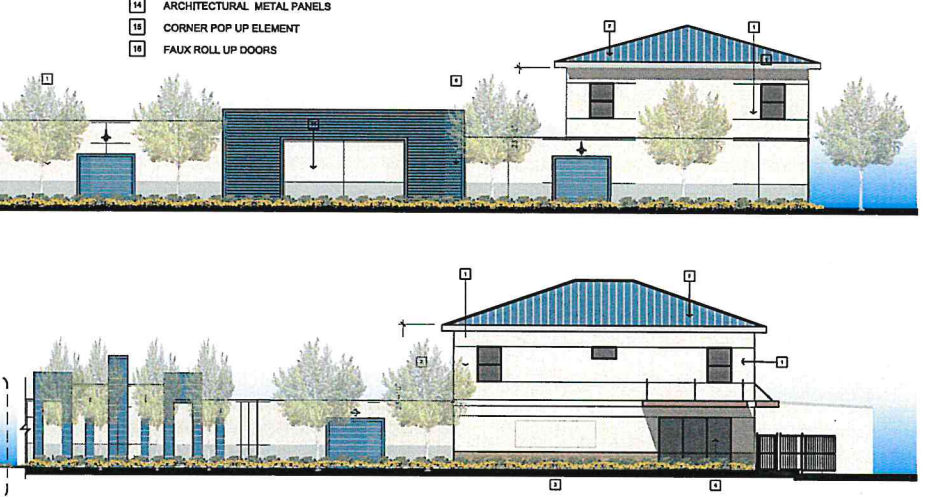
2B ENLARGED WEST ELEVATION

KEYNOTES:

- 1 STUCCO FINISH
- 2 FOAM SHAPE BAND
- 3 STONE WAINSCOT
- 4 STOREFRONT WINDOW SYSTEM
- 5 WROUGHT IRON FENCE
- 6 ACCESS GATE
- 7 STANDING SEAM METAL ROOF
- 8 PREFAB CONC. WALL SYSTEM BY ECOTONE
- 9 COVERED RV WASH & DUMP STATION
- 10 EMERGENCY VEHICLE ACCESS GATE
- 11 BUILDING A (BEYOND)
- 12 BUILDING B (BEYOND)
- 13 BUILDING C (BEYOND)
- 14 ARCHITECTURAL METAL PANELS
- 15 CORNER POP UP ELEMENT
- 16 FAUX ROLL UP DOORS

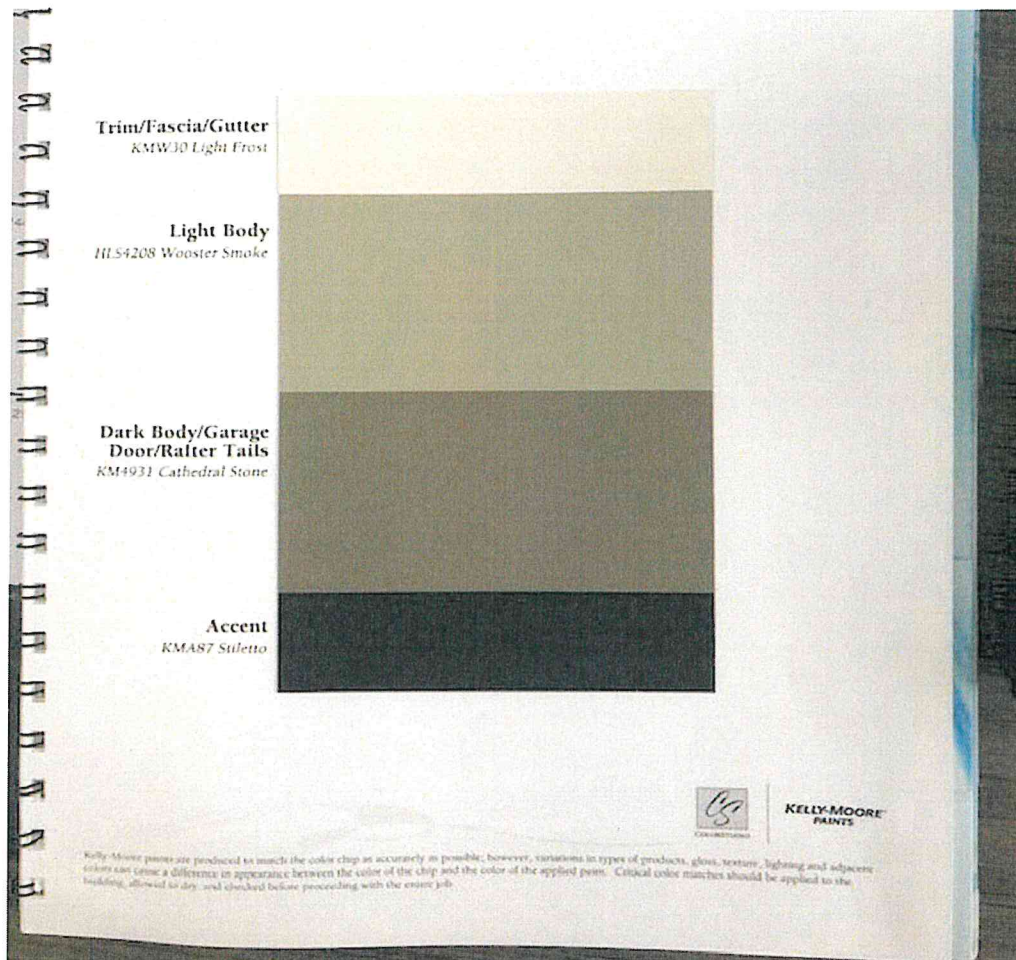


KEY MAP



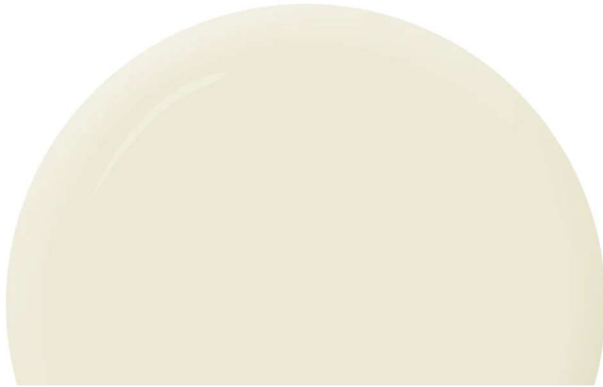
2A ENLARGED WEST ELEVATION

ATTACHMENT 6



Trim/Fascia/Gutter

[HOME](#) / [PRODUCTS](#) / [KMW30 LIGHT FROST](#)



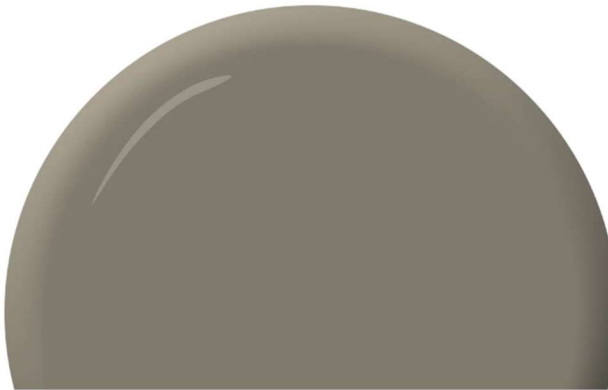
Light Body

[HOME](#) / [PRODUCTS](#) / [HLS4208 WOOSTER SMOKE](#)



Dark Body/Garage Door/Ralter Tails

[HOME](#) / [PRODUCTS](#) / [KM4931 CATHEDRAL STONE](#)



Accent

[HOME](#) / [PRODUCTS](#) / [KMA87 STILETTO](#)





Public Review Draft Draft Initial Study/Mitigated Negative Declaration

Summerfair Commerce Center

**General Plan Amendment 01-2022, Rezone 03-2021, and
Architectural Site Plan Review 08-2021**

prepared by

City of Riverbank

Planning & Building Department

6617 3rd Street

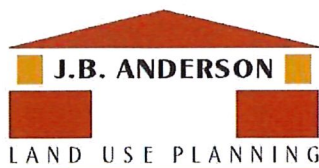
Riverbank, CA 95367

prepared with the assistance of

J.B. Anderson Land Use Planning

139 S. Stockton Avenue

Ripon, California 95366



October 2022

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Appendix B	Limited Phase 1/Environmental Site Assessment, dated October 18, 2004, prepared by Construction Testing & Engineering
Appendix C	Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

NEGATIVE DECLARATION

Lead Agency:

City of Riverbank
6617 3rd Street
Riverbank, CA 95367

PROJECT NAME:

Summerfair Commerce Center – GPA 01-2022, Rezone 03-2021, and ASPR 08-2021

PROJECT PROPONENT AND LEAD AGENCY:

Project Proponent: Summerfair Commerce Center, LLC
1920 Standiford Ave., Ste. 1
Modesto, CA 95350

Lead Agency: City of Riverbank
6617 3rd Street
Riverbank, CA 95367

PROJECT LOCATION:

The Proposed Project is located at 6448 Claus Road, Riverbank, California 95367. The Project site has been assigned Assessor Parcel Number 062-020-001. The Project site is bounded by Sierra Avenue and an existing single-family residential subdivision to the north, Northern Sierra Railroad, Patterson Road and Riverbank High School to the south, Central Avenue and the Heritage Collection Subdivision to the east, and Claus Road to the west.

Figure 1 provides a Location Map of the Project site.

PROJECT DESCRIPTION:

Background

On September 14, 2021, the Riverbank City Council approved an Ordinance allowing for a 12.27-acre site to be rezoned to Planned Development (PD) to allow for the development of forty-seven (47) single-family residential units on a portion of the 12.27-acre site. In addition to adopting the Ordinance, the City Council approved a Tentative Map that subdivided the 12.27-acre site which left a 5.9-acre remainder parcel. In accordance with Section 21159.21(a-j) of the CEQA Statutes, the City Council determined the residential portion of the project to be exempt from further environmental review.

The 5.9-acre remainder parcel is the Subject Parcel for the Proposed Project.

Proposed Project

The Proposed Project consists of a General Plan Amendment, Rezone, and Architectural Site Plan Review to allow for the development of a self-storage and recreational vehicle storage facility and associated site improvements on a 5.9-acre site located in the City of Riverbank.

General Plan Amendment

The Project site is currently designated for Medium Density Residential (MDR) land uses by the City's 2005-2025 General Plan. The Proposed Project includes an amendment to the 2005-2025 General Plan to designate the Project site for Community Commercial (C/C) land uses.

Rezone

The Project site is currently zoned General Commercial (C-2), and the Proposed Project proposes to rezone the Project site to Planned Development (PD), which will allow for the development of the Proposed Project. The following provides the setbacks of the proposed PD zone designation:

Setback	Distance
Front (west and north street frontage)	15-feet
Side (southern property edge)	0-feet
Rear (eastern property edge)	5-feet

Architectural Site Plan Review

As noted previously, the Proposed Project consists of the development of a self-storage facility including boat and RV storage, climate control storage, and standard indoor storage. The Proposed Project also includes a 2,000 square foot office/administration building with a manager apartment on the second floor. At full build-out, the Proposed Project will provide the following:

Type of Storage/Building	Number of Spaces	Building Area (Square Feet)
Recreational Vehicle	27	-
Boat	35	-
Indoor Storage	623	-
Office/Apartment	1	2,000

Primary access to the Project site will be accommodated via a new driveway located off Claus Road with secondary/emergency vehicle access accommodated via a new driveway located on Sierra Street. The Proposed Project will extend Sierra Avenue westerly to connect with Claus Road. Sierra Street improvements shall be designed and installed in accordance with City standards. The Proposed Project will require frontage improvements on Claus Road, including new curb, gutter, sidewalk, school crossing across Claus Road, street lighting, and paving improvement.

Proposed Project amenities include an RV wash station, on-site parking, enhanced landscaping, and perimeter wall treatment. Perimeter wall treatment proposed includes an eight (8) foot masonry wall located on the eastern perimeter, and a seven (7) foot wrought iron fence along the Project site's northern and western perimeters. The Proposed Project consists of a zero-lot line setback on the southern perimeter with the development of the storage building located on the Project site's southern border adjacent to the Sierra Northern Railroad line located between the Project site and Patterson Road. Landscape improvements will be installed along the Project site's frontage on Claus Road and Sierra Street.

The Proposed Project will connect to existing water lines in Claus Road and connect to existing sewer lines located in Sierra Street. Stormwater will be accommodated by a series of catch basins located on the Project site with an ultimate connection to a new stormwater line located in Sierra Street and running easterly to the Diamond Bar East basin.

Upon build-out, the Proposed Project will operate Monday through Saturday between the hours of 9:00am and 5:00pm and on Sundays, 12:00pm to 5:00pm. At any given time, there will be a maximum of five (5) employees on-site.

Figures 2 and 3 provide Site Plans and Illustrated Site Plans for the Proposed Project.

ENVIRONMENTAL DETERMINATION:

The City of Riverbank, acting as the Lead Agency, has prepared an Initial Study, following, which considers the potential environmental effects of the Proposed Project. The Initial Study shows that there is no substantial evidence, in light of the whole record before the City of Riverbank, that the Proposed Project may have a potentially significant effect on the environment, provided that the following mitigation measures are included in the Proposed Project.

MITIGATION MEASURES:

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Planning and Building Department prior to the start of construction. The above measures would reduce noise generated by the construction of the Proposed Project to the extent feasible for the Project's size.

Mitigation Measure BIO-1:

The Project Proponent shall implement the following measures to avoid or minimize impacts on Swainson's Hawk:

- No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's Hawk and other raptors during the nesting season (February 1 through August 31).

- Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.
- Consistent with General Plan Policy CONS-5.7, and before the commencement of construction, the Project Proponent shall provide compensatory mitigation for the permanent loss of Swainson's Hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests.

Mitigation Measure BIO-2:

The Project Proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:

- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.
- If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

Mitigation Measure CUL-1:

If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The Project Applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human

remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level.

Mitigation Measure NOISE-1:

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

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

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Development Services Department prior to the start of construction. The above measures would reduce noise generated by the construction of the project to the extent feasible for the project’s size.

Ms. Donna Kenney, AICP, MCRP
Planning and Building Manager

Date

INITIAL STUDY

1. PROJECT TITLE

Summerfair Commerce Center – GPA 01-0222, Rezone 03-2021, and ASPR 08-2021

2. LEAD AGENCY NAME AND ADDRESS

City of Riverbank
6617 3rd Street
Riverbank, CA 95367

3. CONTACT PERSON AND PHONE NUMBER

Ms. Donna Kenney, AICP, MCRP
Planning and Building Manager
Email: dkenney@riverbank.org
Phone: (209) 863-7124

4. PROJECT LOCATION

The Proposed Project is located at 6448 Claus Road, Riverbank, California 95367. The Project site has an Assessor Parcel Number (APN) of 062-020-001.

5. PROJECT SPONSOR'S NAME AND ADDRESS

Summerfair Commerce Center, LLC
1920 Standiford Ave., Ste. 1
Modesto, CA 95350

6. EXISTING SETTING

The Project site is currently undeveloped, fallow land, and is generally considered an infill site within the City of Riverbank. The Project site is bounded by the future extension of Sierra Avenue to the north, Patterson Road to the south, the Heritage Collection residential subdivision to the east, and Claus Road to the west.

7. EXISTING GENERAL PLAN DESIGNATION

The City's 2005-2025 General Plan designates the Project site for Medium Density Residential (MDR) land uses.

8. EXISTING ZONING

The existing zoning of the Project site is C-2, General Commercial.

9. SURROUNDING LAND USES AND SETTING

The table below provides a depiction of the Project site’s surrounding uses and setting.

Table 1 Surrounding Land Uses and Setting

	Existing Use	2005-2025 General Plan Land Use Designation	Zoning Classification
North	Sierra Avenue, Single-Family Residential	Medium Density Residential (MDR)	Single-Family Residential (R-1)
South	Burlington Northern Santa Fe Railroad, Patterson Road, Riverbank High School	Civic (C)	Single-Family Residential (R-1)
East	Heritage Collection Single-Family Residential Subdivision	Medium Density Residential (MDR)	Planned Development (PD)
West	Claus Road, Ranchette Parcels	Medium Density Residential (MDR)	Single-Family Residential (R-1)

10. DESCRIPTION OF THE PROJECT

Background

On September 14, 2021, the Riverbank City Council approved an Ordinance allowing for a 12.27-acre site to be rezoned to Planned Development (PD) to allow for the development of forty-seven (47) single-family residential units on a portion of the 12.27-acre site. In addition to adopting the Ordinance, the City Council approved a Tentative Map that subdivided the 12.27-acre site which left a 5.9-acre remainder parcel. In accordance with Section 21159.21(a-j) of the CEQA Statutes, the City Council determined the residential portion of the project to be exempt from further environmental review.

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Proposed Project amenities include an RV wash station, enhanced landscaping, and perimeter wall treatment. Perimeter wall treatment proposed includes an eight (8) foot masonry wall located on the eastern perimeter, and a seven (7) foot wrought iron fence along the Project site's northern and western perimeters. The Proposed Project consists of a zero-lot line setback on the southern perimeter with the development of the storage building located on the Project site's southern border. Landscape improvements will be installed along the Project site's frontage on Claus Road and Sierra Street.

The Proposed Project will connect to existing water lines in Claus Road and connect to existing sewer lines located in Sierra Street. Stormwater will be accommodated by a series of catch basins located on the Project site with an ultimate connection to a new stormwater line located in Sierra Street and running easterly to the Diamond Bar East basin.

Upon build-out, the Proposed Project will operate Monday through Saturday between the hours of 9:00am and 5:00pm and on Sundays, 12:00pm to 5:00pm. At any given time, there will be a maximum of five (5) employees on-site.

11. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

The Proposed Project will require approval from the following Public Agencies:

- San Joaquin Valley Air Pollution Control District: Rule 9510 Compliance; and,

- Stanislaus Consolidated Fire Protection District: Review and approval of the Proposed Project's Improvement Plans and Building Plans prior to issuance of a Building Permit.

12. HAVE CALIFORNIA NATIVE AMERICAN TRIBES TRADITIONALLY AND CULTURALLY AFFILIATED WITH THE PROJECT AREA REQUESTED CONSULTATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.3.1?

None have requested consultation. However, in accordance with Public Resources Code Section 21080.3.1, consultation requests were submitted to the following Native American Tribes on June 21, 2022:

- Wuksache Indian Tribe/Eshom Valley Band;
- Wilton Rancheria;
- Tule River Indian Tribe;
- Southern Sierra Miwuk Nation;
- Northern Valley Yokuts Tribe;
- California Valley Miwok Tribe; and,
- Calaveras Band of Mi-Wuk Indians.

The City received a response from Wilton Rancheria and this response did not formally request consultation for the Proposed Project. A copy of the Wilton Rancheria response is on file at Riverbank City Hall South, 6617 3rd Street, Riverbank, CA 95367.

Figure 1 – Location Map

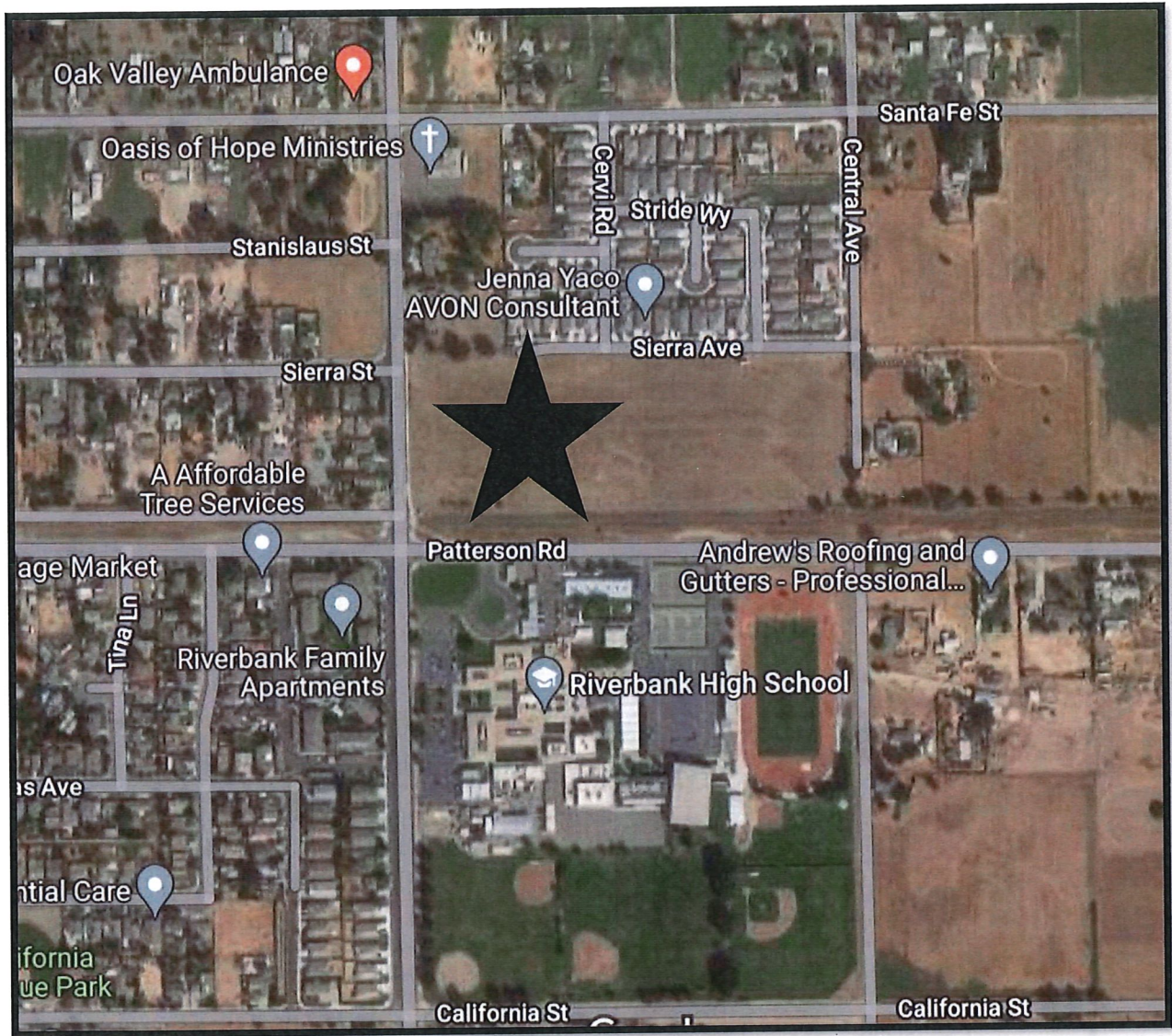
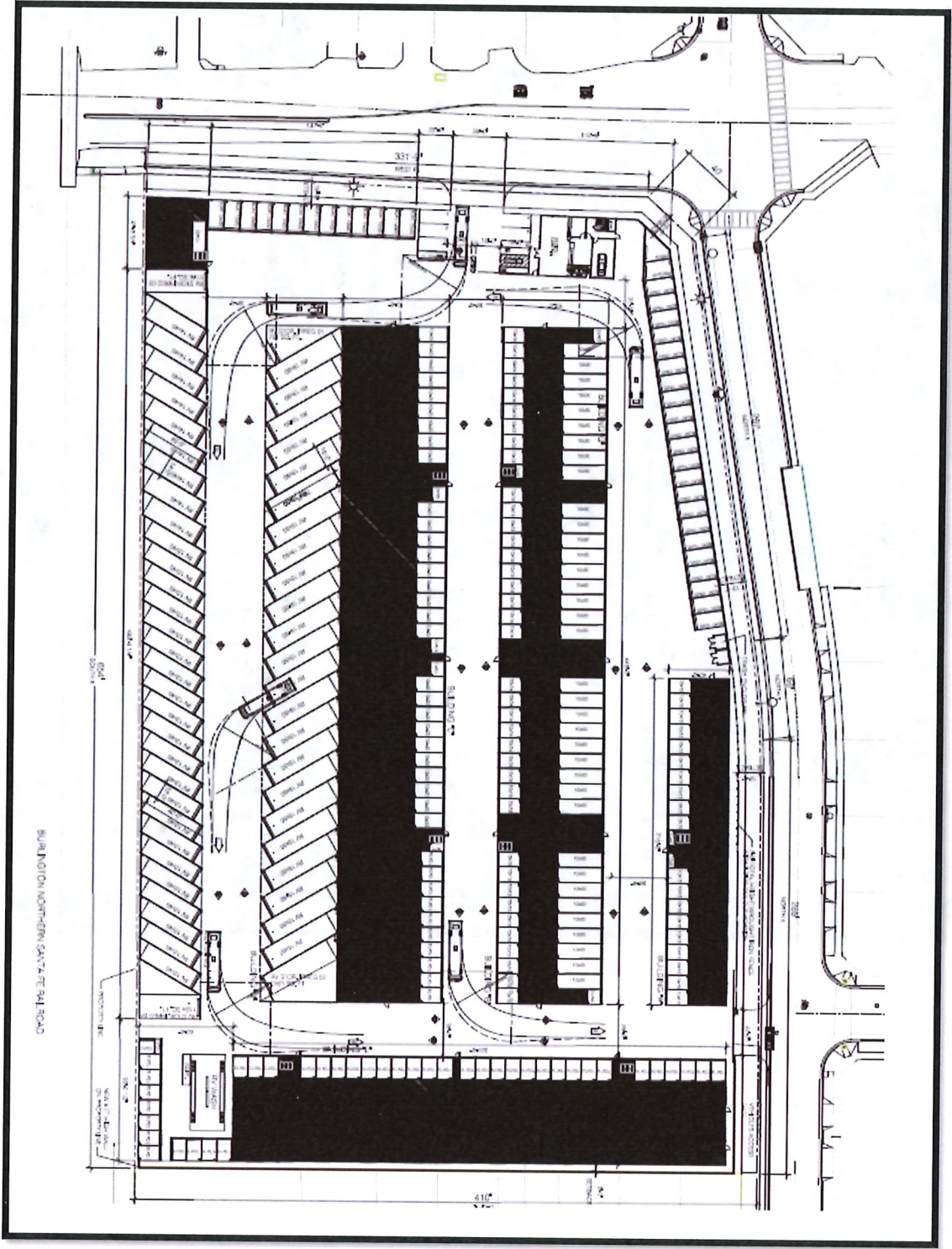


Figure 2 – Site Plan



NORTH →

Figure 3- Illustrative Site Plan

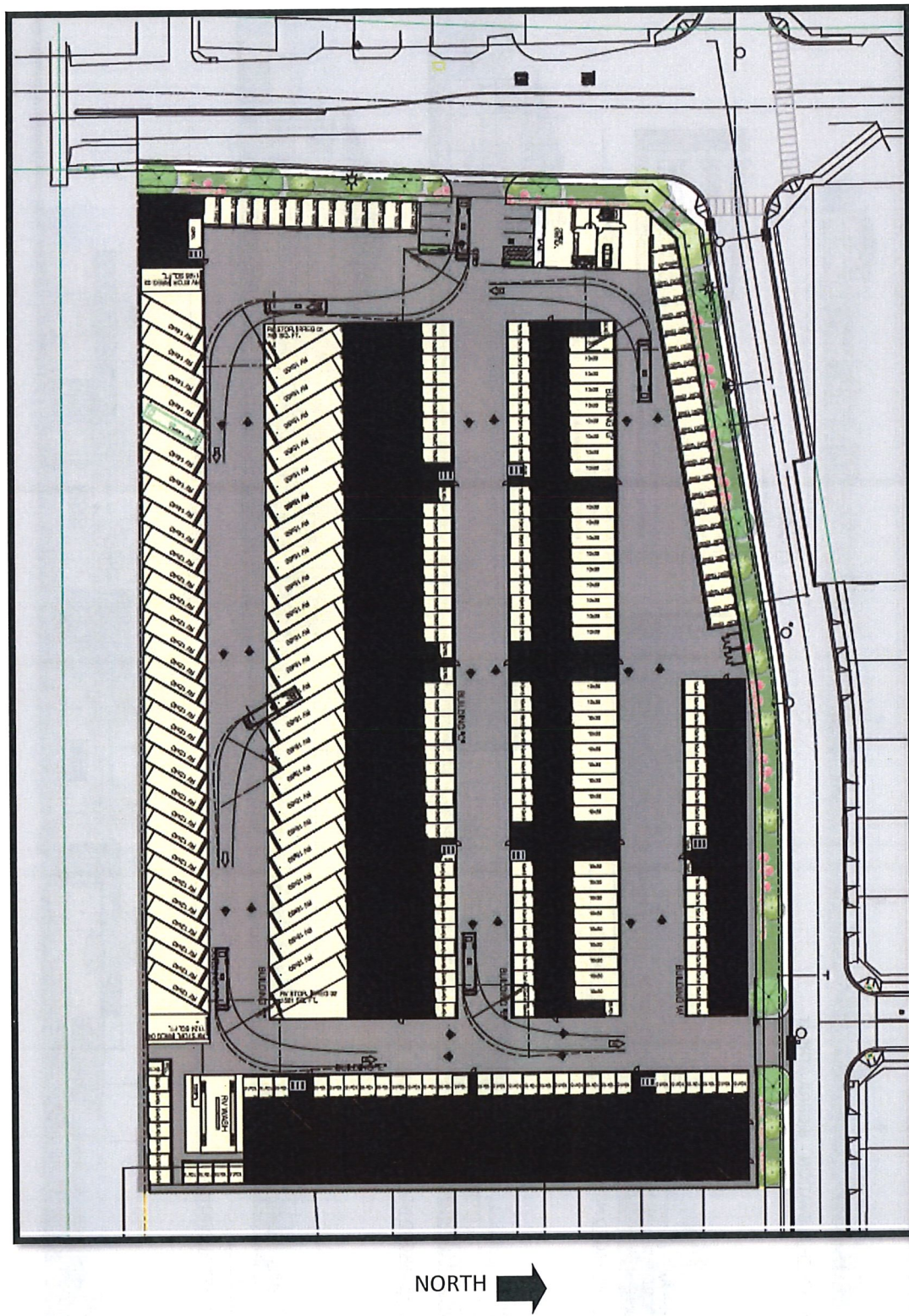
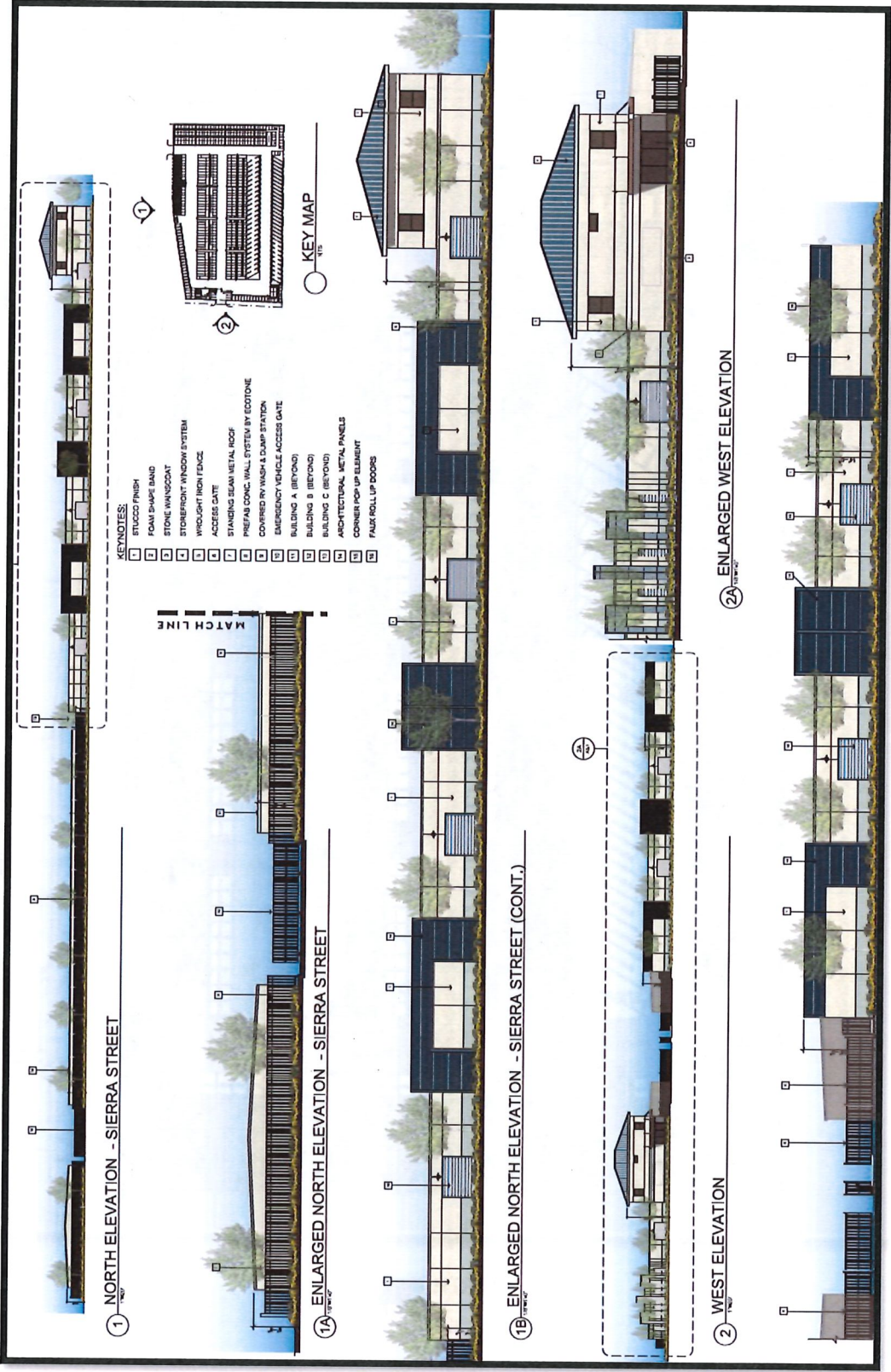


Figure 4 – Building Elevations



13. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒	Aesthetics	☒	Agriculture and Forestry Resources	☒	Air Quality
☒	Biological Resources	☒	Cultural Resources	☒	Energy
☒	Geology and Soils	☒	Greenhouse Gas Emissions Materials	☒	Hazards and Hazardous
☒	Hydrology and Water Quality	☒	Land Use and Planning	☒	Mineral Resources
☒	Noise	☒	Population and Housing	☒	Public Services
☒	Recreation	☒	Transportation/Traffic	☒	Utilities and Service Systems
☒	Wildfire	☒	Mandatory Findings of Significance	☒	

14. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

	I find that the Proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the Proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the Project Proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the Proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the Proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the Proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the Proposed Project, nothing further is required.
Ms. Donna Kenney, AICP, MCRP Planning and Building Manager	
Date	

SECTION 2.0 EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

The analysis contained in this Initial Study is tiered from the City's 2005-2025 General Plan Environmental Impact Report. Copies of this document can be reviewed at Riverbank City Hall, 6617, 3rd Street, Riverbank, CA 95367

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
 - a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

INITIAL STUDY CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines.

1. AESTHETICS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

IMPACT ANALYSIS

a. *Would the project have a substantial adverse effect on a scenic vista?*

A review of the City's 2005-2025 General Plan shows the Project site and its surrounding area is not considered to be scenic vista. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a state scenic highway?*

The Proposed Project is not located near a state scenic highway and therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

The Proposed Project is located within an urbanized area of the City of Riverbank. Regulations governing scenic quality include the City's 2005-2025 General Plan and development standards contained in the City's Zoning Ordinance. The Proposed Project complies with the City's 2005-2025 General Plan and development standards including landscaping requirements, wall treatment, etc., of which avoids conflict with policies and regulations related to scenic quality. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The Proposed Project will create a new source of light and glare by the addition of lighting typical of indoor and outdoor storage facilities. As a standard Condition of Approval, the Project Proponent will be required to submit a detailed Lighting Plan, or Photometric Plan, for City review and approval. This review will prevent any new sources of light or glare from having an adverse effect on day and nighttime views in the area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

2. AGRICULTURE AND FORESTRY RESOURCES: WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997, as updated) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?			X	
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?			X	
d) Result in the loss of forest land or conversion of forest land to non-forest use?			X	
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), (d), and (e):

- a. *Would the project convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

Based on a review of the City's 2005-2025 General Plan EIR, and specifically, Exhibit 4.3-1, the Project site is located on lands considered to be "Urban and Built Up" land. Therefore, the Proposed Project will not convert lands defined as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

Based on a review of Exhibit 4.3-2 of the 2005-2025 General Plan EIR, the Project site does not contain a Williamson Act Contract. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?*

The Proposed Project is not located on a site zoned forest land, timberland, or timberland zoned for Timberland Production. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

The Project site is not located on lands considered to be forest land. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?*

The Proposed Project is not located on a site that is actively farmed for agricultural purposes. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

3. AIR QUALITY -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied on to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

REGULATORY SETTING

The Proposed Project is located in Stanislaus County which is a portion of the San Joaquin Valley Air Basin (SJVAB). Air quality management under the Federal and State Clean Air Acts is the responsibility of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The Federal and State governments have adopted ambient air quality standards (AAQS) for the primary air pollutants of concern, known as "criteria" air pollutants. Air quality is managed by the SJVAPCD to attain these standards. Primary standards are established to protect public health; secondary standards are established to protect public welfare. The attainment statuses of the SJVAB for Stanislaus County with respect to the applicable AAQS are shown in the table below.

The SJVAB is considered non-attainment for ozone and particulate matter (PM₁₀ and PM_{2.5}), because the AAQS for the pollutants are sometimes exceeded. The SJVAB is Attainment/Unclassified for carbon monoxide, but select areas, not including the City of Riverbank, are required to abide by adopted carbon monoxide maintenance plans.

The California Air Resources Board (CARB) through the Air Toxics Program is responsible for the identification and control of exposure to air toxics, and notification of people that are subject to significant

air toxic exposure. A principal air toxic is diesel particulate matter, which is a component of diesel engine exhaust.

The SJVAPCD has adopted regulations establishing control over air pollutant emissions associated with land development and related activities. These regulations include:

Regulation VIII (Fugitive Dust Rules)
Rule 4101 (Visible Emissions)

SAN JOAQUIN VALLEY FEDERAL AND STATE AAQS ATTAINMENT STATUS

Pollutant	Designation / Classification	
	Federal Standards^a	State Standards^b
Ozone, 1-hour	No Federal standard ^f	Nonattainment / Severe
Ozone, 8-hour	Nonattainment / Extreme ^e	Nonattainment
PM10	Attainment ^c	Nonattainment
PM2.5	Nonattainment ^d	Nonattainment
Carbon Monoxide	Attainment / Unclassified	Attainment / Unclassified
Nitrogen Dioxide	Attainment / Unclassified	Attainment
Sulfur Dioxide	Attainment / Unclassified	Attainment
Lead (particulate)	No designation/Classification	Attainment
Hydrogen Sulfide	No Federal standard	Unclassified
Sulfates	No Federal standard	Attainment
Visibility-Reducing Particles	No Federal standard	Unclassified
Vinyl Chloride	No Federal standard	Attainment

^aSee 40 CFR Part 81

^bSee CCR Title 17 Sections 60200-60210

^cOn September 25, 2008, EPA redesignated the San Joaquin Valley to Attainment for the PM10 National AAQS and approved the PM10 Maintenance Plan

^dThe Valley is designated nonattainment for the 1997 PM2.5 NAAQS. EPA designated the Valley as nonattainment for the 2006 PM2.5 on November 13, 2009 (effective December 14, 2009).

^eThough the Valley was initially classified as serious nonattainment for the 1997 8-hour ozone standard, EPA approved reclassification of the Valley to extreme nonattainment in the Federal Register on May 2010 (effective June 4, 2010).

^fEffective June 15, 2005, the EPA revoked the Federal 1-hour ozone standard, including associated designations and classifications. EPA has previously classified the SJV as extreme nonattainment for this standard. EPA approved the 2004 Extreme Ozone Attainment Demonstration Plan on March 8, 2010 (effective April 7, 2010). Many applicable requirements for extreme 1-hour ozone nonattainment areas continue to apply to the SJVAB.

The SJVAPCD has adopted a CEQA impact analysis guideline titled *Guide for Assessing and Mitigating Air Quality Impacts* (GAMAQI). The GAMAQI is utilized in the following air quality impact analysis where applicable. The GAMAQI establishes impact significance thresholds for the non-attainment pollutant PM10 and precursors to the non-attainment pollutant ozone: reactive organic gases (ROG) and oxides of nitrogen (NOx).

Pollutant/Precursor	Construction Emissions	Operational Emissions	
		Permitted Equipment and Activities	Non-Permitted Equipment and Activities
	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>	<i>Emissions (tpy)</i>
CO	100	100	100
NO _x	10	10	10
ROG	10	10	10
SO _x	27	27	27
PM ₁₀	15	15	15
PM _{2.5}	15	15	15

Projects that do not generate emissions in excess of these thresholds are considered to have less than significant air quality impacts. Furthermore, within the GAMAQI, the SJVAPCD has established and outlined a three-tiered approach to determining significance related to a project's quantified ozone precursor emissions. Each tier or level requires a different degree of complexity of emissions calculation and modeling to determine air quality significance. The three-tiers established to date (from least significant to most significant) are: *Small Project Analysis Level (SPAL)*, *Cursory Analysis Level (CAL)*, and *Full Analysis Level (FAL)*. In each of the tiers, the SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds. Table 2 of the GAMAQI, dated November 13, 2020, includes the threshold for government office building projects as resulting in less than 40,000 square feet, less than 1000 Average Daily One-Way Trips for all fleet types (except Heavy-Heavy Duty Trucks (HHDT), and less than 15 Average Daily One-Way Trips for HHDT only. Table 4b includes the threshold for unrefrigerated warehouse – no rail projects as resulting in less than 190,000 square feet, less than 140 Average Daily One-Way Trips for all fleet types (except HHDT), and less than 15 Average Daily One-Way Trips for HHDT only.

IMPACT ANALYSIS

- Would the project conflict with or obstruct implementation of the applicable air quality plan?*
- Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard?*
- Would the project expose sensitive receptors to substantial pollutant concentrations?*

The Proposed Project will result in air emissions during its construction phase and during its operational phase. Construction emissions would be generated by construction equipment used during the site preparation and infrastructure/home construction processes. Operational emissions would be generated primarily by resident vehicles and indirectly by use of electricity. The City of Riverbank is located within the San Joaquin Valley Air Pollution Control District.

Specific emissions anticipated to be generated by the Proposed Project are summarized below for both construction and operations:

Table 2 – Summary of Annual Emissions in Tons Per Year

	Construction Phase	Operational (Occupancy Phase)
Oxides in Nitrogen (NOx)	0.2786	0.1478
Particulate Matter (PM10)	0.0735	0.1772

For construction and operations, the Proposed Project is anticipated to be well below the thresholds identified by the SJVPACD. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

The Proposed Project is not anticipated to result in adversely affecting a substantial number of people through emissions. The Proposed Project is a typical storage facility located within an urban setting. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

4. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

IMPACT ANALYSIS

- a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

- b. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. *Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*
- d. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*
- e. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The following analysis is based upon the Biological Study prepared for the Heritage Collection at Sierra Street Project, dated March 12, 2021, as prepared by Walter Tordorff, Ph.D. The Biological Study referenced herein included the Project site, as confirmed with Dr. Tordorff in June 2022. For reference, the Biological Study is included herein as Appendix A.

Consultation with the California Natural Diversity Database (CNDDB) indicated that there are sixteen (16) animal species of concern and no plant species of concern recorded in the Riverbank area (Riverbank topographic quadrangle). While most of these species are associated with the Stanislaus River or with vernal pools, a few are found in terrestrial habitats. The 16 species are as follows:

Found in rivers and streams:

- Sacramento Hitch;
- Hardhead;
- Sacramento Slittail;
- Sacramento-San Joaquin Tule Perch;
- Chum Salmon;
- Steelhead; and,
- Chinook Salmon.

Found in vernal pools:

- Vernal Pool Fairy Shrimp; and,
- Vernal Pool Tadpole Shrimp.

Found in terrestrial habitats:

- Swainson's Hawk;
- Burrowing Owl;
- Northern California Legless Lizard;

- Valley Elderberry Longhorn Beetle;
- Moestan Blister Beetle;
- Obscure Bumble Bee; and,
- Crotch's Bumble Bee.

Dr. Tordorff conducted a site visit on February 28, 2021 and again on March 5, 2021. The site visit concluded that there is a large Oak Tree located at the northwest border of the site where Sierra Street will be extended to connect to Claus Road. There are elderberry bushes and oak trees located just beyond the Project site and within the right-of-way of the Burlington Northern Railroad. In addition, the Project site is continuously plowed for weed control and there are no streams or vernal pools located on the site.

The Biological Study concluded the following:

- There are no streams or vernal pools located on the Project site and therefore, the Proposed Project will have no impact on the first nine (9) species listed above.
- There is no indication that terrestrial habitat or species are located on the Project site.
- The Elderberry Shrubs located within the railroad right-of-way shall be avoided as part of the Proposed Project.
- There are no ground squirrels or burrows on the Project site and therefore, Burrowing Owls will not be identified on the site.
- The Biological Study noted that the Project site contains foraging habitat for Swainson's Hawk.

As a result of the Biological Study, the Project Proponent will be required to adhere to 2005-2025 General Plan Policy CONS-5.7, which states:

"A mitigation plan shall be prepared and reviewed and approved by the appropriate regulatory agencies for projects where avoidance of adverse effects to special-status species is not feasible, and authorization for take of listed species shall be obtained, if necessary. The mitigation plan shall include measures to minimize potential for effects during project construction (e.g. pre-construction surveys and timing of construction) and measures to compensate for loss of special-status species habitat. Loss of Swainson's Hawk foraging habitat shall be compensated for by preservation and management of foraging habitat of at least a similar quality at an appropriate location. Mitigation plans shall identify an appropriate mitigation site, compensation acreage, performance criteria, and monitoring and management requirements to ensure the site provides suitable habitat for the applicable species. Long-term protection of mitigation lands shall be ensured by establishing a management endowment or other suitable funding source. Alternatively, it may be appropriate to contribute funds to existing mitigation programs. Use of such a program shall be approved by the appropriate regulatory agencies."

In addition, there is not an adopted Habitat Conservation Plan within the City of Riverbank.

Based on the analysis above, and as contained in the Biological Study, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporation**, specifically as it relates to potential impacts to Swainson's Hawk and Swainson's Hawk foraging habitat. Mitigation measures are presented below.

MITIGATION MEASURES:

The following mitigation measures shall apply to the Proposed Project:

Mitigation Measure BIO-1:

The Project Proponent shall implement the following measures to avoid or minimize impacts on Swainson's Hawk:

- No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's Hawk and other raptors during the nesting season (February 1 through August 31).
- Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged, or the nest site is otherwise no longer in use.
- Consistent with General Plan Policy CONS-5.7, and before the commencement of construction, the Project Proponent shall provide compensatory mitigation for the permanent loss of Swainson's Hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests.

Mitigation Measure BIO-2:

The Project Proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site:

- Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area.
- If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location,

nest stage, and specific construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.

5. CULTURAL RESOURCES -- *Would the project:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				X
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

IMPACT ANALYSIS

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

The Riverbank Branch Library, also referred to as the Riverbank Carnegie Library, located at 3237 Santa Fe Street, is the only structure within the City to be identified on the National Register for Historic Places. According to the California Office of Historic Preservation (www.ohp.parks.ca.gov), there are no other properties or structures identified on either the National Register or State Register of Historic Places. In accordance with State Law and Policy CONS-2.5 of the City's 2005-2025 General Plan, in the event of the inadvertent discovery of previously unknown archaeological sites during excavation or construction, all construction affecting the site shall cease and the contractor shall contact the appropriate City agency. If Native American human remains are discovered, the City shall work with local Native American representatives to ensure that the remains and associated artifacts are treated in a respectful and dignified manner. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*

Paleontological resources are not expected to exist at the Project site because the underlying soil type and the age of the soils would generally preclude their presence. Therefore, the Proposed Project will have **No Impact**.

- c. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

It is not anticipated that the Proposed Project will disturb any human remains. However, through development and construction of the Proposed Project, human remains may be identified, particularly during activities requiring ground disturbance (i.e. grading, trench digging, etc.). As such, the Proposed Project shall incorporate Mitigation Measure CUL-1, specified below, in accordance with Section 15064(e) of the CEQA Guidelines, to reduce any potentially significant impacts to a level of less than significant. Therefore, the Proposed Project will have a **Less Than Significant Impact with Mitigation Incorporation**.

MITIGATION MEASURES:

The following mitigation measure(s) shall be incorporated into the Proposed Project to mitigate any potential impacts to a less than significant level:

Mitigation Measure CUL-1:

If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The Project Applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level.

6. ENERGY -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?*

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three (3) years, and the 2019 Title 24 went into effect on January 1, 2020.

The California Green Buildings Standards Code (CALGreen) establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce Greenhouse Gas (GHG) emission from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to environmental directives. The most recent update to CALGreen went into effect January 1, 2020 and covers five (5) categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

The Proposed Project will be required to comply with all California Green Building Code Standards, including Energy Efficient standards for nonresidential buildings.

The Proposed Project will require site preparation, grading, paving, architectural coating, and trenching. The site is vacant and will not require the demolition of any existing structures, except for a fenced storage yard. Implementation of applicable 2030 General Plan Goals, Policies, and Implementation Measures as it relates to Air Quality, Energy, Utilities, etc. would reduce energy waste from construction. In addition, as noted in Section 8 of this Initial Study, the Proposed Project complies with the City's adopted Climate Action Plan. Therefore, the Proposed Project would not

consume energy in a manner that is wasteful, inefficient, or unnecessary. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

7. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

IMPACT ANALYSIS

- a.1. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*
- a.4. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

Based on a review of the City's 2005-2025 General Plan EIR, the City is not located within an earthquake fault zone as designated by the Alquist-Priolo Earthquake Fault Zone Act (California Geological Survey 2007). The nearest active fault is the San Joaquin Fault, which is located approximately 22 miles southwest of the City and is a potential source of risk for seismic events. Because no known faults are located in the City, the potential for surface rupture (cracking or breaking of the ground during an earthquake) would be **Less Than Significant**.

- b. *Would the project result in substantial soil erosion or the loss of topsoil?*

The potential for grading and earthmoving during project construction to result in erosion is a potentially significant impact. Exposed soils entrained in stormwater runoff and transported off the Project site can be potentially significant. This impact would be mitigated to a less than significant level by the City's Standard Conditions (adopted by Resolution No. 2013-014) Number F-2 and F-3, requiring implementation of a Stormwater Pollution Prevention Plan (SWPPP) as well as implementation of Best Management Practices relating to stormwater runoff. As a result, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project be located on a geologic unit or soil that is unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

Liquefaction is a phenomenon primarily associated with saturated, cohesion less soil layers located close to the ground surface. During liquefaction, soils lose strength and ground failure may occur. Soils must be saturated to be at risk of liquefaction, the areas in Riverbank most susceptible to liquefaction include areas along the Stanislaus River and where there are high groundwater levels. The Proposed Project is located south of the Stanislaus River, outside of the area considered to be susceptible to liquefaction. In addition, Riverbank requires all new development or substantial renovations to comply with adopted Building codes and engineering requirements, which include seismic design, foundations, and drainage. As a result, no mitigation measures are required for this area and the level of impact is **Less Than Significant**.

- d. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?*

According to the City's 2005-2025 General Plan EIR, four (4) soil types found in Riverbank have been identified as expansive soils (moderate to high shrink-swell potential) which can cause damage to buildings, roads, and other structures. The Project site is located within San Joaquin soils (SaA) and has a high potential of shrink-well at a depth of 13-24 inches. However, the General Plan includes policies which reduce the possible exposure of people and structures to hazards involving expansive soils, including Policy SAFE-1.2 and Policy SAFE-1.11. Policy SAFE-1.2 involves the enforcement of the State of California Buildings Standards Commission Uniform Codes, such as the Uniform Building Code and Fire Code. Policy SAFE-1.11 requires the proposed developments within river bluff areas and other areas prone to geologic and soil limitations complete a detailed geotechnical study prepared by an independent qualified geologist and approved by the City. The mitigation measure listed below as "GEO-1" will ensure that the project adheres to the General Plan Policy SAFE-1.11 and a Geotechnical Study is prepared for the project. The Project Proponent has prepared and submitted a Geotechnical Study. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The Proposed Project will connect to City services related to sewer. Therefore, the Proposed Project will have **No Impact**.

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Based on review of the 2005-2025 General Plan EIR, there are no paleontological resources or unique geologic features located within the Project site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

8. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

BACKGROUND DISCUSSION:

Human-generated emissions greenhouse gases (GHGs) are understood to be an important cause of global climate change, which is a subject of increasing scientific, public concern, and government action. Atmospheric concentrations of GHGs that trap heat in the earth's atmosphere and lead to a variety of effects, including increasing temperature, changes in patterns and intensity of weather and various secondary effects resulting from those changes, including potential effects on public health and safety.

California AB 32 identifies global climate change as a "serious threat to the economic well-being, public health, natural resources and the environment of California." As a result, global climate change is an issue that needs to be considered under CEQA.

GHGs include carbon dioxide (CO₂), the most abundant GHG, as well as methane, nitrous oxide and other gases, each of which have GHG potential that is several times that of CO₂. GHG emissions result from combustion of carbon-based fuels; major GHG sources in California include transportation (40.7%), electric power generation (20.5%), industrial (20.5%), agriculture and forestry (8.3%) and others (8.3%).

The State of California is actively engaged in developing and implementing strategies for reducing GHG emissions. State programs for GHG reduction include a regional cap-and-trade program, new industrial and emission control technologies, alternative energy generation technologies, advanced energy conservation in lighting, heating, cooling and ventilation, reduced-carbon fuels, hybrid and electric vehicles, and other methods of improving vehicle mileage reduction programs. Using these and other strategies, the State's Global Climate Change Scoping Plan, adopted in December 2008, proposes to achieve a 29% reduction in projected business-as-usual emission levels for 2020.

The SJVAPCD adopted a Climate Change Action Plan in 2008 and issued guidance for development project compliance with the plan in 2009. The guidance adopted an approach that relies on the use of Best Performance Standards to reduce GHG emissions. Projects implementing Best Performance Standards would be determined to have a less than cumulatively significant impact. For projects not implementing Best Performance Standards, demonstration of a 29% reduction in GHG emissions from business-as-usual conditions is required to determine that a project would have a less than cumulatively significant impact.

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*
- b. *Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

Although not originally intended to reduce GHGs, California Code of Regulations (CCR) Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. Since then, Title 24 has been amended with recognition that energy efficient buildings require less electricity and reduce fuel consumption, which in turn decreases GHG emissions. The current Title 24 standards were adopted in response to the requirements of AB 32. Specifically, new development projects within California, after January 1, 2011, are subject to the mandatory planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and environmental quality measures of the California Green Building Standards (CALGreen) Code (California Code of Regulations, Title 24, Part 11). As such, it is anticipated that the Proposed Project will not generate greenhouses gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with any plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

9. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?			X	

IMPACT ANALYSIS

- Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The Proposed Project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. In addition, the Proposed Project will be developed in compliance with all City standards and policies in relation to site improvements, compliance with building codes, and the like. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The Proposed Project is located within 0.25 miles of Riverbank High School, which is located just south of the Project site. However, storage facilities do not typically emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located on a site included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

Based upon a limited Phase I/Environmental Assessment, dated October 18, 2004, prepared by Construction Testing & Engineering, Inc., the Project site is not located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. For review and reference, the Phase I/ESA is included in this Initial Study as Appendix B.

Therefore, the Proposed Project will have **No Impact**.

- e. *For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?*

On October 6, 2016, the Stanislaus County Airport Land Use Commission adopted the County's Airport Land Use Commission Plan. Based on a review of the Airport Land Use Commission Plan, the Proposed Project is not located within 2-miles of a public airport or public use airport. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

Page 4.9-18 of the 2005-2025 General Plan Draft Environmental Impact Report (EIR) concluded that, "development within the Planning Area would add additional traffic and residences requiring evacuation in case of an emergency. Implementation of the 2005-2025 General Plan Policies would ensure conformance with local emergency response programs and continued cooperation with emergency response service providers. This impact would be less than significant."

The Proposed Project will comply with 2005-2025 General Plan Policies including SAFE-2.1 and SAFE 2.5. Furthermore, the Proposed Project, while requesting a General Plan Amendment, will be consistent with the 2005-2025 General Plan. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- g. *Would the project expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Based on a review of the 2005-2025 General Plan EIR, the CDF Fire Resource Assessment Program identifies the General Plan's Planning Area as a "developed" zone for wildland fires. No areas or zones in the Planning Area are defined as Very High Fire Hazard Severity. The Proposed Project is located within the Riverbank city limits and within the General Plan's Planning Area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

10. HYDROLOGY AND WATER QUALITY -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) Result in substantial on- or offsite erosion or siltation;			X	
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

IMPACT ANALYSIS

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Construction activities associated with the Proposed Project would cause disturbance of soil during excavation work, which could adversely affect water quality. Contaminants from construction vehicles and equipment and sediment from soil erosion could increase the pollutant load in runoff being transported to receiving waters during development. Any construction activities, including grading, that would result in the disturbance of 1 acre or more would require compliance with the Regional Water Quality Control Board (Regional Water Board) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity (Construction General Permit). The Project site is 5.9-acres and will be subject to the provisions of a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential adverse impacts on surface water quality through the project construction period.

Operation of the Proposed Project could be source of various stormwater pollutants. Pollutants associated with the proposed residential development may include those associated with vehicle parking and landscaping, including oil and grease, organic compounds such as pesticides, and trash and debris. Such pollutants may also be present in non-stormwater discharges, such as runoff from landscape irrigation. Operation of the project would be subject to the Regional Water Board's Municipal Regional Permit (MRP), implemented in October 2009 by Order R2-2009-0074. Provision C.3 of the MRP addresses new development and redevelopment projects. The entire Project site, consisting of all new impervious surfaces, must be included in the treatment system design (i.e. stormwater treatment systems must be designed and sized to treat stormwater runoff from the entire project). In this regard, North Star Engineering Group, Inc. has prepared a stormwater analysis and design memorandum: *Potential Storm Drainage System Analysis and Design* for the Proposed Project. Proposed improvements involving stormwater include installation of catch basins within the Project site and discharging stormwater into a new stormwater line located in Sierra Street and ultimately discharging into the Diamond Bar East Subdivision stormwater basin.

A Stormwater Control Plan (SCP) must be prepared and submitted for the Project site and must detail design elements and implementation measures to meet MRP requirements. The project would be required to include Low Impact Development (LID) design measures and a Stormwater Facility Operation and Maintenance Plan must be prepared to ensure that stormwater control measures are inspected, maintained, and funded for the life of the project. In order to mitigate any potential impacts as a result of this project, mitigation measure HYDRO-1 has been incorporated to address the potential of degradation of runoff water quality from project construction and operation.

In addition, the Proposed Project shall comply with the City's 2005-2025 General Plan policies and the City's Standard Conditions, which include SWPPP requirements (Condition F2 and F3).

Therefore, any potential impacts as a result of the Proposed Project are mitigated through the proposed storm system analysis and design, General Plan policies and the Standard Conditions of Approval and the Proposed Project will not violate any water quality standards or waste discharge requirements and the project would have a **Less Than Significant Impact**.

- b. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The Proposed Project will connect to the City of Riverbank's water system and will not use groundwater during construction or operation. According to the City's 2005-2025 General Plan EIR, Riverbank has two (2) monitoring wells that are maintained by the Department of Water Resources (DWR). The latest available data (1993) indicates a depth to groundwater of 71.1 feet below ground surface for the eastern well. Based on these two (2) results, groundwater will not be encountered in excavations during installation of underground utilities or other construction activities. Should groundwater dewatering be required during construction, groundwater would be managed in accordance with the SWPPP for the project, and permits would be required prior to discharge of the dewatered groundwater to the storm or sanitary sewer. The project would also not result in a net increase in impervious surfaces that could adversely affect infiltration precipitation and recharge of groundwater. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i. *Result in substantial on- or offsite erosion or siltation;*
- ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;*
- iii. *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff;*
or
- iv. *Impede or redirect flood flows?*

The Proposed Project will not alter the course of a stream or a river. The Project site is in a rural/urban area and although development of the site would affect local drainage patterns, compliance with construction- and operation-phase stormwater requirements (SWPPP and SCP) would ensure that development of the project would not result in substantial erosion or siltation on- or off-site. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project be located in flood hazard, tsunami, or seiche zones, or risk release of pollutants due to project inundation?*

The Proposed Project is not located within a 100-year flood hazard area as shown by the Federal Emergency Management Agency (FEMA), and therefore the Proposed Project would not place housing within such an area, nor would the development of the Proposed Project impede or redirect potential flood flows.

No significant risk to people or structures is anticipated as a result of levee or dam failure in the Project site/area. No enclosed surface water bodies, which might be subject to potential impacts from seiches, are located in the Project site vicinity. Based on its location, inland from coastal areas, the Project site would not be subject to tsunami effects. The Project site is not located in an area susceptible to mudflows.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The Proposed Project will comply with all Federal, State, and local policies and regulations related to water quality. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

11. LAND USE AND PLANNING - Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?			X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

IMPACT ANALYSIS

a. Would the project physically divide an established community?

The Proposed Project is located within the Riverbank city limits and is generally surrounded by urban development. The Proposed Project will not divide the established community (City of Riverbank). Therefore, the Proposed Project will have a **Less Than Significant Impact**.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

As noted previously, the Proposed Project consists of a General Plan Amendment (GPA), Rezone to PD, and Architectural Site Plan Review. The GPA is necessary to amend the 2005-2025 General Plan Land Use Element to designate the Project site for commercial land uses, and the Rezone is necessary to establish the commercial zoning for the Project site. The 2005-2025 General Plan currently designates the Project site for Medium Density Residential (MDR) land uses. Based on a review of the City's 2005-2025 General Plan and General Plan EIR, there were no significant environmental affects identified as a result of designating the Project site for MDR land uses. As such, mitigation is not applicable. Therefore, while the Proposed Project proposes to amend the City's General Plan and Rezone the Project site, the Proposed Project will have a **Less Than Significant Impact** as the current General Plan land use and zoning designations were not created to avoid or mitigate a potentially significant impact.

MITIGATION MEASURES:

Mitigation is not required for this topic.

12. MINERAL RESOURCES -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?*
- Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?*

Based on a review of the City's 2005-2025 General Plan, the Project site is located outside of any area designed by the California Department of Conservation - State Mining and Geology Board (SMGB) as containing known mineral resources. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

13. NOISE -- WOULD THE PROJECT RESULT IN:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or other applicable standards of other agencies?			X	
b) Generation of excessive ground-borne vibration or ground-borne noise levels?		X		
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

IMPACT ANALYSIS

- a. *Would the project result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Various types of equipment would be used for construction of the Proposed Project. Noise impacts resulting from construction activities would depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-sensitive receptors. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time. The loudest expected phase of construction is grading and earthwork, which would likely include the use of dozers, backhoes, and graders. Rural residences are located on the majority of sides of the Project site and the City's high school is located immediately to the south. Use of construction equipment could be short-term source of impact on these noise-sensitive uses. However, the City's Municipal Code regulates the hours of construction, stating that such activities cannot take place between 6:30 p.m. and 6:00 a.m. on weekdays or 5:00 p.m. and 8:00 a.m. on weekends and legal holidays. Therefore, temporary construction would not occur within the hours prohibited by the Riverbank Municipal Code and, as a result, would not occur during the more noise-sensitive times of the day. The impact of project construction noise as it relates to local noise standards would, therefore, be considered **Less Than Significant**.

- b. *Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels?*

As discussed under item (a) above, temporary construction work could result in a temporary increase in noise levels in the Project site's vicinity, including ground-borne vibration and ground-borne noise levels. In order to ensure that Proposed Project construction noise and vibration levels remain at a level as to not become a nuisance, Mitigation Measure NOISE-1 will be incorporated in addition to the City's restrictions on the hours of operation. Given the relatively short construction period and limited scope of the Proposed Project, construction activities, with mitigation incorporated, will result in a **Less Than Significant Impact with Mitigation Incorporated**.

- c. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

The Proposed Project is not located within two (2) miles of a public airport or public use airport. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

The following mitigation measures shall be incorporated into the Proposed Project:

Mitigation Measure NOISE-1:

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

- All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment.
- "Quiet" models of air compressors and other stationary noise sources shall be used, where technology exists.
- Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (dwelling and Riverbank High School).
- Unnecessary idling of internal combustion engines shall be prohibited.
- Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (dwellings and Riverbank High School).
- Construction-related traffic shall be routed along major roadways (Claus Road and Patterson Road) and as far as feasible from sensitive receptors.
- Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler,

etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site.

- The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.

All of the above measures shall be included in the contract specifications that shall be reviewed and approved by the City of Riverbank Development Services Department prior to the start of construction. The above measures would reduce noise generated by the construction of the project to the extent feasible for the project's size.

14. POPULATION AND HOUSING -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

IMPACT ANALYSIS

- a. *Would the project induce substantial population in one area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

The Proposed Project consists of a commercial development intended to serve the residents of the City of Riverbank. Storage facilities typically do not induce population growth but rather, provides a retail service to the surrounding area. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

The Project site does not contain any structures that would need to be demolished and thus, displace substantial numbers of existing people or housing. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

15. PUBLIC SERVICES

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
a) Fire protection?			X	
b) Police protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

IMPACT ANALYSIS

- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection?
- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection?
- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?
- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?
- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental

facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?

Public services are available and can be extended to serve future development. With regard to K-12 schools, the Project Proponent will be required to pay the standard School Impact Fees at the time of building permit issuance.

Stanislaus Consolidated Fire Protection District (SCFPD) provides fire protection and first response to emergencies for the City of Riverbank, as well as the unincorporated area within its Sphere of Influence. SCFPD has eleven (11) fire stations throughout Stanislaus County and currently has 81 paid employees and approximately 25 volunteers. Station 36 is centrally located in downtown Riverbank at 3324 Topeka Street and is staffed 24-hours a day. The Proposed Project will be required to pay the City's Fire Capital Facilities Fees to fund the construction of fire protection facilities required to service new growth areas. In addition, the SCFPD has reviewed the Proposed Project and have provided comments, of which will be incorporated as Conditions of Approval. These comments are as follows:

- An automatic fire sprinkler system will be required.
- Fire extinguishers shall be installed no more than seventy-five (75) feet apart.
- A fire alarm system shall be installed and have the ability to monitor the fire sprinkler system.
- A minimum of four (4) fire hydrants shall be installed within the walls of the buildings.
- A knox box shall be installed at the Proposed Project entries to allow for emergency access.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The 2005-2025 Riverbank General Plan Policy PUBLIC 8.1 states "new developments shall fund and/or construct adequate law enforcement facilities to serve new growth areas, as required, in coordination with law enforcement service providers". In addition, General Plan Policy PUBLIC 8.2 states "the City goal is to provide 1.25 sworn officers per 1,000 residents". Riverbank's police station is located at 6727 Third Street in downtown Riverbank. According to the City's Municipal Service Review, dated February 2016, staffing includes one (1) Lieutenant (Chief of Police), two (2) Sergeants, fifteen (15) Deputy Sheriffs/Detectives, one (1) supervising Legal Clerk, two (2) Legal Clerks and one (1) Community Service Officer. Currently, the calculated ratio of police officers per 1,000 is 73.14 per 1,000 population, using the Department of Finance population estimate for the City of 24,610 (January 1, 2017). The Riverbank City Council, in adopting Resolutions 2006-115 and 116 on October 23, 2006, set policy that requires all new development to annex into Community Facilities District No. 2016-01 for police protection. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

16. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a) and (b):

- a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or accelerated?*

The Proposed Project consists of a commercial development allowing for self-storage and the storage of boats and recreational vehicles (RV). These types of projects do not typically cause the increase of use for existing parks, regional parks, or other recreational facilities in the manner a residential subdivision would. It is not anticipated that the Proposed Project would increase the use of existing parks and recreational facilities based on its land use. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

As noted under item (a) above, the recreational needs are expected to be met with the existing recreational facilities in the area, and the Proposed Project would not require construction or expansion of other recreational facilities. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

17. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

The impact analysis provided below is based upon the Traffic Impact Assessment for the Riverbank Self-Storage Project, dated August 16, 2022, prepared by KD Anderson & Associates, Inc. A copy of this Traffic Impact Assessment is provided in Appendix C of this Initial Study.

IMPACT ANALYSIS

- a. *Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

The Proposed Project borders Claus Road and the future extension of Sierra Street, which will intersect with Claus Road. The City's 2005-2025 General Plan classifies Claus Road as an Arterial Street and Sierra Street is designated as an Access Street. In addition, the 2005-2025 General Plan allows for the installation of an eight (8) to ten (10) foot wide sidewalk. Based on a review of the Traffic Impact Assessment, the Proposed Project will generate less traffic than what is currently contemplated in the City's 2005-2025 General Plan. In comparison to the previous site development assumptions using General Plan land use designations, the Proposed Project will generate 136 daily vehicle trips, compared to 557 daily trips using the current land use designation of Medium Density Residential. This represents a seventy-five percent (75%) reduction in daily vehicle trips.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

The Traffic Impact Assessment evaluated the Proposed Project in accordance with Section 15064.3(b) of the CEQA Guidelines. The Proposed Project is considered to be "locally serving retail" as it is

intended to serve the surrounding and developed Riverbank community. The Proposed Project will provide another storage option for residents of Riverbank. Customers typically select a storage site based on proximity and the Traffic Impact Assessment concluded the Proposed Project will reduce Vehicle Miles Traveled (VMT) by providing residents a new storage option.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

The Traffic Impact Assessment evaluated internal site circulation associated with the Proposed Project. The available plan for access includes a rolling gate across a sixteen (16) foot opening on both Claus Road and Sierra Street. The length of time estimated for customers to access the gate and for the gate to open is five (5) to ten (10) seconds. The total time spent in a vehicle at the rolling gate is estimated to range from thirteen (13) to twenty-nine (29) seconds. The northbound travel lane on Claus Road will be approximately twenty-five (25) feet wide at the Proposed Project driveway. This width provides room for through traffic to pass a right turning vehicle that may queue momentarily on Claus Road.

Because the volume of traffic generated by the Proposed Project is low, congestion at the entrance can typically be avoided if a high efficiency gate is implemented. This involves minimizing the time spent activating the gate and waiting for the gate to open. The final design for access should provide a high-speed gate and should minimize the need to exit a vehicle to activate the gate. Because the northbound travel lane would allow through traffic to pass a vehicle waiting to enter the site, future tenants of the Proposed Project should be directed to approach the driveway from the south.

Some delay for outbound traffic may occur waiting to turn left on to Claus Road during peak traffic hours. However, congestion will be minimal due to low traffic volumes. It is likely that Recreational Vehicle (RV) owners will determine that turning right at the driveway is preferable for that type of vehicle. The City of Riverbank will need to monitor traffic conditions at the Claus Road access, but no immediate improvements were recommended in the Traffic Impact Assessment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- d. *Would the project result in inadequate emergency access?*

A review of the Traffic Impact Assessment concludes that emergency access to and from the Project site will be adequate. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

18. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1 (k)?			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the Proposed Project may have a significant impact on a Tribal Cultural Resource. Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes. Section 21074(a) of the Public Resource Code defines Tribal Cultural Resources for the purpose of CEQA as:

1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
- b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Because criteria A and B also meet the definition of a Historical Resource under CEQA (see Section 5 of this document), a Tribal Cultural Resource may also require additional (and separate) consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies carry out consultation with tribes at the commencement of the CEQA process to identify Tribal Cultural Resources. Furthermore, because a significant effect on a Tribal Cultural Resource is considered a significant impact on the environment under CEQA, consultation is required to develop appropriate avoidance, impact minimization, and mitigation measures. Consultation is concluded when either the lead agency and tribes agree to appropriate mitigation measures to mitigate or avoid a significant effect, if a significant effect exists, or when a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached, whereby the lead agency uses its best judgement in requiring mitigation measures that avoid or minimize impact to the greatest extent feasible.

IMPACT ANALYSIS

- a. *Would the project cause a significant adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*
 1. *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*
 2. *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

Based on a review of the City's 2005-2025 General Plan, the Project site is not listed or eligible in the California Register of Historical Resources or a local register of historical resources.

Assembly Bill 52 (AB 52) was approved in September 2014 and created a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal resource has a significant effect on the environment. AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the Proposed Project if: 1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of Proposed Projects in the geographic area that is traditionally affiliated with the tribe, and 2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. With respect to

AB 52, no California Native American tribes have requested consultation with the City of Riverbank or to be informed of Projects in the geographic area.

However, in accordance with AB 52, the City distributed tribal consultation letters on June 21, 2022. On July 25, 2022, the City received a response from the Wilton Rancheria Native American Tribe. In their response, the Wilton Rancheria Native American Tribe stated they did not wish to initiate AB52 consultation but did request to be notified and provide copies of any Proposed Project environmental documents for review and comment. A copy of this Initial Study will be provided to the Wilton Rancheria Native American Tribe to allow for review and comment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

19. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?			X	

IMPACT ANALYSIS

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?*

As noted previously, the Proposed Project will be served water and wastewater services by the City of Riverbank. The Proposed Project will connect to lines located in Claus Road and Sierra Street.

The sewer lines in the vicinity of the Project site have adequate capacity to serve the Proposed Project, and the City's wastewater treatment plant has adequate capacity to treat wastewater generated by the Proposed Project. The plant is currently operating below permitted capacity (7.9 million gallons per day) and the project-related increases in wastewater flows to the plant could be accommodated within the plant's existing capacity. Improvements to correct the downstream deficiencies that would result from cumulative impacts within the City's service area are or will be included in the Riverbank's Capital Improvement Plan. Any future improvements to the City's existing facilities that are required as a result of new development will be funded from applicable fees and charges collected as a result of new construction. The Project Proponent will be required to pay these fees and charges at the time that the proposed residences connect to the sewer system.

The Proposed Project would not require or result in the construction of new water supply or off-site distribution facilities or expansion of existing facilities.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- b. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?*

It is anticipated that the City of Riverbank will have sufficient water supplies available to serve the project from existing entitlements and resources, without the need for new or expanded entitlements. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

- c. *Would the project result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand, in addition to the provider's existing commitments?*

It is anticipated that the City of Riverbank will have sufficient wastewater supplies and capacity available to serve the Proposed Project, without the need for new or expanded entitlements. Therefore, the Proposed Project will have a **Less Than Significant Impact**.

The following discussion is an analysis for criteria (d) and (e):

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?*

The Fink Road Landfill, located within Stanislaus County, has sufficient permitted capacity to accommodate the project's solid waste disposal needs, and the addition of project waste would not diminish the anticipated life span of the landfill. The Proposed Project, therefore, would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs, and the project's impact in relation to this would be less than significant. The project would comply with federal, State, and local statutes related to solid waste and would not cause solid waste providers

to be out of compliance with applicable statutes and regulations. Therefore, the Proposed Project will have a **Less Than Significant**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

20. WILDFIRE -- Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

IMPACT ANALYSIS

The following discussion is an analysis for criteria (a), (b), (c), and (d):

- Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*
- Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*
- Would the project require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*
- Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

The Proposed Project is located within the City of Riverbank. According to the 2005-2025 General Plan, the adopted emergency response plan and/or emergency evacuation plan is the Stanislaus

County Multi-Jurisdictional Hazard Mitigation Plan, managed by Stanislaus County Office of Emergency Services. The Proposed Project will comply with the adopted Hazard Mitigation Plan.

In addition, the Proposed Project is located within an urban area of the City of Riverbank, on a site that is relatively flat with little to no slope. Although the Proposed Project does include the installation of improvements (i.e. roadways, utilities, etc.), these improvements are typical in an urban setting and environment.

Therefore, the Proposed Project will have a **Less Than Significant Impact**.

MITIGATION MEASURES:

Mitigation is not required for this topic.

21. MANDATORY FINDINGS OF SIGNIFICANCE --

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

IMPACT ANALYSIS

- a. Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Finding (a) is checked as "Less Than Significant with Mitigation Incorporated" on the basis of the Proposed Project's potential impacts on biological resources, as described in Section 3.0-IV of this Initial Study. Potential impacts were identified in this issue area, but they were identified to be **Less Than Significant with Mitigation Incorporated**.

- b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in the connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

As described in this Initial Study, the potential environmental effects of the Proposed Project will either be less than significant or will have no impact at all. Where the Proposed Project involves potentially significant impacts, these impacts would have a **Less Than Significant Impact with Mitigation Incorporated**.

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

This Initial Study has considered the potential environmental impacts of the Proposed Project in the discrete issue areas outlined in the CEQA Environmental Checklist. During the environmental analysis, the potential for the Proposed Project to result in substantial impacts on human beings in these issue areas, as well as the potential for substantial impacts on human beings to occur outside of these issue areas, was considered, and no such impacts were identified. Therefore, finding (c) is checked as **Less Than Significant Impact**.

REFERENCES

In accordance with Section 15063(a)(3) of the CEQA Guidelines, the following expert opinion, technical studies, and substantial evidence has been referenced and/or cited in the discussion included in the Initial Study Checklist:

1. City of Riverbank 2005 – 2025 General Plan, dated April 2009.
2. City of Riverbank 2005 - 2025 General Plan Environmental Impact Report (EIR), dated April 2009.
3. City of Riverbank Zoning Ordinance.
4. City of Riverbank Noise Control Ordinance, Article IX, Chapter 93.
5. City of Riverbank Municipal Service Review, February 2016
6. City of Riverbank Standard Conditions of Approval, Adopted PC Resolution No. 2013-014
7. California Department of Transportation Online Database of State Scenic Highways (www.dot.ca.gov/hq/LandArch/scenic/cahisys.htm).
8. California Department of Conservation Farmland Mapping and Monitoring Program, published October 2007.
9. Guide for Assessing and Mitigating Air Quality Impacts, adopted August 20, 1998, and as revised March 19, 2015, prepared by the San Joaquin Valley Air Pollution Control District.
10. Small Project Analysis Level (SPAL), dated March 1, 2017, prepared by the San Joaquin Valley Air Pollution Control District
11. Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA, dated December 17, 2009, prepared by the San Joaquin Valley Air Pollution Control District.
12. Biological Study (Riverbank Residential Project, The Heritage Collection at Sierra Street), dated March 12, 2021, prepared by Walter Tordorff, Ph.D.
13. Draft Technical Memorandum, dated August 19, 2022, prepared by Environmental Permitting Specialists.
14. Limited Phase 1 Environmental Site Assessment, dated October 18, 2004, prepared by Construction Testing & Engineering, Inc.
15. Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

Appendix A
Biological Study, dated March 12, 2021, prepared by Walter Tordorff, Ph.D.

BIOLOGICAL STUDY
Riverbank Residential Project
THE HERITAGE COLLECTION AT SIERRA STREET
A.P.N. 062-020-001
RIVERBANK, CALIFORNIA

PREPARED FOR
JIM FREITAS
ASSOCIATED ENGINEERING GROUP
4206 TECHNOLOGY DRIVE, SUITE 4
MODESTO, CA 95356

PREPARED BY
WALTER TORDOFF, Ph.D.
PROFESSOR EMERITUS OF BIOLOGY
CALIFORNIA STATE UNIVERSITY, STANISLAUS
2891 CASE WAY
TURLOCK, CA 95382
(Curriculum Vitae attached)

MARCH 12, 2021

OVERVIEW

The Riverbank Residential Project will encompass 12.27 acres of land bounded by Claus Road to the west, Central Avenue (not completed) to the east, the Burlington Northern Santa Fe Railroad and Patterson Road to the south and Sierra Street (not completed) to the north in the City of Riverbank, California. The Heritage Collection at Sierra Street to the west includes 8.6 acres and will be divided into 73 single family house lots. The 3.6-acre remainder at the western end is intended to eventually be developed as mini storage units. The land is currently unused pasture with no structures on it although it previously had a house and barn. The City of Riverbank is requiring a biological study to be done to assure that there are no significant biological resources on the property that would be adversely affected by this project.

POTENTIAL BIOLOGICAL ISSUES

Consultation with the California Natural Diversity Database (CNDDB), the main resource for the presence of protected plants and animals, indicates that there are 16 animal species of concern and no plant species of concern which have been recorded in the Riverbank area (Riverbank topographic quadrangle). While most of these species are associated with the Stanislaus River or with vernal pools, a few are found in terrestrial habitats.

The sixteen species are the following:

Fish found in rivers and streams:

- Sacramento Hitch – *Lavinia exilicauda exilicauda*
- Hardhead – *Mylopharodon conocephalus*
- Sacramento Splittail – *Pogonichthys macrolepidotis*
- Sacramento – San Joaquin Tule Perch – *Hysterocarpus traskii traskii*
- Chum Salmon – *Oncorhynchus keta*
- Steelhead – *Oncorhynchus mykiss*
- Chinook Salmon – *Oncorhynchus tshawytscha*

Found in vernal pools:

- Vernal Pool Fairy Shrimp – *Branchinecta lynchi*
- Vernal Pool Tadpole Shrimp – *Lepidurus packardii*

Found in terrestrial habitats:

- Swainson's Hawk – *Buteo swainsoni*
- Burrowing Owl – *Athene canicularia*
- Northern California Legless Lizard – *Anniella pulchra*
- Valley Elderberry Longhorn Beetle – *Desmocerus californicus dimorphus*
- Moestan Blister Beetle – *Lytte moesta*
- Obscure Bumble Bee – *Bombus caliginosus*
- Crotch's Bumble Bee – *Bombus crotchii*

FIELDWORK

In order to determine if any of the above species were present on the property or if the property is potential habitat for any of them, I visited the site on February 28 and on March 5, 2021. On the first visit, I observed the land from the periphery noting major features only. On the second visit, I walked over the entire site looking for signs of the presence of the species and of features which would provide suitable habitat for them.

RESULTS – DESCRIPTION OF THE SITE

The land is almost flat with a higher portion in the south-central portion and slight depressions in the eastern and western central areas. Elevation ranges from 140 to 150 feet above mean sea level. There is only one tree on the property, a large oak along the northwest border in the area that is designated to be developed as part of Sierra Street. There are a few small trees and bushes, including eight elderberry bushes, *Sambucus sp.*, just south of the property in the southwest portion. This land is in the railroad right-of-way. There are also three oaks just south of the property in the railroad right-of-way on the western portion.

The site has been recently plowed to keep weeds in check and there are nonnative grasses and forbes growing at the present time. There are gopher burrows near Sierra Street at the northeast and two coyote burrows in the elevated portion although they appear to be deserted. One western fence lizard, *Sceloporus occidentalis*, was observed in the elevated area.

There are no streams or vernal pools on the land.

RESULTS – BIOLOGICAL RESOURCES

Because there are no streams or vernal pools on the property, this project will have no impact on the first nine species listed above, which are all fish.

Of the other seven species, three of the insects (obscure and Crotch's bumble bees and moestan blister beetle) are not protected although the Crotch's bumble bee is a candidate for Federal endangered status. In any case, there is no indication that any of them are present on this property.

The Valley Elderberry Longhorn Beetle is Federally protected as a threatened species. This species is strongly associated with elderberry bushes. The adults lay eggs on the plant stems and the larvae burrow into the stems only emerging when they transform into adults. The adults, in turn, spend their lives on or near the elderberry bushes. The presence of the beetles is indicated by the unique holes which are left in the stems when the adults emerge. Although there are no elderberry bushes on the property there are some just south of the remainder

portion of the land. Even though there are no holes in the stems to indicate the presence of the beetles, when that site is developed, special care must be taken to make sure that these bushes are not disturbed.

The Northern California Legless Lizard is not federally, or state protected, although it is listed by the California Department of Fish and Wildlife as a “species of special concern”. It is found in loose sandy soils usually with leaf litter and/or surface objects such as logs or rocks. Although the surface of the property is loose soil, it is only such because it has been plowed. There are essentially no leaf litter, logs, or rocks and thus it is highly unlikely that this species would be found here.

Swainson’s Hawk is currently not federally, or state protected although it was in the past due to declining population numbers. However, in the past fifty years, populations in Central California have increased and, at present, it is common in the area. It nests in tall trees near rivers and feeds mainly on insects for which it hunts in grassland areas adjacent to the rivers. While this property site is foraging habitat for this species, this project will not reduce the foraging areas available to it.

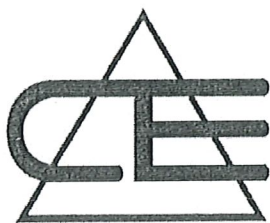
Like the Swainson’s Hawk, the Burrowing Owl is not currently protected although it is listed by the California Department of Fish and Wildlife as a “species of special concern” because of decreasing habitat. This species is active during the day and it lives in burrows. Although it can make its own burrows, it usually uses rodent burrows when they are available. In this area, the California ground squirrel, *Spermophilus beecheyi*, provides those burrows. There are no ground squirrels or burrows on this property so Burrowing Owls are not going to be found on it.

ASSESSMENT

There are no protected species present on this property nor does it provide suitable habitat for any. Thus, development of **The Heritage Collection at Sierra Street will have NO SIGNIFICANT ADVERSE EFFECTS on any BIOLOGICAL RESOURCES.** From my perspective there is no reason not to approve the project.

Appendix B

**Limited Phase 1/Environmental Site Assessment, dated October 18, 2004, prepared by Construction
Testing & Engineering**



CONSTRUCTION TESTING & ENGINEERING, INC.

SAN DIEGO, CA 2414 Vineyard Ave. Suite G Escondido, CA 92029 (760) 746-4955 (760) 746-9806 FAX	RIVERSIDE, CA 12155 Magnolia Ave. Suite 8-C Riverside, CA 92503 (909) 352-6701 (909) 352-6705 FAX	VENTURA, CA 1615 Pacific Ave. Suite 107 Oxnard, CA 93033 (805) 486-6475 (805) 486-9016 FAX	TRACY, CA 242 W. Larch Suite F Tracy, CA 95376 (209) 839-2890 (209) 839-2895 FAX	LANCASTER, CA 42156 10th St. W. Unit K Lancaster, CA 93534 (661) 726-9676 (661) 726-9676 FAX	SACRAMENTO, CA 3628 Madison Ave. Suite 22 Sacramento, CA 95660 (916) 331-6030 (916) 331-6037 FAX	N. PALM SPRINGS, CA 19020 N. Indian Ave. Suite 2-K N. Palm Springs, CA 92258 (760) 329-4677 (760) 328-4896 FAX
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LIMITED PHASE I ENVIRONMENTAL SITE ASSESSMENT

6448 CLAUS ROAD
RIVERBANK, CALIFORNIA 95367

PREPARED FOR:
SCM CAPITAL COMPANY, LLC
1920 STANDIFORD AVENUE
SUITE 1
MODESTO, CA 95350

PREPARED BY:

CONSTRUCTION TESTING & ENGINEERING, INC.
2414 VINEYARD AVENUE
ESCONDIDO, CALIFORNIA 92029

CTE JOB NO. 20-1538

OCTOBER 18, 2004

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APPENDIX E	FIRSTSEARCH REPORT
APPENDIX F	AERIAL PHOTOS

EXECUTIVE SUMMARY

In the professional opinion of CTE, an appropriate level of inquiry has been made into the previous ownership and uses of the property consistent with good commercial and customary practice. No evidence or indication of releases of petroleum hydrocarbons, heavy metals, hazardous chemicals, or other "recognized environmental conditions" has been revealed at the subject site in its present or previous conditions. Additionally, no evidence of similar conditions at the adjacent and nearby sites has been revealed by our investigations. Therefore, it is the opinion of this firm that no additional work is required at this site.

1.0 INTRODUCTION

1.1 Purpose

Construction Testing and Engineering, Incorporated ("CTE") has prepared this Phase I environmental site assessment (ESA) report for the SCM Capital Company, LLC in Modesto, California. Figure 1 is an index map showing the general location of the site.

Data on the past and present uses of the site and surrounding area was reviewed to assess the site for potential environmental concerns or "recognized environmental conditions" as defined by ASTM standard E 1527.

1.2 Scope of Work

The scope of work used generally follows the ASTM scope of work for Phase I Environmental Site Assessments (ASTM E 1527). The report was prepared in conformance with the guidelines set forth by SCM Capital Company of Modesto, CA. Specifically, our scope of services included:

- A search of public records and database files, using the services of a subcontractor (as allowed by ASTM). In particular, environmental records searched included Federal NPL, CERCLIS, RCRA TSD, RCRA Generator, and ERNs. Also searched were State and local records for hazardous waste sites identified for investigation or remediation, open and closed landfills, solid waste disposal sites, leaking USTs, registered USTs, and registered Hazardous Waste generators.
- Reviews of readily available aerial photographs
- Reconnaissance environmental assessments of the site and surrounding area were performed. The site visit included visual examination of the nearby buildings and tenant operations, and surrounding land uses to identify possible environmental concerns related to past and present uses of the subject property and immediately adjacent parcels.
- Representative reconnaissance was taken of the site and surrounding properties, to document current physical conditions and setting.

2.0 SITE OVERVIEW

2.1 Site Location and Description

The Stanislaus County Assessor's Parcel as shown in Appendix B.

The site is within the City of Riverbank, CA and is located on Claus Road, north of Patterson Road in Riverbank, CA.

Bordering the property on the east is Central Avenue. No tanks, drums, oil, pipes, or distressed vegetation were found within the site or around the exterior of the site.

2.2 Adjacent and Nearby Properties

The properties surrounding the subject site are residential on the east, west, and north.

To the south is Riverbank High School.

3.0 RESULTS OF INVESTIGATION

3.1 Site Inspection Observations

During the week of October 4, 2004, the subject site was visited by Mr. Kirt Lamb, a representative of CTE, for the purpose of conducting a visual inspection of the subject property and immediately surrounding developments and land uses to identify potential environmental hazards or liabilities related to past and present uses of the site and adjoining properties. During our inspections the following observations were noted:

- No unnatural staining was observed in the areas of surface water runoff discharges from the subject property.
- Distressed vegetation was not observed at the site.
- There was no indication of onsite dumping or disposal of liquid or solid hazardous wastes.
- No evidence of cisterns, cesspools or dry wells on-site was observed.
- Potable water supply or groundwater monitoring wells were not observed at the site.
- No abnormal odors were noted on or about the property.

- No evidence of the commercial application of pesticides, herbicides, or agricultural chemicals was observed at the site.
- No evidence of potentially hazardous air emissions was observed at the site.

No evidence of any environmental hazard or potential environmental liability was observed during the site visit. In particular, no stressed vegetation, hydrocarbon sheen, stained soil, suspicious odors, unmarked drums, electrical transformers or capacitors, or other indication of the existence, storage, or release of chemical or petroleum product or residue was noted at any location on the property or immediately adjacent public roadways or adjoining properties.

3.2 Adjacent Site and Site Vicinity Observations

The site is in an area of land used predominantly for residential use. As noted above, the properties to the north, west, and east are residential. To the south of the site is Riverbank High School. No observed signs of contamination were associated with these sites. Furthermore, no drums or similar canisters potentially containing hazardous wastes were observed during our reconnaissance of this area near the site.

3.3 Results of Regulatory Agency List Review and File Research

Environmental FirstSearch Technology Corporation (FirstSearch) was retained to conduct a review of selected regulatory agency databases for documented environmental concerns on the site or within a half mile radius of the site. A copy of the FirstSearch report is presented in Appendix E.

3.3.1 Regulatory Status of Site

The subject site First Search report is included in Appendix E.

3.3.2 Nearby Sites' Regulatory Status

There are no sites within ¼ mile of the subject site listed on the FirstSearch report. There are two properties with leaking underground storage tanks listed within ½ mile of the subject site. In the opinion of this firm, it is unlikely that releases from these sites have resulted in "recognized environmental conditions" to affect the subject property.

3.4 Results of Site History/Land Use Review

Information regarding site history and land use was collected from reviews of topographic maps, aerial photographs, title documents, fire insurance maps, and previous geologic reports.

3.4.1 Aerial Photograph Review

Aerial photographs were reviewed for this site. The following are specific notes from the aerial photograph review:

- 1950. The site is undeveloped. There are no developments surrounding the subject property.

-
- 1963. The site is undeveloped. There are no developments surrounding the property.
 - 1980: The site is undeveloped. South of the property the Riverbank High School has been developed.

3.4.2 Review of Title Documents

Chicago Title Company provided the Preliminary Title. A review of the title documents shows that there are some exclusive easements on the property for utility purposes. Based on our review of these documents, there are no indications of historical property ownership or liens for uses that may cause "recognized environmental conditions." Appendix C contains a copy of the reviewed title documents.

4.0 CONCLUSIONS

4.1 Site and Vicinity Observations

Potential environmental concerns related to the release of hazardous chemicals or heavy metals at the site are not expected to be a source of concern. CTE did not observe any current evidence of spills or emissions of hazardous chemicals, heavy metals, or petroleum hydrocarbons at adjacent sites that could affect the project site.

Selected site photographs are presented in Appendix D. No evidence of stressed vegetation (from other than insufficient water) was identified. No electrical or hydraulic equipment that would likely contain PCBs was observed. Summarized below are observations relative to specific physical features identified in Section 2.3.2 of the PEA Guidance manual.

Table 1 - Physical Features of the Site	
Physical Feature	Observations
Property boundaries:	North – residential; East – residential; West – residential; South – Riverbank High School
Locations and boundaries of all onsite operations (present and past):	None noted.
Foundations of former structures:	None noted
Storage tanks and storage areas:	None noted
Odors:	None noted
Pools of liquid:	None noted
Electrical or hydraulic equipment known or likely to contain PCBs:	None noted
Identified and Unidentified substance containers (including empty drum storage):	None noted
Stained soil and pavement, corrosion, and degradation of floors and walls:	None noted
Drains and Sumps:	None noted
Pits, ponds, and lagoons:	None noted
Surface drainage pathways:	None noted.
Stressed vegetation (from other than insufficient water):	None noted
Solid waste and waste water:	None noted
Wells (including dry wells, irrigation wells, injection wells):	One water well on southwest corner
Septic systems:	None noted

As noted earlier, based on our visual observations we do not believe that "recognized environmental conditions" exist at the adjacent properties that would be expected to affect the study site.

4.2 Operating Permits and Adjacent Environmental Investigations

As stated earlier, FirstSearch was retained to review governmental agency environmental site and operating permits databases. This review was undertaken to examine the possibility that publicly available information exists regarding environmental conditions at the site or nearby sites. There are no listings of any environmental liens against the study site.

FirstSearch identified up to two sites with current operating permits and/or environmental problems within 1/2 mile of the site. We have reviewed the information presented to determine the locations of the identified sites in relation to the study site, the nature of the listing, and the currency of the listing to determine the relevancy of the listing. As an example, a closed LUST (Leaking Underground Storage Tank) site on the opposite side of drainage divide would not be considered a site of potential concern (because it is unlikely that contamination would flow across the divide and uphill) whereas an open LUST case in active remediation adjacent to the site would be identified as a potential concern.

Although there are LUST cases noted at two sites within 1/2 mile of the subject property, these sites are far away to have reasonably been expected to impact the study site. Contamination would have to be transported via groundwater without undergoing natural attenuation, an unlikely scenario.

Due to the distance from the site, we feel that it is unlikely that groundwater contamination from those sites has impacted the site in question.

Finally, based on our review of the information compiled by FirstSearch we do not believe that any of the listed sites have contributed to any "recognized environmental conditions" at the site.

4.3 Other Environmental Considerations

Hazardous air emissions are not documented to have occurred nor were observed to be occurring near the site. Local collection of trash and garbage in the area is made by commercial services.

Local municipal sewer, water, and utility providers serve the site area. No information was located regarding the presence of septic systems or other onsite waste disposal systems at the site. In addition, no evidence of such systems was observed during our site visits.

4.4 Summary Conclusion and Recommendations

We have performed this Phase I environmental site assessment in overall conformance with scope and limitations of ASTM Practice E 1527. This assessment has revealed no evidence of recognized contamination of soil or groundwater by hazardous chemicals, petroleum compounds, or heavy

metals at this site. This conclusion is based on environmental database reports and visual observations at the site. Actual conditions can only be verified by chemical analysis.

In the professional opinion of CTE, an appropriate level of inquiry has been made into the previous ownerships and uses of the property consistent with good commercial and customary practice in an effort to minimize liability, and no evidence or indication of Recognized Environmental Conditions has been revealed. No further investigation is deemed necessary at this time.

There is the pre-existing structure, an old rectangular concrete structure foundation and apparent related steel pipes. There is no record of this being any type of underground storage tank.

5.0 INVESTIGATION LIMITATIONS AND RELIANCE STATEMENT

An Environmental Site Assessment is limited by the availability and quality of site documentation. Undocumented, unauthorized releases of hazardous materials, the remains of which are not readily identifiable by visual inspection, are very difficult and often impossible to detect within the scope of such an investigation. If contamination of the soil and groundwater from an unidentified release is of

concern, definitive information concerning the presence of contamination can only be obtained through direct testing of the soil or groundwater at the site.

The findings of this report are valid as of this date. Changes in the condition of a property can occur with the passage of time, whether due to natural processes or the works of man on this or adjacent properties. In addition, changes in the state-of-the-art and/or governmental codes may occur. Due to such changes, the findings of this report may be invalidated wholly, or in part, by changes beyond our control.

The final assessment of the potential for the existence of hazardous materials at the site should be considered a professional opinion. This opinion is based on the data obtained during investigations and should not be considered a definitive statement that hazardous material is or is not present in the area of study. These opinions have been derived according to current standards of practices.

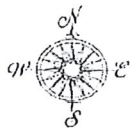
Respectfully submitted,
CONSTRUCTION TESTING & ENGINEERING, INC.



Nathan Chew, RCE #45565
Project Environmental Engineer



APPENDIX A
VICINITY MAP

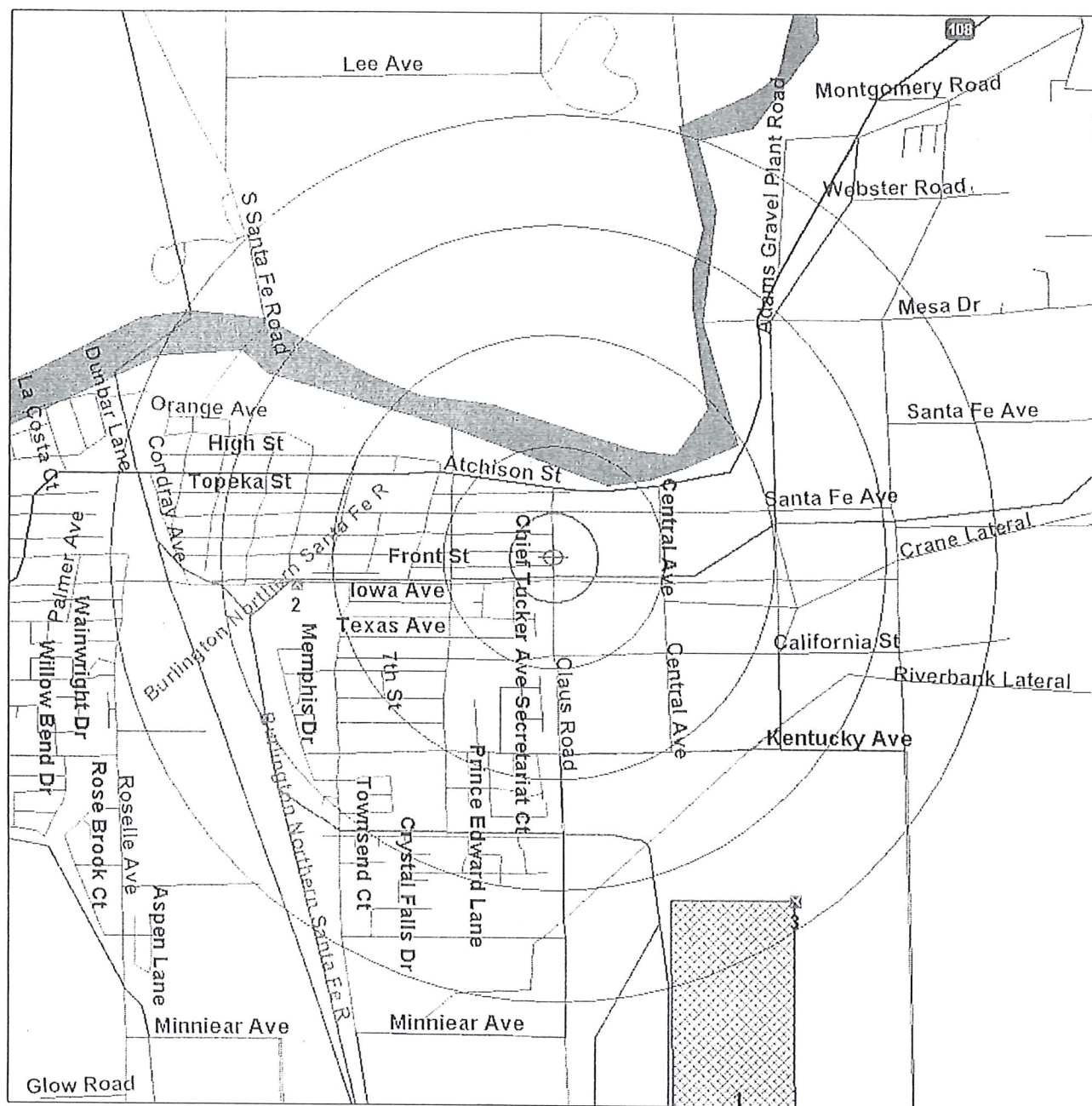


Environmental FirstSearch

1 Mile Radius
ASTM Map: NPL, RCRACOR, STATE Sites



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

- Target Site (Latitude: 37.73456 Longitude: -120.927328)
- Identified Site, Multiple Sites, Receptor
- NPL, Solid Waste Landfill (SWL) or Hazardous Waste
- Railroads
- Black Rings Represent 1/4 Mile Radius (Red Ring Represents 500 ft. Radius)

APPENDIX B

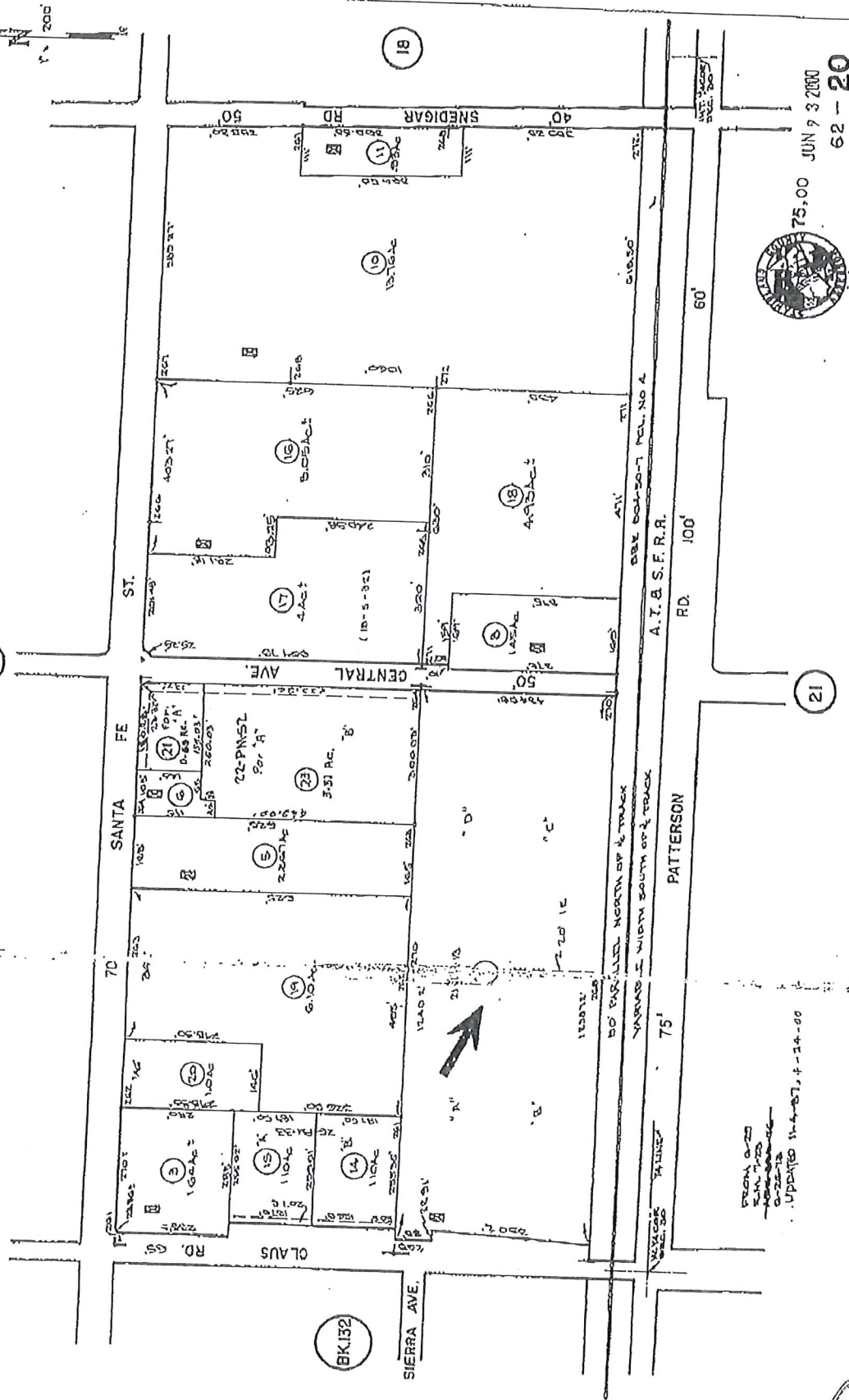
COUNTY ASSESSOR'S PARCEL MAP

PORTION NW 1/4 SECTION 30 T.2S.R.10E.M.D.B.&M.
FOR RIVERBANK IRR. FARMS - LOTS 261 thru 272

COG D54

62-20

THIS MAP FOR
ASSESSMENT PURPOSES ONLY



THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND
WITH REFERENCE TO STREET AND OTHER PARCELS.
WHILE THIS PLAT IS BELIEVED TO BE CORRECT, THE
COMPANY ASSUMES NO LIABILITY FOR ANY LOSS
OCCURRING BY REASON OF RELIANCE THEREON.
CHICAGO TITLE COMPANY

SHEET 182

1764528

APPENDIX C
TITLE REPORT



CHICAGO TITLE COMPANY

PRELIMINARY REPORT

FIRST AMENDED

Dated as of: September 3, 2004 at 7:30 AM

Order No.: 1764528 - DH

Regarding:

APN: 062-020-001-000
RIVERBANK, California

CHICAGO TITLE COMPANY hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception in Schedule B or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in the attached list. Copies of the Policy forms are available upon request.

Please read the exceptions shown or referred to in Schedule B and the exceptions and exclusions set forth in the attached list of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

THIS REPORT (AND ANY SUPPLEMENTS OR AMENDMENTS HERETO) IS ISSUED SOLELY FOR THE PURPOSE OF FACILITATING THE ISSUANCE OF A POLICY OF TITLE INSURANCE AND NO LIABILITY IS ASSUMED HEREBY. IF IT IS DESIRED THAT LIABILITY BE ASSUMED PRIOR TO THE ISSUANCE OF A POLICY OF TITLE INSURANCE, A BINDER OR COMMITMENT SHOULD BE REQUESTED.

The form of policy of title insurance contemplated by this report is:

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY 1990

Visit Us On The Web: westerndivision.ctt.com

Title Department:

CHICAGO TITLE COMPANY

3663 Arch Road, Suite F
Stockton, CA 95215
PHONE: (209) 476-4370
FAX: (209) 476-4354

David C. Hughes
TITLE OFFICER



Escrow Department:

CHICAGO TITLE COMPANY

1700 Standiford Avenue, Suite 110
P.O. Box 1009
Modesto, California 95350
(209) 571-6300 fax: (209) 569-7255
Escrow No.: 001764528

Sharilyn Borrelli
ESCROW OFFICER

SCHEDULE A

Order No: 1764528 DH

Your Ref:

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

2. Title to said estate or interest at the date hereof is vested in:

Henry W. Proctor and Joyce E. Proctor, husband and wife, as Joint Tenants, as to an undivided one-half interest, and John W. Findarle and Darlene Findarle, husband and wife, as Joint Tenants, as to an undivided one-half interest

3. The land referred to in this report is situated in the State of California, County of Stanislaus and is described as follows:

Parcels A, B, C and D, as shown on that certain Parcel Map filed April 18, 1975, in Book 21 of Parcel Maps, at Page 13, Stanislaus County Records, being a portion of Lots 269 and 270 of Riverbank Irrigated Farms in the Northwest quarter of Section 30, Township 2 South, Range 10 East, Mount Diablo Base and Meridian.

APN: 062 020 001

SCHEDULE B

Page 1

Order No: 1764528 DH

Your Ref:

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in the policy form designated on the face page of this Report would be as follows:

- A 1. PROPERTY TAXES, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES, TO BE LEVIED FOR THE FISCAL YEAR 2004-2005 WHICH ARE A LIEN NOT YET DUE OR PAYABLE.
ASSESSMENT NO.: 062-020-001
- B 2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.
- C 3. Rights of way for existing roads, ditches, canals, drains or for other purposes and a right of way for the purpose of hereafter constructing, maintaining and/or operating an irrigation or drainage ditch or pipeline as may now be located and established by reason of the rural nature of the herein described lands.
- D 4. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS RESERVED IN A DOCUMENT
PURPOSE: Irrigation easement for the benefit of the adjoining properties
RECORDED: April 11, 1975, Instrument No. 39390, Book 2696, Page 259, Official Records
AFFECTS: 20.00 feet, the center line of which is described
- E MODIFICATION(S) OF SAID COVENANTS, CONDITIONS AND RESTRICTIONS
RECORDED: September 5, 2001, as Document No. 0104057-00, Official Records
- F Which recites this deed is to relinquish any interest of grantor, Lee S Fong, trustee of the Lee S Fong Family Trust u/d/t September 6, 2000.
- G 5. Annexation Agreement executed by City of Riverbank and Danny A. Monterosso, on the terms and conditions contained therein, recorded December 12, 1977 in Book 2996, at Page 828 of Official Records, as Instrument No. 37556.
- H 6. Agreement for sewer service dated December 10, 1984, executed by the City of Riverbank and John W. Findarle, et al on the terms and conditions contained therein, recorded February 7, 1985, in Book 31 at Page 1328 of Official Records, as Instrument No. 36379.
- I REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

J 7. The effect of: Cost and maintenance agreement. Affects Parcel B.
K REFERENCE IS MADE TO SAID DOCUMENT FOR FULL PARTICULARS.
L AMONG OTHER THINGS, SAID DOCUMENT PROVIDES FOR:

Pertains to: Claus Road widening of railroad crossing. Affects Parcel B.
County of Stanislaus Board Resolution dated February 11, 1986, as Document
No. 86-2206, disclosed by document recorded February 19, 1987, as Document
No. 87-059985.

M 8. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS ARE
N SHOWN BY THE PUBLIC RECORDS.

N 9. ANY EASEMENTS NOT DISCLOSED BY THOSE PUBLIC RECORDS WHICH IMPART
CONSTRUCTIVE NOTICE AND WHICH ARE NOT VISIBLE AND APPARENT FROM AN
INSPECTION OF THE SURFACE OF SAID LAND.

O 10. ANY RIGHTS OF THE PARTIES IN POSSESSION OF SAID LAND, BASED ON AN
UNRECORDED LEASE, OR LEASES, AS DISCLOSED BY AN INSPECTION.
THE COMPANY WILL REQUIRE THAT A FULL COPY OF ANY UNRECORDED LEASE BE
SUBMITTED TO US, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS,
BEFORE ISSUING ANY POLICY OF TITLE INSURANCE.

P
R
END OF SCHEDULE B

NOTE NO. 1: THE FOLLOWING BUYERS/BORROWERS HAVE BEEN RUN TO THE DATE OF
THIS REPORT. PLEASE CHECK SPELLING AND ADVISE PRIOR TO CLOSE OF ANY
DISCREPANCY.

BUYERS/BORROWERS: SCM HEARTHSTONE, LLC A CALIFORNIA LIMITED LIABILITY
COMPANY

NOTE: WE FIND NO JUDGMENTS AGAINST THE ABOVE BUYERS/BORROWERS.

AB NOTE NO. 2: Prior to the issuance of any policy of title insurance the
following must be furnished to the Company with respect to SCM HEARTHSTONE,
LLC, a limited liability company:

a. (For Domestic LLC)

This Company will require a copy of the articles of organization,
filed with the Secretary of State, and copies of any
management agreements or operating agreements, together with a
current list of all members of said limited liability company.

b. (For Foreign LLC)

SCHEDULE B **(continued)**

Order No: 1764528 DH

Your Ref:

This company will require a copy of the certificate of registration to transact business in the State of California, a copy of the articles of organization certified by authorities of the state of origin, and copies of any management agreements or operating agreements, together with a current list of all members of said limited liability company.

- c. This Company will require either certification by the proper manager(s) or by one of the current members that a written operating agreement has not been adopted.

OR

- d. This company will require certification by the proper manager(s) or by one of the current members that the operating agreement and amendments thereto, if any, is currently in full force and effect and has not been revoked or terminated.
- e. Any instrument executed by the limited liability company and presented for recordation by the Company or upon which the Company is asked to rely, must be executed as follows:
 - (a) If the LLC operates through officers appointed or elected pursuant to its operating agreement, such instruments must be executed by at least two elected or appointed officers, as follows:
the chairperson, the president, or any vice president and any secretary, assistant secretary, or chief financial officer.
 - (b) If the LLC operates through a manager or managers pursuant to its operating agreement, such instruments must be executed by at least two managers or by one manager if the LLC operates with the existence of only one manager.
 - (c) If the LLC operates through its members and has not elected or appointed officers/managers pursuant to an operating agreement, such instruments must be executed by members holding a majority of the economic interest of the LLC.
- f. The Company reserves the right to make additional exceptions and/or requirements upon examination of all instruments submitted in satisfaction of the foregoing requirements.

T NOTE NO. 3: THE CHARGE FOR A POLICY OF TITLE INSURANCE, WHEN ISSUED THROUGH THIS TITLE ORDER, WILL BE BASED ON THE BASIC (NOT SHORT-TERM) TITLE INSURANCE RATE.

U NOTE NO. 4: IF THIS COMPANY IS REQUESTED TO DISBURSE FUNDS IN CONNECTION WITH THIS TRANSACTION, CHAPTER 598, STATUTES OF 1989 MANDATES HOLD PERIODS FOR CHECKS DEPOSITED TO ESCROW OR SUB-ESCROW ACCOUNTS.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

v

NOTE NO. 5: IF A 1970 ALTA OWNER'S OR LENDER'S OR 1975 ALTA LEASEHOLD OWNER'S OR LENDER'S POLICY FORM HAS BEEN REQUESTED, THE POLICY, WHEN APPROVED FOR ISSUANCE, WILL BE ENDORSED TO ADD THE FOLLOWING TO THE EXCLUSIONS FROM COVERAGE CONTAINED THEREIN:

LOAN POLICY EXCLUSION:

ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION CREATING THE INTEREST OF THE MORTGAGEE INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY, OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:

- (i) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER; OR
- (ii) THE SUBORDINATION OF THE INTEREST OF THE INSURED MORTGAGEE AS A RESULT OF THE APPLICATION OF THE DOCTRINE OF EQUITABLE SUBORDINATION; OR
- (iii) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE TO:
 - (a) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (b) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR.

OWNER'S POLICY EXCLUSION:

ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED, THE ESTATE OR INTEREST INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:

- (i) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER;
OR
- (ii) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (a) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (b) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR.

SCHEDULE B
(continued)

Order No: 1764528 DH

Your Ref:

W NOTE NO. 6: "THE LAND REFERRED TO IN THIS PRELIMINARY REPORT WAS IDENTIFIED IN THE ORDER APPLICATION ONLY BY STREET ADDRESS OR ASSESSOR'S PARCEL NUMBER. THIS LAND HAS BEEN LOCATED ON THE ATTACHED MAP. THE USE OF A STREET ADDRESS OR ASSESSOR'S PARCEL NUMBER CREATES AN UNCERTAINTY AS TO THE CORRECT LEGAL DESCRIPTION FOR THE LAND INVOLVED IN YOUR TRANSACTION. PLEASE REVIEW THE MAP. IS THE CORRECT LAND LOCATED ON THE MAP? IF YOUR TRANSACTION INVOLVES OTHER LAND OR MORE LAND OR LESS LAND THAN THAT LOCATED ON THE MAP YOU SHOULD IMMEDIATELY ADVISE YOUR TITLE OFFICER OR ESCROW OFFICER."

X NOTE NO. 7: There are NO conveyances affecting said land, recorded within twenty-four (24) months of the date of this report.

Y NOTE NO. 8: PROPERTY TAXES FOR THE FISCAL YEAR SHOWN BELOW ARE PAID. FOR PRORATION PURPOSES THE AMOUNTS ARE:

FISCAL YEAR 2003-2004

1ST INSTALLMENT: \$605.13
2ND INSTALLMENT: \$605.13

EXEMPTION: \$0
LAND: \$93,990
IMPROVEMENTS: \$16,823
PERSONAL PROPERTY: \$0

CODE AREA: 006-054
ASSESSMENT NO: 062-020-001-000
BILL NO.: none shown

Z NOTE NO. 9: No open deeds of trust, please confirm.

AA DD/ct/cc/cc

CHICAGO TITLE INSURANCE COMPANY
Fidelity National Financial Group of Companies' Privacy Statement
July 1, 2001

We recognize and respect the privacy expectation of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- * From applications or other forms we receive from you or your authorized representative;
- * From your transactions with, or from the services being performed by, us, our affiliates, or others;
- * From our internet web sites;
- * From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- * From consumer or other reporting agencies.

Our Policies Regarding The Protection Of The Confidentiality And Security Of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We may also disclose your Personal Information:

- * to agents, brokers or representatives to provide you with services you have requested;
- * to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- * to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right To Access Your Personal Information And Ability To Correct Errors Or Request Change Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
601 Riverside Drive
Jacksonville, FL 32204

Multiple Products or Services:

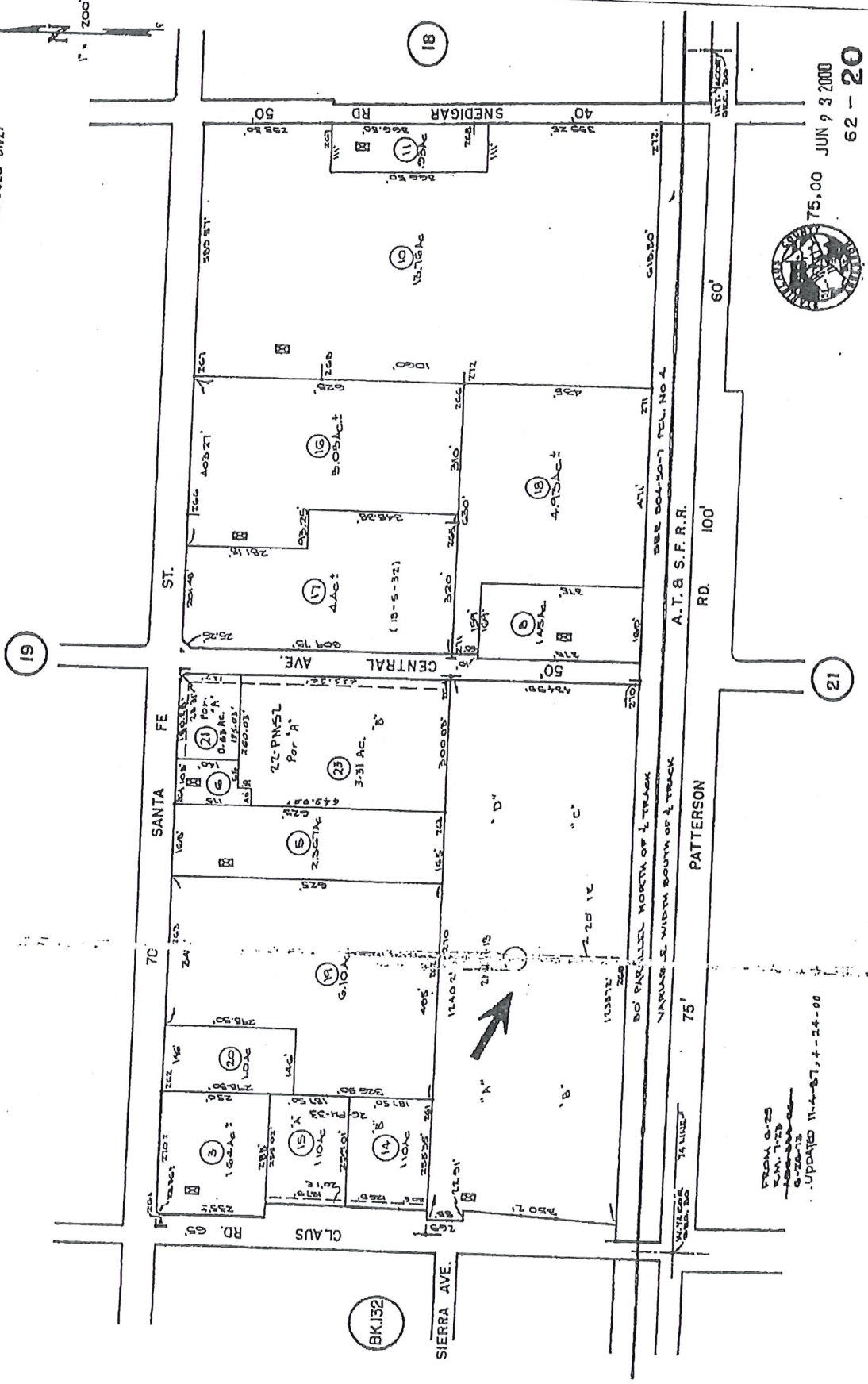
If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

PORTION NW 1/4 SECTION 30 T.2S.R.10E.M.D.B.&M.
 POR. RIVERBANK IRR. FARMS - LOTS 261 thru 272

62 - 20

006 D54

THIS MAP FOR
 ASSESSMENT PURPOSES ONLY



JUN 9 3 2000

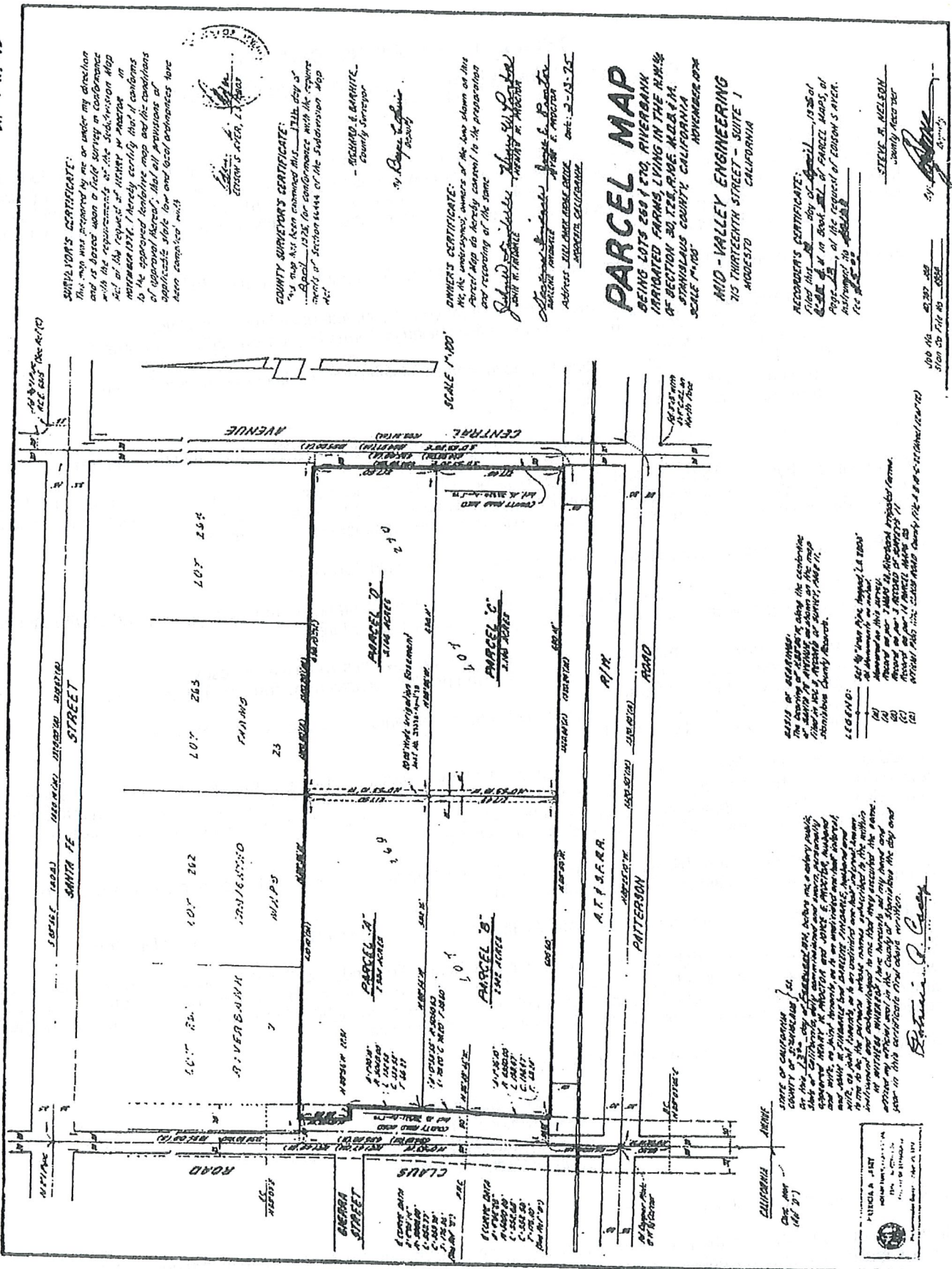
62 - 20

THIS PLAT IS FOR YOUR AID IN LOCATING YOUR LAND
 WITH REFERENCE TO STREET AND OTHER PARCELS.
 WHILE THIS PLAT IS BELIEVED TO BE CORRECT, THE
 COMPANY ASSUMES NO LIABILITY FOR ANY LOSS
 OCCURRING BY REASON OF RELIANCE THEREON.
 CHICAGO TITLE COMPANY

SHEET 182

1764528

PM-13



SURVEYOR'S CERTIFICATE:

This map was prepared by me or under my direction and is based upon a field survey in accordance with the requirements of the Subdivision Map Act of the State of California. I hereby certify that the conditions of approval hereof, that all provisions of applicable state law and local ordinances have been complied with.

COUNTY SURVEYOR'S CERTIFICATE:

This map has been examined this 17th day of April, 1978, for conformance with the requirements of Section 26654 of the Subdivision Map Act.

- RICHARD E. BARNETT -
County Surveyor

By: Raymond E. Barnett
County Surveyor

OWNER'S CERTIFICATE:

We, the undersigned, owners of the lots shown on this Parcel Map do hereby consent to the preparation and recording of the same.

Stanislaus County, California
City of Stanislaus
Stanislaus County, California

Stanislaus County, California
Stanislaus County, California
Date: 2-13-78

PARCEL MAP

BEING LOTS 262 TO 270, RIVERBANK
HARRINGTON FARMS, LIVING IN THE N.W. 1/4
OF SECTION 20, T2E, R4E, M2S, 41N,
STANISLAUS COUNTY, CALIFORNIA
SCALE 1"=100'

MUD - VALLEY ENGINEERING
215 THIRTYEIGHTH STREET - SUITE 1
MODESTO
CALIFORNIA

RECORDER'S CERTIFICATE:

This map was filed for recording on the 17th day of April, 1978, at 10:30 AM in Book 21.13 of Parcel Maps, at Page 1, of the request of EDSON S. AYER, as requested by Stanislaus County, California.
The fee is \$10.00.

- STEVE J. NELSON -
County Recorder

By: Steve J. Nelson
County Recorder

LIST OF RECORDS:
The listing of records along the eastern line of this map is for information only. It is not a warranty of the accuracy of the map. It is the responsibility of the owner to verify the accuracy of the map.

LEGEND:
1. All lots shown on this map are subject to the same conditions as the lots shown on the map.

2. All lots shown on this map are subject to the same conditions as the lots shown on the map.

3. All lots shown on this map are subject to the same conditions as the lots shown on the map.

4. All lots shown on this map are subject to the same conditions as the lots shown on the map.

CHICAGO TITLE INSURANCE COMPANY
Fidelity National Financial Group of Companies' Privacy Statement
July 1, 2001

We recognize and respect the privacy expectation of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- * From applications or other forms we receive from you or your authorized representative;
- * From your transactions with, or from the services being performed by, us, our affiliates, or others;
- * From our internet web sites;
- * From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- * From consumer or other reporting agencies.

Our Policies Regarding The Protection Of The Confidentiality And Security Of Your Personal Information

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

Our Policies and Practices Regarding the Sharing of Your Personal Information

We may share your Personal Information with our affiliates, such as Insurance companies, agents, and other real estate settlement service providers. We may also disclose your Personal Information:

- * to agents, brokers or representatives to provide you with services you have requested;
- * to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- * to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

Right To Access Your Personal Information And Ability To Correct Errors Or Request Change Or Deletion

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer
Fidelity National Financial, Inc.
601 Riverside Drive
Jacksonville, FL 32204

Multiple Products or Services:

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

LIST OF PRINTED EXCEPTIONS AND EXCLUSIONS

CALIFORNIA LAND TITLE ASSOCIATION STANDARD COVERAGE POLICY - 1990

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or the estate or interest insured by this policy.
4. Unenforceability of the lien of the insured mortgage because of the ability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS

In addition to the exceptions in Schedule B, you are not insured against loss, costs, attorney's fees and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or governmental regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - land division
 - improvement on the land
 - environmental protection

This exclusion does not apply to the violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.

2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks

4. Failure to pay value for your title.

5. Lack of a right:
 - to any land outside the area specially described and referred to in item 3 of Schedule A, or
 - in streets, alleys, or waterways that touch your land

This exclusion does not limit the access coverage in Item 5 of Covered Title Risks.

EXCEPTIONS FROM COVERAGE

In addition to the Exceptions, you are not insured against loss, costs, attorneys' fees and expenses resulting from:

1. Someone claiming an interest in your land by reason of:
 - A. Easements not shown in the public records
 - B. Boundary disputes not shown in the public records
 - C. Improvements owned by your neighbor placed on your land
2. If, in addition to a single family residence, your existing structure consists of one or more Additional Dwelling Unit, Item 12 of Covered Title Risks does not insure you against loss, costs, attorneys' fees, and expenses resulting from:
 - A. The forced removal of any Additional Dwelling Unit, or,
 - B. The forced conversion of any Additional Dwelling Unit back to its original use,

If said Additional Dwelling Unit was either constructed or converted to use as a dwelling unit in violation of any law or government regulation.

AMERICAN LAND TITLE ASSOCIATION HOMEOWNER'S POLICY OF TITLE INSURANCE (10-17-98)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorney's fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. Land use
 - d. Improvements on the Land
 - e. Land division
 - f. environmental protection

This Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date.

This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17, or 24.

2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value of Your Title.

6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.

This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT - FORM 1 COVERAGE

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violations of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim or priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violations of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens, or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

APPENDIX D

SELECTED SITE PHOTOGRAPHS

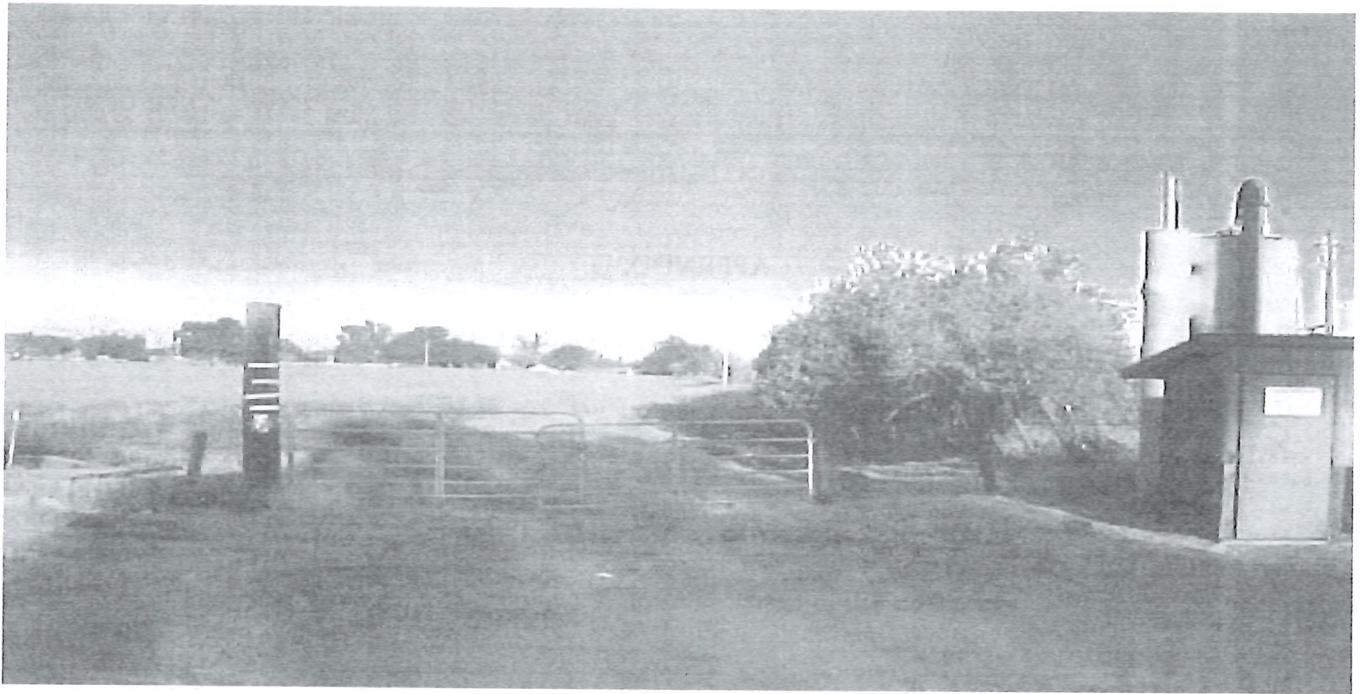


PHOTO #1

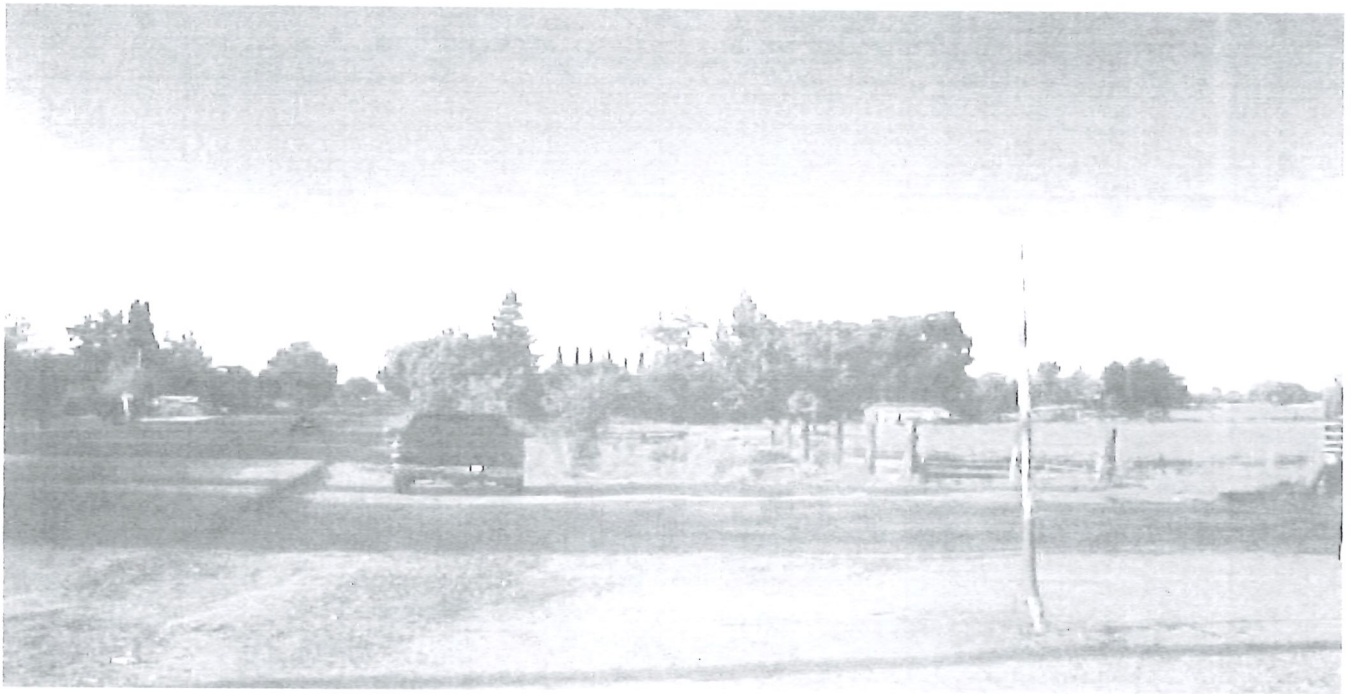


PHOTO #2



CONSTRUCTION TESTING & ENGINEERING, INC.

GEOTECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92029 (760) 746-4955

SITE PHOTOS
CLAUSE ROAD
6448 CLAUSE ROAD
RIVERBANK, CALIFORNIA

CTE JOB NO:	20-1538
SCALE:	NO SCALE
DATE:	10/04
FIGURE:	1

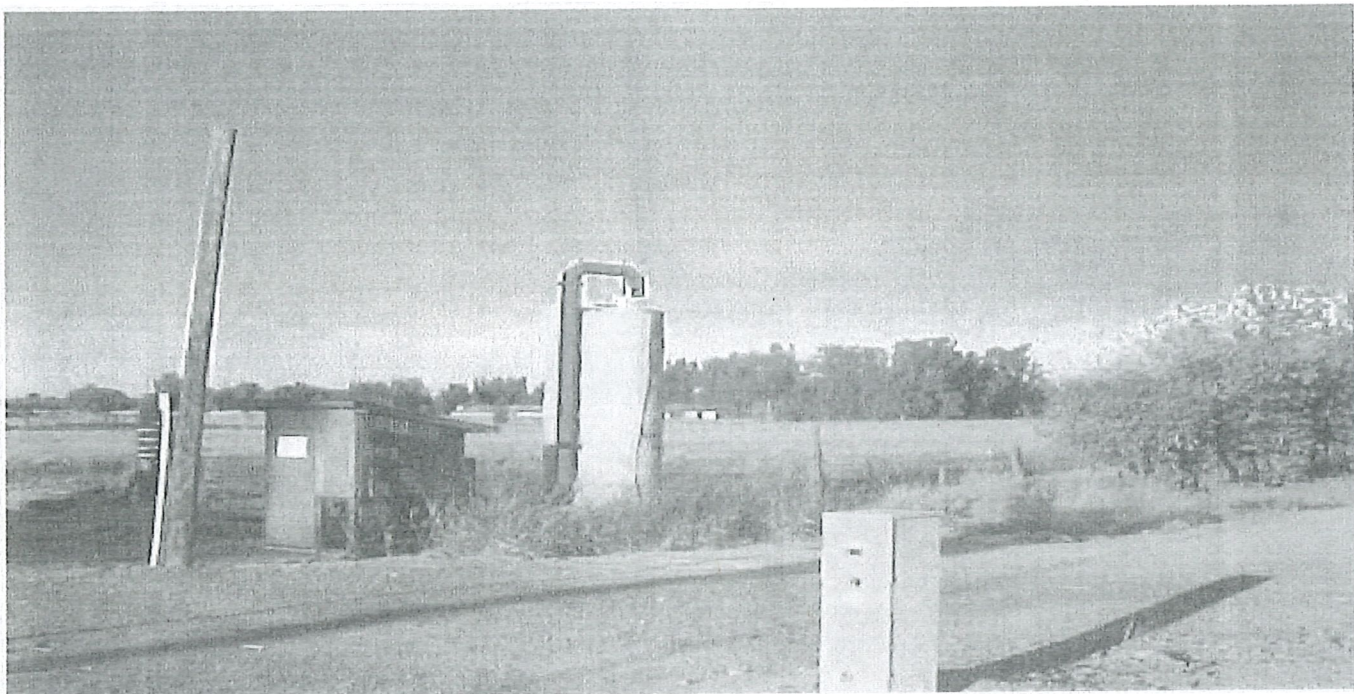


PHOTO #3



PHOTO #4



CONSTRUCTION TESTING & ENGINEERING, INC.

GEOTECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92029 (760) 746-4955

SITE PHOTOS

CLAUDE ROAD
6448 CLAUDE ROAD
RIVERBANK, CALIFORNIA

CTE JOB NO: 20-1538

SCALE: NO SCALE

DATE: 10/04 FIGURE: 2



PHOTO #5



PHOTO #6



CONSTRUCTION TESTING & ENGINEERING, INC.
 GEOTECHNICAL AND CONSTRUCTION ENGINEERING TESTING AND INSPECTION
 2414 VINEYARD AVENUE, STE G ESCONDIDO CA. 92029 (760) 746-4955

SITE PHOTOS
 CLAUSE ROAD
 6448 CLAUSE ROAD
 RIVERBANK, CALIFORNIA

CTE JOB NO: 20-1538	
SCALE: NO SCALE	
DATE: 10/04	FIGURE: 3

APPENDIX E

FIRSTSEARCH REPORT

TRACK ► INFO SERVICES, LLC

Environmental FirstSearch™ Report

TARGET PROPERTY:

6448 CLAUS ROAD

RIVERBANK CA 95367

Job Number: 20-1538

PREPARED FOR:

Construction Testing & Engineering, Inc.

2414 Vineyard Ave., Suite G

Escondido, CA 92029

10-20-04



Tel: (619) 562-4842

Fax: (619) 562-4844

Environmental FirstSearch Search Summary Report

Target Site: 6448 CLAUS ROAD
RIVERBANK CA 95367

FirstSearch Summary

Database	Sel	Updated	Radius	Site	1/8	1/4	1/2	1/2>	ZIP	TOTALS
NPL	Y	09-13-04	1.00	0	0	0	0	1	0	1
CERCLIS	Y	09-13-04	0.50	0	0	0	0	-	0	0
NFRAP	Y	06-23-04	0.15	0	0	0	-	-	0	0
RCRA TSD	Y	07-12-04	0.50	0	0	0	0	-	0	0
RCRA COR	Y	07-12-04	1.00	0	0	0	0	1	0	1
RCRA GEN	Y	07-12-04	0.15	0	0	0	-	-	0	0
RCRA NLR	N	07-12-04	0.25	-	-	-	-	-	-	-
ERNS	Y	12-31-03	0.15	0	0	0	-	-	9	9
NPDES	N	07-17-04	0.25	-	-	-	-	-	-	-
FINDS	N	07-16-98	0.25	-	-	-	-	-	-	-
TRIS	N	08-02-04	0.25	-	-	-	-	-	-	-
State Sites	Y	03-02-04	1.00	0	0	0	0	1	2	3
Spills-1990	Y	07-01-03	0.15	0	0	0	-	-	0	0
Spills-1980	N	NA	0.25	-	-	-	-	-	-	-
SWL	Y	10-11-04	0.50	0	0	0	0	-	2	2
Permits	N	02-11-04	0.25	-	-	-	-	-	-	-
Other	N	03-02-04	0.25	-	-	-	-	-	-	-
REG UST/AST	Y	06-02-04	0.15	0	0	0	-	-	6	6
Leaking UST	Y	05-26-04	0.50	0	0	0	2	-	2	4
State Wells	N	NA	0.50	-	-	-	-	-	-	-
Aquifers	N	NA	0.50	-	-	-	-	-	-	-
ACEC	N	NA	0.50	-	-	-	-	-	-	-
Wetlands	N	11-20-00	0.50	-	-	-	-	-	-	-
Floodplains	N	09-01-98	0.50	-	-	-	-	-	-	-
Nuclear Permits	N	04-30-99	0.50	-	-	-	-	-	-	-
Historic/Landmark	N	09-01-02	0.50	-	-	-	-	-	-	-
Federal Land Use	N	10-07-03	0.50	-	-	-	-	-	-	-
Federal Wells	N	05-19-03	0.50	-	-	-	-	-	-	-
Releases(Air/Water)	N	12-31-03	0.25	-	-	-	-	-	-	-
HMIRS	N	03-31-03	0.25	-	-	-	-	-	-	-
NCDB	N	08-30-04	0.25	-	-	-	-	-	-	-
PADS	N	03-01-04	0.25	-	-	-	-	-	-	-
Federal Other	N	12-31-02	0.25	-	-	-	-	-	-	-
Misc	N	NA	0.25	-	-	-	-	-	-	-
Towers	N	08-16-01	0.25	-	-	-	-	-	-	-
Soils	N	03-18-97	0.25	-	-	-	-	-	-	-
Receptors	N	01-01-95	0.50	-	-	-	-	-	-	-
- TOTALS -				0	0	0	2	3	21	26

Notice of Disclaimer

Due to the limitations, constraints, inaccuracies and incompleteness of government information and computer mapping data currently available to TRACK Info Services, certain conventions have been utilized in preparing the locations of all federal, state and local agency sites residing in TRACK Info Services's databases. All EPA NPL and state landfill sites are depicted by a rectangle approximating their location and size. The boundaries of the rectangles represent the eastern and western most longitudes; the northern and southern most latitudes. As such, the mapped areas may exceed the actual areas and do not represent the actual boundaries of these properties. All other sites are depicted by a point representing their approximate address location and make no attempt to represent the actual areas of the associated property. Actual boundaries and locations of individual properties can be found in the files residing at the agency responsible for such information.

Waiver of Liability

Although TRACK Info Services uses its best efforts to research the actual location of each site, TRACK Info Services does not and can not warrant the accuracy of these sites with regard to exact location and size. All authorized users of TRACK Info Services's services proceeding are signifying an understanding of TRACK Info Services's searching and mapping conventions, and agree to waive any and all liability claims associated with search and map results showing incomplete and or inaccurate site locations.

*Environmental FirstSearch
Site Information Report*

Request Date: 10-20-04
Requestor Name: nathan chew
Standard: ASTM

Search Type: COORD
Job Number: 20-1538

TARGET ADDRESS: 6448 CLAUS ROAD
RIVERBANK CA 95367

Demographics

Sites: 26	Non-Geocoded: 21	Population: NA
Radon: NA		

Site Location

	<u>Degrees (Decimal)</u>	<u>Degrees (Min/Sec)</u>		<u>UTMs</u>
Longitude:	-120.927328	-120:55:38	Easting:	682643.652
Latitude:	37.73456	37:44:4	Northing:	4178181.827
			Zone:	10

Comment

Comment:

Additional Requests/Services

Adjacent ZIP Codes: 0 Mile(s)					Services:	
ZIP Code	City Name	ST	Dist/Dir	Sel	Requested?	Date
					Sanborns	No
					Aerial Photographs	No
					Topographical Maps	No
					City Directories	No
					Title Search	No
					Municipal Reports	No
					Online Topos	No

Environmental FirstSearch
Sites Summary Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 GEOCODED: 5 NON GEOCODED: 21 SELECTED: 0

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
4	LUST	STOP N SAVE # 5 T0609900189/POLLUTION CHARACTERI	3702 ATCHISON RIVERBANK CA 95367	0.31 NW	4
5	LUST	U GAS T0609900398/PRELIM. SITE ASSES.	3701 ATCHISON RIVERBANK CA 95367	0.32 NW	5
3	STATE	THUNDERBOLT WOOD PRESERVING CAL.50240002/PROPERTY/SITE REFERR	3400 PATTERSON ROAD RIVERBANK CA 95367	0.58 SW	2
1	NPL	RIVERBANK ARMY AMMUNITION PLANT CA7210020759/FINAL	5300 CLAUS RD RIVERBANK CA 95367	0.82 SE	1
2	RCRACOR	RIVERBANK ARMY AMMUNITION PLANT CA7210020759/CA	5300 CLAUS RD RIVERBANK CA 95367	0.95 SE	3

Environmental FirstSearch Sites Summary Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 GEOCODED: 5 NON GEOCODED: 21 SELECTED: 0

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
6	ERNS	ARMY- RIVERBANK AMMO 238862/FIXED FACILITY	5300 CLAUS ROAD RIVERBANK CA	NON GC	
8	ERNS	ARMY- RIVERBANK AMMO 466898/FIXED FACILITY	BLDG 7 HOTLINE RIVERBANK CA	NON GC	
7	ERNS	ARMY- RIVERBANK AMMO 225324/FIXED FACILITY	BLDG 7 HOTLINE RIVERBANK CA	NON GC	
17	SWL	BILL LANE SWIS39-CR-0001/CLOSED	23201 SANTA FE ROAD, ESCALON, ESCALON CA 95367	NON GC	
9	ERNS	BNSF RAILROAD MILE POST 1095.6 NRC-589998/RAILROAD	BNSF RAIL YARD RIVERBANK CA	NON GC	
20	UST	CORPORATION YARD TISID-STATE48789/ACTIVE	2900 HIGH RIVERBANK CA	NON GC	
19	UST	CORPORATION YARD TISID-STATE10759/INACTIVE	2900 HIGH RIVERBANK CA	NON GC	
21	UST	RANCH MARKET TISID-STATE8731/INACTIVE	23569 SANTA FE RIVERBANK CA	NON GC	
25	LUST	RANCH MARKET T0607700477/REMEDIAL ACTION	23569 SANTA FE RD S RIVERBANK CA 95367	NON GC	
26	LUST	RIVERBANK AAP T0609969469	5300 CLAUS ROAD RIVERBANK CA 95367	NON GC	
22	UST	RIVERBANK ARMY AMMUNITION TISID-STATE48594/ACTIVE	5300 CLAUS RIVERBANK CA 95367	NON GC	
15	STATE	RIVERBANK ARMY AMMUNITION DEPOT CAL50340001/ANNUAL WORKPLAN - AC	5300 CLAUS ROAD RIVERBANK CA 95367	NON GC	
23	UST	RIVERBANK CORP YARD STANINSLAUSCO_131/CERTIFICATE NUMBE	2900 HIGH RIVERBANK CA	NON GC	
16	STATE	RIVERBANK DUMP SITE CAL50490001/PROPERTY/SITE REFERR	TERMINAL AVE RIVERBANK CA 95367	NON GC	
10	ERNS	SANTA FE 449998/RAILROAD	RIVERBANK CA	NON GC	
11	ERNS	SILGAN CONTAINERS CORP *87 57076/UNKNOWN	SILGAN CONTAINERS CORP *87 RIVERBANK CA	NON GC	
24	UST	TRAWICK S EXXON TISID-STATE10479/INACTIVE	6702 003RD RIVERBANK CA 95367	NON GC	
13	ERNS	UNKNOWN 178886/HIGHWAY RELATED	SANTA FE RD AND HENRY RD. ESCALON CA 95367	NON GC	
12	ERNS	UNKNOWN 173417/FIXED FACILITY	7185 RICHARDSON RD REMOTE AREA RIVERBANK CA 95367	NON GC	
14	ERNS	US ARMY- RIVERBANK AMMO 467701/FIXED FACILITY	RIVERBANK AMMO 5300 CLAUS RD RIVERBANK CA 95367	NON GC	

Environmental FirstSearch
Sites Summary Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

TOTAL: 26 **GEOCODED:** 5 **NON GEOCODED:** 21 **SELECTED:** 0

ID	DB Type	Site Name/ID/Status	Address	Dist/Dir	Map ID
18	SWL	WESTLEY TRIANGLE TRUCK STOP SWIS50-TI-0988/ACTIVE	7051 S MCCracken ROAD EXIT 5 WESTLEY CA 95367	NON GC	

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

LEAKING UNDERGROUND STORAGE TANKS

SEARCH ID: 4

DIST/DIR: 0.31 NW

MAP ID: 4

NAME: STOP N SAVE # 5

ADDRESS: 3702 ATCHISON
RIVERBANK CA 95367
STANISLAUS

REV: 05/26/04

ID1: T0609900189

ID2:

STATUS: POLLUTION CHARACTERIZATION

CONTACT:

PHONE:

RELEASE DATA FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD LUSTIS DATABASE

Please note that some data previously provided by the State Water Resources Control Board in the LUSTIS database is not currently being provided by the agency in the most recent edition. Incidents that occurred dating after the year 2000 may not have much information. Field headers with blank information following after should be interpreted as unreported by the agency.

LEAD AGENCY: LOCAL AGENCY

REGIONAL BOARD: 55

LOCAL CASE NUMBER: 161

RESPONSIBLE PARTY: MS. ELYSE JUNG (PRIMARY PARTY)

ADDRESS OF RESPONSIBLE PARTY: 413 RIVERSIDE DRIVE STE# A

SITE OPERATOR:

WATER SYSTEM:

CASE NUMBER: 500221

CASE TYPE: AQUIFER AFFECTED

SUBSTANCE LEAKED: GASOLINE

SUBSTANCE QUANTITY:

LEAK CAUSE: UNK

LEAK SOURCE: UNK

HOW LEAK WAS DISCOVERED: SAS

DATE DISCOVERED (blank if not reported): 1991-06-20 00:00:00

HOW LEAK WAS STOPPED:

STOP DATE (blank if not reported):

STATUS: POLLUTION CHARACTERIZATION

ABATEMENT METHOD (please note that not all code translations have been provided by the reporting agency):

ENFORCEMENT TYPE (please note that not all code translations have been provided by the reporting agency): SRS

DATE OF ENFORCEMENT (blank if not reported):

ENTER DATE (blank if not reported):

REVIEW DATE (blank if not reported):

DATE OF LEAK CONFIRMATION (blank if not reported): 1991-09-17 00:00:00

DATE PRELIMINARY SITE ASSESSMENT PLAN WAS SUBMITTED (blank if not reported):

DATE PRELIMINARY SITE ASSESSMENT PLAN BEGAN (blank if not reported): 1992-01-08 00:00:00

DATE POLLUTION CHARACTERIZATION PLAN BEGAN (blank if not reported): 2004-02-12 00:00:00

DATE REMEDIATION PLAN WAS SUBMITTED (blank if not reported):

DATE REMEDIAL ACTION UNDERWAY (blank if not reported):

DATE POST REMEDIAL ACTION MONITORING BEGAN (blank if not reported): 2003-06-06 00:00:00

DATE CLOSURE LETTER ISSUED (SITE CLOSED) (blank if not reported):

REPORT DATE (blank if not reported): 1991-09-17 00:00:00

MTBE DATA FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD LUSTIS DATABASE

MTBE DATE (Date of historical maximum MTBE concentration): 2001-09-17 00:00:00

MTBE GROUNDWATER CONCENTRATION: EQUAL TO 180

MTBE SOIL CONCENTRATION:

MTBE CNTS: 1

MTBE FUEL: 1

MTBE TESTED: YES

MTBE CLASS: B

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

LEAKING UNDERGROUND STORAGE TANKS

SEARCH ID: 5 DIST/DIR: 0.32 NW MAP ID: 5

NAME: U GAS	REV: 05/26/04
ADDRESS: 3701 ATCHISON	ID1: T0609900398
RIVERBANK CA 95376	ID2:
STANISLAUS	STATUS: PRELIM. SITE ASSES. WKPLN SUBM
CONTACT:	PHONE:

RELEASE DATA FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD LUSTIS DATABASE

Please note that some data previously provided by the State Water Resources Control Board in the LUSTIS database is not currently being provided by the agency in the most recent edition. Incidents that occurred dating after the year 2000 may not have much information. Field headers with blank information following after should be interpreted as unreported by the agency.

LEAD AGENCY: LOCAL AGENCY
REGIONAL BOARD: 5S
LOCAL CASE NUMBER: 258
RESPONSIBLE PARTY: ERNEST SETLIFF
ADDRESS OF RESPONSIBLE PARTY: PO BOX 427
SITE OPERATOR:
WATER SYSTEM:

CASE NUMBER: 500461
CASE TYPE: AQUIFER AFFECTED
SUBSTANCE LEAKED: GASOLINE
SUBSTANCE QUANTITY:
LEAK CAUSE: UNK
LEAK SOURCE: UNK
HOW LEAK WAS DISCOVERED: SUBSURFACE MONITORING
DATE DISCOVERED (blank if not reported): 1999-03-02 00:00:00
HOW LEAK WAS STOPPED: OTHER MEANS
STOP DATE (blank if not reported):
STATUS: PRELIM. SITE ASSES. WKPLN SUBMITTED
ABATEMENT METHOD (please note that not all code translations have been provided by the reporting agency):
ENFORCEMENT TYPE (please note that not all code translations have been provided by the reporting agency): SEL
DATE OF ENFORCEMENT (blank if not reported):

ENTER DATE (blank if not reported):
REVIEW DATE (blank if not reported):
DATE OF LEAK CONFIRMATION (blank if not reported): 1997-05-27 00:00:00
DATE PRELIMINARY SITE ASSESSMENT PLAN WAS SUBMITTED (blank if not reported): 2002-08-02 00:00:00
DATE PRELIMINARY SITE ASSESSMENT PLAN BEGAN (blank if not reported): 1999-06-30 00:00:00
DATE POLLUTION CHARACTERIZATION PLAN BEGAN (blank if not reported):
DATE REMEDIATION PLAN WAS SUBMITTED (blank if not reported):
DATE REMEDIAL ACTION UNDERWAY (blank if not reported):
DATE POST REMEDIAL ACTION MONITORING BEGAN (blank if not reported):
DATE CLOSURE LETTER ISSUED (SITE CLOSED) (blank if not reported):
REPORT DATE (blank if not reported): 1997-05-27 00:00:00

MTBE DATA FROM THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD LUSTIS DATABASE

MTBE DATE (Date of historical maximum MTBE concentration): 2001-12-28 00:00:00
MTBE GROUNDWATER CONCENTRATION: EQUAL TO 183
MTBE SOIL CONCENTRATION:
MTBE CNTS: 1
MTBE FUEL: 1
MTBE TESTED: YES
MTBE CLASS: B

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE

SEARCH ID: 3

DIST/DIR: 0.58 SW

MAP ID: 2

NAME: THUNDERBOLT WOOD PRESERVING
ADDRESS: 3400 PATTERSON ROAD
RIVERBANK CA 95367
Stanislaus

REV: 07/03/00
ID1: CAL50240002

ID2:
STATUS: PROPERTY/SITE REFERRED TO RWQCB
PHONE:

CONTACT:

OTHER SITE NAMES (blank below = not reported by agency)

OTHER SITE NAMES (blank below = not reported by agency)
THUNDERBOLT WOOD TREATING COMPANY

GENERAL SITE INFORMATION

File Name (if different than site name):

Status: PROPERTY SITE REFERRED TO RWQCB (REFRW)
AWP Site Type: N/A
NPL Site:
Fund:
Status Date: 11181993
Lead:
Staff:
Senior Supervisor:

DTSC Region & RWQCB #: 1 / SACRAMENTO
Branch: CENTRAL CALIFORNIA
RWQCB: CENTRAL VALLEY
Site Access:

On Cortese List:
Groundwater Contamination:
Haz Ranking Score:
Haz Ranking Score:
Number of Sources Contributing to Contamination at the Site: 0

PROJECTED ACTIVITIES (blank below = not reported by agency)

PROJECTED ACTIVITIES (blank below = not reported by agency)

PROJECTED ACTIVITIES (blank below = not reported by agency)

PROJECTED ACTIVITIES (blank below = not reported by agency)

PROJECTED ACTIVITIES (blank below = not reported by agency)

PROJECTED ACTIVITIES (blank below = not reported by agency)

Activity: DISCOVERY (DISC)
Activity Status: PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:
Revised Completion Due Date:
Date Activity Actually Completed: 11171982
Yards of Solids Removed: 0
Yards of Solids Treated: 0
Gallons of Liquid Removed: 0

- Continued on next page -

Environmental FirstSearch Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE	
SEARCH ID: 3	DIST/DIR: 0.58 SW
MAP ID: 2	
NAME: THUNDERBOLT WOOD PRESERVING	REV: 07/03/00
ADDRESS: 3400 PATTERSON ROAD	ID1: CAL50240002
RIVERBANK CA 95367	ID2:
Stanislaus	STATUS: PROPERTY/SITE REFERRED TO RWQC
CONTACT:	PHONE:
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	03/01/987
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(PA)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	01/31/1988
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	03/28/1988
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	12/08/1989
Yards of Solids Removed:	0
Yards of Solids Treated:	0
Gallons of Liquid Removed:	0
Gallons of Liquid Treated:	0
Activity:	(SS)
Activity Status:	PROPERTY SITE REFERRED TO RWQCB
Completion Due Date:	
Revised Completion Due Date:	
Date Activity Actually Completed:	11/18/1993
Yards of Solids Removed:	0

- Continued on next page -

Environmental FirstSearch Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE			
SEARCH ID: 3	DIST/DIR: 0.58 SW	MAP ID: 2	
NAME: THUNDERBOLT WOOD PRESERVING	REV: 07/03/00	ID1: CAL50240002	
ADDRESS: 3400 PATTERSON ROAD RIVERBANK CA 95367 Stanislaus	ID2:		
CONTACT:	STATUS: PROPERTY/SITE REFERRED TO RWQC	PHONE:	
Yards of Solids Treated:	0		
Gallons of Liquid Removed:	0		
Gallons of Liquid Treated:	0		
<u>DTSC COMMENTS REGARDING THIS SITE (blank below = not reported by agency)</u>			
DATE	COMMENT		
03/19/1979	INSPECTION(STATE) RWQCB SOIL SAMPLING-CHROMIUM: 33 PPM.		
DATE	COMMENT		
03/19/1979	ARSENIC: 2.6 PPM		
DATE	COMMENT		
10/01/1980	SELF MONITORING 6 MONIT WELLS INSTALLED OVER 5 YR PERIOD		
DATE	COMMENT		
11/17/1982	FACILITY IDENTIFIED ID FROM DOHS DMI LIST		
DATE	COMMENT		
11/23/1982	FACILITY DRIVE-BY SEVERAL STACKS OF GREEN COLORED STAKES		
DATE	COMMENT		
11/23/1982	NO PONDS OR CREASOTE TANKS SEEN.		
DATE	COMMENT		
11/30/1982	HWMB ENF SOLUTION USED TO TREAT WOOD U		
DATE	COMMENT		
11/30/1982	A COPPER SOLUTION		
DATE	COMMENT		
12/02/1982	Q SENT		
DATE	COMMENT		
03/01/1983	FINAL STRATEGY SITE REFERRED TO HWMB ENF		
DATE	COMMENT		
03/10/1987	SITE SCREENING DONE RWQCB NOTED LOCATION OF CHEMICAL DUMPING		
DATE	COMMENT		
03/10/1987	DURING INSPECTION		
DATE	COMMENT		
01/31/1988	PRELIM ASSESS DONE ZONE CONTRACTED PA METCALF & EDDY		
DATE	COMMENT		
03/28/1988	SITE SCREENING DONE SIRH RECOM BASED ON SOIL CONTM		
DATE	COMMENT		
12/08/1989	SITE SCREENING DONE DHS WILL NOT COMPLETE HRS PACKAGE:		

- Continued on next page -

Environmental FirstSearch Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

STATE SITE	
SEARCH ID: 3	DIST/DIR: 0.58 SW MAP ID: 2
NAME: THUNDERBOLT WOOD PRESERVING ADDRESS: 3400 PATTERSON ROAD RIVERBANK CA 95367 Stanislaus	REV: 07/03/00 ID1: CAL50240002 ID2: STATUS: PROPERTY/SITE REFERRED TO RWQC PHONE:
CONTACT:	
DATE	COMMENT
12081989	CENTRAL VALLEY RWQCB IS LEAD AGENCY.
DATE	COMMENT
12081989	THEREFORE PENDING STATUS.
DATE	COMMENT
11181993	The Thunderbolt Wood Treating Co. consists of 22 acres
DATE	COMMENT
11181993	of property with 10 acres being the production area.
DATE	COMMENT
11181993	The RWQCB is requiring quarterly monitoring from on-site
DATE	COMMENT
11181993	wells which have detected chromium as high as 7.0 ug/l.
DATE	COMMENT
11181993	In April of 1992, a pipe burst spilling approximately
DATE	COMMENT
11181993	5,500 gallons of chromated copper arsenate. Approximately
DATE	COMMENT
11181993	100 cubic yards of contaminated soil was removed within
DATE	COMMENT
11181993	48 hours of the spill and stored on site. According to
DATE	COMMENT
11181993	the RWQCB this soil has been disposed. A report dated April
DATE	COMMENT
11181993	12, 1993, by Bechtel detailed historical activities on site.
DATE	COMMENT
11181993	The RWQCB will continue to require quarterly monitoring.

JOB: 20-1538

Site Details Page - 7

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

NPL SITE

SEARCH ID: 1 **DIST/DIR:** 0.82 SE **MAP ID:** 1

NAME: RIVERBANK ARMY AMMUNITION PLANT
ADDRESS: 5300 CLAUS RD
RIVERBANK CA 95367

REV: 9/13/04
ID1: CA7210020759
ID2: 0902785
STATUS: FINAL
PHONE: 4157442411

CONTACT: RICHARD SERAYDARIAN

According to tests conducted by the Army, significant levels of contaminants, including chromium, cyanide, and 1,1-dichloroethylene, have migrated into ground water close to or beyond the installation boundary. About 13,700 people obtain drinking water from public and private wells within 3 miles of the site, and at least 3,500 acres of nut and fruit orchards are partially irrigated by ground water. The Army has also found that sediments in the waste treatment ponds contain chromium, lead, and zinc. Overflows from the ponds have dumped into the Stanislaus River, and the river has occasionally overflowed into the ponds during periods of flooding. The river is used for irrigation and recreational activities.

RBAAP is participating in the Installation Restoration Program, established in 1978. Under this program, the Department of Defense seeks to identify, investigate, and clean up contamination from hazardous materials. The Army has completed a preliminary assessment and is now conducting a remedial investigation/feasibility study to determine the type and extent of contamination and identify alternatives for remedial action.

Status (February 21, 1990): RBAAP is starting cleanup actions involving treatment of contaminated ground water and pond sediments.

CONSTRUCTION COMPLETED DATE: 09/30/1997
CONSTRUCTION COMPLETED DATE: 09/30/1997
FINAL DATE: 02/21/1990

FINAL DATE: 02/21/1990

*Environmental FirstSearch
Site Detail Report*

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE

SEARCH ID: 2

DIST/DIR: 0.95 SE

MAP ID: 3

NAME: RIVERBANK ARMY AMMUNITION PLANT
ADDRESS: 5300 CLAUS RD
RIVERBANK CA 95367
STANISLAUS
CONTACT: LUTHER STOBER

REV: 7/12/04
ID1: CA7210020759
ID2:
STATUS: CA
PHONE: 2098697237

SITE INFORMATION

CONTACT INFORMATION: ENVIRONMENTAL MANAGER
ENVIRO MANAGER
5300 CLAUS RD
RIVERBANK CA 95367

PHONE: 2095298100

UNIVERSE NAME:

SUBJECT TO CORRECTIVE ACTION
INCINERATOR
TSDS SUBJECT TO CORRECTIVE ACT
ST: STORAGE AND TREATMENT
SUBJECT TO CEI
DF: LAND DISPOSAL FACILITY

SIC INFORMATION:

3483 - MANUFACTURING - AMMUNITION, EXCEPT FOR SMALL ARMS,
3482 - MANUFACTURING - SMALL ARMS AMMUNITION
9711 - PUBLIC ADMIN. - NATIONAL SECURITY
3483 - MANUFACTURING - AMMUNITION, EXCEPT FOR SMALL ARMS,
3482 - MANUFACTURING - SMALL ARMS AMMUNITION

ENFORCEMENT INFORMATION:

AGENCY:	S - STATE	DATE:	09-MAR-91
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	25-JUL-91
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	30-AUG-90
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	E - EPA	DATE:	23-JUN-89
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	E - EPA	DATE:	21-JUL-89
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	24-NOV-93
TYPE:	120 - WRITTEN INFORMAL		

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Environmental FirstSearch Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE

SEARCH ID: 2 **DIST/DIR:** 0.95 SE **MAP ID:** 3

NAME:	RIVERBANK ARMY AMMUNITION PLANT	REV:	7/12/04
ADDRESS:	5300 CLAUS RD	ID1:	CA7210020759
	RIVERBANK CA 95367	ID2:	
	STANISLAUS	STATUS:	CA
CONTACT:	LUTHER STOBER	PHONE:	2098697237

AGENCY:	E - EPA	DATE:	19-JAN-88
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	18-APR-01
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	S - STATE	DATE:	24-MAR-92
TYPE:	210 - INITIAL 3008(A) COMPLIANCE ORDER		
AGENCY:	E - EPA	DATE:	22-APR-88
TYPE:	820 - EPA TO STATE ADMINISTRATIVE REFERRAL		
AGENCY:	E - EPA	DATE:	27-APR-89
TYPE:	120 - WRITTEN INFORMAL		
AGENCY:	E - EPA	DATE:	21-JUL-89
TYPE:	820 - EPA TO STATE ADMINISTRATIVE REFERRAL		

VIOLATION INFORMATION:

VIOLATION NUMBER:	0001	RESPONSIBLE:	S - STATE
DETERMINED:	16-JUL-90	DETERMINED BY:	S - STATE
CITATION:	270	RESOLVED:	12-SEP-90
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

VIOLATION NUMBER:	0001	RESPONSIBLE:	E - EPA
DETERMINED:	03-APR-87	DETERMINED BY:	E - EPA
CITATION:	270	RESOLVED:	23-FEB-88
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

VIOLATION NUMBER:	0002	RESPONSIBLE:	E - EPA
DETERMINED:	03-APR-87	DETERMINED BY:	E - EPA
CITATION:	268 ALL	RESOLVED:	23-FEB-88
TYPE:	DLB - TSD LAND BAN REQUIREMENTS		

VIOLATION NUMBER:	0002	RESPONSIBLE:	S - STATE
DETERMINED:	10-JUN-91	DETERMINED BY:	S - STATE
CITATION:	270	RESOLVED:	23-SEP-91
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

VIOLATION NUMBER:	0003	RESPONSIBLE:	S - STATE
DETERMINED:	29-JAN-92	DETERMINED BY:	S - STATE
CITATION:	264.190-201.J	RESOLVED:	11-MAY-92
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

VIOLATION NUMBER:	0003	RESPONSIBLE:	E - EPA
DETERMINED:	03-APR-87	DETERMINED BY:	E - EPA

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Environmental FirstSearch Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE

SEARCH ID: 2

DIST/DIR: 0.95 SE

MAP ID: 3

NAME: RIVERBANK ARMY AMMUNITION PLANT
ADDRESS: 5300 CLAUS RD
RIVERBANK CA 95367
STANISLAUS
CONTACT: LUTHER STOBER

REV: 7/12/04
ID1: CA7210020759
ID2:
STATUS: CA
PHONE: 2098697237

CITATION:	268.7	RESOLVED:	23-FEB-88
TYPE:	GLB - GENERATOR LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0004	RESPONSIBLE:	S - STATE
DETERMINED:	06-JAN-93	DETERMINED BY:	S - STATE
CITATION:	264.170-177.I	RESOLVED:	26-JAN-93
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0004	RESPONSIBLE:	E - EPA
DETERMINED:	23-FEB-88	DETERMINED BY:	E - EPA
CITATION:	268 ALL	RESOLVED:	25-MAY-89
TYPE:	DLB - TSD LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0005	RESPONSIBLE:	S - STATE
DETERMINED:	24-NOV-93	DETERMINED BY:	S - STATE
CITATION:	262.30-34.C	RESOLVED:	24-JAN-94
TYPE:	GER - GENERATOR ALL REQUIREMENTS		
VIOLATION NUMBER:	0005	RESPONSIBLE:	E - EPA
DETERMINED:	23-FEB-88	DETERMINED BY:	E - EPA
CITATION:	268.7	RESOLVED:	25-MAY-89
TYPE:	GLB - GENERATOR LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0006	RESPONSIBLE:	E - EPA
DETERMINED:	23-FEB-88	DETERMINED BY:	E - EPA
CITATION:	270	RESOLVED:	25-MAY-89
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0006	RESPONSIBLE:	S - STATE
DETERMINED:	24-NOV-93	DETERMINED BY:	S - STATE
CITATION:	264.170-177.I	RESOLVED:	24-JAN-94
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0007	RESPONSIBLE:	E - EPA
DETERMINED:	23-FEB-88	DETERMINED BY:	E - EPA
CITATION:	264.110-120.G	RESOLVED:	25-MAY-89
TYPE:	DCL - TSD CLOSURE/POST CLOSURE REQUIREMENTS		
VIOLATION NUMBER:	0007	RESPONSIBLE:	S - STATE
DETERMINED:	24-NOV-93	DETERMINED BY:	S - STATE
CITATION:	264.30-37.C	RESOLVED:	24-JAN-94
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0008	RESPONSIBLE:	S - STATE
DETERMINED:	31-MAY-00	DETERMINED BY:	S - STATE
CITATION:	262.40-43.D	RESOLVED:	
TYPE:	GER - GENERATOR ALL REQUIREMENTS		

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Environmental FirstSearch
Site Detail Report

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

RCRA COR SITE			
SEARCH ID: 2	DIST/DIR: 0.95 SE	MAP ID: 3	
NAME: RIVERBANK ARMY AMMUNITION PLANT ADDRESS: 5300 CLAUS RD RIVERBANK CA 95367 STANISLAUS CONTACT: LUTHER STÖBER		REV: 7/12/04 ID1: CA7210020759 ID2: STATUS: CA PHONE: 2098697237	
VIOLATION NUMBER:	0008	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	268 ALL	RESOLVED:	06-DEC-89
TYPE:	DLB - TSD LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0009	RESPONSIBLE:	S - STATE
DETERMINED:	18-APR-01	DETERMINED BY:	S - STATE
CITATION:	264.50-56.D	RESOLVED:	27-JUN-01
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0009	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	268.7	RESOLVED:	06-DEC-89
TYPE:	GLB - GENERATOR LAND BAN REQUIREMENTS		
VIOLATION NUMBER:	0010	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	270	RESOLVED:	06-DEC-89
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0010	RESPONSIBLE:	S - STATE
DETERMINED:	18-APR-01	DETERMINED BY:	S - STATE
CITATION:	264.10-18.B	RESOLVED:	27-JUN-01
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		
VIOLATION NUMBER:	0011	RESPONSIBLE:	E - EPA
DETERMINED:	25-MAY-89	DETERMINED BY:	E - EPA
CITATION:	264.70-77.E	RESOLVED:	06-DEC-89
TYPE:	DOT - TSD OTHER REQUIREMENTS (OVERSIGHT LEVEL)		

Environmental FirstSearch
Federal Databases and Sources

ASTM Databases:

CERCLIS: *Comprehensive Environmental Response Compensation and Liability Information System.* The EPA's database of current and potential Superfund sites currently or previously under investigation. Source: Environmental Protection Agency.

Updated quarterly.

ERNS: *Emergency Response Notification System.* The EPA's database of emergency response actions. Source: Environmental Protection Agency. Data since January, 2001 has been received from the National Response Center as the EPA no longer maintains this data.

Updated quarterly.

FINDS: *The Facility Index System.* The EPA's Index of identification numbers associated with a property or facility which the EPA has investigated or has been made aware of in conjunction with various regulatory programs. Each record indicates the EPA office that may have files on the site or facility. Source: Environmental Protection Agency.

Updated semi-annually.

NPL: *National Priority List.* The EPA's list of confirmed or proposed Superfund sites. Source: Environmental Protection Agency.

Updated quarterly.

RCRIS: *Resource Conservation and Recovery Information System.* The EPA's database of registered hazardous waste generators and treatment, storage and disposal facilities. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List). Source: Environmental Protection Agency.

RCRA TSD: *Resource Conservation and Recovery Information System Treatment, Storage, and Disposal Facilities.* The EPA's database of RCRIS sites which treat, store, dispose, or incinerate hazardous waste. This information is also reported in the standard RCRIS detailed data.

RCRA COR: *Resource Conservation and Recovery Information System Corrective Action Sites.* The EPA's database of RCRIS sites with reported corrective action. This information is also reported in the standard RCRIS detailed data.

RCRA GEN: *Resource Conservation and Recovery Information System Large and Small Quantity Generators.* The EPA's database of RCRIS sites that create more than 100kg of hazardous waste per month or meet other RCRA requirements. Included are RAATS (RCRA Administrative Action Tracking System) and CMEL (Compliance Monitoring & Enforcement List).

RCRA NLR: *Resource Conservation and Recovery Information System sites No Longer Regulated.* The EPA's database of RCRIS sites that create less than 100kg of hazardous waste per month or do not meet other RCRA requirements.

All RCRA databases are Updated quarterly

Non-ASTM Databases:

HMIRS: Hazardous Materials Incident Response System: This database contains information from the US Department of Transportation regarding materials, packaging, and a description of events for tracked incidents.

Updated quarterly.

NCDB: National Compliance Database. This EPA database contains information relating to TSCA (Toxic Substances Control Act) and FTTs which provides support for the national pesticides and toxics program.

Updated quarterly

NPDES: National Pollution Discharge Elimination System. The EPA's database of all permitted facilities receiving and discharging effluents. Source: Environmental Protection Agency.

Updated semi-annually.

NRDB: National Radon Database. The NRDB was created by the EPA to distribute information regarding the EPA/State Residential Radon Surveys and the National Residential Radon Survey. The data is presented by zipcode in Environmental FirstSearch Reports. Source: National Technical Information Service (NTIS)

Updated Periodically

Nuclear: The Nuclear Regulatory Commission's (NRC) list of permitted nuclear facilities.

Updated Periodically

PADS: PCB Activity Database System

The EPA's database PCB handlers (generators, transporters, storers and/or disposers) that are required to notify the EPA, the rules being similar to RCRA. This database indicates the type of handler and registration number. Also included is the PCB Transformer Registration Database.

Updated semi-annually.

Receptors: 1995 TIGER census listing of schools and hospitals that may house individuals deemed sensitive to environmental discharges due to their fragile immune systems.

Updated Periodically

RELEASES: Air and Surface Water Releases. A subset of the EPA's ERNS database which have impacted only air or surface water.

Updated semi-annually.

Soils: This database includes the State Soil Geographic (STATSGO) data for the conterminous United States. It contains information regarding soil characteristics such as water capacity, percent clay, organic material, permeability, thickness of layers, hydrological characteristics, quality of drainage, surface slope, liquid limit, and

the annual frequency of flooding. Source: United States Geographical Survey (USGS)

Updated quarterly

TRIS: *Toxic Release Inventory System*. The EPA's database of all facilities that have had or may be prone to toxic material releases. Source: Environmental Protection Agency.

Updated semi-annually.

ENVIRONMENTAL FIRST SEARCH
CALIFORNIA DATABASES (DB) AND SOURCES

CAL SITES: DB TYPE = ST (STATE SITES)

Source: The CAL EPA, Depart. Of Toxic Substances Control
Phone: (916) 323-3400

The CAL EPA Department of Toxic Substances Control (DTSC) maintains a database of information on properties (or sites) in California where hazardous substances have been released, or where the potential for such release exists. The types of properties in the CALSITES database are categorized as: Annual Work Plan, Backlogged Properties, Certified / De-listed Sites, No Further Action, Preliminary Endangerment Assessment in Progress, Preliminary Endangerment Assessment Required, Removal Action Required, Expedited Remedial Action Program, Voluntary Cleanup Program, Deed Restricted Properties, and Referred Properties. For more information on individual sites call the number listed above.

CORTESE: DB TYPE = ST (STATE SITES)

Source: The CAL EPA, Department of Toxic Substances Control
Phone: (916) 445-6532

Pursuant to Government Code Section 65962.5, the Hazardous Waste and Substances Sites List has been compiled by Cal/EPA, Hazardous Materials Data Management Program. The CAL EPA Dept. of Toxic Substances Control compiles information from subsets of the following databases to make up the CORTESE list:

1. The Dept. of Toxic Substances Control; contaminated or potentially contaminated hazardous waste sites listed in the CAL Sites database. Formerly known as ASPIS are included (CALSITES formerly known as ASPIS).
2. The California State Water Resources Control Board; listing of Leaking Underground Storage Tanks are included (LTANK)
3. The California Integrated Waste Management Board; Sanitary Landfills which have evidence of groundwater contamination or known migration of hazardous materials (formerly WB-LF, now AB 3750).

Note: Track Info Services collects each of the above data sets individually and lists them separately in the following First Search categories in order to provide more current and comprehensive information: CALSITES: SPL, LTANK: LUST, WB-LF: SWL

SWIS SOLID WASTE INFORMATION SYSTEM: DB TYPE = SW
(SOLID WASTE RELATED SITES)

Source: The Integrated Waste Management Board
Phone: (916) 255-2331

The California Integrated Waste Management Board maintains a database on solid waste facilities, operations, and disposal sites throughout the state of California. The types of facilities found in this database include landfills, transfer stations, material recovery facilities, composting sites, transformation facilities, waste tire sites, and closed disposal sites. For more information on individual sites call the number listed above.

Note: This database contains poor site location information for many sites in the First Search reports; therefore, it may not be possible to locate or plot some sites in First Search reports.

WMUDS: DB TYPE = SW (SOLID WASTE RELATED SITES)
Source: The State Water Resources Control Board
Phone: (916) 227-4365

The State Water Resources Control Board maintained the Waste Management Unit Database System (WMUDS). It is no longer updated. It tracked management units for several regulatory programs related to waste management and its potential impact on groundwater. Two of these programs (SWAT & TPCA) are no longer on-going regulatory programs as described below. Chapter 15 (SC15) is still an on-going regulatory program and information is updated periodically but not to the WMUDS database. The WMUDS System contains information from the following agency databases: Facility, Waste Management Unit (WMU), Waste Discharger System (WDS), SWAT, Chapter 15, TPCA, RCRA, Inspections, Violations, and Enforcement's.

Note: This database contains poor site location information for many sites in the First Search reports; therefore, it may not be possible to locate or plot some sites in First Search reports.

ORANGE COUNTY LANDFILLS: DB TYPE = SW (SOLID WASTE RELATED SITES)
Source: Orange County Health Dept.
Phone: (714) 834-3536

LUSTIS: DB TYPE = LU (LEAKING UNDERGROUND STORAGE TANKS)
Source: The State Water Resources Control Board
Phone: (916) 227-4416

The State Water Resources Control Board maintains a database of sites with confirmed or unconfirmed leaking underground storage tanks. Information for this database is collected from the states regional boards quarterly and integrated with this database.

SAN DIEGO COUNTY LEAKING TANKS: DB TYPE = LU
(LEAKING UNDERGROUND STORAGE TANKS)
Source: San Diego County Dept. of Environmental Health
Phone: (619) 338-2242

Maintains a database of sites with confirmed or unconfirmed leaking underground storage tanks within its HE17/58 database. For more information on a specific file call the HazMat Duty Specialist at phone number listed above.

SLIC REGIONS 1 - 9: DB TYPE = SP (SPILLS-90)
Source: The CAL EPA Regional Water Quality Control Boards 1 - 9

The California Regional Water Quality Control Boards maintain report of sites that have records of spills, leaks, investigation, and cleanups. For phone number listings of departments within each region visit their web sites at: <http://www.swrcb.ca.gov/regions.html>

SAN DIEGO COUNTY HE17 PERMITS: DB TYPE = PE (PERMITS)

Source: The San Diego County Depart. Of Environmental Health
Phone: (619) 338-2211

The HE17/58 database tracks establishments issued permits and the status of their permits in relation to compliance with federal, state, and local regulations that the County oversees. It tracks if a site is a hazardous waste generator, TSD, gas station, has underground tanks, violations, or unauthorized releases. For more information on a specific file call the HazMat Duty Specialist at the phone number listed above.

SAN BERNARDINO COUNTY HAZARDOUS MATERIALS PERMITS: DB TYPE = PE
(PERMITS)

Source: San Bernardino County Fire Dept.
Phone: (909) 387-3080

Handlers and Generators Permit Information Maintained by the Hazardous Materials Div.

LA COUNTY SITE MITIGATION COMPLAINT CONTROL LOG: DB TYPE = OT
(OTHER UNIQUE DATABASES)

Source: The Los Angeles County Hazardous Materials Division
Phone: (323) 890-7806

The County of Los Angeles Public Health Investigation Compliant Control Log

ORANGE COUNTY INDUSTRIAL SITE CLEANUPS: DB TYPE = OT
(OTHER UNIQUE DATABASES)

Source: Orange County Environmental Health Agency
Phone: (714) 834-3536

AST ABOVEGROUND STORAGE TANKS: DB TYPE = US (UNDERGROUND STORAGE TANKS)

Source: The State Water Resources Control Board
Phone: (916) 227-4364

The Above Ground Petroleum Storage Act became State Law effective January 1, 1990. In general, the law requires owners or operators of AST's with petroleum products to file a storage statement and pay a fee by July 1, 1990 and every two years thereafter, take specific action to prevent spills, and in certain instances implement a groundwater monitoring program. This law does not apply to that portion of a tank facility associated with the production oil and regulated by the State Division of Oil and Gas of the Dept. of Conservation.

SWEEPS / FIDS STATE REGISTERED UNDERGROUND STORAGE TANKS: DB TYPE = US

Source: CAL EPA Dept of Toxic Substances Control
Phone: (916) 227-4404

Until 1994 the State Water Resources Control Board maintained a database of registered underground storage tanks statewide referred to as the SWEEPS System. The SWEEPS UST information was integrated with the CAL EPA's Facility Index System database (FIDS) which is a master index of information from numerous California agency environmental databases. That was last updated in 1994. Track Info Services included the UST information from the FIDS database in its First Search reports for historical purposes to help its clients identify where tanks may possibly have existed. For more information on specific sites from individual paper files archived at the State Water Resources Control Board call the number listed above.

CUPA DATABASES & SOURCES
(DB TYPE = US (UNDERGROUND STORAGE TANKS))

DEFINITION OF A CUPA: A Certified Unified Program Agency (CUPA) is a local agency that has been certified by the CAL EPA to implement six state environmental programs within the local agency's jurisdiction. These can be a county, city, or JPA (Joint Powers Authority). This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1994.

A Participating Agency (PA) is a local agency that has been designated by the local CUPA to administer one or more Unified Programs within their jurisdiction on behalf of the CUPA. A Designated Agency (DA) is an agency that has not been certified by the CUPA but is the responsible local agency that would implement the six unified programs until they are certified.

Please Note: Track Info Services, LLC collects and maintains information regarding Underground Storage Tanks from majority of the CUPAS and Participating Agencies in the State of California. These agencies typically do not maintain nor release such information on a uniform or consistent schedule; therefore, currency of the data may vary. Please look at the details on a specific site with a UST record in the First Search Report to determine the actual currency date of the record as provided by the relevant agency. Numerous efforts are made on a regular basis to obtain updated records.

ALAMEDA COUNTY CUPA'S

- * County of Alameda Department of Environmental Health
- * Cities of Berkeley, Fremont, Hayward, Livermore / Pleasanton, Newark, Oakland, San Leandro, Union

ALPINE COUNTY CUPA

- * Health Department (Only updated by agency annually)

AMADOR COUNTY CUPA

- * County of Amador Environmental Health Department

BUTTE COUNTY CUPA

- * County of Butte Environmental Health Division (Only updated by agency biannually)

CALAVERAS COUNTY CUPA

- * County of Calaveras Environmental Health Department

COLUSA COUNTY CUPA

- * Environmental Health Dept.

CONTRA COSTA COUNTY CUPA

- * Hazardous Materials Program

DEL NORTE COUNTY CUPA (US)

- * Department of Health and Social Services

EL DORADO COUNTY CUPA'S

- * County of El Dorado Environmental Health - Solid Waste Div (Only updated by agency annually)
- * County of El Dorado EMD Tahoe Division (Only updated by agency annually)

FRESNO COUNTY CUPA

- * Haz. Mat and Solid Waste Programs

GLENN COUNTY CUPA

- * Air Pollution Control District

HUMBOLDT COUNTY CUPA (US)

- * Environmental Health Division

IMPERIAL COUNTY CUPA (US)

- * Department of Planning and Building

INYO COUNTY CUPA (US)

- * Environmental Health Department

KERN COUNTY CUPA (US)
 * County of Kern Environmental Health Department
 * City of Bakersfield Fire Department

KINGS COUNTY CUPA (US)
 * Environmental Health Services

LAKE COUNTY CUPA (US)
 * Division of Environmental Health

LASSEN COUNTY CUPA (US)
 * Department of Agriculture

LOS ANGELES COUNTY CUPA'S (US)
 * County of Los Angeles Fire Department
 * County of Los Angeles Environmental Programs Division
 * Cities of Burbank, El Segundo, Glendale, Long Beach/Signal Hill, Los Angeles, Pasadena, Santa Fe Springs, Santa Monica, Torrance, Vernon

MADERA COUNTY CUPA (US)
 * Environmental Health Department

MARIN COUNTY CUPA (US)
 * County of Marin Office of Waste Management
 * City of San Rafael Fire Department

MARIPOSA COUNTY CUPA (US)
 * Health Department

MENDOCINO COUNTY CUPA (US)
 * Environmental Health Department

MERCED COUNTY CUPA (US)
 * Division of Environmental Health

MODOC COUNTY CUPA (US)
 * Department of Agriculture

MONO COUNTY CUPA (US)
 * Health Department

MONTEREY COUNTY CUPA (US)
 * Environmental Health Division

NAPA COUNTY CUPA (US)
 * Hazardous Materials Section

NEVADA COUNTY CUPA (UST)
 * Environmental Health Department

ORANGE COUNTY CUPA'S (US)
 * County of Orange Environmental Health Department
 * Cities of Anaheim, Fullerton, Orange, Santa Ana
 * County of Orange Environmental Health Department

PLACER COUNTY CUPA (US)
 * County of Placer Division of Environmental Health Field Office
 * Tahoe City
 * City of Roseville Roseville Fire Department

PLUMAS COUNTY CUPA (UST)
 * Environmental Health Department

RIVERSIDE COUNTY CUPA (US)
 * Environmental Health Department

SACRAMENTO COUNTY (US)
 * County Environmental Mgmt Dept, Haz. Mat. Div.

SAN BENITO COUNTY CUPA (US)
 * City of Hollister Environmental Service Department

SAN BERNARDINO COUNTY CUPA'S (US)
 * County of San Bernardino Fire Department, Haz. Mat. Div.
 * City of Hesperia Hesperia Fire Prevention Department
 City of Victorville Victorville Fire Department

SAN DIEGO COUNTY CUPA (US)
 * The San Diego County Dept. of Environmental Health HE 17/58

SAN FRANCISCO COUNTY CUPA (US)
 * Department of Public Health

SAN JOAQUIN COUNTY CUPA (US)
 * Environmental Health Division

SAN LUIS OBISPO COUNTY CUPA'S (US)

- * County of San Luis Obispo Environmental Health Division
- * City of San Luis Obispo City Fire Department

SAN MATEO COUNTY CUPA (US)

- * Environmental Health Department

SANTA BARBARA COUNTY CUPA (US)

- * Co Fire Dept Protective Services Div

SANTA CLARA COUNTY CUPA'S (US)

- * County of Santa Clara Hazardous Materials Compliance Division
- * Santa Clara Co Central Fire Prot. Dist. (Covers Campbell, Cupertino, Los Gatos, & Morgan Hill)
- * Cities of Gilroy, Milpitas, Mountain View, Palo Alto, San Jose Fire, Santa Clara, Sunnyvale

SANTA CRUZ COUNTY CUPA (US)

- * Environmental Health Department

SHASTA COUNTY CUPA (US)

- * Environmental Health Department

SIERRA COUNTY CUPA (US)

- * Health Department

SISKIYOU COUNTY CUPA (US)

- * Environmental Health Department

SONOMA COUNTY CUPA'S (US)

- * County of Sonoma Department Of Environmental Health
- * Cities of Healdsburg / Sebastapol, Petaluma, Santa Rosa

STANISLAUS COUNTY CUPA (US)

- * Dept. of Env. Rsrcs. Haz. Mat. Div.

SUTTER COUNTY CUPA (US)

- * Department of Agriculture

TEHAMA COUNTY CUPA (US)

- * Department of Environmental Health

TRINITY COUNTY CUPA (US)

- * Department of Health

TULARE COUNTY CUPA (US)

- * Environmental Health Department

TUOLUMNE COUNTY CUPA (US)

- * Environmental Health

VENTURA COUNTY CUPA'S (BWT UST'S & CERTIFIED UST'S)

- * County of Ventura Environmental Health Division
- * Cities of Oxnard, Ventura

YOLO COUNTY CUPA (US)

- * Environmental Health Department

YUBA COUNTY CUPA (US)

- * Yuba County of Emergency Services

Environmental FirstSearch
Street Name Report for Streets within .25 Mile(s) of Target Property

TARGET SITE: 6448 CLAUS ROAD
RIVERBANK CA 95367

JOB: 20-1538

Street Name	Dist/Dir	Street Name	Dist/Dir
8th St	0.23 NW		
Atchison St	0.16 NE		
California Ave	0.22 SE		
Central Ave	0.24 NE		
Chief Tucker Ave	0.10 SW		
Claus Rd	0.00 --		
Front St	0.02 SE		
Iowa Ave	0.25 SW		
Kansas Ave	0.14 SW		
Kimberly Ct	0.19 SW		
Mathew Ln	0.13 SW		
Patterson Rd	0.05 SE		
Santa Fe St	0.10 NW		
Sierra St	0.01 NW		
Stanislaus St	0.05 NW		
State Highway 108	0.19 NE		
Texas Ave	0.20 SW		
Tina Ln	0.17 SW		
Topeka St	0.15 NW		

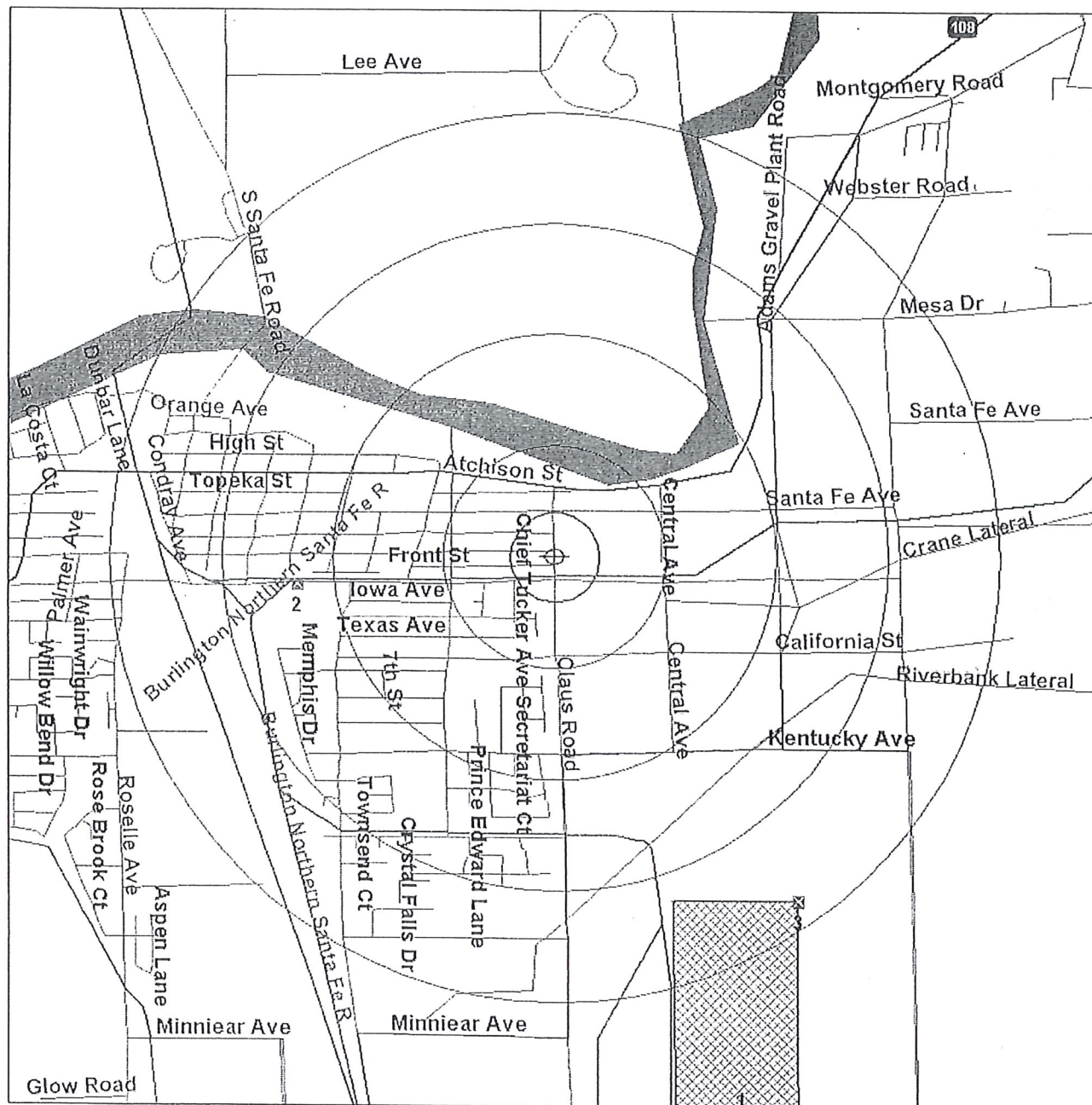


Environmental FirstSearch

1 Mile Radius
ASTM Map: NPL, RCRACOR, STATE Sites

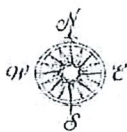


6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

- Target Site (Latitude: 37.73456 Longitude: -120.927328)
- Identified Site, Multiple Sites, Receptor
- NPL, Solid Waste Landfill (SWL) or Hazardous Waste
- Railroads
- Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft Radius

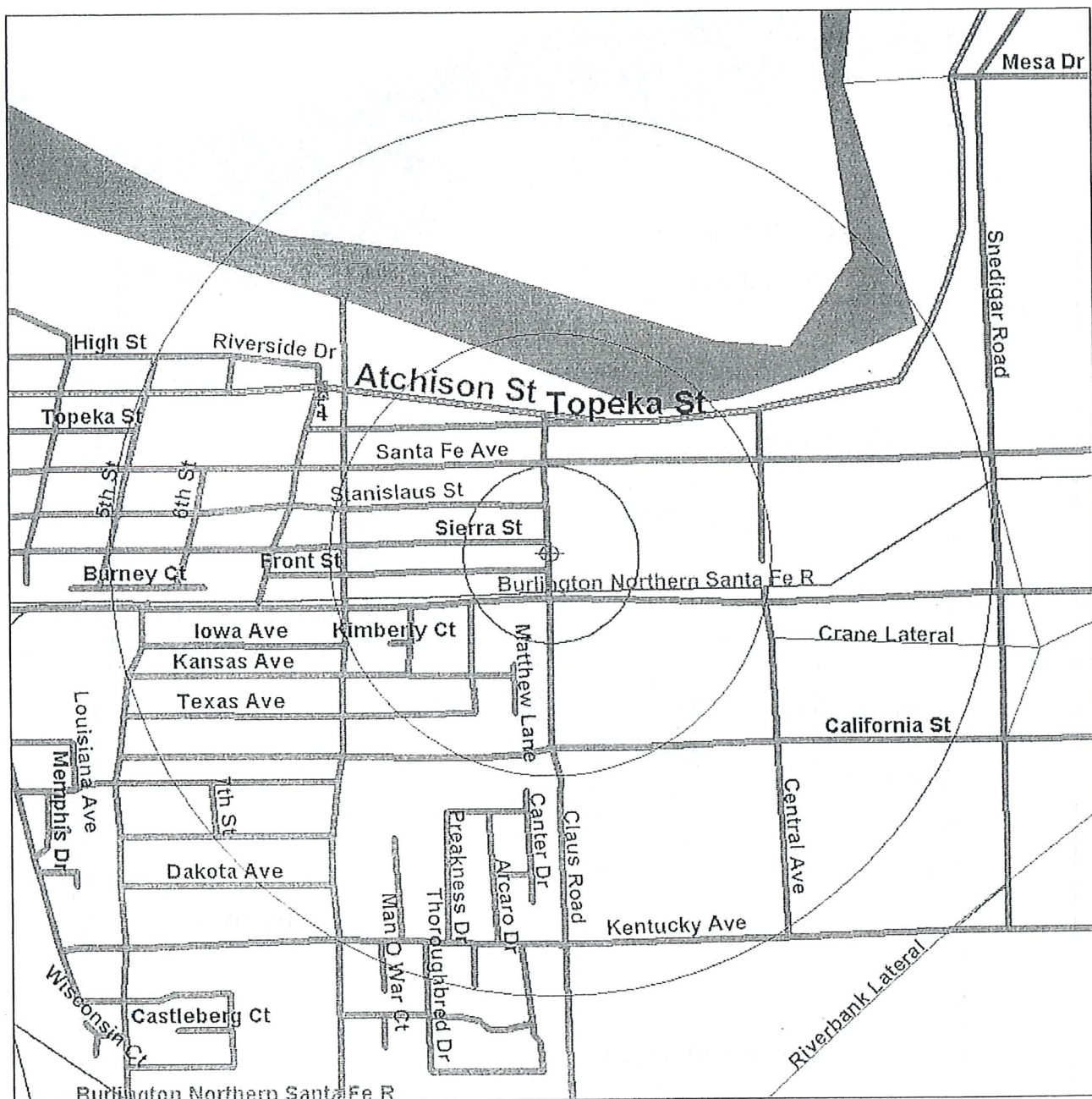


Environmental FirstSearch

.5 Mile Radius
ASTM Map: CERCLIS, RCRATSD, LUST, SWL



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

Target Site (Latitude: 37.73456 Longitude: -120.927328)

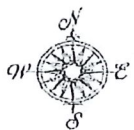
Identified Site, Multiple Sites, Receptor

NPL, Solid Waste Landfill (SWL) or Hazardous Waste

Railroads

Black Rings Represent 1/4 Mile Radii; Red Ring Represents 500 ft. Radius





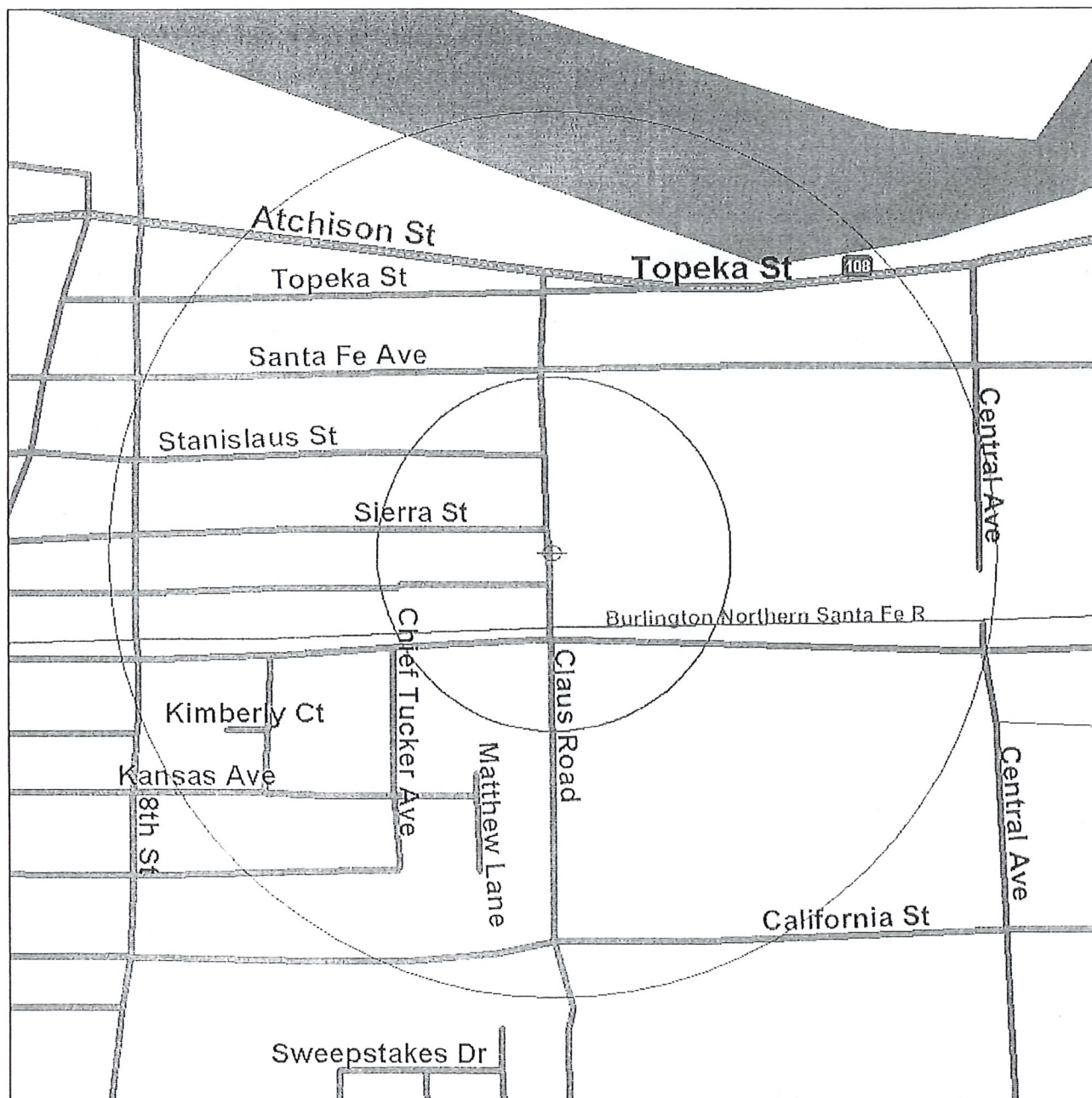
Environmental FirstSearch

.25 Mile Radius

ASTM Map: RCRA GEN, ERNS, UST



6448 CLAUS ROAD, RIVERBANK CA 95367



Source: 1999 U.S. Census TIGER Files

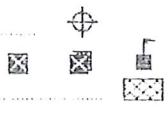
Target Site (Latitude: 37.73456 Longitude: -120.927328)

Identified Site, Multiple Sites, Receptor

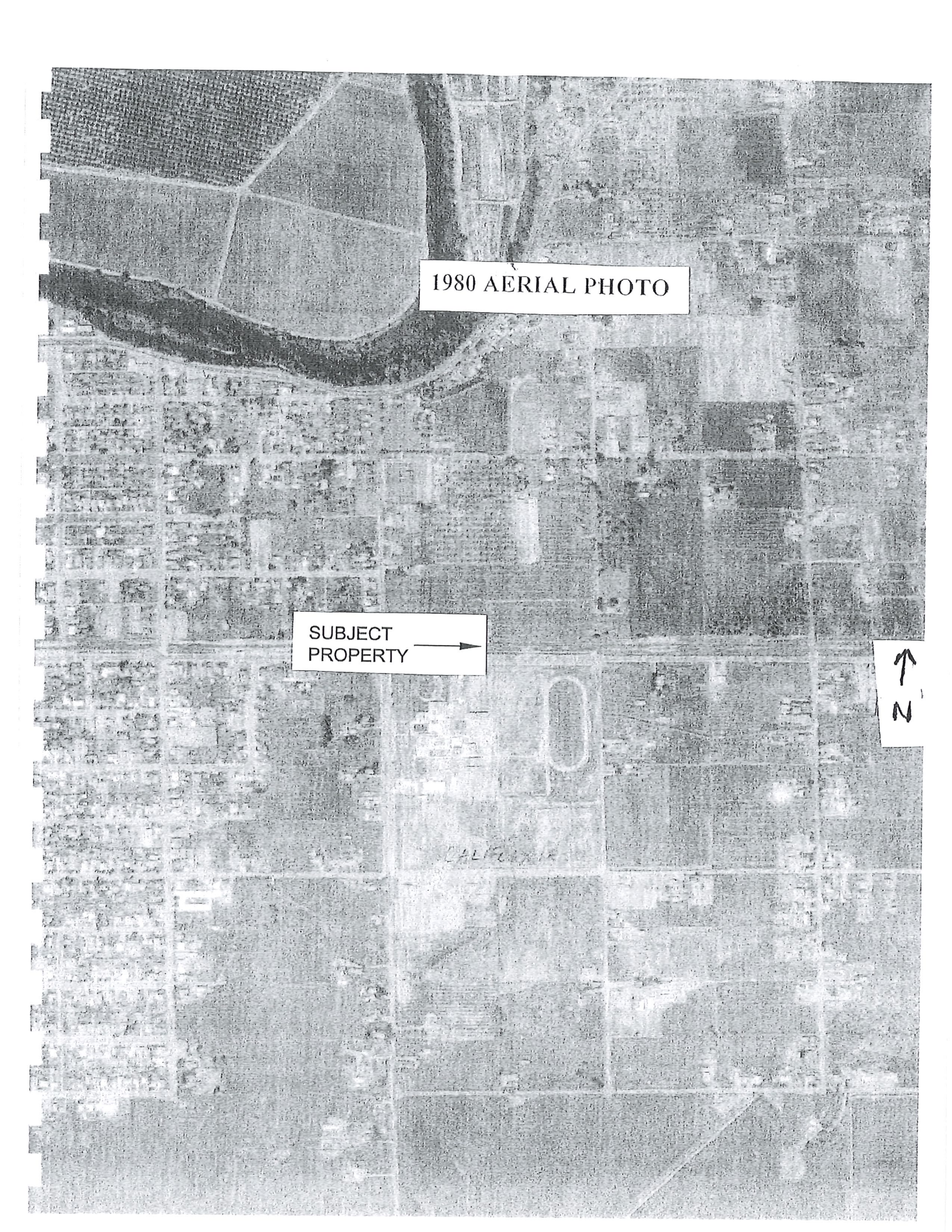
NPL, Solid Waste Landfill (SWL) or Hazardous Waste

Railroads

Black Rings Represent 1/4 Mile Radius. Red Ring Represents 500 ft Radius.



APPENDIX F
AERIAL PHOTOS

A black and white aerial photograph showing a rural landscape. In the upper left, there is a large, dark, irregularly shaped area, possibly a body of water or a heavily wooded area. To its right, a road or path runs vertically. The rest of the image is composed of various rectangular and irregular fields, some of which appear to be cultivated. A white rectangular box with the text "1980 AERIAL PHOTO" is overlaid on the upper right portion of the image. Another white rectangular box with the text "SUBJECT PROPERTY" and an arrow pointing to the right is overlaid on the lower left portion of the image. A small white rectangular box with an upward-pointing arrow and the letter "N" is located on the right edge of the image.

1980 AERIAL PHOTO

SUBJECT
PROPERTY →

↑
N

1963 AERIAL PHOTO

SUBJECT
PROPERTY →



1950 AERIAL PHOTO

SUBJECT
PROPERTY →

↑
N

Appendix C

Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

Appendix C

Traffic Impact Assessment, dated August 18, 2022, prepared by KD Anderson & Associates, Inc.

August 18, 2022

Mr. Cody Mothersell, Chief Operating Officer
SCM HOMES
1920 Standiford Avenue, Suite 1
Modesto, CA 95356

**RE: TRAFFIC IMPACT ASSESSMENT FOR THE RIVERBANK SELF-STORAGE
PROJECT, RIVERBANK, CA**

Dear Mr. Mothersell:

Thank you for contacting our firm regarding the **Riverbank Self-Storage project** in Riverbank. As we are aware, this project will create a combination of climate controlled and non-climate controlled storage units and RV parking spaces on a 5.9 acre site located on the east side of Claus Road north of Patterson Road. The project lies between the planned extension of Sierra Street and the BN&SF railroad, as noted in the attached site plan. The Heritage Collection subdivision is immediately to the east, as shown in the second attachment.

City of Riverbank staff has suggested that the transportation impacts of a project this size at this location that is consistent with or less intensive than the assumptions of the City of Riverbank General Plan and General Plan Update EIR (GPEIR) are unlikely to be significant. However, to confirm that conclusion a limited traffic assessment has been requested.

Key Issues

Our investigation considers these key issues:

- Review of identification and comparison of site land use and trip generation as proposed and as assumed in the City of Riverbank GPEIR.
- Opinion as to the immediate transportation effects of the project.
- Opinion as to the relative effect of any change to vehicle trip generation on the GP EIR's conclusions/recommendations or City Traffic Impact Fee (TIF) projects.
- Opinion regarding the adequacy of site access.
- VMT Impacts

Project Description

Land Use. We compared the proposed project to previous assumptions. The GP identifies the project site as Medium-Density Residential (MDR) with a minimum of 8 du/acre and up to 16 dwelling units (du) per acre. In 2013 our firm prepared a traffic assessment in support of the City TIF program update, and at that time MDR development was assumed to occur at an average rate of 10 du per acre. As noted in Table 1, the 5.9-acre project site could be developed with 94 residences under the GP's maximum density, and 59 dwellings would result at the density assumed in the TIF update assessment. In comparison, the project proposes 745 storage units.

Trip Generation. Table 1 also compares the daily trip generation associated with the project with estimates assuming site development under the GP and TIF update assumptions. As shown the project estimate of 136 daily trips (i.e., ½ inbound and ½ outbound) is appreciably lower than the forecast for site development under maximum GP density (i.e., 688 trips) or under the assumptions made for the TIF update (i.e., 557 daily trips).

TABLE 1 SITE DEVELOPMENT LAND USE COMPARISON AND TRIP GENERATION ESTIMATES			
Parameter	General Plan	Traffic Impact Fee Update	Riverbank Self-Storage
Land Use	MDR	MDR	Self-storage
Density (du/acre)	Up to 16 du/acre	10	
Project Area	5.9 acres	5.9 acres	5.9 acres
Yield	94 du	59 du	745 storage units
Daily Trips per unit	7.32 ¹	9.44 ²	17.96 ³
Daily Trips	688	557	136
¹ ITE rate for low-rise multi-family residential dwellings. ² ITE rate for detached single-family residential dwellings. ³ ITE rate for mini storage per 100 units. Project is projected to generate 9 trips in the a.m. peak hour (5 in and 4 out), 13 trips in the p.m. peak hour and 20 trips (11 in and 9 out) during the busiest hour on a Saturday.			

Traffic Operational Assessment

We have considered the immediate and long-term transportation effects of the proposed project.

Immediate Traffic Operational Effects. The project proposes frontage improvements to Sierra Street and Claus Road that are consistent with those required by the City of Riverbank for other recent development. The project will complete a link for Central Avenue to Claus Road as construction of interim Sierra Street improvements easterly to Central Avenue has been accomplished with the subdivision on the north side of that street, and southside improvements will accompany The Heritage Collection subdivision. Completing the link will improve overall access to the area east of Claus Road and potentially divert some traffic from Santa Fe Street but resulting traffic volumes would not be so large as to create appreciable traffic issues at the Claus Road / Sierra Street intersection.

Vehicular Access. The project proposes two access points, one of which is for Emergency Vehicles Only (EVA). The project's regular access is on Claus Road about 250 feet north of the BN&SF and about 125 below Sierra Street. The leasing office is near this gate, and all traffic would enter and exit at this location. An EVA is also provided on Sierra Street about 500 feet east of Claus Road opposite Cervi Road.

The entrance is designed to provide space for entering traffic waiting between the gate and Claus Road. Roughly 40 feet is available between the location of sidewalks along Claus Road and the gate. This area

KDA

could accommodate a single 40' RV, a passenger vehicle pulling a trailer or 1-2 automobiles. The gate's entry mechanism has not been identified, and the project proponent has indicated that tenants of the facility will have a card key or card reader system of some sort to have access to the facility.

Criteria. The adequacy of gated site access on Claus Road was consider within the context of factors such as:

- the background traffic volume on Claus Road
- the project trip generation
- distance to adjoining intersections
- sight distance
- the efficiency of the gate operation

Traffic Volume counts included in the GPEIR indicated a daily traffic volume of 8,300 vehicles per day north of Patterson Road in 2005. That volume is indicative of a moderately busy two-lane arterial (i.e., LOS B) under the criteria included in the General Plan. However, peak hour traffic conditions on Claus Road are very busy due to traffic associated with Riverbank HS and travel along this commuter route.

The long-term traffic volume for this portion of Claus Road is dependent on continuing growth in Stanislaus County as a whole and the City of Riverbank in particular, as well as the implementation of new circulation routes like the *North County Corridor (NCC)*. The NCC is a major project intended to improve east-west circulation across northern Stanislaus County from SR 99 to SR 120 east of Oakdale. The ultimate NCC project is an 18-mile realignment of State Route 108 around the Modesto, Riverbank and Oakdale communities. For increased flexibility related to the timing of available funding, the corridor was segmented into four phases. Phase 2 would extend the new alignment to Albers Road and reduce through traffic on Claus Road. Phase 2 could occur within 10 years. The NCC EIR indicated that when NCC is completed in 2042 the traffic volumes on SR 108 east of Riverbank would be similar to those occurring today, and the volume on this portion of Claus Road could also be similar.

The Riverbank Self-Storage project is expected to generate 136 daily trips, and based on the number of storage units and ITE rates the forecast is for *9 trips in the weekday a.m. commute hour* (5 in and 4 out), *11 trips in the p.m. peak hour* (5 in and 6 out) and *20 trips on busiest hour on Saturday*.

Location. The access is located about 300 feet north of the limit line on the southbound approach to the Patterson Road intersection and 80 feet beyond the raised median at the railroad crossing. This location is within the striped taper into the turn lane and is marked with advance RR XING indications. Private residence driveways exist on the other side of Claus Road, and the current double yellow centerline stripe does not legally restrict limit access to those homes.

The posted speed limit is 40 mph, but a 25-mph school zone exists along this section of Claus Road. The *sight distance* looking left and right from the driveway would satisfy minimum stopping sight distance requirements (i.e., 300 feet @ 40 mph).

Design. The available plan for access includes a rolling gate across a 16-foot opening. The length of time required for customers to activate the gate and for the gate to open has been estimated from a review of available literature. Drivers exiting a vehicle would take 5 to 10 seconds to activate the gate depending on their familiarity with the system and the type of vehicle. A rolling metal gate moves at about 10" to 24" per second depending on the size of the mechanism, so from 8 to 19 seconds would be

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required for the gate to fully open. In pavement magnetic loop detectors typically installed prior to and after the gate ensure that the gate remains open for following any vehicles. *The total time a vehicle spent at the rolling gate could therefore range from 13 to 29 seconds.*

The northbound travel lane on Claus Road will be about 25 feet wide at the project driveway. This width provides room for through traffic to pass a right turning vehicle that might queue momentarily onto Claus Road.

Evaluation. The major question to be answered regarding gated site access is whether its operation could result in congestion behind the gate that could extend back onto Claus Road and cause a safety problem for through traffic. A secondary consideration is whether delays to exiting traffic would be so extreme so as to require that exiting traffic be limited to right turns only.

Because the volume of traffic entering a self-storage use is low, congestion at the entrance can typically be avoided if a high efficiency gate operation is implemented. This would involve minimizing the time spent activating the gate and time spent waiting for the gate to open. The final design for access should provide a high-speed gate and should minimize the need to exit a vehicle to activate the gate. Because the northbound travel lane would allow through traffic to pass a vehicle waiting to enter the site, tenants should be directed to approach the driveway from the south, but no additional improvements are recommended.

Some delay may occur for outbound traffic waiting to turn left onto Claus Road during peak traffic hours, but because the project's trip generation is low on-site congestion should not be appreciable. It is likely that RV owners will determine that turning right at the driveway is preferable for that type of vehicle. While the City of Riverbank should monitor future traffic conditions at the Claus Road access, immediate implementation of a left turn prohibition is not recommended.

Pedestrian Access. The project site and other developments east of Claus Road were the subject of a comprehensive traffic impact analysis completed in 2005¹. That report indicated that residential development in this area would create the need for pedestrian facilities linking the new and established areas of Riverbank. This has been accomplished with the construction of sidewalks along the east side of Claus Road and the south side of Santa Fe Street, as well as with implementation of pedestrian facilities at the Claus Road / Patterson Road intersection. To continue the City's efforts the adjoining subdivision has been conditioned to create a safe path of pedestrian travel across Sierra Street and Claus Road to the sidewalks west of Claus Road by installing crosswalks, accessible ramps on the corners of the intersection and a flashing beacon. The Riverbank Self Storage project does not create the need for any other improvements.

Future Improvements. The previous traffic impact analysis noted that development in this area would contribute to the need to improve the SR 108 / Claus Road intersection and install a traffic signal. This improvement is included in the City's traffic impact fee program, and the Riverbank Self Storage would contribute to the cost of these improvements by paying adopted fees.

¹ Traffic Impact Analysis for Willow Equities Projects, KDA, 2005

KDA

Previous traffic studies have also considered applicable traffic controls for the Claus Road / Sierra Street intersection. In the early 2000's the Original East Area Plan's traffic analysis suggested a traffic signal might be considered under long term conditions, but the East Area Plan's land use assumptions were based on the previous General Plan and had assumed retail commercial development on a twelve-acre site along Sierra Street, including the proposed project's location. In 2005 the Willow Equites Projects traffic study addressed residential uses on this site and concluded that a traffic signal was not applicable based on traffic volumes and proximity to Patterson Road. The subsequent work for the General Plan Update and TIF program update did not suggest signalization would be needed or appropriate at this location.

General Plan Consistency

The relative effects of the proposed project in comparison to previous site development assumptions has been determined based on daily vehicle trip generation derived from rates published by the Institute of Transportation Engineers (ITE). As noted previously, under the GP's maximum permitted MDR density, the 94 dwellings constructed on the site could generate 688 daily trips. At the density assumed in the GPEIR and TIF program, the site would have generated 557 daily trips. Based on standard ITE trip generation rates, the project would generate 136 daily vehicle trips. This total represents a 75% reduction from the TIF program assumptions.

Conclusion. The project would generate fewer vehicle trip trips than had been previously assumed in both documents. While this change may be inconsequential within the context of the 11,000 residences that had been anticipated over the life of the General Plan and mitigated by the TIF program improvements, development of the Riverbank Self Storage as proposed would not change the General Plan EIR's conclusions and/or mitigation requirements, and its cumulative transportation impact will be mitigated by paying adopted TIF fees.

Vehicle Miles Traveled (VMT)

Level of Service (LOS) has been used in the past in California Environmental Quality Act (CEQA) documents to identify the significance of a project's impact on traffic operating conditions. As noted in the California Governor's Office of Planning and Research (OPR) document *Technical Advisory on Evaluating Transportation Impacts in CEQA* (California Governor's Office of Planning and Research 2018),

"Senate Bill 743 (Steinberg, 2013); which was codified in Public Resources Code section 21099, required changes to the guidelines implementing CEQA (CEQA Guidelines) (Cal. Code Regs., Title 14, Div. 6, Ch. 3, § 15000 et seq.) regarding the analysis of transportation impacts. . . OPR has proposed, and the California Natural Resources Agency (Agency) has certified and adopted, changes to the CEQA Guidelines that identify vehicle miles traveled (VMT) as the most appropriate metric to evaluate a project's transportation impacts. With the California Natural Resources Agency's certification and adoption of the changes to the CEQA Guidelines, automobile delay, as measured by "level of service" and other similar metrics, generally no longer constitutes a significant environmental effect under CEQA. (Pub. Resources Code, § 21099, subd. (b)(3).)"

KDA

VMT Methods and Significance Criteria. The OPR *Technical Advisory* provides general direction regarding the methods to be employed and significance criteria to evaluate VMT impacts, absent policies adopted by local agencies. The directive addresses several aspects of VMT impact analysis, and is organized as follows:

- **Screening Criteria:** Screening criteria are intended to quickly identify when a project should be expected to cause a less-than-significant VMT impact without conducting a detailed study.
- **Significance Thresholds:** Significance thresholds define what constitutes an acceptable level of VMT and what could be considered a significant level of VMT requiring mitigation.
- **Analysis Methodology:** These are the potential procedures and tools for producing VMT forecasts to use in the VMT impact assessment.
- **Mitigation:** Projects that are found to have a significant VMT impact based on the adopted significance thresholds are required to implement mitigation measures to reduce impacts to a less than significant level (or to the extent feasible).

Screening Criteria. Screening criteria can be used to quickly identify whether sufficient evidence exists to presume a project will have a less than significant VMT impact without conducting a detailed study. However, each project should be evaluated against the evidence supporting that screening criteria to determine if it applies. Projects meeting at least one of the criteria below can be presumed to have a less than significant VMT impact, absent substantial evidence that the project will lead to a significant impact.

- **Small Projects:** Defined as a project that generates 110 or fewer average daily vehicle trips.
- **Affordable Housing:** Defined as a project consisting of deed-restricted affordable housing.
- **Local Serving Retail:** Defined as retail uses of 50,000 square feet or less can be presumed to have a less than significant impact.
- **Projects in Low VMT-Generating Area:** Defined as a residential or office project that is in a VMT efficient area based on an available VMT Estimation Tool. The project must be consistent in size and land use type (i.e., density, mix of uses, transit accessibility, etc.) as the surrounding built environment.
- **Proximity to High Quality Transit.** The directive notes that employment and residential development located within ½ mile of a high-quality transit corridor offering 15 minute headways can be presumed to have a less than significant impact.

VMT Screenline Evaluation. The extent to which the proposed project's VMT impacts can be presumed to be less than significant has been determined based on review of the OPR directive's screening criteria and general guidance.

The OPR *Small Project* criteria is not applicable to this project. Table 1 noted that the project will generate 136 daily vehicle trips. As the 110 ADT threshold for automobiles is exceeded, the project's VMT impacts cannot be presumed to be less than significant based on this criterion.

OPR guidance regarding the effects of "*Locally Serving Retail*" projects is applicable. The proposed project is intended to serve the surrounding developed Riverbank community. While not a retail use, the project will provide another storage option for residents. As customers generally choose a storage site based on proximity the Riverbank Self-Storage will reduce VMT by providing residents with a new option

KDA

Mr. Cody Mothersell, COO
SCM Homes
August 18, 2022
Page 7

that many will find is closer. By providing additional choices the VMT impacts of this locally serving use can be presumed to be less than significant.

Please feel free to contact me if you have any questions.

Sincerely,

KD Anderson & Associates, Inc.

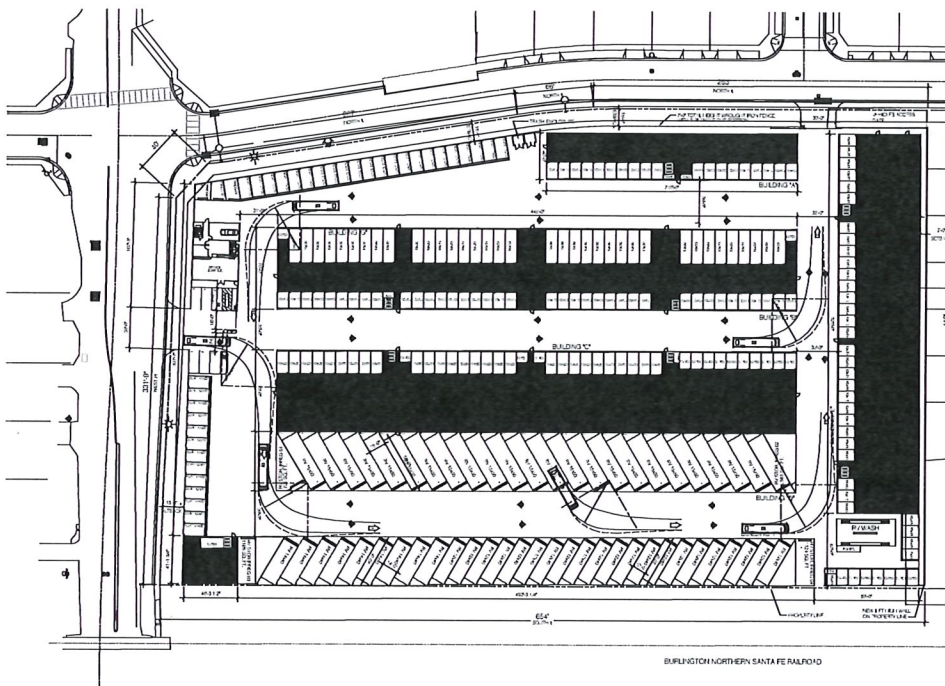
A handwritten signature in black ink, appearing to read 'K. Anderson', with a long horizontal flourish extending to the right.

Kenneth D. Anderson, P.E.
President

Attachment: site plan, subdivision plan

Riverbanks Self Storage on Sierra St. Itr

KDA



1 PROPOSED SITE PLAN
1/32\"/>

Unit	Unit Size	Space Area	Unit	Space Area	Total Sq. Ft.	Unit
1	10' x 10' x 10'	100	10'	10'	100	10'
2	10' x 10' x 10'	100	10'	10'	100	10'
3	10' x 10' x 10'	100	10'	10'	100	10'
4	10' x 10' x 10'	100	10'	10'	100	10'
5	10' x 10' x 10'	100	10'	10'	100	10'
6	10' x 10' x 10'	100	10'	10'	100	10'
7	10' x 10' x 10'	100	10'	10'	100	10'
8	10' x 10' x 10'	100	10'	10'	100	10'
9	10' x 10' x 10'	100	10'	10'	100	10'
10	10' x 10' x 10'	100	10'	10'	100	10'
11	10' x 10' x 10'	100	10'	10'	100	10'
12	10' x 10' x 10'	100	10'	10'	100	10'
13	10' x 10' x 10'	100	10'	10'	100	10'
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17	10' x 10' x 10'	100	10'	10'	100	10'
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26	10' x 10' x 10'	100	10'	10'	100	10'
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31	10' x 10' x 10'	100	10'	10'	100	10'
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45	10' x 10' x 10'	100	10'	10'	100	10'
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47	10' x 10' x 10'	100	10'	10'	100	10'
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50	10' x 10' x 10'	100	10'	10'	100	10'
51	10' x 10' x 10'	100	10'	10'	100	10'
52	10' x 10' x 10'	100	10'	10'	100	10'
53	10' x 10' x 10'	100	10'	10'	100	10'
54	10' x 10' x 10'	100	10'	10'	100	10'
55	10' x 10' x 10'	100	10'	10'	100	10'
56	10' x 10' x 10'	100	10'	10'	100	10'
57	10' x 10' x 10'	100	10'	10'	100	10'
58	10' x 10' x 10'	100	10'	10'	100	10'
59	10' x 10' x 10'	100	10'	10'	100	10'
60	10' x 10' x 10'	100	10'	10'	100	10'
61	10' x 10' x 10'	100	10'	10'	100	10'
62	10' x 10' x 10'	100	10'	10'	100	10'
63	10' x 10' x 10'	100	10'	10'	100	10'
64	10' x 10' x 10'	100	10'	10'	100	10'
65	10' x 10' x 10'	100	10'	10'	100	10'
66	10' x 10' x 10'	100	10'	10'	100	10'
67	10' x 10' x 10'	100	10'	10'	100	10'
68	10' x 10' x 10'	100	10'	10'	100	10'
69	10' x 10' x 10'	100	10'	10'	100	10'
70	10' x 10' x 10'	100	10'	10'	100	10'
71	10' x 10' x 10'	100	10'	10'	100	10'
72	10' x 10' x 10'	100	10'	10'	100	10'
73	10' x 10' x 10'	100	10'	10'	100	10'
74	10' x 10' x 10'	100	10'	10'	100	10'
75	10' x 10' x 10'	100	10'	10'	100	10'
76	10' x 10' x 10'	100	10'	10'	100	10'
77	10' x 10' x 10'	100	10'	10'	100	10'
78	10' x 10' x 10'	100	10'	10'	100	10'
79	10' x 10' x 10'	100	10'	10'	100	10'
80	10' x 10' x 10'	100	10'	10'	100	10'
81	10' x 10' x 10'	100	10'	10'	100	10'
82	10' x 10' x 10'	100	10'	10'	100	10'
83	10' x 10' x 10'	100	10'	10'	100	10'
84	10' x 10' x 10'	100	10'	10'	100	10'
85	10' x 10' x 10'	100	10'	10'	100	10'
86	10' x 10' x 10'	100	10'	10'	100	10'
87	10' x 10' x 10'	100	10'	10'	100	10'
88	10' x 10' x 10'	100	10'	10'	100	10'
89	10' x 10' x 10'	100	10'	10'	100	10'
90	10' x 10' x 10'	100	10'	10'	100	10'
91	10' x 10' x 10'	100	10'	10'	100	10'
92	10' x 10' x 10'	100	10'	10'	100	10'
93	10' x 10' x 10'	100	10'	10'	100	10'
94	10' x 10' x 10'	100	10'	10'	100	10'
95	10' x 10' x 10'	100	10'	10'	100	10'
96	10' x 10' x 10'	100	10'	10'	100	10'
97	10' x 10' x 10'	100	10'	10'	100	10'
98	10' x 10' x 10'	100	10'	10'	100	10'
99	10' x 10' x 10'	100	10'	10'	100	10'
100	10' x 10' x 10'	100	10'	10'	100	10'

LEGEND:
DENOTES CLIMATE CONTROL UNITS



PARKING:
REQUIRED = 1 SPACE FOR EVERY 200 STORAGE UNITS (A MINIMUM OF 4 SPACES INCLUDING THE DISABLED SPACES)
745 UNITS/200 = 3.725 = 4 PARKING SPACES REQUIRED.
PROVIDED = 8 PARKING SPACES INCLUDING ONE DISABLED SPACE

06/27/22

Riverbank Self - Storage

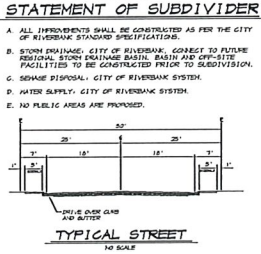
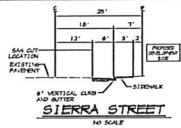
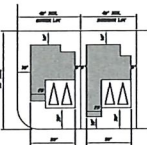
11800 N. 1ST STREET
RIVERBANK, CA 95367

2775 N. 1ST STREET, SUITE 200
RIVERBANK, CA 95367
TEL: 916.444.1111
WWW.HAGGERTY.COM

PROPOSED SITE PLAN

DATE: 06/27/22
DRAWN BY: H.A.G.
CHECKED BY: H.A.G.
SCALE: 1/32\"/>

TYPICAL LOT SIZE
 INTERIOR LOT: 45'x100' MIN.
 CORNER LOT: 45'x100' MIN.
 FRONT: 15' MIN.
 FRONT (FENCED): 25' MIN.
 SIDE (FENCED): 5' MIN.
 REAR (FENCED): 10' MIN.



STATEMENT OF SUBDIVIDER

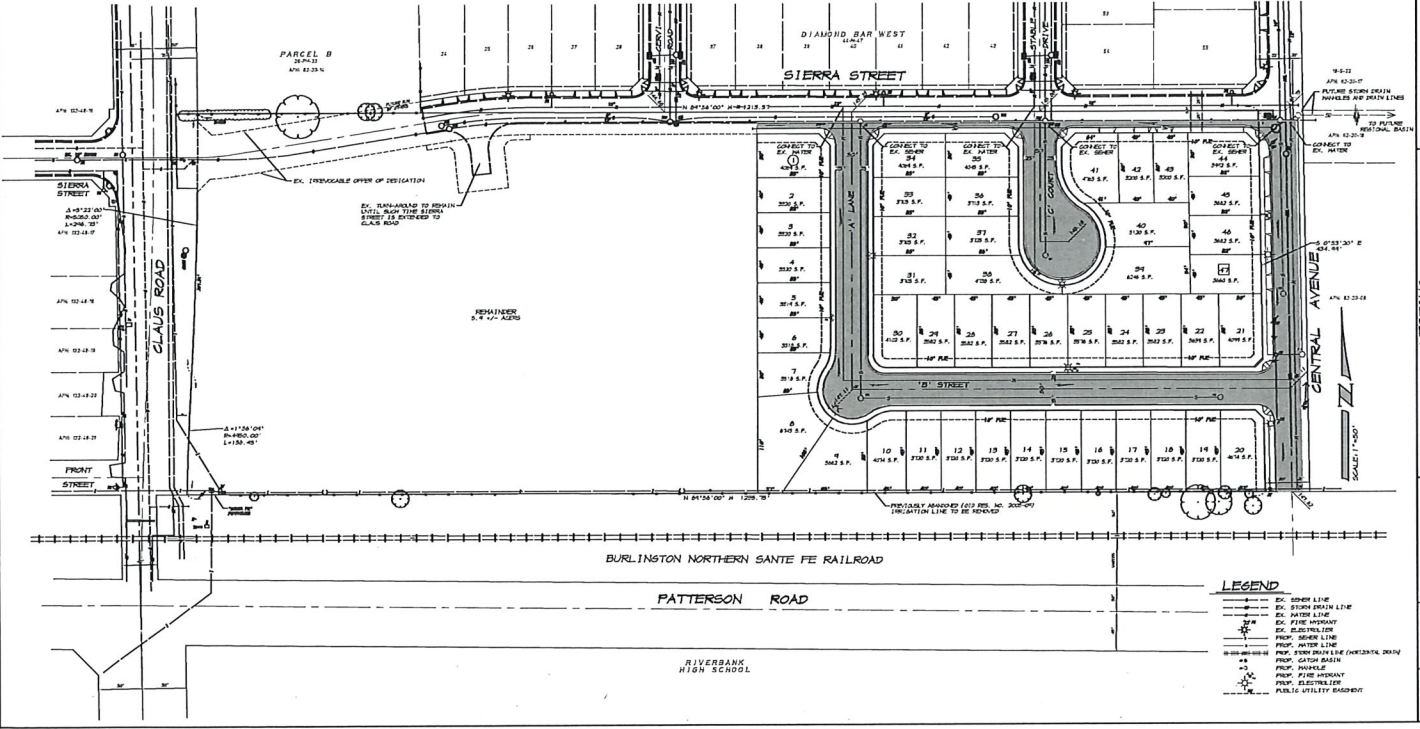
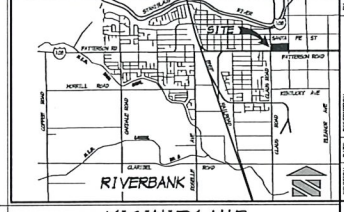
- ALL IMPROVEMENTS SHALL BE CONSTRUCTED AS PER THE CITY OF RIVERSIDE STANDARD SPECIFICATIONS.
- STORM DRAINAGE, CITY OF RIVERSIDE, CORRECT TO FUTURE REGIONAL STORM DRAINAGE BASIN, BASIN AND OFF-LITE FACILITIES TO BE CONSTRUCTED PRIOR TO SUBDIVISION.
- SEWER DISPOSAL, CITY OF RIVERSIDE SYSTEM.
- WATER SUPPLY, CITY OF RIVERSIDE SYSTEM.
- NO PUBLIC AREAS ARE PROPOSED.

OWNERS & SUBDIVIDERS

SON HEARTSTONE LLC
 1430 STADIUM AVENUE, SUITE 1
 RIVERSIDE, CA 92503

GENERAL NOTES

- ASSESSOR'S PARCEL NUMBER: 043-003-001
- ZONING: COMMERCIAL
- GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL
- SITE SUMMARY: TOTAL PROJECT SITE = 12.21 ACRES BEING DIVIDED INTO 43 SINGLE-FAMILY LOTS AND 4 REMAINERS.
- THE PROPERTY LINE DISTANCES, BEARINGS, AND ALL OTHER INFORMATION SHOWN ON THIS MAP ARE TAKEN FROM DEEDS, ASSessor'S MAPS, OR BOTH, AND PRELIMINARY FIELD OBSERVATIONS BY OFFICE PERSONNEL AND DO NOT REFLECT AN ACTING FIELD SURVEY.
- PURSUANT TO SECTION 14661 OF THE SUBDIVISION MAP ACT, THE CHAIRMAN/RESIDENTS HEREBY RESERVE THE RIGHT TO FILE MULTIPLE SUBDIVISION MAPS.
- THIS PROJECT SITE IS RELATIVELY FLAT, SLOPING FOR IRRIGATION PURPOSES. THE LAND HEREIN LIES BETWEEN 142 AND 144 FEET ELEVATION CONTIGUOUS AS SHOWN ON DEED MAPS.
- UTILITY LINES SHOWN ON THIS MAP ARE BASED ON PRELIMINARY DESIGN AND ARE SUBJECT TO CHANGE AT TIME OF THE DEVELOPMENT OF THE PROJECT IMPROVEMENT PLAN.



ASSOCIATED ENGINEERING GROUP
 1430 STADIUM AVENUE, SUITE 1
 RIVERSIDE, CA 92503
 (951) 514-1100
 FAX: (951) 514-1101
 WWW.AEG-ENG.COM

TENTATIVE SUBDIVISION MAP
 THE HERITAGE COLLECTION
 AT SIERRA STREET

RIVERSIDE, CALIFORNIA

DATE: 08/20/2013
BY: [Signature]
SCALE: 1"=100'

Memorandum

Responses to Comments on General Plan Amendment No. 01-2022, Rezone No. 03-2021, and Architectural Site Plan Review No. 08-2021 (State Clearinghouse No. 2022100579)

Date December 2022

To City of Riverbank Planning Commission and City Council

From Mark Niskanen, CEQA Consultant

Subject General Plan Amendment No. 01-2022, Rezone No. 03-2021, and Architectural Site Plan Review No. 08-2021 Initial Study and Mitigated Negative Declaration Response to Comments

This memorandum includes comments received during the circulation of the Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for General Plan Amendment No. 01-2022, Rezone No. 03-2021, and Architectural Site Plan Review No. 08-2021, Project otherwise known as the Summerfair Commerce Center.

The IS/MND was circulated for a thirty (30) day public review period, and the public review period began on October 26, 2022, and ended on November 28, 2022. The City of Riverbank received one (1) comment letter on the Draft IS/MND during the public review period, which is attached herein for reference. The commenter and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter No.	Page
A Mr. Peter Minkel, Central Valley Regional Water Quality Control Board	2

Table 1
Response to Comments
General Plan Amendment No. 01-2022, Rezone No. 03-2021, and Architectural Site Plan Review No. 08-2021

Comment Letter A – Mr. Peter Minkel, Central Valley Regional Water Quality Control Board		
A.1	I. <u>Basin Plan</u> The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State’s water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38. The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the <i>Water Quality Control Plan for the Sacramento and San Joaquin River Basins</i>, please visit our website: http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/	This comment is noted. This comment serves as an introduction of the letter describing the intent of the Basin Plan of the Central Valley Region and recommends visiting their website to review further information. This comment does not specifically address the environmental analysis contained in the Proposed Project’s Initial Study.

A.2	<u>Antidegradation Considerations</u> All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at: https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf In part it states: <i>Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.</i> <i>This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.</i> The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.	This comment is noted. The Proposed Project will comply with all wastewater discharge requirements of the State of California.
A.3	<u>Construction Storm Water General Permit</u> Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009- DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml	This comment identifies the construction storm water permit requirements for projects that disturb more than once acres. As discussed on Page 49 of the Public Review Initial Study, the Proposed Project will be required to implement Best Management Practices (BMP's) as well as the preparation of a Storm Water Pollution Prevention Plan (SWPP).

A.4	<u>Clean Water Section 404 Permit</u> If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for more information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.	The Commenter is providing information regarding the Clean Water Act Section 404 Permit. As discussed on Pages 27 through 31 of the Initial Study, the Proposed Project, there are no waters of the United States located within or near the Project site. Therefore, a Section 404 Permit is not required.
A.5	<u>Clean Water Act Section 401 Permit – Water Quality Certification</u> If an USACE permit (e.g. Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g. Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_quality_certification/	The Commenter is providing information regarding the Clean Water Act Section 401 Permit. As discussed on Pages 27 through 31 of the Initial Study, the Proposed Project, there are no waters of the United States located within or near the Project site. Therefore, a Section 401 Permit is not required.
A.6	<u>Waste Discharge Requirements – Discharges to Waters of the State</u> If USACE determines that only non-jurisdictional waters of the State (i.e. “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/	Comment noted. As discussed on Pages 27 through 31 of the Initial Study, there are no non-federal waters located within or near the Project site.

	Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order No. 2004-0004, visit the State Water Resources Control Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf	
A.7	<u>Dewatering Permit</u> If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Discharges seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge. For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at: http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf	Comment noted. The Proposed Project will not require construction or groundwater dewatering. Therefore, this regulation does not apply.
A.8	<u>Limited Threat General NPDES Permit</u> If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for <i>Limited Threat Discharges to Surface Water</i> (Limited Threat General Order). A complete	The Commenter states that if the Proposed Project includes construction dewatering, the Proposed Project will require coverage under a NPDES permit. As noted above, dewatering is

	Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/board decisions/adopted orders/general orders/r5-2016-0076-01.pdf	not part of the Proposed Project.
A.9	<u>NPDES Permit</u> If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/help/permit	Comment noted. As discussed in the Initial Study, the Proposed Project will require coverage under the City's existing NPDES permit.

Central Valley Regional Water Quality Control Board

28 November 2022

Donna Kenney
City of Riverbank
6707 3rd Street
Riverbank, CA 95367
dkenney@riverbank.org

COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT 01-2022, REZONE 03-2021, AND ARCHITECTURAL SITE PLAN REVIEW 08-2021 PROJECT, SCH#2022100579, STANISLAUS COUNTY

Pursuant to the State Clearinghouse's 26 October 2022 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the General Plan Amendment 01-2022, Rezone 03-2021, and Architectural Site Plan Review 08-2021 Project, located in Stanislaus County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore, our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has

adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

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In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention

A-3

Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality/certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at: https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water

Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Threat Waiver and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information

regarding the NPDES Permit and the application process, visit the Central Valley
Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4684
or Peter.Minkel2@waterboards.ca.gov.

Peter Minkel

Peter Minkel
Engineering Geologist

cc: State Clearinghouse unit, Governor's Office of Planning and Research,
Sacramento

FINAL MITIGATION MONITORING AND REPORTING PROGRAM

This document is the Final Mitigation Monitoring and Reporting Program (MMRP) for the General Plan Amendment 01-2022, Rezone 03-2021, and Architectural Site Plan Review 08-2021 - Summerfair Commerce Center Project (Proposed Project). This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.”

The MMRP provided herein consists of Mitigation Measures presented in the Public Review Draft Initial Study/Mitigated Declaration (IS/MND), SCH No. 2022100579, and as adopted by the City of Riverbank.

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures.

The City of Riverbank will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the Proposed Project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

Mitigation Measures: The mitigation measures are taken from the Public Review Draft IS/MND in the same order that they appear in that document.

Mitigation Timing: Identifies at which stage of the Project mitigation must be completed.

Monitoring Responsibility: Identifies the agency that is responsible for mitigation monitoring.

Compliance Verification: This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

Table 1 - Mitigation Monitoring and Reporting Program

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
Biological Resources				
The Proposed Project may result in potentially significant impacts to Swainson's Hawk habitat.	BIO-1 The Project Proponent shall implement the following measures to avoid or minimize impacts on Swainson's Hawk: • No more than 30 days before the commencement of construction, a qualified biologist shall perform preconstruction surveys for nesting Swainson's Hawk and other raptors during the nesting season (February 1 through August 31). • Appropriate buffers shall be established and maintained around active nest sites during construction activities to avoid nest failure as a result of project activities. The appropriate size and shape of the buffers shall be determined by a qualified biologist, in coordination with CDFW, and may vary depending on the nest location, nest stage, and construction activity. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. Monitoring shall be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has	Project Proponent and City Community Development Department.	Prior to any ground disturbing activities.	

ATTACHMENT 9

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	determined that the young have fledged, or the nest site is otherwise no longer in use. Consistent with General Plan Policy CONS-5.7, and before the commencement of construction, the Project Proponent shall provide compensatory mitigation for the permanent loss of Swainson's Hawk foraging habitat. Mitigation shall be at the CDFW specified ratios, which are based on distance to nests.			
The Proposed Project may result in potentially significant impacts to special-status bird species.	BIO-2 The Project Proponent shall implement the following measure to avoid or minimize impacts on other protected bird species that may occur on the site: - Preconstruction surveys for active nests of special-status birds shall be conducted by a qualified biologist in all areas of suitable habitat within 500 feet of project disturbance. Surveys shall be conducted within 14 days before commencement of any construction activities that occur during the nesting season (February 15 to August 31) in a given area. - If any active nests, or behaviors indicating that active nests are present, are observed, appropriate buffers around the nest sites shall be determined by a qualified biologist to avoid nest failure resulting from project activities. The size of the buffer shall depend on the species, nest location, nest stage, and specific	Project Proponent and City Community Development Department.	Prior to any ground disturbing activities.	

ATTACHMENT 9

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	construction activities to be performed while the nest is active. The buffers may be adjusted if a qualified biologist determines it would not be likely to adversely affect the nest. If buffers are adjusted, monitoring will be conducted to confirm that project activity is not resulting in detectable adverse effects on nesting birds or their young. No project activity shall commence within the buffer areas until a qualified biologist has determined that the young have fledged or the nest site is otherwise no longer in use.			
Cultural Resources				
	CUL-1 If potential human remains are encountered, the construction contractor shall halt work in the vicinity (within 100 feet) of the find and contact the City of Riverbank. The Project Applicant and/or contractor shall be required to contact the Stanislaus County Coroner in accordance with Public Resources Code Section 5097.98 and Health and Safety Code Section 7050.5. If the coroner determines the remains are Native American, the coroner would contact the Native American Heritage Commission (NAHC). As provided in Public Resources Code Section 5097.98, the NAHC would identify the person or persons believed to be most likely descended from the deceased Native American. The most likely decedent makes recommendations for means of treating or disposing of, with appropriate dignity, the human remains, and any associated	Project Proponent and City Community Development Department.	During Project construction.	

ATTACHMENT 9

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	grave goods as provided in Public Resources Code Section 5097.98. Implementation of Mitigation Measure CUL-1 would reduce the potential impact on human remains to a less than significant level.			
Noise				
	NOISE-1 Construction equipment shall be well maintained to be as quiet as possible. The following measures, when applicable, shall be implemented to reduce noise from construction activities: • All internal combustion engine-driven equipment shall be equipped with mufflers that are in good condition and appropriate for the equipment. • “Quiet” models of air compressors and other stationary noise sources shall be used, where technology exists. • Stationary noise-generating equipment shall be located as far as feasible from sensitive receptors (dwellings and Riverbank High School). • Unnecessary idling of internal combustion engines shall be prohibited. • Staging areas and construction material storage areas shall be located as far away as possible from adjacent sensitive land uses (dwellings and Riverbank High School).	City Community Development Department.	During Project construction.	

ATTACHMENT 9

Environmental Impact	Mitigation Measure	Monitoring Responsibility	Timing	Verification (Date/Initials)
	- Construction-related traffic shall be routed along major roadways (Claus Road and Patterson Road) and as far as feasible from sensitive receptors. - Residences or noise-sensitive land uses adjacent to construction sites shall be notified of the construction schedule in writing. The construction contractor shall designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and shall institute reasonable measures to correct the problem. The construction contractor shall conspicuously post a telephone number for the liaison at the construction site. - The construction contractor shall hold a pre-construction meeting with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, construction schedule, and construction liaison) are completed.			

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 10.3

SECTION 10: PUBLIC HEARING

Meeting Date: January 10, 2023

Subject: First Reading by Title Only and Introduction of an Ordinance Amending Title XV: Section §153.003, DEFINITIONS, Section §153.031, USES PERMITTED, Section §153.046, USES PERMITTED, Section §153.061, USES PERMITTED, Section §153.067, USES PERMITTED, and adding Sections §153.170 through §153.177 related to Tiny House Villages

From: Marisela H. Garcia, City Manager

Submitted by: Donna M. Kenney, Planning and Building Manager
David Niskanen, JB Anderson Land Use Planning

RECOMMENDATION

It is recommended that the City Council introduce and pass to a second reading an Ordinance permitting and providing development standards for tiny house villages in residential zones. At their regular meeting of December 20, 2022, the Planning Commission voted 4-0 on three resolutions to recommend that the City Council approve the Project.

SUMMARY

The proposed Zoning Ordinance Amendment is a staff-initiated proposal to modify the Riverbank Municipal Code (RMC) to add Tiny House Villages as a Permitted Use in Residential Zoning Districts and regulations for the development of Tiny House Villages.

Specifically, the amendments include:

- Amend Section §153.003, *Definitions*, to include definitions for Dwelling, Tiny House, and Tiny House Village.
- Amend Section §153.031, *Uses Permitted* in the R-1, Single-Family Residential District, Section §153.046, *Uses Permitted* in the R-2, Duplex Residential District, Section §153.061, *Uses Permitted* in the R-3, Multiple Family Residential District,

and Section §153.067, *Uses Permitted* in the CX-1, Mixed Use District to add “Tiny House Villages” as a Permitted Use in each Zoning District.

- Add Sections §153.170, *Purpose*, §153.171, *Applicability*, §153.172, *Density*, §153.173, *Occupancy*, §153.174, *Design and Development Standards*, §153.175 *Landscaping and Open Space*, §153.176, *Accessory Structures*, and §153.177 *Architecture and Site Plan Review* to the RMC. The new Sections provide development standards including but not limited to setbacks, off-street parking, landscaping and open space requirements, etc. related to Tiny House Villages.

BACKGROUND AND ANALYSIS

The City conducted a Public Workshop with Planning Commission on July 19, 2022 to discuss the proposed Tiny House Village Ordinance. The purpose of the Workshop was to discuss the contents of the Ordinance, including but not limited to the definition of a Tiny House, Zoning Districts in which Tiny House Villages should be permitted, setbacks, off-street parking, landscaping and open space, and lot area standards. The feedback provided by the Planning Commissioners’ and the public at the aforementioned Workshop have been incorporated into the proposed Tiny House Village Ordinance.

The proposed Zoning Ordinance Amendment includes:

Section §153.003 Definitions

Amend Section §153.003, Definitions, to include definitions for Dwelling, Tiny House, and Tiny House Village:

DWELLING, TINY HOUSE. A detached single-family residence within a tiny house village. A tiny house dwelling is defined as having a maximum floor area square footage of eight hundred (800) square feet and a minimum floor area square footage of one hundred fifty (150) square feet.

TINY HOUSE VILLAGE. A minimum of five (5) tiny house dwellings on either a single parcel or individual parcels for each tiny house dwelling as part of the same subdivision.

Section §153.031 Uses Permitted, Section §153.046 Uses Permitted, Section §153.061 Uses Permitted, Section 153.067 Uses Permitted.

Amend the Uses Permitted in the R-1, Single-Family Residential District, R-2, Duplex Residential District, R-3, Multifamily Residential District, and CX-1, Mixed Use District to add “Tiny House Villages” as a Permitted Use in each Zoning District.

New Sections §153.170 through §153.177 Tiny House Villages

Amend the RMC to include new Sections to Chapter 153: Zoning to provide provisions and development regulations for the development of Tiny House Villages. The new Sections include Purpose, Applicability, Density, Occupancy, Design and Development

Standards, Landscaping and Open Space, Accessory Structures, and Architecture and Site Plan Review. The new Sections include the following components:

Section 153.170: *Purpose.* This Section provides the purpose of the Tiny House Villages title. The purpose is to:

- Provide development regulations for tiny house villages, which support a diversity of housing choices to meet a wide variety of housing needs;
- Encourage creation of more usable space for residents of tiny house village developments through flexibility in lot standards;
- Ensure that the overall size, including bulk and mass of tiny house village structures remains smaller and incurs less visual impact than standard size single-family dwellings, particularly given allowed intensity of tiny house village developments;
- Provide a centrally located and functional common open space area that fosters a sense of community and a sense of openness in tiny house village developments;
- Provide private areas around the individual dwellings to enable diversity in landscape design and foster a sense of ownership; and
- Ensure minimal visual impact from vehicular use and storage areas for residents of the tiny house village development as well as adjacent properties, and to maintain a detached single-family character along public streets.

Section 153.171: *Applicability.* This clarifies that the regulations in the Tiny House Villages title apply to tiny house village developments in zones where such uses are permitted.

Section 153.172: *Density.* This Section provides how density shall be calculated for tiny house village developments and that the density shall adhere to the density requirements in the General Plan. As noted above, the proposed zoning ordinance amendment will permit tiny house village developments in residential Zoning Districts. The Density requirement for each residential Zoning District is as follows:

- R-1, Single-Family Residential District – up to eight (8) dwelling units per net acre.
- R-2, Duplex Residential District – up to twelve (12) dwelling units per net acre.
- R-3, Multiple Family Residential District – sixteen (16) or more dwelling units per net acre.
- CX-1, Mixed Use District – eight (8) or more dwelling units per net acre for detached residential uses.

Section 153.173: *Occupancy.* The purpose of this Section is to clarify that tiny house village units shall not be rented on a transient basis, which is a period of less than thirty days.

Section 153.174: *Design and Development Standards.* The purpose of this section is to detail the specific Development Standards for Tiny House Villages. The Development Standards include:

- **Parcel Size.** The minimum parcel size shall be 1,800 square feet. Minimum width for interior lots is 30 feet (40 feet for corner lots), and a minimum depth of 60 feet.
- **Floor Area.** The minimum floor area for each tiny house shall not exceed 800 square feet and shall be a minimum size of 150 square feet. Certain exclusions from the total floor area calculation include architectural projections, spaces with ceiling height of 5 feet or less, and other exceptions as determined by the Community Development Director.
- **Lot Coverage.** No more than 50 percent of the lot may be covered by buildings.
- **Height.** The maximum height shall not exceed 20 feet.
- **Yards (Setbacks).**
 - Front Yard – 10 feet
 - Side Yard – 4 feet
 - Corner Side Yard – 10 feet
 - Rear Yard – 10 feet
 - Garage – 18 feet

Projections of up to 24 inches may include eaves, architectural projections such as bay windows, fireplaces, or utility closets, minor appurtenances such as pipes, gas and electrical meters, alarm systems, etc., HVAC equipment, and exterior stairways. The minimum separation between buildings shall be consistent with City-adopted Building Code.

- **Fencing.** Fencing requirements shall be consistent with the R-1, Single-Family Residential District. Requirements include a maximum height of 7 feet.
- **Patios and Porches.** Tiny house units may have a covered porch, or entry at least 60 square feet in size and minimum depth of 6 feet and minimum width of 8 feet.
- **Lighting.** Common open space areas and access driveways, drive aisles, and off-street parking areas shall be provided with lighting.

- Off-Street Parking. The minimum number of parking spaces required for tiny house units shall be 1 parking spaces per dwelling unit, plus 1 parking space for guest parking. Guest parking may be in tandem with the off-street parking space for the tiny house unit. As noted above, the minimum distance between the property line and the garage is 18 feet.
 - Common parking areas shall be configured in clusters and provided throughout the tiny house village development. The minimum number of parking spaces shall be 0.8 parking spaces per dwelling unit and the common parking area locations shall be determined by the Community Development Director on a case-by-case basis.
- Design Standards. Each building abutting a public street shall have a minimum of 4 building elements, features, and treatments incorporated into the street-facing façade:
 - Windows with visible trim and mullions or recessed windows.
 - Dormers.
 - Bay windows.
 - Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door.
 - Variation in roof or building colors and materials, on individual units, such as brick, stone, or other masonry accents.
 - Other building elements, treatments, features, or site designs approved by the Community Development Director that provide variety and visual interest.

Units on the interior of a development should be oriented toward the common open space or parking areas.

- Pedestrian Connectivity.
 - Pedestrian circulation system shall connect all main entrances on the site.
 - Direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, rideshare, and bicycle storage facilities, where feasible.
 - Pedestrian walkways shall be separated from structures by at least 3 feet.
 - Pathways in common open space and other shared areas of the development shall meet Americans with Disabilities Act (ADA) standards.
- Restrictions. A deed restriction shall be placed on the property notifying future property owners of the size restriction.

Section 153.175: *Landscaping and Open Space.* This Section provides the landscaping and common open space requirements for tiny house village developments. The requirements are as follows:

- **Landscape Areas.** No more than 50 percent of a front yard shall be paved and no more than 50 percent of a rear yard shall be paved. An interior side yard may be paved if a minimum of 1 foot is left unpaved along the side property line. Drainage shall be maintained per City Standards.
- **Common Open Space.** Common open space shall be 1 or more areas designed and maintained for recreation, gardening, and similar activities for all residents. Common open space shall total at least 50 square feet per unit with a minimum area of 300 square feet provided regardless of the number of units. Common Open Space areas are typically controlled by a Home Owners Association (HOA) or via a Covenants, Conditions and Restrictions (CC&R).
- **Private Open Space.** Each residential unit in a tiny house village development shall have a private open space. Each unit shall be provided with a minimum 200 square feet of usable private open space.

Section 153.176: Accessory Structures. This Section allows accessory structures in tiny house village developments, as long as they are subordinate to use and scale of the tiny house village development and are subject to lot coverage limitations as described above.

Section 153.177: Architecture and Site Plan Review. The purpose of this Section is to clarify that proposals to construct a tiny house village development shall be subject to an Architecture and Site Plan Review entitlement which is reviewed by the Planning Commission.

ENVIRONMENTAL REVIEW

The proposed Zoning Ordinance Amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) by the “Common Sense Exemption”, stating that CEQA applies only to projects that have the potential for causing a significant effect to the environment. The Zoning Ordinance Amendment does not have the potential to cause any direct or indirect physical change to the environment. The proposed Zoning Ordinance Amendment is also exempt pursuant to CEQA Guidelines Section 15305 (Minor Alterations in Land Use Limitations).

The proposed amendments do not change the land use or zoning district for any individual property, do not change the maximum allowed density in any residential district, or approve any new Tiny House Village development application. Any new tiny house units would be located in existing residential districts and subject to existing density requirements. Future Tiny House Village development applications received by the City will be subject to environmental review at the appropriate time in accordance with CEQA. The purpose of the Zoning Ordinance Amendment is to allow Tiny House Villages in certain residential districts, in accordance with the Tiny House Village Ordinance.

GENERAL PLAN CONSISTENCY

The proposed Zoning Code Amendments comply with the following General Plan Policies:

- Policy LAND-2.4** The City will encourage re-use of vacant or underutilized land in the Infill Opportunity Area through policies that seek to encourage more intense infill development.
- Policy LAND-3.3** The City will encourage “compact development,” which places origination and destination points closer together (residence, stores, schools, places of work, etc.), allowing for alternatives to vehicular travel.
- Policy 1.1** Ensure land use and zoning procedures accommodating to affordable housing.
- Policy 3.1** Promote efficient and creative alternatives to help reduce government constraints.

PUBLIC NOTICE

The City Council public notice was published in the Riverbank News on December 28, 2022 and posted at City Hall North, South, Post Office, Community Center and website on December 21, 2022. At the time of writing this Staff Report (January 3, 2023), the City had received one public comment against the project by email the day of the Planning Commission meeting December 20, 2022.

ATTACHMENTS

Attachment 1 – Ordinance 2023-XXX

CITY OF RIVERBANK

ORDINANCE 2023-XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIVERBANK,
CALIFORNIA, AMENDING THE RIVERBANK MUNICIPAL CODE BY AMENDING
SECTION §153.003, SECTION §153.031, SECTION §153.046, SECTION §153.061,
SECTION §153.067 AND ADDING SECTIONS §153.170 THROUGH §153.177
RELATED TO TINY HOUSE VILLAGES**

WHEREAS, on July 19, 2022, the Planning Commission held a duly noticed Public Workshop to discuss an ordinance that would allow development of tiny house villages in certain residential districts; and

WHEREAS, on November 30, 2022, notice of the Planning Commission public hearing was published in the Riverbank News in compliance with California Government Code Section 65090, and posted in public places throughout the City and on the City's website; and

WHEREAS, the Planning Commission held a public hearing on December 20, 2022 to consider an amendment to the City of Riverbank Municipal Code and with a vote of 4-0, recommended approval of this Ordinance to the City Council; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code would amend Sections of Title XV: Land Usage, Chapter 153: Zoning to define and permit Tiny House Villages; and

WHEREAS, the proposed amendments to the Riverbank Municipal Code would create new Sections of Title XV: Land Usage, Chapter 153: Zoning for the regulation of Tiny House Villages; and

WHEREAS, the amendment is exempt from analysis under the California Environmental Quality Act (CEQA) under the "Common Sense Exemption" that CEQA applies only to projects that have the potential for causing significant environmental effects, as specified in Section 15061(b)(3) of the State CEQA Guidelines. The proposed project is also exempt from CEQA pursuant to State CEQA Guidelines Section 15305 (Minor Alternations in Land Use Limitations); and

WHEREAS, The Riverbank Planning Commission made the following findings:

1. The proposed Zoning Ordinance Amendment is consistent with the City's

{CW118079.1}

General Plan Land Use Element.

2. The proposed Zoning Ordinance Amendment furthers the public interest, convenience, and general welfare of the City. The amendments would expand the type of housing available for development within the City of Riverbank.
3. The proposed Zoning Ordinance Amendment furthers implementation of the Goals, Policies and Programs of the 2014 – 2023 Housing Element, dated February 2016. Specifically, the proposed Zoning Ordinance Amendment is consistent with the following Policies and Programs:
 - a. Policy 1.1 – Ensure land use and zoning procedures are accommodating to affordable housing.
 - b. Program 2.1j – Encourage housing development within the General Plan Infill Opportunity Area and specifically, sites designated Mixed Use.
 - c. Policy 3.1 – Promote efficient and creative alternatives to help reduce government constraints.
 - d. Program 3.1a – Continue to promote the use of Planned Development zones for developers who wish to deviate from setbacks, parking, or other standards which may limit their ability to develop at a desired density.

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

SECTION 1: Title XV: Land Usage, Chapter 153: Zoning, Section 153.003: Definitions, shall be amended as follows (added language is represented in underline text):

§ 153.003 DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

CIRCUS. A traveling or itinerant commercial amusement enterprise utilizing an enclosure of any kind, but usually circular or rectangular, partially surrounded by seats,

used for exhibition or horsemanship, acrobatic performances, acts of clowns, feats of animal training or the like, temporarily located in the city.

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

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

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

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

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

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

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

DWELLING, SINGLE-FAMILY RESIDENCE. A residential building containing one dwelling unit on one lot. All rooms within the single-family attached dwelling shall be interconnected. Single-family dwelling shall include a dwelling that is constructed for the purposes of providing supportive and transitional housing.

DWELLING, TINY HOUSE. A detached single-family residence within a tiny house village. A tiny house dwelling is defined as having a maximum floor area square footage of eight hundred (800) square feet and a minimum floor area square footage of one hundred and fifty (150) square feet.

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

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

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

DWELLING UNIT, JUNIOR ACCESSORY. A unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

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

EFFICIENCY KITCHEN. Means a kitchen that includes each of the following:

- (1) A cooking facility with appliances.
- (2) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

EFFICIENCY UNIT. Has the same meaning as defined in Cal. Health & Safety Code § 17958.1.

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

EMPLOYEE HOUSING. Defined the same as labor camp per Cal. Health & Safety Code § 17021.5 and § 17021.6.

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

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

FLOOR AREA. The sum of the gross horizontal areas of several floors of the building, excluding areas used for accessory garage purposes, and such basement and cellar areas as are devoted exclusively to uses accessory to the operations of the building. All horizontal dimensions shall be taken from the exterior faces of walls including walls or other enclosures or enclosed porches. Whenever the term is used in this title as a basis

of requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, **FLOOR AREA** applies not only to the ground floor area but also to any additional stories or basement of the structure.

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

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

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

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

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

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

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

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

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

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

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

HOOCAH LOUNGE. Any facility, building, structure or location, whether fixed or mobile, where customers share a pipe commonly, but not always, made of glass, used

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for vaporizing and smoking tobacco, flavored tobacco, shisha, dried fruits, or other substances in which vapor or smoke is passed through a water basin before inhalation. Hookah lounge includes, but is not limited to the use of a communal hookah, waterpipe, shisha, narghile, or other such smoking device.

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

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

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

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

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

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

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

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

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

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

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

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

LOT LINES. The lines bounding a lot.

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

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

MOBILE HOME PARK. A lot or parcel of land which is used exclusively for the parking thereon of ten or more mobile homes for a rental charge or for rent or lease of mobile homes, and for appurtenant facilities for the exclusive use of the occupants such as laundry, rest rooms, recreation and storage facilities, and mobile home, dwelling or office facility for the owner or manager.

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

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

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

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

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

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

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

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

PUBLIC TRANSIT. Means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

RECREATION VEHICLE. Either of the following:

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

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

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

(c) It is built on a single chassis.

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

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

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

(b) It is built on a single chassis.

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

(Cal. Health & Safety Code § 18010)

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

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

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

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

SHALL. Is mandatory and not directory.

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

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

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

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

SUPPORTIVE HOUSING. Housing with no limit on length of stay, that is occupied by the target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

TANDEM PARKING. Means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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

TINY HOUSE VILLAGE. A minimum of five (5) tiny house dwellings on either a single parcel or individual parcels for each tiny house dwelling as part of the same subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

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

(`67 Code, § 10-1-3) (Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2015-009, passed 4-14-15; Am. Ord. 2017-010, passed 10-24-17; Am. Ord. 2021-007, passed 12-14-21)

SECTION 2: Title XV: Land Usage, Chapter 153: Zoning, Section 153.031: Uses permitted shall be amended as follows (added language is represented in underline text):

§ 153.031 USES PERMITTED.

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

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

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

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

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

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

(B) Accessory buildings are normally incidental to a single-family dwelling provided that such buildings are constructed concurrent with, or subsequent to the construction of the single-family dwelling. ***NORMALLY INCIDENTAL*** shall be deemed to mean that, in addition to a garage (either attached or detached), the maximum size of the accessory building shall be determined by maximum lot coverage.

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

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

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

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

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

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

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

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

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

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

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

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

(F) Public parks and public buildings.

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

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

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

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

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

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

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

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

(3) A business license shall be obtained as required by § [110.18](#) of the City Code.

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

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

(N) Accessory dwelling unit meeting §§ 153.325 et seq.

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

(P) Employee housing (no more than six workers per unit and no more than 12 units or 36 beds), farmworker housing, transitional housing, supportive housing.

(Q) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(`67 Code, § 10-3-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2008-008, passed 9-8-08; Am. Ord. 2017-010, passed 10-24-17)

SECTION 3: Title XV: Land Usage, Chapter 153: Zoning, Section 153.046: Uses Permitted shall be amended as follows (added language is represented in underline text):

§ 153.046 USES PERMITTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Public parks and public buildings.

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

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

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

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

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

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

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

(3) A business license shall be obtained as required by § [110.18](#) of the City Code.

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

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

(N) Garage sales as defined in § [153.003](#).

(O) Accessory dwelling unit meeting §§ [153.325](#) et seq.

(P) Transitional and supportive housing.

(Q) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(`67 Code, § 10-4-2) (Ord. 87-11, passed 7-27-87; Am. Ord. 2017-010, passed 10-24-17)

SECTION 4: Title XV: Land Usage, Chapter 153: Zoning, Section 153.061: Uses permitted shall be amended as follows (added language is represented in underline text):

§ 153.061 USES PERMITTED.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Public parks and public buildings.

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

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

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

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

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

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

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

(3) A business license shall be obtained as required by § [110.18](#) of the City Code.

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

(M) Garage sales as defined in § [153.003](#).

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

(N) Accessory dwelling unit meeting §§ [153.325](#) et seq.

(O) Emergency shelters as defined in § [153.003](#).

(P) Transitional housing as defined in § [153.003](#).

(Q) Supportive housing as defined in § [153.003](#).

(R) Tiny House Village, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(`67 Code, § 10-5-2) (Am. Ord. 2003-014, passed 11-10-03; Am. Ord. 2015-002, passed 2-24-15; Am. Ord. 2017-010, passed 10-24-17)

SECTION 5: Title XV: Land Usage, Chapter 153: Zoning, Section 153.067: Uses permitted shall be amended as follows (added language is represented in underline text):

§ 153.067 USES PERMITTED.

(A) All attached single-family and multi-family residential uses, including duplexes, apartments, condominiums, townhouses, and live-work units provided that the living units are located above the ground floor of a commercial uses or adjacent to commercial on the same property.

(B) Detached residential uses with a minimum net density of eight units per acre, including single family homes, caretaker units, and manufactured homes.

(C) Attached Higher Density Residential in a vertical and/or horizontal mixed use setting of 16 or more dwelling units per net acre. This residential use must be above (on upper stories of buildings) or adjacent to commercial operations on the same property.

(D) Office uses including administrative, professional, creative, telecommunications, flex, research, and similar office uses that are primarily worker-occupied.

(E) (1) Retail sales of goods that can generally be carried out by the customer including food and specialty foods, open air markets, small household goods, pharmaceuticals and sundries, apparel, art and supplies, antiques, furniture, appliances, electronics, books, flowers, hardware, toys, bicycles and sporting goods, music, and similar goods.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § [153.361](#).

(F) Service uses including personal and business services with walk-in customer service, such as beauty parlors, spas, cleaners, repair services, banks, travel or real estate agents, medical clinics, child or adult care, photocopiers, mailing services, Laundromats, and similar uses. Rental uses of items such as party supplies, wedding apparel or tuxedos are allowed as services uses.

(G) (1) General commercial uses including entertainment uses including bars, full service restaurants, quick service restaurants (not drive through fast food), dance and exercise studios, gyms, sports facilities, game arcades, and similar uses.

(2) Sales of alcoholic beverages require a conditional use permit in accordance with § [153.361](#).

(H) (1) Civic uses including government offices and services, libraries, community centers, conference facilities, and similar uses.

(2) Public infrastructure including support uses include water, storm water, sewer, and utility infrastructure, streets, sidewalks, bicycle paths, parking garages, transit stops, parks, plazas, streetscape improvements, and other public facilities.

(I) Institutional uses including colleges, trade schools, places of worship, museums, and similar uses.

(J) Tiny House Villages, as defined in § 153.003 and as allowed in § 153.170 through 153.177.

(Ord. 2014-006, passed 7-8-14)

SECTION 6: Title XV: Land Usage, Chapter 153: Zoning is amended to add new Sections: 153.170 through 153.177, which shall read as follows:

Tiny House Villages

Section

- 153.170 Purpose
- 153.171 Applicability
- 153.172 Density
- 153.173 Occupancy
- 153.174 Design and Development Standards
- 153.175 Landscaping and Open Space
- 153.176 Accessory Structures
- 153.177 Architecture and Site Plan Review

§ 153.170 PURPOSE

(A) The purpose of this title is to:

- (1) Provide development regulations for tiny house villages, which support a diversity of housing choices to meet a wide variety of housing needs;
- (2) Encourage creation of more usable space for residents of tiny house village developments through flexibility in lot standards;
- (3) Ensure that the overall size, including bulk and mass of tiny house village structures remains smaller and incurs less visual impact than standard size single-family dwellings, particularly given allowed intensity of tiny house village developments;
- (4) Provide a centrally located and functional common open space area that fosters a sense of community and a sense of openness in tiny house village developments;
- (5) Provide private areas around the individual tiny house dwellings to enable diversity in landscape design and foster a sense of ownership; and
- (6) Ensure minimal visual impact from vehicular use and storage areas for residents of the tiny house village development as well as adjacent properties, and to maintain a detached single-family character along public streets.

§ 153.171 APPLICABILITY

(A) The regulations in this title apply to tiny house village developments in zones where such uses are permitted.

§ 153.172 DENSITY

(A) The density shall adhere to the density requirements set forth in the General Plan.

(B) The maximum density shall be one (1) tiny house per every one thousand eight hundred (1,800) square feet of lot area. When calculating the number of units allowed, fractional units shall be rounded down to the nearest whole number.

§ 153.173 OCCUPANCY

(A) Tiny house village units may not be rented on a transient basis (periods less than thirty (30) days).

§ 153.174 DESIGN AND DEVELOPMENT STANDARDS

(A) Parcel Size. The minimum parcel size for one (1) tiny house dwelling shall be eighteen hundred (1,800) square feet and adhere to the following minimum dimensions:

- (1) Minimum width, interior lot – thirty (30) feet;
- (2) Minimum width, corner lot – forty (40) feet; and
- (3) Minimum depth – sixty (60) feet.

(B) Floor Area. The total floor area of each tiny house shall not exceed eight hundred (800) square feet and shall be a minimum size of one hundred and fifty (150) square feet. Exclusions from the total floor area calculation:

- (1) Architectural projections, such as bay windows, fire places or utility closets no greater than eighteen (18) inches in depth;
- (2) Spaces with ceiling height of five (5) feet or less; and
- (3) Other exemptions similar in nature provided in the intent of this title is met and upon approval of the Community Development Director.

(C) Lot Coverage. No more than fifty (50) percent of the lot may be covered by buildings.

(D) Height. The maximum height shall not exceed twenty (20) feet. Structures with pitched roofs with a minimum slope of 6:12 may extend up to thirty (30) feet at the ridge of the roof. Accessory structures will be subject to the height requirements listed in Section 153.033.

(E) Yards.

(1) Front Yard – ten (10) feet.

(2) Side Yard – four (4) feet.

(3) Corner Side Yard – ten (10) feet.

(4) Rear Yard – ten (10) feet.

(5) Garage – eighteen (18) feet.

(6) Projections may extend into the required yard distances as follows:

(a) Eaves may extend up to twenty-four (24) inches.

(b) Architectural projections, such as bay windows, fireplaces, or utility closets no greater than eighteen (18) inches in depth or six feet in width.

(c) Minor appurtenances such as pipes, gas and electrical meters, alarm systems, air vents and downspouts no greater than eighteen (18) inches in depth.

(d) HVAC equipment no greater than twenty-four (24) inches.

(e) Exterior stairways. Exterior stairways that provide access to an upper level are not allowed within the front yard.

(7) The minimum separation between buildings shall be consistent with the city-adopted building code.

(F) Fencing. Fence requirements for tiny house villages are listed in Section 153.033.

(G) Patios and Porches.

(1) Tiny house units may have a covered porch, or entry at least sixty (60) square feet in size with a minimum depth of six (6) feet and minimum width of eight (8) feet.

(2) Patio or patio railing within the private open space should be semi-transparent and a maximum height of three (3) feet.

(H) Lighting. Common open space areas and access driveways, drive aisles, and off-street parking areas shall be provided with lighting.

(I) Off-Street Parking.

(1) The minimum number of parking spaces required for tiny house units shall be one (1) parking space per dwelling unit, plus one (1) parking space of guest parking. Guest parking may be in tandem with the off-street parking space for the tiny house unit.

(2) Common parking areas shall be configured in clusters and provided throughout the tiny house village development. The minimum number of parking spaces shall be 0.8 parking space per dwelling unit and the common parking area locations shall be determined by the Community Development Director on a case-by-case basis.

(3) Off-street parking can be located within an accessory structure such as a carport or garage, such structures shall not be attached to individual tiny house units. Uncovered parking is also permitted.

(J) Design Standards.

(1) Orientation and Building Facades. Each building abutting a public street shall have a minimum of four (4) of the following building elements, features, and treatments incorporated into the street-facing façade:

(a) Windows with visible trim and mullions or recessed windows.

(b) Dormers.

(c) Bay windows.

(d) Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door (sidelite).

(e) Variation in roof or building colors and materials, on individual units, such as brick, stone or other masonry accents.

(f) Other building elements, treatments, features, or site designs approved by the Community Development Director that provide variety and visual interest.

(2) Units that are on the interior of a development should be oriented toward the common open space or parking areas.

(K) Pedestrian Connectivity.

(1) The pedestrian circulation system shall connect all main entrances on the site. For tiny house units fronting the street, the public sidewalk may be used for this standard.

(2) Direct pedestrian access should be provided to adjacent, publicly accessible parks, open space, and trails, transit, rideshare, and bicycle storage facilities, where feasible.

(3) Pedestrian walkways shall be separated from structures by at least three (3) feet.

(4) Pathways in common open space and other shared areas of the development shall meet Americans with Disabilities Act (ADA) standards.

(L) Restrictions. The size of a tiny house dwelling may not be increased beyond the maximum floor area in subsection 153.174(B). A deed restriction shall be placed on the property notifying future property owners of the size restriction.

§ 153.175 LANDSCAPING AND OPEN SPACE

(A) Landscape Areas. Landscape areas shall be subject to the landscape requirements in Section 153.033.

(B) Common Open Space. Common open space shall be one (1) or more areas that are designed and maintained for recreation, gardening, and similar activities to all residents. Common open space shall total at least fifty (50) square feet per unit with a minimum area of three hundred (300) square feet provided regardless of the number of units.

(C) Private Open Space. Each residential unit in a tiny house village development shall have a private open space. Private open space shall be separate from the common open space to create a sense of separate ownership.

(1) Each unit shall be provided with a minimum of 200 square feet of usable private open space. Private open space may include gardening areas, patios or porches.

(2) No dimension of the private open space shall be less than eight (8) square feet.

§ 153.176 ACCESSORY STRUCTURES

(A) Accessory structures that serve on-site units and are subordinate in use and scale to the tiny house village development are allowed subject to lot coverage limitations in Section 153.174.

§ 153.177 ARCHITECTURE AND SITE PLAN REVIEW

(A) Proposals to construct a tiny house village development shall be subject to an Architecture and Site Plan Review by the Planning Commission prior to the issuance of a building permit. Architecture and Site Plan Review entitlements are subject to the provisions in Section 153.217 of this title.

(B) The Community Development Director may allow minor deviations to the requirements for tiny house village proposals described in Sections 153.170 through 153.177, provided that such deviations are consistent with the purposes of this title, and subject to Architecture and Site Plan Review by the Planning Commission.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, phrase or portion of this chapter, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 8: This Ordinance shall become effective thirty (30) days from and after its final passage (00/00/00), provided it is published pursuant to GC § 36933 in a newspaper of general circulation within fifteen (15) days after its adoption.

The foregoing ordinance was given its first reading and introduced by title only at a regular meeting of the City Council of the City of Riverbank on January 10, 2023. Said ordinance was given a second reading by title only and adopted.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Riverbank at a regular meeting on the ____ day of _____, 2023; motioned by Councilmember _____, seconded by Councilmember _____; moved said ordinance by a City Council ____ vote of ____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor

APPROVED AS TO FORM:

Tom P. Hallinan
City Attorney

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.1

SECTION 11: NEW BUSINESS

Meeting Date:	January 10, 2023
Subject:	Nomination and Appointment of the Vice Mayor to Serve for the Year 2023
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the Mayor nominate a Councilmember to serve as Vice Mayor for the year 2023, and by roll call vote, City Council approve the Appointment for a one-year term.

SUMMARY

The City Council typically designates the Vice Mayor for a one-year term. Through nomination by the Mayor and favorable motion to approve by the majority vote of the Members of the Council. The Councilmember appointed will serve as Vice Mayor for the year 2023.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.2

SECTION 11: NEW BUSINESS

Meeting Date: January 10, 2023

Subject: Annual Consideration of City Council Appointments to Intergovernmental Boards and Committees and Appointments to Internal City Committees for the Year 2023

From: Marisela H. Garcia, City Manager

Submitted by: Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that City Council:

- 1) Review the appointment lists; and
- 2) Volunteer or nominate a member of the Council to serve as the representative; and
- 3) By roll call vote, ratify the appointments for the year 2023.

SUMMARY

One of the first orders of business of each year is for the City Council to review the prior year's Board and Committee appointment lists as adopted, nominate someone or volunteer for an appointment, and ratify the changes agreed upon by roll call vote.

The City's participation in various intergovernmental boards and committees provides a valuable opportunity for the City's legislative body to actively engage in the discussion and decisions that affect the residents of Riverbank, and ensure the City's best interest are taken into consideration.

In addition, Members of the City Council function in a liaison role to internal City committees which provides the opportunity for members to share their perspectives and recommendations on matters to be addressed while, simultaneously, foster open communication and collaboration with diverse committees of various community interests and expertise.

Intergovernmental Boards/Committees List

Stanislaus County Workforce Development Board. As a reminder, this board has been on the list for several years due to the understanding that a member of the council would have the opportunity to be designated to the Government seat on the board. After further inquiry of this seat it was determined that this seat is typically held by a County Representative, and is filled by the predecessor. To stay informed of the Agency and the Board's activities and decisions, other cities have appointed a Council Member to a separate "Interest Group". The Interest Group members receive notifications of the Board's meetings, the agenda, materials provided to the board, and may participate as an attendee of the meeting.

Stanislaus Homeless Alliance Board. According to the bylaws, the East County Cities of Oakdale, Hughson, Riverbank, and Waterford are to decide among themselves which two (2) cities will represent the region. Riverbank has been one of the representatives since 2019. At the writing of this report, the City Clerk had not been informed of any changes that may have occurred. Councilmember Darlene Barber-Martinez is currently serving on the Board and may provide clarification on the status of whether Riverbank will continue to serve as a representative of the region.

Lower Stanislaus River Trail Improvement Plan Committee. This Committee was formulated in 2013 with Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service to work together to enhance public use and stewardship of the lower Stanislaus River. Vice Mayor Cal Campbell had been the designated Riverbank representative, with his departure from City Council this position is currently vacant.

Internal City Committees

Budget Advisory Committee (BAC). This is a (7) member advisory committee, including (1) non-voting Council representative and Council alternate, tasked to review and discuss the City's operating budget and makes recommendations on projects, programs, and policies to the City Council. This committee has been inactive for the past (4) years. City Manager (former Director of Finance) Marisela Garcia may provide additional information on its continued existence.

The 2022 ratified list of External Intergovernmental Boards and Internal City Boards is provided for Review and ratification of any changes made for the year 2023.

STRATEGIC PLAN

City Council and Staff serve as city representatives fostering relationships with external agencies and community members, and at times may involve collaborating joint efforts on accomplishing various aspects of the strategic plan.

FINANCIAL IMPACT

There is no financial impact.

ATTACHMENTS

1. Prior year 2022 adopted Boards and Committees lists.

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/25/2022)

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>LEAGUE OF CALIFORNIA CITIES</u> <u>CENTRAL VALLEY DIVISION EXECUTIVE COMMITTEE</u> <u>Meets:</u> Quarterly, TBD when scheduled <u>Location:</u> It rotates among the Northern and Southern central valley cities, TBD. (Annual breakfast meeting of the year takes place at the League's Annual Conference in September) The Central Valley Division (CVD) is led by an executive committee made up of local government officials who provide overall guidance and direction for CVD activities. These activities provide a variety of avenues for individuals to take the opportunity to exchange ideas and information and share the advantages of cooperative advocacy.	Former Vice Mayor Cal Campbell (Primary) *VACANT* Councilmember Luis Uribe (Alternate)
<u>San Joaquin Valley Air Pollution Control District</u> <u>Special City Selection Committee</u> <u>Meets:</u> At least once annually and as needed <u>Location:</u> Northern Region Office, 4800 Enterprise Way, Modesto This Committee's purpose is to appoint (5) Council Members to the San Joaquin Valley Air Pollution Control District's Governing Board.	Councilmember Darlene Barber-Martinez (Primary) Councilmember Luis Uribe (Alternate)
<u>STANCOG – POLICY BOARD</u> <u>Meets:</u> The 3rd Wednesday of each month; 6:pm <u>Location:</u> 1111 I Street, Suite 308, Modesto To work together with local cities to enhance communication, cooperation and comprehensive planning in dealing with regional issues.	Mayor Richard D. O'Brien (Primary) Councilmember Rachel Hernandez (Alternate)

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/25/2022)

BOARD / COMMITTEE	COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>STANISLAUS HOMELESS ALLIANCE BOARD</u> <u>(RESOLUTION NO. 2019-032)</u> <u>Meets:</u> 1st Wednesday of Each Month at 5:30 pm <u>Location:</u> Tenth Street Place, Board Chambers, 1010 10th Street (Basement), Modesto The Alliance Is A Collaborative Board Formed to Align Homeless Service, Planning, And Funding Among Stakeholders in Stanislaus County. The Board Consists of Several Community Leaders of Governmental and Nongovernmental Entities. A Primary Voting Member Is Appointed by The City Council Annually. <u>Update:</u> Per the bylaws, East County Cities of Oakdale, Hughson, Riverbank, and Waterford are to decide among themselves which (2) cities will represent this region. This seat may eventually be represented by another city in 2021.	Councilmember Darlene Barber Martinez *(primary) *If and when the final decision is made by the East County Cities to assign Riverbank as the second representative city. City Manager (per bylaws serves as the Alternate)
<u>STANISLAUS OFFICE OF EMERGENCY SERVICES</u> <u>DISASTER COUNCIL</u> <u>Meets:</u> Once a year or as necessary (tentative April 13th) <u>Location</u> Harvest Hall Cornucopia Way, Modesto To make recommendations to local governing agencies on matters pertinent to development of mitigation, disaster preparedness, response & recovery plans, and programs for any potential local emergency.	Councilmember Rachel Hernandez (*Primary) Councilmember Luis Uribe (Alternate) (*Note: The appointed Councilmember serves a 2-year term; ending 12/2022.)

RIVERBANK CITY COUNCIL
INTERGOVERNMENTAL BOARDS & COMMITTEES
 (Last revised and ratified on 01/25/2022)

BOARD / COMMITTEE	COUNCIL COUNCIL REPRESENTATIVE (2021 - Appointments)
<u>(NEW) “INTEREST GROUP MEMBER” OF THE STANISLAUS COUNTY WORKFORCE DEVELOPMENT BOARD</u> (formerly the Stanislaus Business Alliance Board that ended 6/2016) http://stanworkforce.com/board <u>Meets:</u> The 1st Monday of the 1st month of every quarter. <u>Location:</u> 251 E. Hackett Road, Modesto. The WDB is a business led public body whose members are appointed by the Board of Supervisors to oversee activities funded by the Workforce Innovation and Opportunity Act. The WDB is responsible for shaping and strengthening local and regional workforce development efforts to support small, medium and large business job growth by providing services such as job search assistance, resume development, career counseling, and job placement assistance. <u>Update:</u> The designated Government Seat of the Board is typically held by a County Representative and when vacant appointed by the predecessor. The City Council has the option to appoint a Council Member to the “Interest Group” who will be notified of the meetings and provided with agenda materials to participate as an attendee of the meeting; in turn may report back to the City Council. This is how other cities have participated to keep abreast of the Agency and Board’s activities and decisions.	Vice Mayor Cal Campbell (Primary) *VACANT* Councilmember Luis Uribe (Alternate) <i>(Note: The Stanislaus County Workforce Development Agency is a County Agency; not to be confused with Opportunity Stanislaus Agency, which is a nonprofit organization; a separate entity.)</i>
<u>Lower Stanislaus River Trail Improvement Plan Committee</u> (Resolution No. 2013-069) <u>Meets:</u> TBD <u>Location:</u> TBD Representatives of the Cities of Riverbank, Oakdale, and Ripon and the Local Government Commission and the National Park Service will be working together to enhance public use and stewardship of the lower Stanislaus River.	*Former Vice Mayor Cal Campbell was the appointed Representative. Councilmember Darlene Barber Martinez (Alternate)

CITY OF RIVERBANK CITY COUNCIL
INTERNAL CITY COMMITTEES
 (Last revised and ratified on 01/25/2022)

CITY/LRA COMMITTEES	COUNCIL/LRA LIAISON (2022 – Appointments)
<u>BUDGET ADVISORY COMMITTEE (BAC)</u> <u>Meets:</u> As needed <u>Location:</u> City Hall Council Chambers or City Hall South Conference Room This (7) resident member advisory committee, including (1) non-voting Council representative and a Council alternate, reviews and discusses the City's operating budget and makes recommendations on projects, programs, and policies to the City Council.	Councilmember Luis Uribe (Primary) Councilmember Rachel Hernandez (Alternate) (Note: This committee has been inactive for the past (4) years.)
<u>FRIENDS OF JACOB MYERS PARK (JMP)</u> (A non-profit organization) <u>Meets:</u> On a monthly basis <u>Location:</u> City Hall Council Chambers Works on projects, park planning, and fundraising events.	Former Vice Mayor Cal Campbell (Primary) *Vacant* Councilmember Darlene Barber-Martinez (Alternate) Councilmember Rachel Hernandez (2nd Alternate)
<u>SISTER CITY</u> <u>Meets:</u> <u>Location:</u>	Councilmember Luis Uribe (Primary) Councilmember Rachel Hernandez (Alternate) Former Vice Mayor Cal Campbell (2nd Alternate) *Vacant*

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. 11.3

SECTION 11: NEW BUSINESS

Meeting Date:	January 10, 2023
Subject:	Adjustments to the 2023 City Council Meeting Schedule
From:	Marisela H. Garcia, City Manager
Submitted by:	Gabriela Hernandez, City Clerk

RECOMMENDATION

It is recommended that the City Council by roll call vote:

- 1) Cancel the meetings of July 11th, August 8th, November 28th and December 26th, for a modified summer schedule and to minimize conflicts with Holiday Activities.

SUMMARY

Summer 2023

It is not uncommon for agencies to set up a schedule that includes adjustments for summer vacations. The City has in the past, adopted a modified summer schedule which allowed staff, as well as members of the City Council, to more effectively coordinate their vacation plans and minimize scheduling conflicts. In consideration of the number of projects moving forward, it is proposed that the City once again hold only one meeting in July and August rather than cancel both meetings in one of the summer months.

This is consistent with the meeting schedule from 2022 and previous years. The Labor Day Holiday does not fall on the City council meeting week in 2023, so no changes to the September City Council meeting schedule are proposed. However, if Council would like to consider alternate or additional Council meeting closures to accommodate summer plans it is within Council's authority to do so. In previous years Council has elected to cancel both a meeting in July and a meeting in August. The proposed cancellation dates should Council elect to continue this practice would be **July 11th and August 8th**.

Fall/Winter 2023

It is also recommended that Council cancel the **November 28th and December 26th** meetings. The November 28th date is right in the middle of frequent Council, Staff and Community Thanksgiving holiday travel schedules. Similarly, the December 26th date

falls on the week between the Christmas and New Year holiday and therefore is recommended for cancellation. As always, in the event that issues arise that need to be attended to between regularly scheduled meetings, a special meeting can be held.

FINANCIAL IMPACT

There is no financial impact.

STRATEGIC PLAN

Since the City Council meetings play an integral role in the delivery of the strategic plan, establishing a clear Council Meeting Schedule relates directly to most aspects of the strategic plan.

ATTACHMENTS

There are no attachments to this report.

RIVERBANK CITY COUNCIL / LOCAL REDEVELOPMENT AUTHORITY

AGENDA ITEM NO. **11.4**

SECTION 11: NEW BUSINESS

Meeting Date: January 10, 2023

Subject: A Resolution Declaring the Existence of a Local Emergency in Response to the 2023 Winter Storms

From: Marisela H. Garcia, City Manager

RECOMMENDATION

It is recommended that the City Council consider adopting a Resolution declaring the existence of a local emergency in response to the 2023 winter storms.

SUMMARY

Over the past several weeks, the Central Valley has suffered various storms that have caused localized flooding and safety hazards. Recently, Governor Newsom proclaimed a state of emergency on January 4, 2023 in order to provide emergency relief efforts. In turn, Stanislaus County proclaimed a state of emergency on January 9, 2023 and has suggested that each of the city's also make a local proclamation. This will allow for the potential reimbursement of costs associated with any mitigating or addressing any damage sustained as a result of these storms.

STRATEGIC PLAN

This item is directly related to the City Council's Strategic Plan Goals to *Ensure Financial Stability* and *Improve Public Safety*.

FINANCIAL IMPACT

Adoption of the Resolution ratifying the Proclamation of the Existence of a Local Emergency will allow the City to be eligible for State and federal funds. Both the State and federal government set aside money specifically for local emergencies. Under section 8685 of the Government Code, a local emergency must be declared to obtain monetary relief from both State and federal agencies.

ATTACHMENTS

1. CC Resolution 2023-XXX

CITY OF RIVERBANK

RESOLUTION 2023-

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIVERBANK, CALIFORNIA
DECLARING THE EXISTANCE OF A LOCAL EMERGENCY RELATED TO THE 2023
WINTER STORMS**

THE CITY OF RIVERBANK CITY COUNCIL (HEREAFTER REFERRED TO AS THE “CITY COUNCIL”) DOES HEREBY RESOLVE THAT:

WHEREAS, conditions or threatened conditions caused by the 2023 winter storms are including, but not limited to, flooding, and damage due to high wind advisories, give rise to conditions of extreme peril to the safety of persons and property within the City; and

WHEREAS, on January 4, 2023 Governor Newsom proclaimed a state of emergency in California in order to provide emergency relief efforts; and

WHEREAS, on January 9, 2023 Stanislaus County officials also proclaimed a state of emergency within the County; and

WHEREAS, city staff believes it prudent to declare a local state of emergency within the City of Riverbank based on the current conditions or threatened conditions of the winter storms; and

WHEREAS, Government Code Section 8630 generally requires the City Council to review the need for continuing the local emergency at least once every sixty (60) days; and

WHEREAS, the City Council does hereby find that the conditions or threatened conditions caused by the 2023 winter storms warrant and necessitate the proclamation of the existence of a local emergency in the City, and these storms present conditions of extreme peril to the safety of persons and property within the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Riverbank does hereby declare as follows:

1. The City Council does Proclaim the Existence of a Local Emergency.
2. The City may request any available funding as a result of this proclamation of a local emergency.
3. The local emergency must be revisited by the City Council at least once every sixty (60) days.

PASSED AND ADOPTED by the City Council of the City of Riverbank at a regular meeting held on the 10th day of January, 2023; motioned by Councilmember _____, seconded by Councilmember _____, and upon roll call was carried by the following City Council vote of _____:

AYES:

NAYS:

ABSENT:

ABSTAINED:

ATTEST:

APPROVED:

Gabriela Hernandez
City Clerk

Richard D. O'Brien
Mayor